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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 PRISONS, BUILDINGS and YARDS Revised September 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. We also attach a "Frequently Asked Questions" sheet received from CDCR, and the most recent memo they have provided regarding the schedule for upcoming months.

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 Level IIs.

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.

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,

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these transitions have mostly been successful, with a series of incidents at San Quentin, Lancaster, and other places that have mostly been resolved.

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. CMC will become entirely non-designated in October (Level II and Minimum Support Facility) and November (Level III) 2018. ASP and VSP are scheduled to become entirely non-designated in January 2019. CVSP is scheduled to become entirely non-designated in February 2019.

All Level 1, Camps, and Firehouses

Two secure Level 1 yards are now non-designated programming yards: CCI Facility E and CIM Facility D. CTF's Facility D (Level I) is scheduled to become non-designated in December 2018. CCC Facility A (Level I) and SCC Facility A (Level I) are scheduled to become non-designated in March 2019.

All Minimum Support Facilities (MSFs) and Firehouses are now non-designated except for CMC (MSF scheduled to become non-designated in October 2018) and the CCC and SCC MSFs, firehouses and camps, scheduled to become non-designated in March 2019.

Level II

CDCR apparently plans to make many Level II prisons and yards non-designated at some point. See the "Entire Prisons" section above regarding prisons that are mostly or entirely Level II. Many Level II yards at other prisons are either already non-scheduled or are scheduled to become so. R.J. Donovan Facility E is already non-designated. In September 2018, CCI, Facility D and CIM Facilities A and C are scheduled to become non-designated. In March 2019, CCC Facility B, SCC Facility B, and SATF Facilities F and G are scheduled to become non-designated.

Levels III and IV

For Level III, Current CDCR plans schedule only the CMC Facilities A, B, and C to become non-designated, in November 2018. No other plans regarding Level III or IV prisons are known at the present time.

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.

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Memorandum

Date : September 10, 2018

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

Subject: **AMENDED NON-DESIGNATED PROGRAMMING FACILITY EXPANSIONS FOR 2018/19**

This memorandum provides scheduling changes from the July 16, 2018 "Non-Designated Programming Facility Expansions for 2018/19" memorandum. California State Prison, Los Angeles, which was previously scheduled for August 2018, has been removed. Sierra Conservation Center, which was previously scheduled for October 2018, has been moved to March 2019. All other transition information remains unchanged.

The California Department of Corrections and Rehabilitation (CDCR) is committed to expanding incentives to positive programming inmates, in coordination with rehabilitative efforts focused on 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.

The focus of NDPF is to provide an environment for inmates demonstrating positive programming efforts and a desire to not get involved in the destructive cycles of violence. NDPFs (i.e., facilities that do not identify as Sensitive Needs Yard [SNY] or General Population) will allow for greater access to programming opportunities and enhanced privileges. It is CDCR's goal to slowly transition all Level I, Level II, and select Level III housing facilities into NDPFs, as they currently house a large population of programming inmates.

The below institutions or housing facilities are scheduled to transition to NDPFs in the coming months.

September 2018

- California Correctional Institution - Facility D, Level II
- California Institution for Men - Facilities A and C, Level II

October 2018

- California Rehabilitation Center - All Institution
- California Men's Colony (West) – Facilities E, F, and G, Level II; Minimum Support Facility (MSF)

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November 2018

- California Men's Colony (East) - Facilities A, B, and C, Level III
- Mule Creek State Prison - Facilities D and E, Level II

December 2018

- Correctional Training Facility - Facility D, Secure Level I

January 2019

- Valley State Prison - All Institution
- Avenal State Prison - All Institution

February 2019

- Chuckawalla Valley State Prison - All Institution

March 2019

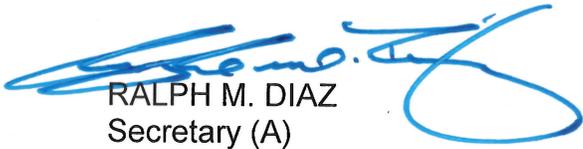
- Substance Abuse Treatment Facility - Facilities F and G, Level II
- Sierra Conservation Center – Facility A, Secure Level I; Facility B, Level II; Firehouse; Fire Camps (*moved from October 2018*)
- California Correctional Center - Facility A, Secure Level I; Facility B, Level II; MSF; Firehouse; Fire 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 an NDPF. The inmate's stated preference, and his agreement or disagreement, shall be documented. Transfers into an NDPF will not require a CDCR Form 128-B, *General Chrono*, waiving prior SNY designation or willingness to program. Placement at a facility or institution which is operating in the NDPF model is based upon the current classification criteria for the institution or program.

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

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If you have any questions, please contact Julie Garry, Captain, Population Management Unit, at (916) 323-3659.



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Secretary (A)

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