



PRISON LAW OFFICE  
General Delivery, San Quentin, CA 94964  
Telephone (510) 280-2621 • Fax (510) 280-2704  
www.prisonlaw.com

Director:  
Donald Specter

Managing Attorney:  
Sara Norman

Staff Attorneys:  
Rana Anabtawi  
Rebekah Evenson  
Steven Fama  
Penny Godbold  
Alison Hardy  
Corene Kendrick  
Kelly Knapp  
Millard Murphy  
Lynn Wu

## **Information about Minimum Custody and 2-for-1 Time Credits (Updated June 12, 2015)**

Under an order from the federal three-judge court in the *Plata* and *Coleman* cases, everyone (1) classified as Minimum A or Minimum B Custody and (2) eligible to earn 1-for-1 time credits, began earning 2-for-1 time credits retroactive to January 1, 2015.

Before June 2015, this policy excluded those prisoners who, because of medical or mental health conditions, were not allowed to be classified as Minimum A or Minimum B. We told CDCR that this policy was unfair, and asked them to change it.

We are happy to report that CDCR has changed its policy. Prisoners with medical or mental health conditions are no longer excluded from Minimum Custody or the ability to earn 2-for-1 credits. A copy of the new policy (a June 5, 2015 CDCR Memorandum) is attached.

A classification committee will review the files of *each* prisoner who is eligible to earn 1-for-1 credits and who might have been excluded from minimum custody based on medical or mental health issues, to see if those prisoners should be earning 2-for-1 credits.

The classification committees will start with people with the earliest release dates. The schedule for the committees is listed on pages 2-3 of the attached policy.

### **What will the classification committee consider?**

Classification committees will need to look at your whole case file to see if you fit the other requirements for Minimum custody, including such things as time left to serve, sentence status, past convictions, detainers, and whether a health care condition creates a safety or security risk. (See pages 4-12 in the attached memo for more details.)

*(Information continues on other side of page.)*

Board of Directors  
Penelope Cooper, President • Michele WalkinHawk, Vice President  
Marshall Krause, Treasurer • Christiane Hipps • Margaret Johns  
Cesar Lagleva • Laura Magnani • Michael Marcum • Ruth Morgan • Dennis Roberts

### **What if I am EOP, or in a Mental Health Crisis Bed or DSH Program?**

If you are EOP, or in a Mental Health Crisis Bed or Department of State Hospital Program, you can be classified so that you get 2-for-1 credit if you are not in a Reception Center, have a Level I or Level II classification points (35 or fewer points) and otherwise could be classified as Minimum Custody. Such a reclassification will get you 2-for-1 credits, but will not make you Minimum Custody. (See page 11 of the attached memo.)

### **Will the 2:1 credits be retroactive?**

You will get the 2:1 credits retroactive to January 1, 2015 if (1) following the guidelines in this new policy, you fit the requirements for 2:1 credits on or before January 1, 2015, and (2) you've been in prison continuously since January 1, 2015.

If you became eligible for 2-for-1 credits under the new policy after January 1, 2015, then you should start earning the credits on the day you became eligible.

### **What will happen to my release date?**

If you are eligible for 2:1 credits, the classification committee will compute a new release date for you. However, you cannot get so many credits that you would be overdue for release, or would be released within 10 days of the date credits are applied. In those situations, the classification committee will add 10 days to the end of your term. (See page 13 of the Memorandum for information about this.)

### **Will I now be eligible for fire camp or a minimum support facility?**

Not necessarily – being classified as Minimum A or Minimum B custody does not automatically mean that you are eligible for Fire Camp or placement in a Minimum Support Facility (MSF). There are different rules for Camp and MSF placements.

### **What if I am in a reception center?**

Reception Center prisoners cannot be classified as Minimum Custody under CDCR rules.

*(Information continues on next page.)*

**What if I have Other Questions or am Unfairly Denied Minimum Custody Or 2-for-1 Credits?**

If you have more questions about whether or how this new Minimum Custody / 2-for-1 credits policy applies to you, we suggest you read the attached June 5, 2015 CDCR Memorandum, then talk with your counselor and/or submit a Form 22.

If you believe you are unfairly denied Minimum Custody and/or 2-for-1 credit earning status, you should submit an administrative appeal using CDCR Form 602. If the first level response does not resolve your issue, you should re-file the appeal / 602 until you receive a Third Level Response. When you receive a Third Level Response, you can send it to us and we will at that time consider whether we can help.

+++++

**End of Information Update**

**New CDCR Minimum Custody / 2-For-1 Credits Policy is attached**

+++++

**(This page intentionally left blank.)**

# Memorandum

Date : June 5, 2015

To : Associate Directors, Division of Adult Institutions  
Wardens  
Classification Staff Representatives  
Classification and Parole Representatives

Subject: **MINIMUM A CUSTODY AND MINIMUM B CUSTODY CRITERIA AND APPLICATION**

The purpose of this memorandum is to clarify departmental policy and provide direction to Correctional Counselors (CC) and all staff involved in the Classification Committee process regarding the assignment of Minimum A and Minimum B Custody. Direction is provided regarding when it is appropriate to assign Minimum Custody. This memorandum introduces direction and provides clarification regarding Minimum Custody eligibility for those inmates ineligible for Minimum Support Facility (MSF) placement due solely to their participation in the Mental Health Services Delivery System (MHSDS) at the Correctional Clinical Case Management System (CCCMS) level of care (LOC) and/or inmates ineligible for MSF due to medical designations. The introduction of 2-for-1 credit earning (Work Group F) for Penal Code (PC) 2933 eligible inmates assigned Minimum Custody requires clarification of Minimum Custody eligibility, particularly Minimum A Custody. These clarifications are necessary to ensure all inmates potentially eligible for Minimum Custody are reviewed and granted Minimum Custody when appropriate, as directed within this memorandum. Inmates being reviewed for consideration of Minimum Custody in compliance with this directive shall be physically present in committee as directed within this memorandum, or telephonically where the inmate is unable to be physically present. Finally, inmates at the Enhanced Outpatient (EOP) LOC or higher within the MHSDS or housed within the Department of State Hospitals (DSH) shall also be considered for Work Group "F" (WG "F") only where the inmate would otherwise be eligible for Minimum Custody and WG "F". In these cases Minimum Custody eligibility is limited based solely on an inmate's current mental health status, which requires additional clinical and custodial supervision.

Based on the impact of the application of 2-for-1 credit earning on an inmate's time to serve, the review of PC 2933 eligible inmates potentially eligible for Minimum Custody is time sensitive. Therefore, a list of inmates identified as potentially eligible for Minimum Custody who are eligible for PC 2933 will accompany this memorandum. A list of inmates identified at the EOP LOC or higher within the MHSDS or housed within DSH who are eligible for PC 2933, and whose eligibility for minimum custody eligibility appears to be limited based on their current mental health status will be provided to ensure these inmates are reviewed for consideration

of WG "F". The institution shall assign sufficient staff to review these cases for Minimum Custody eligibility and to expedite resolution of outstanding casework (including but not limited to pending Violent (VIO), "R" suffix, and Escape reviews). Inmates shall be scheduled for Classification Committee and shall be prioritized based on the nearness of their earliest possible release date (EPRD). Please note an inmate's ERPD is reduced by approximately 10 days per month remaining to serve, where the inmate is eligible for PC 2933 on all active (and future) cases. However, an inmate's release date may shift significantly more than anticipated based on the impact of Milestone Credits earned previously. In recalculating the inmate's release date, Milestone credits are automatically removed by the Strategic Offender Management System (SOMS), and reapplied once the WG "F" has been applied. Staff must also be aware an inmate may only have partial eligibility for 2-for-1 credit based on sentence structure. The evaluation, resolution of outstanding casework, and review by Classification Committee should be completed with priority assigned by release date order to the extent possible.

The reviews of inmates eligible for PC 2933 and identified as potentially eligible for Minimum Custody and WG "F" and those identified as being at the EOP LOC or higher within the MHSDS or housed within DSH who are eligible for PC 2933 and eligible for consideration of WG "F" shall be reviewed for consideration of WG "F" within the following time frames:

- All inmates with a scheduled EPRD occurring on or between **July 15, 2015** and **September 30, 2015** shall be reviewed by Classification Committee on or before **June 22, 2015**.
- All inmates with a scheduled EPRD occurring on or between **October 1, 2015** and **December 31, 2015** shall be reviewed by Classification Committee on or before **July 15, 2015**.
- All inmates with a scheduled EPRD occurring on or between **January 1, 2016** and **June 1, 2016** shall be reviewed by Classification Committee on or before **September 15, 2015**.
- All inmates with a scheduled EPRD occurring on or between **July 1, 2016** and **September 30, 2016** shall be reviewed by Classification Committee on or before **December 15, 2015**.
- Inmates eligible for PC 2933 who are potentially eligible for Minimum Custody, and those identified as being at the EOP LOC or higher within the MHSDS or housed within DSH who are eligible for PC 2933 and eligible for consideration of

WG "F" whose EPRD occurs on or after September 30, 2016, shall be reviewed no later than their next regularly scheduled annual review.

Inmates who are not eligible for PC 2933, but who are potentially eligible for Minimum Custody, regardless of release date, shall be reviewed at their next regularly scheduled annual review.

- A separate list of these offenders will be provided to the institution for reference.
- Pending casework which requires resolution prior to a determination being made regarding the assignment of Minimum Custody shall be expedited in these cases also.

The review of inmates potentially eligible for Minimum Custody who are also eligible for PC 2933 work credit (1/2 time) who are not eligible for MSF placement is necessary to ensure these inmates are considered for Minimum Custody and assignment of WG "F", consistent with the direction provided within the January 7, 2015 memorandum, titled *Change in Credit Earning Status for Inmates Eligible for Day-for-Day Credit and Assigned Minimum A/B Custody*. The review of non PC 2933 eligible inmates will ensure Minimum Custody is assigned where appropriate. The review of inmates at the EOP LOC or higher or housed within DSH who would otherwise be eligible for Minimum Custody is necessary to ensure WG "F" is assigned where appropriate. Memorandum is available on the Classification Services Unit (CSU) Mini Manual under the Minimum topic.

The Classification and Parole Representative (C&PR) shall provide training to all CCs and staff who participate in Classification Committee actions, to ensure this policy is enacted immediately. The C&PR shall provide a copy of CDCR Form 844, Training Participation Sign-In Sheet, with the title *Minimum Custody Eligibility*, and BET ID 11053083 (training code for Classification Committee Overview) to the CSU contact staff listed at the end of this memorandum.

### **MINIMUM CUSTODY CRITERIA**

In order to facilitate implementation of this process rapidly, the eligibility and exclusionary criteria for MSF placement shall be the basis for establishing an inmate's eligibility for Minimum A and Minimum B Custody eligibility or eligibility for assignment of WG "F" for inmates at the EOP LOC or higher within the MHSDS or housed within DSH. The MSF criteria remain unchanged. However, an inmate who

meets all of the criteria for MSF placement, but is ineligible for such placement due to one or both of the following case factors, shall be reviewed for consideration of Minimum A Custody and reviewed by Classification Committee:

- **Excluded from MSF based on medical concerns**
- **Excluded from MSF placement due to CCCMS LOC within the MHSDS**

### **When to Grant Minimum Custody**

To be clear, a Classification Committee shall only assign Minimum A or Minimum B Custody once the Committee has determined the inmate has no unresolved casework issues that would otherwise preclude the application of Minimum Custody. Case factors that must be resolved prior to granting Minimum Custody include but are not limited to:

- Active felony holds, unresolved potential felony holds, Active or Potential Immigration and Customs Enforcement Holds (where determining whether the inmate has a prior deportation, or where there is no prior deportation, whether the inmate has family ties in California or at least 12 months of work history within California is necessary), pending/unresolved case-by-case reviews for violence, escape, or arson, and "R" suffix evaluations.
- Therefore, it is inappropriate to assign Minimum A or Minimum B Custody and/or WG "F" to an inmate eligible for MSF where the VIO review or other potential exclusionary case factor has not been resolved.
- Similarly, it would be inappropriate to assign Minimum Custody and/or WG "F" to an inmate eligible for Minimum Custody, but ineligible for MSF placement due to medical concerns or CCCMS LOC, until the pending VIO review, or other potential exclusionary case factor has been resolved and does not render the inmate ineligible.

The California Code of Regulations (CCR), Title 15, Sections 3377.1(a)(8) and 3377.1(a)(9) states:

(8) Minimum A Custody.

(A) Housing shall be in cells or dormitories within the facility security perimeter.

(B) Assignments and activities may be inside or outside the facility security perimeter.



(C) Staff supervision shall consist of at least hourly observation if assigned outside the facility security perimeter. Sufficient staff supervision of the inmate shall be provided to ensure the inmate is present if assigned inside the facility security perimeter.

(9) Minimum B Custody.

(A) Housing may be in cells or dormitories on facility grounds, in a camp, in a Minimum Support Facility (MSF) or in a community based facility such as a Community Correctional Facility.

(B) Assignments and activities include eligibility for work or program assignments located either on or off institutional grounds.

(C) Sufficient staff supervision shall be provided to ensure the inmate is present.

### **Expediting Requests for Additional Information to Address Pending Casework**

In cases where the determination of eligibility for Minimum Custody is contingent on the receipt of information from an outside agency, expediting the request and receipt of such information will require staff to contact the other agency directly. This would include but is not limited to police and sheriff's departments, courts, and district attorneys. A current or prior submission of a Letter of Inquiry (LOI) to request a police report, as follow-up on a potential hold or other inquiry, is insufficient, as these are often not responded to in a timely manner. A direct contact, preferably by telephone, with the identified agency to begin the request process and any additional formal request as required by the other agency to release information shall be expedited also (sent by fax, etc.). In many cases, this will require a coordinated effort between the CC and designated Case Records staff. The C&PR and Correctional Case Records Manager shall ensure a process exists to facilitate expedited requests consistent with the institutions past process for expediting the receipt of information. Resolving casework for an inmate eligible for PC 2933, who appears "eligible" for Minimum Custody, must include a diligent effort by staff to obtain the information, as the failure to resolve the casework creates a liberty issue.

### **Time to Serve**

An inmate otherwise eligible for Minimum Custody shall be reviewed when within three years of their established release date. An inmate otherwise eligible for Minimum Custody shall also be reviewed when within three to five years of their EPRD, but will require case-by-case review and approval by

Institution Classification Committee (ICC) and/or the Warden, even where MSF or Camp placement is not being considered.

- However, an inmate who is eligible for PC 2933 on all active and “future” cases as noted within the *Legal Status Summary* or *SOMS Release Dates* screen (Prison>Time Computation>Release Dates), shall be considered for Minimum Custody with up to 7.5 years remaining to serve prior to WG “F” being assigned based on the impact of WG “F” on the inmate’s release date once applied.
- An inmate eligible for PC 2933 on all active and future cases will require ICC and/or Warden’s case-by-case review and approval if they have between 4.5 years and 7.5 years remaining to serve at the time of the ICC action.
  - The assignment of Minimum Custody and WG “F” will reduce the inmate to between 3 and 5 years remaining to serve from the date of Committee.
- An inmate with one or more PC 2933 eligible cases, but who is also required to serve one or more terms which require 80 or 85 percent of the sentence to be satisfied typically will not receive the same reduction in time to serve. This can be identified on the SOMS Release Dates screen and Legal Status Summary, also.
  - In most instances, it will be necessary for CC staff to request the assistance of the Correctional Case Records Analyst (CCRA) to determine the impact of WG “F” on the release date of an inmate with mixed sentence credit eligibility and more than 5 years but less than 7.5 years remaining to serve to determine whether the inmate would be within 5 years to serve, if assigned WG “F”. This determination shall be made prior to presenting the case to ICC for consideration.
  - Whether eligible or not, the projected release date must be recorded by the CCRA within the “Comments” of a Records Case Note within SOMS, so that it may be referred to by the Classification Committee.
- The inmate shall be reviewed by ICC and/or require Warden’s approval when the adjustment in their release date will result in their being within 3-to-5 years of release.
  - An inmate shall not require ICC review/Warden’s approval until the projected WG “F” release date established by the Records Case Note is within 5 years. The review for Minimum Custody shall occur during the first annual review to occur within five years of the “projected” WG “F” EPRD.

- **WG "F" shall not be assigned until the inmate's "projected" EPRD based on WG "F" is within 5 years of the date of the Committee action.**

In all cases where an inmate is granted WG "F" based on full or partial eligibility for PC 2933, once the Committee Action is recorded in SOMS, the Committee shall immediately verify the shift in release date, if any, does not conflict with any of the Committee's recommended actions. An additional Committee Action will be required if Minimum Custody and WG "F" must be removed.

### **Medical or Mental Health Concerns Which May Present a Safety or Security Concern**

Where a Classification Committee determines an inmate's medical condition and/or the mental health concerns of a CCCMS LOC inmate present a potential escape risk or safety and security concern if granted Minimum Custody and supervised at the minimal levels of supervision inherent within Minimum A and Minimum B Custody, the Classification Committee shall request Medical or Mental Health staff to evaluate the inmate's condition. If the assigned CC identifies there may be a need for a Medical or Mental Health evaluation prior to the Classification Committee, they shall case conference with their assigned supervisor to determine whether a referral is necessary.

- Referral to Medical or Mental Health staff for this purpose is expected to be a rare exception and occur only as necessary in cases where the inmate, as a result of their medical and/or mental health concerns, appears to require more structured supervision and increased oversight than afforded with a Minimum Custody designation.
- This process is reserved for those cases where Classification staff believe granting Minimum Custody would present a threat to the inmate's safety, safety of the public, institution, staff, other inmates, or an escape risk if the inmate were only supervised consistent with the requirements of CCR, Title 15, Sections 3377.1(a)(8) and 3377.1 (a)(9) must be determined.
- Where Unit Classification Committee determines the inmate does not appear appropriate for Minimum Custody upon review of the evaluation/documentation provided by medical and/or mental health staff, the case shall be referred to the ICC for final determination. The inmate shall be given the opportunity to participate in the ICC review, by being physically present, or telephonically where the inmate is unable to be physically present.

- These cases should be case conferenced with CSU prior to ICC referral.
- If the inmate is denied Minimum Custody, WG "F" shall be granted consistent with the direction within this memorandum, where the ineligibility for Minimum Custody is solely the result of the medical or mental health concern.

### **Inmates Eligible or Potentially Eligible (Unresolved Casework) for MSF and Camp**

Effective the date of this memorandum, staff shall ensure an inmate is not granted Minimum Custody until pending casework which would impact Minimum Custody eligibility is resolved. Granting Minimum Custody establishes an inmate's eligibility for lower levels of supervision, and in the case of an inmate eligible for 2-for-1 credit, begins the period of enhanced credit earning. Therefore, it is inappropriate to grant Minimum Custody to an inmate who has unresolved casework which may preclude the inmate from the assignment of Minimum Custody.

From the Reception Center, inmates eligible or potentially eligible (unresolved casework) for MSF or Camp placement shall continue to be referred and endorsed for MSF and Camp based on departmental priorities. An inmate otherwise eligible for MSF or Camp with a pending casework issue(s), (e.g., pending VIO review) remains eligible until determined ineligible. However, neither Minimum A nor Minimum B Custody shall be granted until the pending casework is resolved.

1. Inmates endorsed for MSF and CAMP placement shall continue to have their casework expedited to ensure timely resolution and placement to the endorsed facility or return to the Classification Staff Representative for alternate placement.

### **Minimum Custody for Inmates Ineligible for MSF and Camp Due to Medical or Mental Health Concerns**

1. Inmates ineligible for MSF placement based on Medical or CCCMS LOC currently designated Minimum B Custody shall remain Minimum B and do not require additional review, unless a case factor(s) requires further evaluation.

2. Inmates not currently assigned Minimum Custody, eligible for PC 2933 work credit (1/2 time) and currently endorsed for level I or II placement and ineligible for MSF placement, based solely on established medical criteria or due to their participation in the MHSDS at the CCCMS LOC:
  - a) These inmates shall be reviewed by Classification Committee for Minimum A Custody at the earliest opportunity consistent and in compliance with the schedule provided on page 2 of this memorandum. Staff shall ensure the inmate is granted Minimum Custody A and Work Group (WG) "F" when appropriate.
    - i) **Where case factors (pending VIO, SEX, ESC reviews, potential holds, etc.) require additional information be obtained prior to granting Minimum Custody the request for information shall be expedited to allow Committee to make a determination.**
  - b) The WG "F" shall be established on the date of the committee action to establish Minimum Custody.
  - c) **However**, WG "F" shall be imposed ***retroactively*** where the Committee determines the inmate would have been eligible for Minimum A Custody during a previous committee action based on the criteria noted above.
    - (i) WG "F" will be established effective January 1, 2015 for those inmates whose initial or most recent classification committee action occurred prior to January 1, 2015, or
    - (ii) The date of the Initial or other Classification Committee action which established another custody on or after January 1, 2015.
    - (iii) To be eligible for WG "F" to be applied retroactively the inmate must have been in custody continuously since January 1, 2015, and not had a change in eligibility. The inmate is eligible for retroactive WG "F" if the resolution of pending casework could have been accomplished by the previous committee action, if the documentation now received and reviewed had been available for review at the time of the previous committee.

1. The first example: The Initial Classification Committee was held February 12, 2015, and the inmate would have been eligible for Minimum Custody and WG "F" at the time of Committee. Committee would assign WG "F" effective February 12, 2015.
  - i. If the inmate required a VIO review and the information is available now and the VIO is not applied, the inmate would be established WG "F" effective February 12, 2015.
2. The second example: The inmate was reviewed by UCC on October 29, 2014 and assigned Medium A Custody based on being medically precluded from MSF placement. As long as the inmate would have been eligible for Minimum Custody at the time of the previous Committee, with no incidents that would have impacted eligibility for Minimum Custody, WG "F" would be established effective January 1, 2015.
  - i. If a VIO review was required and the information is available now and the VIO is not applied, the WG "F" would be established effective January 1, 2015.
- d) Under no circumstances shall the effective date of the WG "F" be prior to January 1, 2015, which is the effective date established within the January 7, 2015 memorandum.
3. **Inmates currently endorsed for level I or II placement ineligible for MSF or CAMP placement, based solely on established medical criteria or due to their participation in the MHSDS at the CCCMS LOC, who are not currently eligible for PC 2933 work credit (1/2 time):**
  - a) These inmates shall be reviewed for Minimum A Custody no later than the next Annual Review.
  - b) Other unresolved casework, which would preclude Minimum Custody, must be expedited and resolved prior to granting Minimum Custody as noted previously.
  - c) WG "F" **is not** available for these inmates.

### **Inmates at the Enhanced Outpatient Level of Care or Higher**

An inmate with a level I or II placement score, not undergoing Reception Center processing who is currently at the EOP LOC, in a Mental Health Crisis Bed, or currently housed within the Department of State Hospitals, who is eligible for PC 2933 work credit but not eligible for Minimum Custody due to their current mental health concerns shall be reviewed by UCC and granted WG "F" when appropriate consistent with the criteria articulated within this memorandum. The inmate will not be considered for Minimum Custody until they are established at the CCCMS LOC or discharged from the MHSDS.

### **Inmates Assigned or Removed from Minimum Custody**

When an inmate is scheduled for a review to consider the assignment of Minimum Custody and WG "F" or only WG "F", based on the criteria noted within this memorandum staff shall ensure the **Review Type, "3JP MIN" (Once available within SOMS)** is selected first from within Classification Review Screen, regardless of the type of committee (*Prison>Classification>Classification Reviews*). Other review types (Annual, etc.) can be added also, as appropriate. This process shall not be utilized by staff for inmates assigned to Fire Camp or Institutional Firefighters who are assigned WG "F".

Where an inmate's Minimum Custody is later removed because they are no longer eligible for Minimum Custody, the WG "F" shall be removed. Where the inmate was assigned WG "F", but not assigned Minimum Custody, based solely on Medical or Mental Health concerns, the WG "F" shall be removed when the inmate would no longer be considered "otherwise" eligible for Minimum Custody. Examples of this would be a felony detainer being placed, new information leading to placement of a VIO, etc. Where the WG "F" is removed, Committee shall make the new WG effective either the date of Committee or the date the inmate became ineligible for the WG "F", e.g., the date a felony hold was placed or the date the inmate was placed into Administrative Segregation.

### **Unresolved Mentally Disordered Offender Review**

The assigned CC and Classification Committee shall, at the earliest possible opportunity, identify to the C&PR those inmates who will require completion of the

Mentally Disordered Offender (MDO) Screening process prior to release who prior to Committee action are:

- Within 5 months of release.
- Being screened for Minimum Custody eligibility.
- The C&PR must ensure the MDO screening process is undertaken at the earliest opportunity to ensure completion prior to release.

### **Penal Code 3060.6 and/or 3060.9**

Consistent with PC 3058.6 and 3058.9, an inmate shall not be placed in a greater credit earning category that would result in notification occurring after the specific time frame required. PC 3058.6 requires notification at 60 days prior to release, while PC 3058.9 requires notification within 45 days of release. Any inmate granted WG "F" in error may require additional Committee action to redress the error or may be administratively corrected by Case Records staff, consistent with current policy. Such an inmate will be restored to their prior credit earning status. Inmates with a Victim's Notification or other required notification shall have notification completed no later than the date of release as required by the penal code, and shall occur consistent with current departmental policy.

### **Gate Pass Eligibility and Minimum B Custody**

Based on the reduction in the number of Minimum Custody eligible inmates and the need to maintain the inmate work force within the institution, particularly to assist in maintaining the institutional grounds, an inmate who is ineligible for MSF placement based on medical or mental health concerns, but who is eligible for and granted Minimum A Custody, may be considered for a Gate Pass. If necessary based on departmental/institutional needs, such an inmate may be considered for Minimum B Custody and Gate Pass Clearance. In these cases:

- Committee must ensure compliance with the local institutional Gate Pass policy.
- Committee must also consider whether an inmate is appropriate for assignment outside the security perimeter, in consideration of medical and mental health concerns.
- Classification Committee shall, when necessary, request Medical or Mental Health staff evaluate an inmate's medical or MH status case to determine whether a work assignment outside the security perimeter with the minimal levels



of supervision provided/required by Minimum A or Minimum B Custody is appropriate.

- Whether the inmate's medical issues or MH status present a threat to the inmate's safety, safety of the public, institution, staff, other inmates or an escape risk if the inmate were to be assigned outside the secure perimeter and supervised consistent with the requirements of CCR, Title 15, Sections 3377.1(a)(8) and 3377.1 (a)(9) must be determined.


This process will allow institutions to utilize these inmates once cleared by Classification Committee, to support the institution, where the lowest level of supervision is appropriate.

#### **Additional Information**

**An inmate granted WG "F" shall not be rendered overdue for release. Case Records staff shall apply 10 working days to process any case where application of WG "F" has caused the inmate to be "overdue" or within 10 working days of release. This is necessary to ensure adequate processing time and shall also apply to the application of WG "F" for inmates placed in Minimum Custody setting, including but not limited to MSF and Camp.**

This memorandum will be available on the CSU web page within the Mini Manual webpage: <http://internet/ops/AO/ins/Pages/Minimanual.aspx> under the Minimum topic.

If you have questions, please contact Jonathan Stubbs, CSU, at (916) 322-0561, or via email at [Jonathan.Stubbs@cdcr.ca.gov](mailto:Jonathan.Stubbs@cdcr.ca.gov).

  
KELLY HARRINGTON  
602 Director (A)  
Division of Adult Institutions

#### Attachment

cc: Kathleen Allison  
Ralph M. Diaz  
Katherine Tebrock  
John Dovey  
Steven Tharrat

Vincent S. Cullen  
James Robertson  
Dennis Halverson  
Cindy Burris  
Jonathan Stubbs