

Blog Readers,

JAN. 12TH, 2012
Thursday

* Key CASE = CANADIAN COALITION AGAINST THE DEATH PENALTY VS RYAN

AT → 269 F. Supp. 2d, 1199 (2003) - STATES
"PRISONERS MAY NOT BE PUNISHED FOR POSTING MATERIAL ON THE INTERNET WITH THE ASSISTANCE OF NON-INCARCERATED THIRD PARTIES."

→ After cl stated all the positive things re: my prison assignment, cl was 'written up' for something that is permitted by law - i.e. case law quoted above.

TO CLEAR UP ANY AMBIGUITY ANY READER MAY HAVE (who happens to be a 'prison official') the written 115 was 'dropped' because of case law, 3260, 3261.7 (enclosed) + my 4 page typed info (enclosed) which revealed the write-up for what it really was = Retaliation by CALPIA Supervisor because cl reported (& it's on 16 CAMERAS of footage) MANY UNSAFE WORKING CONDITIONS which is now being ~~the~~ investigated.

* cl keep you ALL posted!

Sincerely
Michael Singh

2 - pages from title 15
1 - Rules report
4 - typed pages

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code; *In re Williams* (1984) 159 C.A.3d 600, 205 Cal.Rptr. 903; *Bailey v. Loggins* (1982) 32 C.3d 907, 187 Cal.Rptr. 575; *Diaz et al. v. Watts* (1987) 189 Cal.App.3d 657, 234 Cal.Rptr. 334; and *Miller v. California* (1973) 413 U.S. 15, 93 S.Ct. 2607, reh. den 414 U.S. 881, 94 S.Ct. 26.

HISTORY:

1. New section filed 6-23-93; operative 7-23-93 (Register 93, No. 26).
2. Amendment of subsections (a), (a)(2), (a)(4) and (b) filed 6-6-96; operative 6-6-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 23).

3250.2. Inmate Publication Disclaimer and Editing Authority.

(a) Inmate publications shall include a disclaimer that the opinions expressed therein are the author's and do not necessarily represent the position of the facility or department.

(b) The institution head shall designate an administrative editor and a supervising editor who shall oversee the editorial correctness of the inmate publication and ensure compliance with relevant laws and regulations.

(c) The administrative editor shall be at the level of an associate warden or assistant regional parole administrator, public information officer, or administrative assistant.

(d) The supervising editor shall be an instructor in journalism or other qualified employee appointed by the institution head and shall approve or reject articles, illustrations, and layouts proposed for publication by the inmates.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 6-23-93; operative 7-23-93 (Register 93, No. 26).

3250.3. Resolution of Inmate Publication Editing Disagreements.

Disagreements about language, content, or acceptability of a proposed article or edition shall be resolved as follows:

(a) Any unresolved disagreement between the supervising editor and inmate publication staff shall be referred to the administrative editor for resolution. The administrative editor shall render a decision, which may include reasonable editorial changes, within three working days.

(b) If unable to effect a satisfactory resolution, the administrative editor shall forward the material to the institution head who may either make a decision or transmit the matter to the assistant director, communications, for a decision, within three working days of receipt of the disputed material.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 6-23-93; operative 7-23-93 (Register 93, No. 26).

3250.4. Termination of an Inmate Publication.

The termination of any inmate publication for other than the temporary suspension of publication during a lockdown or other declared emergency shall require the director's approval.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 6-23-93; operative 7-23-93 (Register 93, No. 26).

3251. Participation.

HISTORY:

1. Renumbering and amendment of former section 3251 to section 3250 filed 6-23-93; operative 7-23-93 (Register 93, No. 26).

SUBCHAPTER 4. GENERAL INSTITUTION REGULATIONS

Article 1. Public Information and Community Relations

3260. Public Access to Facilities and Programs.

Correctional facilities and programs are operated at public expense for the protection of society. The public has a right and a duty to know how such facilities and programs are being conducted. It is the policy of the department to make known to the public, through the news media, through contact with public groups and individuals, and by making its public records available for review by interested persons, all relevant information pertaining to operations of the department and facilities. However, due consideration will be given to all factors which might threaten the safety of the facility in any way, or unnecessarily intrude upon the personal privacy of inmates and staff. The public must be given a true and accurate picture of department institutions and parole operations.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment of section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3260.1. Public Records Duplication Services.

The Department shall charge a requester a fee of 12 cents per page, plus postage, to duplicate and mail a public record as defined in the California Public Records Act, Government Code Sections 6250, et seq.

NOTE: Authority cited: Sections 5058, Penal Code. Reference: Sections 5054, Penal Code, and section 6250, et seq., Government Code.

HISTORY:

1. New section filed 1-13-2003; operative 2-12-2003 (Register 2003, No. 3).

3261. Moviemakers, Broadcasters, Writers.

HISTORY:

1. Renumbering and amendment of former section 3261 to section 3261.1 filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3261.1. Media Access to Facilities.

(a) Access to a department facility or contract facility for a news media representative, as defined in subsection 3261.5(a)(1), shall require prior approval of either the institution head or the Assistant Secretary of Communications or designee. Access to a department facility for a non-news media representative, as defined in subsection 3261.5(a)(2), shall require prior approval of both the institution

head and the Assistant Secretary of Communications or their designees. For each request for access from a news media representative or a non-news media representative, the institution head or the Office of Public and Employee Communications shall provide an initial response back within two (2) working days. In order to deny an access request for a news media or a non-news media representative, the institution head shall secure advance authorization from the Secretary of the California Department of Corrections and Rehabilitation (CDCR) or designee.

(1) Facilities, on-duty staff, inmates or records under control of the department shall not be used in conjunction with film making, radio or television programs, or the writing of books, magazine articles or syndicated stories without prior approval of the Secretary of the CDCR or designee.

(2) Should any news media or non-news media representative(s) access to a facility constitute an immediate threat to safety and security, or generate serious operational problems, the institution head or designee may impose limitations on or set conditions for such access.

(b) Except as provided by subsection 3261.5(b), news media and non-news media representatives within a facility shall be under the direct supervision of the facility's or regional Public Information Officer or their designee as determined by the institution head.

(c) News media and non-news media representatives shall not enter condemned units, the execution chamber, or any area currently affected by an emergency situation without approval of the Secretary of the CDCR or designee.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and sections 1798.20, 1798.30 and 1798.40-42, Civil Code.

HISTORY:

1. Renumbering and amendment of former section 3261 to section 3261.1 filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).
3. Editorial correction of Reference cite (Register 95, No. 14).
4. Amendment filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).

3261.2. Authorized Release of Information.

(a) Only an employee designated by the institution head shall inform the media regarding a facility incident or newsworthy event.

(b) Except as provided by applicable federal and state law, no person shall disclose any protected health information that identifies an individual without a valid written authorization from the individual.

(c) Information pertaining to a Division of Juvenile Justice ward shall not be released to the media or the public, except as provided in subsection 3261.7(c)(3).

(d) Information derived from a person's Criminal Identification and Investigations Report shall not be provided to the media or to the public.

(e) Including the limitations of (c) and (d) above, the only inmate or parolee data which may be released without a valid written authorization from the inmate/parolee to the media or to the public includes the inmate's or parolee's:

- (1) Name.
- (2) Age.
- (3) Birthplace.
- (4) Place of previous residence.
- (5) Commitment information obtained from their adult probation officer's report.

(6) Facility assignments and behavior.

(7) General state of health, given in short and non-medical terms such as good, poor, or stable.

(8) Cause of death.

(9) Sentencing and release actions.

(f) The only employee data which may be released to the media or to the public by other than the employee concerning their involvement in a facility incident or newsworthy event includes:

(1) Name.

(2) Civil service classification.

(3) Age.

(4) Work assignment.

(5) Length of service with the department and/or current division or unit.

(6) Past work assignments.

(7) Role or function in a newsworthy event.

(g) Information endangering an employee or concerning an employee who is a crime victim shall not be released to the media.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Sections 56.10, 1798.20, 1798.30 and 1798.40-42, Civil Code; Sections 6250-6276.48, Government Code; and Code of Federal Regulations, Title 45, Parts 160 and 164.

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).
3. Amendment of section and Note filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).

3261.3. Notifying Media of Escapes.

(a) In the event of an actual or suspected escape, the facility or regional public information officer, or off-duty hours designee, shall notify radio and television stations and newspapers in the surrounding communities and the missing inmate's home community.

(1) The missing inmate's physical description, estimated time of disappearance and other pertinent details shall be provided.

(2) The media shall be informed of the facility's search efforts and cooperation with local law enforcement agencies.

(b) When available, the missing inmate's identification photograph or short escape bulletin shall be furnished to the notified television stations and newspapers. If a photograph or short escape bulletin are not available for distribution, the media shall be informed that one is posted at the facility's front entrance where they will be permitted to take a picture of it for their use.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3261.4. Media Inquiries.

(a) Media inquiries shall be given high priority; facts shall be gathered as quickly as possible and provided to the inquirer. If the requested facts are not known or are otherwise unavailable, the inquirer shall be so informed and the reasons therefore.

(b) No information developed to answer a media person's inquiry nor the fact that an inquiry was made shall be volunteered to another media person.

7. Amendment filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).

3261.6. Seriously or Terminally Ill Inmate Media Interviews.

(a) Media interviews shall not be permitted with an inmate suffering from a mental illness when, in the opinion of a psychiatrist or psychologist, the inmate is not capable of giving informed consent or their condition may be worsened by such an interview.

(b) Controlled access may be permitted to seriously or terminally ill patients and their housing areas. Random interviews in such unit shall be closely monitored and shall be terminated if a majority of the unit's inmates object.

(c) No more than two visits per calendar month to a unit housing seriously or terminally ill inmates shall be allowed. Visits shall be on a first-come, first-served basis with a waiting list to be maintained by the facility's public information officer. A "pool" of no more than ten media persons per visit shall be permitted.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code; and Sections 1798.41 and 1798.42, Civil Code.

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3261.7. Cameras and Other Audio or Visual Recording Devices. **COMPUTER SCANNER**

(a) Staff cannot prohibit a person who is not on facility property from photographing, filming, videotaping or otherwise recording any department facilities, employees, inmates, parolees or equipment.

(b) Persons are prohibited from interrupting, interfering or communicating with an inmate being transported or working off facility grounds without prior authorization of the staff person in charge or institution head.

(c) Photographs, films or videotapes for other than department purposes which reveal an inmate's identity may be taken within a facility subject to the following conditions:

(1) A CDCR Form 146 (Rev. 06/08) shall be completed for each inmate before a photograph, film or videotape identifying the inmate may be taken.

(2) An inmate's consent is not required where individuals in such settings as an exercise yard or dining hall are not singled out or where the inmate's identity is not revealed; however, before such shots are taken, inmates shall be advised so those who do not want to be recognized may turn away or leave the area.

(3) Photographs, films or videotapes revealing the identity of an inmate committed to the Division of Juvenile Justice shall not be made available other than for official purposes such as an escape.

(d) Unless there is a specified threat of imminent danger to an inmate or parolee by releasing their departmental identification photograph, news media representatives as defined in subsection 3261.5(a)(1) and non-news media representatives as defined in subsection 3261.5(a)(2) shall be permitted access to photographs without the inmate's or parolee's consent.

(1) News media and non-news media representatives shall pay for the facility's cost to provide such requested departmental identification photographs.

(2) Current departmental identification photographs of escaped inmates and parolees at large shall be provided without charge.

(e) Possession of any camera or other recording device within a facility is prohibited unless specifically authorized by the institution head.

(f) No camera or other recording device shall be permitted within the execution chamber area.

(1) Photographs or any other audio or visual recordings of an execution are prohibited.

(2) Media photography, filming or videotaping of the execution chamber is prohibited; however, stock department photographs and videotapes of the area are available upon request.

(g) Before photographers and camera operators enter a facility, they shall be informed of any restrictions, including that photographs or recordings are prohibited of: persons without their consent; and procedures, equipment or structures which will compromise security.

(h) Any photographs, film, video tape or other recording taken within facilities in violation of these regulations shall be seized and placed undamaged, undeveloped and unviewed in a secure area. The news media or non-news media representative's supplies and equipment shall not be damaged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 4570, 4570.1 and 5054, Penal Code.

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).
3. Amendment filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).

3262. Public Events.

Visitors may be permitted to attend athletic games and other types of entertainment held at facilities only under conditions that will not jeopardize facility security and the visitor's safety. Visitor attendance shall be by invitation only. Attendance of visitors shall not deprive inmates of attendance or adequate seating at such events. Admission fees shall not be charged.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment of section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3263. Group Visits.

Visits to a facility by interested groups may be permitted under conditions not jeopardizing facility security or the safety of persons. Visitors shall be escorted through the facility as specified by the institution head. Tours shall be conducted in a manner avoiding embarrassment of inmates or visitors, and disruption of normal activities.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment of section filed 12-18-91 as an emergency; operative 12-18-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-16-92 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of printing error (Register 92, No. 4).
3. Editorial correction of printing error (Register 92, No. 5).
4. Certificate of Compliance as to 12-18-91 order transmitted to OAL 4-15-92 and filed 5-26-92 (Register 92, No. 22).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).
3. Amendment of subsection (a) filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).

3261.5. Routine Media Interviews.

(a) Definitions.

(1) "News media representative" means a journalist who works for, or is under contract to, a newspaper, magazine, wire service, book publisher, or radio or television program or station or who, through press passes issued by a governmental or police agency, or through similar convincing means, can demonstrate that he or she is a bona fide journalist engaged in the gathering of information for distribution to the public.

(2) "Non-news media representatives" means individuals in the publishing and broadcasting media not included in subsection 3261.5(a)(1), and may include editorial researchers, freelance writers, authors of books and independent film makers involved with the production of broadcast or print endeavors including, but not limited to, features, documentaries, commercials, and pilots for proposed news, or entertainment programs.

(b) News media and non-news media representatives shall be allowed to interview inmates in person in accordance with the visiting requirements of sections 3170 through 3176.3.

(1) No inmate or parolee may have his or her visitation limited or revoked solely because of a visit or potential visit from a news media or non-news media representative, nor may an inmate or parolee be punished, reclassified, disciplined, transferred to another prison against his or her wishes, or otherwise retaliated against, solely for participating in a visit by, or communicating with, a news media or non-news media representative.

(2) During an interview conducted pursuant to subsection 3261.5(b), news media and non-news media representatives shall be allowed to bring up to three (3) pens, three (3) pencils and one (1) pad of paper into the facility. These items shall be searched to protect against an immediate and direct threat to the security of the institution.

(c) Inmate telephone calls to news media and non-news media representatives shall be allowed in accordance with section 3282 and may be recorded by the media representative with the inmate's consent.

(d) Except as provided by subsection 3261.5(b), access by news media and non-news media representatives to department institutions, contract facilities and equipment requires prior approval pursuant to the provisions in subsection 3261.1(a).

(1) Non-news media representatives must provide proof of employment by a bona fide publication or production company, or have evidence that such a company has contracted to purchase the completed project prior to approval.

(2) Non-news media representative requests for access to departmental facilities, on-duty staff or inmates shall include project and production details as necessary to determine security and operational impacts. (3) Non-news media representative film productions require a California Film Commission permit, along with evidence of financial responsibility and liability insurance of at least \$1 million indemnifying and defending the State of California, its offices, employees and agents against any lawsuits.

(e) News media and non-news media representatives may be allowed access to security housing units and administrative segregation with the prior approval of the institution head.

(1) Access to any secured area where lethal weapons are maintained requires the prior approval of the institution head.

(2) The institution head may allow access to an area outside the secure perimeter of a facility to news media representatives.

(f) News media and non-news media representatives may be permitted random face-to-face interviews with inmates or parolees housed in facilities under the jurisdiction of the department, and random or specific-person face-to-face interviews with staff. Such interviews shall be conducted as stipulated by the institution head, including restricting the time, place and duration of interviews, and size of technical crews.

(1) Random interviews of individuals involved in a specific activity or program, or encountered while covering a facility activity or event shall be limited to the time, areas and segments of the facility population designated by the institution head.

(2) Inmates may not participate in specific-person face-to-face interviews except as provided in subsection 3261.5(b).

(g) Use of cameras or recording equipment shall require prior approval of the institution head or designee. Photographs, films or video recording of inmates shall be allowed in accordance with section 3261.7.

(h) The news media and non-news media representatives or their organization(s) may be required to pay the security or escort costs provided for the interview.

(i) No inmate, parolee or staff shall be interviewed against their will.

(j) CDCR Form 146 (Rev. 06/08), Inmate Declaration To News Media Contact, shall be completed whenever an inmate is the subject of an interview, still photograph, motion picture or other recording intended for use by a television or radio station, or newspaper, magazine or other publication.

(k) One employee shall witness the inmate's signature on the completed CDCR Form 146.

(l) Inmates under 18 years of age shall not be photographed, filmed or video recorded.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code, and *Pell v. Procunier*, 94 S.Ct. 2800 (1974).

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).
3. Amendment of subsection (a), repealer and new subsection (a)(2), amendment of subsection (d), repealer of subsection (e)(1) and subsection relettering, new subsection (f) and amendment of Note filed 4-8-96 as an emergency; operative 4-8-96 (Register 96, No. 15). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 9-15-96 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-8-96 order transmitted to OAL 9-13-96 and disapproved 10-28-96 (Register 96, No. 44).
5. Amendment of subsection (a), repealer and new subsection (a)(2), amendment of subsection (d), repealer of subsection (e)(1) and subsection relettering, new subsection (g) and amendment of Note filed 10-28-96 as an emergency; operative 10-28-96 (Register 96, No. 44). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 4-6-97 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 10-28-96 order transmitted to OAL 3-3-97 and filed 4-14-97 (Register 97, No. 16).