



PRISON LAW OFFICE

General Delivery, San Quentin, CA 94964-0001
Telephone (510) 280-2621 • Fax (510) 280-2704
www.prisonlaw.com

Director:
Donald Specter

Managing Attorney:
Sara Norman

Staff Attorneys:
Rana Anabtawi
Steven Fama
Alison Hardy
Corene Kendrick
Rita Lomio
Margot Mendelson
Millard Murphy
Camille Wood
Lynn Wu

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 June 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. 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.

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 • Seth Morris

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.

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.

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
Classification Staff Representatives
Classification and Parole Representatives
Correctional Counselors III, Reception Centers
Page 2


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 : 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.

Associate Directors, Division of Adult Institutions
Wardens
Chief Executive Officers
Chiefs of Mental Health
Classification and Parole Representatives
Page 2

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.



KATHLEEN ALLISON
Director
Division of Adult Institutions



KATHERINE TEBROCK, Esq.
Deputy Director
Statewide Mental Health Program

Attachments

cc: Connie Gipson
Jeff Macomber
Regional Health Care Executives
Regional Mental Health Administrators
Kelly Mitchell
Jennifer Barretto
Brittany Brizendine
Angela Ponciano
Dawn Lorey
Dennis Halverson
Brian Moak
Eric Hobbs

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.

Associate Directors, Division of Adult Institutions
Wardens
Chief Executive Officers
Chiefs of Mental Health
Classification and Parole Representatives
Page 2

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.



KATHLEEN ALLISON
Director
Division of Adult Institutions



KATHERINE TEBROCK, Esq.
Deputy Director
Statewide Mental Health Program

Attachments

cc: Connie Gipson
Jeff Macomber
Regional Health Care Executives
Regional Mental Health Administrators
Kelly Mitchell
Jennifer Barretto
Brittany Brizendine
Angela Ponciano
Dawn Lorey
Dennis Halverson
Brian Moak
Eric Hobbs

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
Connie Gipson
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.

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
Classification Staff Representatives
Classification and Parole Representatives
Correctional Counselors III, Reception Centers
Page 2

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

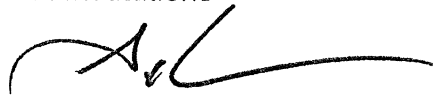
Institutions must document in the committee action or reception center classification documents that the inmate was advised of programming expectations and positive programming reasoning for referral to a non-designated PF. The inmate's stated preference, and his agreement or disagreement, shall be documented. 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	