

State of California

Department of Corrections



13724

AND REGULATIONS

of the

Director of Corrections

Revised July 1974

## PREFACE

These Rules and Regulations of the Director of Corrections for administration of the department and all of its components are issued under the authorization granted to the Director by Penal Code Section 5058. These Rules and Regulations supersede those previously in effect and are subject to change upon notice in writing. They may be modified or suspended only by the Director of Corrections.

It is not intended that these Rules and Regulations will conflict in any way with the provisions of the Constitution or laws of the United States or the State of California, or with the regulations of any agency of State Government which is entitled by law to exercise control over any of the functions of the Department of Corrections.

The contents of this book are organized to include an introduction which summarizes laws applying specifically to inmates. The first three chapters cover regulations applying to inmates, which both inmates and personnel should understand. The remaining chapters cover regulations applying to institutions and personnel.

Consistent with prior issues of the rule book, it is intended that a minimum of regulations will be provided for the guidance of both inmates and employees so that the programs of the Department of Corrections may be conducted at all times in an orderly manner in keeping with its philosophy and objectives.

The regulatory language in this book is clarified as follows: "Must", "must not", "will" and "will not" are mandatory. "May" is permissive, subject to given conditions or alternatives.

Statements of policy have been identified as such rather than as rules and precede the related rules in each article. All policy and rules are considered regulations. Procedural detail necessary to implementation of these regulations has intentionally been omitted and will be found in appropri-

ate departmental and institutional procedure manuals. It is not expected that such procedural manuals will be of general public interest, and sufficient copies are produced to meet departmental needs only. Interested persons outside the department may review the manuals by prearrangement with my office or with the head of any departmental institution. Copies of portions of the manuals may be provided, at cost of producing the copies, at administrative convenience.

As it becomes later necessary to modify an existing regulation or add a new one, an Administrative Bulletin will be issued containing the change to be made. Suitable arrangements must be made by the institution heads, Chief, Parole and Community Services Division and central office division chiefs to inform all employees, inmates and other concerned persons of such changes.

As approved by the Director of Corrections, the institution heads have issued such additional regulations as are required for proper operation of their institutions. These are available to inmates and employees of the individual institutions. Inquiries regarding institutional regulations should be directed to the heads of the individual institutions.

A copy of the Rules and Regulations of the Director of Corrections will be provided to all inmates and personnel of the department and to appropriate governmental agencies. Other interested persons may obtain copies at overhead cost. Please write to my office for ordering instructions.

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July 1974

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**GENERAL INFORMATION**

**INMATES ARE SUBJECT TO STATE LAW**

In addition to being subject to the Rules and Regulations of the Director and the regulations of the institution, inmates of correctional institutions and camps are subject to the state law governing all of the people of the state. Some laws apply especially to inmates and persons who would contact inmates. Some of these are briefly indicated below:

1. Section 4500 PENAL CODE—Provides that every person serving a life sentence who assaults another with a deadly weapon or by means likely to produce great bodily injury is punishable by death. If the person assaulted is another inmate the punishment may be life without possibility of parole for nine years.
2. Section 4501 PENAL CODE—Provides that every person serving a sentence other than life who assaults another as above shall be imprisoned for three years to life.
3. Section 4501.5 PENAL CODE—Provides that every prisoner who commits battery (uses any force or violence) on any free person shall be imprisoned for one to three years.
4. Section 4502 PENAL CODE—Provides that every person confined in a state prison who has or carries any weapon, shall be imprisoned three years to life.
5. Section 4503 PENAL CODE—Provides that any prisoner who holds any hostage shall be imprisoned for five years to life.
6. Section 4530 PENAL CODE—Provides that every prisoner who by force or violence escapes or attempts to escape will be imprisoned for one year to life to begin

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- at the time he would otherwise have been discharged. If no force or violence is used, the sentence is six months to five years. Failure to return from Temporary Community Release or Work or Educational Furlough within the authorized time is an escape.
7. Section 3044 PENAL CODE—Provides that no prisoner who by force or violence escapes or attempts to escape may be paroled until two years after his return to prison.
  8. Section 4534 PENAL CODE—Provides that any person who helps any prisoner escape or attempt to escape shall be imprisoned for not more than ten years and may be fined up to ten thousand dollars (\$10,000).
  9. Section 4535 PENAL CODE—Provides that any person who carries or sends into a prison or prison camp anything useful to help a prisoner escape shall be imprisoned for one year to life.
  10. Section 4550 PENAL CODE—Provides that any person who rescues or attempts to rescue any prisoner from any prison or prison camp shall be imprisoned for six months to fourteen years.
  11. Section 6082 PENAL CODE—Provides that reference to prisons in Title 5 and Title 7, Part 3 of the Penal Code, refers to all facilities, camps, hospitals, and institutions for the confinement, treatment, employment, training and discipline of persons in the legal custody of the Department of Corrections. Therefore, adult inmates who escape from the Deuel Vocational Institution are subject to the penalties provided in Sections 4530 of the Penal Code.
  12. Section 4570 PENAL CODE—Provides that any person who communicates with any prisoner or gives to him or takes from him any letter, writing, or reading matter without the permission of the person in charge

- of the place where prisoners are located, is guilty of a misdemeanor and is subject to six months in jail and a fine of five hundred dollars (\$500.00).
13. Section 4571 PENAL CODE—Provides that any inmate of a California state prison who comes on the grounds or the land around the grounds of any prison or prison camp without the permission of the person in charge shall be imprisoned for not more than five years.
  14. Section 4572 PENAL CODE—Provides that any tramp, vagrant or person who is a known associate of thieves who comes into any prison or prison camp or the grounds around them and communicates with any prisoner without permission of the person in charge is subject to a sentence of six months in jail and a fine of five hundred dollars (\$500.00).
  15. Sections 4573, 4573.5 and 4573.6 PENAL CODE—Provide that any person who brings into, or has, while in prison or prison camp or on the grounds of such places any drug or any alcoholic beverage without specific authorization of the proper officials is subject to a sentence of six months to five years.
  16. Section 4574 PENAL CODE—Provides that 1) any person who brings any firearms, deadly weapons, or explosives into any prison or any other place where state prisoners are located, or the grounds of such places, or any prisoner who 2) possesses any firearms, deadly weapons or explosives in a prison, shall be imprisoned for one year to life.
  17. Section 2772 PENAL CODE—Provides that any person who interferes with or interrupts the work or conduct of any inmate assigned to a prison highway camp, or who gives any inmate any narcotics or intoxicating liquors, or firearms or weapons or explosives of any

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kind, without permission of proper authority, may be imprisoned for not more than five years and fined not more than two hundred dollars (\$200.00).

18. Section 2790 PENAL CODE—Provides that any person who interferes with or interrupts the work or conduct of any inmate assigned to a prison firefighting camp or work crew, or who gives any inmate any narcotics or intoxicating liquors, or firearms or weapons or explosives of any kind, without permission of proper authority, may be imprisoned for not more than five years, and fined not more than two hundred dollars (\$200.00).
19. Section 4600 PENAL CODE—Provides that every person who destroys or injures any jail or prison may be imprisoned for not more than five years and fined not more than ten thousand dollars (\$10,000).

### **NARCOTIC ADDICTS UNDER CIVIL COMMITMENT TO THE CDC ARE SUBJECT TO STATE LAWS**

1. Section 3022 of the Welfare and Institutions Code—Provides that persons committed to the California Rehabilitation Center who escape or attempt to escape from lawful custody are guilty of a crime punishable by imprisonment in the state prison for not more than seven years.
2. Section 3305 of the Welfare and Institutions Code—Provides that the provisions of Part 3 of the Penal Code apply to the California Rehabilitation Center as a prison under the jurisdiction of the Department of Corrections and to the persons confined therein insofar as such provisions may be applicable.

## **CHAPTER 1. INMATE RULES**

### **POLICY REGARDING INMATE RULES**

**DP-1001. GENERAL.** Rules are necessary in every community and institution to protect people's rights. The regulations in this book are made by the Director of Corrections and may be changed by him. The warden or superintendent may make additional regulations applicable to an individual institution. All such regulations and changes to them will be set forth in writing and made routinely available to every inmate and staff member. The wardens' or superintendents' regulations are made under the Director's authority and are subject to his approval.

Each inmate, regardless of commitment circumstances, is subject to the Rules and Regulations of the Director, the regulations of the warden or superintendent of the institution in which the inmate resides, and to all applicable public laws.

**DP-1002. INFORMING INMATES OF BEHAVIORAL EXPECTATIONS.** Upon arrival at any departmental institution, each inmate will be provided with:

1. Staff instruction regarding the inmate regulations of that institution, including the locations and times at which the regulations may be reviewed in written form.
2. A copy of the current Rules and Regulations of the Director of Corrections.
3. Written institutional regulations including but not limited to the mail and visiting regulations, daily count requirement, identification and privilege card requirements, and the local appeal procedure.

If an inmate does not understand the meaning of any rule or regulation it will be explained to him or her by a staff member. Violation or attempted violation of a rule will lead to disciplinary action. Not knowing a rule is no excuse for violation.

**DP-1003. RIGHT TO ADMINISTRATIVE REVIEW OF GRIEVANCES.** Each inmate has the right to appeal decisions or conditions affecting his or her welfare. Each institution head must provide a system whereby an inmate may request and receive administrative review of any problem or complaint. Such review will involve upper level staff and will insure that the complaint receives timely, courteous and considerate attention. The institutional appeal procedure will apply to all areas of complaint except the disciplinary process and the Adult Authority hearing process, each of which has a special appeal or review procedure.

## Article 1. Inmate Behavior

### POLICY

**DP-1100. GENERAL.** Each inmate has the right to expect that as a human being he or she will be treated respectfully, impartially, and fairly by all personnel. Each inmate has the responsibility to treat others, both employees and inmates, in the same manner. Any inmate who refuses to consider the rights and needs of other inmates or of staff members and as a result endangers the institutional community or its individual members is subject to disciplinary action and to segregation from the general prison community.

### RULES

**DR-1101. CONDUCT.** You must obey the rules, regulations and laws, and avoid behavior that might lead to violence or disorder.

**DR-1102. OBEYING ORDERS.** You must promptly and courteously obey any written or verbal order or instruction from institutional staff, or from employees of other agencies with assigned responsibility for supervision of inmates.

**DR-1103. LANGUAGE.** You must not make remarks or noises which are insulting or show disrespect to others.

**DR-1104. CONTRABAND.** You may possess only those things allowed by the rules and regulations. Anything else is contraband and if found in your possession will be confiscated.

*Inmates are permitted to possess:*

- a. Anything listed on their property record which has been issued to them.
- b. Anything they have purchased through the canteen, subject to institutional limitations on maximum quantities.
- c. Anything additionally permitted by institutional regulations as personal property.
- d. Anything specifically authorized for their possession.

Possession of any weapon, explosive, or destructive device by a prisoner is a violation of state law and subject to criminal prosecution.

Inmates must not possess or assist in circulation of any writings or voice recordings encouraging any form of violent behavior within the institution, or constituting escape plans or plans for the production or acquisition of weapons. If the warden or superintendent believes that any writings

or voice recordings in an inmate's possession would, if circulated, tend to subvert prison order or discipline, he must order it placed in that inmate's unissued property, to which the inmate will have access under supervision.

Inmates must not possess money. If an inmate finds money and voluntarily surrenders it, and the rightful owner does not claim it within 30 days, it will be credited to the inmate's trust account.

**DR-1105. SEXUAL BEHAVIOR.** You must not part-  
pate in illegal sexual acts. You must avoid situations which might lead to illicit sexual conduct.

**DR-1106. OBSCENITY.** You must not possess obscene materials.

**DR-1107. GAMBLING OR BOOKMAKING.** You must not participate in any form of gambling or bookmaking.

**DR-1108. CONDUCT WITH VISITORS OR EMPLOYEES.** You must not ask for or accept gifts or favors from visitors, employees, or other persons, and not give any person a gift or promise of one, except as specifically permitted by the institutional head.

**DR-1109. CARE OF STATE PROPERTY.** You must not destroy, damage, deface, alter or misuse state property. If you do so, you may be required to pay for it.

**DR-1110. STEALING OR DEALING.** You must not obtain anything by theft, fraud or dishonesty. You must not give, receive or exchange articles except as specifically authorized.

**DR-1111. IMPROPER INFLUENCE.** You must not attempt to gain special consideration or favors from inmates, employees, visitors, or any person by the use of flattery, gifts, unusual attentions, bribery, threat or by any other improper means.

**DR-1112. RESPECT TOWARD OFFICIALS.** You must be attentive and respectful toward state employees and officials. Address any such person as "Mr. (Mrs. or Miss)" followed by his or her last name or by their proper title followed by the last name. (Examples: "Mr. Jones", "Lieutenant Smith", etc.)

**DR-1113. ANSWERING CALLS OR PASSES.** You must respond promptly to passes and to calls made over the public address system or by any other authorized means.

**DR-1114. UNAUTHORIZED AREAS.** You must be aware of all "out-of-bounds" and unauthorized areas and must not enter such areas. You must be only in authorized areas.

**DR-1115. USE OF STIMULANTS OR SEDATIVES.** You must not use, possess or exchange any substance or paraphernalia which produces intoxication or stimulation, except as specifically authorized by the institutional medical staff.

**DR-1116. RESPONSIBILITY FOR COUNT.** You must be present at the designated time and place for counts, in accordance with institutional regulations.

**D-1117. USE OF TELEPHONES.** You must not use the telephone except as specifically authorized by an appropriate staff member. You must then identify yourself as an inmate. All telephone calls are subject to monitoring.

**DR-1118. IDENTIFICATION.** You must carry on your person any identification and privilege cards issued to you in accordance with institutional regulations. You must not alter, lend or lose your cards, and must not possess the card of another inmate. You must surrender your cards at the request of any employee.

**DR-1119. UNAUTHORIZED ORGANIZATIONS.** You must not establish or participate in the establishment or activities of any inmate club, association or other organization except as specifically approved by the institution head.

## Article 2. Clothing

### POLICY

**DP-1201. GENERAL.** Inmates will be provided with adequate clothing.

### RULES

**DR-1201. NEATNESS OF CLOTHING.** You must be properly clothed at all times in accordance with institutional regulations, and must keep your clothing as neat and clean as conditions permit.

**DR-1202. AUTHORIZED CLOTHING.** You must possess only those items of clothing issued to you or specifically authorized for your possession.

**DR-1203. ALTERATION OF CLOTHING.** You must not alter state-issued clothing without authorization. If your regular issue does not meet your needs because of a physical problem, the Medical Officer may authorize special issue.

## Article 3. Work and Education Program

### POLICY

**DP-1301. GENERAL.** Every effort will be made to provide a normal work day of constructive activity for every inmate. Achievement of educational potentials and employable skills will be encouraged.

### RULES

**DR-1301. WORK PERFORMANCE.** You must perform your assigned tasks diligently and conscientiously. You must not shirk, pretend illness, evade work, or encourage others to do so.

**DR-1302. HOURS OF WORK.** You must report to work on time as instructed and not leave without permission.

**DR-1303. SAFETY.** You must perform your duties in a safe manner, using safety equipment as instructed.

**DR-1304. EDUCATION PARTICIPATION.** If you are assigned to an educational or training program, you must give your full cooperation to the instructor or others in charge, and must comply with all program requirements.

## Article 4. Food

### POLICY

**DP-1401. GENERAL.** Inmates will be provided with a wholesome, nutritionally adequate diet, served in an attractive way and in an orderly manner.

**DP-1402. SPECIAL DIETS.** Special diets may be provided when prescribed by the institution Medical Officer.

**DP-1403. FOOD HANDLERS.** Proper medical clearance is required prior to assignment of any inmate to a food handling assignment.

### RULES

**DR-1401. USE OF FOOD.** You must not steal, waste or contaminate food or equipment used in preparing and handling food, or remove any food items from the mess hall except as authorized by institutional regulations.

## Article 5. Personal Cleanliness

### POLICY

**DP-1501. GENERAL.** Institutions will provide the means for inmates to keep themselves and their living quarters clean and to practice good health habits.

### RULES

**DR-1501. PERSONAL HYGIENE.** You must keep yourself clean and practice those health habits essential to the maintenance of physical and mental well-being.

**DR-1502. HAIRCUTS AND SHAVING.** Your hair and whisker styling must follow institutional regulations. Institutional regulations for male inmates must be within these limits:

- a. Hair no longer than collar length in back.
- b. Sides trimmed or combed to leave ears exposed.
- c. "Natural" or braid-type hairstyles of reasonable length.
- d. Sideburns cut straight across and not below earlobe.
- e. Mustaches, if permitted, trimmed to within one-fourth inch of the corner of the mouth.
- f. No beards or goatees.

Each institution must provide pictures showing their haircut and shaving regulations.

You must not possess a wig, toupee, or other hairpiece.

**DR-1503. TATTOOS.** You must not tattoo or permit tattoos on yourself or others. You must not remove or permit removal of tattoos from yourself or others. Removal or altering of tattoos will be performed only by a medical officer after proper approval has been given.

**DR-1504. CARE OF QUARTERS.** You must keep your cell and surroundings neat, clean and sanitary. You must not alter your quarters or equipment without specific authorization.

## Article 6. Camp Assignment

### POLICY

**DP-1601. CAMPS SUBJECT TO INSTITUTIONAL REGULATIONS.** Each camp is a branch of the institution which maintains it, and all pertinent rules, regulations and laws apply.

### RULES

**DR-1601. CAMP LIMITS.** You must not go beyond defined camp limits except as specifically authorized.

**DR-1602. OUTSIDE CONTACTS.** You must not contact or communicate with outside persons except as specifically authorized.

**DR-1603. DRIVING VEHICLES.** You may drive vehicles only as authorized by your work supervisor. You must not drive any vehicle on a public road, except in extreme emergency. You must report any exception to your supervisor immediately.

## Article 7. Furlough and Temporary Leave

### POLICY

**DP-1701. GENERAL.** Work and educational furloughs and temporary community releases are valuable resources in the development of parole release programs and in the maintaining of supportive relationships. Furlough and leave programs will be administered prudently, in keeping with the basic need for public protection and to preserve the privilege for deserving inmates.

## **RULES**

**DR-1701. FURLOUGH AND LEAVE AGREEMENT.** If you are granted a furlough or temporary leave, you must comply with all regulations governing such programs, and with all applicable laws.

## **CHAPTER 2. INMATE RESOURCES**

### **Article 1. Inmate Canteens**

#### **POLICY**

**DP-2101. GENERAL.** Inmate canteens are provided to facilitate inmate purchase of approved merchandise.

**DP-2102. PURCHASE LIMITATIONS.** Canteen purchases must not exceed the monthly dollar limit set by the Director and posted at each canteen. Special purchases approved by the institution head may be in addition to the posted canteen limitation.

#### **RULES**

**DR-2101. USE OF CANTEEN CARD.** You must not alter any canteen card or possess or control the canteen card or other designated means of exchange issued to another inmate.

**DR-2102. CANTEEN ITEM QUANTITY LIMITS.** You must not possess canteen items in excess of quantity limits established by institutional regulations.

### **Article 2. Handicraft Program**

#### **POLICY**

**DP-2201. GENERAL.** Controlled handicraft activities are encouraged to provide recreation and limited financial assistance for inmates. Handicraft articles, manufactured according to institutional regulation, may be sold to the public in accordance with the law. Any inmate who is properly enrolled in accordance with institutional regulations may participate in the handicraft program.

**DP-2202. VOLUME LIMITATIONS.** An individual inmate's handicraft articles and materials must not exceed the amount that can be stored in two foot lockers (9 cubic feet).

**DP-2203. SUSPENSION OF PRIVILEGE.** Violation of handicraft regulations may result in an inmate being denied participation in handicraft and/or his or her materials and tools being stored until returned by the institution head. Any such stored tools and materials will be returned to the inmate not later than time of release from the institution.

**DP-2204. HANDICRAFT GIFTS.** Handicraft gifts may be given to those approved to correspond with or visit the inmate, after listing and approval by the handicraft manager in accordance with institutional regulations.

**DP-2205. DEALING IN HANDICRAFT.** Sales or gifts are not permitted when the articles are being obtained for resale.

**DP-2206. SALES OF HANDICRAFT.** Sale prices of handicraft articles may be set by the maker within limits defined by the handicraft manager. A percentage of the sale price (as determined by the Director) will be credited to the Inmate Welfare Fund to offset overhead costs.

**DP-2207. ASSISTANCE TO INDIGENT INMATES.** Institution heads may provide for funding assistance to help indigent inmates get a start in the handicraft program.

#### **RULES**

**DR-2201. SOURCE OF HANDICRAFT MATERIALS.** You must use only materials purchased from your own funds or approved for your use by the supervisor of handicraft program in the manufacture of your handicraft articles.

**DR-2202. PROVIDING HANDICRAFT ITEMS TO ANOTHER.** You must not sell, donate or loan handicraft materials or tools to another inmate except as specifically authorized by the institution head.

**DR-2203. SUB-CONTRACTING HANDICRAFT PRODUCTION.** You must not employ another inmate in the manufacture of handicraft articles. You must not collaborate with other inmates in manufacturing handicraft except as specifically authorized by the institution head.

**DR-2204. DEALING IN HANDICRAFT ITEMS.** You must not solicit or deal with potential purchasers of handicraft items.

### **Article 3. Library**

#### **POLICY**

**DP-2301. GENERAL.** Each institution will maintain a library for the benefit of inmates. Inmates who violate library regulations may be denied use of the library.

#### **RULES**

**DR-2301. USE OF LIBRARY.** You must obey library regulations.

### **Article 4. Mail**

#### **POLICY**

**DP-2401. GENERAL.** Consecutive correspondence between inmates and persons outside the institutions is encouraged. Institutional mail regulations, which must be specifically approved by the Director before implementation, must be based upon the policy outlined in this article.

which is applicable to all inmates regardless of status. Institutions must promptly inform each newly arriving inmate regarding local correspondence regulations.

**DP-2402. INMATE RESPONSIBILITY FOR MAIL.** Each inmate is personally responsible for the contents of each letter written. Any violation of regulations or law governing mail, either by the inmate or correspondent, may result in cancellation of approval to correspond with that person.

**DP-2403. GENERAL MAIL REGULATIONS.** The following provisions must be included in each institution's mail regulations:

1. Correspondence, packages, and personal property sent or received are subject to opening by the institution for inspection.
2. No C.O.D. mail or C.O.D. packages of any kind will be accepted for an inmate.
3. An inmate who is wholly without funds will be supplied with paper, envelope and postage for up to five (5) letters per week, upon his or her request.
4. All outgoing mail will bear the inmate's name and register number.
5. Only those articles or merchandise approved by the institution may be received.
6. Correspondence or any material that violates any law or U.S. postal regulations will not be sent or received.
7. Funds may be mailed to an inmate by money order, certified check, or any negotiable means other than cash or personal checks. Contributions not in the form of money orders or certified checks, such as personal checks, will not be released for spending by the inmate until the funding has cleared. If the institution head desires to establish a policy for acceptance of cash or personal checks, he may do so.

8. Inmates may subscribe to newspapers and periodicals. Publications received will be disallowed by the institution only on the basis of criteria in Penal Code Sections 311 (obscenity) and 2600 (inflammatory). The inmate will be provided with a written notice of each rejection including the reason therefor. Printed materials must come directly from the publisher or an approved vendor except as otherwise approved by the institution head.
9. Correspondence with inmates at other institutions and with ex-inmates must have prior institutional approval. Correspondence with parolees must have prior institutional approval and approval of the parole agent.
10. Each institution may establish such limitations on the number of approved correspondents permitted as are necessary. No inmate with ten or more approvable applicants will be limited to less than ten correspondents.
11. Inmates must not participate in contests sponsored by radio and television programs or advertised in newspapers and other publications when prizes are offered except as specifically approved by the institution head.

**DP-2404. CORRESPONDENCE BETWEEN INMATES AND PUBLIC OFFICIALS**

1. Inmates may address a sealed letter to the Governor of California, the Secretary of the Health and Welfare Agency, the Director of Corrections, the Chief Deputy Director of Corrections, an elected member of the state or federal Legislature, any other elected state or federal official, any appointed head of a state or federal agency, or to the administrative head of the state or federal parole agency or board responsible for their

- custody or release. Such communications will not be censored if addressed specifically to the official himself and submitted for mailing in accordance with the requirements of this regulation. The privilege does not extend to correspondence to employees or aides of public officials.
2. Correspondence designated as "public official mail" between inmates and the aforementioned public officials is privileged and will not be read by institutional staff. It is expected that both inmates and officials will respect the privacy afforded to their mail, and will not use public official mail to transmit unauthorized correspondence or contraband into or out of an institution.
  3. To be privileged, outgoing correspondence from inmates to officials must be marked "public official mail" and show the inmate's name and number on the outside of the envelope. The institution head must establish procedures, other than reading privileged correspondence, which he considers necessary to insure that outgoing envelopes contain no materials other than privileged correspondence. An outgoing envelope marked "public official mail" must be opened only in accordance with such procedure and in the presence of the inmate.
  4. Incoming "public official mail" from an official designated in the first paragraph of this regulation will be opened in the presence of the inmate to whom it is addressed. The envelope will be opened by an employee who then may shake out the pages of correspondence to insure against the enclosure of prohibited material before the letter is handed to the inmate. The letter must not be read by the employee. The letter must be held upside down or turned away from the employee to prevent inadvertent reading of the contents.

5. If prohibited material is discovered in outgoing mail, it and the letter may be confiscated or returned to the inmate. Disciplinary action may be taken, or criminal proceedings instituted, as deemed appropriate. If prohibited material is found in incoming mail, it may be returned to the sending official or it may be retained while either or both of the following actions are taken: (a) reference to the district attorney for possible prosecution; (b) reference to the Director for appropriate administrative action.
6. Each incident involving discovery of prohibited material in public official mail will be fully documented, and a copy of the report and any administrative correspondence to the officials will be sent to the Director.
7. If public official mail opened in the presence of the inmate is found to contain prohibited material, the entire contents of the envelope including the text of the correspondence may be examined. If there is probable cause to believe a sealed envelope contains contraband, it may be either opened in the presence of the inmate in accordance with institutional procedures, or it may be taken to the district attorney and a search warrant requested. If a warrant is obtained, the envelope will be opened only in the presence of the district attorney or a person designated by him. Without regard to results each case taken to the district attorney and its outcome will be fully documented and a copy sent to the Director. If the contents of the mail are found to be proper, the inmate and the public official will be notified of the action taken.

8. Incoming letters designated as "public official mail" which are opened in accordance with these regulations and which are discovered to be from persons other than the state or federal officials designated in the first paragraph of this rule may be seized or returned to the sender. In any case, the sender will be advised that his conduct constitutes a violation of law (Penal Code Section 4570) and that further attempts to masquerade as a public official will be referred to the district attorney for possible prosecution.
9. Incoming letters designated as "public official mail" and from an official who has either not filed a signature card with the Director or who has not conformed to the regulations established by the Director and the institution head with respect to public official mail, will be returned unopened to the sender with a written explanation.
10. Public officials wishing to send a privileged letter to an inmate will be required to mail the letter in an official letterhead envelope which has been personally signed by the official beneath his return address and marked "public official mail".
11. All public officials seeking public official mail privileges with an inmate will be mailed a copy of relevant departmental and institutional regulations and Penal Code sections. The department will require written acknowledgments of receipt of regulations on signature exemplar cards prior to granting public official mail privileges.
12. Public officials who do not wish to invoke the foregoing procedures may send letters for ordinary processing in their official envelopes, which may include official correspondence from staff persons. Such letters will be

opened only by a designated employee. The correspondence will not be read except to the extent necessary to determine that the contents are in fact official mail. The institution head will maintain a listing of such designated employees.

**DP-2405. CORRESPONDENCE BETWEEN INMATES AND COURTS.** Sealed correspondence from an inmate to a court will not be opened or censored. Correspondence to a court will not be prevented from leaving an institution for any reason. Correspondence in a court envelope to an inmate will be opened only by a designated employee. The correspondence will not be read except to the extent necessary to determine that the contents are in fact from the court. The institution head will maintain a listing of such designated employees.

**DP-2406. CORRESPONDENCE BETWEEN INMATES AND ATTORNEYS.**

1. Correspondence between inmates and their attorneys is privileged and will not be read by institutional staff. It is expected that both inmates and attorneys will respect the privacy afforded to their legal mail, will limit the content of legal mail to legal business and will not use legal mail to transmit unauthorized correspondence or contraband into or out of an institution. Mail between inmates and their attorneys on non-legal matters may be permitted under general correspondence regulations.
2. To be privileged, outgoing correspondence from inmates to attorneys must be marked "legal mail" and show the inmate's name and number on the outside of the envelope. The institution head must establish procedures other than reading privileged correspondence necessary to insure that outgoing envelopes con-

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tain no materials other than privileged correspondence. These may include the requirements that the envelope be sealed in the presence of designated staff and that a sealed envelope be subjected to tactile, fluoroscope, metal detector or similar examinations. An outgoing envelope marked "legal mail" may be opened for inspection only in accordance with procedures set forth for inspecting incoming legal mail.

3. Incoming "legal mail" from a member of the State Bar registered with the institution will be opened in the presence of the inmate to whom it is addressed. The envelope will be opened by an employee who may shake out the pages of correspondence to insure against the enclosure of prohibited material before the letter is handed to the inmate. Handwritten or typewritten material from the attorney will not be read or examined in any manner. Printed material or reproductions of published printed material may be examined in the same manner as regular mail. Handwritten or typewritten material will be turned upside down or turned away from the employee to prevent inadvertent reading of the contents.
4. Attorneys communicating with inmates on legal matters may seek to enclose material with their letters, such as news articles, copies of cases or other information. The department does not view such material as being within the scope of the privilege granted by Penal Code Section 2600, and so it may be examined in the same manner as all other non-privileged mail. Attorneys who enclose material with their letters to inmates will be encouraged to mail such material separately. Whether extra material is enclosed with a letter or mailed separately, it will be processed as promptly as is feasible, since the correspondence from

the attorney may make reference to the material. Material enclosed by inmates with a letter to an attorney may be examined in the same manner as all other non-privileged mail.

5. If prohibited material is discovered in outgoing mail, it and the letter may be confiscated or returned to the inmate. Disciplinary action may be taken, or criminal proceedings instituted, as deemed appropriate. If prohibited material is found in incoming mail, it may be returned to the sending attorney or it may be retained while any or all of the following action is taken: (a) reference to the district attorney for possible prosecution; (b) reference to the State Bar for disciplinary action; (c) reference to the Director for appropriate administrative action.
6. Each incident involving discovery of prohibited material in legal mail will be fully documented, and a copy of the report and any administrative correspondence to attorneys will be sent to the Director.
7. If legal mail opened in the presence of the inmate is found to contain prohibited material, the entire contents of the envelope including the text of the correspondence may be examined. If there is probable cause to believe a sealed envelope contains contraband, it may be either opened in the presence of the inmate in accordance with institutional procedures, or it may be taken to the district attorney and a search warrant requested. If a warrant is obtained, the envelope will be opened only in the presence of the district attorney or a person designated by him. Each incident of contraband found in an envelope labeled "legal mail" must be documented and a copy of the report sent to the Director. Without regard to results each taking of a

case to the district attorney and its outcome will be fully documented and a copy sent to the Director. If the contents of the mail are found to be proper, the inmate and the attorney will be notified of the action taken.

8. Incoming letters designated as "legal mail" but from a person who is not an attorney may be opened and either seized or returned to the sender. In any case, the sender will be advised that his conduct constitutes a violation of law (Business and Professions Code Section 6126) and that further attempts to masquerade as a lawyer will be referred to the district attorney for possible prosecution.
9. Any incoming letter designated as "legal mail" and from an active member of the California State Bar who has either not registered with the institution or who has not conformed to the other policies and procedures established by the Director and the institution head to regulate attorney mail, will be returned unopened to the sender with a written explanation.
10. An attorney wishing to send a privileged letter to an inmate will be required to mail the letter in an envelope which has been personally signed by the attorney with his or her name printed above the signature, and marked "legal mail".
11. Each attorney seeking legal mail privileges with an inmate will be mailed a copy of relevant departmental and institutional regulations and Penal Code sections. Institution heads will require written acknowledgements of receipt of regulations on signature exemplar cards prior to granting legal mail privileges.
12. Attorneys who do not wish to invoke the foregoing procedures may send letters for ordinary processing by

marking the envelopes "regular mail" below the return address. Such letters will not be returned for lack of a signature.

13. Upon presentation of a minute order by a California superior court granting an out-of-state attorney the right to represent an inmate in criminal proceedings, the attorney is to be treated as a member of the State Bar for the duration and purpose of the case and subject to the same regulations governing correspondence.

**DP-2407. INSPECTION OF NON-PRIVILEGED MAIL AND PACKAGES.** The institution head will provide for the inspection of all inmate correspondence not covered in items DP-2404, DP-2405 and DP-2406, and of all inmate packages as deemed necessary.

**DP-2408. CRITERIA FOR DISAPPROVAL OF INMATE MAIL.**

**1. OUTGOING LETTERS**

- Outgoing letters from inmates of institutions not requiring approval of inmate correspondents may be disapproved for mailing only if the content falls as a whole or in significant part into any of the following categories:
- a. The letter contains threats of physical harm against any person or threats of criminal activity.
  - b. The letter threatens blackmail or extortion.
  - c. The letter concerns sending contraband in or out of the institution.
  - d. The letter concerns plans to escape.
  - e. The letter concerns plans for activities in violation of institutional rules.
  - f. The letter concerns plans for criminal activity.

- g. The letter is in code and its contents are not understood by the reader.
- h. The letter solicits gifts of goods or money from other than family.
- i. The letter is obscene.
- j. The letter contains information which if communicated would create a clear and present danger of violence and physical harm to a human being.

Outgoing letters from inmates of institutions requiring approval of correspondents may be disapproved only for the foregoing reasons, or if the address is not an approved correspondent of the inmate and special permission for the letter has not been obtained.

## 2. INCOMING LETTERS

Incoming letters may be disapproved for receipt only for the foregoing reasons, or if the letter contains material which would cause severe psychiatric or emotional disturbance to the inmate, or in an institution requiring approval of inmate correspondents, is from a person who is not an approved correspondent and special permission for the letter has not been obtained.

Disapproval of a letter on the basis that it would cause severe psychiatric or emotional disturbance to the inmate may be done only by a member of the institution's psychiatric staff after consultation with the inmate's caseworker. The staff member may disapprove the letter only upon a finding that receipt of the letter would be likely to affect prison discipline or security or the inmate's rehabilitation, and that there is no reasonable alternative means of ameliorating the disturbance of the inmate. Outgoing or incoming letters may not be rejected solely upon the ground that they contain criticism of the institution or its personnel.

## DP-2409. NOTICE OF DISAPPROVAL OF INMATE MAIL.

1. When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be given the inmate.
2. When an inmate is prohibited from receiving a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be given the sender. The inmate will be given notice in writing that a letter has been rejected, indicating one of the authorized reasons and the sender's name.
3. Material from correspondence which violates the provisions of paragraph one may be placed in an inmate's file. Other material from correspondence may not be placed in an inmate's file unless it has been lawfully observed by an employee of the department and is relevant to assessment of the inmate's rehabilitation. However, such material which is not in violation of the provisions of paragraph one may not be the subject of disciplinary proceedings against an inmate. An inmate shall be notified in writing of the placing of any material from correspondence in this file.

**DP-2410. APPEAL OF DISAPPROVAL OF INMATE MAIL.** Administrative review of inmate grievances regarding application of this rule may be had in accordance with paragraph DP-1003 of these rules.

**RULES**

**DR-2401. COMPLIANCE WITH MAIL REGULATIONS.** You must obey the regulations and laws governing mail and correspondence.

**Article 5. Inmate Manuscripts****POLICY**

**DP-2501. GENERAL.** Manuscripts include written musical compositions, articles of fiction and nonfiction, poems, essays, gags, plays, skits or drawings.

**DP-2502. CRITERIA FOR DISAPPROVAL OF MAILING OR TRANSMITTAL.** Manuscripts will be submitted in accordance with institutional regulations for review by the designated employee, who will refer to the warden or superintendent any manuscript deemed improper for release from the institution. Mailing or other transmittal of any inmate manuscript from the institution will be denied only on the basis of the following criteria:

1. The content of the manuscript is such that its possession would be prohibited in the institution under Penal Code Section 2600 or these rules.
2. The content of the manuscript is such that it represents a clear and present danger to institutional security.
3. The content of the manuscript would interfere with the privacy or rehabilitation of another inmate.

Any inmate aggrieved by a decision under this policy may appeal the action in accordance with established institutional and departmental appeal procedures.

**DP-2503. MANUSCRIPT IS INMATE'S PROPERTY.** Any manuscript remains the property of the inmate who created it. Manuscripts disapproved for mailing which violate contraband regulations will be placed in the inmate's

unissued personal property, to which he may have access under supervision.

**RULES**

**DR-2501. MANUSCRIPT RAW MATERIAL.** You must not use state material in the preparation of manuscripts, except as specifically authorized.

**DR-2502. SUBMISSION OF MANUSCRIPTS.** You must process all manuscripts in accordance with regulations.

**Article 6. Legal Documents****POLICY**

**DP-2601. ACCESS TO COURTS.** Inmates will be allowed unrestricted access to the courts. The department is neither equipped nor authorized to assist inmates in their legal efforts except to provide staff assistance to inmates who are illiterate or otherwise physically incapable in the preparation of forms adopted under rules of the United States courts and by the Judicial Council of California for petitions for habeas corpus or modification of custody.

**DP-2602. INMATE LAW LIBRARIES.** Each institution will designate a suitable area as the inmate law library. Such area will contain space to accommodate state-owned law books and to allow individual study of the available books. Law books are defined to include constitutions, codes, court reports, legal texts, and law dictionaries. Inmates, with permission of a designated employee, may have access to the inmate law library in accordance with institutional regulations.

**DP-2603. PRACTICAL LIMITATIONS ON LEGAL MATERIAL.** Personally-owned law books and papers will be limited by local regulations to the availability of space for personal property in the inmate's quarters. Books and papers in excess of this limitation may be donated to the library, sent home, or destroyed, whichever the inmate prefers.

**DP-2604. STANDARD COURT FORMS.** Forms required by the state or federal courts will be provided without charge. Inmates will be required to pay for postage, paper, envelopes, and all other materials except the forms. When an inmate is totally without funds and materials, the institution will provide writing materials and postage for mailing to the court.

**DP-2605. ASSISTANCE BETWEEN INMATES.** One inmate may assist another in the preparation of legal documents, but may not receive remuneration therefor. Remuneration is not limited to present benefits, but includes future as well as past benefits. Legal papers, books, opinions or forms being used by one inmate to assist another may be in the possession of the inmate giving assistance with the permission of the owner. All papers must be returned when a transfer of institutions, change in custodial status, or other administrative change in classification status prevents direct communication between the owner and the inmate giving assistance. Any inmate may be barred from giving aid to others for violation of rules and regulations. No otherwise prohibited contacts with other inmates will be permitted because of this policy.

**DP-2606. ISOLATED OR SEGREGATED INMATES.** Inmates in isolation will be permitted pencil and paper for the purpose of corresponding with an attorney or preparing legal documents for courts. Segregated inmates will be

permitted to receive assistance from other inmates in the unit, to the extent compatible with institutional security and the safety of the inmates.

**DP-2607. MAILING OF INMATE LEGAL DOCUMENTS.** The mailing of legal documents to courts will be the inmate's individual responsibility. A legal mail box will be provided for this purpose and the mail will be picked up each working day for delivery to the institution mail room for inspection and mailing. A current list of addresses of the various courts will be provided. Notary services will be provided without charge for federal or out-of-state documents. For each piece of legal mail requiring the addition of postage, the inmate must sign a Form CDC 193, Trust Account Withdrawal Order. The mail room will remove the Withdrawal Order, enter the amount of postage, and forward it to the Trust Office for posting against available funds. The mail room officer will send mail out each working day. The mailing will be posted on the inmate's mail card or a register of legal mail.

## RULES

**DR-2601. USE OF LAW LIBRARY BOOKS.** You must not remove books or other references from the inmate law library, except as specifically authorized. You must not mutilate or otherwise abuse law library materials.

**DR-2602. LEGAL ASSISTANCE BETWEEN INMATES.** You may assist other inmates with legal work or have legal materials of other inmates in your possession, except as prohibited by the institutional regulations.

## Article 7. Visiting

### POLICY

**DP-2701. GENERAL.** Inmates are encouraged to develop and maintain healthy family and community relationships. Each institution head will ensure that newly arrived inmates are promptly informed regarding institutional visiting regulations, which must be specifically approved by the Director before implementation, and which will be based upon the regulations set forth in this article. Any violation of visiting regulations and laws, either by the inmate or the visitor, may result in visits being restricted or denied.

**DP-2702. INMATE RESPONSIBILITY FOR VISITS.** Each inmate is personally responsible for the conduct of participants in each visit.

**DP-2703. GENERAL VISITING REGULATIONS.** Visiting is permitted with those persons approved, in accordance with institutional regulations, subject to the following limitations:

1. Visiting is permitted in designated areas only.
2. If the inmate does not wish to see a visitor, a written refusal must be signed by the inmate and noted in the record.
3. Specific permission of the employee in charge must be obtained before anything may be passed between the inmate and any visitor.
4. Visitors wishing to visit with more than one inmate at a single institution must obtain specific approval of the institution head, unless they are members of the immediate family.
5. Visitors wishing to visit with inmates located at differ-

ent institutions will need approval of the head of each institution involved.

6. Except with specific permission of the institution head, inmates may visit only with those persons who have been approved. A record of approved visitors will be maintained and forwarded with the inmate to the receiving institution in event of transfer.
7. Upon request, the inmate and the applicant must be given, in writing, the reasons for denial of visiting, signed by the official who made the decision. The statement must include instructions for appealing the decision through the established institutional appeal procedure should they choose to do so. All review decisions and supporting reasons must be documented for the inmate's file, with a copy to the appellants.

**DP-2704. FAMILY VISITING.** Each institution will provide suitable facilities for and operate a family visiting program. Visitations will be limited to the inmate's legal spouse and/or members of his or her immediate family. The program will be extended to as many inmates as possible commensurate with security requirements, and will be administered equitably for all participating inmates.

### DP-2705. ATTORNEY VISITING.

1. One of the basic rights assured an inmate is that of access to an attorney. It is the policy of this department to facilitate both correspondence and interviews within the limits of our ability to do so.
2. Each institution will provide suitable facilities to enable confidential visitation between attorneys and their inmate clients. While visual observation of such visits may be conducted for security purposes, no form of auditory monitoring is permissible.

all student assistance programs operating pursuant to agreements between the Department of Corrections and law schools; such programs must be operated in accordance with the individual agreements.

Employees of licensed investigators will be treated under Section 7 above as if they personally were licensed by the state if the licensed investigator certified by written statement to the institution to which admission is sought that the employee is a full-time employee of the investigator and that the investigator accepts professional responsibility for acts committed by the employee in the course of acting on behalf of the investigator.

Individual investigators or employees of investigators may be barred from privileged visits if an institution has documented evidence of significant misbehavior which could affect institutional security or control. Any instance of barring an investigator or employee of an investigator must be reported to the Director.

Misbehavior by an investigator or employee of an investigator must be reported to the Director pursuant to regulations DP-2406.5 and DP-2705.12.

8. Staff will not eavesdrop on an interview between an inmate and an attorney. Any document proposed to be exchanged between the inmate and the attorney may be inspected by an institutional employee to ascertain that the content does not include objects of contraband. The inspecting employee will perform the inspection by holding and shaking out the document, but must not read any part of the document.
9. Recording of legal interviews by tape recorder or other voice recording device will be permitted on state-furnished equipment only. Each institution will maintain equipment for this purpose.

10. Regulations relative to attorney visits will not apply to inmate legal assistance programs authorized under existing agreements or grants which do not involve representation of individual inmates.
11. Attorneys will not be permitted to attend committee or staff meetings in which inmates participate. No form of joint conference between attorney, inmate and staff is permitted.
12. Any abuses of the privilege of confidential interviews between inmate and attorney will be reported to the Director for possible referral to the State Bar.

#### RULES

**DR-2701. COMPLIANCE WITH VISITING REGULATIONS.** You must obey the regulations and laws governing visiting.

### Article 8. Tobacco

#### POLICY

**DP-2801. GENERAL.** The United States Surgeon General has determined that cigarette smoking may be harmful. In providing free tobacco the state's intent is not to encourage smoking, but merely to recognize that many persons do smoke. Each institution will provide free state-processed tobacco for those inmates who choose to smoke.

#### RULES

**DR-2801. USE OF TOBACCO.** You must obey the institutional regulations regarding possession and use of tobacco.

## Article 9. Personal Property

### POLICY

**DP-2901. GENERAL.** Inmates will be allowed to have specified personal property items. Each institution will issue regulations listing items permitted. Nonexpendable items must be registered in the inmate's name by the property officer. Inmates are required, upon request, to account for any personal property registered in their name. In the event of transfer, inmates will be required to dispose of personal property not permitted at the receiving institution.

### RULES

**DR-2901. PERSONAL PROPERTY.** You may possess only that personal property permitted by institutional regulations.

## CHAPTER 3. INMATE ACTIVITIES

### POLICY

**DP-3000. GENERAL.** Institutions will provide opportunity for interested inmates to participate in constructive activities.

### Article 1. Religion

#### POLICY

**DP-3101. GENERAL.** Every effort will be made to provide for the spiritual welfare of all interested inmates.

#### RULES

**DR-3101. RELIGIOUS ACTIVITIES.** You must obey institutional regulations regarding participation in religious activities.

**DR-3102. INMATE MINISTRY.** You must not conduct a religious service except as specifically authorized by the institution head.

### Article 2. Athletic Program

#### POLICY

**DP-3201. GENERAL.** Institutions will provide for supervised athletic activities. Employees will not participate in contests, other than as coach or instructor, except as specifically authorized by the institution head. Prizes and trophies may be offered as awards as provided for in the institution's budget.

**DP-3202. PRECAUTION AGAINST INJURIES.** Every reasonable precaution will be taken to prevent injuries in athletic events. Grudge fights, games, or contests which involve unusual danger or injury are not permitted.

**DP-3203. PHYSICAL FITNESS PROGRAMMING.** Inmates assigned to physical fitness programming are required to participate as in any other program or work assignment.

**DP-3204. COMPETITION WITH OUTSIDE TEAMS.** Competition with outside teams may be permitted only within an institution or facility.

#### **RULES**

**DR-3201. UNAUTHORIZED CONTESTS OR GAMES.** You may participate only in authorized contests or games.

### **Article 3. Inmate Councils and Committees**

#### **POLICY**

**DP-3301. GENERAL.** Each institution will endeavor to have an inmate advisory council which will operate under a constitution approved by the institution head. The institution head may appoint inmate committees to perform special services.

### **Article 4. Fund-Raising Campaigns**

#### **POLICY**

**DP-3401. GENERAL.** The institution head may authorize up to three campaigns for generally recognized charitable causes, annually. Pressures will not be brought upon any inmate to participate in a campaign or to make a donation on other than a voluntary basis.

**DP-3402. DONATIONS.** An inmate may at any time request the warden's or superintendent's permission to make a voluntary donation to a charitable cause. Approval will be subject to the following criteria:

- a. There is no evidence of coercion.
- b. The amount is not out of line in proportion to the inmate's trust account balance.
- c. The amount would not deplete his trust account to the extent that he would become dependent on the state for release funds.
- d. The inmate is not incompetent.
- e. The amount is one dollar or more.

### **Article 5. Inmate Publications**

#### **POLICY**

**DP-3501. GENERAL.** Institutional inmates may publish a newspaper, magazine, or newsletter as specifically authorized by the institution head.

#### **RULES**

**DR-3501. INMATE PUBLICATIONS.** You must not participate in the publication of any item except as specifically approved by the institution head.

## CHAPTER 4. GENERAL INSTITUTIONAL REGULATIONS

### Article 1. Public Information and Community Relations

#### POLICY

**DP-4101. GENERAL.** Correctional facilities are public institutions operated at public expense for the protection of society. Citizens have a right and a duty to know how such institutions are being conducted. It is the policy of the department to make known to the public through the news media, or through contact with citizen groups and individuals, relevant information pertaining to institution operations. Due consideration must be given to all factors which might threaten the safety of the institutions in any way. The public must be given a true and accurate picture of institution life. Each institution head must develop and conduct an effective public information and community relations plan for his or her institution.

**DP-4102. MOVIEMAKERS, BROADCASTERS, WRITERS.** Use of correctional facilities, personnel, inmates or records under control of the department, in conjunction with the making of motion pictures, radio or television programs, or the writing of books, magazine articles or syndicated stories may be permitted only with prior approval of the Director.

**DP-4103. PUBLIC EVENTS.** Visitors may be permitted to attend athletic games and other types of entertainment held at institutions under conditions that will protect both the institution and the visitor. Such attendance will be by invitation only and limited to a manageable number. Attendance of visitors must not deprive inmates of adequate

seating or prevent their attending such events. Admission fees will not be charged.

**DP-4104. BANQUETS, DINNERS AND GROUP VISITS.** Visits to the institution by interested groups are encouraged, under conditions that will protect both the institution and the visitors. Meals may be served to such visitors, at a charge determined by employee associations or Board of Control Rules, as appropriate. Such meals must not interfere with orderly operation of the institution or place undue burden upon inmates or employees. Such meals will be limited to an average of not more than two per month. Visitors will be escorted through the institution in accordance with instructions issued by the institution head. Such tours must be planned and conducted so as to avoid embarrassment to either inmates or visitors.

**DP-4105. EMPLOYEE GUESTS.** Employees wishing to bring visitors into the institution must first obtain permission from the institution head.

**DP-4106. ARTS AND CRAFTS EXHIBITS.**  
1. INSTITUTIONAL EXHIBITS

The general public may be permitted to attend displays of inmate-made articles provided:

- a. Security of the institution will not be jeopardized.
- b. Adequate facilities and personnel are available to control against unauthorized visiting and introduction of contraband.
- c. The activity does not interfere with the normal operation of the institution.

2. EXHIBITS AWAY FROM THE INSTITUTION

Display of inmate-made articles may be exhibited away from an institution in public buildings, at fairs, or on

property owned by a non-profit association. Inmates will not be permitted to attend.

## Article 2. Security

### POLICY

**DP-4201. GENERAL.** The primary objective of the correctional institutions is to protect the public by safely keeping and rehabilitating the inmates. Consistent effort will be made to insure the security of the institution and the effectiveness of the treatment programs within the framework of security and safety. Each employee must be trained to understand how physical facilities, degree of custody classification, personnel, and operative procedures affect the maintenance of inmate custody and security. The requirements of custodial security and of staff, inmate and public safety must take precedence over all other considerations in the operation of all the programs and activities of the institutions of the department.

**DP-4202. RESPONSIBILITY OF EMPLOYEES.** Every employee, regardless of his assignment, is responsible for the safe custody of the inmates confined in the institutions of the department.

**DP-4203. CUSTODIAL CLASSIFICATION.** The classification committee at each institution must assign a custodial classification to each inmate, in accordance with custody classification criteria outlined in the Classification Manual. The senior custodial officer on duty may temporarily increase the custodial classification of an inmate at any time he believes such action is necessary to protect the security or good order of the institution. Such action is subject to full classification committee review at the next regular meeting. Any reduction of an inmate's custody classifica-

tion must be by classification committee action.

**DP-4204. ACCEPTANCE AND SURRENDER OF CUSTODY.** The institution head must not accept or surrender custody of any prisoner under any circumstances, except by valid court order or other due process of law.

**DP-4205. INMATE COUNT.** Each institution head must devise an adequate system for making and keeping at all times an accurate count of all inmates in his institution. Counts must be taken at least four times during each calendar day.

**DP-4206. CARRYING WEAPONS.** Only such weapons as are required to prevent escapes, assaults, disorders, or are authorized for storage in the institution armory, will be permitted upon the grounds of an institution, facility or camp under the jurisdiction of the department. No weapon of any kind will be taken into the institution security area except in case of emergency or for use in observation towers or other regularly armed posts. Extreme precaution must be taken when moving weapons or ammunition from place to place, to prevent their falling into the hands of inmates.

**DP-4207. USE OF FIREARMS.** The greatest caution and conservative judgment must be exercised when using firearms. No employee will be assigned to carry or use a firearm who has not received departmental firearms training. Firearms are to be used only when absolutely necessary to prevent escapes, assaults or disorders. Before aiming a shot at an inmate, due warning must be given by shouting, blowing a whistle or firing a warning shot into the air or in a safe direction in keeping with the surroundings. When it is necessary to direct shots at an inmate, they must be aimed to disable rather than to kill.

Each institution must maintain a permanent chronological record of all shots fired and report any use of firearms to the Director.

**DP-4208. USE OF TEAR GAS.** Tear gas may be used in maintaining order only when an emergency occurs which may result in injury to persons or property, and must not be used as punishment. Each institution head must designate in writing those persons who may authorize use of tear gas, with full instructions concerning such authority, including:

1. The requirement that at least one designated person as described must be present when tear gas is used.
2. Procedures to be followed in reporting the use of tear gas.
3. Procedures to be followed in extreme emergencies when no time exists for prior approval.

Each institution must maintain a permanent chronological record of all tear gas usage, accounting for disposition of all tear gas acquired.

A copy of the institution head's tear gas regulations and each amendment thereto must be forwarded to the Director for approval.

**DP-4209. CONTROL OF INMATES.** Employees who supervise or otherwise contact inmates must have training in physical controls and keep themselves in good physical condition. In addition, all employees who supervise inmates must have training designed to give them knowledge of emotional disturbances common to inmates, an understanding of their own feelings, and the use of such knowledge in ways which will minimize the need for any use of physical force. Batons may be carried only as specifically authorized by the Director.

**DP-4210. USE OF FORCE.** No employee will use physical force on an inmate unless it be in defense of himself or others, or unless it be necessary to prevent escape or serious injury to persons or property. In the event the inmate refuses to cooperate in a change of location, only the minimum force required to complete the move will be used. Each incidence of use of force on any inmate will be fully documented, including the situation leading to the incident, a precise description of the force used, and the names of all participants and witnesses.

**DP-4211. MECHANICAL RESTRAINT.** Mechanical means of physical restraint will be used only when necessary in transporting inmates or, under medical advice, when necessary to prevent injury to the inmate or to others. No mechanical means of physical restraint will be used for punitive purposes.

**DP-4212. CORPORAL PUNISHMENT.** No cruel or corporal punishment will be permitted.

**DP-4213. USE OF TELEPHONES BY INMATES.** No inmate will be permitted to place a telephone call going outside the institution nor receive one coming into the institution except as authorized by the institution head and subject to monitoring. Telephone operators may monitor any incoming and outgoing institutional calls to ascertain that no inmate is conversing with an outside party except as authorized. The institution head may authorize a telephone call, under emergency circumstances, between an inmate and his attorney. Such a conversation is privileged and will not be monitored. With the exception of such authorized calls to attorneys, which must not be made on coin-operated instruments, all outgoing inmate calls must be monitored.

**DP-4214. UNAUTHORIZED PERSONS.** Persons must not be permitted to be on institutional grounds without legitimate purpose, or to contact inmates without authorization.

**DP-4215. UNATTENDED AUTOMOBILES.** Ignition must be locked and keys must not be left in any vehicle on the institution grounds. Under no circumstances may alcoholic beverages, drugs, firearms, toy guns, ammunition, or other items which are illegal or threaten the security of the institution, be left in any vehicle on the institution grounds.

**DP-4216. ASSOCIATION WITH INMATES.** Persons who are not departmental employees may be required to work with or near inmates. In order that such non-employees who may come in direct contact with inmates will be informed as to legal restrictions, they will be asked to read and sign CDC Form 181, Digest of Laws Related to Association With Prison Inmates.

**DP-4217. CONTROLLING AND REPORTING FIGHTS.** When inmates fight, the participants must be separated at once. They will be placed under detention, unless in the judgment of a superior officer circumstances do not warrant such action. Employees who observe the fight will prepare a written report stating clearly everything they observed, and will submit this report to the disciplinary officer. The employee who renders the report should, if possible, state who is the aggressor. The report will include the time, place, names of participants, name(s) of aggressor(s), the reason for the fight if it can be ascertained, weapons used if any, names of witnesses, action taken if any, and recommendation to prevent further recurrences.

### Article 3. Escapes

#### POLICY

**DP-4301. DUTY OF EMPLOYEES TO PREVENT ESCAPES.** It is the duty of every employee to do everything possible to prevent the escape of an inmate.

**DP-4302. ESCAPE PURSUIT PLAN.** Each institution head must have in effect at all times an escape procedure and see that each employee is instructed in the general and special procedures that he or she is to follow. Such plan must be in writing and be reviewed annually by the institution head.

### Article 4. Disorders and Emergencies

#### POLICY

**DP-4401. PREVENTION OF DISORDERS.** It is the duty of every employee to do everything possible to prevent disorders. Each employee must be trained to be familiar with the procedures for handling disorder. Disorders and other emergencies must be reported to supervisory staff at the earliest possible moment. Whenever a disorder occurs, a prompt investigation will be made by the institution head.

**DP-4402. DISTURBANCE CONTROL PLAN.** Each institution head must have in effect at all times a plan, approved by the Director, for meeting emergencies, such as riots, strikes, attacks upon inmates, visitors or staff, explosions or fires, suicides or attempted suicides, and accidental injuries to inmates or visitors or employees. The plan must include procedures for requesting assistance from outside the institution when circumstances warrant.

This plan is not to be confused with the emergency pre-

paredness plans required under Chapter 7, Division 1 of the Government Code.

**DP-4403. PREVENTION OF DISORDERS AND EMERGENCIES.** Each institution head must establish regulations and procedures for the prevention of emergencies, including:

1. Fire prevention.
2. Safety inspections and elimination of hazards.
3. Control of dangerous and toxic substances.
4. Control of tools.
5. Control of explosives.

**DP-4404. HOSTAGES.** Employees must not permit inmates or others to use hostages to escape from custody or otherwise interfere with orderly institutional operations. Hostages will not be recognized for bargaining purposes. All inmates, visitors and staff will be informed of this regulation.

## Article 5. Inmate Discipline

### POLICY

**DP-4501. GENERAL.** Inmate discipline will be so administered as to maintain proper control, conserve human values and individual dignity, and to promote socially desirable changes in attitude and behavior. Each institution head will develop and implement a plan for the administration of inmate discipline, following the letter and spirit of this article. The discipline of inmates is the responsibility of every employee, regardless of work assignment.

**DP-4502. FAIR AND IMPARTIAL HEARING BODY.** Personnel involved in the incident leading to a disciplinary charge, the investigating employee, the reporting employee, and any person who has a predetermined belief that a disciplinary charge is true, must not sit as a factfinder in a disciplinary matter. A finding of guilt may be made only on the basis of a preponderance of the evidence presented at the hearing.

### DP-4503. REPORTING OF RULES VIOLATIONS.

#### 1. MINOR VIOLATIONS

Minor acts of nonconformance to the basic rules of conduct necessary to the orderly operation of the institution may be handled, either without documentation or by recording the action on CDC Form 128a (custodial counseling chrono), and by correcting, counseling or advising the inmate regarding acceptable behavior. CDC Form 128a is to be used only for recording misconduct which has been corrected by the reporting employee and not referred to higher authority for further action. Whenever a CDC Form 128a is placed in an inmate's central file, a copy will be given to the inmate.

#### 2. MORE SERIOUS VIOLATIONS

When the behavior of an inmate results in a more serious violation of the rules or of the law, it is the duty of any employee having knowledge of the violation to report immediately the fact in writing on CDC Form 115, Rules Violation Report. The CDC Form 115 will contain a statement of the facts surrounding the charge. The inmate will be given a copy of the report and of all nonconfidential supplemental reports. No disciplinary hearing will be held until at least 24 hours after the inmate has received his or her copy of CDC Form 115, so that the inmate may prepare for the hearing.

3. The identity of the source of information upon which a disciplinary action is based may be kept confidential if disclosure would endanger the safety of the source or endanger institutional security. Precautions must be taken to insure the reliability of any information received from an undisclosed source.

The fact of a confidential source will be documented in the information given to the inmate, and as much of the information received as can be disclosed without identifying the source will also be given to the inmate.

Any document relating information from a confidential source will also include an evaluation of the reliability of the source and a brief statement of the reasons for the conclusions reached.

No decision in a disciplinary proceeding may be based upon information from an undisclosed informant unless there is other information which corroborates that received from the source or unless the circumstances surrounding the event and the known reliability of the source satisfy the finder of fact that the information is true.

**DP-4504. HOUSING PENDING DISCIPLINARY ACTION.** When a CDC Form 115 report is filed, the inmate's housing status will not be changed unless additional controls are needed for the protection of staff or other inmates, or as a security measure. The ranking custodial officer on watch may order any inmate placed in segregation status if additional controls are deemed necessary, such action to be immediately reported in writing to the institution's classification committee.

**DP-4505. DISCIPLINARY ACTION.** Each CDC Form 115 report must be examined by the appropriate disciplinary hearing officer as soon as possible. It will be examined by the chief disciplinary officer in the case of inmates with established release dates. Each report will be classified as Major, Serious or Administrative, according to the seriousness of the behavior reported.

Once established these designations will not be changed except upon order of the chief disciplinary officer or the Warden/Superintendent.

With respect to administrative charges, the disciplinary hearing officer may dispose of the matter himself, or may delegate the responsibility to an appropriate employee with supervisory duties. The disciplinary hearing officer will interview the inmate involved as soon as possible, but not later than 72 hours after receipt of the CDC Form 115. Additional information will be gathered if needed, and following a thorough evaluation, one or more of the following dispositions may be made:

1. Dismissal of the matter, if the facts do not support the charge.
2. Counseling, with or without a reprimand.
3. Temporary suspension of privileges.
4. One or more weekend or holiday lockups.
5. Assignment to extra duty.
6. Confinement to quarters for a period of not more than five days.
7. Placing a hold on the inmate's trust fund when there is property damage or loss and the inmate refuses to sign a trust withdrawal slip to compensate for the damage or loss.

At any time that it appears that the matter is of a more

serious nature than had been initially determined, the disciplinary hearing officer may terminate the handling of the matter and refer it to a higher level hearing.

When a CDC Form 115 is classified as a Serious charge, the matter will be heard by a senior disciplinary hearing officer, who will be designated by the institution head from among employees at the Correctional Lieutenant level or higher. When a CDC Form 115 is classified as a Major charge, the matter will be heard by either the disciplinary committee or the disciplinary subcommittee, as the institution head directs. The senior disciplinary hearing officer may refer a matter to a committee for hearing.

**DP-4506. INVESTIGATING EMPLOYEES.** When a CDC Form 115 report is classified as a Major or Serious charge, the disciplinary hearing officer will inform the involved inmate of the right to the assignment of an investigating employee. Unless the inmate waives the privilege, and in all cases for an inmate with a release date, an investigating employee will be appointed by the chief disciplinary officer within 24 hours of the referral of the CDC Form 115 to a disciplinary committee or the senior disciplinary hearing officer. The inmate may not specify who will be assigned as the investigating employee. However, upon objection by the inmate to the investigating employee named, a new investigating employee may be assigned and a reasonable delay for further investigation granted. No employee will serve as investigating employee who was witness to the incident, or who is a disciplinary hearing officer or a member of the disciplinary committee which may consider the act of misconduct which is the cause of the CDC Form 115 report.

The investigating employee will interview the inmate concerned, the reporting employee and all others who may

have information pertaining to the act or circumstances described in the report, and will seek information concerning both the facts of the alleged rules violation, and any mitigating circumstances. The investigating employee will have access to all available information concerning the inmate's act, and will receive cooperation from all institutional personnel, and will act as a neutral and unbiased investigator who seeks to assist the committee in its search for truth and fairness in each matter. A copy of the investigating employee's report and any other nonconfidential supplemental reports which have been prepared in the case will be delivered to the inmate.

When an inmate with a release date is interviewed by the investigating employee, he will be informed that he has the right to request the attendance at the hearing of persons who have information relevant to the charges against him. Documentation of that advice and of the inmate's response will be made by the investigating employee.

The investigating employee will report to the committee chairman or senior disciplinary hearing officer on the relevance of information to be expected from witnesses requested by the inmate, and will also report on any security problem which would be a reason for a requested witness not to be present at the hearing.

**DP-4507. MAJOR AND SERIOUS CHARGES.** The inmate must be present at the hearing concerning his conduct, unless he or she refuses to appear and use of force would be required to enforce attendance. No absentia hearing will be held when the inmate is mentally disturbed to an extent precluding meaningful participation, or when the inmate is an escapee at large.

The investigating employee must be present at the hearing unless excused by the inmate. The reporting employee or

any other person whom the investigating employee or the committee chairman or senior disciplinary hearing officer believes may have pertinent information may be called to the meeting by the chairman or senior disciplinary officer. Questions may be asked of any person called to the meeting by the committee members, the senior disciplinary officer, the investigating employee, or, in the case of an inmate with a release date, the inmate. The committee chairman or senior disciplinary hearing officer will exercise control of all questioning to prevent lack of relevancy, harassment, abuse or repetitiveness.

When an inmate with a release date appears before the disciplinary committee or senior disciplinary hearing officer, any witnesses he or she invites to attend the hearing will normally be called to appear unless the committee chairman or senior disciplinary hearing officer finds specific reasons why one or more of them should not attend.

Reasons for not calling a witness may include, but are not limited to: danger to the safety of an informant by reason of disclosure of his or her identity, lack of relevant information or the unavailability of the witness. Institutional personnel with relevant information will be expected to attend the hearing if requested by the inmate or by the person conducting the hearing. The reasons for not calling any witness requested by the inmate will be documented, and a copy given to the inmate.

When an inmate without a release date appears before the disciplinary committee or senior disciplinary hearing officer, he or she may request the presence at the hearing of any person who will provide information favorable to his or her defense or in mitigation of the charges against him or her. Such a request may be denied if the witness is not present in the institution, declines to appear voluntarily, is

expected to provide the same information as other witnesses, has no personal knowledge of the circumstances of the offense, or if granting the request would endanger the security of the institution or be likely to result in retribution which would harm an individual. The reasons for not calling any witness requested by the inmate will be documented, and a copy given to the inmate.

Any employee who has information which relates to the charged violation or to the disposition of the charge will make that information known to the investigating employee, the senior disciplinary officer, or the disciplinary committee.

In all cases, when an inmate appears before the disciplinary committee or senior disciplinary hearing officer, he or she will be allowed to present documentary evidence in defense or mitigation of charges. Reasons for excluding documentary evidence include, but are not limited to, lack of relevance and repetitiveness. The reasons for excluding any documentary evidence will be documented and a copy given to the inmate. The committee or the senior disciplinary hearing officer may delay any decision in order to obtain further information. When the committee or senior disciplinary hearing officer is satisfied that the relevant information has been obtained, a determination must be made whether the inmate did the act which was reported on the CDC Form 115, and if it is decided that the inmate did the reported act, what disposition will be made of the matter.

The committee or senior disciplinary hearing officer must advise the inmate of the disposition of the matter at the conclusion of the hearing. A completed copy of the CDC Form 115 will be given to the inmate within three working days of the hearing. A statement by the factfinder as to the

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evidence relied on and the reasons for the finding reached will be recorded on CDC Form 115. The inmate will be given written information concerning the review which may be requested.

The senior disciplinary hearing officer may make any disposition of the matter which could have been made by a disciplinary hearing officer. In addition, he or she may impose one or more of the following:

1. Extended suspension of privileges.
2. Confinement in isolation status not to exceed five days.

The disciplinary committee may make any disposition of the matter which could have been made by either the disciplinary hearing officer or the senior disciplinary hearing officer, or may impose confinement in isolation status not to exceed 10 days.

Time spent in segregation pending the hearing will be credited toward any isolation sentence imposed, unless there is good cause not to grant credit.

**DP-4508. REFERRAL TO THE DISTRICT ATTORNEY.** Felonies will be referred by the institution head to the district attorney for possible prosecution. The district attorney will be requested to advise the institution within five working days whether he will prosecute. In all cases, institutional disciplinary consideration of the matter will be postponed until receipt of the district attorney's decision or the trial court's disposition of the case. The district attorney's decision or the trial court's disposition will be entered on the Form CDC 115.

When processing of a disciplinary action has been postponed pending criminal prosecution and the criminal proceedings terminate, the disciplinary process will be

reactivated and carried to completion in each case. Regardless of the district attorney's or the court's disposition of the criminal charges and regardless of the disposition made by the disciplinary committee, the CDC Form 115 must reflect the finding of facts related to each act of misbehavior, including lesser acts for which criminal charges were not brought by the district attorney. Court conviction for a given act may be stated as proof that the act took place. Specific findings of fact must be made for other acts.

**DP-4509. HOUSING DURING CRIMINAL PROSECUTION.** Any inmate transferred to specialized housing pending disposition of an incident referred to the district attorney will be referred immediately to the appropriate classification committee as detailed in the Classification Manual. The classification committee will determine, at its next regularly scheduled meeting, if the inmate will be returned to his regular program, admitted to a modified program or will be retained in a specialized housing unit pending final disposition by the district attorney.

In reaching its conclusion, the classification committee may consider the nature of the charges pending against the inmate in the criminal proceedings, and will assume the information stated in the report forwarded to the district attorney to be true. The classification committee should make every effort to place the inmate in as normal a program as possible under the circumstances. Continued retention in a specialized housing unit pending disposition of the charges by the district attorney is warranted only when:

- a. The inmate has a record of assaultive or imminently assaultive behavior.
- b. The inmate presents an escape risk of unusual seriousness or persistence.
- c. The inmate has requested, or appears to require, protec-

tive custody.

- d. A staff psychiatrist prescribes segregation based upon the inmate's mental condition.
- e. The safety and security of the institution will be threatened if the inmate is not placed in restricted housing.

Normal classification committee procedures will be followed, except as follows:

The inmate will be advised that he does not need to appear before the committee. If he chooses to appear before the committee, he will be advised that he need make no statement and that the committee will ask no questions concerning the pending criminal charges. He will be advised that the committee is considering appropriate housing for him pending disposition of the charges, and that he may give any information he wishes to the committee which would assist them in making that determination. He will be informed that anything he says may be used against him in court.

Upon conclusion of the case, the classification committee will again review all information known to it concerning the inmate and determine appropriate placement.

#### **DP-4510. REVIEW OF DISCIPLINARY DISPOSITION.**

If an inmate is dissatisfied with the disposition of a disciplinary hearing, the inmate may request review of the matter by the chief disciplinary officer. If still dissatisfied, he or she may request review by the institution head. Either reviewing officer may confirm the decision, order further or new proceedings or modify or suspend the disposition made. If still dissatisfied, review by the Director may be requested. The inmate will be notified in writing of the right to request review.

Any person who has participated in a disciplinary process

will not be used as a reviewing officer in that particular case. The institution head or his representative will assign the review to another appropriate person or refer it to the next higher level.

Any inmate request for review should be made within ten days of the action being protested. The inmate will be notified in writing of the results of any such review.

**DP-4511. RECORDS OF DISCIPLINARY MATTERS.** A copy of all documents prepared by the reporting employee, the disciplinary hearing officer, the senior disciplinary hearing officer, the disciplinary subcommittee, the disciplinary committee, the chief disciplinary hearing officer, the head of the institution or the Director, with reference to any disciplinary matter will be placed in the inmate's central file.

#### **DP-4512. ACTIONS SUBSEQUENT TO DISPOSITION.**

Dismissal, change or reduction of a disciplinary matter reported by an employee will be discussed with the employee at the employee's request. Time of confinement in isolation may be shortened by the chief disciplinary officer if he concludes that the inmate is ready to conform to the rules and that institutional discipline will be benefitted by such an action. Upon completion of action by a disciplinary committee or the senior disciplinary hearing officer, the matter may be referred to an appropriate classification committee for consideration of whether any change in the inmate's program or custody status should be made.

**DP-4513. LENGTH OF CONFINEMENT.** No inmate will be kept in confinement in isolation status longer than ten (10) days without the approval of the Director. If at the expiration of that time, the discipline and safety of the institution requires, an inmate will be referred to the institution's classification committee for appropriate programming.

No inmate will be confined to quarters or otherwise deprived of exercise as a disciplinary measure longer than ten days, unless, in the opinion of the Warden or Superintendent, he poses such an extreme management problem or threat to the safety of other inmates and staff that longer confinement is warranted. The approval of the Director is required in such cases.

**DP-4514. ASSISTANCE TO INMATES UNABLE TO PREPARE OR PRESENT THEIR POSITIONS.** When the investigating employee, the senior disciplinary hearing officer, or the disciplinary committee determines that any inmate is unable, whether for personal reasons or by reason of the complexity of the case, to collect and present the information necessary for an adequate comprehension of the case and to articulate his position, the inmate's caseworker will be assigned to consult with the investigating employee and to act on behalf of the inmate to insure that the inmate's point of view is presented at the hearing.

**DP-4515. MISCONDUCT BY INMATES WITH RELEASE DATES.** When an inmate with a release date fixed at less than maximum receives a Major or Serious CDC Form 115, the Classification and Parole Representative will present the matter to an Adult Authority Member or an Adult Authority Representative to determine whether the inmate should be released as scheduled or whether the case should be placed on special proceedings calendar for review by an Adult Authority panel. When an inmate with a release date receives an Administrative level CDC Form 115 or CDC Form 128-A, custodial counseling chrono, the Classification and Parole Representative will present the report to an Adult Authority Representative for audit and review.

## Article 6. Segregation and Isolation

### POLICY

**DP-4601. GENERAL.** Inmates must be segregated from others when it becomes evident that they are a menace to themselves or others, or to property or to the morale of the general population. Inmates may be segregated for medical, psychiatric, disciplinary, or administrative reasons. The term "isolation" will refer only to segregation for serving of a disciplinary sentence. The reason for segregation of an inmate must be clearly documented by the official ordering the action, at the time such action is taken. Such action requires full classification committee review at the next regular meeting.

**DP-4602. SINGLE CELLING IN ISOLATION OR SEGREGATION.** Only one prisoner will occupy any cell while confined in isolation or segregation.

**DP-4603. REPORTS ON INMATES IN ISOLATION.** No prisoner will be confined to isolation except on the basis of disciplinary action properly reflected on CDC Form 115, Rules Violation Report. A report to the custodial officer in charge of isolation cells will be made by the disciplinary officer on CDC Form 114-A, Isolation Record, for each inmate placed in isolation, and any special conditions or precautions to be observed.

**DP-4604. CUSTODIAL AND MEDICAL SUPERVISION.** The chief disciplinary officer is responsible for the supervision of every inmate confined in isolation cells. The isolation unit and each inmate confined therein will be seen daily by the designated supervisory custodial officer and by an institutional physician or medical technical assistant. A record of these daily inspections will be made in

the isolation log, over the signature of the person making the inspection. Whenever staff evaluates that an inmate in a segregated housing unit is a suicide risk, immediate referral will be made to the staff physician or psychiatrist. If the doctor diagnoses that a potential suicide risk is present, the inmate will be transferred to a secure room in the hospital. The medical staff will assume responsibility for such placement, observation and supervision.

**DP-4605. ISOLATION DIET.** Meals served to inmates undergoing isolation must supply approximately 2,500 calories per day.

1. Either the regular menu of three meals per day less pastries and desserts or a planned menu to contain two meals plus auxiliary feeding of a sandwich as the third meal will be served.
2. Any inmate undergoing isolation who wastes food or fails in other ways to obey the rules for such inmates may be given a special isolation diet upon orders of the chief disciplinary officer or the disciplinary committee, subject to reporting and obtaining the Director's approval not later than the next business day. Such diet will be served at least twice in each 24-hour period and will consist on each occasion of sufficient quantity of the isolation diet formula specified in the Food Services Manual, Chapter VII, to supply approximately 2,500 calories per day.

**DP-4606. MANAGEMENT DISRUPTION CASES.** Any inmate undergoing confinement in isolation or segregation who becomes unduly aggressive, persists in loud and boisterous behavior, or who fails to obey the orders of the employee in charge of isolation, may be placed in a management cell by the watch commander in charge of the shift. The reasons for such action will be recorded by the

watch commander and reported to the institution head. The length of such confinement in a management cell will be determined by the institution head or the chief disciplinary officer, one of whom will review management cell resident status daily. Any inmate requiring more than 24 hours of management cell placement will be referred to the institution head or his designated representative for consideration of transfer to psychiatric segregation or other housing appropriate to his emotional disturbance.

**DP-4607. EXERCISE PERIODS.** Each inmate undergoing confinement in an isolation or segregation cell will be allowed a limited daily exercise period outside his cell. Any inmate undergoing confinement in isolation or segregation who becomes unduly aggressive, persists in loud boisterous behavior, or who fails to obey the orders of the employee in charge of isolation or segregation, may be deprived of this exercise period by the supervising custodial officer. The reason for such action will be recorded by the employee who makes the decision.

**DP-4608. DUTIES OF OFFICER IN CHARGE OF ISOLATION OR SEGREGATION UNITS.** A custodial officer in charge of an isolation, segregation or adjustment unit, where inmates have been segregated for disciplinary or administrative purposes, will insure that nothing is passed in or out of such segregation units unless it has been thoroughly inspected; that no unauthorized visitors are permitted in such units; that all laundry, shoes, clothing or other materials and supplies going to and from the units are carefully inspected; that the inmates needing medical attention receive it promptly; that all locks and bars are inspected and maintained in security and in proper working order; that proper precautions are taken in removing inmates from their cells and in passing them from place to

place. The general welfare of inmates in segregated housing units and all of the facilities therein will be properly maintained and regularly inspected to insure human decency and sanitation.

### Article 7. Medical Services

#### POLICY

**DP-4701. GENERAL.** The department will provide every reasonable medical, surgical, psychiatric and dental treatment for inmates and will maintain adequate facilities and staff for such service.

**DP-4702. INMATE REFUSAL OF TREATMENT.** No treatment will be forced over the objection of the inmate, except where immediate action is necessary to save the life of or avoid permanent physical damage to a patient, or where a patient is psychotic or otherwise incompetent to make a personal judgment regarding his treatment,

**DP-4703. MEDICAL RESPONSIBILITY.** Only employees who are members of the medical staff including paid consultants, and no other employees nor any inmate, are authorized to diagnose illness or prescribe medical treatment. First aid may be given by qualified persons only. All medical treatment will be in accordance with standards set forth in the Medical Services section of the Departmental Administrative Manual.

## CHAPTER 5. PERSONNEL

### Article 1. Institution Heads

#### POLICY

**DP-5101. RESPONSIBILITY AS CHIEF EXECUTIVE OFFICER.** The head of any institution of the department is the chief executive officer of that institution, and is responsible for the custody, treatment, training and discipline of inmates under his charge.

The institution head is responsible to the Director for proper conduct of the affairs of the institution in a manner which will best protect society and promote the resocialization of inmates.

**DP-5102. ABSENCE FROM INSTITUTION.** Before voluntarily absenting himself from his post for more than one regular state workday, the institution head must obtain the Director's approval. Each institution head must submit for the Director's approval the names and titles of three top-ranking subordinates who will serve in his place during temporary absences. The persons named will be designated as first, second and third alternate, and will serve as acting institution head, while so acting, has the same authority and powers as the institution head.

**DP-5103. INCIDENT REPORTS.** Any serious crime or other activity which might be of public or departmental interest will be immediately reported by the institution head to the Director by telephone or teletype and a written report will be submitted within 48 hours.

## Article 2. Employee Rules

### RULES

**DR-5201. RESPONSIBILITY OF EMPLOYEES.** You are responsible to your institution head through your supervisors for your specific functions. You must promptly obey orders given you by proper authority, and must familiarize yourself with the policy and rules of the department and the regulations of your institution or division. Ignorance of the regulations is no excuse for violation.

You must follow instructions and carry out all prescribed security procedures, and take any additional action required to maintain the security of the institution. You must report to your supervisor all matters affecting security which come to your attention.

**DR-5202. CONDUCT OF EMPLOYEES.** You must be alert, courteous, and professional in your dealings with inmates, parolees, fellow employees, visitors and members of the public. You must not use indecent, abusive, profane, or otherwise improper language while on duty. Irresponsible or unethical conduct or conduct reflecting discredit on yourself or the department, either on or off duty, must be avoided.

**DR-5203. PUNCTUALITY OF EMPLOYEES.** You must report for duty promptly at the time directed and not leave your work assignment before completion of your working day or tour of duty except with your supervisor's permission. If for any reason you are unable to report for duty, you must notify your supervisor at the earliest possible moment.

**DR-5204. UNIFORMS.** All custody personnel must wear regular uniforms and insignia as prescribed by the Director, unless specifically excepted by the institution head. While on duty, you must dress in neat and conservative attire appropriate to your assignment. You must not wear your uniform in any bar, tavern, gambling hall or night club, except if necessary in performance of assigned duties.

**DR-5205. READING OR DISTRACTION WHILE ON DUTY.** You must not read, listen to a private radio, or engage in distracting amusement or occupation while on duty except such authorized reading as may be required in proper performance of your duties.

**DR-5206. SLEEPING WHILE ON DUTY.** You must be alert and in full possession of your faculties while on duty.

**DR-5207. CHANGE OF HOME ADDRESS OR TELEPHONE.** You must report promptly to your supervisor any change in your address or telephone number. If you do not have a telephone, you must furnish information on how you can be reached promptly.

**DR-5208. DUTY IN AN EMERGENCY.** Regardless of your class of service, in an emergency, you must perform any service, including custodial functions, if so directed by your institution head or his delegate. At any time you are contacted by telephone or otherwise informed of an emergency situation at the institution, you must report without delay to the officer in charge.

**DR-5209. VISITING OF EMPLOYEES.** You must not receive visits while on duty except with the permission of your supervisor.

**DR-5210. TRADING, BARTERING OR LENDING.** You must not trade, barter, lend or otherwise deal with any inmate or parolee. You must not, directly or indirectly, give to or receive from any inmate or parolee, or member of the family of an inmate or parolee, anything in the nature of a tip, gift or promise of a gift.

**DR-5211. UNDUE FAMILIARITY.** You must not indulge in undue familiarity with inmates, parolees, their families or personal friends. Whenever there is reason for you to discuss an inmate's or parolee's personal problems, you must maintain a helpful but professional attitude. You must not discuss your own personal affairs with any inmate or parolee.

**DR-5212. TRANSMISSION OF MESSAGES OR ARTICLES.** You must not take or send, either to or from any inmate, any verbal or written message, literature or reading matter, or any item except as necessary in carrying out your assigned duties.

**DR-5213. USE OF CENTRAL FILE.** You are encouraged to consult the central file for assistance in better understanding the inmate. Certain information in an inmate's central file may be confidential and must not be disclosed to the inmate concerned nor to any person not specifically authorized to receive it without prior approval of the institution head.

**DR-5214. COMMUNICATION WITH INMATES, EX-INMATES OR THEIR FAMILIES.** You must not contact or correspond with an inmate, ex-inmate or with any member of an inmate's or ex-inmate's family except as required by your duties or specifically approved by the institution head. If you are contacted by an inmate, ex-inmate or member of an inmate's or ex-inmate's family under other

than approved circumstances, you must immediately report the fact to your institution head.

**DR-5215. RELATIONSHIPS WITH EMPLOYEES WHO ARE EX-INMATES.** Normal social relationship with ex-inmate employees in the work situation and in the community are appropriate. You must obtain approval of your institution head prior to developing any business or financial relationships or close personal associations with such employees.

**DR-5216. PETITIONS AND WRITS.** You must not assist an inmate in the preparation of any legal document, or give any form of legal advice or service to an inmate, except as specifically authorized by the institution head.

**DR-5217. COMMITMENT OF RELATIVES OR CLOSE FRIENDS.** If you become aware that any relative or close friend has been committed to or transferred to the jurisdiction of the department, you must report it to your institution head immediately.

**DR-5218. USE OF STATE SUPPLIES.** You must not consume or use food or supplies purchased or produced for inmate or departmental use, except as required by your duties or specifically approved by the institution head.

**DR-5219. USE OF VEHICLES.** You must use a state vehicle for official business only, and as specifically authorized by your institution head. You must not allow an inmate to drive a vehicle on a public road, except in extreme emergency, and must report such instance to your supervisor immediately following the emergency.

**DR-5220. GIFTS OR GRATUITIES.** You must not receive directly or indirectly any fee, commission, gratuity or gift, from any person or business organization doing or seeking to do business with the state.

**DR-5221. USE OF INTOXICANTS OR DRUGS.** You must not come upon the grounds of an institution or report for duty under the influence of intoxicants or drugs. Use of alcohol or drugs to the extent that it interferes with job performance is grounds for dismissal from service.

It is your duty to report to your institution head the name of any employee who comes on duty, or who comes on institution grounds either on or off duty, while under the influence of, or suffering from the effects of overindulgence in intoxicants or drugs.

**DR-5222. BRINGING INTOXICANTS OR DRUGS ONTO INSTITUTION GROUNDS.** You must not bring any kind of alcoholic beverage or any kind of drugs upon the grounds of any correctional institution or camp unless specifically authorized to do so. Such authorization may be given for medical or religious sacramental purposes only, except that the institution head may authorize employees living in institutional residences outside the security perimeter to possess alcoholic beverages within their assigned residences for personal use. Any employee procuring for, or delivering to any inmate alcoholic preparations of any kind, or a drug of any type, except as specifically authorized, will be immediately dismissed from the service and referred to the district attorney for prosecution.

**DR-5223. ARREST OR CONVICTION OF EMPLOYEE.** If you are arrested or convicted for any violation of law, you must immediately notify your institution head. Conviction may result in dismissal from service.

**DR-5224. PERSONAL FIREARMS.** If you live on institutional grounds, you must store all personally-owned firearms and ammunition in the armory.

**DR-5225. INCOMPATIBLE EMPLOYMENT OR ACTIVITIES.** In conformance with the law, no employee of the Department of Corrections will engage in any other employment, enterprise or activity inconsistent or incompatible or in conflict with the program of the Department of Corrections. Employment and conduct deemed to fall in such categories includes but is not limited to the following:

1. Employment by an agency, either public or private for the purpose of guarding prisoners, plant protection, serving warrants, citations, or similar legal papers, watchman duties, or other forms of law enforcement or investigational work.
2. Using the prestige or influence of the state or the Department of Corrections for private gain or advantage.
3. Employment at any bar, race track, legal or illegal gambling establishment, or which involves operation or participation in gambling in any form, or any night club.
4. Employment or participation in any activity of an illegal nature.
5. Any employment or other activity which will prevent the employee from doing his job as an employee of the department in an efficient and capable manner.
6. Employment which will prevent a prompt response to a call to report for duty in an emergency or when otherwise required to be present by his supervisor or institutional head.
7. Participating as a specialist to give testimony which may result in the defendant being sentenced to an

institution of the Department of Corrections except in cases wherein the department is party to the action or a part-time employee or person on contract with the department is requested to testify by the court or the defense or prosecution counsel.

8. Using for private gain the time, facilities, equipment or supplies of the state.
9. Providing confidential information to persons to whom issuance of such information has not been authorized or using such information for private gain or advantage.
10. Receiving or accepting money or any other consideration from anyone other than the state for the performance of an act which the employee would be required or expected to ender in the regular course or hours of his state employment or as a part of his duties as a state employee.
11. Performance of an act in other than his capacity as a state employee knowing that such act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by the employee or by the Department of Corrections.
12. Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value, from anyone who is doing or is seeking to do business of any kind with the state or whose activities are regulated or controlled in any way by the state, under circumstances from which it reasonably could be inferred that the gift was intended as a reward for any official action on his part.
13. The employment and activities listed above do not necessarily include all those which may be prohibited.

Before engaging in any outside employment, activity or enterprise, you must submit a statement to your division or institutional head naming the prospective employer, if any, his address and telephone number, and outlining the proposed duties or activities. This must be in sufficient detail to enable the division or institutional head to determine whether, in his opinion, the proposed activity does fall in the prohibited class. The division or institutional head must notify you of his findings.

**DR-5226. EMPLOYEE IDENTIFICATION CARD.** All departmental employees must be issued an identification card. You must, while on duty, carry such card upon your person and produce the card upon request. You must report loss of your identification card immediately to the institution head.

**DR-5227. EMPLOYEES OF OTHER AGENCIES.** If you are not a departmental employee, but are assigned to or engaged in work at any departmental facility, you must observe all rules, regulations and laws governing conduct of employees at that facility. Failure to do so may lead to restriction from departmental facilities.

### Article 3. Services to Employees

#### POLICY

**DP-5301. GENERAL.** The only services to be supplied to employees are those officially established by the institution head and equally available to all employees.

**DP-5302. SERVICES FURNISHED THROUGH EMPLOYEE ASSOCIATIONS.** Subject to the provisions of the law and rules of the Board of Control, associations of employees may, at the discretion of the institutional head,

contract with the institution to furnish, on a non-profit basis, certain services to persons employed by the state at state institutions. In the institutions of the Department of Corrections these services may include:

1. Shoe shine services.
2. Employees' snack bar and canteen.
3. Auto service stations, including washing and polishing.
4. Minor tailoring services for the alteration, repair and pressing of employees' uniforms.

**DP-5303. SERVICES FURNISHED BY INSTITUTIONS.**

Subject to the limitations of the law, the institution may furnish to employees, for the convenience of the state, the following services. These services are rendered at the employee's own risk. The institution and the department cannot assume any liability for loss, damage, or destruction of the employee's property:

1. House and room rentals;
2. Electricity, water, gas and ice (employees living on institutional grounds);
3. Minor household repairs to furniture and appliances;
4. Firewood from salvage operations only;
5. Meals at employees' dining rooms;
6. Laundry and dry cleaning;
7. Shoe and saddle repair (men's, women's, and children's);
8. Barber shop services;
9. Beauty shop services.

**DP-5304. INSTITUTION REGULATIONS TO BE ESTABLISHED FOR EMPLOYEE SERVICES.** Subject to the approval of the Director, institutional heads must establish procedures and regulations not incompatible with

existing laws and rules, for the use of such services as are available to employees. Such regulations may provide for services such as laundry, dry cleaning and shoe repair for the dependent members of the immediate family of the employee living in the household. However, no service will be given which requires the physical presence of the dependent family members, except that, when accompanied by the employee, the dependent family members may use the services of the employees' dining room or snack bar.

**DP-5305. SALE OF INSTITUTION PRODUCTS.** The direct sale or disposal to an employee of any article, materials or supplies owned, produced or manufactured by an institution, is prohibited by law.

**DP-5306. TIPS, GIFTS, OR REWARDS.** No gift, tip, or reward will be offered by an employee or accepted for or by any inmates.

#### Article 4. General Personnel Regulation

##### POLICY

**DP-5401. GENERAL.** To successfully meet the challenges and discharge the responsibilities of the department and of each institution requires a skilled and dedicated staff of employees, working in close cooperation with a high degree of morale. The department will encourage a high esprit de corps by enabling employees to improve their skills through training, by constant effort to make working conditions safe and pleasant and by protecting the rights and privileges of employees under civil service laws and rules. Full information regarding the rights and responsibilities of employees under state civil service may be found at the institutional personnel office, the departmental personnel office, and the offices of the State Personnel

Board, Sacramento.

**DP-5402. CIVIL SERVICE LAWS AND RULES.** The employment, compensation and tenure of all civil service employees of the department will be in accordance with the laws and rules governing the California State Civil Service.

**DP-5403. HOURS OF EMPLOYMENT.** Hours of employment will be in accordance with state civil service rules. The institutional head, with the approval of the Director, will fix the hours of employment for all employees.

**DP-5404. VACATIONS.** Vacation will be granted at times convenient to the institution or division, subject to the approval of the institutional or division head.

**DP-5405. GRIEVANCES.** All employees have the right of appeal to the Director from any grievance relating to their employment with the department. Such grievances must be submitted through the departmental grievance procedure. This in no way interferes with the right of a civil service employee to appeal to the State Personnel Board from formal disciplinary action by the department or from actions over which the department has no control.

**DP-5406. IN-SERVICE TRAINING.** All new employees will be given the prescribed orientation training upon the commencement of their employment. All employees are required to participate in the in-service training program as directed. When work schedules permit, employees may attend in-service training classes on state time during their regular working hours.

## Article 5. Camp Regulations

### POLICY

**DP-5501. OFFICER IN CHARGE.** Each camp will be in the charge of a camp lieutenant, correctional program supervisor III, or other designated person who is responsible to the institution head through established channels for all matters relating to the custody and discipline of inmates and the operation and maintenance of the camp.

**DP-5502. CAMP COUNTS.** There must be at least four official camp counts in each 24-hour period. Inmates must be counted on mounting and dismounting from vehicles both going to and returning from any place outside the camp or institution. During the work period, counts of the work crews shall be made periodically by designated authorized person. Inmates missing at any count must be reported immediately after a preliminary search has been made. The officer in charge of the camp must furnish the surrounding law enforcement agencies with a complete description of the escapee, and other pertinent data, and request that this information be broadcast. The approved escape pursuit plan must then be placed in effect.

**DP-5503. CAMP LOG.** A permanent chronological record of all significant happenings will be maintained in each camp.

**DP-5504. TRANSPORTATION OF INMATES TO AND FROM CAMPS.** In transporting inmates to and from camps, the shortest practical route to the destination and return will be used at all times, except in emergencies. No stops will be made enroute to and from the destination at any time except as the situation actually requires, or in real emergencies.

DP-5505. ESCORTING INMATES TO AND FROM CAMPS. No inmate will travel from an institution to a camp, or from a camp to an institution, or to and from an outside work project unless escorted by an officer or other authorized state employee. No inmate will be taken into town except in an emergency, and only when accompanied, at all times, by an officer or other authorized state employee.

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State of California  
DEPARTMENT OF CORRECTIONS  
Sacramento 95814

November 4, 1974

ADMINISTRATIVE BULLETIN NO. 74/53

TO: Warden and Superintendents; Regional Administrators;  
Departmental Staff

SUBJECT: Revision to DP-2404 of the Rules and Regulations of  
the Director of Corrections

Paragraph 1 of DP-2404, Correspondence Between Inmates and Public Officials, of the Rules and Regulations of the Director of Corrections is revised to permit inmates to address a sealed letter to the Inspector General of the Department of Corrections as well as other officials mentioned in the policy statement.

Therefore, Paragraph 1 of DP-2404 shall read as follows:

- "1. Inmates may address a sealed letter to the Governor of California, the Secretary of the Health and Welfare Agency, the Director of Corrections, the Chief Deputy Director of Corrections, the Inspector General, Department of Corrections, an elected member of the state or federal Legislature, any other elected state or federal official, any appointed head of a state or federal agency, or to the administrative head of the state or federal parole agency or board responsible for their custody or release. Such communications will not be censored if addressed specifically to the official himself and submitted for mailing in accordance with the requirements of this regulation. The privilege does not extend to correspondence to employees or aides of public officials." (Emphasis added.)

Please see that this revision is given wide distribution among inmates and staff alike.

The revision will remain in effect until incorporated in the next printing of the Rules and Regulations of the Director of Corrections.



R. K. Procunier  
Director of Corrections

State of California  
DEPARTMENT OF CORRECTIONS  
Sacramento 95814

November 14, 1974

ADMINISTRATIVE BULLETIN NO. 74/55

TO: Wardens and Superintendents; Regional Administrators;  
Departmental Staff

SUBJECT: Revisions in Director's Rules and Regulations

Effective immediately DP-1003 - Right to Administrative Review of Grievances, DP-4510 - Review of Disciplinary Disposition, and DP-4511 - Records of Disciplinary Matters, of the Rules and Regulations of the Director of Corrections, July, 1974 edition, are revised as follows:

DP-1003 RIGHT TO ADMINISTRATIVE REVIEW OF GRIEVANCES. Each inmate has the right to appeal decisions, conditions or policies affecting the inmate's welfare. Each institution head must provide a system whereby an inmate may request and receive administrative review of any problem or complaint. Such reviews will involve upper level staff and will insure that the complaint receives timely, courteous and considerate attention. The institutional appeals procedure will apply to all areas of complaint except the Adult Authority hearing process which has a special appeal or review procedure.

DP-4510 REVIEW OF DISCIPLINARY DISPOSITIONS. If an inmate is dissatisfied with the disposition of a disciplinary hearing, the inmate may request review of the matter by submitting a CDC Form 602, Inmate/Parolee Appeal Form, to the Institutional Appeals Associate, who depending on institutional procedures, will either review the matter or refer it to the appropriate staff member for first level review. If still dissatisfied, the inmate may request review by the institution head who will either review the matter or refer it to the staff member designated as the second level reviewer.

State of California  
DEPARTMENT OF CORRECTIONS  
Sacramento 95814

November 27, 1974

ADMINISTRATIVE BULLETIN NO. 74/56

TO: Wardens and Superintendents; Deputy Directors;  
and Staff Members

SUBJECT: Revision to Rules and Regulations of the  
Director of Corrections

Effective December 1, 1974, the following regulation will supplant the existing policy bearing the same reference number, as set forth in Chapter 4, Article 2 of the Rules and Regulations of the Director of Corrections, July 1974 edition.

DP-4208 USE OF TEAR GAS

Tear gas may be used in maintaining order only when an emergency occurs which may result in injury to persons or property, and must not be used as punishment. Each institution head must designate in writing those persons who may authorize use of tear gas, with full instructions concerning such authority, including:

1. The requirement that at least one designated person as described must be present when tear gas is used.
2. Procedures to be followed in reporting the use of tear gas.
3. Procedures to be followed in extreme emergencies when no time exists for prior approval.
4. Procedures to be followed to ensure that no person will use tear gas until certified that he or she has satisfactorily completed the approved POST training in tear gas.

Each institution must maintain a permanent chronological record of all tear gas usage, accounting for disposition of all tear gas acquired.

A copy of the institution head's tear gas regulations and each amendment thereto must be forwarded to the Director for approval.

November 14, 1974

If the second level review is accomplished by other than the institution head, the final decision must be reviewed and approved by the institution head. If still dissatisfied, review by the Director may be requested.

At the disciplinary hearing, the inmate will be notified, in writing, of the right to request review.

Any person who has participated in a disciplinary process will not be used as a reviewing officer in that particular case. The institution head or his representative will assign the review to another staff member or refer it to the next highest level.

Any inmate request for review should be within ten days of the action being protested. The inmate will be notified in writing of the results of any such review.

DP-4511 RECORDS OF DISCIPLINARY MATTERS.

A copy of all documents prepared by the reporting employee, the disciplinary hearing officer, the senior disciplinary hearing officer, the disciplinary sub-committee, the disciplinary committee, the chief disciplinary officer, the institution head or the Director with reference to any disciplinary matter will be placed in the Central File, except those adjudicated not guilty.

All CDC Form 115's and accompanying documentation adjudicated not guilty will be placed in the appropriate staff file per procedures outlined in Chapter IV, Section 13 of the Classification Manual.

Please take the necessary steps to insure that all employees and inmates are informed of these revisions. This bulletin will remain in effect until incorporated into the Director's Rules and Regulations.

  
R. K. PROCUNIER  
Director of Corrections

This bulletin will remain in effect until the foregoing changes are issued as printed Rule Book changes.

Please take the necessary action to ensure compliance with the added procedure, number 4, listed above.

  
R. K. PROCUNIER  
Director of Corrections

State of California  
DEPARTMENT OF CORRECTIONS  
Sacramento 95814

January 6, 1975

ADMINISTRATIVE BULLETIN NO. 7572

TO: Warden and Superintendents; Regional  
Administrators; and Departmental Staff

SUBJECT: Revision of Director's Rule DP-2406

The California Supreme Court recently determined that the provisions of Penal Code Section 2600 regarding confidential communications with members of the State Bar also apply to written enclosures in such mail. In the same opinion, the court also ruled that out-of-state attorneys could correspond with confidential privileges. As a result of that decision, the following changes are to be made effective immediately:

DP-2406, subparagraph 3, is amended by deleting the last three sentences:

"3. Incoming 'legal mail' from a member of the State Bar registered with the institution will be opened in the presence of the inmate to whom it is addressed. The envelope will be opened by an employee who may shake out the pages of correspondence to insure against the enclosure of prohibited material before the letter is handed to the inmate."

DP-2406, subparagraph 4, is amended by deleting the entire subparagraph and substituting the following language:

"The contents of written enclosures in legal mail to or from an inmate are confidential in the same manner as other mail from or to the attorney. Books, newspapers, or pamphlets and other written enclosures may be opened and inspected to insure against the presence of physical contraband, without reading of the contents. Attorneys who enclose material with their letters to inmates will be encouraged to mail such material separately. Whether such material is mailed as confidential or not, it will be processed as promptly as is feasible, since privileged correspondence may make reference to the material. Material enclosed by inmates with a letter mailed to an attorney may be examined only in the same manner as other privileged mail.

"Following examination of enclosures for physical contraband, letters may be given to the inmate. However, enclosures such as newspapers and books will not be permitted into the institution where they may be read by other inmates except as outlined in this rule.

January 6, 1975

"Each institution will provide an inmate who receives such enclosures with two options. One option is that the inmate will be allowed to store the enclosures in a sealed envelope in his personal property storage or any other storage place designed by the institution. The inmate will be allowed the maximum possible access to that material for examination and review in a place or manner which prevents the material from being shown to other inmates. The other option is that the inmate will be allowed to keep the material in the housing unit if it is first screened by a designated institutional official to determine that there is no threat of institutional violence likely to result from admission of the material.

"The inmate will be informed of his options at the time the material is ready to be put in storage. If he chooses to have it screened so that it can be taken into the housing unit, it will be reviewed by a designated official of the institution who is at the Program Administrator level or higher. The examiner will examine each enclosure only to the extent necessary to determine if it may be safely admitted into the institution under the standards of Penal Code Section 2600. The conclusion of the examiner is to be written on the enclosure, dated and signed. Any person who examines the contents of mail under this section, or in connection with any appeal by an inmate of a ruling under this section, must keep the contents of the material which was examined in confidence and make no reference to the contents in any entry in an inmate's file."

DP-2406, subparagraph 13, is amended to read as follows:

"An out-of-state attorney will be given the same privilege of confidential correspondence as a member of the State Bar when he or she makes a reasonable showing to the institutional head that (a) he or she is licensed to practice law in another state; (b) he or she wishes to correspond about a specific legal matter in a confidential manner with a specific inmate; and (c) the inmate has requested the attorney to assist him or her. Mail from inmates to out-of-state attorneys who have invoked the privilege will be treated in the same manner as mail to members of the State Bar."

January 6, 1975

The following procedures will be used in implementing the above change to DP-2406, subparagraph 13:

Inmate requests for out-of-state attorney assistance will be treated as confidential under the following conditions:

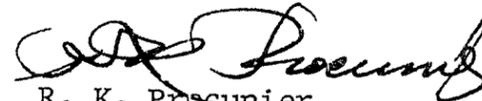
1. The envelope containing the request is to state "Legal Assistance Request".
2. The name of a specific attorney is part of the address.
3. Only one request to that attorney by that inmate will be permitted to be confidential unless the attorney invokes the privilege as detailed in DP-2406, subparagraph 13.

Institutions may verify that the attorney is licensed by another state. The attached "Confidential Mail Information Sheet" and "Attorney Acknowledgment Card" are to accompany the request when it is mailed. If the attorney requests confidential mail privileges, he or she should be notified as promptly as possible whether the request is granted and informed of the applicable rules at that time.

Institutions will maintain a record of out-of-state attorney requests and will also document any instances of abuse. Each institution will prepare a report to be submitted to the Deputy Director, Operations, by May 1, 1975, which contains the number of requests which were processed, any abuses, and an evaluation of the workload. Also included in the report should be any recommendations for changes in the procedures respecting inmate requests for out-of-state attorney assistance and any discussion of this privilege which may be felt appropriate.

The contents of this bulletin will remain in effect until incorporated into the Director's Rules or appropriate manuals.

Please see that all personnel concerned are informed of the contents of this bulletin.

  
R. K. Prseunier  
Director of Corrections

Attachments

January 6, 1975

## CONFIDENTIAL MAIL INFORMATION SHEET

## To Whom It May Concern:

This material is being sent by an inmate of the California Department of Corrections, but the content has not been examined. The subject matter should be a request for legal assistance.

If you desire to correspond or wish further information in confidence from the inmate, administrative and security needs require us to obtain the following from you:

1. A signature exemplar for use in insuring that your name is not used by another. The attached acknowledgment card will be utilized for this purpose.
2. A statement that you are licensed to practice law in your state or another state other than California and wish to invoke the privilege of confidentiality to correspond with a specific inmate on a specific legal matter.

Without the information and card specified above, we will examine all further correspondence between this inmate and you in the same manner as any other ordinary mail.

You may correspond with this inmate without restriction other than routine inspection by marking the outside of the envelope with the following: "Contents may be examined". Such mail will be examined only to determine that it is legal in nature. Any contents read by the examining employee which are legal in nature will be kept confidential, and will not be reflected in the inmate's file.

Should you elect to invoke the privilege, you will be notified promptly when your application has been processed. The applicable mail privilege rules and regulations will also be sent at that time.

Thank you for your understanding and assistance in this matter.

R. K. Procnier  
Director of Corrections

By: \_\_\_\_\_  
Warden or Superintendent

Attachment

January 6, 1975

## ATTORNEY ACKNOWLEDGMENT CARD

I hereby certify under penalty of perjury that I am duly licensed or authorized to practice law at this time in the following courts \_\_\_\_\_

\_\_\_\_\_ and am a member in good standing of the Bar of the State of \_\_\_\_\_; inmate \_\_\_\_\_ has requested my legal assistance in regard to a specific matter dealing with a [criminal/condition of confinement/validity of conviction/other civil (cross out if not applicable)] question about which we wish to correspond in confidence; I have read the Confidential Mail Information Sheet.

Date: \_\_\_\_\_ Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Signature: \_\_\_\_\_

State of California  
DEPARTMENT OF CORRECTIONS  
Sacramento 95814

January 10, 1975

ADMINISTRATIVE BULLETIN NO. 75/3

TO: Warden and Superintendents; Regional  
Administrators; and Departmental Staff

SUBJECT: Addition of Article 8 to Chapter 4 of the  
Rules and Regulations of the Director of  
Corrections

Effective January 1, 1975, Article 2 (Sections 2670-2680) is added to Chapter 4 of Title 1 of Part 3 of the Penal Code. This article sets forth specific rules governing the administration of organic therapy to inmates or parolees. In order to insure compliance with these rules, Article 8 is hereby added to Chapter 4 of the Rules and Regulations of the Director of Corrections. This article is effective January 1, 1975.

Please see that this revision is given wide distribution among inmates and staff alike. A copy should be posted in each institution's library.

This bulletin will remain in effect until incorporated in the Rules and Regulations of the Director of Corrections.

  
R. K. Procunier  
Director of Corrections

Attachment

Article 8, Organic Therapy

POLICY

DP-4801. GENERAL. Legislation effective January 1, 1975 provides that no person may be subjected to organic therapy unless he has given his informed consent and a superior court has authorized the treatment. This legislation also provides that organic therapy will not be performed unless it will be beneficial to the person, there is a compelling interest in administering such therapy, and there are no less onerous alternatives to such therapy.

DP-4802. APPLICATION OF ARTICLE.

1. This article applies to all persons committed to the custody of the Director of Corrections.
2. Nothing in this article prohibits the administration of nonorganic therapy with or without the use of drugs unless they are used for the purposes described in subparagraph two of DP-4803.
3. Nothing in this article prohibits the administration of drugs intended to cause negative physical reactions to ingestion of alcohol or drugs unless part of a program of aversive conditioning.

DP-4803. ORGANIC THERAPY. As defined by law, the term organic therapy refers to:

1. Psychosurgery, including lobotomy, stereotactic surgery, electronic, chemical or other destruction of brain tissues, or implantation of electrodes into brain tissue.
2. The use of any drugs, electric shocks, electronic stimulation of the brain, or infliction of physical pain when used as an aversive or reinforcing stimulus in a program of aversive, classical, or operant conditioning.

DP-4804. PROHIBITION. Organic therapy as defined in DP-4803 is not and will not be performed on persons committed to the Director of Corrections.

DP-4805. SHOCK THERAPY. Shock therapy, including but not limited to any convulsive therapy and insulin shock treatments, will not be considered organic therapy under the following circumstances and may be employed using the procedure set forth in DP-4806.

1. If a person inflicts or attempts to inflict substantial physical harm upon himself or another, or as a result of mental disorder presents an imminent threat of substantial

harm to himself or another, the attending physician in such an emergency may employ or authorize the immediate use of shock treatments in order to alleviate the danger. These treatments may not be employed for longer than seven days in any three-month period.

2. If a person gives his informed consent as defined in DP-4807 to a program of shock therapy for a period not to exceed three months, the attending physician may administer such therapy for a period not to exceed three months in any one year without prior judicial authorization.

If the circumstances set forth in subparagraphs (1) and (2) are not applicable, shock therapy will be considered organic therapy.

No shock treatment may be performed if the person is deemed able to give informed consent and refuses to do so.

DP-4806. PROCEDURE. If the attending physician decides that shock therapy is required under subparagraph (1) or (2) of DP-4805, he or she will request the permission of the warden or superintendent to administer the therapy. The warden or superintendent will appoint a committee of three physicians, two of whom are either board certified psychiatrists or board certified neurosurgeons to review the person's treatment record and the determination of the attending physicians. At least one of the physicians must not be an employee of the department. Before shock therapy may be administered, this committee must unanimously agree with the attending physician's determination that it is required, and if it is to be performed pursuant to the provisions of subparagraph (2) of DP-4805, must also unanimously agree that the person had the ability to give informed consent.

DP-4807. INFORMED CONSENT. The term informed consent means that a person must knowingly and intelligently, without duress or coercion, and clearly and explicitly consent to the proposed shock therapy. This consent must be given in writing and in the presence of the attending physician. It must be preserved and available to the person, his attorney, guardian, or conservator. A person who has been diagnosed as mentally ill, disordered, abnormal or defective may be able to give this consent.

DP-4808. PHYSICIAN INFORMING PERSON. Before a person may give his informed consent, the attending physician must communicate directly with the person and clearly and explicitly inform the person of the following:

1. The nature and seriousness of the person's illness, disorder or defect.
2. The intended duration of the proposed shock therapy.
3. The likelihood of improvement or deterioration and whether it will be temporary or permanent if the proposed shock therapy is not performed.
4. The likelihood and degree of improvement or cure from the administration of the shock therapy, its probable duration and intensity, and whether it may have to be continued indefinitely for optimum therapeutic benefit.
5. The likelihood, nature and extent of changes in or intrusion upon the person's personality and patterns of behavior or mental processes from the administration of the shock therapy.
6. The degree to which the changes in (5) may be irreversible.
7. The likelihood, nature, extent and duration of any side effects of the shock therapy, whether they may be controlled, and if they may, how and to what extent.
8. Any uncertainty concerning the benefits and hazards of the proposed therapy either because of lack of sufficient data available to the medical profession or for any other reason.
9. Whether the proposed therapy is generally regarded as sound by the medical profession, or is considered experimental.
10. The reason why shock therapy is recommended as opposed to other possible forms of organic therapy, psychotherapeutic modality of therapy or nonorganic behavior modification programs. If any of the other possible forms could be a reasonable alternative to the proposed therapy, it shall be described to the inmate in accordance with the procedures in subparagraphs (1) through (9) of this section.

DP-4809. INCAPABILITY OF GIVING INFORMED CONSENT. A person who is unable to understand or knowingly and intelligently act upon the information given him under DP-4808 is incapable of giving informed consent.

DP-4810. WITHDRAWAL OF CONSENT. Any person who has given his informed consent may withdraw it at any time. The shock therapy must cease immediately unless sudden cessation would create a serious risk of mental or physical harm to the person. If there is a serious risk of mental or physical harm from sudden cessation, the attending physician will phase the person out of the therapy as rapidly as is safe.

DP-4811. INFORMING PERSON OF RIGHTS UNDER THIS ARTICLE. If the attending physician determines that a person should be administered shock therapy, the person will be informed of his rights under this article.

A copy of Penal Code Sections 2670 through 2680 will be given to the person at that time.

DP-4812. PETITION BY INMATE OR PAROLEE. Any person or person's attorney, guardian or conservator may file a petition with the superior court of the county in which the person is confined for an order to prohibit the administration of shock therapy upon the person. This petition must be served by the county clerk upon the warden or superintendent on the same day it is filed and constitutes a refusal of consent or withdrawal of any prior consent.

DP-4813. RESPONSE TO INMATE OR PAROLEE'S PETITION. The warden or superintendent has ten days to file a response to this petition. The superior court may grant a continuance of ten additional days. The response must be served personally upon the person and served upon the person's attorney, guardian or conservator on the same day it is filed with the clerk of the superior court.

DP-4814. COMMUNICATIONS BY INMATE OR PAROLEE. The person is entitled to communicate in writing with his or her attorney, and in writing and by visiting with his or her parents, guardian or conservator regarding any proposed administration of shock therapy or organic therapy. Any mail regarding shock therapy or organic therapy will not be prevented from leaving the institution.

DP-4815. EXCEPTIONAL CIRCUMSTANCES. In an extraordinary case the attending physician may decide that a particular individual requires shock treatment for a longer period than the time permitted under DP-4805. In such a case the attending physician will request the permission of the warden or superintendent. If the warden or superintendent agrees with the request and the committee appointed under DP-4806 also unanimously agrees that extended shock therapy is required, the warden or superintendent will forward the request to the Assistant Director, Medical Services, for his review and recommendation to the Director. If the Director agrees that extended shock therapy is required, he will instruct the warden or superintendent as to the procedures required to obtain judicial authorization. Extended shock therapy will not be performed without the approval of the Director and judicial authorization.

State of California  
DEPARTMENT OF CORRECTIONS

January 21, 1975

ADMINISTRATIVE BULLETIN NO. 75/5

TO: Warden and Superintendents; Regional  
Administrators; and Staff Members

SUBJECT: Revision of Director's Rules

Director's Rule DP-2403 is amended by the following  
addition:

"12. Inmates will be notified in writing  
of any material returned to the  
sender and of the reason."

This bulletin is effective immediately and will  
remain in effect until incorporated into the rule  
book. Please see that all personnel concerned are  
informed of the above.

  
R. K. Procunier  
Director of Corrections

State of California  
DEPARTMENT OF CORRECTIONS  
Sacramento 95814

April 1, 1975

ADMINISTRATIVE BULLETIN NO. 75/20

TO: Warden and Superintendents; Regional Administrators;  
Departmental Staff

SUBJECT: Revision of DP-4504 of the Rules

DP-4504 of the Rules and Regulations of the Director of Corrections  
is amended to read:

"DP-4504. HOUSING PENDING DISCIPLINARY ACTION.  
When a CDC Form 115 report is filed, the inmate's  
housing status will not be changed unless additional  
controls are needed for the protection of staff or  
other inmates, or as a security measure. The  
ranking custodial officer on watch may order any  
inmate placed in segregation status if additional  
controls are deemed necessary, such action to be  
immediately reported in writing to the institution's  
classification committee.

"If the disciplinary charges have not been adjudicated  
at the time of the next regularly scheduled meeting  
of the classification committee, the classification  
committee will determine the need for continued  
specialized housing. The conditions under which  
continued retention in specialized housing is  
warranted are set forth in DP-4509, HOUSING PENDING  
CRIMINAL PROSECUTION, and will apply to housing  
pending disciplinary hearings as well."

Please see that all personnel concerned are informed of the above.  
This bulletin is effective immediately and will remain in effect  
until incorporated into the printed edition of the Rules and  
Regulations of the Director of Corrections.

  
George C. Jackson  
Chief Deputy Director

State of California  
DEPARTMENT OF CORRECTIONS  
Sacramento 95814

April 1, 1975

ADMINISTRATIVE BULLETIN NO. 75/ 22

TO: Warden and Superintendents; Regional  
Administrators; and Departmental Staff

SUBJECT: Classification Procedures

In order to insure the fairness and validity of classification actions in cases where the action under consideration may have a substantial adverse impact on the inmate or resident, the following changes will become effective April 15, 1975:

Director's Rules DP-4901 and DP-4902 are added to Chapter 4, Article 9, of the Rules and Regulations of the Director of Corrections:

"Article 9. Classification Procedures

"POLICY

"DP-4901. GENERAL. Classification procedures will be fair and designed to result in the most appropriate classification for each individual.

"DP-4902. ACTIONS REQUIRING WRITTEN NOTICE. Classification actions that result in a substantial adverse effect on an inmate's conditions of confinement will require when possible advance written notice of the proposed action, a hearing, and a written statement of the findings. Temporary emergency action may be taken when necessary, but the inmate must be given the reasons for the action as soon after the action as possible and be heard at the next regular meeting of the classification committee after the action."

Please see that everyone concerned is made aware of these changes.

This bulletin will remain in effect until incorporated into the Director's Rules. In addition to these changes, appropriate revisions are also being made in Classification Manual Section CL-IV-03.

  
George C. Jackson  
Chief Deputy Director

State of California  
DEPARTMENT OF CORRECTIONS  
Sacramento 95814

April 10, 1975

ADMINISTRATIVE BULLETIN NO. 75/ 28

TO: Warden and Superintendents; Regional Administrators;  
Departmental Staff

SUBJECT: Revision of the Rules and Regulations of the Director  
of Corrections

Chapter 4, Article 4, Disorders and Emergencies, is revised as follows beginning with DP-4402.

DP-4402. DISTURBANCE CONTROL PLAN. Each institution head must have in effect at all times a plan, approved by the Director, for meeting emergencies, such as riots, strikes, attacks upon inmates, visitors or staff, explosions or fires, suicides or attempted suicides, and accidental injuries to inmates or visitors or employees. The plan must include procedures for requesting assistance from outside the institution when circumstances warrant.

DP-4403. EMERGENCY PREPAREDNESS PLAN. Each institution head must have in effect at all times a plan, approved by the Director, for meeting emergencies as delineated and required by Chapter 7, Division 1 of the Government Code, Governor's Executive Order R-35-71, and Administrative Order 72-6, Office of Emergency Services.

This plan will include, as a minimum, emergency measures to be taken to prepare for and respond to the following types of emergency situations: (1) War; (2) Earthquake; (3) Seismic Sea Waves; (4) Flood; (5) Fire; (6) Civil Disturbances; (7) Accident-Transportation-Industrial; and (8) Pollution. Such plans must be reviewed annually by the institution head and submitted to the Director for approval in October of each year.

DP-4404. PREVENTION OF DISORDERS AND EMERGENCIES. Each institution head must establish regulations and procedures for the prevention of emergencies, including:

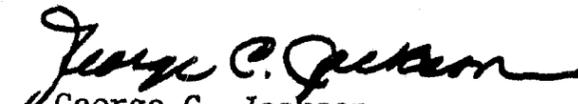
April 10, 1975

A.B. No. 75/27

1. Fire prevention.
2. Safety inspections and elimination of hazards.
3. Control of dangerous and toxic substances.
4. Control of tools.
5. Control of explosives.

DP-4405. HOSTAGES. Employees must not permit inmates or others to use hostages to escape from custody or otherwise interfere with orderly institutional operations. Hostages will not be recognized for bargaining purposes. All inmates, visitors and staff will be informed of this regulation.

Please see that all personnel concerned are informed of the above. This bulletin is effective immediately and will remain in effect until incorporated into the printed edition of the Rules and Regulations of the Director of Corrections.

  
George C. Jackson  
Chief Deputy Director

State of California  
DEPARTMENT OF CORRECTIONS  
Sacramento 95814

April 10, 1975

ADMINISTRATIVE BULLETIN NO. 75/27

TO: Warden and Superintendents; Regional Administrators;  
Departmental Staff

SUBJECT: Revision of DP-4806 of the Rules and Regulations of  
the Director of Corrections

DP-4806 of the Rules and Regulations of the Director of Corrections  
is revised as follows:

DP-4806. PROCEDURE. If the attending physician decides that shock therapy is required under subparagraphs (1) and (2) of DP-4805, he or she will request the permission of the warden or superintendent to administer the therapy. The warden or superintendent will appoint a committee of three physicians, two of whom are board certified or eligible for board certification in psychiatry or neurosurgery, to review the person's treatment record and the determination of the attending physician. At least one of the three physicians must not be a full-time employee of the department. Before shock therapy may be administered, this committee must unanimously agree with the attending physician's determination that it is required, and if it is to be performed pursuant to the provisions of subparagraph (2) of DP-4805, must also unanimously agree that the person had the ability to give informed consent. In extreme emergencies where impaneling a committee of physicians will delay treatment to the extent that the patient's life would be jeopardized, the attending physician, through the warden or superintendent, may request permission of the Director or Chief Deputy Director to proceed immediately with the treatment. Following such emergency treatment, the committee of physicians will be convened to review the case and the need for emergency treatment. The warden or superintendent will submit a copy of the committee's findings to the Director.

Please see that all personnel are informed of the contents of this rule revision.

This bulletin will remain in effect until incorporated in the next printing of the Rules and Regulations of the Director of Corrections.

A handwritten signature in cursive script that reads "George C. Jackson". The signature is written in dark ink and is positioned above the printed name and title.

George C. Jackson  
Chief Deputy Director

**END**