Your Responsibility When Using the Information Provided Below:

When we wrote this informational material, we did our best to give you useful and accurate information because we know that people in prison often have difficulty obtaining legal information and we cannot provide specific advice to all who request it. The laws change frequently and can be looked at in different ways. We do not always have the resources to make changes to this material every time the law changes. If you want legal advice backed by a guarantee, try to hire a lawyer to address your specific problem. If you use this information, it is your responsibility to make sure that the law has not changed and is applicable to your situation. Most of the materials you need should be available in your institution law library.

FAMILY TIES AND PRISON PLACEMENT
(July 2019)

You are receiving this letter because you contacted our office requesting information or assistance regarding family ties in the California Department of Corrections and Rehabilitation (CDCR) prisons. Unfortunately, our resources are limited and we cannot provide you with individual assistance. This letter contains information about CDCR’s prison placement and family ties policies. Any documents you sent are being returned with this letter.

Many people who are incarcerated wish to be housed in a facility located near family and friends. Indeed, common sense and formal studies, including one done by CDCR itself, indicate that people who establish and maintain ties with the outside world have a better chance of success on parole. (See Penal Code § 6350(a).)

Despite this, people are often housed in prisons far from their homes, as California covers a large area and its prisons are spread across the state. Unfortunately, there is generally no federal or state right to be incarcerated in a particular prison or near family.

A person’s housing is often affected by their “classification,” which is the process of assigning a person housing, movement restrictions, privileges, and programs. The goal of the 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.” (15 CCR § 3375(b).) A person’s classification is determined by a team of prison officials, called a “classification committee,” and assignment to a particular prison is “endorsed” or approved by a Classification Staff Representative (CSR).

(continued on next page)
A California statute requires CDCR to house a person near their family “unless other classification factors make such a placement unreasonable.” (Penal Code § 5068.) However, that law also states that the availability of appropriate housing (bed space), along with many other factors, may be considered when deciding what is reasonable. (Penal Code § 5068.) The CDCR regulations allow classification staff to put an administrative code “FAM” on a person’s classification documents to indicate that the person “has strong family ties to a particular area where other placement would cause and unusual hardship,” but there are other types of administrative determinants that are also considered. (15 CCR 3375.2.) Thus, in reality, the law provides little protection to people who want to be housed near their families. (See, e.g., 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 incarcerated person away from family).)

If you want to be placed in or transferred to a prison closer to family or friends, you should make this known to reception center staff or to your counselor and classification committee at your assigned prison. At the reception center, you can ask to be placed in a prison near family members. If you are sent to a prison far from home, or later threatened with transfer to a remote prison, you can ask your counselor to schedule a classification committee meeting or you can make a request regarding placement at the next scheduled classification review.

If you want to stay or be transferred close to home, you should do your best to show close family ties. The probation officer’s report from your criminal case often will contain information verifying family relationships. There are other ways to gather documentation of family connections, such as keeping track of how many phone calls and visits you have and with whom, and how many letters are sent and received. It is particularly helpful to be able to show that it would be a special hardship for family members to travel for visits. For example, if you have close family members who are elderly or ill and unable to travel, you should try to get letters from those family members and/or their doctors discussing those facts. At least some people are transferred between prisons each year based on such concerns.

If you want to be housed near your family, you also should consider whether you can obtain placement at a particular institution for some other reason that would be recognized by the CDCR. For example, someone with a job skill or assignment requiring specialized knowledge possibly could be classified as a “critical worker” and thus avoid or require a transfer.

For more information about visitation, classification policies and processes, program assignments, and challenging classification and program actions, please send a request to Prison Law Office, General Delivery, San Quentin, CA 94964. Information is also in chapters two and four of The California Prison and Parole Law Handbook (Prison Law Office, 2019), which should be available in prison law libraries. The Handbook and other information are also on the Prison Law Office website at www.prisonlaw.com, under the Resources tab.