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### Your Responsibility When Using the Information Provided Below:

When we wrote this Informational Material we did our best to give you useful and accurate information because we know that prisoners often have difficulty obtaining legal information and we cannot provide specific advice to all the prisoners who request it. However, the laws change frequently and are subject to differing interpretations. We do not always have the resources to make changes to this material every time the law changes. If you use this pamphlet, it is your responsibility to make sure that the law has not changed and is applicable to your situation. Most of the materials you need should be available in your institution law library.

## **NON-DESIGNATED PROGRAMMING BUILDINGS and YARDS** **Revised July 2018**

We send this information in response to your questions or concerns about the California Department of Correction and Rehabilitation's (CDCR's) efforts to change some prisons to "non-designated programming" buildings and yards that do not separate people who are designated Sensitive Needs Yard (SNY) from people who are designated General Population (GP).

We know that these changes are causing some people a great deal of anxiety and concern and have resulted in some violence and ongoing program disruption. Below, we have summarized what we know, much of which is based on the CDCR memos attached to this letter.

Generally, our understanding is that CDCR is only making certain prisons, certain yards, and in some places certain buildings into non-designated programming locations. The priority appears to be on EOP buildings, healthcare housing, firehouses, camps, Level 1 (both secure and MSF), and some Level 2s. (See non-designated programming timeline in attached memo of December 12, 2017.)

When prisons, buildings, or yards are preparing to transition to non-designated programming facilities, a multi-disciplinary team is required to visit each housing unit and meet with people living there, custody and healthcare staff, Inmate Advisory Councils, and Inmate Family Councils to discuss and prepare for a smooth transition. (See attached memo of November 30, 2017.)

### **EOP**

Since late 2017, all EOP buildings are non-designated programming buildings and people formerly designated GP or SNY are housed and program together in them. According to CDCR, these transitions have mostly been successful, with a series of incidents at San Quentin, Lancaster, and other places that have mostly been resolved.

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If there are any EOP buildings on a yard along with non-EOP buildings, the non-EOP buildings will remain designated either GP or SNY (unless the entire yard or entire prison, like CHCF, CMF, or San Quentin, has also been made a non-designated programming location).

### **Entire prisons**

CHCF, CMF, and San Quentin are entirely non-designated programming prisons. According to CDCR, the transitions were mostly without incident, and the small number of people who did not agree to program on non-designated facilities have been transferred. CRC is scheduled to become an entirely non-designated programming prison in October 2018.

### **All Level 1, Camps, and Firehouses**

Two secure Level 1 yards are now non-designated programming yards: Tehachapi Facility E and CIM Facility D. Two others are scheduled to become non-designated in October 2018: CCC Facility A and SCC Facility A.

Some Minimum Support Facilities and Firehouses are already non-designated; the rest, including all Camps, will become non-designated by October 2018. According to the latest schedule we have from CDCR regarding MSFs, Corcoran, Chuckawalla Valley, Ironwood, CSP-Sacramento, Mule Creek, North Kern, and Wasco have become non-designated, with DVI, Folsom, Salinas Valley, Lancaster, Kern Valley, Pleasant Valley, Centinela, Calipatria, High Desert, and Pelican Bay scheduled to make the transition by the end of August 2018.

### **Level 2**

One Level 2 yard is non-designated: R.J. Donovan Facility E. Some other (but not all) Level 2 yards are scheduled to become non-designated by October 2018: CCC Facility B; SCC Facility B; and CMC Facilities E, F, and G. We do not have any information on what will happen with the many other Level 2 yards that are not listed in the CDCR memo of December 12, 2017, but according to CDCR's April 2018 FAQs, CDCR plans to transition all Level 1 and 2 housing facilities to be non-designated.

### **Levels 3 and 4**

Nothing in the CDCR memos says whether non-EOP Level 3 and 4 yards or prisons will transition to non-designated programming facilities.

**It is important to note that CDCR says that anyone who refuses to be housed at a non-designated programming facility is subject to the disciplinary process and can be placed into higher level housing.**

## **Non-Designated Programming Facility Frequently Asked Questions-April 2018**

### **1. Why did CDCR implement Non-Designated Programming?**

*Non-Designated Programming is an integral part of CDCR's effort to maximize rehabilitative programming opportunities for inmates. Non-Designated Programming facilities serve to provide greater access to programs for inmates that demonstrate positive programming regardless of SNY or GP designation.*

### **2. What is CDCR's long term plan for Non-Designated Programming facilities?**

*As of February 2018, multiple facilities as well as health care programs have already converted to non-designated status. CDCR's Level I and II housing facilities will be slowly transitioned into non-designated program facilities going forward. The focus of Non-Designated Programming facilities will continue to provide an environment for inmates demonstrating positive programming and a desire to not get involved in the destructive cycles of violence, criminal activity/thinking.*

### **3. CDCR has transitioned some facilities to *Programming* and *Non-Designated Programming*. Are there different programming expectations at each?**

*Going forward, Non-Designated and Programming are the same program and are referred to Non-Designated Programming Facilities with the same programming expectations.*

### **4. Will Firehouses, Minimum Support Facilities (MSF) and Camps be transitioned to Non-Designated programming?**

*Yes, all Firehouses, MSF's and Camps will transition to Non Designated Programming.*

### **5. If referred for transfer to a Non-Designated facility, does an inmate have the opportunity to voice concerns or objections with the committee's recommendation to this type of facility?**

*Yes, all inmate due-process procedural safeguards related to classification committees apply. However, inmate disagreement with transfer to a program facility will not preclude transfer.*

### **6. What happens if an inmate refuses to be housed on a Non-Designated Programming yard/facility?**

*The institution should set programming expectations for Non-Designated Programming yards. Placement in ASU shall not be utilized unless there is a clear threat to safety and/or institutional security.*

**7. Do inmates need to waive their SNY or GP status to program on a Non-Designated Programming yard?**

*No. Transfers into Non-Designated Programming facilities will not require a CDCR Form 128-B, General Chrono waiving their SNY or GP designation. The SNY designation will remain the inmate's file, however they will be housed in a Non Designated Programming facility.*

**8. Upon arrival at a Non-Designated Programming institution, will inmates that were previously housed in SNY be housed differently than other new arrivals at the institution?**

*Upon arrival at a Non-Designated Programming facility, regardless of prior SNY/GP housing, inmates are to be housed and processed the same as any other newly received inmates.*

**9. How will the inmate population be advised of this change?**

*Institutions undergoing a transition to a Non-Designated Programming facility or transferring inmates to a Non-Designated Programming facility shall develop a leadership team to conduct rounds in each housing unit and hold Town Hall Meetings with their population in order to inform them of this change. The Inmate Advisory Council and the Inmate Family Council should also be utilized for communication of this initiative. Institutions shall also closely coordinate with Health Care staff relative to these efforts. Additionally, the non-designated program facilities shall be discussed with the inmate during the classification committee when an inmate is being put up for transfer.*

**10. At Non-Designated Programming facilities, will all inmates be expected to participate in the recreation yard, job assignments, education/vocation assignments, inmate activity groups, religious services, etc., alongside ALL inmates?**

*Yes, no inmate program shall segregate inmates based on prior SNY or GP housing status.*

**11. Are Non-Designated Programming facilities only for inmates in the Mental Health Services Delivery System (MHSDS)?**

*No, Non-Designated Programming facilities will house participants in the MHSDS and inmates not in the MHSDS.*

**12. If an inmate was a prior gang member and subsequently housed at an SNY facility, will that inmate be expected to program on a Non-Designated Programming yard?**

*Yes. Inmates that engage in violent or threatening behavior towards other inmates housed in a Non-Designated Programming facility shall be subject to disciplinary sanctions. Potential transfer of inmates due to enemy concerns or transfer to a higher security level based on an affixed (DIS) Administrative Determinate, continue to be appropriate per current policy.*

**13. How shall institutions handle inmates who engage in violent or threatening behavior towards other inmates in a Non-Designated Facility?**

- *Immediate placement in Administrative Segregation if it has resulted in a RVR which may result in a SHU term.*
- *Disciplinary sanctions as detailed in Title 15 should be applied as should consideration of C- Status for those inmates determined to be a Program Failure.*
- *Committee review of inmates which engage in documented violent or threatening behavior, refuse to program or are deemed a program failure may be referred to the CSR for a DIS override and recommend transfer to a higher security level.*

**14. Will inmates currently housed at a Reception Center require a CDCR 128-B6 and/or CDCR2260 be completed prior to transfer to a Non-Designated Programming facility?**

*The CDCR 128-B6 will continue to be completed, as required, for those inmates requesting SNY placement. This does not preclude a Non-Designated Programming placement.*

**15. Can a Non-Designated inmate go to any yard?**

*An inmate that has been housed in a Non-Designated Programming Facility can be transferred to any facility that a Classification Committee determines appropriate.*

**16. Are there additional committees required to go non-designated?**

*Consistent with current policy with regard to committee review and referral for transfer, there are no additional committee reviews for placement at a Non-Designated Programming facility.*

This list of FAQ's may also be shared directly with the Inmate Population. These FAQ's may be periodically updated as new questions arise.

Rev: 4.2.18

# Memorandum

Date : November 30, 2017

To : Associate Directors, Division of Adult Institutions  
Wardens  
Chief Executive Officers  
Chiefs of Mental Health  
Classification and Parole Representatives

Subject: STATEWIDE NON-DESIGNATED ENHANCED OUTPATIENT PROGRAM AND INPATIENT TREATMENT INITIATIVE

The California Department of Corrections and Rehabilitation (CDCR) and California Correctional Health Care Services (CCHCS) continue to expand programming opportunities for inmates, including inmates who participate in the Enhanced Outpatient Program (EOP) and those who receive inpatient mental health services. In order to increase flexibility in housing decisions and provide the least restrictive housing environment for inmates with mental illness, effective January 8, 2018, CDCR is transitioning to non-designated units for institutions that provide EOP and inpatient treatment services. This means within EOP and inpatient treatment programs, Sensitive Needs Yard (SNY) and General Population (GP) designations will no longer be recognized or utilized for the purposes of housing.

In non-designated units, it is expected that all inmates will program together and comply with integrated housing expectations regardless of prior GP or SNY programming or level designations. Institutions shall document in committee action or reception center classification documents that inmates were advised of non-designated unit programming expectations. The inmate's stated preference and his agreement or disagreement with the committee action must be documented within the Classification Chrono. Transfers into non-designated units will not require a CDCR Form 128-B, *General Chrono*, waiving SNY designation or willingness to program. Inmates non-compliant with transfer and/or housing placement shall be subject to the Department's disciplinary process.

Wardens and Chief Executive Officers at affected institutions shall develop a multi-disciplinary team to plan a smooth transition to non-designated status for EOP and inpatient treatment units. Leadership teams shall conduct rounds in each housing unit and town halls together, and shall meet with staff, inmates, and Inmate Advisory Councils in order to accommodate questions and support this transition.

Please refer to the attached memorandums, "Non-Designated Enhanced Outpatient Program, California State Prison, Los Angeles County," dated April 14, 2017, and "Inmate Housing Assignment Considerations During the Screening and Housing Process," dated January 19, 2016, for further information on considerations when determining appropriate housing. In addition, a list of Frequently Asked Questions is attached for reference.

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Associate Directors, Division of Adult Institutions  
Wardens  
Chief Executive Officers  
Chiefs of Mental Health  
Classification and Parole Representatives  
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If you have any questions or require additional information, please contact the Mental Health Compliance Team, Division of Adult Institutions, at [DAI-MHCompliance@cdcr.ca.gov](mailto:DAI-MHCompliance@cdcr.ca.gov).



KATHLEEN ALLISON  
Director  
Division of Adult Institutions



KATHERINE TEBROCK, Esq.  
Deputy Director  
Statewide Mental Health Program

Attachments

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Dennis Halverson  
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Eric Hobbs

# Memorandum

Date : December 12, 2017

To : Associate Directors, Division of Adult Institutions  
Wardens  
Classification Staff Representatives  
Classification and Parole Representatives  
Correctional Counselors III, Reception Centers

Subject: **NON-DESIGNATED PROGRAMMING FACILITY EXPANSIONS FOR 2018**

The California Department of Corrections and Rehabilitation (CDCR) is committed to expanding incentives to positive programming inmates, in coordination with rehabilitative efforts focused towards preparing individuals for greater personal success and societal integration. In coordination with various stakeholders, CDCR is expanding efforts to provide robust programming to all inmates and to safely house individuals in the lowest level possible.

It is the goal of CDCR to continue implementation of non-designated Programming Facilities (PFs) (i.e., facilities that do not identify as Sensitive Needs Yard [SNY] or General Population). CDCR's Level I and Level II housing facilities will slowly be transitioned into non-designated PFs, as they currently house a large population of programming inmates. The focus of PFs is to provide an environment for inmates demonstrating positive programming efforts and a desire to not get involved in the destructive cycles of violence. These will allow for greater access to work assignments and programming opportunities with enhanced privileges.

Based on the successful integration of the Level II PFs located at Richard J. Donovan Correctional Facility and California Health Care Facility, CDCR is expanding placement opportunities.

The below institutions or housing facilities are scheduled to be non-designated PF.

## **February 2018**

- California Institution for Men, Facility D, Secure Level I, and Firehouse

## **April 2018**

- California Correctional Institution, Facility E, Secure Level I, and Firehouse
- California Medical Facility (All Institution)

## **May 2018**

- All Institutional Firehouses, with exception of prior and October activations
- All Minimum Support Facilities (MSFs), with exception of prior and October activations

Associate Directors, Division of Adult Institutions  
Wardens  
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Correctional Counselors III, Reception Centers  
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**October 2018**

- California Correctional Center, Facility A, Secure Level I; Facility B, Level II; MSF, and Firehouse
- Sierra Conservation Center, Facility A, Secure Level I; Facility B, Level II; and Firehouse
- California Men’s Colony, Facility E, F, G, Level II; and MSF
- California Rehabilitation Center (All Institution)
- Camps

Institutions must document in the committee action or reception center classification documents that the inmate was advised of programming expectations and positive programming reasoning for referral to a non-designated PF. The inmate’s stated preference, and his agreement or disagreement, shall be documented. Transfers into a non-designated PF will not require a CDCR Form 128-B, *General Chrono*, waiving prior SNY designation or willingness to program.

Inmates non-compliant with transfer and/or housing placement recommendations shall be subject to the departmental disciplinary process and potential placement into higher level housing.

If you have any questions, please contact Julie Garry, Correctional Captain, PMU, at (916) 323-3659.

  
KATHLEEN ALLISON  
Director  
Division of Adult Institutions



cc: Scott Kernan	Charles Pattillo	John Herrera
Ralph M. Diaz	Connie Gipson	Brian Moak
Diana Toche	Jeff Macomber	Heidi Lackner
Bryan Beyer	Jennifer Barretto	Julie Garry
Deborah Hysen	Chief Executive Officers	
Sara Malone	Dennis Halverson	

# Memorandum

Date : April 26, 2018

To : Associate Directors, Division of Adult Institutions  
Wardens

Subject: **PLAN FOR TRANSITIONING MINIMUM SUPPORT FACILITIES TO  
NON-DESIGNATED PROGRAMMING FACILITIES**

This memorandum is intended to provide further guidance regarding the December 12, 2017 memorandum titled, "Non-Designated Programming Facility Expansions for 2018." In April of 2016, a Sensitive Needs Yard (SNY) Summit was convened to develop a plan which would address the growing SNY population and the associated increase in violence which was occurring on the SNY facilities. As a result of this Summit, short-term and long-term goals were developed to address these concerns. One of the short-term goals was to implement Non-Designated Programming Facilities (NDPFs) at Richard J. Donovan Correctional Facility and California Health Care Facility.

The December 12 expansion memorandum detailed the California Department of Corrections and Rehabilitation's (CDCR's) efforts to begin transitioning Level I and Level II facilities to NDPFs. This plan reaffirms the Department's commitment to goals from the 2016 SNY Summit and provides specific direction relative to the Minimum Support Facility (MSF) transition.

The institutions currently housing SNY MSF offenders have robust workforce populations, while the general population (GP) MSF populations are significantly lower. The expansion of the NDPF model seeks to balance the MSF populations at all institutions in order to provide a robust workforce for all institutions while also providing increased housing opportunities for lower level offenders.

Beginning the week of May 21, 2018, the MSF populations will transition to the NDPF model, with the exception of the institutions noted in the December 12 memorandum, which are slated for transition in October of 2018. This plan, which is detailed in the "MSF Non-Designated Programming Facilities Conversion Schedule" (attached), will entail moving larger numbers of current MSF offenders from previously-SNY facilities and integrating them into previously-GP facilities, and vice-versa.

It is the continued goal of CDCR to transition to the NDPF to afford offenders the opportunity to positively program at our lower level institutions, while also allowing offenders the opportunity for expanded access to rehabilitative programs. The criterion for placement at a facility or institution which is operating in the NDPF model is simply

the current classification criteria for the institution or program. Institutions must document in the committee action or reception center classification documents that the offender was advised of programming expectations and positive programming reasoning for referral to an NDPF. This documentation should include the offender's stated preference and his agreement or disagreement with transfer recommendations. Transfers into an NDPF will not require a CDCR Form 128-B, *General Chrono*, waiving prior SNY designation or willingness to program.

In order to ensure continuity through this transition, each institution included in the transition schedule shall designate a manager and a supervisor to conduct the Town Hall Meetings. Town Halls will be conducted with both staff and the inmate population prior to NDPF implementation. Conference calls prior to implementation will be scheduled by the Division of Adult Institutions. In addition to whomever the Warden deems appropriate, the aforementioned manager and supervisor will also be included in these calls.

The latest version of the "Non-Designated Programming Facility Frequently Asked Questions" (FAQs) is attached for your reference. As a reminder, the FAQs may be shared with staff and the inmate population.

If you have any questions, please contact your respective Associate Director.



KATHLEEN ALLISON  
Director  
Division of Adult Institutions

#### Attachments

cc: Jeff Macomber  
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Jennifer Barretto  
Brian Moak  
Dennis Halverson

# MSF Non-Designated Programming Facilities Conversion Schedule

Cases will be moved via the Non-Committee Endorsement Process

WEEK OF TRANSFER	FROM	TO	#	TYPE OF INMATES
5/21/18	CVSP	CSP-C	25	
5/21/18	ISP	CSP-C	25	
5/21/18	CSP-C	CVSP	25	
5/21/18	CSP-C	ISP	25	
5/21/18	FSP	MCSP	30	
5/21/18	SAC	MCSP	30	
5/21/18	MCSP	FSP	30	
5/21/18	MCSP	SAC	30	
5/28/18	NKSP	WSP	35	
5/28/18	NKSP	DVI	20	
5/28/18	WSP	NKSP	35	
5/28/18	DVI	NKSP	20	
6/4/18	SVSP	CMF	20	
6/4/18	SVSP	KVSP	35	
6/4/18	CVSP	LAC	25	
6/4/18	NKSP	LAC	25	
6/4/18	LAC	NKSP	25	
6/11/18	CMC	NKSP	25	
6/11/18	CVSP	CEN	25	
6/11/18	CEN	CVSP	25	
6/11/18	CVSP	CAL	15	
6/11/18	CAL	CVSP	15	

# MSF Non-Designated Programming Facilities Conversion Schedule

Cases will be moved via the Non-Committee Endorsement Process

WEEK OF TRANSFER	FROM	TO	#	TYPE OF INMATES
6/18/18	ISP	CAL	25	
6/18/18	CAL	ISP	15	
6/18/18	ISP	CEN	30	
6/18/18	CEN	ISP	25	
6/25/18	NKSP	HDSP	25	
6/25/18	MCSP	PBSP	30	
6/25/18	HDSP	NKSP	25	
6/25/18	PBSP	MCSP	30	
7/2/18	SVSP	CMF	20	
7/2/18	ISP	LAC	25	
7/2/18	LAC	MCSP	25	
7/2/18	CMC	MCSP	25	

# Memorandum

Date : December 12, 2017

To : Associate Directors, Division of Adult Institutions  
Wardens  
Classification Staff Representatives  
Classification and Parole Representatives  
Correctional Counselors III, Reception Centers

Subject: **NON-DESIGNATED PROGRAMMING FACILITY EXPANSIONS FOR 2018**

The California Department of Corrections and Rehabilitation (CDCR) is committed to expanding incentives to positive programming inmates, in coordination with rehabilitative efforts focused towards preparing individuals for greater personal success and societal integration. In coordination with various stakeholders, CDCR is expanding efforts to provide robust programming to all inmates and to safely house individuals in the lowest level possible.

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Based on the successful integration of the Level II PFs located at Richard J. Donovan Correctional Facility and California Health Care Facility, CDCR is expanding placement opportunities.

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**October 2018**

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- Sierra Conservation Center, Facility A, Secure Level I; Facility B, Level II; and Firehouse
- California Men's Colony, Facility E, F, G, Level II; and MSF
- California Rehabilitation Center (All Institution)
- Camps

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Director

Division of Adult Institutions



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