



PRISON LAW OFFICE

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

Director:
Donald Specter

Managing Attorney:
Sara Norman

Staff Attorneys:
Rana Anabtawi
Laura Bixby
Patrick Booth
Steven Fama
Alison Hardy
Jacob Hutt
Sophie Hart
Rita Lomio
Margot Mendelson

Your Responsibility When Using the Information Provided Below:

When we wrote the information below we did our best to give you useful and accurate information because we know that people in prison often have a hard time getting legal and other information and we cannot give specific advice to all the people who request it. However, the laws and CDCR practices change frequently and are subject to differing interpretations. We do not always have the resources to make changes to this material every time the law changes. If you use the information below, it is your responsibility to make sure that the law and CDCR practices have not changed and are applicable to your situation. Information may be available in your institution's law library.

NON-DESIGNATED PROGRAMMING FACILITIES (NDPFs) **Revised February 2022**

We are sending this information in response to your questions or concerns about the California Department of Correction and Rehabilitation's (CDCR's) changing of some prisons, buildings, or yards to "Non-Designated Programming Facilities (NDPFs). We know these changes have caused or are causing some people anxiety and concern.

NDPFs do not separate people who are or were designated Sensitive Needs Yard (SNY) from people who are or were designated General Population (GP). People who are or were designated GP or SNY are housed and program together.

CDCR first established some NDPFs in 2017, and has changed additional prisons, buildings, and yards to NDPFs since then. According to CDCR, these transitions were mostly successful, although there have been some incidents and program disruption when some prisons or yards become NDPFs.

CDCR has said that when a prison, building, or yard is going to become an NDPF, a multi-disciplinary team will meet with people living there, custody and healthcare staff, Inmate Advisory Councils, and Inmate Family Councils to discuss and prepare for a smooth transition. It is important to note that CDCR says that anyone who refuses to be housed at an NDPF will be charged with a rule violation and can be placed into higher level housing.

Please see the other side of this page for information about which prisons, buildings and yards are currently NDPFs and about what we know about CDCR's plans for future NDPF transitions. We are also attaching a "Frequently Asked Questions" memo about NDPFs, written by CDCR in April 2018.

Board of Directors

Harlan Grossman, President and Treasurer • Christiane Hipps, Vice President
Vanita Gaonkar • Nick Gregoratos • Michael Marcum • Jean Lu
Claire McDonnell • Ruth Morgan • Seth Morris • Adrienne Yandell

Current CDCR Non-Designated Programming Facilities (NDPFs):

EOP units

All EOP buildings are NDPFs.

If there are EOP buildings on a yard along with non-EOP buildings, the non-EOP buildings generally remain either GP or SNY unless the entire yard or entire prison has also been made NDPFs.

Yards with both EOP buildings and non-EOP buildings that are NDPF are Mule Creek, Facility D; R.J. Donovan, Facility E; and Substance Abuse Treatment Facility, Facilities F and G. Entire prisons with both EOP buildings and non-EOP buildings that are NDPFs are California Health Care Facility, California Medical Facility, San Quentin, and Valley State Prison.

Entire Prisons

Avenal State Prison, California Health Care Facility, California Medical Facility, California Rehabilitation Center, Chuckawalla Valley, San Quentin, and Valley State Prison are entirely NDPFs.

Level I, Camps, and Firehouses

All CDCR Level I yards are now NDPFs. Also, all camps, firehouses, and Minimum Support Facilities (MSFs) are NDPFs.

Level II

Almost all Level II prisons and yards are NDPF. See the “Entire Prisons” section above, as some of those prisons are mostly or entirely Level II. In addition, the following Level II yards or buildings are NDPFs: California Correctional Center, Facility B; California Correctional Institution, Building 9: E1, W1, Dorm 1-9 and Facility D; California Institution for Men, Facilities A and C; California Men’s Colony-West, Facilities E, F, G, and M; California Training Facility, Facilities A and B; Mule Creek State Prison, Facilities D and E; Pelican Bay State Prison, Facility D; R.J. Donovan, Facility E; Substance Abuse Treatment Facility, Facilities F and G; and Sierra Conservation Center, Facility B (aka Mariposa).

CDCR has stated that its goal is to transition all Level II facilities to NDPFs.

Level III

Some Level III yards and buildings are NDPFs. These are California Medical Facility, all Level III units; California Men’s Colony-East, Facilities A, B, and C; and Sierra Conservation Center Facility C, Buildings 1, 4 and 5.

CDCR has stated that it may transfer other Level III housing to NDPFs in the future.

Level IV

We do not know of any Level IV facilities that are NDPFs or of any plans by CDCR to transition Level IV facilities to NDPFs.

Non-Designated Programming Facility Frequently Asked Questions-April 2018

1. Why did CDCR implement Non-Designated Programming?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rev: 4.2.18