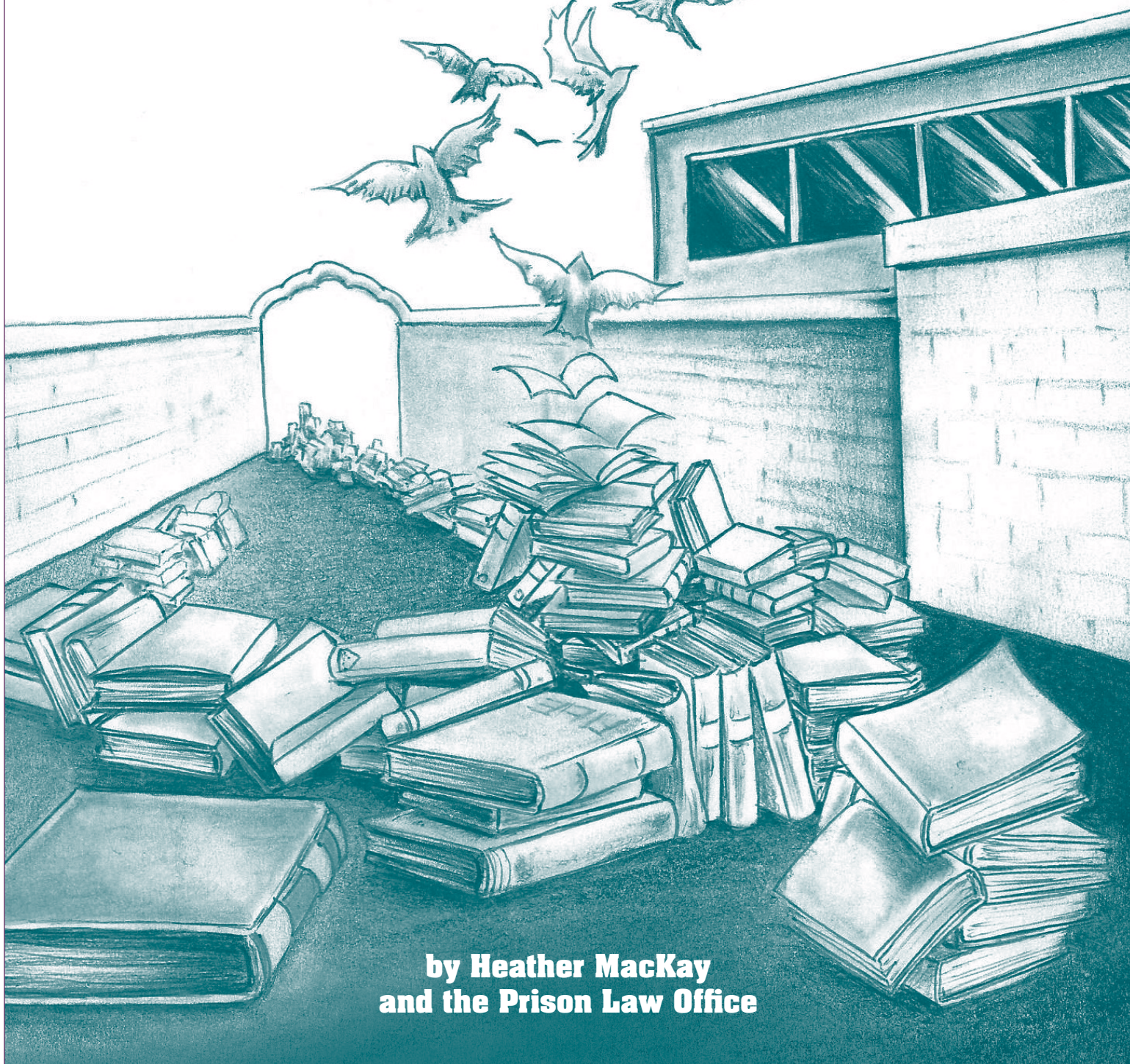


The California Prison and Parole Law Handbook



**by Heather MacKay
and the Prison Law Office**

THE CALIFORNIA PRISON & PAROLE LAW HANDBOOK

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&
THE PRISON LAW OFFICE

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YOUR RESPONSIBILITY WHEN USING THIS HANDBOOK

When we wrote *The California Prison and Parole Law Handbook*, we did our best to provide useful and accurate information because we know that people in prison and on parole often have difficulty obtaining legal information and we cannot provide specific advice to everyone who requests it. However, the laws are complex change frequently, and can be subject to differing interpretations. Although we hope to publish periodic supplements updating the materials in the Handbook, we do not always have the resources to make changes to this material every time the law changes. If you use the Handbook, 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 a prison law library or in a public county law library.

CHAPTER 4

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4.1 Introduction

Classification is the process of assigning a person housing, movement restrictions, privileges, and programs. Some of the terms used in classification documents are defined in the list of acronyms that are commonly used by the California Department of Corrections and Rehabilitation (CDCR) (Appendix P-1).

As of February 2018, there were 129,557 people in state prisons. The CDCR institutions housed approximately 135% of the people for which they were designed.¹ However, the prison population is significantly lower than it was a decade ago, largely due to federal courts finding that extreme overcrowding resulted in cruel and unusual punishment in violation of the U.S. Constitution’s Eighth Amendment. California officials are currently required to cap the population at no more than 137.5% of the system’s design capacity.²

Most people in California prisons are housed in the CDCR’s 32 prisons for men and two prisons for women (also, a few women are housed at CSP-Folsom, which is otherwise a prison for men); some of those prisons have associated conservation or fire camps.³ However, due to the need to reduce overcrowding, CDCR sends some people to other types of prisons. These include in-state contract facilities run by other agencies or private companies and out-of-state prisons run by private companies (see § 4.35 and § 4.37.) Some people in CDCR prisons are placed in Department of State Hospital (DSH) facilities for mental health treatment; most of these are on the grounds of CDCR prisons but a few are in other locations (see § 4.36). There are also some people in alternative custody or pre-release community placements (see §§ 4.49-4.54). A list of the CDCR facilities (including conservation camps, out-of-state contract prisons, in-state contract prisons, and community placement facilities) and their addresses is in Appendix 4-A.

The goal of the CDCR classification system is to consider each person’s needs, interests, behavior, and placement score along with each facility’s “program and security missions and public safety.”⁴ In addition, CDCR classifications must take into account factors such as medical and mental health needs, safety concerns, and disabilities, as well as the simple matter of where there is available space.

The main participants in classification are correctional counselors, classification committees, Classification Staff Representatives (CSRs) and the Departmental Review Board (DRB). Correctional counselors prepare much of the classification paperwork, and medical or mental health clinicians have input as well. After a person is transferred out of a reception center, classification committees make recommendations regarding the person’s housing, custody level, privileges, and programming. The classification committees are composed of various prison staff and officials; there are various types such as an Initial Classification Committee, Unit Classification Committee (UCC), Facility

¹ *Population Reports* and up-to-date information about CDCR’s facilities are on the CDCR website at www.cdcr.ca.gov/research/population-reports.

² *Coleman v. Schwarzenegger* (E.D. Cal. Jan. 12, 2010) No. S90-0520/*Plata v. Schwarzenegger* (N.D. Cal. Jan. 12, 2010) No. C01-1351, Order to Reduce Prison Population; *Brown v. Plata* (2011) 563 U.S. 493 [131 S.Ct. 1910; 179 L.Ed.2d 969].

³ Note that CDCR houses people who are transgender in “men’s prisons” or “women’s prisons” based on their genitalia rather than their gender identity. The CDCR does have some special housing policies for people who are transgender, as discussed in § 4.26.

⁴ 15 CCR § 3375(b).

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Classification Committee (FCC), or Institution Classification Committee (ICC).⁵ Recommendations for transfers, segregation placement, and some special housing or programs must be reviewed by a CSR, who represents CDCR Headquarters.⁶ Disputes among these participants are referred to the DRB, which is a CDCR Headquarters-level classification committee made up of high-ranking classification officials. A DRB decision serves as the CDCR's final decision, is not appealable, and exhausts administrative remedies on the matter.⁷

GENERAL RIGHTS REGARDING PLACEMENTS AND TRANSFERS

4.2 Federal Constitutional Rights

People in prison often are very concerned about where they are housed, especially if their friends or family have difficulty travelling to remote prisons or they wish to be in a program that is available only at certain prisons. Unfortunately, there are very limited federal rights in regards to prison placement and transfers.

The due process clause of the U.S. Constitution's Fourteenth Amendment restricts prison official's power to decide where to house a person in prison only if the placement or transfer would impose an "atypical and significant hardship" in relation to the ordinary incidents of prison life.⁸ Thus, most decisions regarding custody restrictions are within the discretion of prison officials.⁹ The due process clause of the United States Constitution's Fourteenth Amendment also does not give people in California prisons the right to notice and a hearing before a classification decision, except where the action will cause an atypical and significant hardship in relation to the ordinary incidents of prison life.¹⁰ Particular due process rights regarding confidential information are discussed in § 5.57 and due process rights concerning segregation placements are discussed in § 6.2.

The U.S. Constitution's Eighth Amendment gives us the right not to be subjected to cruel and unusual punishment. A housing placement or transfer might be cruel and unusual punishment if the person would be placed with known enemies or others who are likely to seriously harm them.¹¹ See §§ 3.7-3.9 for details on rights regarding safety. Prison officials also violate the Eighth Amendment if

⁵ 15 CCR § 3376.

⁶ 15 CCR § 3000 (defining role of a Classification Staff Representative (CSR)).

⁷ 15 CCR § 3376.1.

⁸ See *Sandin v. Conner* (1995) 515 U.S. 472, 484 [115 S.Ct. 2293; 132 L.Ed.2d 418]; *Neal v. Shimoda* (9th Cir. 1997) 131 F.3d 818, 829 (classification of people with sex offense convictions, requiring mandatory participation in treatment as pre-requisite to parole, was significant hardship that created protected liberty interest).

⁹ *Moody v. Daggett* (1976) 429 U.S. 78, 87 fn. 9 [97 S.Ct. 274; 50 L.Ed.2d 236] (no right to particular classification or rehabilitation programs); *Grayson v. Rison* (9th Cir. 1991) 945 F.2d 1064, 1067 (re-classification to more restrictive unit did not implicate due process); see also *Meachum v. Fano* (1976) 427 U.S. 215, 223-225 [96 S.Ct. 2532; 49 L.Ed.2d 451] (no due process liberty interest to be free from transfer to higher security level).

¹⁰ *Montanye v. Haymes* (1976) 427 U.S. 236, 242 [96 S.Ct. 2543; 49 L.Ed.2d 466]; *Myron v. Terbune* (9th Cir. 2007) 476 F.3d 716, 718 (placement at Level IV rather than Level III prison does not present "atypical and significant hardship"); see also *Grayson v. Rison* (9th Cir. 1991) 945 F.2d 1064, 1067 (person in federal prison had no due process right to notice or hearing before being moved from segregation unit to another); *Camarillo v. McCarthy* (9th Cir. 1993) 998 F.2d 638, 640 (person with HIV had no "clearly established" right to be in prison general population).

¹¹ See *Farmer v. Brennan* (1994) 511 U.S. 825, 832-834 [114 S.Ct. 1970; 128 L.Ed.2d 811].

they place a person in a prison that is not equipped to treat serious medical, mental health or disability needs. Placement in a prison that cannot accommodate a person's disabilities may also violate the federal Americans with Disabilities Act (ADA). See Chapter 7 for discussion of these rights regarding medical and mental health care and § 2.29 regarding accommodation of disabilities.

The equal protection clause of the U.S. Constitution's Fourteenth Amendment also sets some limits on classification decisions. In most cases, a classification policy or action that treats similarly situated groups of people differently violates equal protection rights if there is no rational basis for the policy. However, prison officials may need more compelling justifications for classification distinctions that involve fundamental interests (like the length of time served) or suspect classifications (like race or gender).¹² § 2.16 discusses equal protection rights to be free from discrimination based on race or gender.

The First Amendment of the United States Constitution protects people in prison from transfers or other adverse classification actions taken solely in retaliation for exercising the rights to free speech or to file grievances.¹³

4.3 California Statutory and Regulatory Rights

There are some rights in regards to prison placement and transfers under California law.

Although prison officials have broad authority over placement and transfers, the due process clause of the California Constitution (Article 1, § 7) requires that classification policies and actions be supported by "some evidence;" thus, California courts can overturn classification decisions that are based on unreasonable interpretations of the regulations or that are arbitrary and capricious.¹⁴

The California Legislature has found that maintaining family and community relationships reduces recidivism.¹⁵ However, California law does not give people an enforceable right to be housed near family or friends. The law does require the CDCR to consider the existence of strong community and family ties and directs the CDCR to assign someone to the prison of appropriate security level nearest to their family "when reasonable" and "unless other classification factors make such a placement unreasonable." The availability of appropriate housing, along with many other factors, may be considered when deciding what is reasonable.¹⁶

¹² *In re Jenkins* (2010) 50 Cal.4th 1167, 1175-1176 [116 Cal.Rptr.3d 790].

¹³ *Pratt v. Rowland* (9th Cir. 1995) 65 F.3d 802, 806-807; *Rizzo v. Dawson* (9th Cir. 1985) 778 F.2d 527, 532; *Lucero v. Hensley* (C.D. Cal. 1996) 920 F.Supp.1067, 1076; *Scott v. Reno* (C.D. Cal. 1995) 902 F.Supp. 1190, 1195.

¹⁴ *In re Jenkins* (2010) 50 Cal.4th 1167, 1175-1176 [116 Cal.Rptr.3d 790]; *In re Lucero* (1992) 4 Cal.App.4th 572, 575-576 [5 Cal.Rptr.2d 729]; *In re Wilson* (1988) 202 Cal.App.3d 661, 666-667 [249 Cal.Rptr. 36]; see also *Superintendent v. Hill* (1985) 472 U.S. 445, 457 [105 S.Ct. 2768; 86 L.Ed.2d 356] (describing "some evidence" standard"); Penal Code § 5054; Penal Code § 5068 (giving CDCR broad authority over classification and custody).

¹⁵ Penal Code § 6350(a).

¹⁶ Penal Code § 5068; *In re Rhodes* (1998) 61 Cal.App.4th 101, 106-107 [70 Cal.Rptr.2d 912] (overcrowding and administrative needs were valid reasons to transfer person away from family).

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The due process clause of the California Constitution (Article I, § 7) requires notice and an opportunity for a fair hearing whenever a classification decision could affect someone negatively.¹⁷

The CDCR rules provide that all classification decisions must be made by a committee.¹⁸ The rules also set forth procedural requirements for classification hearings. (See § 2.4 for information about the right to enforce CDCR rules.) If a classification decision will not involve a change in placement score or result in an “adverse” (unfavorable) action, the person should be given advance notice of the date and purpose of the hearing “whenever possible.”¹⁹ Someone who is facing a possible “adverse” classification action or change in placement score has the right to receive written notice of the reasons for the proposed action at least 72 hours prior to the classification hearing.²⁰ If an unanticipated adverse action is proposed during a classification hearing, the committee must postpone the rest of the hearing for at least 72 hours unless safety or security needs prevent postponement or the person waives the right.²¹ Although advance notice is not required for temporary emergency classification actions, notice of the reasons for the action must be given to the person in writing as soon as possible after the action is taken.²²

A person in prison has a right to attend their classification committee hearings except in a few circumstances.²³ They may request assistance from a counselor or other staff to prepare a defense or understand the issues.²⁴ All people who are part of the Developmental Disability Program (DDP) will receive staff assistance in any classification hearing.²⁵ Others with disabilities are entitled to accommodations to ensure that they have effective means of communication at classification hearings, which may include staff assistance, interpreters, or other assistive devices.²⁶

¹⁷ *People v. Ramirez* (1979) 25 Cal.3d 260, 268 [158 Cal.Rptr. 316]; *In re Carr* (1981) 116 Cal.App.3d 962, 966-967 [172 Cal.Rptr. 417] (due process requires notice and a hearing before custody level raised).

¹⁸ 15 CCR § 3375(c).

¹⁹ 15 CCR § 3375(e); DOM § 62010.4.2.

²⁰ 15 CCR § 3375(f)(1); DOM § 62010.4.2.1. An “adverse effect” is defined as: (1) involuntary transfer to a higher security level institution not commensurate with the placement score; (2) increase in custody level; (3) involuntary placement in segregated housing; (4) involuntary removal from a program assignment; (5) placement in a reduced worktime credit group; (6) involuntary transfer to another institution or facility because of misbehavior or information that may affect staff, other people in prison, the public, or the safety and security of the institution or facility; or (7) transfer to a more restrictive institution or to a program where the security level is higher.

²¹ 15 CCR § 3375(f)(4).

²² DOM § 62010.4.2.

²³ See 15 CCR § 3375(f)(2). A classification committee may act without the person being present if: (1) the person refuses to attend; (2) the person is physically incapable of attending or has been declared mentally incompetent; (3) the classification action will improve the conditions of confinement; (4) the classification action will approve a written request made by the person in prison; or (5) the purpose of the hearing is to determine the need for scheduling or to schedule a future committee action. 15 CCR § 3375(f)(3). In addition, the right to be present may be suspended during an emergency. DOM § 62010.4.

²⁴ DOM § 62010.4.2.1.

²⁵ *Clark v. California* (N.D. Cal. Mar. 1, 2002) No. C96-1486, Remedial Plan, § III.B.1.

²⁶ *Armstrong v. Davis* (N.D. Cal. Jan. 3, 2001) No. C94-2307, Remedial Plan, § II.E, § IV.I.14.

The CDCR regulations require that all classification actions be documented in writing and that a copy of the decision be given to the person in prison.²⁷ Classification actions are recorded on a CDCR Form 128-G Classification Chrono, which must contain the date of the action, the names of the people on the hearing committee, and a statement of the reasons for the action.²⁸ These chronos frequently contain many codes and acronyms; see Appendix P-1 for explanations of some of the common acronyms. The CDCR Central File for each person should contain copies of all the documents regarding classification including the reception center intake information sheet, Classification Score Sheets (formerly CDCR Forms 839, 840 and 841), critical case information (CDCR Forms 812, 812-A, and 812-B), and Classification Chronos (CDCR Form 128-G).²⁹ See § 19.9 for more information on the contents of the Central File and the right to review it.³⁰

THE CDCR CLASSIFICATION PROCESS

4.4 Reception Center Processing Upon Arrival in the CDCR

State law requires the CDCR to examine and study each person sent to state prison, and determine where the person should be housed.³¹ “Reception centers” are the CDCR prisons where people who are incoming are evaluated.³² In the reception center, CDCR staff will prepare a case summary, calculate a placement score, and assign someone to longer-term housing.

People typically stay in a reception center for several months. There is no law limiting the length of reception center stays, except that physical or developmental disabilities should not prolong a stay in the reception center for more than 60 days. However, people with disabilities may be kept in a reception center for more than 60 days if the reason for the delay is not disability-related.³³

Immediately upon arrival, each person is assigned a CDCR identification number.³⁴ People in men’s prisons are given CDCR identification numbers now consisting of two letters followed by a four-digit number (e.g., AA-0000), but people who have been in the CDCR longer will have

²⁷ 15 CCR § 3375(g)-(h).

²⁸ 15 CCR § 3375(g).

²⁹ DOM §§ 72030.1-72030.4. A list of the documents that usually are in the Central File is included as Appendix 19-A.

³⁰ 15 CCR § 3375(h); DOM § 13030.16; *In re Olson* (1974) 37 Cal.App.3d 783 [112 Cal.Rptr. 579].

³¹ Penal Code § 5068. Senate Bill (SB) 618 authorizes the CDCR to make agreements to transfer responsibility for assessing the risk and needs for people who are coming in with “non-violent crimes” to county officials. Penal Code § 1203.8. SB 618 participants may benefit from priority for prison program assignments and community services upon release. 15 CCR §§ 3077-3077.4; see also 15 CCR § 3043.6(a)(3). Unfortunately, it appears that San Diego County is the only place where SB 618 has been implemented. More information is on the San Diego County District Attorney website at www.sdca.org.

³² Information about which prisons have reception centers is on the CDCR website at www.cdcr.ca.gov/Facilities_Locator.

³³ See *Armstrong v. Davis* (N.D. Cal. Jan. 3, 2001) No. C94-2307, Remedial Plan, § III.A, and *Clark v. California* (N.D. Cal. Mar. 1, 2002) No. C96-1486, Remedial Plan, § II.C.2.

³⁴ See 15 CCR § 3075; DOM § 71020.4.5.

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identification numbers of one letter followed by a five-digit number (e.g. E-00000). People housed in women’s prisons have numbers that begin with “W” or “X”.³⁵

Reception center staff should also provide a copy of the CDCR rules (Title 15 of the California Code of Regulations, § 3000 et seq.) to each person coming in within 14 days after arrival at the reception center.³⁶

Every person in a reception center is given a medical exam, screenings for mental health and developmental disabilities, educational tests, and a needs-assessment evaluation. Reception center staff also review documents concerning the commitment offense and prior criminal and social history, such as the Abstract of Judgment (see § 8.4), probation report, and rap sheet.

The reception center staff will use the information to prepare a Legal Status Summary (LSS), which shows a person’s sentencing, credit status, and expected release date (see § 8.2) and an Institutional Staff Recommendation Summary (ISRS).³⁷ Reception center staff also will record “critical case information” such as enemies, possible gang affiliation, or other safety concerns.³⁸ The staff will calculate the placement score and document other case factors that will be used to determine where a person will be transferred for longer term housing. (See §§ 4.5-4.12.)

4.5 The Classification Placement Score and Facility Security Level

An important part of the reception center process is calculating a person’s classification or placement score to determine the security level prison consistent with their case factors. A person in a men’s prison’s placement score is the main factor limiting the facilities in which they can be placed.³⁹ The placement score has less effect on a person in a women’s prison, as there are fewer facilities and people in women’s prisons of various security levels are housed together.

Reception center staff compute the placement score by assigning positive or negative points for various case factors, such as age at first arrest, sentence length, prior criminal history, and certain social factors (see §§ 4.6-4.9). A lower score indicates that someone has fewer security and custody needs than a person with a higher score, and can be placed in a lower security level facility. The cut-off points in the CDCR scoring system are as follows:

- ◆ Level I - Classification Score of 0 through 18
- ◆ Level II - Classification Score of 19 through 35
- ◆ Level III - Classification Score of 36 through 59

³⁵ DOM § 71020.4.7.

³⁶ Penal Code § 2080; 15 CCR § 3002(a); DOM § 61010.5.

³⁷ 15 CCR § 3075.1(a), (h); DOM § 61030.2; DOM § 61030.6.2.

³⁸ See 15 CCR § 3378; DOM § 61020.3. The forms used to notify people about enemy or gang concerns are CDCR Forms 812, 812-A, 812-B, and 812-C.

³⁹ See 15 CCR § 3375.1(a).

- ◆ Level IV - Classification Score of 60 and above.⁴⁰

These four general population security levels are distinguished by the type of housing and the degree of perimeter security. Generally, lower security level housing is in dormitories and higher security level housing is in cells.⁴¹

A person usually will be housed in a prison with a security level consistent with the placement score. However, in some circumstances the CDCR may -- and in some cases must -- house someone in a facility that is not consistent with the placement score, either temporarily or long-term.⁴² This is known as an “administrative,” or “out-of-level” placement, or as an “override.”

One particular override is that people who are under the age of 18 are housed in the CDCR’s Division of Juvenile Justice (DJJ) facilities, which also houses people up to age 21 or 25 (depending on their commitment offense) who are committed to DJJ as wards of the court in juvenile cases.⁴³ Also, a person who is under 22 years when committed to the CDCR should be given a special youth offender classification review to consider whether they should be placed at a security level lower than their classification score or that allows more access to programs.⁴⁴

Another special override is that people with death sentences are currently housed in only one men’s prison (San Quentin) and one women’s prison (Central California Women’s Facility).⁴⁵ People in men’s prisons on death row are classified into three different custody designations. Grade A are those without a high violence or escape potential who are disciplinary-free. Grade B are those with a high violence or escape potential or with serious disciplinary or management problems. Walk-alones are people who would be Grade A, but cannot be housed safely as Grade A’s.⁴⁶

4.6 Process of Calculating the Placement Score

A CDCR reception center counselor calculates a person’s placement score by assigning positive or negative points for case factors, and documents the calculation on an Initial Classification Score Sheet (ICSS). The score sheet is placed in the Central File and a copy is given to the person in prison.

The staff member must review all relevant documents and interview the person in prison.⁴⁷ The probation officer’s report that was presented at sentencing is considered the most important

⁴⁰ 15 CCR § 3375.1(a). The CDCR website at www.cdcr.ca.gov/facilities_locator has information on security levels.

⁴¹ 15 CCR § 3377.

⁴² See 15 CCR §§ 3375.1-3375.2.

⁴³ CDCR website, www.cdcr.ca.gov/Juvenile_Justice/About_DJJ/index.html

⁴⁴ Penal Code § 2905.

⁴⁵ Penal Code § 1202a; DOM § 61010.3; DOM § 62050.6.

⁴⁶ *Thompson v. Enomoto* (N.D. Cal. Oct. 23, 1980) No. 79-1630, Consent Decree. This consent decree was affirmed in *Thompson v. Enomoto* (9th Cir. 1990) 915 F.2d 1383, and eventually terminated in *Lancaster v. Cate* (N.D. Cal. Apr. 19, 2009) No. C70-01630, Order Terminating Consent Decree; see also *Barnett v. Centoni* (9th Cir. 1994) 31 F.3d 813, 815 (limited due process rights in death row classification).

⁴⁷ 15 CCR § 3375(j)(1). A recent change in the law authorizes CDCR to house people in men’s prisons with death sentences in any prison with sufficient security. Penal Code § 3600.

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source of information. Although CDCR rules allow people in prison to provide additional information, only independently verifiable information will be considered.⁴⁸

The counselor first calculates the preliminary score based on points assessed for Background Factors and Prior Incarceration Behavior. Next, the counselor determines whether the person has any Mandatory Minimum Score Factors. A mandatory minimum score is applied to someone who has a case factor that requires that they be housed no lower than a specific security level, even if the preliminary score would ordinarily allow placement in a lower level. The counselor uses the preliminary score or the mandatory minimum score (if any), whichever is greater, as the person's classification placement score. The counselor also documents Special Case Factors that may affect placement.⁴⁹

A Classification Staff Representative (CSR) then documents any Administrative Determinates that may indicate the person's needs to be placed in a special program facility or given an override to a higher or lower security level. The CSR will authorize placement in a particular facility based on the placement score, special case factors and administrative determinates, and availability of space.⁵⁰

Some recently-adopted special classification rules apply to people who are under the age of 22 at the time of their commitment to CDCR. At reception, these people are reviewed by an Institution Classification Committee (ICC) that includes one member who is trained in adolescent and young adult development. The ICC must evaluate whether they should be placed in a lower security level than corresponds with their classification score or placement in a facility that allows increased access to programs.⁵¹

4.7 Calculating the Placement Score: Background Factors

Six types of background factors are considered in calculating the preliminary score.

The first factor is the age at the time of their first arrest. The younger a person was, the more points are assessed. The range of points for this factor is 0 up to a maximum of 12.⁵²

The second factor is the age at the time of the current reception into the CDCR. Again, younger age adds more points, up to a maximum of 8 points⁵³

The third background factor is the length of the current sentence. In most cases, the length of the prison term is multiplied by two, and the result is the number of points assessed for this factor. However, the points that can be assessed for this factor are capped at a maximum of 50. A sentence of death or life without the possibility of parole (LWOP) gets the maximum 50 points. For indeterminate life terms, a 25-to-life term for murder is assessed as 50 points, a 20-to-life term under

⁴⁸ 15 CCR § 3375(j).

⁴⁹ 15 CCR § 3375.3(a)-(f).

⁵⁰ See 15 CCR § 3375.3(g).

⁵¹ Penal Code § 2905.

⁵² 15 CCR § 3375.3(a)(1).

⁵³ 15 CCR § 3375.3(a)(2).

Penal Code § 667.7 (which applies to some people who are returned to prison for certain violent crimes) is 40 points, and all other life terms are 30 points.⁵⁴

The fourth background factor is current or past involvement in a street gang or other disruptive group. The classification documents should identify what evidence was used to verify gang involvement (for example, self-admission, tattoos, legal documents, or staff observation). This factor adds six points.⁵⁵

The fifth factor is whether the person has served any prior jail/country juvenile sentence of 31 days or longer, which can add one point.⁵⁶

The sixth factor is whether the person has previously been incarcerated in a state or federal juvenile facility and/or in a state or federal adult criminal facility. Juvenile time can add one point and adult time can add one point.⁵⁷

4.8 Calculating the Placement Score: Prior Incarceration Behavior

The preliminary score takes into account a person's Prior Incarceration Behavior during time previously spent in custody in any correctional agency.⁵⁸

Four points are subtracted if the person has had a total of 12 months or more of continuous or cumulative prior incarceration with no serious disciplinary rule violations as defined in 15 CCR § 3315. If someone had been incarcerated for fewer than 12 months, no points are subtracted even if there is no evidence or documentation of serious disciplinary violations.⁵⁹

Four unfavorable behavior points are added to the preliminary score for each serious disciplinary rule violation in the prior 12 months of custody (except for use of a controlled substance or alcohol based solely on a positive drug or alcohol test). Also, 4, 8, or 16 points are assessed for a few particularly serious types of violations, regardless of how long ago they were committed. These offenses are: battery or attempted battery on a person who is not in prison, battery or attempted battery on someone in prison, distribution of a controlled substance, possession of a deadly weapon, deliberately and willfully inciting a disturbance and battery causing serious injury.⁶⁰ A single serious rule violation report may result in the assessment of points in more than one of these categories if the behavior for which the person was found guilty violated multiple rules, such as inciting a disturbance during which the person in prison also assaulted another person in prison.

Note that it is possible for a person who has been incarcerated for more than 12 months to be awarded four favorable points for no serious disciplinary rules violations within the most recent

⁵⁴ 15 CCR § 3375.3(a)(3).

⁵⁵ 15 CCR § 3375.3(a)(4). See §§ 4.29-4.31 for information about formal CDCR gang validations.

⁵⁶ 15 CCR § 3375.3(a)(6). Jail time for violations of parole or post-release community supervision (PRCS) does not count. 15 CCR § 3375.3(a)(6).

⁵⁷ 15 CCR § 3375.3(a)(7).

⁵⁸ See 15 CCR § 3375.3(b); see also *In re Richards* (1993) 16 Cal.App.4th 93, 99-100 [19 Cal.Rptr.2d 797].

⁵⁹ 15 CCR § 3375.3(b)(3).

⁶⁰ 15 CCR § 3375.3(b)(4).

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12-month period of incarceration yet also be assessed points for serious disciplinary offenses that occurred prior to the last 12 months of incarceration.

4.9 Calculating the Placement Score: Mandatory Minimum Score Factors

Certain case factors must be assessed at least a certain number of points upon entry into the CDCR even if their preliminary score is lower than that number. These Mandatory Minimum Score Factors are applied to any person who is serving a death sentence (60 points), serving an LWOP term (36 points), serving life with the possibility of parole (19 points), has a history of escape (19 points), has an “R” suffix for a sexual offense (19 points), or has a current or prior conviction or juvenile adjudication for a violent crime (19 points). If a person has more than one mandatory minimum score factor, the factor with the most number of points will be used.⁶¹

4.10 Special Case Factors

The Initial Classification Score Sheet provides space for the correctional counselor to note Special Case Factors that may require or support placement in a particular type of facility.⁶² These factors include any felony or immigration (ICE) warrants or detainees (holds) (see Chapter 13), prior service in the U.S. armed forces, having an “R” suffix (see § 4.18), or having a case factor that requires placement in a 180-design Level IV facility (see § 4.22).⁶³

4.11 Administrative Determinants

The information on the Initial Classification Score Sheet is reviewed by a CSR, who will enter additional information that may affect a person’s housing placement.⁶⁴ These include:

- ◆ whether the person is eligible, temporarily ineligible, or permanently ineligible for minimum custody placement (see § 4.23);
- ◆ whether the person, if classified as a Level IV, will be restricted to a 180-design facility, rather than a less-supervised 270-design facility (see § 4.22);
- ◆ whether the person has a developmental disability or a physical disability that requires special placement (see § 4.25);
- ◆ whether the person requires special placement for medical or mental health care (see § 4.24);
- ◆ various other Administrative Determinants, including those related to the person’s criminal or disciplinary history, age, sentence length, medical needs (MED), programming, and gang affiliation. There are 31 three-letter codes for Administrative

⁶¹ 15 CCR § 3375.3(d).

⁶² 15 CCR § 3375.2.

⁶³ 15 CCR § 3375.3(f).

⁶⁴ 15 CCR § 3375.3(g).

Determinants and the rules describe when they should be applied.⁶⁵ For example, “VIO” is for a person who has a current or prior criminal conviction, juvenile adjudication, A-1 or A-2 rule violation, or parole or probation violation for a violent felony or the equivalent, which the CDCR determines to require placement at a higher security level than indicated by the placement score. There are detailed rules on when the VIO code must be applied and when it may be applied or removed at the discretion of a classification committee.⁶⁶ In an effort to expand access to programs, the CDCR recently adopted a policy requiring classification committees to actively consider placing people into higher or lower security levels than indicated by their classification scores based on positive or negative programming factors.⁶⁷

4.12 CSR Endorsement for Placement

A Classification Services Representative (CSR) considers all of the information on the Initial Classification Score Sheet and makes a decision on where to place someone “in keeping with Department’s needs, safety and security, the inmate’s placement score and administrative determinants.”⁶⁸ The CSR must place a person in a prison that is consistent with the placement score unless special factors or administrative determinants require or allow placement in a different security level.⁶⁹ The CSR may also take into consideration any non-mandatory administrative determinants in deciding to house someone in a particular prison. The decision is called the CSR’s “endorsement.”

The CSRs know about the security levels and programs of all of the California prisons and which ones have space available. CDCR headquarters sends the CSRs a weekly list with instructions about what classifications of people may be endorsed to certain institutions or special programs. The CSR’s job is to match a person with an available bed, consistent with the rules in effect that week. A second CSR will review any placements with which the reception center’s associate warden disagrees. If the second CSR does not resolve the issue, the matter will go to the CDCR Chief of Classification Services.⁷⁰

The person in prison must be provided with a copy of the Initial Classification Score sheet showing the classification factors and the CSR’s endorsement. An abbreviation of the name of the prison to which the person is endorsed will appear on the form; if the endorsement is for an out-of-level placement, the reason for the placement will be noted.⁷¹

A person is to be transferred out of the reception center within 30 days of the CSR’s endorsement. If the transfer does not take place, the case will be referred to the CDCR Chief of

⁶⁵ 15 CCR § 3375.2(b).

⁶⁶ 15 CCR § 3375.2(b)(29).

⁶⁷ CDCR, Memorandum: Utilization of Administrative Determinants Based Upon Positive and Negative Inmate Behavior and Increased Access to Rehabilitative Programs (Jul. 5, 2016).

⁶⁸ 15 CCR § 3375.3(g).

⁶⁹ 15 CCR § 3375.1(a); 15 CCR § 3375.2(a).

⁷⁰ DOM § 61010.12.

⁷¹ 15 CCR § 3375.3(g); DOM § 61010.10.

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Classification Services, who either will direct the institution to proceed with the transfer or present the case to another CSR for an alternative endorsement.⁷²

4.13 Initial Institutional Classification

After someone arrives at the assigned institution from a reception center, initial classification should occur within 14 days.⁷³ The Initial Classification Committee establishes a custody designation (§ 4.17), including any suffixes regarding sex crimes (“R”), single celling (“S”) or dormitory housing (“D”) (§§ 4.18-4.20), and assigns them to a work group (§ 8.30) and privilege group (§ 4.21). The Initial Classification Committee also can review the placement to determine if someone has been appropriately placed at that institution.⁷⁴

4.14 Annual Classification Review

A classification committee must review everyone’s program and placement and update the placement score at least once every 12 months. A classification committee also will review the person’s case after any six-month period when favorable or unfavorable points are assessed that would cause a person’s placement score to fall outside of the facility security level, or if someone is referred to classification or requests review due to program, housing or behavior concerns.⁷⁵ A person who is sentenced for a crime they committed when they were under age 22 and who remains disciplinary-free should be considered for lower level security placement and increased access to programs until they reach age 25.⁷⁶

The review is generally done by a Unit Classification Committee (UCC); if the UCC recommends a transfer or wants an additional review, it will refer the case to a Facility Classification Committee (FCC) or Institution Classification Committee (ICC).⁷⁷ If no transfer or change in program or housing is recommended, then the classification committee will order that the person “continue present program.”

Recalculation of the placement score will be based on favorable and unfavorable behavior since the prior calculation. Administrative determinants may also be updated. The CDCR has a Re-classification Score Sheet and instructions for recalculating the placement score.⁷⁸

The main considerations for recalculation of the placement score are:

- ◆ **Favorable Behavior:** Favorable behavior factors can reduce a placement score up to eight points for every six-month period. The favorable behavior factors are continuous minimum custody status, no serious disciplinary violations, and average or above-average

⁷² 15 CCR § 3379(a)(5).

⁷³ DOM § 62010.8.3.

⁷⁴ 15 CCR § 3376(d)(1).

⁷⁵ 15 CCR § 3375(k)(1); 15 CCR § 3376(d)(2).

⁷⁶ Penal Code § 2905.

⁷⁷ See 15 CCR § 3376(d)(2)-(3).

⁷⁸ See 15 CCR § 3375.4.

performance in a program assignment.⁷⁹ People are not entitled to classification score-reducing points for good programming if they are not assigned to a program their program is interrupted, even if the interruption is not the fault of the person in prison; there is an exception if the person is classified as being totally disabled.⁸⁰ Also, people with mandatory minimum score factors, which includes people with life-term sentences, cannot drop below a certain number of classification score points (see § 4.9) regardless of how well they program.

- ◆ **Unfavorable Behavior:** Each serious rules violation (except for use of a controlled substance or alcohol based solely on a positive test) will add four to eight points to the placement score, plus additional points for some particular types of violations.⁸¹
- ◆ **Change-in-Term Points:** The fact that a person has served part of their original sentence, and thus has less time to serve than when first received by the CDCR, does not require adjustment of the points based on sentence length. However, if the courts make changes to the person's sentence, the classification score will be adjusted. If someone receives a new or additional sentence, two points are added or subtracted for each year of difference between the new term and the old term.⁸²

4.15 Transfers

There are many reasons why someone might be transferred to a different prison. A change in the placement score might make them eligible for a lower or higher security level, or a rule violation might require long-term segregation housing. A transfer may be necessary to meet someone's medical, mental health or disability needs or to promote family ties or programming opportunities. A transfer might also occur for administrative reasons such as the need to fill or empty beds at a facility, a change in a facility's mission, or to provide critical workers. In addition, the Board of Parole Hearings (BPH) may make transfer recommendations for people under its parole-granting jurisdiction, though the CDCR does not have to follow the recommendation if appropriate facilities are not available or the transfer would endanger security.⁸³ People may not be transferred within 90 days of a release date or upcoming BPH hearing, or during completion of a compassionate release evaluation, unless there is an emergency need for a transfer.⁸⁴

Generally, non-emergency transfers from an institution other than a reception center must be recommended at a classification committee hearing and endorsed by a CSR. However, if there is an emergency need for a transfer, the process can be bypassed with approval from CDCR Headquarters.⁸⁵

⁷⁹ 15 CCR § 3375.4(a).

⁸⁰ 15 CCR § 3375.4(a); *In re Jenkins* (2010) 50 Cal.4th 1167 [116 Cal.Rptr.3d 790].

⁸¹ 15 CCR § 3375.4(b).

⁸² 15 CCR § 3375.4(g). Also, if a person's conviction is vacated on appeal and they are then re-convicted and returned to the CDCR, classification staff may make a point adjustment for positive or negative behavior during the original CDCR term. 15 CCR § 3375.4(m).

⁸³ Penal Code § 5080.

⁸⁴ 15 CCR § 3379(a)(2)-(3).

⁸⁵ 15 CCR § 3379(a)(1).

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If a classification committee decides that a transfer is appropriate, it will document its decision on a CDCR Form 128-G Classification Chrono.⁸⁶

A CSR will review the recommendation and either endorse or deny the transfer. If the transfer is approved, the person will be placed on a list for transportation to the new prison. It can take time for the CDCR to find space on its buses or for a bed to open up. A warden can temporarily suspend a scheduled transfer. Otherwise, if someone is not transferred within 90 days of CSR approval, the case must be referred to the CDCR Chief of the Population Management Unit, who must either direct the institution to proceed with the transfer or refer the case to another CSR for alternative action.⁸⁷

Once at the new prison, they must be placed in a facility consistent with the endorsed facility level within 60 days; otherwise, the case must be referred to a CSR for alternative action.⁸⁸

Disputes between the institution staff and the CSRs about a transfer may be presented to the DRB.⁸⁹

See §§ 4.34-4.40 for information about transfers that result in placement in private or contract facilities, out-of-state, federal, and foreign prisons. See §§ 4.49-4.53 regarding transfers for placement in community-based programs. See Chapter 6 for rules regarding placement in segregation.

4.16 Re-Admission Classification Review

People who are returned to prison with parole violations with or without new criminal sentences will have their placement scores recalculated on a Re-Admission Score Sheet. The criteria by which points are added or subtracted are similar to those for an annual classification review.⁹⁰

OTHER CDCR CLASSIFICATION POLICIES

4.17 Custody Level

In addition to being placed at an appropriate security level facility (see § 4.5), each person will be assigned a “custody” level designation that can further affect their out-of-cell time, frequency of supervision, and eligibility for programs. The custody designation is made when they are first classified at their assigned institution. There is no federal constitutional due process right to be housed in a particular custody level.⁹¹

The custody levels, from most to least secure, are as follows:

⁸⁶ 15 CCR § 3375(g).

⁸⁷ 15 CCR § 3379(a).

⁸⁸ 15 CCR § 3379(b).

⁸⁹ 15 CCR § 3376.1(d).

⁹⁰ 15 CCR § 3375.5.

⁹¹ *Frost v. Agnos* (9th Cir. 1998) 152 F.3d 1124, 1130.

- ◆ **Maximum Custody:** Housing in segregation units (see Chapter 6 for more information). All assignments and activities must be within the housing unit.
- ◆ **Close Custody:** Housing in cells in Level II, III, or IV general population facilities; except that people in women’s prisons on Close Custody status may be housed either in cell or a Close Custody dormitory. Activities and assignments within the facility security perimeter and mostly only during daytime hours.
- ◆ **Medium A Custody:** Housing in cells or dormitories within the security perimeter. Activities and assignments within the facility security perimeter during daylight and evenings.
- ◆ **Medium B Custody:** Same as Medium A Custody, except that daytime assignments may be outside the security perimeter but on the facility grounds.
- ◆ **Minimum A Custody:** Housing in cells or dormitories within the facility security perimeter. Assignments and activities may be inside or outside the security perimeter.
- ◆ **Minimum B Custody:** Housing in cells or dormitories on facility grounds, in a camp, in a Minimum Support Facility (MSF) or in a community-based facility. Assignments and activities may be either on or off prison grounds.⁹²

The CDCR has particular rules on the factors to be considered in assigning a person to Close Custody. Under these rules, factors that require Close Custody are: a lengthy sentence, history of escape, detainer for an offense with a possible penalty of 50 years or more, some serious disciplinary offenses, and having special security concerns. If a person does not meet the Close Custody case factors, they cannot be placed on Close Custody unless the DRB approves it. Many people can be considered for a reduction in custody level after serving a period of time in Close Custody (the time periods depend on the reason for Close Custody) without any recent serious disciplinary violations.⁹³

There are a few situations in which the CDCR can put a person in a lower custody level even if they have a Close Custody factor. A lower custody level can be authorized if a person has a permanent and severe physical limitation that diminishes the need for supervision.⁹⁴ Also, a person with a Close Custody designation may live in a dormitory setting when necessary for in-patient medical or mental health care.⁹⁵

4.18 Restricted Custody (“R”) Suffix

In addition to the custody designation, a person’s classification will include a Restricted Custody or “R” suffix if they have committed some types of sex offenses. A classification committee also may assign an “R” suffix if police or prosecution reports indicate that a person has been arrested or detained for such an offense, even if they are not in prison for that offense. The DRB may approve

⁹² 15 CCR § 3377.1(a).

⁹³ 15 CCR § 3377.2.

⁹⁴ 15 CCR § 3377.2(a)(11).

⁹⁵ 15 CCR § 3377.1(d).

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an “R” suffix even when such documentation is not available, if there is some other indication that an “R” suffix is appropriate.⁹⁶

A UCC may find that a person no longer needs an “R” suffix, and can refer them to the ICC to consider removing the suffix.⁹⁷ Once an “R” suffix has been rejected or removed, it cannot be reinstated except by the DRB, unless there is compelling new information supporting reinstatement.⁹⁸

A court will uphold a classification committee’s decision to impose an “R” suffix as long as it is based on “some evidence.”⁹⁹

4.19 Single Cell (“S”) Suffix

The CDCR’s normal policy is to house two people in each cell in men’s prisons.¹⁰⁰ Furthermore, many people in men’s prisons are housed in large dormitories and most people in women’s prisons are housed in eight-person rooms. However, single celling can be considered for people who have a history of abusing other people in prison, or a history of being abused by another person in prison in their cell, or medical needs. A classification committee will use an “S” suffix to indicate that a person must be housed in a single cell because they cannot be housed safely in a dormitory or double cell. The “S” suffix may be removed if they later can be housed safely in a cell with another person.¹⁰¹

4.20 Dormitory (“D”) Suffix

A “D” suffix identifies people in men’s prison who are on Close Custody but may be housed in dormitories to accommodate mental health and medical treatment needs.¹⁰²

4.21 Assignment to Work/Privilege Group

A classification committee will establish a person’s Work Group and Privilege Group status. Work groups, some of which affect credit-earning status, are discussed in §§ 8.30-8.33. This section describes the Privilege Group designations.

The CDCR Privilege Groups are as follows:

- ◆ **Privilege Group A:** People assigned to a full-time work, educational, or training assignment or deemed to have total or partial disabilities. Privileges include family visits

⁹⁶ 15 CCR § 3377.1(b); *In re Farley* (2003) 109 Cal.App.4th 1356, 1362-1364 [1 Cal.Rptr.3d 108]; 15 CCR § 3377.1(b)(5).

⁹⁷ 15 CCR § 3377.1(b)(6).

⁹⁸ 15 CCR § 3377.1(b)(8); DOM § 62010.4.3.1.4.

⁹⁹ *In re Wilson* (1988) 202 Cal.App.3d 661, 668-670 [249 Cal.Rptr. 36].

¹⁰⁰ 15 CCR § 3269. A person who refuses to share a cell with another person in prison may be subject to disciplinary action. 15 CCR § 3269(g).

¹⁰¹ 15 CCR § 3269(d)-(f); 15 CCR § 3377.1(c); CDCR, Memorandum re: Inmate Housing Assignment Considerations during the Screening and Housing Process (Jan. 19, 2016).

¹⁰² 15 CCR § 3377.1(d).

(if eligible) limited only by institutional resources and security policy; regular visits during non-work/training hours; the maximum monthly canteen draw; telephone access during non-work/training hours; access to the yard, recreational, and entertainment activities during non-work/training hours; and four personal property packages per year.¹⁰³

- ◆ **Privilege Group B:** People with half-time assignments or involuntarily unassigned (on a waiting list for a full-time assignment). Privileges include one family visit every six months (if eligible); regular visits during non-work/training hours; 75% of the maximum monthly canteen draw; one personal telephone access period per month; access to the yard, recreational, and entertainment activities during non-work/training hours; and four personal property packages per year.¹⁰⁴
- ◆ **Privilege Group C:** People who refuse twice refuse to accept assigned housing or once refuse to work, who are temporarily placed in Group C as punishment for a rule violation, or who are placed in Group C for a period of time by a classification committee. Those who are deemed to be “program failures” after they receive more than two serious disciplinary violations, or one serious and two administrative disciplinary violations, within a 180-day period may also be placed in Work Group C. No family visits, and limited to 25% of the maximum monthly canteen draw. Telephone calls are permitted only on an emergency basis as determined by the institution’s staff. Access to the yard, but no access to other recreational or entertainment activities, and no personal property packages.¹⁰⁵
- ◆ **Privilege Group D:** People housed in segregation units who are not assigned to a full-time or half-time work/training assignment, except for those on Non-Disciplinary Segregation (NDS) (who retain their privilege group designation from prior to segregation placement) or people with Security Threat Group (STG) affiliations participating in the Step Down Program (SDP) (who are in privilege groups S1-S4). Privileges are the same as those for Privilege Group C, except that one personal property package is allowed per year.¹⁰⁶
- ◆ **Privilege Group U:** People who are being processed in a reception center. No family visits, telephone access only on an emergency basis, and no personal property packages. Permitted 50% of the maximum monthly canteen draw, and have access to the yard, recreational, and entertainment activities.¹⁰⁷
- ◆ **Privilege Groups S1-S4:** People who are in the Step Down Program (SDP), which is CDCR’s program for transitioning people with validated STG affiliations who have been in the SHU for serious gang-related rule violations back to general population. The numbers correspond to Steps 1 through 4 of the SDP (see § 6.7). People in privilege group S1 are not allowed family visits and regular visits are limited to non-contact visiting.

¹⁰³ 15 CCR § 3044(d).

¹⁰⁴ 15 CCR § 3044(e).

¹⁰⁵ 15 CCR § 3044(f); see also 15 CCR § 3000 (defining program failure).

¹⁰⁶ 15 CCR § 3044(g).

¹⁰⁷ 15 CCR § 3044(h).

They get yard access of a minimum of 10 hours a week. They get one non-emergency telephone call every 90 days if they have met program expectations). They get only 25% of maximum canteen draw, one personal property package a year, and one photograph. Privileges are increased as the person progresses through Steps 2-4.¹⁰⁸ People who are in a Restricted Custody General Population Unit (RCGP) for failure to program or rule violations in the SDP (see § 6.8) will be in privilege group S3 or S4, with some particular privilege rules for RCGP status.¹⁰⁹ People in the SDP at all steps are allowed electrical appliances in accord with the Authorized Personal Property Schedule for SHU/PSU Inmates.¹¹⁰

- ◆ **Privilege Group AS:** People who are serving indeterminate Administrative SHU placement due to posing an on-going threat to safety and security (see § 6.9). No family visits and regular visiting is limited to non-contact visits during non-work/training hours. Out-of-cell yard and programming for a combined total of 20 hours per week. Canteen draw from 25% to 75% of the maximum monthly amount, one non-emergency telephone call every month to 90 days, between one and four packages per year, and between one photograph and four photographs.¹¹¹

People in Non-Disciplinary Segregation (NDS) (see § 6.3) retain whatever privilege status they had prior to administrative segregation placement, with some additional limits on visits (including a no contact restriction), phone use, and property.¹¹² There is also a special personal property matrix for people on NDS status.¹¹³ Note that some people in CCCMS or EOP who are not on NDS status also get NDS-level privileges while in administrative segregation. These include people in CCMS or EOP who are in administrative segregation because they (1) are out-to-court for non-criminal proceedings, (2) have an expired SHU term but have not been endorsed or transferred yet, or (3) are waiting for an appropriate non-segregation cell or bed to open up.¹¹⁴

People who are in RCGP only for safety needs (see § 4.28) will stay in their normal privilege groups, with some particular privilege rules.¹¹⁵ If a person has medical, mental health, mobility, or other case factors that cannot be accommodated in the RCGP, and thus must be housed elsewhere, they should receive the same privileges if they were in the RCGP unless doing so will create a significant security concern.¹¹⁶

Privileges may be suspended as a result of disciplinary rule violations. Suspension of privilege may last up to 30 days for an administrative violation and 90 days for a serious rules violation. (See Chapter 5 for discussion of the disciplinary process.) Alternatively, a person in Privilege Group A may

¹⁰⁸ 15 CCR § 3044(i).

¹⁰⁹ 15 CCR § 3378.9(e)-(f).

¹¹⁰ 15 CCR § 3044(i); 15 CCR § 3378.3(a).

¹¹¹ 15 CCR § 3044(j).

¹¹² 15 CCR § 3044(c)(6)(A); 15 CCR § 3190(c).

¹¹³ The CDCR's Non Disciplinary Segregation (NDS) Personal Property Matrix is in an Appendix to the DOM.

¹¹⁴ CDCR, Memorandum Re: Pre-Minimum Eligible Release Date Reviews Expectations (undated).

¹¹⁵ 15 CCR § 3378.9(g).

¹¹⁶ 15 CCR § 3378.9(i).

be placed in Privilege Group B or C for up to 90 days as punishment for a serious disciplinary violation, or up to 30 days for an administrative violation.¹¹⁷

4.22 Level IV Design: 180-Degree Design Restriction

Level IV prisons are divided into two types: “180-design” and “270-design” facilities, based on how broadly in degrees the housing units fan out in an angle from the facility’s central control booth. 180-design facilities give staff more ability to supervise people in prison, and people in Level IV prisons who meet certain criteria must be housed in 180-design facilities. People who have recently committed certain serious rules violations, been assessed a SHU term for any Division A-1, A-2, or B rule violation, or are identified during reception as posing a special security concern are excluded from placement in 270-design facilities for various periods of time. Exceptions may be made for people whose mental health, medical needs, or disability needs require placement in a 270-design facility.¹¹⁸

4.23 Eligibility for Minimum Custody Placement

Some people are temporarily or permanently ineligible for placement in a minimum security facility, even if their placement score falls to 18 or below:

- ◆ A person with an LWOP sentence cannot be housed in a Level I prison, unless an exception is approved by the DRB. Also, a person with LWOP who is placed in a Level II, III, or IV institution must be housed in a facility with an electrified fence.¹¹⁹
- ◆ A person with any type of life term may not be housed in a Level I or Level II facility if they are a “serial killer” (regardless of whether the murder cases were prosecuted together or separately).¹²⁰
- ◆ A person serving life with the possibility of parole cannot be housed in a Level I facility or assigned to a program outside a security perimeter unless all of the following criteria are met: (1) placement score of 18 or less, (2) most recent parole hearing resulted in no more than a three-year denial, (3) most recent risk assessment identifies risk of future violence as low or moderate or the person has been granted parole by the BPH, (4) no “VIO” (violence) administrative determinant; (5) not identified as a public interest case, (6) no “R” suffix; (7) no history of escape or attempted escape with force from any setting and no history of non-forceful escape or attempt to escape from a secure facility; (8) not on Maximum or Close Custody, (9) no Mandatory Minimum Score currently imposed which would preclude Level I placement (if otherwise eligible for placement the Mandatory Minimum Score for a life term shall be removed or not imposed).¹²¹

¹¹⁷ 15 CCR § 3044(c), (e)-(f).

¹¹⁸ 15 CCR § 3375.1(a)(4).

¹¹⁹ 15 CCR § 3375.2(a)(6).

¹²⁰ 15 CCR § 3375.2(a)(7).

¹²¹ 15 CCR § 3375.2(a)(8)-(10). A person with a life sentence whose placement score is not consistent with Level I or II can be given an override to be placed in Level I or II only with approval of the DRB. 15 CCR § 3375.2(a)(11).

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- ◆ A person with a history of sex offenses must be housed in accord with their placement score and may not be assigned to work or program outside the security perimeter.¹²²
- ◆ A person with a felony or immigration detainer who is likely to receive a significant consecutive period of incarceration or be deported may not be housed in a Level I facility without perimeter gun towers.¹²³
- ◆ A person with a criminal conviction or juvenile adjudication for arson may not be housed in a facility constructed primarily of wood.¹²⁴
- ◆ A person who has a history of escape from a secure facility is ineligible for minimum security. A person with a prior walk-away escape from a non-secure facility is ineligible for minimum security for at least 10 years after the last walk-away.¹²⁵
- ◆ A person with medical and mental health conditions is not necessarily excluded from minimum security placements; eligibility is considered on a case-by-case basis.¹²⁶
- ◆ A person who is a validated STG-I (prison gang) associate or member is not necessarily excluded from minimum security; eligibility is considered on a case-by-case basis.¹²⁷

4.24 Medical and Mental Health Housing

People with serious medical or psychiatric needs or with significant physical or developmental disabilities are housed in multiple facilities throughout the state. A brief discussion of how these programs affect classification is included here. For more information on medical and mental health care, see Chapter 7, and for more information on disability accommodations, see § 4.25.

Most prisons have an infirmary where minor, routine, and temporary medical needs can be met. For people with more serious or long-term medical needs, the CDCR has skilled nursing facilities and licensed hospitals at several prisons. A person whose medical condition requires treatment not available at all facilities will be listed with a “MED” code in the administrative determinants section of the Initial Classification Score sheet.¹²⁸ Further, the Health Care Receiver requires the CDCR to use a detailed Medical Classification System (MCS) to evaluate each person’s medical needs and identify the facilities that can provide appropriate medical care.¹²⁹ Also, those in need of special medical evaluations or short-term procedures may be moved temporarily to another prison where those medical needs can be met. Such a transfer is called a “medical and return.”

¹²² 15 CCR § 3375.2(a)(2).

¹²³ 15 CCR § 3375.2(a)(4).

¹²⁴ 15 CCR § 3375.2(a)(3).

¹²⁵ 15 CCR § 3375.2(a)(13).

¹²⁶ CDCR, *Memorandum: Minimum A Custody and Minimum B Custody Criteria and Application* (June 5, 2015).

¹²⁷ 15 CCR § 3375.2(a)(14).

¹²⁸ 15 CCR § 3375.2(b)(16).

¹²⁹ California Correctional Health Care Services, *IMSPe&P*, Vol. 4, Ch. 29.2.

As for mental health care, the CDCR offers several levels of treatment available at a number of different prisons. Generally, patients with mental health concerns are classified into either the Correctional Clinical Case Management System (CCCMS) or the more intensive Enhanced Outpatient Program (EOP).¹³⁰ A person who requires outpatient or higher degree of medical or psychiatric care may be housed out of level if their needs can be met only at a higher level facility.¹³¹ There also are Psychiatric Services Units (PSUs) that provide mental health treatment to people who must be placed in higher security due to conduct that seriously threatens the safety of themselves or others.¹³² In addition, Mental Health Crisis Beds (MHCBs) provide short-term, acute crisis care. The need for special placement or treatment due to mental health needs is marked by a “PSY” code on the administrative determinants section of the Initial Classification Score sheet, with designation of the level of care needed.¹³³

People with medical and mental health conditions are not necessarily excluded from conservation camp placements or eligibility to earn two-for-one-credits; such placements should be considered on a case-by-case basis.¹³⁴

4.25 Physical and Developmental Disability Housing

People with sight, hearing, speech, or mobility impairments are evaluated to determine whether the disability is severe enough to require special placement. If special placement is required, the Initial Classification Score sheet will be marked to show that they have one or more of these disabilities and must be housed in a facility that can accommodate their special needs.¹³⁵ Such facilities are called Disability Placement Program (DPP) facilities.¹³⁶ In addition, some reception centers are deemed not suitable for housing people with disabilities, and a person who arrives at one of those reception centers will be transferred out to an appropriate reception center within seven working days.¹³⁷

People with developmental disabilities will be evaluated for placement under the guidelines of the CDCR’s Developmental Disability Program (DDP).¹³⁸ People with low cognitive functions will be placed in one of four categories. Those who function well in the general population, and do not need special placement, will be listed as “DD0.” People who require special placement to function adequately will be placed in units that are designated to house people with developmentally disabilities. Varying levels of protection and care should be provided, ranging from the “DD1” level of care for

¹³⁰ See DOM § 61010.11.7.

¹³¹ 15 CCR § 3375.2(a)(1).

¹³² DOM § 62050.12.

¹³³ 15 CCR § 3375.2(b)(21).

¹³⁴ CDCR, *Memorandum: Minimum A Custody and Minimum B Custody Criteria and Application* (June 5, 2015).

¹³⁵ See DOM § 61010.11.7.

¹³⁶ *Armstrong v. Davis* (N.D. Cal. Jan. 3, 2001) No. C94-2307, Remedial Plan, §§ II.C. and IV.A.

¹³⁷ *Armstrong v. Davis* (N.D. Cal. Jan. 3, 2001) No. C94-2307, Amended Remedial Plan, § III.

¹³⁸ *Clark v. California* (N.D. Cal. Mar. 1, 2002) No. C96-1486, Remedial Plan, § II.C; DOM § 61010.11.7.

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the highest-functioning people to the “DD3” level of care for those who are lowest-functioning.¹³⁹ A DDP category will be documented on the classification score sheet.

4.26 Housing for People who are Transgender

Under CDCR policy, a person’s identification as transgender should be documented on their classification papers and considered in deciding where to house them. To the extent possible, the CDCR clusters people who are “male-to-female” at selected men’s prisons. People who are “female-to-male” are housed at either of the women’s prisons.¹⁴⁰

4.27 Racial Integration

Race and ethnicity used to be primary factors in CDCR housing assignments. However, after litigation, the CDCR agreed to end its policy of housing people only with other members of the same race in the men’s prisons.¹⁴¹

The CDCR regulations now require racially-integrated housing.¹⁴² A person may be eligible to be housed with all races, with only certain races, or with only their own race.¹⁴³ Integrated Housing Codes (IHCs) are assigned to people in the reception centers and reviewed during initial, annual, and other classification committee meetings at other institutions.¹⁴⁴ Those who are eligible for integration and who do not comply with housing assignments or become violent in order to avoid integration will be charged with disciplinary rules violations.¹⁴⁵ The provisions also allow for temporary suspension of integrated housing in the event of a disturbance or riot that is gang- or race-related.¹⁴⁶

See § 2.27 for more information on rights to be free from racial discrimination.

4.28 “Protective Custody” Options

There are many reasons why a person may have special needs for safety and protection. Reasons can include dropping out of a gang, having enemies due to cooperation with law enforcement, being convicted of sex crimes involving children, or having a high-profile case. The legal right to be free from unreasonable risk of danger is addressed in § 3.7. This section addresses the housing options available within the CDCR for people with safety concerns.

Housing for people who need protection from others often is referred to as “protective custody.” However, this term encompasses a variety of housing options.

¹³⁹ *Clark v. California* (N.D. Cal. Mar. 1, 2002) No. C96-1486, Remedial Plan, §§ III.A-B and IV.

¹⁴⁰ DOM § 62080.14.

¹⁴¹ *Johnson v. California* (9th Cir. Jan. 3, 2006) Case No. 01-56436, Order and Settlement Agreement.

¹⁴² See 15 CCR § 3269.1.

¹⁴³ DOM § 54055.3.

¹⁴⁴ 15 CCR § 3269.1. See also DOM § 54055.3.

¹⁴⁵ 15 CCR § 3269.1(e)-(f).

¹⁴⁶ 15 CCR § 3269.1(g); DOM § 54055.9.

A person may get immediate protection by asking to be placed in administrative segregation on Non-Disciplinary Segregation (NDS) status. NDS is a type of administrative segregation for a person who has immediate safety concerns that are not due to their own misconduct, such as being the victim of sexual abuse.¹⁴⁷ Placement in administrative segregation, with restrictive conditions and limited access to programs, generally is only a short-term response or solution. Administrative segregation is discussed in §§ 6.3-6.5.

The CDCR may address safety needs by requiring that a person be housed in a single cell, rather than a double cell or dormitory. This is discussed in § 4.19.

The CDCR has Sensitive Needs Yards (SNYs) at some CDCR facilities. These are units that house people who have safety concerns in conditions similar to a general population setting. SNYs have some additional safety procedures and generally are considered to be less dangerous than other facilities of similar security levels.¹⁴⁸ As of 2018, the CDCR is reducing the number of SNYs and converting many of them into non-designated programming facilities (PFs); there has been some resistance to these conversions by people in prison and their advocates.

The CDCR also has created non-designated programming facilities (PFs) that are meant to provide housing for people who program positively and demonstrate a desire not to engage in violence. PFs provide greater access to lower level housing, more rehabilitative programming, and more privileges for these people. People in PFs are not required to waive their SNY classification designation, if they have one.¹⁴⁹

A Restricted Custody General Population Unit (RCGP) is a special type of general population unit that allows people more opportunities for programming and social interactions than SHU housing.¹⁵⁰ Among the types of people that can be housed in an RCGP are STG affiliates who would have a substantial threat to their safety if they were released to a regular general population unit. RCGP placement must be authorized by the DRB.¹⁵¹ If a person has medical, mental health, mobility, or other case factors that cannot be accommodated in the RCGP, officials from classification and healthcare will confer and decide where to house them.¹⁵²

In addition, the CDCR operates a small Protective Housing Unit (PHU), which has security conditions similar to those of a segregation unit, but with more programming options. The PHU houses only a very small number of people with extreme security concerns. This unit is described in § 6.12.

¹⁴⁷ Penal Code § 2637(b); 15 CCR § 3335(a); DOM §§ 54040.14-54040.14.1.

¹⁴⁸ CDCR, Update to the Future of California Corrections (Jan. 2016), pp. 36-37.

¹⁴⁹ Office of the Inspector General, Eighth Report on the California Department of Corrections and Rehabilitation's Progress Implementing its Future of California Corrections Blueprint and Update to the Blueprint (March 2017), p. 19.

¹⁵⁰ 15 CCR § 3378.9(a).

¹⁵¹ 15 CCR § 3000; 15 CCR § 3378.9.

¹⁵² 15 CCR § 3378.9(i).

SECURITY THREAT GROUP (STG) VALIDATION

4.29 Overview of STG Validation

In the past, the CDCR placed all people with “validated” prison gang membership and associations in indeterminate segregation, sometimes lasting for decades. This highly controversial policy was repeatedly challenged by people in prison and their advocates.¹⁵³

As a result of a lawsuit, the CDCR has dramatically changed its policies.¹⁵⁴ Although the CDCR still validates people as Security Threat Group (STG) affiliates for classification purposes, prison staff cannot place people in the SHU or any other segregation unit based solely on their STG validation.¹⁵⁵

Like all people in prison, people with validated STG affiliations can be placed in segregated housing during the investigation of a rules violation, during an investigation into threats to their own safety, or for other administrative reasons (see § 6.3).¹⁵⁶ Also, like other people in prison, people with validated STG affiliations who are found guilty of particularly serious rule violations can be punished by determinate (set-length) terms in SHU (see § 6.6).¹⁵⁷ Some people with STG affiliations who have served determinate SHU terms for STG-related rule violations can be required to spend additional time in the SHU in the Step Down Program (SDP) before transitioning back to the general population (see § 6.7).

4.30 Process for Security Threat Group (STG) Validation

When prison staff have evidence that a person may be involved in STG activities, STG investigators will review that evidence. If the prison’s STG Lieutenant decides that further action should be taken, an STG investigator will be assigned to prepare a validation package. “Validation” is the CDCR’s term for officially labelling a person as someone who is involved with an STG.

The STG investigator will then interview the person about the information (called source items) in the validation package. The STG investigator must give the person a minimum of 72 hours notice before the interview. The notice will be on a CDCR Form 128-B4 Evidence Disclosure and Interview Notification, and will describe the source items.¹⁵⁸ A Staff Assistant shall be assigned if the person is mentally ill or disabled and needs help.¹⁵⁹ A written summary of the interview will be documented on a CDCR Form 128-B5 Security Threat Group Validation Chrono. Staff must provide

¹⁵³ See, e.g., *Toussaint v. Rowland* (N.D. Cal. 1989) 711 F.Supp. 536, 540-543, reversed in part by *Toussaint v. McCarthy* (9th Cir. 1991) 926 F.2d 800, (requiring that a person have opportunity to present views to official who makes validation decision, and rejecting other due process claims); *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146, 1240-1244, 1270-1278 (largely upholding the CDCR’s gang segregation practices against due process challenges); *Castillo v. Alameida* (N.D. Cal. June 1, 2004) No. 94-2874, Settlement Agreement (CDCR agreed to modify policies for placing and keeping alleged gang members in segregation).

¹⁵⁴ *Ashker v. California* (N.D. Cal. Jan. 26, 2016) No. C09-5796, Settlement Agreement.

¹⁵⁵ 15 CCR § 3335; 15 CCR § 3341.3; 15 CCR § 3378.2(b).

¹⁵⁶ 15 CCR § 3335.

¹⁵⁷ 15 CCR § 3341.3(a)(2).

¹⁵⁸ 15 CCR § 3378.2(c)(2), (4)-(5).

¹⁵⁹ 15 CCR § 3378.2(c)(3); see also 15 CCR § 3318 (staff assistant guidelines).

the person in prison with a copy of the CDCR Form 128-B5 within 10 calendar days after the interview.¹⁶⁰

After the interview, the validation package will be submitted to the CDCR's Office of Correctional Safety (OCS) for review.¹⁶¹ The OCS staff will decide which source items can be relied upon and which must be rejected. This includes deciding whether any confidential information meets the CDCR's requirements for reliability.¹⁶² They will then make a recommendation to affirm or reject the proposed validation. The OCS's recommendation will be on a CDCR Form 128-B2 Security Threat Group Validation/Rejection Review.¹⁶³

The case will then go to a hearing by the STG Unit Classification Committee (UCC) within 30 days.¹⁶⁴ A person in prison has a right to attend the committee hearing and to request witnesses. An Investigative Employee (IE) will be assigned to assist the person in preparing for the hearing.¹⁶⁵ The STG UCC makes the final determination whether the validation shall be made, and documents it on a CDCR Form 128-G Chrono.¹⁶⁶

After the STG UCC makes its decision, a Classification Services Representative (CSR) will audit the validation for accuracy and compliance with the rules.¹⁶⁷

An STG validation will be reflected on classification documents with the Administrative Determinant code ST1 or ST2, depending on the type of STG that is the basis for the validation.¹⁶⁸

4.31 Criteria for STG Validation

There are two levels of STGs. STG-I is the category for recognized prison gangs and other groups that CDCR contends pose the most severe threat to safety and security based on a history of violence and/or influence over others. STG-II is the category for groups like street gangs or other gangs who are under the more dominant STG-I groups.¹⁶⁹ There is a process for the CDCR to officially "certify" a group as an STG-I or "recognize" a group as an STG-II.¹⁷⁰

¹⁶⁰ 15 CCR § 3378.2(c)(5).

¹⁶¹ 15 CCR § 3378.2(c)(6).

¹⁶² See 15 CCR § 3321 for the rules on confidential material.

¹⁶³ 15 CCR § 3378.2(c)(7).

¹⁶⁴ 15 CCR § 3378.2(c)(7), (d); see also 15 CCR § 3376(c)(4) (identifying what staff are on an STG UCC)

¹⁶⁵ 15 CCR § 3378.2(d).

¹⁶⁶ 15 CCR § 3378.2(d); see also 15 CCR § 3376(d)(5).

¹⁶⁷ 15 CCR § 3378.2(d)(2).

¹⁶⁸ 15 CCR § 3375.2(b)(25)-(26).

¹⁶⁹ 15 CCR § 3000; 15 CCR § 3023(d); 15 CCR § 3378.1(c).

¹⁷⁰ 15 CCR § 3378.1(d)-(e).

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There are also two degrees of STG affiliation. An STG member is someone who has been accepted into membership of the STG. An STG associate is someone who is involved periodically or regularly with members or associates of an STG.¹⁷¹

To validate a person as an STG affiliate, the CDCR must have a certain amount of information. Different types of information weigh more or less heavily toward validation. A validation requires at least three independent source items with a combined value of 10 points or greater, “coupled with information/behavior indicative of” membership or association.¹⁷² The source items can date from any time, except that photographs must be no more than four years old.¹⁷³ For validation as a member or associate of an STG-1, there is an additional requirement that at least one of the source items must be a “direct link” to a current or former validated member or associate of that STG or to a person who is validated within six months of the behavior described in the source item. There does not need to be evidence that the person knew of the validated affiliate’s STG involvement.¹⁷⁴

A validated STG associate may be upgraded to an STG member based on at least three source items with a combined value of 10 points; the source items must not have been used in the previous validation and at least three of the items must indicate STG membership.¹⁷⁵

Different types of source items now have point values assigned so that some items count more heavily than others. The points assigned to the categories are as follows:

- ◆ **Two points:** symbols (e.g., hand signs, graffiti, distinctive clothing), written materials identifying the person that are not in the personal possession of the person in prison (e.g., membership or enemy lists)
- ◆ **Three points:** association with validated STG affiliates, informant information (however, validation cannot be based solely on hearsay informant information), debriefing report.
- ◆ **Four points:** written materials that are in the personal possession of the person, photos (no more than four years old), CDCR staff observations, information from other agencies, visits from people known to promote or assist STG activities, communications (e.g., phone conversations, mail, notes)
- ◆ **Five points:** self-admissions
- ◆ **Six points:** crimes committed for benefit, at direction or in association with an STG, tattoos or body markings

¹⁷¹ 15 CCR § 3000; 15 CCR § 3023(d); 15 CCR § 3378.2(b).

¹⁷² 15 CCR § 3378.2(b). Multiple sources providing information about a single STG-related act or conduct count as only one source item.

¹⁷³ 15 CCR § 3378.2(b); see *In re Alvarez* (2013) 222 Cal.App.4th 1064 [166 Cal.Rptr.3d. 271].

¹⁷⁴ 15 CCR § 3378.2(b). A “direct link” is “any connection” between the person and any person validated as a STG affiliate. 15 CCR § 3000. Note that the CDCR can validate “any person” as an STG affiliate, including people who are not housed in CDCR prisons. 15 CCR § 3378.2(b).

¹⁷⁵ 15 CCR § 3378.2(b).

◆ **Seven points:** legal documents¹⁷⁶

The CDCR must disclose all source items used in a validation on a CDCR Form 128-B4 Evidence Disclosure and Interview Notification, and provide a copy of all non-confidential documents being relied upon (unless the person requests otherwise in writing). Confidential information used in the validation must be identified on a CDCR Form 1030 Confidential Information Disclosure Form and must meet the CDCR’s criteria for reliability.¹⁷⁷ Staff must identify any item being relied upon as a “direct link.”¹⁷⁸

In reviewing STG validations, courts have held that prison officials must have “some evidence” to support a validation.¹⁷⁹ The evidence must have some “indicia of reliability,” which means that “an inmate may not be confined to the SHU for gang affiliation unless the record contains some factual information from which [the prison officials] can reasonably conclude that the information was reliable.”¹⁸⁰ Courts have addressed whether various types of evidence were sufficient to support gang validations.¹⁸¹

4.32 Debriefing (“Dropping Out”) of an STG

A person with an STG-validation can debrief as a way to officially “drop out” of an STG. Dropping out does not remove all of the consequences of an STG validation. A person who drops out will still be considered “validated,” with a classification code of ST1 or ST2, along with an indication that the person is on Dropout Status.¹⁸² A person who drops out can still be placed in the

¹⁷⁶ 15 CCR § 3378.2(b)(1)-(14).

¹⁷⁷ 15 CCR § 3378.2(b)(3), (c)(1). The confidential information reliability criteria is in 15 CCR § 3321(c): information previously supplied by the informant has proven to be true; other confidential sources have independently provided the same information; the information incriminates the source; the information is corroborated through investigation or information from non-confidential sources; the confidential source is the victim of a related rule violation; or the source has successfully completed a polygraph examination. See also *Zimmerlee v. Keeney* (9th Cir. 1987) 831 F.2d 183, 186 (requiring that notice of confidential information include statement that safety considerations prevent disclosure of informant’s name).

¹⁷⁸ 15 CCR § 3378.2(c)(1).

¹⁷⁹ *In re Cabrera* (2013) 216 Cal.App.4th 1522, 1531-1533; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146, 1273; *Bruce v. Ylst* (9th Cir. 2003) 351 F.3d 1283, 1287-1288; *Cato v. Rushen* (9th Cir. 1987) 824 F.2d 703, 705.

¹⁸⁰ *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146, 1274; see also *Cato v. Rushen* (9th Cir. 1987) 824 F.2d 703, 705.

¹⁸¹ *In re Villa* (2013) 214 Cal.App.4th 954 (jailhouse lawyer’s possession of person with validated gang association’s chronos for use in preparing legal documents could not serve as validation source item, since CDCR rules say that people in prison can possess other documents from other people in prison to assist them with legal work); *In re Fernandez* (2013) 212 Cal.App.4th 1199, 1213 (confidential debriefing report was insufficient to validate a person because it failed to describe the nature of involvement with the gang; the report simply said the person was an associate and did not mention specific acts, incidents, or the role person had served); but see *In re Furnace* (2010) 185 Cal.App.4th 649, 661 (policy allowing use of book and newspaper article to validate person was permissible even though it impacted First Amendment rights, where items included the address of a validated gang member); *Castro v. Terhune* (9th Cir. 2013) 712 F.3d 1304 (some evidence supported gang validation where person had pictures with gang-related symbols, had signed and sent a birthday card for a validated gang member, and was identified in two debriefing reports); *In re Cabrera* (2013) 216 Cal.App.4th 1522 (possession of photocopies of artwork signed by gang affiliates did not provide some evidence of a direct link); *Stewart v. Alameida* (N.D. Cal. 2006) 418 F.Supp.2d 1154, 1167-1168 (some evidence supported gang validation).

¹⁸² 15 CCR § 3000; 15 CCR § 3023(d).

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SDP after committing certain types of rule violations, as described in section 4, above. A person who drops out also can be excluded from some facilities and programs based on their validation, and may be subjected to parole restrictions based on their validation.

The purpose of the debriefing process is to provide staff with information about the STG's structure, activities and affiliates, and not for the purpose of acquiring incriminating evidence against the person who is debriefing.¹⁸³ Information about other people that is obtained during debriefing will be placed in the files of other people in prison and can be used against them, such as to validate them, find them guilty of rules violations, or to show they are unsuitable for parole.¹⁸⁴ Participation in debriefing must be voluntary.¹⁸⁵ A person can end the debriefing process at any time.¹⁸⁶

Debriefing usually is a two-step process-- an interview phase (Phase I) and an observation phase (Phase 2); however, the observation stage may be by-passed based on individual case factors.¹⁸⁷

Debriefing Phase 1

When the STG investigator gets notice that a person wants to debrief, the STG investigator should conduct an initial debriefing intake interview with the person within five business days.¹⁸⁸ If a person makes a self-incriminating statement during a debriefing interview, the investigator can stop the discussion and move to another topic. The person must waive (give up) the right against self-incrimination before any further questioning about the incriminating matter. A decision to exercise the right shall not be considered in deciding whether the person successfully participated in debriefing.¹⁸⁹

In Phase 1, the person must also write an autobiography of their STG involvement. After the intake interview document is reviewed by the ICC, the STG investigator will issue autobiography instructions and give them 30 days to complete the autobiography; if unusual circumstances prevent them from meeting this deadline, an extension may be granted. The completed autobiography will be collected by the prison's STG Lieutenant and sent to the OCS Gang Intelligence Operations (GIO) Lieutenant.¹⁹⁰

¹⁸³ 15 CCR § 3378.5(b).

¹⁸⁴ See 15 CCR § 3378.6(a).

¹⁸⁵ 15 CCR § 3378.5. People who are serving death sentences can debrief. 15 CCR § 3378.5(i), though their housing options may be limited.

¹⁸⁶ 15 CCR § 3378.5(e).

¹⁸⁷ 15 CCR § 3378.5(a).

¹⁸⁸ 15 CCR § 3378.5(f).

¹⁸⁹ 15 CCR § 3378.5(e).

¹⁹⁰ 15 CCR § 3378.5(f)-(g).

The OCS staff will present the autobiography to the Debrief Intake Panel (DIP), a committee that evaluates debriefing cases, places each case in one of two categories, and assigns responsibility for completing a debrief report. The two categories of cases are as follows:

- ◆ **Category 1** is for complex debriefs; this is typically for people who have held high rank in the STG, committed serious criminal activities or Division A or B rule violations for the STG, and/or have an extensive STG history. Debrief reports for this category be assigned to the OCS GIO and should normally be completed within 90 business days.
- ◆ **Category 2** is for less complex debriefs that do not meet the Category 1 criteria. Debrief reports for this category will be assigned to a prison STG investigator and should normally be completed within 60 business days.¹⁹¹

The debrief report will be reviewed by STG investigative staff to identify other people and decide whether to conduct further investigation or take disciplinary action against them.¹⁹²

The ICC will decide where to house the person during the debriefing process.¹⁹³ Most people in Phase 1 of the debriefing process will be housed in a Debrief Processing Unit (DPU), which is supposed to provide safe housing and programs.¹⁹⁴

There are some exceptions. If a person who is debriefing has medical, mental health, mobility, or other case factors that cannot be accommodated in the DPU, they should be allowed to complete the debriefing process in their assigned housing.¹⁹⁵ A person who is debriefing who is serving a determinate SHU term will be kept in SHU until they complete their SHU term, and then will be considered for transfer to a DPU.¹⁹⁶ A person who is debriefing who is serving an Administrative SHU term can be considered to transfer to a DPU; this may or may not require DRB review depending on how the DRB has maintained transfer control.¹⁹⁷ Also, a person who is debriefing who is awaiting a hearing before the Board of Parole Hearings (BPH) will stay at their local prison until completing the BPH process. A person who is debriefing with a District Attorney referral for possible criminal prosecution will stay at their local institution until completion of any projected/active determinate SHU term.¹⁹⁸

People housed in DPUs may be in various Work Groups, and generally will earn the same Good Conduct Credits as if they were in general population, up to one day of Good Conduct Credit

¹⁹¹ 15 CCR § 3378.5(h).

¹⁹² 15 CCR § 3378.6.

¹⁹³ 15 CCR § 3378.5(f).

¹⁹⁴ 15 CCR § 3000; 15 CCR § 3341.8(a)(4); 15 CCR § 3378.5(a); 15 CCR § 3378.7.

¹⁹⁵ 15 CCR § 3378.7(c).

¹⁹⁶ 15 CCR § 3341.8(a)(4); 15 CCR § 3378.4(f).

¹⁹⁷ 15 CCR § 3341.8(a)(4).

¹⁹⁸ 15 CCR § 3378.5(f).

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for every day served.¹⁹⁹ People get expanded program opportunities as they progress through the debriefing process, going from Phase 1 “pre-DIP” to Phase 1 “post-DIP.”²⁰⁰

A person in DPU who starts the debriefing process and then refuses or fails to complete the process, will be placed in an Administrative Segregation Unit (ASU) for review of potential safety concerns and assessment of where they should be housed. Options include return to their previous unit (such as SDP, SHU, or Administrative SHU), return to the general population, or referral to the DRB.²⁰¹

If a person in DPU is found guilty of an STG-related rule violation, the ICC will review the case and decide whether to return them to the SDP, keep them in the DPU, or place them in some other housing.²⁰²

Debriefing Phase 2 (“Post-DIP”)

The observation phase will begin when the autobiography is accepted and the ICC changes the status to Post-DIP. The observation phase should last no more than six months as long as they are actively participating in the program activities.²⁰³ The purpose of the observation period is to ensure they will be able to program in a general population setting.²⁰⁴

Most people in the observation phase will be housed in a Transitional Housing Unit (THU), which provides continued protection and programming.²⁰⁵ DPU housing will be used for people in Phase 2 when there are enemy, medical, or other special concerns.²⁰⁶ If a person who is debriefing has medical, mental health, mobility or other case factors that cannot be accommodated in the THU, officials from classification and healthcare will confer and decide where to house them. They should receive the same privileges as people in a THU, unless a privilege will create a significant security concern.²⁰⁷

A THU is supposed to be a general population unit, not segregated housing.²⁰⁸ People in a THU are placed in Work Group A-1 and Privilege Group A.²⁰⁹

¹⁹⁹ 15 CCR § 3378.7(e)-(f).

²⁰⁰ 15 CCR § 3378.5(f); 15 CCR § 3378.7(d)-(f).

²⁰¹ 15 CCR § 3378.5(g).

²⁰² 15 CCR § 3378.7(g).

²⁰³ 15 CCR § 3378.5(a); 15 CCR § 3378.7(b).

²⁰⁴ 15 CCR § 3378.8(a).

²⁰⁵ 15 CCR § 3378.5(c); 15 CCR §§ 3378.7-3378.8; see also 15 CCR § 3000.

²⁰⁶ 15 CCR § 3378.5(c); 15 CCR § 3378.7(h).

²⁰⁷ 15 CCR § 3378.8(f).

²⁰⁸ 15 CCR § 3000 (definition of “Transitional Housing Unit”).

²⁰⁹ 15 CCR § 3378.7(d).

If a person in a THU commits any STG-related disciplinary offenses, the ICC will review the case and decide whether to return them to their previous unit (such as SDP, SHU, or Administrative SHU), keep them in the DPU, or place them in some other housing.²¹⁰

Satisfactory completion of the debriefing process must be approved by the OCS and will be documented on a CDC Form 128-B General Chrono.²¹¹ Upon approval, the person will be referred to a classification committee for transfer to housing consistent with their placement scores and other case factors.²¹² A person who has debriefed is deemed to be on Dropout Status.²¹³

A person in a THU who refuses or fails to complete the debriefing process will be referred to a classification committee, which will determine their future housing and program needs or will refer the case to the DRB.²¹⁴

4.33 Termination of STG Validation

People with STG affiliations who have been free of STG behavior in general population housing for a certain number of years can have their STG status terminated. This applies to people who have been released from the SDP to general population, those on dropout status, and those who have been validated but who have remained in general population.²¹⁵

Being free of STG behavior means no STG-related disciplinary violations and no additional source criteria items totaling 10 points or more.²¹⁶

The length of time a person must spend in general population without STG behavior varies depending on the level of validation. An STG-I associate or STG-II associate must do six consecutive years of general population time with no STG behavior to have the validation removed. An STG-I member or STG-II member must do 11 consecutive years of general population time with no STG behavior to have the validation removed.²¹⁷ These time periods start running on (1) the date a person in the SDP is approved for release to the general population; (2) the validation date for people who remain in the general population; OR (3) the date of the CDCR Form 128-B2 documenting dropout status of a person who has debriefed.²¹⁸

²¹⁰ 15 CCR § 3378.7(g); 15 CCR § 3378.8(c).

²¹¹ 15 CCR § 3378.8(a).

²¹² 15 CCR § 3378.5(d); 15 CCR § 3378.8(e).

²¹³ 15 CCR § 3000.

²¹⁴ 15 CCR § 3378.8(e).

²¹⁵ 15 CCR § 3378.10.

²¹⁶ 15 CCR § 3378.10(a)-(b).

²¹⁷ 15 CCR § 3378.10(a)-(b).

²¹⁸ 15 CCR § 3378.10(a)-(b).

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The ICC should consider whether the criteria for termination have been met at the first annual review after the person becomes eligible. If STG status is terminated, an updated CDCR Form 128-B2 Security Threat Group Validation/Rejection Review will be created to reflect the termination.²¹⁹

People whose STG status has been terminated are eligible for housing and programs without any limits related to STG status.²²⁰ They also should not be subjected to parole consequences based on their former STG status, such as High Control supervision and electronic monitoring.²²¹

After STG status has been terminated, a whole new validation process is required to re-validate the person as an STG affiliate.²²²

PLACEMENT IN FACILITIES OTHER THAN CDCR PRISONS

4.34 Conservation Camps

The CDCR places some people with lower security classifications in road maintenance, fire-fighting, and conservation camps that are run in cooperation with the Department of Forestry and Fire Protection, and the Los Angeles County Fire Department. There are 43 conservation camps for adults, three of which are for people identified as women.²²³

4.35 Modified Community Correctional Facilities (MCCFs) and other Contract Prisons

Because of prison overcrowding, the CDCR has contracted with private companies and other public agencies to house some people in state prisons. There are in-state contract facilities called Modified Community Correctional Facilities (MCCFs). The CDCR is also placing people in a facility called California City Correctional Facility (CF); the facility is privately owned, but is leased by the state and the staff are CDCR employees.²²⁴

CDCR classification staff decide which people can go to an MCCF or the CF, based on classification factors such as security and custody levels, health care needs and other placement concerns. The CDCR is responsible for how people in MCCF/CFs are treated, and people in MCCF/CF prisons are protected by the class action lawsuits that govern some conditions in California state prisons. Also, people should get the same number and type of good conduct credits while at an MCCF/CF that they would receive if they were at a regular CDCR prison.

²¹⁹ 15 CCR § 3378.10 (a)(3)-(4),(b)(3)-(4).

²²⁰ 15 CCR § 3378.10(a)(5), (b)(5).

²²¹ See 15 CCR § 3504(a)(1),(a)(3)(E); 15 CCR § 3545(c)(4); 15 CCR § 3561(b)(2).

²²² 15 CCR § 3378.10(a)(5), (b)(5).

²²³ Penal Code § 2760; Penal Code § 2780.5; CDCR website at www.cdcr.ca.gov/conservation_camps/.

²²⁴ Current information on the MCCFs and CFs is on the CDCR website at www.cdcr.ca.gov/Facilities_Locator/Community_Correctional_Facilities.

4.36 Department of State Hospitals (DSH) Facilities

A person who is mentally ill may be transferred involuntarily to a Department of State Hospitals (DSH) facility for stabilizing psychiatric treatment.²²⁵

In non-emergency cases, the person must be given notice of the intended transfer to the state hospital, an opportunity for a hearing, a staff assistant to help prepare and participate in the hearing, and a written decision within 72 hours after the hearing.²²⁶ In some emergency cases, a person may be transferred and later provided a review hearing after arrival at the state hospital.²²⁷

At the state hospital, the person remains under the jurisdiction of the CDCR and is subject to the CDCR's rules and regulations.²²⁸

If the state hospital administrator concludes that the person no longer can benefit from treatment at the state hospital, they must be returned to the CDCR.²²⁹

4.37 CDCR Contract Prisons in Other States

The state of California can contract with private and public facilities in other states for bed space and transfers people voluntarily and involuntarily to those facilities. It started doing after overcrowding became so bad in 2006 that the Governor issued an Emergency Proclamation. However, the State announced in its 2018-2019 Budget that it expects to stop using out-of-state facilities by the end of January 2019.²³⁰

People in men's prisons can be reviewed for out-of-state transfer eligibility upon arrival in the reception center and at classification reviews. Transfer eligibility depends upon the security and custody levels, the length of time left to serve, and whether they have mental health, medical, or disability needs that cannot be met at an out of state facility. The CDCR also has set priorities regarding which people are eligible and are more likely to be transferred out of state.²³¹ Before a person can be transferred out of state, they have the right to consult with an attorney concerning their transfer rights; a state-appointed attorney will be provided if they cannot afford to hire an attorney. A person may waive their right to an attorney consultation.²³²

²²⁵ Penal Code § 268.

²²⁶ 15 CCR § 3369.1(a); *Vitek v. Jones* (1980) 445 U.S. 480, 493-496 [100 S.Ct. 1254; 63 L.Ed.2d 552].

²²⁷ 15 CCR § 3369.1(b).

²²⁸ 15 CCR § 3369.1(c).

²²⁹ Penal Code § 2685.

²³⁰ Penal Code § 11191; see also *California Correctional Peace Officers' Ass'n v. Schwarzenegger* (2008) 163 Cal.App.4th 802 [77 Cal.Rptr.3d 844] (governor acted within authority when he issued Proclamation authorizing transfer of people in California prisons to out-of-state facilities).

²³¹ 15 CCR § 3379(a)(9); California Correctional Health Care Services, *IMSPe&P*, Vol. 4, Ch. 29.2 (May 2015).

²³² Penal Code § 11191(b); 15 CCR § 3379(a)(9).

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People transferred to another state or federal prison to serve a California sentence remain under the legal jurisdiction of California, and California can have any person returned at any time.²³³ Remaining under California’s jurisdiction also means that the person is entitled to any rights or benefits they would have received in California.²³⁴ Thus, a person in a California prison who is transferred out of state is eligible to earn worktime (one-for-one) credits under the same conditions as would be applied in this state.²³⁵ California also is responsible for providing the person housed out of state with California legal materials to ensure that they have access to California courts.²³⁶ People who will have parole hearings will just be transferred back to California for their parole hearings.

An out-of-state transfer does not require the person to be paroled in the other state; in fact, unless the person and the jurisdictions involved agree otherwise, they will be returned to California for parole.²³⁷ If parole outside California is desired, it must be arranged separately (see § 11.13).

The rules regarding the right of a person in a California prison with a concurrent term in another state or in the federal system to request a transfer to that jurisdiction to serve the term are discussed starting at §§ 10.27-10.29.

4.38 Out-to Court Transfers

A person in a CDCR prison can be transferred temporarily to the custody of a county sheriff or federal marshal for legal proceedings; this is called being “out-to-court” (OTC). Out-to-court transfers are initiated by an order from a judge directing the CDCR institution to transport the person to a specific place or turn them over to a county sheriff or federal marshal on a certain date.²³⁸ They should continue earning their regular Good Conduct Credits, but may lose out on opportunities to earn Milestone Completion Credits, Rehabilitative Achievement Credits or Educational Merit Credits while they are out to court see §§ 8.27-8.36). These transfers can be quite disruptive to a person as their property will be packed up and they may lose their program assignment.

4.39 Voluntary Transfer to Out-of-State or Federal Prisons

A person may wish to serve their California prison term in another jurisdiction. The Western Interstate Corrections Compact (WICC)²³⁹ and the Interstate Corrections Compact (ICC)²⁴⁰ allow the state of California to enter into contracts with other states for the transfer and exchange of people in

²³³ Penal Code § 11189, Article IV(c); 15 CCR § 3379(a)(9)(I).

²³⁴ Penal Code § 11189, Article IV(e).

²³⁵ 15 CCR § 3043; 15 CCR § 3043.6; 15 CCR § 3079(a)(6).

²³⁶ *Boyd v. Wood* (9th Cir. 1995) 52 F.3d 820.

²³⁷ Penal Code § 11189, Article IV(g).

²³⁸ DOM § 62070.14.

²³⁹ Penal Code § 11190.

²⁴⁰ Penal Code § 11189.

prison, and other statutes give California the authority to enter into such contracts with the federal government.²⁴¹

Before a person can be transferred, they have the right to consult with an attorney; a public defender will be appointed if they cannot afford to hire an attorney. The person in prison must be informed of the right to consult with an attorney prior to signing a transfer consent form. In addition, at any time more than five years after the transfer, the person in prison can revoke their consent and demand transfer back to a California prison.²⁴²

Information about the jurisdictions with which California has exchange contracts and criteria for transfers can be obtained from the CDCR Contract Beds Unit, which oversees Compact transfers.²⁴³ Transfers to other jurisdictions generally are used for people with special needs, such as an unusually severe need for protective custody, and for cases where the person's permanent residence, resources, and future parole support are outside California.

This type of transfer normally is initiated by request of the person in prison. A transfer request can also be initiated on request by a court, District Attorney, or law enforcement official. Institution staff then prepare a report and submit it to the DRB.²⁴⁴ Even if the DRB approves a transfer, a transfer will occur only if the other state agrees to take the person.

People transferred under a Compact are eligible to earn the same Good Conduct Credits and Milestone Completion Credits as if they remained in a CDCR prison.²⁴⁵

The Interstate Corrections Compact is not a federal law, and a violation of the Compact cannot be raised in a federal civil rights lawsuit unless it also affects some right protected by the federal Constitution or a federal statute.²⁴⁶

4.40 Transfers to Other Nations

People in prison who are from other countries may request to be transferred to their native country to serve their term. The transfer of a person from the United States prison to another country can occur only when there is a treaty authorizing transfers between the sentencing and requesting countries.²⁴⁷ The United States is party to “prisoner exchange” or “prisoner transfer” agreements that govern the transfer of people in prison from states like California to many other nations.²⁴⁸ In reality,

²⁴¹ Penal Code § 2911(a).

²⁴² Penal Code § 11191(b).

²⁴³ Contact information is on the CDCR website at www.cdcr.ca.gov/Visitors/CA_Out_Of_State_Facilities.html.

²⁴⁴ 15 CCR § 3376.1(d)(5); DOM § 62010.10.4.

²⁴⁵ 15 CCR § 3042(b); 15 CCR § 3043(d).

²⁴⁶ *Ghana v. Pearce* (9th Cir. 1998) 159 F.3d 1206, 1209.

²⁴⁷ See 18 U.S.C. § 4100.

²⁴⁸ For the full list of nations, see www.justice.gov/criminal-oeo/list-participating-countries.

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very few requests for international transfers are approved. From 2000 to 2010, California transferred only 40 people in prison; nearly half of the transfers were to Canada.²⁴⁹

Board of Parole Hearings (BPH) staff must notify each person born outside the U.S. that they may be eligible to serve the prison term in their nation of citizenship.²⁵⁰ If a person requests that their national consulate be notified of their incarceration, California prison officials must send such notification.²⁵¹

The prison transfer treaties mostly have similar requirements and procedures for transfer. The basic requirements are that (1) the person must be a national of the country to which they are seeking transfer; (2) the conviction must also be a crime in the receiving country; (3) the conviction and sentence must be final; (4) there can be no pending appeals or collateral attacks on the conviction or sentence; (5) the sentencing country, the receiving country, and the person must all consent to the transfer; and (6) a minimum period of time (typically six months) must remain to be served on the person's sentence at the time that the application is submitted. Some treaties include additional requirements, such as the person may not have become a resident of the sentencing country, must not be sentenced to death, must have a determinate (set length) sentence or a set parole date, and must not have committed an immigration, military or political offense.²⁵²

The person's sentence follows them to the transfer nation. However, upon return to the country of nationality, a transferred person becomes subject to the laws of the receiving country.²⁵³ For example, under U.S.-Mexico Treaty the actual length of confinement may be changed in accord with the laws of the receiving country. However, the legal sentence imposed may be contested, altered, or set aside only in the transferring countries courts.²⁵⁴

Even when a person meets all the basic requirements of the transfer treaties, a transfer requires the consent of the sentencing nation, the receiving nation, and the person with the conviction. The procedural requirements with regard to the person's consent are set out in federal legislation.²⁵⁵ Special procedures apply for gaining the consent of minors and people of unsound mental condition.²⁵⁶

The BPH requires that a person in prison initiate any transfer to their nation of citizenship by contacting their counselor and filling out a transfer application. The person in prison must write also to their embassy and ask embassy officials to send a letter directly to the BPH, indicating an agreement

²⁴⁹ See U.S. Department of Justice Website at www.justice.gov/criminal-oeo/international-prisoner-transfer-program.

²⁵⁰ Penal Code § 2912; Penal Code § 5028(a).

²⁵¹ Penal Code § 5028(a).

²⁵² See 18 U.S.C. § 4100. The U.S. Department of Justice website has much information on international transfers, available at www.justice.gov/criminal-oeo/international-prisoner-transfer-program. See also *In re Hogan* (1986) 187 Cal.App.3d 819 [232 Cal.Rptr. 90] (Canadian treaty does not apply to people serving terms of 25 years to life); *Hogan v. Koenig* (9th Cir. 1990) 920 F.2d 6. (California officials had authority to deny person with life sentence's transfer request based on seriousness of crime and length of sentence).

²⁵³ See, e.g., 18 U.S.C. § 4103.

²⁵⁴ See U.S.-Mex. Treaty (Nov. 25, 1976, T.I.A.S. No. 8718), Article VI; 18 U.S.C. § 3244; Courts have upheld the constitutionality of such provisions. See, e.g., *Pfeifer v. U.S. Bureau of Prisons* (9th Cir. 1980) 615 F.2d 873.

²⁵⁵ 18 U.S.C. § 4100(b) (verification of consent); 18 U.S.C. § 4107-4109 (right to counsel and due process rights).

²⁵⁶ 18 U.S.C. § 4100(b).

to accept the person and providing information on how long they will be incarcerated in the foreign nation and the parole programs that will be available.²⁵⁷

The BPH then makes the decision as to whether California will allow transfer. The BPH will consider a variety of factors, including the seriousness of the offense, the prior criminal history, the health and the “possibility of the transfer contributing to social rehabilitation.” The entire process may take six months to a year or more to complete.²⁵⁸

If approval is granted by the BPH and the other nation agrees to accept the person, the matter will go to the U.S. Attorney General for approval or disapproval.²⁵⁹ The Attorney General’s discretion in transfer decisions is essentially unfettered, but the Attorney General does follow some guidelines.²⁶⁰

WORK, EDUCATION, VOCATION, AND PROGRAM ASSIGNMENTS

4.41 Overview of CDCR Programs

The CDCR has a wide variety of program and job assignments. People can attend academic and vocational education programs and perform many jobs necessary for the functioning of the prison. They staff fire-fighting and conservation camps, manufacture items for the state-run Prison Industry Authority (the PIA), and work for private employers through Joint Venture Programs. The available programs vary from prison to prison. The CDCR is working to expand rehabilitative programming.²⁶¹ Current information about many of the CDCR’s rehabilitative programs, and which prisons have which programs, is on the CDCR website at www.cdcr.ca.gov/rehabilitation/.

Prison assignments also vary greatly in terms of the skills needed, prestige, and pay. Many people work without any pay at all, and some types of assignments are always non-paid positions: Inmate Advisory Council, most vocational student assignments, academic student assignments, and substance abuse or therapeutic programming. Paid assignments are a privilege allocated by the institution’s Inmate Pay Committee Assignment.²⁶² For most paid jobs, the compensation ranges from \$0.08 per hour to \$0.37 per hour; the regulations also allow exceptions to the pay scale in special circumstances, and set forth rules for pay increases and reductions.²⁶³ People working for the Prison Industry Authority (PIA) earn somewhat higher rates,²⁶⁴ and those employed by a Joint Venture

²⁵⁷ 15 CCR § 2870(a).

²⁵⁸ 15 CCR § 2870; BPH, *Brochure on International Prisoner Transfer Program*, www.cdcr.ca.gov/boph/docs/Brochure_for_Inmate_Transfer_8-01-07_eng.pdf.

²⁵⁹ See 10 U.S.C. § 955(a); 18 U.S.C. § 4102(3).

²⁶⁰ The guidelines are on the U.S. Department of Justice website at www.justice.gov/criminal-oeo/international-prisoner-transfer-program.

²⁶¹ See CDCR, *An Update to Future of Corrections* (Jan. 2016), pp. 9-11, available at www.cdcr.ca.gov/Blueprint-Update-2016/An-Update-to-the-Future-of-California-Corrections-January-2016.

²⁶² 15 CCR § 3040(j)-(l).

²⁶³ 15 CCR § 3041.2.

²⁶⁴ DOM § 51121.10.

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Program earn at least the legal minimum wage (although a portion of those earnings are deducted or diverted for various uses).²⁶⁵

4.42 Federal and State Rights Regarding Programs

People in prison have no federal constitutional Fourteenth Amendment due process right to be assigned to a job or rehabilitative program.²⁶⁶ Idleness due to lack of jobs or programs does not by itself constitute cruel and unusual punishment in violation of the Eighth Amendment, although it could possibly contribute to overall unconstitutional conditions.²⁶⁷ In addition, working conditions that pose a serious risk of harm to a person in prison may be cruel and unusual punishment.²⁶⁸ Also, the equal protection clause of the U.S. Constitution's Fourteenth Amendment bars prison officials from excluding groups of people from programs without having at least a rational basis for doing so; higher standards apply if the exclusion is based on race or gender.²⁶⁹

People in prison have no right to be paid for their work under either international law or the Due Process Clause of the Fifth Amendment to the U.S. Constitution.²⁷⁰

The federal Americans with Disabilities Act (ADA) prohibits prison officials from discriminating against people with disabilities when making program assignments.²⁷¹ This means that a person cannot be denied an opportunity to participate in a program because of a disability if they can perform the “essential functions” of the program, with or without reasonable accommodations.²⁷²

State law says that prison programs should be aimed at preparing people with non-violent felony offenses for successful re-entry into the community, and encourages CDCR to give programming priority to people with shorter time left to serve.²⁷³ However, the CDCR rules grant broad power to prison officials to determine which people are placed in program assignments.²⁷⁴

Classification committees decide whether a person will be assigned to or removed from a program or job. To assist in these decisions, an automated needs assessment tool is used to identify

²⁶⁵ See Penal Code § 2717.8.

²⁶⁶ *Moody v. Daggett* (1976) 429 U.S. 78, 87, fn. 9 [97 S.Ct. 274; 50 L.Ed.2d 236]; *Rizzo v. Dawson* (9th Cir. 1985) 778 F.2d 527, 531.

²⁶⁷ *Toussaint v. McCarthy* (9th Cir. 1986) 801 F.2d 1080, 1106-1107; *Hoptowit v. Ray* (9th Cir. 1982) 682 F.3d 1237, 1254-1255.

²⁶⁸ See *Morgan v. Morgensen* (9th Cir. 2006) 465 F.3d 1041; *Moreno v. Thomas* (C.D. Cal. 2007) 490 F.Supp.2d 1055. *Wallis v. Baldwin* (9th Cir. 1995) 70 F.3d 1074.

²⁶⁹ *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223 (requiring CDCR to stop excluding people in men's prisons from the Alternative Custody Program (ACP)).

²⁷⁰ *Serra v. Lappin* (9th Cir. 2010) 600 F.3d 1191.

²⁷¹ 42 U.S.C. § 12131 et seq.; *Pennsylvania Dept. of Corrections v. Yeskey* (1998) 524 U.S. 206, 208-212 [118 S.Ct 1952; 141 L.Ed.2d 215]; See 15 CCR § 3085.

²⁷² *Armstrong v. Davis* (N.D. Cal. Jan. 3, 2001) No. C94-2307, Remedial Plan, §§ II.E, IV.I.14.

²⁷³ Penal Code § 1170(a)(2).

²⁷⁴ See 15 CCR § 3040.

each person’s “core criminogenic needs.”²⁷⁵ An Inmate Assignment Officer usually maintains the program waiting lists and makes specific assignments.²⁷⁶

People in prison generally have no right to refuse to work.²⁷⁷ If a person in a California prison chooses not to work, that decision will result in restrictions on privileges, loss of time credits already earned, and zero credit earning in the future (see §§ 4.21, 5.10, 8.30).²⁷⁸

CDCR rules do provide some procedural rights regarding job and program assignments. The most important right is to notice and a hearing before officially being removed from an assignment.²⁷⁹ Also, a person who is removed from a credit-qualifying job or program for non-adverse reasons must be retained in the same credit-earning category.²⁸⁰

The CDCR rules also allow people in Work Groups A-1 and B to earn “Excused Time Off” (ETO). ETO is roughly equivalent to sick days or vacation days in the outside work world. A person can use ETO for approved absences, which can include sick days, family visiting or (in some circumstances) regular visiting, weddings, temporary community leave, special religious functions, non-routine entertainment and recreation activities, and emergency telephone access. However, people who receive pay for their work are not paid for excused time off. Use of ETO must be authorized by the person’s program supervisor.²⁸¹

4.43 Workers’ Compensation for On-the-Job Injuries

Workers’ compensation is a benefit program for workers who are injured on the job or get sick from diseases caused by their job.²⁸² The program is overseen by the California Department of Industrial Relations, Division of Workers’ Compensation (DWC). The CDCR must notify workers about their workers’ compensation rights and the procedures for applying for benefits.²⁸³

²⁷⁵ 15 CCR § 3375.6.

²⁷⁶ 15 CCR § 3040(c)-(g).

²⁷⁷ *Draper v. Rbay* (9th Cir. 1963) 315 F.2d 193, 197 (U.S. Constitution’s Thirteenth Amendment does not prohibit involuntary servitude as punishment for crime); see also *Berry v. Bunnell* (9th Cir. 1994) 39 F.3d 1056, 1057 (person in prison can be disciplined by being required to work extra shift).

²⁷⁸ 15 CCR § 3315(f)(5)(E).

²⁷⁹ See 15 CCR § 3375(f)(1).

²⁸⁰ 15 CCR § 3043.6(a)(2).

²⁸¹ 15 CCR § 3045.2.

²⁸² If an injury is compensable through workers’ compensation, then workers’ compensation is the sole state law remedy against an employer. Labor Code § 3602.

²⁸³ Labor Code § 3370(b).

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To be eligible for benefits, a person must have a physical injury that happened during or as a result of assigned prison work.²⁸⁴ Injuries that a person intentionally causes or that result from an assault in which the person was the aggressor are not covered.²⁸⁵

People in prison cannot receive worker's compensation benefits in prison, but may be able to receive benefits after being released.²⁸⁶ There are three types of worker's compensation benefits. First, wage compensation benefits help replace potential earnings lost because of the injury, if the person is still partly or totally disabled at the time of release.²⁸⁷ Second, medical benefits cover cost of continuing medical care for the on-the-job injury.²⁸⁸ Third, a person who can't return to their former work when they are released may be able to get a voucher to help pay for training or education to do some different type of work.²⁸⁹

In addition to workers compensation, people in prison who are injured on the job may be eligible for vocational rehabilitation services.²⁹⁰ When an injured person suffers a continuing work-related disability for at least 28 days and there is a reasonable expectation that the injured person would benefit from a rehabilitation program, they shall be notified of the availability of rehabilitations services.²⁹¹ Any rehabilitation program is to be instituted by the workers' compensation coordinator at the prison where the person is incarcerated. When a person with eligible injuries is released, this coordinator shall notify SCIF so that SCIF can initiate a rehabilitation program.²⁹² Rehabilitation services are an additional benefit that is not intended to replace monetary worker's compensation benefits.²⁹³

A person who is injured on the job should report the injury to their supervisor immediately and ask for a copy of the workers' compensation guidelines and claim form. The supervisor is supposed to make sure the person received the claim form within one working day after finding out about your injury or illness.²⁹⁴ A person should immediately fill out the "employee" portion of the Workers' Compensation Claim Form (DWC Form 1, attached as Appendix 4-B), and give it to the

²⁸⁴ Labor Code § 3208.3(j); Labor Code § 3351(e); Labor Code § 3370(a); see also Penal Code § 2601(h); *Cramford v. Workers' Comp. Appeals Bd.* (1986) 185 Cal.App.3d 1265 [230 Cal.Rptr. 425] (denying workers' compensation to person in a forestry camp who was injured off-duty).

²⁸⁵ Labor Code § 3370(a)(1).

²⁸⁶ Labor Code § 3370(a)(2)-(3).

²⁸⁷ Labor Code § 3370(a)(2)-(3). See Labor Code §§ 4452.5-4453; Labor Code §§ 4653-4664. In the past, an injured worker's temporary disability benefits might have been set at zero if they had been working in a non-paying job. See *Dept. of Corrections v. Workers' Comp. Appeals Bd.* (2003) 109 Cal.App.4th 1720 [1 Cal.Rptr.3d 348]. However, the law now sets a higher minimum compensation rate. See Labor Code 4453.

²⁸⁸ Labor Code § 4600(a). People generally will not be entitled to any medical benefits while in prison, since the CDCR is responsible for providing medical care. Labor Code § 3370(c). However, if the injury is a "serious" one, a person might be entitled, upon request, to the services of a consulting physician paid by workers' compensation. Labor Code § 3370(c).

²⁸⁹ Labor Code §§ 4658.5-4658.7.

²⁹⁰ Penal Code § 5069.

²⁹¹ Penal Code § 5069; see also DOM § 31020.7.5.

²⁹² DOM § 31020.7.5.

²⁹³ Penal Code § 5069(f).

²⁹⁴ Labor Code § 5401.

supervisor. The job supervisor must forward the claim to the prison workers' compensation claims administrator and give the person in prison a copy of the completed claim form. The claims administrator is supposed to decide within "a reasonable time" to accept or deny the claim.²⁹⁵

If the prison claims administrator denies the claim, a person can challenge the decision by filing an Application for Adjudication of Claim (WCAB Form 1, attached as Appendix 4-B) at the DWC/Workers' Compensation Appeals Board (WCAB) district office for the county where the person was injured or is now housed.²⁹⁶ The DWC office will send a notice confirming that the Application has been filed and assigning a case number, and will serve the application on the prison claims administrator.

A person can try to find an attorney to represent them on their workers' compensation case. An attorney cannot charge directly for representation, but can be awarded a fee out of a portion of any workers' compensation benefits that are awarded.²⁹⁷ The person can request that the CDCR provide a list of workers' compensation attorneys whom they can contact to ask for representation.²⁹⁸ Also, a person who has a disability can ask the DWC for any needed accommodations to use the DWC processes.

To get a hearing about the claim before a judge, a person must file a Declaration of Readiness to Proceed and serve a copy on the prison claims administrator (DWC-CA Form 10250.1, attached as Appendix 4-B). An administrative law judge will then try to get the person in prison and the prison to reach a settlement. If no settlement is reached, the case will be scheduled for a trial.²⁹⁹

A person who disagrees with the judge's decision can file a Petition for Reconsideration (SWC/WCAB Form 45, attached as Appendix 4-B) with the Workers' Compensation Appeals Board (WCAB). The petition must be filed within 20 days after service of the decision being challenged. The person should file the petition at the district office from which the decision was issued, and serve a copy on the prison claims administrator.³⁰⁰

A person who disagrees with the decision of the WCAB can apply to the court of appeal for a writ of review within 45 days after the WCAB denies the petition for reconsideration.³⁰¹

More information and useful forms are available on the websites of the DWC at www.dir.ca.gov/DWC/ and the WCAB at www.dir.ca.gov/WCAB/wcab.htm, or by contacting:

Workers' Compensation Appeals Board
Post Office Box 429459
San Francisco CA 94142-9459

Workers' Compensation Appeals Board
455 Golden Gate Avenue, 9th Floor
San Francisco CA 94102

²⁹⁵ 8 CCR § 10140(a).

²⁹⁶ Labor Code §§ 5501-5501.5.

²⁹⁷ Labor Code § 4555.

²⁹⁸ Labor Code § 3371.

²⁹⁹ Labor Code § 5502.

³⁰⁰ Labor Code §§ 5900-5905.

³⁰¹ Labor Code § 5950 et seq.

4.44 Academic and Vocational Education Programs

California law requires the CDCR to test each person's reading level and provide programs to raise literacy to at least the ninth grade level.³⁰²

Most prisons have academic programs at a range of levels from first grade up to the equivalent of high school graduation. Some prisons offer English as a Second Language (ESL) classes, pre-release programs, and college classes.

The CDCR also offers vocational education programs to teach employment skills. These programs include both classroom education and hands-on work experience. The available programs vary by prison, and include such skills as construction, landscaping, welding, roofing, automotive repair, electronics, plumbing, office services, computer literacy, cosmetology and graphic arts.

4.45 Work Programs

Many people work in support services jobs without which the prisons could not run. People in prison work in the kitchen and laundry, clean and maintain the buildings and grounds, and do clerical work.

Prison Industry Authority (PIA) jobs are more lucrative and prestigious. The PIA operates industrial, service, and agricultural enterprises; many of the items produced are sold to other state agencies.³⁰³ For example, people in California prisons produce eyeglasses for Medi-Cal, make furniture and mattresses for use in state buildings, make license plates, and run a dairy. PIA wages generally are better than the wages for other prison jobs. However, people employed in the PIA may earn no more than one-half the state minimum wage, and actual wages range from \$0.30 to \$0.95/hour.³⁰⁴

The CDCR also employs some people lower security prisons in road maintenance, fire-fighting, and conservation camps that are run in cooperation with the Department of Forestry and Fire Protection and the Los Angeles County Fire Department. Pay grades range from \$1.45 per day to \$3.90 per day, with significantly increased pay for emergency fire-fighting work.³⁰⁵

People in Joint Venture Programs work for private companies that set up operations on prison grounds.³⁰⁶ Joint Venture employees earn wages comparable to those paid to free employees for similar work, which is at least the legal minimum wage.³⁰⁷ However, up to 80 percent of these wages may be deducted for taxes, payment to the CDCR for room and board, restitution, and family support.³⁰⁸ The

³⁰² Penal Code §§ 2053-2053.1. The CDCR uses the Test of Adult Basic Education (TABE). DOM § 101010.3.

³⁰³ See Penal Code §§ 2800-2807; Prison Industry Authority website at www.calpia.ca.gov.

³⁰⁴ Penal Code § 2700; Penal Code § 2811; DOM §§ 51121.1-51121.20. Note that people who work for prison-run industries are not entitled to earn the federal minimum wage. *Burleson v. California* (9th Cir. 1996) 83 F.3d 311, 313; *Hale v. Arizona* (9th Cir. 1993) 993 F.2d 1387, 1389.

³⁰⁵ Penal Code § 2760; Penal Code § 2780.5; DOM §§ 51130.1-51130.34.

³⁰⁶ Penal Code §§ 2717.1- 2717.2.

³⁰⁷ 15 CCR § 3484; *Vasquez v. California* (2003) 105 Cal.App.4th 849 [129 Cal.Rptr.2d 701] (taxpayer action could be brought to compel CDCR to enforce JVP operator's obligation to pay market wages).

³⁰⁸ Penal Code § 2717.8.

CDCR generally deducts 20 percent of a person's pay for any restitution that is owed, 20 percent for room and board, and up to 20 percent for family support; another 20 percent is placed in a savings account to be provided to the person upon release from prison. In a few instances, a warden may authorize a person to withdraw from their JVP accounts early for purposes such as hiring an attorney.³⁰⁹ People with Joint Venture jobs are not eligible for unemployment benefits upon release from prison.³¹⁰

4.46 Cognitive Behavioral Therapy and Substance Abuse Treatment Programs

Although the programs vary from prison to prison, most California prisons offer informal self-help programs such as Alcoholics Anonymous and Narcotics Anonymous. Many also run Cognitive Behavioral Treatment (CBT) programs which include Substance Abuse Programs (SATs), Criminal Thinking, Anger Management, and Family Relationships programs. Some of the programs are operated by private agencies.

A person must meet certain criteria to be eligible to participate in an SAT. First, they must be identified as having a specific need for substance abuse treatment, which is identified through a CDCR assessment tool. Second, they must be in the classification level established for the program at that prison. Third, they must have a release date that allows full participation for the entire length of the program. Finally, the regulations state that a person must not have received a SHU term in the last year, be a member or associate of a prison gang, or have an active or potential immigration or felony detainer.³¹¹

4.47 Long Term Offender Programs

The CDCR also has a Long Term Offender Program (LTOP) to provide people who are serving long sentences with rehabilitative programs. Participation is voluntary. To participate, a person must be in the general population have a specific need for the program as identified by a CDCR assessment tool, and be serving either an indeterminate sentence with the possibility of parole or a long term determinate sentence. In addition, the person must be within one to five years from a parole suitability hearing. People enrolled in the Mental Health Services Delivery system or Enhanced Outpatient (EOP) level of care may be considered for LTOP, though people on EOP status must be approved by an Interdisciplinary Treatment team. People are not eligible for LTOP if they have been found guilty of a Division A, B or C rule violation within a year (unless the offense was for manufacturing alcohol or possession of a controlled substance). People who have served SHU terms less than 12 months are also ineligible. Priority is given to people who are closest to their next parole suitability hearing.³¹²

³⁰⁹ 15 CCR § 3485(h)-(i).

³¹⁰ Penal Code § 2717.9.

³¹¹ 15 CCR § 3040.1.

³¹² 15 CCR § 3040.2; 15 CCR § 3379(a)(11).

4.48 Reentry Hub Programs

About a dozen CDCR prisons (including both men’s and women’s prisons) have facilities that offer Reentry Hub Programs to help people transition back into society. There is also one reentry facility for people in women’s prisons that is run by a private company that contracts with the CDCR. These programs involve enhanced academic education, career technical education, cognitive therapy programs, plus transitional programs and assistance obtaining a California ID card. Reentry Hub placement is available to people who have one to four years until release, have risk assessment scores of moderate or high, and do not have an active felony or immigration detainer.³¹³

COMMUNITY PLACEMENTS

4.49 Overview of Community Placements

State law generally authorizes the CDCR to enter into contracts with public agencies and private companies to provide “work furlough programs” at reentry facilities in the community for people who are nearing their release dates. A person is ineligible for such placement if they would pose an “unreasonable degree of risk to the public,” or for certain criminal history, prison disciplinary, or behavior factors.³¹⁴ Each person is entitled to an individual review to determine whether they are eligible for a reentry program.³¹⁵

The CDCR may not exclude a person from reentry placements due to a disability if the person can perform the essential functions of the program with or without reasonable accommodations. Some reentry facilities have been designated to house people with disabilities.³¹⁶

4.50 Alternative Custody Program (ACP)

The Alternative Custody Program (ACP) permits some people to serve the remainder of their sentences in residential homes, nonprofit residential drug-treatment programs, or transitional care facilities.³¹⁷ The program initially focused on low custody-level people in women’s prisons. However, a court ordered the CDCR to extend the ACP to people in men’s prisons.³¹⁸

To be eligible, a person must have no more than 12 months and no less than 45 days of their sentence left. The person must not have a current serious or violent felony conviction and not be required to register as a sex offender. Some other types of crimes, in-prison behavior, or classification factors behavior will also exclude a person from consideration for the ACP. However, existence of a

³¹³ 15 CCR § 3379(a)(10); CDCR, *Rehabilitation Today!*, Issue 5 (Apr. 2013); McFarland Female Community Re-entry Facility Brochure (undated)

³¹⁴ Penal Code §§ 6260-6266.

³¹⁵ *In re Head* (1983) 147 Cal.App.3d 1125 [195 Cal.Rptr. 593].

³¹⁶ See *Armstrong v. Davis* (N.D. Cal. Jan. 3, 2001) No. C94-2307, Remedial Plan, §§ I.K-L; *Clark v. California* (N.D. Cal. Mar. 1, 2002) No. C96-1486, Remedial Plan, § IV G.

³¹⁷ Penal Code § 1170.05.

³¹⁸ *Sassman v. Brown* (E.D. Cal 2015) 99 F.Supp.3d 1223.

medical or psychiatric condition requiring ongoing care is not a basis for ineligibility. The process for submitting and processing of a request for ACP placement is set forth in the CDCR's regulations.³¹⁹

People who are placed in the ACP receive credit for actual time served and the same conduct credits that they would have received if they had served the time in prison.³²⁰ Participants in the ACP are supervised by a parole agent and can be subjected to searches, electronic monitoring, and other conditions.³²¹ ACP participants can be returned to prison for any reason, including no longer meeting the program criteria, not complying with the conditions of the program, failure of the electronic monitoring device, new criminal activity, or when the available programs can no longer meet their needs. A person can also ask to be removed from the ACP.³²²

4.51 Male Community Reentry Program (MCRP)

The Male Community Reentry Program (MCRP) is a voluntary program that allows people in men's prisons to serve the end of their prison sentences in community programs. The programs provide or arrange connections to rehabilitative services that assist with substance abuse disorders, mental health and medical care, employment, education, housing, and family reunification. The MCRP is available to people who have between 30 days and approximately one year left to serve. Factors that make a person ineligible for MCRP placement are paroling to county without an MCRP, having a sex offender registration requirement or risk assessment score of "high violence," being validated as a Security Threat Group (STG)-I affiliate, or a record of certain recent rule violations, escape, or SHU/PHU placement.³²³

4.52 Custody to Community Transitional Reentry Program (CCTRP)

The Custody to Community Transitional Reentry Program (CCTRP) allows eligible people in women's prisons with convictions for serious and violent crimes to volunteer to serve some or all of their sentence in a residential community program. The CCTRP provides a range of rehabilitative services that assist with alcohol and drug recovery, employment, education, housing, family reunification, and social support.

CCTRP participants are eligible to receive any sentence credits that they would have received had they served their sentence in prison. Participants may be returned to an institution to serve the remainder of their term at any time with or without cause.

To be placed into the CCTRP, a person in a woman's prison must have a minimum of 45 days and a maximum of two years to participate prior to their release date. CDCR has discretion on program placements and can also remove a participant from a program at any time.³²⁴

³¹⁹ 15 CCR §§ 3078-3078.4.

³²⁰ Penal Code § 1170.05(a).

³²¹ Penal Code § 1170.05(g); 15 CCR § 3078.5.

³²² 15 CCR § 3078.6.

³²³ The CDCR website at www.cdcr.ca.gov/rehabilitation/MCRP.html has more information on MCRPs.

³²⁴ More information, including the locations of current CCTRP facilities is on the CDCR website at www.cdcr.ca.gov/Adult_Operations/FOPS/Custody_to_Community_Transitional_Reentry_Program.html.

4.53 Community Prisoner Mother Program (CPMP)

The Community Prisoner Mother Program (CPMP) is for people in women’s prisons who are pregnant or have children age six or under. The CPMP allows eligible people to move into a community substance abuse treatment facility where they may reside with their children. The CPMP provides rehabilitative and medical services for the people and pediatric care and services for their children.³²⁵

The basic eligibility criteria are that the person must:

- ◆ have one or two children under the age of six (born either before or after they arrived in the CDCR) or be pregnant;³²⁶
- ◆ have a sentence with a maximum time of six years left to serve (after deduction of expected good conduct credits);
- ◆ have been the primary caretaker of the child prior to incarceration; and
- ◆ not have been found to be an “unfit mother” in a court proceeding.³²⁷

A person will be denied CPMP placement if:

- ◆ the placement would pose an unreasonable risk to the public;
- ◆ the person has been convicted of any sex offense listed in Penal Code § 667.6 or requiring sex offender registration, a violent felony (those convicted of robbery or first-degree burglary may be considered on a case by case basis) or arson,
- ◆ there is a probability the person will abscond from the program due to escape history or detainer other than a traffic misdemeanor; or
- ◆ there is a probability that the person will be a management problem.³²⁸

To be considered for the CPMP, a person in a women’s prison must fill out an application and submit it to their counselor for processing. The CDCR must determine whether to admit the applicant into the program within 30 days after the application is submitted.³²⁹

When a child in the CPMP turns six years old, the BPH may arrange for the child to be cared for in a non-CDCR placement. At that time, the BPH may also transfer the mother to a CDCR prison.

³²⁵ Penal Code §§ 3410-3424. Previously, CDCR also operated an alternative sentencing program for mothers and pregnant people, the Family Foundations Program (FFP). The FFP closed after changes in the criminal laws resulted in most of the eligible defendants receiving county jail terms. Penal Code §§ 1174-1174.9; CDCR, *The Future of California Corrections* (2012), available at www.cdcr.ca.gov/2012plan/docs/plan/complete.pdf.

³²⁶ Penal Code §§ 3416-3417(a).

³²⁷ Penal Code §§ 3416-3417. The CDCR website has information on the CPMP, including detailed eligibility criteria, at www.cdcr.ca.gov/Adult_Operations/FOPS/Community_Prisoner_Mother_Program.html.

³²⁸ Penal Code § 3417(b).

³²⁹ Penal Code § 3417(d).

However, the BPH staff may use their discretion to retain a child and mother in the program in exceptional cases even when the child is over the age of six years.³³⁰

4.54 Temporary Community Release

The CDCR can allow a person to temporarily leave prison for purposes including: (a) funeral services or a hospital visit to a critically ill immediate family member; ⁽²⁾ pre-release planning activities such as employment interviews, residential appointments, licensing examinations, school registration orientation, or business appointments; or (3) attendance at college classes that are not available at the facility where the person is housed.³³¹ Some people are ineligible for temporary release, particularly those who need higher security.³³² The maximum time for most types of temporary release is 72 hours (three days).³³³

Usually, a person may get temporary release only with custodial supervision, and must pay all of the necessary expenses including paying the correctional officers who provide the supervision, plus the costs of all transportation, meals, and lodging. Lack of funds to pay for these expenses will result in denial of a temporary release.³³⁴ Thus, it is difficult or impossible for most people to get a temporary leave.

A request for a temporary release begins with submitting a request to the warden through the person's correctional counselor. The request should include as much detail as possible about the purpose of the proposed trip, the destination, the travel arrangements, phone numbers and addresses where the person will be at all times, and a budget outlining the cost.³³⁵

CHALLENGING CLASSIFICATION AND PROGRAM ACTIONS

4.55 Administrative Appeals of Classification Decisions

In the CDCR system, questions regarding classification usually are answered by the person's assigned correctional counselor. The counselor also can help a person apply for special programs or placements. Thus, people in prison and their families and advocates should direct their initial questions and concerns to the counselor. Usually, a person will be able to tell their family and advocates the name of their counselor, who can then be reached through the prison's phone tree. The name and contact number for a counselor may also be obtained from the prison's litigation coordinator.

A person who wants to be placed in (or transferred to) a different prison or placed in a particular program should make this known to reception center staff or to the counselor and classification committee at the assigned prison. If a person wants to be transferred closer to their home, the transfer request may be more likely to succeed if they can show a "hardship," such as that

³³⁰ Penal Code § 3421.

³³¹ Penal Code §§ 2690-2691; DOM §§ 62070.4.5-62070.7.

³³² Penal Code § 2691; DOM §§ 62070.4.1-62070.4.2

³³³ Penal Code § 2690; DOM §§ 62070.4-62070.7.

³³⁴ Penal Code § 2690; DOM §§ 62070.4-62070.4.2.

³³⁵ DOM § 62070.5.1.

§ 4.56

being at a remote location will limit their right to attorney representation or that close family members cannot travel far for visits because they are elderly, ill, or do not have the necessary financial resources. The person should also obtain and provide prison staff with as many documents as possible (such as letters from family members or their doctors) verifying the family ties or hardships.

If the counselor is inaccessible or does not address a person's classification concerns, the person should file a CDCR Form 602 administrative appeal. Classification actions, including decisions to transfer someone, calculations of placement scores, placement of "R" suffixes and CSR actions, can all be appealed. Chapter 1 explains the CDCR's administrative appeal process. § 1.31 discusses the special rules for appeals of transfer decisions and § 1.15 discusses requests for an emergency appeal where delay in action could cause serious harm.

4.56 Legal Challenges to Classification Decisions

People who are unable to resolve their classification concerns via the administrative appeal system may bring court actions to challenge the prison officials' decisions. Filing a state petition for writ of habeas corpus is usually the quickest and simplest way for a person to seek a court order requiring prison officials to take a specific classification or transfer action. State habeas petitions are discussed in Chapter 15. In some situations, a prison may be able to file a federal civil rights lawsuit challenging a classification action; federal civil rights lawsuits are discussed in Chapter 17. For either type of action, a person in prison can ask the court to issue a preliminary injunction to immediately stop a transfer or other classification action that is likely to result in serious harm.

If a lawsuit raises a dispute about what the CDCR regulations mean, a court will defer to the CDCR's interpretation unless that interpretation is unreasonable.³³⁶

Challenges to an STG validation should focus on any failure of the CDCR to follow its own procedures or on lack of sufficient reliable evidence to support the validation. Some of the CDCR indicia used to validate gang members may also be open to challenge as being arbitrary or over-inclusive. People should focus on exactly what evidence of gang association is being used to determine whether there is the constitutionally required "some evidence." After determining what specific information is being used, the person should determine whether it can be challenged as unreliable or whether there is other evidence that contradicts it.

Challenging the use of confidential information, and ways to ask a court to review confidential documents relied upon by prison officials, are discussed in § 5.12.

³³⁶ *In re Cabrera* (2012) 55 Cal.4th 683 [148 Cal.Rptr. 3d 121] (upholding a CDCR policy that an "association" does not have to be "reciprocal" to satisfy the "direct link" requirement); *In re Furnace* (2012) 185 Cal.App.4th 649 [110 Cal.Rptr.3d 820] (allowing use of book and newspaper article to validate person where items included the address of a validated gang member); *In re Villa* (2013) 214 Cal. App. 4th 954 [154 Cal.Rptr.3d 506] (since CDCR rules allow people in prison to possess other people's documents to assist them with legal work, possession of a gang member's chronos did not constitute a source item for validation absent a showing that the person did not possess the chronos for the purpose of providing legal assistance).

California Department of Corrections and Rehabilitation Adult Institutions

CDCR Adult Institution			Mailing Address (Staff)
Avenal State Prison (ASP)	#1 Kings Way Avenal, CA 93204 (559) 386-0587		P. O. Box 8 Avenal, CA 93204
California City Correctional Facility (CAC)	22844 Virginia Blvd. California City, CA 93505 (760)246-7600		P.O. Box 2626 California City, CA 93505
California Correctional Center (CCC)	711-045 Center Rd. Susanville, CA 96127-0790 (530) 257-2181		P.O. Box 790 Susanville, CA 96127-0790
California Correctional Institution (CCI)	24900 Highway 202 Tehachapi, CA 93561 (661) 822-4402		P. O. Box 1031 Tehachapi, CA 93581
California Health Care Facility, Stockton	California Health Care Facility 7707 Austin Road Stockton, CA 95215 (209) 467-2500		California Health Care Facility P.O. Box 32050 Stockton, Ca. 95213
California Institution for Men (CIM)	14901 Central Avenue Chino, CA 91710 (909) 597-1821		P.O. Box 128 Chino, CA 91708
California Institution for Women (CIW)	16756 Chino-Corona Road Corona, CA 92880 (909) 597-1771		P. O. Box 6000 Corona, CA 92878
California Men's Colony (CMC)	Highway 1 San Luis Obispo, CA 93409 (805) 547-7900		P.O. Box 8101 San Luis Obispo, CA 93409-8101
California Medical Facility (CMF)	1600 California Dr. Vacaville, CA 95696 (707) 448-6841		P. O. Box 2000 Vacaville, CA 95696-2000
California Rehabilitation Center (CRC)	5th Street & Western Norco, CA 92860 (951) 737-2683		P.O. Box 1841 Norco, CA 92860-0991
California State Prison, Corcoran (COR)	4001 King Avenue Corcoran, CA 93212 (559) 992-8800		P.O. Box 8800 Corcoran, CA 93212-8309
California State Prison, Los Angeles County (LAC)	44750 60th Street West Lancaster, CA 93536-7620 (661) 729-2000		
California State Prison, Sacramento (SAC)	100 Prison Road Represa, CA 95671 (916) 985-8610		P.O. Box 290002 Represa, CA 95671

California Department of Corrections and Rehabilitation Adult Institutions

California State Prison, Solano (SOL)	2100 Peabody Road Vacaville, CA 95696 (707) 451-0182	P. O. Box 4000 Vacaville, CA 95696-4000
California Substance Abuse Treatment Facility and State Prison, Corcoran (SATF-CSP, Corcoran)	900 Quebec Avenue Corcoran, CA 93212 (559) 992-7100	P. O. Box 7100 Corcoran, CA 93212
Calipatria State Prison (CAL)	7018 Blair Road Calipatria, CA 92233 (760) 348-7000	P.O. Box 5001 Calipatria, CA 92233-5001
California State Prison, Centinela (CEN)	2302 Brown Road Imperial, CA 92251 (760) 337-7900	P.O. Box 731 Imperial, CA 92251-0731
Central California Women's Facility (CCWF)	23370 Road 22 Chowchilla, CA 93610 (559) 665-5531	P. O. Box 1501 Chowchilla, CA 93610-1501
Chuckawalla Valley State Prison (CVSP)	19025 Wiley's Well Rd. Blythe, CA 92225 (760) 922-5300	P.O. Box 2289 Blythe, CA 92226
Correctional Training Facility (CTF)	Highway 101 North * Soledad, CA 93960 (831) 678-3951	P.O. Box 686 Soledad, CA 93960-0686
Deuel Vocational Institution (DVI)	23500 Kasson Road Tracy, CA 95376 (209) 835-4141	P.O. Box 400 Tracy, CA 95378-0004
Folsom State Prison (FSP)	300 Prison Road Represa, CA 95671 (916) 985-2561	P.O. Box 71 Represa, CA 95671
High Desert State Prison (HDSP)	475-750 Rice Canyon Rd. Susanville, CA 96127 (530) 251-5100	P.O. Box 750 Susanville, CA 96127-0750
Ironwood State Prison (ISP)	19005 Wiley's Well Road Blythe, CA 92225 (760) 921-3000	P.O. Box 2229 Blythe, CA 92226
Kern Valley State Prison (KVSP)	3000 West Cecil Avenue Delano, CA 93216-6000 (661) 721-6300	P.O. Box 6000 Delano, CA 93216-6000
Mule Creek State Prison (MCSPP)	4001 Highway 104 Ione, CA 95640 (209) 274-4911	P.O. Box 409099 Ione, CA 95640

California Department of Corrections and Rehabilitation Adult Institutions

North Kern State Prison (NKSP)	2737 West Cecil Avenue Delano, CA 93215 (661) 721-2345 (General)	P.O. Box 567 Delano, CA 93216-0567
Pelican Bay State Prison (PBSP)	5905 Lake Earl Drive Crescent City, CA 95531 (707) 465-1000	P.O. Box 7000 Crescent City, CA 95531-7000
Pleasant Valley State Prison (PVSP)	24863 West Jayne Avenue Coalinga, CA 93210 (559) 935-4900	P.O. Box 8500 Coalinga, CA 93210
Richard J. Donovan Correctional Facility (RJD)	480 Alta Road San Diego, CA 92179 (619) 661-6500	<i>same</i>
Salinas Valley State Prison (SVSP)	31625 Highway 101 Soledad, CA 93960 (831) 678-5500	P.O. Box 1020 Soledad, CA 93960-1020
San Quentin State Prison (SQ)	San Quentin, CA 94964 (415) 454-1460	San Quentin State Prison San Quentin, CA 94974
Sierra Conservation Center (SCC)	5100 O'Byrnes Ferry Road Jamestown, CA 95327 (209) 984-5291	P.O. Box 497 Jamestown, CA 95327
Valley State Prison (VSP)	21633 Avenue 24 Chowchilla, CA 93610 (559) 665-6100	P.O. Box 92 Chowchilla, CA 93610-0099
Wasco State Prison-Reception Center (WSP)	701 Scofield Avenue Wasco, CA 93280 (661) 758-8400	P.O. Box 8800 Wasco, CA 93280-8800

List updated: 4/30/2015
Sources: cdcr.ca.gov and the Division of Adult Institutions



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AVENAL STATE PRISON (ASP)
Located 235 miles N of Los Angeles
Located 285 miles S of San Francisco

Physical Address:

#1 Kings Way
Avenal, CA 93204

Mailing Address:

P.O. Box 8 (staff)/ P.O. Box 39 (personnel)
General: *(include name and CDCR number):*

- Facility A, P.O. Box 901, Avenal, CA 93204
- Facility B, P.O. Box 902, Avenal, CA 93204
- Facility C, P.O. Box 903, Avenal, CA 93204
- Facility D, P.O. Box 904, Avenal, CA 93204
- Facility E, P.O. Box 905, Avenal, CA 93204
- Facility F, P.O. Box 906, Avenal, CA 93204

Phone Numbers:

General: (559) 386-0587
Litigation Coordinator: (559) 386-6074 Fax: (559) 386-2337
Public Information Officer: (559) 386-0587 ext. 5028
Ombudsman: (916) 324-3265

Facility Level: I and II

CALIFORNIA CITY CORRECTIONAL FACILITY (CAC)

Located 124 miles N of Los Angeles
Located 359 miles SE of San Francisco

Physical Address:

22844 Virginia Blvd., California City, CA 93505

Mailing Address:

Institution: P.O. Box 2626, California City, CA 93505
Incarcerated people *(Name and CDCR number as well as last known housing):*

- Facility A, P.O. Box 2696, California City, CA 93504,
- Facility B, P.O. Box 2610, California City, CA 93504
- Facility C, P.O. Box 2760, California City, CA 93504

Phone Numbers:

General: (760) 246-7600
Litigation Coordinator: (760) 246-7600 ext 7521, Fax: (760) 246-7051
Public Information Officer: (760) 246-7600 x 7015
Ombudsman: (916) 323-2994

Facility Level: II

CALIFORNIA CORRECTIONAL CENTER (CCC)

Located 85 miles NW of Reno, Nevada
Located 228 miles NNE of Sacramento
Located 331 miles NE of San Francisco

Physical Address:

771-045 Center Road
Susanville, CA 96130

Mailing Address:

Institution: P.O. Box 790, Susanville, CA 96127-0790

Incarcerated People: *(include Name and CDCR number as well as last known housing):*

- A Facility, MSF Facility, P.O. Box 2500, Susanville, CA 96127-2500
- C Facility, P.O. Box 2210, Susanville, CA 96127-2210
- B Facility, Infirmary, P.O. Box 2400, Susanville, CA 96127-2400

Phone Numbers:

General: (530) 257-2181

Litigation Coordinator: (530) 257-2181 x 4623, Fax: (530) 252-3028

Public Information Officer: (530) 257-2181 ext. 4110

Ombudsman: (916) 324-5448

Facility Levels: I; II; III

CALIFORNIA CORRECTIONAL INSTITUTION (CCI)

Located 50 miles E of Bakersfield
Located 130 miles N of Los Angeles

Physical Address:

24900 Highway 202
Tehachapi, CA 93561

Mailing Addresses:

Institution: P.O. Box 1031, Tehachapi, CA 93581

General: *(make sure to include Name and CDCR number):*

- Facility A, P.O. Box 1902, Tehachapi, CA 93581
- Facility B, P.O. Box 1906, Tehachapi, CA 93581
- Facility C, P.O. Box 1905, Tehachapi, CA 93581
- Facility D, P.O. Box 608, Tehachapi, CA 93581
- Facility E, P.O. Box 107, Tehachapi, CA 93581

Phone Numbers:

General: (661) 822-4402

Litigation Coordinator: (661) 822-4402 ext. 3047, Fax: (661)823-5023

Public Information Officer: (661) 822-4402 ext. 3021

Ombudsman: (916) 324-5458

Facility Levels: I; II; III, IV

CALIFORNIA HEALTH CARE FACILITY, STOCKTON

Located 85 miles E of San Francisco
Located 343 miles NW of Los Angeles

Physical Address: 7707 Austin Road, Stockton, CA 95215

Mailing Addresses:

Institution: P.O. Box 32050, Stockton, CA 95213

General (*include Name and CDCR number*):

- Facility A, P.O. Box 31960, Stockton, CA 95213
- Facility B, P.O. Box 32110, Stockton, CA 95213
- Facility C, P.O. Box 32200, Stockton, CA 95213
- Facility D, P.O. Box 32080, Stockton, CA 95213
- Facility E, P.O. Box 32290, Stockton, CA 95213

Phone Numbers:

General: (209) 467-2500

Litigation Coordinator: (209) 467-2568, Fax: (909) 467-2676

Public Information Officer: (209) 467-2512

Ombudsman: (916) 324-1000

Facility Levels: All levels

CALIFORNIA INSTITUTION FOR MEN (CIM)

Located about 45 miles E of Los Angeles
Located about 80 miles NE of San Diego

Physical Address: 14901 Central Avenue, Chino, CA 91710

Mailing Addresses:

Institution: P.O. Box 128, Chino, CA 91708

General (*include Name and CDCR #*):

- Facility A (WEST), California Institution for Men, Housing, P.O. Box 368, Chino, CA 91708
- Facility B (Reception Center Central), California Institution for Men, Housing, P.O. Box 441, Chino, CA 91708
- Facility C (EAST), California Institution for Men, Housing P.O. Box 500, Chino, CA 91708
- Facility D, California Institution for Men, Housing, P.O. Box 600, Chino, CA 91708

Phone Numbers:

General: (909) 597-1821

Litigation Coordinator: (909) 606-7063, Fax (909) 606-7093

Public Information Officer: (909) 606-7068

Ombudsman: (916) 324-5448

Medical Ombudsman: (916) 324-1000

Facility Levels: I; II

CALIFORNIA INSTITUTION FOR WOMEN (CIW)

Located 37 miles E of Los Angeles

Located 90 miles NW of San Diego

Physical and Mailing Address:

16756 Chino-Corona Road

Corona, CA 92878

Phone Numbers:

General: (909) 597-1771

Litigation Coordinator: (909) 597-1771 ext. 5398 Fax (909) 606-4960

Public Information Officer: (909) 606-4921

Ombudsman: (916) 327-8467

Facility Levels: I; III; RC

CALIFORNIA MEDICAL FACILITY (CMF)

Located about 37 miles SW of Sacramento

Located about 65 miles NE of San Francisco

Physical Address:

1600 California Drive

Vacaville, CA 95696

Mailing Addresses:

- Incarcerated Person Mailing Address: P.O. Box 2000, Vacaville, CA 95696-2000
- Incarcerated Person Money Orders: P.O. Box 2500, Vacaville, CA 95696-2500

Phone Numbers:

General: (707) 448-6841

Litigation Coordinator: (707) 449-6510 Fax: (707) 469-6006

Public Information Officer: (707) 449-6509

Ombudsman: (916) 324-1000

Facility Levels: I; II; III

CALIFORNIA MEN'S COLONY (CMC)

Located 2 miles W of San Luis Obispo

Located 220 miles N of Los Angeles

Located 250 miles S of San Francisco

Physical Address:

Colony Dr., San Luis Obispo, CA 93409

Mailing Address:

First and Last Name, CDCR Number, Housing

California Men's Colony

P.O. Box 8103

San Luis Obispo, CA 93409-8103

Phone Numbers:

General: (805) 547-7900

Litigation Coordinator: (805) 547-7947 Fax: (805)547-7791

Public Information Officer: (805) 547-7948

Ombudsman: (916) 324-5448

Facility Levels: I; II; III

CALIFORNIA REHABILITATION CENTER (CRC)

Located 15 miles NW of Riverside

Located 50 miles SE of Los Angeles

Physical Address:

5th Street & Western, Norco, CA 92860

Mailing Address:

General Mail: California Rehabilitation Center, Name / CDCR Number /

Dorm & Bed, P.O. Box 3535, Norco, CA 92860

Money Orders: California Rehabilitation Center, Name / CDCR Number /

Dorm & Bed, P.O. Box 2000, Norco, CA 92860

Phone Numbers:

General: (951) 737-2683

Litigation Coordinator: (951) 273-2918 Fax: (951) 273-2359

Public Information Officer: (951) 273-2920

Ombudsman: (916) 324-5458

Facility Level: II

CALIFORNIA STATE PRISON, CORCORAN (COR)

Located 220 miles S of Sacramento
Located 230 miles N of Los Angeles

Physical Address:

4001 King Avenue, Corcoran, CA 93212

Mailing Address:

P.O. Box 8800, Corcoran, CA 93212-8309

Phone Numbers:

General: (559) 992-8800
Litigation Coordinator: (559) 992-6174, Fax (559) 992-7372
Public Information Officer: (559) 992-6104
Ombudsman: (916) 324-6123

Facility Levels: I; III; IV; SHU

CALIFORNIA STATE PRISON, LOS ANGELES COUNTY (LAC)

Located about 75 miles North of Los Angeles
Located about 380 miles South of Sacramento

Physical Address:

44750 60th Street West
Lancaster, CA 93536-7620

Mailing Addresses:

- Legal Mail: CSP - Los Angeles County, PO BOX 8457, Lancaster, CA 93539-8457
- Money Orders*: CSP - Los Angeles County, PO BOX 8487, Lancaster, CA 93539-8487

Incarcerated Person Mailing Addresses (by facility)*:

- Facility A & ASU, CSP - Los Angeles County, Housing, P.O. Box 4430, Lancaster, CA 93539-4430
- Facility B, CSP - Los Angeles County, Housing, P.O. Box 4490, Lancaster, CA 93539-4490
- Facility C, CSP - Los Angeles County, Housing, P.O. Box 4610, Lancaster, CA 93539-4610
- Facility D, CSP - Los Angeles County, Housing, P.O. Box 4670, Lancaster, CA 93539-4670
- Minimum Support Facility, CSP - Los Angeles County, Housing, P.O. Box 4730, Lancaster, CA 93539-4730

* *Make sure to include name and CDCR number as well as last known housing.*

Phone Numbers:

General: (661) 729-2000
Litigation Coordinator: (661) 729-2000 ext. 5562 Fax (661) 729-6994
Public Information Officer: (661) 729-6912
Ombudsman: (916) 323-2994

Facility Levels: I; II; IV; RC

CALIFORNIA STATE PRISON, SACRAMENTO (SAC)

Located about 25 miles East of Sacramento
Located about 105 miles NE of San Francisco

Physical Address:

100 Prison Road, Represa, CA 95671

Mailing Addresses:

- General: P.O. Box 290001, Represa, CA 95671
- Warden: P.O. Box 290002, Represa, CA 95671
- Full Name, CDCR #, California State Prison-Sacramento, P.O. Box 290066, Represa, CA 95671

Phone Numbers:

General: (916) 985-8610
Litigation Coordinator: (916) 294-3011 fax (916) 294-3072
Public Information Officer: (916) 294-3012
Ombudsman: (916) 324-1000

Facility Levels: I; IV

CALIFORNIA STATE PRISON, SOLANO (SOL)

Located 35 miles W of Sacramento
Located 65 miles E of San Francisco

Physical Address:

2100 Peabody Road, Vacaville, CA 95696

Mailing Address:

P. O. Box 4000, Vacaville, CA 95696-4000

Phone Numbers:

General: (707) 451-0182
Litigation Coordinator: (707) 454-3263. Fax: (707) 454-3429
Public Information Officer: (707) 454 -3257
Ombudsman: (916) 324-1000

Facility Levels: II; III

**CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY
AND STATE PRISON, CORCORAN (SATF)**

Located 200 miles N of Los Angeles

Located 250 miles S of Sacramento

Physical Address:

900 Quebec Avenue, Corcoran, CA 93212

Mailing Address:

- Institution: P. O. Box 7100, Corcoran, CA 93212
- Mailing Addresses:
 - Facility A & B, P.O. Box 5248, Corcoran, CA 93212
 - Facility C, P.O. Box 5246, Corcoran, CA 93212
 - Facility D & E, P.O. Box 5242, Corcoran, CA 93212
 - Facility F & G, P.O. Box 5244, Corcoran, CA 93212

Phone Numbers:

General: (559) 992-7100

Litigation Coordinator: (559) 992-7206 fax (559) 992-7191

Public Information Officer: (559) 992-7154

Ombudsman: (916) 324-6123

Facility Levels: II; III; IV

CALIPATRIA STATE PRISON (CAL)

Located 150 miles E of San Diego

Located 250 miles SE of Los Angeles

Physical Address:

7018 Blair Road, Calipatria, CA 92233

Mailing Addresses:

- Institution: P.O. Box 5001, Calipatria, CA 92233-5001
- Legal Mail: PO Box 5002, Calipatria, CA 92233-5002
- Incarcerated Persons: *(include Name and CDCR number)*:
 - Facility A, P.O. Box 5004, Calipatria, CA. 92233-5004
 - Facility B, P.O. Box 5005, Calipatria, CA. 92233-5005
 - Facility C, P.O. Box 5006, Calipatria, CA. 92233-5006
 - Facility D, P.O. Box 5007, Calipatria, CA. 92233-5007
 - MSF/FH/ASU, P.O. Box 5008, Calipatria, CA. 92233-5008
 - Prisoner Funds, P.O. Box 5003, Calipatria, CA. 92233-5003

Phone Numbers:

General: (760) 348-7000

Litigation Coordinator: (760) 348-7000 ext 5164 Fax (760)348-6064

Public Information Officer: (760) 348-6002

Ombudsman: (916) 324-6123

Facility Levels: I; IV

CENTINELA STATE PRISON (CEN)

Located 120 miles E of San Diego
Located 260 miles SE of Los Angeles

Physical Address:

2302 Brown Road, Imperial, CA 92251

Mailing Addresses:

- Institution: P.O. Box 731, Imperial, CA 92251-0731
- General: *(make sure to include Name and CDCR number):*
 - Facility A, P.O. Box 901, Imperial, CA 92251-0901
 - Facility B, P.O. Box 911, Imperial, CA 92251-0911
 - Facility C, P.O. Box 921, Imperial, CA 92251-0921
 - Facility D & E, P.O. Box 931, Imperial, CA 92251-0931

Phone Numbers:

General: (760) 337-7900

Litigation Coordinator: (760) 337-7647 Fax: (760) 337-7650

Public Information Officer: (760) 337-7601

Ombudsman: (916) 324-6123

Facility Levels: I; III

CENTRAL CALIFORNIA WOMEN'S FACILITY (CCWF)

Located 120 miles S of Sacramento
Located 235 miles N of Los Angeles

Physical Address:

23370 Road 22, Chowchilla, CA 93610

Mailing Addresses:

- Institution: P.O. Box 1501, Chowchilla, CA 93610-1501
- General: *(make sure to include Name and CDCR number):*
 - P.O. Box 1508, Chowchilla, CA 93610

Phone Numbers:

General: (559) 665-5531

Litigation Coordinator: (559) 665-6025 Fax (559) 665-6020

Public Information Officer: (559) 665-6002

Ombudsman: (916) 327-8467

Facility Levels: I; II; III; IV; RC

CHUCKAWALLA VALLEY STATE PRISON (CVSP)

Located about 90 miles E of Palm Springs

Located 275 miles E of Los Angeles

Located 275 miles NE of San Diego

Physical Address:

19025 Wiley's Well Rd., Blythe, CA 92225

Mailing Addresses:

- General Mailing: P.O. Box 2289, Blythe, CA 92226
- Mailing (all facilities): P.O. Box 2349, Blythe, CA 92226

Phone Numbers:

General: (760) 922-5300

Litigation Coordinator: (760) 922-5300 ext 5267 Fax (760) 922-6855

Public Information Officer: (760) 922-9710

Ombudsman: (916) 323-2994

Facility Levels: I; II

CORRECTIONAL TRAINING FACILITY (CTF)

Located 215 miles S of Sacramento

Located 329 miles N of Los Angeles

Physical Address:

Soledad Prison Road, Soledad, CA 93960

Mailing Addresses:

- All Staff: P.O. Box 686, Soledad, CA 93960-0686
- Facility A & B, P.O. Box 705, Soledad, CA 93960
- Facility C, P.O. Box 689, Soledad, CA 93960
- Facility D, P.O. Box 690, Soledad, CA 93960

Phone Numbers:

General: (831) 678-3951

Litigation Coordinator: (831) 678-5826 Fax (831) 678-5866

Public Information Officer: (831) 678-5952

Ombudsman: (916) 324-5448

Facility Levels: I; II; III

DEUEL VOCATIONAL INSTITUTION (DVI)

Located 65 miles S of Sacramento
Located 90 miles E of San Francisco

Physical Address:

23500 Kasson Road, Tracy, CA 95376

Mailing Address:

- General Mailing: P.O. Box 400, Tracy, CA 95378-0400
- Incarcerated Persons Mailing: P.O. Box 600, Tracy, CA 95378-0600

Phone Numbers:

General: (209) 835-4141

Litigation Coordinator: (209) 835-4141 ext 6228 Fax: (209)830-3922

Public Information Officer: (209) 835-4141 x. 3851

Ombudsman: (916) 324-6123

Facility Levels: I; II; RC

FOLSOM STATE PRISON (FSP)

Located 25 miles E of Sacramento
Located about 100 miles NE of San Francisco

Physical Address:

300 Prison Road, Represa, CA 95671

Mailing Addresses:

- General Mailing: P.O. Box 910, Represa, CA 95671
- Mailing (all facilities): P.O. Box 715071, Represa, CA 95671

Phone Numbers:

General: (916) 985-2561

Litigation Coordinator: (916) 351-3038 Fax (916) 351-3086

Public Information Officer: (916) 351-3016

Ombudsman: (916) 324-3265

Facility Levels: I; II; III

HIGH DESERT STATE PRISON (HDSP)

Located 210 miles N of Sacramento
Located 298 miles NE of San Francisco

Physical Address:

475-750 Rice Canyon Rd., Susanville, CA 96127

Mailing Addresses:

- All Staff: P.O. Box 750, Susanville, CA 96127-0750
- Mailing: P.O. Box 3030, Susanville, CA 96127-3030
- Trust: P.O. Box 270-249, Susanville, CA 96127

Phone Numbers:

General: (530) 251-5100
Litigation Coordinator: (530) 251-5072 Fax: (530) 251-5031
Public Information Officer: (530) 251-5100 x 5501
Ombudsman: (916) 324-5448

Facility Levels: I; III; IV

IRONWOOD STATE PRISON (ISP)

Located 250 miles E of Los Angeles
Located 310 miles NE of San Diego

Physical Address:

19005 Wiley's Well Road, Blythe, CA 92225

Mailing Addresses:

- General Mailing: P.O. Box 2229, Blythe, CA 92226
- Mailing: P.O. Box 2199, Blythe, CA 92226

Phone Numbers:

General: (760) 921-3000
Litigation Coordinator: (760) 921-3000 ext 551 8 Fax (760) 921-4307
Public Information Officer: (760) 921-4382
Ombudsman: (916) 323-2994

Facility Levels: I; III

KERN VALLEY STATE PRISON (KVSP)

Located about 4 miles S of North Kern State Prison

Located about 180 miles N of Los Angeles

Located about 250 miles S of Sacramento

Physical Address:

3000 West Cecil Avenue, Delano, CA 93216-6000

Mailing Addresses:

Staff Mailing Address:

- P.O. Box 3130, Delano, CA 93216-6000

Mailing Addresses (by facility)*:

- Facility 'A', P.O. Box 5101, Delano, CA 93216
- Facility 'B', P.O. Box 5102, Delano, CA 93216
- Facility 'C', P.O. Box 5103, Delano, CA 93216
- Facility 'D', P.O. Box 5104, Delano, CA 93216
- Facility 'M', P.O. Box 5105, Delano, CA 93216
- ASU1, P.O. Box 5107, Delano, CA 93216
- ASU2, P.O. Box 5106, Delano, CA 93216

** Make sure to include name and CDCR number as well as last known housing.*

Phone Numbers:

General: (661) 721-6300

Litigation Coordinator: (661) 721-6306 Fax (661)720-4949

Public Information Officer: (661) 721-6314

Ombudsman: (916) 324-3265

Facility Levels: IV

MULE CREEK STATE PRISON (MCSP)

Located 35 miles SE of Sacramento

Located 110 miles E of San Francisco

Physical Address:

4001 Highway 104, Ione, CA 95640

Mailing Address:

P.O. Box 409099, Ione, CA 95640

Phone Numbers:

General: (209) 274-4911

Litigation Coordinator: (209) 274-5247 Fax (209)274-5018

Public Information Officer: (209) 274-5080

Ombudsman: (916) 324-1000

Facility Levels: I; III; IV

NORTH KERN STATE PRISON (NKSP)

Located 180 miles N of Los Angeles

Located 250 miles S of Sacramento

Physical Address:

2737 West Cecil Avenue, Delano, CA 93215

Mailing Address:

- Institution: P.O. Box 567, Delano, CA 93216-0567
- General (*include name and CDCR number as well as last known housing*):
 - Facility A and M, P.O. Box 5000, Delano, CA 93216-0567
 - Facility B, P.O. Box 4999, Delano, CA 93216-0567
 - Facility C, P.O. Box 5004, Delano, CA 93216-0567
 - Facility D, P.O. Box 5005, Delano, CA 93216-0567

Phone Numbers:

General: (661) 721-2345

Litigation Coordinator: (661) 721-3188 Fax (661)721-6205

Public Information Officer: (661) 721-2345 x 5006

Ombudsman: (916) 324-3265

Facility Levels: I; III; RC

PELICAN BAY STATE PRISON (PBSP)

Located 370 miles NW of Sacramento

Located 370 miles N of San Francisco

Physical Address:

5905 Lake Earl Drive, Crescent City, CA 95531

Mailing Addresses:

- Institution: P.O. Box 7500, Crescent City, CA 95532
- Staff: P.O. Box 7000, Crescent City, CA 95531-7000

Phone Numbers:

General: (707) 465-1000

Litigation Coordinator: (707) 465-9075 Fax: (707) 465-9099

Public Information Officer: (707) 465-9040

Ombudsman: (916) 323-2994

Facility Levels: I; IV; SHU

PLEASANT VALLEY STATE PRISON (PVSP)

Located 200 miles S of Sacramento

Located 200 miles N of Los Angeles

Physical Address:

24863 West Jayne Avenue, Coalinga, CA 93210

Mailing Address:

P.O. Box 8500, Coalinga, CA 93210

Phone Numbers:

General: (559) 935-4900

Litigation Coordinator: (559) 935-4985 Fax (559) 935-4928

Public Information Officer: (559) 935-4972

Ombudsman: (916) 324-3265

Facility Levels: I; III; IV

RICHARD J. DONOVAN CORRECTIONAL FACILITY (RJD)

Located about 2 miles N of the Mexican border

Located about 12 miles E of the Pacific Ocean

Physical Address:

480 Alta Road, San Diego, CA 92179

Mailing Address:

480 Alta Road, San Diego, CA 92179

Phone Numbers:

General: (619) 661-6500

Litigation Coordinator: (619) 661-7862 Fax (619) 671-7566

Public Information Officer: (619) 661-7802

Ombudsman: (916) 324-1000

Facility Levels: I; III; IV; RC

SALINAS VALLEY STATE PRISON (SVSP)

Located 95 miles S of San Jose

Located about 130 miles SE of San Francisco

Physical Address:

31625 Highway 101, Soledad, CA 93960

Mailing Addresses:

- Institution: P. O. Box 1020, Soledad, CA 93960-1020
- General Mail: P. O. Box 1050, Soledad, CA 93960-1050

Phone Numbers:

General: (831) 678-5500

Litigation Coordinator: (831) 678-5573, Fax (831) 678-5544

Public Information Officer: (831) 678-5554

Ombudsman: (916) 324-5448

Facility Levels: I, III, and IV

SAN QUENTIN STATE PRISON (SQ)

Located 15 miles N of San Francisco

Located 80 miles W of Sacramento

Physical Address:

Main Street, San Quentin, CA 94964

Mailing Address:

- General Mail: San Quentin State Prison, San Quentin, CA 94974
(make sure to include Name and CDCR number as well as last known housing)

Phone Numbers:

General: (415) 454-1460

Litigation Coordinator: (415) 455-5007 Fax: (415) 454-6288

Public Information Officer: (415) 455-5008

Ombudsman: (916) 324-6123

Facility Levels: I; II; Condemned; RC

SIERRA CONSERVATION CENTER (SCC)

Located 60 miles E of Sacramento
Located 110 miles E of San Francisco

Physical Address:

5100 O'Byrnes Ferry Road, Jamestown, CA 95327

Mailing Addresses:

- Mailing Address: *Name and CDCR Number*, 5150 O'Byrnes Ferry Road - Housing #, Jamestown, CA 95327
- Staff Mailing Address: 5100 O'Byrnes Ferry Road, Jamestown, CA 95327

Phone Numbers:

General: (209) 984-5291
Litigation Coordinator: (209) 984-5291 ext 5365 Fax (209) 984-8508
Public Information Officer: (209) 984-5291 ext. 5499
Ombudsman: (916) 323-2994

Facility Levels: I; II; III

VALLEY STATE PRISON (VSP)

Located 137 miles S of Sacramento
Located 330 miles N of Los Angeles

Physical Address:

21633 Avenue 24, Chowchilla, CA 93610

Mailing Addresses:

- Institution: P. O. Box 99, Chowchilla, CA 93610-0099
- General (*make sure to include Name and CDCR number as well as last known housing*):
 - General Mail: P.O. Box 92, Chowchilla, CA 93610-0092
 - Moneygram: P.O. Box 94, Chowchilla, CA 93610-0094
 - Legal Mail: P.O. Box 96, Chowchilla, CA 93610-0096
- Valley State Prison Institutional Staff: P.O. Box 99, Chowchilla, CA 93610-0099

Phone Numbers:

General: (559) 665-6100
Litigation Coordinator: (559) 665-6100 ext 5582 Fax: (559) 665-8919
Public Information Officer: (559) 665-6100 x 5509
Ombudsman: (916) 324-3265

Facility Levels: I; II; III; IV; RC; SHU

WASCO STATE PRISON (WSP)
Located 141.5 miles N of Los Angeles
Located 271 miles S of Sacramento

Physical Address:

701 Scofield Avenue, Wasco, CA 93280

Mailing Address:

- Institution: 701 Scofield Avenue, P.O. Box 8800, Wasco, CA 93280
- General (*make sure to include Name and CDCR number as well as last known housing*):
 - Facility A, 701 Scofield Ave., P.O. Box 4400, Wasco, CA 93280
 - Facility B, 701 Scofield Ave., P.O. Box 5500, Wasco, CA 93280
 - Facility C, 701 Scofield Ave., P.O. Box 6600, Wasco, CA 93280
 - Facility D, 701 Scofield Ave., P.O. Box 7700, Wasco, CA 93280
 - Facility E, 701 Scofield Ave., P.O. Box 3300, Wasco, CA 93280
 - Facility H, 701 Scofield Ave., P.O. Box 9900, Wasco, CA 93280

Phone Numbers:

General: (661) 758-8400

Litigation Coordinator: (661) 758-7029 Fax: (661) 758-7093

Public Information Officer: (661) 758-8400 x 5013

Ombudsman: (916) 324-3265


Facility Levels: I; III; RC



Map of California's Correctional and Rehabilitation Conservation Camps



Adult Conservation Camps

	 ADM.	CONSERVATION CAMP	CITY
0	CRC	Norco	Norco
1	SCC	Vallecito	Angels Camp
2	CIW	Rainbow (Female)	Fallbrook
3	CCC	Trinity River	Lewiston
4	SCC	Francisquito	Saugus
5	SCC	Miramonte	Miramonte
6	CCC	Parlin Fork	Fort Bragg
7	CCC	Salt Creek	Paskenta
8	CCC	Delta	Suisun City
9	CCC	Sugar Pine	Bella Vista
10	SCC	Mountain Home	Springville
11	SCC	Acton	Acton
13	CIW	Malibu (Female)	Malibu
14	CIW	Puerta La Cruz (Female)	Warner Springs
15	SCC	Pilot Rock	Crestline
16	SCC	Holton	Sylmar
17	CCC	Chamberline Creek	Fort Bragg
18	CCC	Ishi	Paynes Creek
19	SCC	Julius Klein	Azusa
20	CCC	Alder	Klamath
21	SCC	McCain Valley	Boulevard
22	CCC	Intermountain	Biebe
23	CCC	Deadwood	Fort James
24	CMC	Cuesta	San Luis Obispo
25	CCC	Antelope	Susanville
26	SCC	Owens Valley	Bishop
27	CCC	Konocti	Lower Lake
28	SCC	Prado	Chino
30	SCC	Baseline	Jamestown
31	CCC	Eel River	Redway
32	CCC	High Rock	Weott
33	SCC	Growlersburg	Georgetown
34	CCC	Valley View	Elk Creek
35	SCC	Oak Glen	Yucaipa
36	SCC	Bautista	Hemet
38	SCC	Gabilan	Soledad
39	SCC	Mt. Bullion	Mariposa
40	CCC	Devil's Garden	Alturas
41	SCC	Fenner Canyon	Valyermo
42	SCC	La Cima	Julian
44	CCC	Washington Ridge	Nevada City
45	SCC	Ben Lomond	Santa Cruz
46	CRC	Ventura	Camarillo

Juvenile Conservation Camp

 Pine Grove Youth Conservation Camp Pine Grove

Conservation Camps listed here are shown by number on page 1

CDCR FIRE CAMPS

Acton Conservation Camp #11

8800 Soledad Canyon Road,
Acton, CA 93510
PH: (661) 268-0113

Alder Conservation Camp #20

1400 Alder Camp Road, PO Box 906,
Klamath, CA 95548
PH: (707) 482-4511

Antelope Conservation Camp #25

P.O. Box 270160,
Susanville, CA 96127
PH: (530) 257-2181, extension 4224

Baseline Conservation Camp #30

16809 Peoria Flat Road,
Jamestown, CA 95327
PH: (209) 984-4464

Bautista Conservation Camp #36

33015 Bautista Canyon Road,
Hemet, CA 92544
PH: (951) 927-3600

Ben Lomond Conservation Camp #45

13575 Empire Grade Road,
Santa Cruz, CA 95060
PH: (831) 423-1652

Chamberlain Creek Camp #17

15800 HWY 20,
Fort Bragg, CA 95437
PH: (707) 964-3518

Cuesta Conservation Camp #24

635 N. Santa Rosa Street,
San Luis Obispo, CA 93405
PH: (805) 547-7971

Deadwood Conservation Camp #23

17148 McAdams Creek Road,
Fort Jones, CA 96032
PH: (530) 468-2633

Delta Conservation Camp #8

6246 Lambie Road,
Suisun City, CA 94585
PH: (707) 425-4878

Devil's Garden Conservation Camp #40

2300 County Road 74, Alturas, CA 96101
P.O. Box 1898, Alturas, CA 96101
PH: (530) 233-3553

Eel River Conservation Camp #31

3850 Redwood Dr. Redway, CA 95560
PO Box 819, Redway, CA 95560
PH: (707) 923-2755

Fenner Canyon Conservation Camp #41

Big Rock Creek Road, Valyermo, CA 93563
PH: 661-944-0173

Francisquito Conservation Camp #4

35100 N. San Francisquito Canyon Road
Santa Clarita, CA 91390
PH: (661) 296 - 4409

Gabilan Conservation Camp #38

31801 McCoy Rd,
Soledad, California 93960

Growlersburg Conservation Camp #33

5440 Longview Lane,
Georgetown, CA 95634
PH: (530) 333-4244

CDCR FIRE CAMPS

High Rock Conservation Camp #32

23322 Ave. of the Giants, Weott, CA 95571
PH: (707) 946-2343 x2344

Holton Conservation Camp #16

12653 N. Little Tujunga Canyon Road
Sylmar, CA 91342
PH: (818) 897-7071 or 7038
Fax: (818) 686-2300

Intermountain Conservation Camp #22

651-025 Foothill Road, Bieber, CA 96009
PH: (530) 294-5361

Ishi Conservation Camp #18

30500 Plum Creek Road,
Paynes Creek, CA 96075
PH: (530) 597-2846

Julius Klein Conservation Camp #19

East Fork Road, Azusa, CA 91702
PH: (626) 910-1213

Konocti Conservation Camp #27

8275 South State Highway 29, Lower Lake,
CA 95457 (*access off Doten Road*)
PH: (707) 994-2437 / Fax: 707-994-3750

La Cima Conservation Camp #42

15108 Sunrise Highway
Julian, CA 92036
PH: 760-765-3085

Malibu Conservation Camp #13

1250 S. Encinal Canyon Rd.,
Malibu, CA 90265
PH: (310) 457-2253

McCain Valley Conservation Camp #21

2550 McCain Valley Rd.,
Boulevard, CA 91905
PH: (619) 766-4393

Miramonte Conservation Camp #5

49039 Orchard Drive,
Miramonte, CA 93641
PH: (559) 336-2312

Mountain Home Conservation Camp #10

P. O. Box 647 Springville, Ca. 93265
PH: (559) 539-2334 / FAX (559) 539-2091

Mount Bullion Conservation Camp #39

5730 Mount Bullion Access Road,
Mariposa, CA 95338
PH: (209) 742-5494

Norco Conservation Camp #0

3195 Western Ave. Norco, CA 92860
Phone: (951) 737-5911
Fax: (951) 737-6613

Oak Glen Conservation Camp #35

41100 Pinebench Rd.,
Yucaipa, CA. 92399
PH: (909) 797-0196

CDCR FIRE CAMPS

Owens Valley Conservation Camp #26

2781 S. Round Valley Road,
Bishop, CA 93514
PH: (760) 387-2686

Parlin Fork Conservation Camp #6

23000 Hwy. 20, Fort Bragg, CA 95437
PH: (707) 964-3766 CDCR
PH: (707) 964-3765 CAL FIRE

Pilot Rock Conservation Camp #15

P.O. Box 10, Crestline, CA 92325
PH: (909) 338-1950

Pine Grove Conservation Camp

13630 Aqueduct-Volcano Road,
Pine Grove, CA 95665
PH: (209) 296-7581

Prado Conservation Camp #28

14467 Central Ave., Chino, CA 91710
PH: (909) 597-3917

Puerta La Cruz Conservation Camp #14

32363 Highway 79,
Warner Springs, CA 92086
PH: (760) 782-3547

Rainbow Conservation Camp #2

8215 Rainbow Heights Road,
Fallbrook, CA 92028
PH: (760) 728-2554

Salt Creek Conservation Camp #7

10655 Round Valley Rd.
Paskenta, CA 96074
PH: (530) 833-5497

Sugar Pine Conservation Camp #9

15905 Sugar Pine Camp Rd.,
Bella Vista, CA 96008
PH: (530) 472-3027 x 3028

Trinity River Conservation Camp #3

3325 Pettijohn Road, Lewiston, CA 96052
CAL-FIRE: (530) 286-2880
CDCR: (530) 286-2886

Vallecito Conservation Camp #1

3225 Six Mile Road,
Angles Camp, CA 95222
PH: (209) 736-4922

Valley View Conservation Camp #34

3339 County Road 307,
Elk Creek, CA 95939
PH: (530) 968-5107

Ventura Conservation Camp #46

2800 Wright Road, Camarillo, CA 93010
PH: (805) 983-1332

Washington Ridge Camp #44

11425 Conservation Camp Road,
Nevada City, CA 95959
PH: (530) 265-4623

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Modified Community Correctional Facilities

Central Valley Modified Community Correctional Facility (CVMCCF)

Physical: 254 Taylor Ave., McFarland, CA 93250

Mailing: PO Box 638, McFarland, CA 93250

Main Phone: (661) 792-3492

Visiting Phone: 661-792-2774/ FAX: 661-792-3491

Delano Modified Community Correctional Facility (DMCCF)

Physical: 2727 W. Industry Way, Delano, CA 93215

Main Phone: (661) 721-3270

Visiting Phone: 661-721-3270, Ext.121/ FAX: 661-721-7030

Desert View Modified Community Correctional Facility (DVMCCF)

Physical: 10450 Rancho Road, Adelanto, CA 92301

Mailing: PO Box 3000, Adelanto, CA 92301-0724

Main Phone: (760) 246-1171

Visiting Phone: 760-246-3963/ FAX: 760-246-3104

Golden State Modified Community Correctional Facility

Physical: 611 Frontage Road, McFarland, CA 93250

Mailing: PO Box 1518, McFarland, CA 93250

Main Phone: (661) 792-2731

Visiting Phone: 661-792-2063, Ext. 121/ FAX: 661-792-0174

McFarland Female Community Reentry Facility (FCRF)

Physical: 120 Taylor Ave., McFarland, CA 93250-0637

Main Phone: (661) 792-1078

Visiting Phone: 661-792-1078/ FAX: 661-792-3007

Shafter Modified Community Correctional Facility

Physical: 1150 East Ash Avenue, Shafter, CA 93263

Main Phone: (661) 746-8900

Visiting Phone: 661-746-8900, Ext. 5114/ FAX: 661-746-0758

Modified Community Correctional Facilities

Taft Modified Community Correctional Facility (TMCCF)

Physical Location: 330 Commerce Way, Taft, CA 93268

Main Phone: (661) 765-2840

Visiting Phone: 661-765-2840/ FAX: 661-765-2850



Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility *Formulario de Reclamo de Compensación de Trabajadores (DWC 1) y Notificación de Posible Elegibilidad*

If you are injured or become ill, either physically or mentally, because of your job, including injuries resulting from a workplace crime, you may be entitled to workers' compensation benefits. Use the attached form to file a workers' compensation claim with your employer. **You should read all of the information below.** Keep this sheet and all other papers for your records. You may be eligible for some or all of the benefits listed depending on the nature of your claim. If you file a claim, the claims administrator, who is responsible for handling your claim, must notify you within 14 days whether your claim is accepted or whether additional investigation is needed.

To file a claim, complete the "Employee" section of the form, keep one copy and give the rest to your employer. Do this right away to avoid problems with your claim. In some cases, benefits will not start until you inform your employer about your injury by filing a claim form. Describe your injury completely. Include every part of your body affected by the injury. If you mail the form to your employer, use first-class or certified mail. If you buy a return receipt, you will be able to prove that the claim form was mailed and when it was delivered. Within one working day after you file the claim form, your employer must complete the "Employer" section, give you a dated copy, keep one copy, and send one to the claims administrator.

Medical Care: Your claims administrator will pay for all reasonable and necessary medical care for your work injury or illness. Medical benefits are subject to approval and may include treatment by a doctor, hospital services, physical therapy, lab tests, x-rays, medicines, equipment and travel costs. Your claims administrator will pay the costs of approved medical services directly so you should never see a bill. There are limits on chiropractic, physical therapy, and other occupational therapy visits.

The Primary Treating Physician (PTP) is the doctor with the overall responsibility for treatment of your injury or illness.

- If you previously designated your personal physician or a medical group, you may see your personal physician or the medical group after you are injured.
- If your employer is using a medical provider network (MPN) or Health Care Organization (HCO), in most cases, you will be treated in the MPN or HCO unless you predesignated your personal physician or a medical group. An MPN is a group of health care providers who provide treatment to workers injured on the job. You should receive information from your employer if you are covered by an HCO or a MPN. Contact your employer for more information.
- If your employer is not using an MPN or HCO, in most cases, the claims administrator can choose the doctor who first treats you unless you predesignated your personal physician or a medical group.
- If your employer has not put up a poster describing your rights to workers' compensation, you may be able to be treated by your personal physician right after you are injured.

Within one working day after you file a claim form, your employer or the claims administrator must authorize up to \$10,000 in treatment for your injury, consistent with the applicable treating guidelines until the claim is accepted or rejected. If the employer or claims administrator does not authorize treatment right away, talk to your supervisor, someone else in management, or the claims administrator. Ask for treatment to be authorized right now, while waiting for a decision on your claim. If the employer or claims administrator will not authorize treatment, use your own health insurance to get medical care. Your health insurer will seek reimbursement from the claims administrator. If you do not have health insurance, there are doctors, clinics or hospitals that will treat you without immediate payment. They will seek reimbursement from the claims administrator.

Switching to a Different Doctor as Your PTP:

- If you are being treated in a Medical Provider Network (MPN), you may switch to other doctors within the MPN after the first visit.
- If you are being treated in a Health Care Organization (HCO), you may switch at least one time to another doctor within the HCO. You may switch to a doctor outside the HCO 90 or 180 days after your injury is reported to your employer (depending on whether you are covered by employer-provided health insurance).
- If you are not being treated in an MPN or HCO and did not predesignate, you may switch to a new doctor one time during the first 30 days after your injury is reported to your employer. Contact the claims administrator to switch doctors. After 30 days, you may switch to a doctor of your choice if

Si Ud. se lesiona o se enferma, ya sea físicamente o mentalmente, debido a su trabajo, incluyendo lesiones que resulten de un crimen en el lugar de trabajo, es posible que Ud. tenga derecho a beneficios de compensación de trabajadores. Utilice el formulario adjunto para presentar un reclamo de compensación de trabajadores con su empleador. **Ud. debe leer toda la información a continuación.** Guarde esta hoja y todos los demás documentos para sus archivos. Es posible que usted reúna los requisitos para todos los beneficios, o parte de éstos, que se enumeran dependiendo de la índole de su reclamo. Si usted presenta un reclamo, el administrador de reclamos, quien es responsable por el manejo de su reclamo, debe notificarle dentro de 14 días si se acepta su reclamo o si se necesita investigación adicional.

Para presentar un reclamo, llene la sección del formulario designada para el "Empleado," guarde una copia, y déle el resto a su empleador. Haga esto de inmediato para evitar problemas con su reclamo. En algunos casos, los beneficios no se iniciarán hasta que usted le informe a su empleador acerca de su lesión mediante la presentación de un formulario de reclamo. Describa su lesión por completo. Incluya cada parte de su cuerpo afectada por la lesión. Si usted le envía por correo el formulario a su empleador, utilice primera clase o correo certificado. Si usted compra un acuse de recibo, usted podrá demostrar que el formulario de reclamo fue enviado por correo y cuando fue entregado. Dentro de un día laboral después de presentar el formulario de reclamo, su empleador debe completar la sección designada para el "Empleador," le dará a Ud. una copia fechada, guardará una copia, y enviará una al administrador de reclamos.

Atención Médica: Su administrador de reclamos pagará por toda la atención médica razonable y necesaria para su lesión o enfermedad relacionada con el trabajo. Los beneficios médicos están sujetos a la aprobación y pueden incluir tratamiento por parte de un médico, los servicios de hospital, la terapia física, los análisis de laboratorio, las medicinas, equipos y gastos de viaje. Su administrador de reclamos pagará directamente los costos de los servicios médicos aprobados de manera que usted nunca verá una factura. Hay límites en terapia quiropráctica, física y otras visitas de terapia ocupacional.

El Médico Primario que le Atiende (Primary Treating Physician- PTP) es el médico con la responsabilidad total para tratar su lesión o enfermedad.

- Si usted designó previamente a su médico personal o a un grupo médico, usted podrá ver a su médico personal o grupo médico después de lesionarse.
- Si su empleador está utilizando una red de proveedores médicos (*Medical Provider Network- MPN*) o una Organización de Cuidado Médico (*Health Care Organization- HCO*), en la mayoría de los casos, usted será tratado en la *MPN* o *HCO* a menos que usted hizo una designación previa de su médico personal o grupo médico. Una *MPN* es un grupo de proveedores de asistencia médica quien da tratamiento a los trabajadores lesionados en el trabajo. Usted debe recibir información de su empleador si su tratamiento es cubierto por una *HCO* o una *MPN*. Hable con su empleador para más información.
- Si su empleador no está utilizando una *MPN* o *HCO*, en la mayoría de los casos, el administrador de reclamos puede elegir el médico que lo atiende primero a menos de que usted hizo una designación previa de su médico personal o grupo médico.
- Si su empleador no ha colocado un cartel describiendo sus derechos para la compensación de trabajadores, Ud. puede ser tratado por su médico personal inmediatamente después de lesionarse.

Dentro de un día laboral después de que Ud. Presente un formulario de reclamo, su empleador o el administrador de reclamos debe autorizar hasta \$10000 en tratamiento para su lesión, de acuerdo con las pautas de tratamiento aplicables, hasta que el reclamo sea aceptado o rechazado. Si el empleador o administrador de reclamos no autoriza el tratamiento de inmediato, hable con su supervisor, alguien más en la gerencia, o con el administrador de reclamos. Pida que el tratamiento sea autorizado ya mismo, mientras espera una decisión sobre su reclamo. Si el empleador o administrador de reclamos no autoriza el tratamiento, utilice su propio seguro médico para recibir atención médica. Su compañía de seguro médico buscará reembolso del administrador de reclamos. Si usted no tiene seguro médico, hay médicos, clínicas u hospitales que lo tratarán sin pago inmediato. Ellos buscarán reembolso del administrador de reclamos.

Cambiando a otro Médico Primario o PTP:

- Si usted está recibiendo tratamiento en una Red de Proveedores Médicos

your employer or the claims administrator has not created or selected an MPN.

Disclosure of Medical Records: After you make a claim for workers' compensation benefits, your medical records will not have the same level of privacy that you usually expect. If you don't agree to voluntarily release medical records, a workers' compensation judge may decide what records will be released. If you request privacy, the judge may "seal" (keep private) certain medical records.

Problems with Medical Care and Medical Reports: At some point during your claim, you might disagree with your PTP about what treatment is necessary. If this happens, you can switch to other doctors as described above. If you cannot reach agreement with another doctor, the steps to take depend on whether you are receiving care in an MPN, HCO, or neither. For more information, see "Learn More About Workers' Compensation," below.

If the claims administrator denies treatment recommended by your PTP, you may request independent medical review (IMR) using the request form included with the claims administrator's written decision to deny treatment. The IMR process is similar to the group health IMR process, and takes approximately 40 (or fewer) days to arrive at a determination so that appropriate treatment can be given. Your attorney or your physician may assist you in the IMR process. IMR is not available to resolve disputes over matters other than the medical necessity of a particular treatment requested by your physician.

If you disagree with your PTP on matters other than treatment, such as the cause of your injury or how severe the injury is, you can switch to other doctors as described above. If you cannot reach agreement with another doctor, notify the claims administrator in writing as soon as possible. In some cases, you risk losing the right to challenge your PTP's opinion unless you do this promptly. If you do not have an attorney, the claims administrator must send you instructions on how to be seen by a doctor called a qualified medical evaluator (QME) to help resolve the dispute. If you have an attorney, the claims administrator may try to reach agreement with your attorney on a doctor called an agreed medical evaluator (AME). If the claims administrator disagrees with your PTP on matters other than treatment, the claims administrator can require you to be seen by a QME or AME.

Payment for Temporary Disability (Lost Wages): If you can't work while you are recovering from a job injury or illness, you may receive temporary disability payments for a limited period. These payments may change or stop when your doctor says you are able to return to work. These benefits are tax-free. Temporary disability payments are two-thirds of your average weekly pay, within minimums and maximums set by state law. Payments are not made for the first three days you are off the job unless you are hospitalized overnight or cannot work for more than 14 days.

Stay at Work or Return to Work: Being injured does not mean you must stop working. If you can continue working, you should. If not, it is important to go back to work with your current employer as soon as you are medically able. Studies show that the longer you are off work, the harder it is to get back to your original job and wages. While you are recovering, your PTP, your employer (supervisors or others in management), the claims administrator, and your attorney (if you have one) will work with you to decide how you will stay at work or return to work and what work you will do. Actively communicate with your PTP, your employer, and the claims administrator about the work you did before you were injured, your medical condition and the kinds of work you can do now, and the kinds of work that your employer could make available to you.

Payment for Permanent Disability: If a doctor says you have not recovered completely from your injury and you will always be limited in the work you can do, you may receive additional payments. The amount will depend on the type of injury, extent of impairment, your age, occupation, date of injury, and your wages before you were injured.

Supplemental Job Displacement Benefit (SJDB): If you were injured on or after 1/1/04, and your injury results in a permanent disability and your employer does not offer regular, modified, or alternative work, you may qualify for a nontransferable voucher payable for retraining and/or skill enhancement. If you qualify, the claims administrator will pay the costs up to the maximum set by state law.

Death Benefits: If the injury or illness causes death, payments may be made to a

(Medical Provider Network- MPN), usted puede cambiar a otros médicos dentro de la MPN después de la primera visita.

- Si usted está recibiendo tratamiento en un Organización de Cuidado Médico (Healthcare Organization- HCO), es posible cambiar al menos una vez a otro médico dentro de la HCO. Usted puede cambiar a un médico fuera de la HCO 90 o 180 días después de que su lesión es reportada a su empleador (dependiendo de si usted está cubierto por un seguro médico proporcionado por su empleador).
- Si usted no está recibiendo tratamiento en una MPN o HCO y no hizo una designación previa, usted puede cambiar a un nuevo médico una vez durante los primeros 30 días después de que su lesión es reportada a su empleador. Póngase en contacto con el administrador de reclamos para cambiar de médico. Después de 30 días, puede cambiar a un médico de su elección si su empleador o el administrador de reclamos no ha creado o seleccionado una MPN.

Divulgación de Expedientes Médicos: Después de que Ud. presente un reclamo para beneficios de compensación de trabajadores, sus expedientes médicos no tendrán el mismo nivel de privacidad que usted normalmente espera. Si Ud. no está de acuerdo en divulgar voluntariamente los expedientes médicos, un juez de compensación de trabajadores posiblemente decida qué expedientes serán revelados. Si usted solicita privacidad, es posible que el juez "selle" (mantenga privados) ciertos expedientes médicos.

Problemas con la Atención Médica y los Informes Médicos: En algún momento durante su reclamo, podría estar en desacuerdo con su PTP sobre qué tratamiento es necesario. Si esto sucede, usted puede cambiar a otros médicos como se describe anteriormente. Si no puede llegar a un acuerdo con otro médico, los pasos a seguir dependen de si usted está recibiendo atención en una MPN, HCO o ninguna de las dos. Para más información, consulte la sección "Aprenda Más Sobre la Compensación de Trabajadores," a continuación.

Si el administrador de reclamos niega el tratamiento recomendado por su PTP, puede solicitar una revisión médica independiente (*Independent Medical Review-IMR*), utilizando el formulario de solicitud que se incluye con la decisión por escrito del administrador de reclamos negando el tratamiento. El proceso de la IMR es parecido al proceso de la IMR de un seguro médico colectivo, y tarda aproximadamente 40 (o menos) días para llegar a una determinación de manera que se pueda dar un tratamiento apropiado. Su abogado o su médico le pueden ayudar en el proceso de la IMR. La IMR no está disponible para resolver disputas sobre cuestiones aparte de la necesidad médica de un tratamiento particular solicitado por su médico.

Si no está de acuerdo con su PTP en cuestiones aparte del tratamiento, como la causa de su lesión o la gravedad de la lesión, usted puede cambiar a otros médicos como se describe anteriormente. Si no puede llegar a un acuerdo con otro médico, notifique al administrador de reclamos por escrito tan pronto como sea posible. En algunos casos, usted arriesga perder el derecho a objetar a la opinión de su PTP a menos que hace esto de inmediato. Si usted no tiene un abogado, el administrador de reclamos debe enviarle instrucciones para ser evaluado por un médico llamado un evaluador médico calificado (*Qualified Medical Evaluator-QME*) para ayudar a resolver la disputa. Si usted tiene un abogado, el administrador de reclamos puede tratar de llegar a un acuerdo con su abogado sobre un médico llamado un evaluador médico acordado (*Agreed Medical Evaluator- AME*). Si el administrador de reclamos no está de acuerdo con su PTP sobre asuntos aparte del tratamiento, el administrador de reclamos puede exigirle que sea atendido por un QME o AME.

Pago por Incapacidad Temporal (Sueldos Perdidos): Si Ud. no puede trabajar, mientras se está recuperando de una lesión o enfermedad relacionada con el trabajo, Ud. puede recibir pagos por incapacidad temporal por un periodo limitado. Estos pagos pueden cambiar o parar cuando su médico diga que Ud. está en condiciones de regresar a trabajar. Estos beneficios son libres de impuestos. Los pagos por incapacidad temporal son dos tercios de su pago semanal promedio, con cantidades mínimas y máximas establecidas por las leyes estatales. Los pagos no se hacen durante los primeros tres días en que Ud. no trabaje, a menos que Ud. sea hospitalizado una noche o no puede trabajar durante más de 14 días.

Permanezca en el Trabajo o Regreso al Trabajo: Estar lesionado no significa que usted debe dejar de trabajar. Si usted puede seguir trabajando, usted debe hacerlo. Si no es así, es importante regresar a trabajar con su empleador actual tan

spouse and other relatives or household members who were financially dependent on the deceased worker.

It is illegal for your employer to punish or fire you for having a job injury or illness, for filing a claim, or testifying in another person's workers' compensation case (Labor Code 132a). If proven, you may receive lost wages, job reinstatement, increased benefits, and costs and expenses up to limits set by the state.

Resolving Problems or Disputes: You have the right to disagree with decisions affecting your claim. If you have a disagreement, contact your employer or claims administrator first to see if you can resolve it. If you are not receiving benefits, you may be able to get State Disability Insurance (SDI) or unemployment insurance (UI) benefits. Call the state Employment Development Department at (800) 480-3287 or (866) 333-4606, or go to their website at www.edd.ca.gov.

You Can Contact an Information & Assistance (I&A) Officer: State I&A officers answer questions, help injured workers, provide forms, and help resolve problems. Some I&A officers hold workshops for injured workers. To obtain important information about the workers' compensation claims process and your rights and obligations, go to www.dwc.ca.gov or contact an I&A officer of the state Division of Workers' Compensation. You can also hear recorded information and a list of local I&A offices by calling (800) 736-7401.

You can consult with an attorney. Most attorneys offer one free consultation. If you decide to hire an attorney, his or her fee will be taken out of some of your benefits. For names of workers' compensation attorneys, call the State Bar of California at (415) 538-2120 or go to their website at www.californiaspecialist.org.

Learn More About Workers' Compensation: For more information about the workers' compensation claims process, go to www.dwc.ca.gov. At the website, you can access a useful booklet, "Workers' Compensation in California: A Guidebook for Injured Workers." You can also contact an Information & Assistance Officer (above), or hear recorded information by calling 1-800-736-7401.

pronto como usted pueda medicamente hacerlo. Los estudios demuestran que entre más tiempo esté fuera del trabajo, más difícil es regresar a su trabajo original y a sus salarios. Mientras se está recuperando, su *PTP*, su empleador (supervisores u otras personas en la gerencia), el administrador de reclamos, y su abogado (si tiene uno) trabajarán con usted para decidir cómo va a permanecer en el trabajo o regresar al trabajo y qué trabajo hará. Comuníquese de manera activa con su *PTP*, su empleador y el administrador de reclamos sobre el trabajo que hizo antes de lesionarse, su condición médica y los tipos de trabajo que usted puede hacer ahora y los tipos de trabajo que su empleador podría poner a su disposición.

Pago por Incapacidad Permanente: Si un médico dice que no se ha recuperado completamente de su lesión y siempre será limitado en el trabajo que puede hacer, es posible que Ud. reciba pagos adicionales. La cantidad dependerá de la clase de lesión, grado de deterioro, su edad, ocupación, fecha de la lesión y sus salarios antes de lesionarse.

Beneficio Suplementario por Desplazamiento de Trabajo (*Supplemental Job Displacement Benefit- SJDB*): Si Ud. se lesionó en o después del 1/1/04, y su lesión resulta en una incapacidad permanente y su empleador no ofrece un trabajo regular, modificado, o alternativo, usted podría cumplir los requisitos para recibir un vale no-transferible pagadero a una escuela para recibir un nuevo curso de reentrenamiento y/o mejorar su habilidad. Si Ud. cumple los requisitos, el administrador de reclamos pagará los gastos hasta un máximo establecido por las leyes estatales.

Beneficios por Muerte: Si la lesión o enfermedad causa la muerte, es posible que los pagos se hagan a un cónyuge y otros parientes o a las personas que viven en el hogar que dependían económicamente del trabajador difunto.

Es ilegal que su empleador le castigue o despidan por sufrir una lesión o enfermedad laboral, por presentar un reclamo o por testificar en el caso de compensación de trabajadores de otra persona. (Código Laboral, sección 132a.) De ser probado, usted puede recibir pagos por pérdida de sueldos, reposición del trabajo, aumento de beneficios y gastos hasta los límites establecidos por el estado.

Resolviendo problemas o disputas: Ud. tiene derecho a no estar de acuerdo con las decisiones que afecten su reclamo. Si Ud. tiene un desacuerdo, primero comuníquese con su empleador o administrador de reclamos para ver si usted puede resolverlo. Si usted no está recibiendo beneficios, es posible que Ud. pueda obtener beneficios del Seguro Estatal de Incapacidad (*State Disability Insurance- SDI*) o beneficios del desempleo (*Unemployment Insurance- UI*). Llame al Departamento del Desarrollo del Empleo estatal al (800) 480-3287 o (866) 333-4606, o visite su página Web en www.edd.ca.gov.

Puede Contactar a un Oficial de Información y Asistencia (*Information & Assistance- I&A*): Los Oficiales de Información y Asistencia (*I&A*) estatal contestan preguntas, ayudan a los trabajadores lesionados, proporcionan formularios y ayudan a resolver problemas. Algunos oficiales de *I&A* tienen talleres para trabajadores lesionados. Para obtener información importante sobre el proceso de la compensación de trabajadores y sus derechos y obligaciones, vaya a www.dwc.ca.gov o comuníquese con un oficial de información y asistencia de la División Estatal de Compensación de Trabajadores. También puede escuchar información grabada y una lista de las oficinas de *I&A* locales llamando al (800) 736-7401.

Ud. puede consultar con un abogado. La mayoría de los abogados ofrecen una consulta gratis. Si Ud. decide contratar a un abogado, los honorarios serán tomados de algunos de sus beneficios. Para obtener nombres de abogados de compensación de trabajadores, llame a la Asociación Estatal de Abogados de California (*State Bar*) al (415) 538-2120, o consulte su página Web en www.californiaspecialist.org.

Aprenda Más Sobre la Compensación de Trabajadores: Para obtener más información sobre el proceso de reclamos del programa de compensación de trabajadores, vaya a www.dwc.ca.gov. En la página Web, podrá acceder a un folleto útil, "Compensación del Trabajador de California: Una Guía para Trabajadores Lesionados." También puede contactar a un oficial de Información y Asistencia (arriba), o escuchar información grabada llamando al 1-800-736-7401.



WORKERS' COMPENSATION CLAIM FORM (DWC 1)

PETITION DEL EMPLEADO PARA DE COMPENSACIÓN DEL TRABAJADOR (DWC 1)

Employee: Complete the "Employee" section and give the form to your employer. Keep a copy and mark it "Employee's Temporary Receipt" until you receive the signed and dated copy from your employer. You may call the Division of Workers' Compensation and hear recorded information at (800) 736-7401. An explanation of workers' compensation benefits is included in the Notice of Potential Eligibility, which is the cover sheet of this form. Detach and save this notice for future reference.

You should also have received a pamphlet from your employer describing workers' compensation benefits and the procedures to obtain them. You may receive written notices from your employer or its claims administrator about your claim. If your claims administrator offers to send you notices electronically, and you agree to receive these notices only by email, please provide your email address below and check the appropriate box. If you later decide you want to receive the notices by mail, you must inform your employer in writing.

Empleado: Complete la sección "Empleado" y entregue la forma a su empleador. Quédese con la copia designada "Recibo Temporal del Empleado" hasta que Ud. reciba la copia firmada y fechada de su empleador. Ud. puede llamar a la Division de Compensación al Trabajador al (800) 736-7401 para oír información gravada. Una explicación de los beneficios de compensación de trabajadores está incluido en la Notificación de Posible Elegibilidad, que es la hoja de portada de esta forma. Separe y guarde esta notificación como referencia para el futuro.

Ud. también debería haber recibido de su empleador un folleto describiendo los beneficios de compensación al trabajador lesionado y los procedimientos para obtenerlos. Es posible que reciba notificaciones escritas de su empleador o de su administrador de reclamos sobre su reclamo. Si su administrador de reclamos ofrece enviarle notificaciones electrónicamente, y usted acepta recibir estas notificaciones solo por correo electrónico, por favor proporcione su dirección de correo electrónico abajo y marque la caja apropiada. Si usted decide después que quiere recibir las notificaciones por correo, usted debe de informar a su empleador por escrito.

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.

Toda aquella persona que a propósito haga o cause que se produzca cualquier declaración o representación material falsa o fraudulenta con el fin de obtener o negar beneficios o pagos de compensación a trabajadores lesionados es culpable de un crimen mayor "felonia".

Employee—complete this section and see note above

Empleado—complete esta sección y note la notación arriba.

1. Name. *Nombre.* _____ Today's Date. *Fecha de Hoy.* _____

2. Home Address. *Dirección Residencial.* _____

3. City. *Ciudad.* _____ State. *Estado.* _____ Zip. *Código Postal.* _____

4. Date of Injury. *Fecha de la lesión (accidente).* _____ Time of Injury. *Hora en que ocurrió.* _____ a.m. _____ p.m.

5. Address and description of where injury happened. *Dirección/lugar dónde ocurrió el accidente.* _____

6. Describe injury and part of body affected. *Describe la lesión y parte del cuerpo afectada.* _____

7. Social Security Number. *Número de Seguro Social del Empleado.* _____

8. Check if you agree to receive notices about your claim by email only. Marque si usted acepta recibir notificaciones sobre su reclamo solo por correo electrónico. Employee's e-mail. _____ Correo electrónico del empleado. _____

You will receive benefit notices by regular mail if you do not choose, or your claims administrator does not offer, an electronic service option. *Usted recibirá notificaciones de beneficios por correo ordinario si usted no escoge, o su administrador de reclamos no le ofrece, una opción de servicio electrónico.*

9. Signature of employee. *Firma del empleado.* _____

Employer—complete this section and see note below. Empleador—complete esta sección y note la notación abajo.

10. Name of employer. *Nombre del empleador.* _____

11. Address. *Dirección.* _____

12. Date employer first knew of injury. *Fecha en que el empleador supo por primera vez de la lesión o accidente.* _____

13. Date claim form was provided to employee. *Fecha en que se le entregó al empleado la petición.* _____

14. Date employer received claim form. *Fecha en que el empleado devolvió la petición al empleador.* _____

15. Name and address of insurance carrier or adjusting agency. *Nombre y dirección de la compañía de seguros o agencia administradora de seguros.* _____

16. Insurance Policy Number. *El número de la póliza de Seguro.* _____

17. Signature of employer representative. *Firma del representante del empleador.* _____

18. Title. *Título.* _____ 19. Telephone. *Teléfono.* _____

Employer: You are required to date this form and provide copies to your insurer or claims administrator and to the employee, dependent or representative who filed the claim within **one working day** of receipt of the form from the employee.

Empleador: Se requiere que Ud. feche esta forma y que provéa copias a su compañía de seguros, administrador de reclamos, o dependiente/representante de reclamos y al empleado que hayan presentado esta petición dentro del plazo de **un día hábil** desde el momento de haber sido recibida la forma del empleado.

SIGNING THIS FORM IS NOT AN ADMISSION OF LIABILITY

EL FIRMAR ESTA FORMA NO SIGNIFICA ADMISION DE RESPONSABILIDAD

Employer copy/Copia del Empleador Employee copy/Copia del Empleado Claims Administrator/Administrador de Reclamos Temporary Receipt/Recibo del Empleado



STATE OF CALIFORNIA
 DIVISION OF WORKERS' COMPENSATION
 WORKERS' COMPENSATION APPEALS BOARD
 APPLICATION FOR ADJUDICATION OF CLAIM



Amended Application

Case No. _____

SSN (Numbers Only) _____

Venue choice is based upon (Completion of this section is required)

- County of residence of employee (Labor Code section 5501.5(a)(1) or (d).)
- County where injury occurred (Labor Code section 5501.5(a)(2) or (d).)
- County of principal place of business of employee's attorney (Labor Code section 5501.5(a)(3) or (d).)

Select 3 - Letter Office Code For Place/Venue of Hearing (From the Document Cover Sheet)

Injured Worker (Completion of this section is required)

First Name _____ MI _____

Last Name _____

Street Address/PO Box (Please leave blank spaces between numbers, names or words) _____

Street Address2/PO Box (Please leave blank spaces between numbers, names or words) _____

International Address (Please leave blank spaces between numbers, names or words) _____

City _____ State _____ Zip Code _____

Applicant (If other than Injured Worker)

- Insurance Carrier
- Employer
- Lien Claimant

Name (Please leave blank spaces between numbers, names or words) _____

Street Address/PO Box (Please leave blank spaces between numbers, names or words) _____

Street Address2/PO Box (Please leave blank spaces between numbers, names or words) _____

City _____ State _____ Zip Code _____

Employer Information (Completion of this section is required)

Insured Self-Insured Legally Uninsured Uninsured

Employer Name (Please leave blank spaces between numbers, names or words)

Employer Street Address/PO Box (Please leave blank spaces between numbers, names or words)

City _____ State _____ Zip Code _____

Insurance Carrier Information (If known and if applicable - include even if carrier is adjusted by claims administrator)

Insurance Carrier Name (Please leave blank spaces between numbers, names or words)

Insurance Carrier Street Address/PO Box (Please leave blank spaces between numbers, names or words)

City _____ State _____ Zip Code _____

Claims Administrator Information (If known and if applicable)

Name (Please leave blank spaces between numbers, names or words)

Street Address/PO Box (Please leave blank spaces between numbers, names or words)

City _____ State _____ Zip Code _____

IT IS CLAIMED THAT (Complete all relevant information):

1. The injured worker, born _____, while employed as a(n) _____
(DATE OF BIRTH: MM/DD/YYYY) (OCCUPATION AT THE TIME OF INJURY)

(Choose only one)

specific injury _____
(Date of injury: MM/DD/YYYY)

suffered a :

cumulative injury which began on _____ and ended on _____
(Start Date: MM/DD/YYYY) (End Date: MM/DD/YYYY)

The injury occurred at _____

Street Address/PO Box - Please leave blank spaces between numbers, names or words

City _____ State _____ Zip Code _____

(State which parts of the body were injured)

Body Part 1: _____

Body Part 2: _____

Body Part 3: _____

Body Part 4: _____

Other Body Parts: _____

2. The injury occurred as follows:

(EXPLAIN WHAT THE WORKER WAS DOING AT THE TIME OF INJURY AND HOW THE INJURY OCCURED)

[Empty box for injury description]

3. Actual earnings at the time of injury:

Rate of Pay \$ _____ Monthly Weekly Hourly State value of tips, meals, lodging, or other advantages, regularly received \$ _____ Monthly Weekly Hourly

Number of hours worked per week _____

4. The injury caused disability as follows:

Last day off work due to injury: _____
MM/DD/YYYY

First Period of Disability: Start Date _____ End Date _____
MM/DD/YYYY MM/DD/YYYY

Second Period of Disability: Start Date _____ End Date _____
MM/DD/YYYY MM/DD/YYYY

5. Compensation:

Compensation was paid: Yes No

Total paid: _____

Weekly rate(s): _____

Date of last payment: _____
MM/DD/YYYY

6. Has the worker received any unemployment insurance benefits and/or any unemployment compensation disability benefits (state disability) since the date of injury? Yes No

Is the Applicant Represented? Yes No If "No", applicant is to sign and date below.

If "Yes", applicant's representative is to complete the following and is to sign and date below.

Law Firm/Attorney Non-Attorney Representative

Law Firm or Company Name (If Applicable)

Law Firm Number (If Applicable)

Attorney/Representative First Name

MI

Attorney/Representative Last Name

Street Address/PO Box (Please leave blank spaces between numbers, names or words)

City

State

Zip Code

Applicant Attorney/Representative Signature

Applicant Signature

Dated at

City

, California

Date

MM/DD/YYYY

INSTRUCTIONS

FILING AND SERVICE OF A DECLARATION OF READINESS IS A PREREQUISITE TO THE SETTING OF A CASE FOR HEARING.

Effect of Filing Application

Filing of this application begins formal proceedings against the defendant(s) named in your application.

Assistance in Filling Out Application

You may request the assistance of an information and assistance officer of the Division of Workers' Compensation.

Right to Attorney

You may be represented by an attorney or agent, or you may represent yourself. The attorney's fee will be set by the Workers' Compensation Appeals Board at the time the case is decided and is ordinarily payable out of your award.

Filling Out Application

For "amended" applications, the venue choice must be the same as that specified on the original application, unless an order changing venue has issued. A street or P.O. Box address within the United States must be entered for the place where the injury occurred. Therefore, if the injury did not occur at a fixed or identifiable location (such as a field, a highway, or on water), or if the injury occurred outside of the United States, the employer's business address or another appropriate address must be specified; however, a short explanation regarding the place of injury may be appended to the application. If medical treatment has been paid for by Medi-Cal, Medicare, group health insurance, or a private carrier, please specify.

Service of Documents

Your attorney or agent will serve all documents in accordance with Labor Code section 5501 and the Workers' Compensation Appeals Board's Rules of Practice and Procedure.

If you have no attorney or agent, copies of this application will be served by the Workers' Compensation Appeals Board on all parties. If you file any other document, you must mail or deliver a copy of the document to all parties in the case.

IMPORTANT!

If any applicant is under 18 years of age, it will be necessary to file a Petition for Appointment of Guardian ad Litem. Forms for this purpose may be obtained at the district office of the Workers' Compensation Appeals Board, or by calling the district office and requesting this form.



**STATE OF CALIFORNIA
DIVISION OF WORKERS' COMPENSATION
WORKERS' COMPENSATION APPEALS BOARD
DECLARATION OF READINESS TO PROCEED**



NOTICE: Any objection to the proceedings requested by a Declaration of Readiness to proceed shall be filed and served within ten (10) days after service of the Declaration.

Case No. _____

Applicant

First Name _____ MI _____

Last Name _____ **VS** _____

Employer Information

Employer Name (Please leave blank spaces between numbers, names or words) _____

Employer Street Address/PO Box (Please leave blank spaces between numbers, names or words) _____

City _____ State _____ Zip Code _____

Declarants: Please designate your role (Please Select Only One)

- Employee Applicant Defendant Lien Claimant

Declarant requests: (Please Select Only One)

- Mandatory Settlement Conference Status Conference Rating MSC* Priority Conference
 Lien Conference

At the present time the principal issues are: (Check all that apply)

- Compensation Rate Rehabilitation/SJDB Temporary Disability Self-Procured Medical Treatment
 Permanent Disability Future Medical Treatment AOE/COE Discovery
 Employment Other _____

Declarant relies on the report(s) of:

Doctors (s) _____ date _____
MM/DD/YYYY

*For a Rating MSC, all ratable medical reports, including treating physician, QME and AME reports, must be filed with this Declaration of Readiness, unless they have been previously filed. A Rating MSC will be set only where the issues are limited to permanent disability and the need for future medical treatment.

Declarant states under penalty perjury that he or she is presently ready to proceed to hearing on the issues below and has made the following specific, genuine, good faith efforts to resolve the dispute(s) listed below:

Unless a status or priority conference is requested, I have completed discovery on the issues listed above, and that all medical reports in my possession or control have been filed and served as required by the rules promulgated by the Court Administrator.

Copies of this Declaration have been served this date as shown on the attached proof of service.

Declarant's Signature _____

Name of declarant or name of the law firm of the declarant (Print or Type) _____

Address (Please leave blank spaces between numbers, names or words) _____

Phone Number _____

Date _____
MM/DD/YYYY

INSTRUCTIONS

1. This Declaration must be completed and filed before any case will be set for hearing at the request of any party. A party may request a mandatory settlement conference hearing, status conference hearing, rating mandatory settlement conference hearing, priority conference hearing or a lien conference.

A mandatory settlement conference is held to assist the parties in resolving the dispute. If the dispute cannot be resolved at that time, the parties should be ready to frame issues, record stipulations, list exhibits, and list the witnesses who will testify at trial. A trial is set only at the discretion of the judge and is set for the purpose of receiving evidence.

A rating mandatory settlement conference is a mandatory settlement conference but ratings of the medical reports will be available at the time of the conference.

A status conference is not a mandatory settlement conference but a proceeding for which judicial attention is required. It can include, but is not limited to, a conference in a complicated case in which discovery is not complete and the parties need the judge's guidance.

A priority conference is a conference held under Labor Code section 5502(c) in which the injured worker is represented by an attorney and the issues include employment and/or injury arising out of and in the course of employment.

A lien conference is a proceeding for which judicial attention is required to resolve disputes on liens. If the dispute cannot be resolved at that time, the parties should be ready to frame issues, record stipulations, list exhibits, and list the witnesses who will testify at trial.

2. A lien claimant may file a declaration of readiness to proceed only after the underlying case has been resolved or where the applicant chooses not to proceed with his or her case. (Labor Code § 4903.6 (b).) A declaration of readiness filed by a lien claimant shall be accompanied by the verification required by section 10770.6 of title 8 of the California Code of Regulation. The failure to attach the verification or an incorrect verification may be a basis for sanctions.

3. Unless notified otherwise, no witness other than the applicant need attend conference hearings. **Claims adjusters and lien claimants must be present or available by telephone.**

4. The party requiring an interpreter must arrange for the presence of an interpreter, except that the defendant(s) must arrange for the presence of the interpreter if the injured worker is not represented by an attorney.

5. Continuances are not favored and none will be granted after the filing of this Declaration without a clear and timely showing of good cause.

6. The Workers' Compensation Appeals Board favors the presentation of medical evidence in the form of written reports.

Workers' Compensation Information and Assistance - 1 (800) 736-7401

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STATE OF CALIFORNIA
Department of Industrial Relations
Division of Workers' Compensation
WORKERS' COMPENSATION APPEALS BOARD

))
)) Case No.
))
Applicant,)
vs.)
))
))
Defendants)

**Petition for
Reconsideration**

A decision was filed in the above-entitled case on _____.

The _____ is aggrieved by said decision and hereby petitions for reconsideration upon the following grounds: (strike out items not applicable)

1. By the order, decision or award, the Board acted without or in excess of its powers.
2. The order, decision, or award was procured by fraud.
3. The evidence does not justify the findings of fact.
4. Petitioner has discovered new evidence material to him which he could not with reasonable diligence have discovered and produced at the hearing.
5. The findings of fact do not support the order, decision or award.

In support of the above, petitioner gives the following details, including a statement of facts upon which petitioner relies and a discussion of the law applicable thereto:

