

State of California

**California Code of Regulations**

**Title 15. Crime Prevention and Corrections**



**Division 3**

**Rules and Regulations of**

**Adult Institutions, Programs, and Parole**

**Department of Corrections and Rehabilitation**

Updated through June 1, 2018

Information and updates available online at:  
[http://www.cdcr.ca.gov/regulations/adult\\_operations](http://www.cdcr.ca.gov/regulations/adult_operations)  
CDCR Intranet: <http://intranet/adm/dss/rpmb>



## SUBCHAPTER 3. INMATE ACTIVITIES

### 3200. General Policy.

#### HISTORY:

1. Repealer filed 6-29-93; operative 7-29-93 (Register 93, No. 27).

### Article 1. Religious Program

#### 3210. Establishment of Religious Programs.

(a) Institution heads shall make every reasonable effort to provide for the religious and spiritual welfare of all interested inmates, including, but not limited to, affording inmates a reasonable accommodation to attend a scheduled Religious Service if they are unable to do so due to conflicting work/education assignments. Reasonable accommodation may include, but is not limited to, modified work schedule, use of accrued time or allowable breaks, granting of a job/assignment change, changes of regular days off, etc. Use of reasonable accommodation shall in no way adversely impact an inmate's credit earning status.

(b) Depending upon the number of inmates of the various faiths, chaplains may be employed or their services may be accepted on a

nonpaid volunteer basis. When feasible, separate space for services of the faith groups represented by a substantial number of inmates shall be provided. However, in some facilities, such as camps, it shall be necessary for the various faith groups to share such space as is available for religious services.

(c) Reasonable time and accommodation shall be allowed for religious services in keeping with facility security and other necessary institutional operations and activities. Insofar as possible, other facility activities shall be planned so as not to conflict with or disrupt scheduled religious services.

(d) A request for a religious service accommodation that requires a specific time, location and/or item(s) not otherwise authorized, will be referred to a Religious Review Committee (RRC) for review and consideration. The RRC shall be comprised of designated chaplains, and a correctional captain or their designee. Accommodation for religious services that are not granted, shall be for reason(s) which would impact facility/unit safety and security, and orderly day to day operations of the institution.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code; and Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. ss 2000cc, et seq.

**Religious Review Committee (RRC)** means a committee formed and maintained at each institution that reviews and reaches a decision regarding requests for reasonable accommodation and/or access to religious services.

Statewide Religious Review Committee (SRRC) is a committee established to ensure that a framework for religious/spiritual program policy exists, and that program continuity from institution to institution is maintained. The SRRC also provides an avenue for addressing statewide inmate religious/spiritual issues and offers recommendations to the Director of the Division of Adult Institutions (DAI) for consideration of policy development and/or enactment. The SRRC is comprised of the following: Associate Director, DAI (General Population—Males); one Warden from each mission within DAI; Headquarters Community Resources Manager (HCRM), Religious Programs; one CRM from each mission within DAI; a Captain; a designee from the Office of Legal Affairs; the departmental Food Administrator, and other stakeholders as required.

#### 3233. Inmate Leisure Time Activity Groups.

Institution heads may permit the formation of inmate leisure time activity groups, which promote educational, social, cultural and recreational interests of participating inmates. Group activities, which violate or advocate violating the law, regulations, or local procedures are prohibited.

#### 3234. Establishment of Inmate Leisure Time Activity Groups.

(a) Each institution head shall provide for the formation of inmate leisure time activity groups within the facility. No activity group shall be formed or operated without the written approval of the institution head or their designee.

(b) Inmates proposing to form an activity group shall submit a proposed plan of operation for the institution head's or designee's approval. The proposed plan of operation shall include the following:

(1) The proposed name of the group, which shall reflect the general nature and interest of the group.

(2) The purpose of the group with an explanation of the expected benefits to the inmate participants and to the facility, justifying the use of state resources to accommodate the group.

(3) Membership criteria. Membership to an activity group shall not be denied on the basis of an inmate's race, creed, color, age, national origin, ancestry, gender, marital status, disability, religious or political affiliation, sexual orientation, or on the inmate's inability or refusal to pay membership fees, dues or donations to the group.

(4) Frequency and type of meetings.

(5) Limitations on number of members.

(6) Outside affiliations.

(7) Structure of the group's governing body.

(8) Provision for annual update of bylaws for the institution head's or designee's approval.

(9) An agreement signed by an employee volunteer willing to serve as the group's sponsor. Only a permanent full-time employee shall serve as a group sponsor. Cosponsors may be required if the group cannot be controlled by a single volunteer.

(c) When the institution head or designee approves a group's proposed plan of operation, the plan shall constitute the group's bylaws and shall be so titled prior to distribution.

(1) Any change in bylaws shall require the institution head's or designee's written approval prior to implementation.

(2) Continuing operation of a group is contingent upon the institution head's or designee's annual review and reapproval of the bylaws.

(d) No activity group shall meet unless the group's sponsor or cosponsor is present for such meeting.

(e) Each approved group may be allowed one banquet per year subject to security considerations, availability of facilities and resources, and the group's ability to pay any additional costs incurred by the state.

(f) The institution head shall dispose of any undisbursed funds and property of a disbanded activity group and in determining the method of disposal shall consider all written requests by former group members and other interested persons.

(1) Funds shall be disbursed by either of the following methods:

(A) Deposited into the inmate welfare fund account.

(B) Donated to a recognized charitable organization.

(2) Property shall be disposed of by any one or more of the following methods:

(A) Placed on the inmate welfare fund property inventory.

(B) Donated to another inmate activity group.

(C) Sold to another inmate activity group. Proceeds of such sales shall be deposited into the inmate welfare fund account.

(D) Donated to a recognized nonprofit organization.

(E) Used for facility needs.

(g) The bylaws for any approved group shall be accessible to all inmates in the facility. A copy shall be given to any requesting member of the public.



### 3134.1. Processing of Publications.

(a) Publications. Inmates may subscribe to, purchase, or have items sent in to them such as newspapers, periodicals, magazines or books. If subscriptions or books are purchased for the inmate by a third party or donated to an inmate, they must be mailed directly from a book store, book distributor, or publisher. Personal correspondents cannot mail books, periodicals, or other publications directly to inmates and state that they are a donation. There shall be no "Approved Vendor Lists" for any publications.

(b) Processing and Inspection of Incoming Magazines and Newspapers. All magazines and newspapers shall be inspected prior to issuance to ensure that they comply with sections 3006, 3134, and 3135. Attached free CD's and packaged samples of perfume, lotion, moisturizers, stickers, or any item deemed to be contraband, contained in magazines shall be removed; notification of such to the inmate is not required. No other items shall be removed from a magazine or other publication in order to issue it to an inmate.

(c) Processing and Inspection of Incoming Books. All incoming paperback and hardback books and any enclosures within them shall be inspected prior to issuance to ensure they comply with sections 3006, 3134, and 3135. For hardback books staff shall allow the inmate to determine whether to accept the book with the cover removed or, if that option is declined, decide how the book is to be disposed of per section 3191(c). If the inmate chooses to accept the book, staff shall insure the book does not violate any other departmental regulation, and then shall remove the entire cover in front of the inmate. Should such removal render the book unstable, staff shall take measures to ensure the book remains intact.

### 3136. Disapproval of Inmate Mail.

(a) Disapproval of inmate mail that is in clear violation of CCR sections 3006 or 3135 shall be referred to staff not below the level of Captain for determination and appropriate action. Disapproval of inmate mail that is not in clear violation of CCR sections 3006 or 3135 shall be referred to the Warden, but not lower than the Chief Deputy Warden, for determination and appropriate action. When incoming or outgoing mail/packages/publications addressed to or being sent by an inmate are withheld or disallowed, the inmate shall be informed via CDCR Form 1819 (Rev. 01/16), Notification of Disapproval-Mail/Packages/Publications, of the reason, disposition, name of official disallowing the mail/package/publication, and the name of the official to whom an appeal can be directed.

(b) When inmate mail is disapproved based on the criteria established in this section, a copy of the CDCR Form 1819 and the supporting document(s) shall be retained by each facility for a minimum of seven years.

### 3137. Appeals Relating to Mail and Correspondences.

(a) Inmates, their correspondents, and publishers may appeal departmental rules, regulations, policies, approved facility procedures and their application relating to mail and correspondence.

(b) Inmates shall use the established inmate appeal procedures as provided in section 3084, et seq. An inmate's submittal of an appeal within 30 calendar days of a notice that mail is being designated as undelivered will postpone any disposition of the mail until an appeal decision is made at the third level of appeal review. If the inmate's appeal is denied at the third level of appeal review, the item of mail shall be disposed of as provided in subsection 3191(c).

(c) Persons other than inmates should address any appeal relating to department policy and regulations to the Director of the Division of Adult Institutions (DAI). Appeals relating to a specific facility procedure or practice should be addressed in writing to the Warden, or Associate Director of the facility where the appeal issue arises. A written response shall be provided within 15 working days. Appeals that are not satisfactorily resolved at this level may be forwarded in writing to the Director of the DAI who shall provide a written response within 20 working days.

## 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

#### 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.

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.



## SUBCHAPTER 5. PERSONNEL

### Article 1. Wardens, Superintendents, Parole Region Administrators

#### 3380. Chief Executive Officer.

(a) The warden or superintendent of an institution of the department is the chief executive officer of that institution, and is responsible for the custody, treatment, training and discipline of all inmates under his or her charge.

(b) Parole region administrators are the chief executive officer of their respective parole regions, and are responsible for the supervision of all parolees and furloughees assigned to the region, and to the districts, units and community correctional centers under the region's jurisdiction.

(c) Subject to the approval of the Secretary of Corrections and Rehabilitation, wardens, superintendents and parole region administrators will establish such operational plans and procedures as are required by the Secretary for implementation of regulations and as may otherwise be required for their respective operations. Such procedures will apply only to the inmates, parolees and personnel under the administrator.

(d) Copies of institution and parole region operational plans and procedures requiring the Secretary's review and approval will be submitted to central office on a scheduled basis. A copy of each currently approved plan will be maintained in the department's policy documentation files. Operational procedures which do not require the Secretary's review and approval do not need to be submitted to central office unless requested. In compliance with the Public Records Act, departmental regulations and procedures, as well as institution and parole region operational plans and procedures of a nonconfidential nature, will be made available for public examination at any administrative office of the department where such information is maintained.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code and Section 6253, Government Code.

#### 3391. Employee Conduct.

(a) Employees shall be alert, courteous, and professional in their dealings with inmates, parolees, fellow employees, visitors and members of the public. Inmates and parolees shall be addressed by their proper names, and never by derogatory or slang reference. Prison numbers shall be used only with names to summon inmates

via public address systems. Employees shall not use indecent, abusive, profane, or otherwise improper language while on duty. Irresponsible or unethical conduct or conduct reflecting discredit on themselves or the department, either on or off duty, shall be avoided by all employees.

(b) An allegation by a non-inmate of misconduct by a departmental peace officer as defined in section 3291(b) is a citizen's complaint pursuant to Penal Code section 832.5. Citizen's complaints alleging misconduct of a departmental peace officer shall be filed within twelve months of the alleged misconduct.

(c) Persons other than an inmate, parolee or staff who allege misconduct of a departmental peace officer shall submit a written complaint to the institution head or parole administrator of the area in which the peace officer is employed.

(d) Citizens filing complaints alleging misconduct of a departmental peace officer employed by this department are required to read and sign the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 148.6, 832.5, 5054 and 6250-6253, Penal Code, *Chaker v. Crogan* (9th Cir 2005) 428 F. 3d 1215.

In a future blog, I intend to post: Dept. Operational Procedure(s)  
DOM 101060.1 Policy: "The Dept. shall make a reasonable effort to provide for the religious and spiritual welfare of all interested inmates".

DOM 101060.5 Religious PROGRAM ACTIVITIES

DOM 101090.5 ARTICLE 9 - VOLUNTEERS

DOM 101090.6 Appointment Standard; VM Approval

A parade of Interest, or not, I'm responsible! Are you?