

**DOM 32010.13 Probationary Employees:**

Entry-level, probationary employees of the Department shall complete the training requirements of their job classification before the end of their probationary period, or earlier, as specified. An employee who provides acceptable certification of having previously completed a requirement shall receive credit and not be required to repeat the training. Employees who fail to complete any portion of required training may be rejected on probation. Probationary employees are required to receive orientation training in addition to the requirements for certain job classifications. The following classifications shall adhere to the additional requirements listed below:

**Correctional Counselors**

Correctional Counselor staff shall complete:

- The requirements of PC 832 and chemical agents training as provided at the Academy within 90 days of appointment and prior to performing peace officer duties.
- The CDCR/DSH/AP (3600 work process hours and 24 qualifying months).

**DOM 32010.15 Officer, Sergeant, Lieutenant, CCI, Fire Chief, Fire Captain and MTA Required Annual Training**

For the purpose of this section, peace officers include the following classifications: Officer, Sergeant, Lieutenant, CCI, Fire Chief, Fire Captain and MTA.

Peace officer employees shall be provided a minimum of 52 hours of annual training pursuant to the current annual training schedule, approved by the Associate Director, POSED, or designee.

Annual training will be the primary delivery system for peace officers to maintain compliance with PC 832 and other mandated training or applicable contract language.

Peace officer classifications shall receive annual training as follows:

- Alarm response
- California Public Records Act (CPRA)
- Chemical Agents
- Communicable Disease Prevention
- Court Compliance Training
- EEO/Sexual Harassment Prevention
- Emergency Operations
- Escape Prevention
- Expandable Baton Annual Training (not mandatory for CCI, Fire Chief/Captain, or MTA)
- Fire and Life Safety
- Firearms Requalification (see Section 32010.19.3 Requalification Chart)
- Heat Related Pathologies
- Information Practices Act (IPA)
- Information Security Awareness (ISA)
- Injury Illness Prevention Program (IIPP)
- Lethal Electrified Fence (if applicable)

- Prison Rape Elimination Act (PREA)
- Suicide Prevention
- Tuberculosis Testing/Quiz (TB)
- Use of Force
- Other subjects as deemed appropriate by the Warden, hiring authority or designee, or any other legal mandates.

### **DOM 32010.19 Weapons Training**

The importance of training in the safe and proper use of weapons authorized in Restricted DOM, Section 55050 cannot be over emphasized. The IST Manager must ensure that all custody staff are properly certified in firearms and less lethal weapons, prior to assignment. It is essential that each individual who may issue, use, or supervise the use of departmental weaponry be fully trained in procedures, policy, and safety matters relating to the weapons. All persons designated as peace officers under Penal Code (PC) Section 830.2 or 830.5, and those so designated by the Secretary, prior to assuming peace officer duties, shall at the minimum successfully complete the Department's qualification requirements.

#### **DOM 32010.19.1 Weapons Qualification**

At the discretion of the hiring authority, all personnel subject to PC 832 training, and other designated officials requiring such training shall successfully complete the weapons qualifications course mandated at the specific academy attended. Standards shall meet PC, Department policy, and job-related requirements.

##### **PC 832 Training**

Every appointed peace officer shall:

- Complete training required by PC 832 prior to exercising peace officer powers.
- Trainees shall complete the required Firearms qualification course with a minimum score of 80 percent on the handgun, and the Peace Officer Standards and Training (POST) Arrest course with a minimum score of 75 percent. One retest is authorized. Failure on the retest will result in the employee being returned to the sending facility without PC 832 certification. The employee may attempt to again qualify by returning to PC 832 training and repeat the course that was failed.
- Failure to successfully complete the course shall result in the termination of that appointment within the peace officer classification.

PC 832(e) requires individuals who previously completed a PC 832 course to re-qualify prior to exercising peace officer powers, if they have a 36 months or more break in service as a peace officer within the State of California.\

#### **DOM 32010.19.3 Weapons Requalification Requirements**

All employees subject to PC 832 training shall quarterly/annually demonstrate satisfactory knowledge of weapons policy and usage. Requalification shall be accomplished through written examination and/or actual performance.

Requalification requirements are based upon level of responsibility, duties performed, and weaponry appropriate to the function.

### **Annual/Quarterly Firearms Requalification**

Annual Firearms Requalification shall:

Operate on a 12 month period in accordance with the Institution/Unit training schedule. Employees subject to annual firearms qualifications shall maintain their qualifications within this period. If qualifications are not attained before the end of the month following this 12 month period, the employee shall be considered out of compliance with annual qualification mandates.

### **DOM 51010.3 Peace Officer Authority**

CDCR peace officer authority is outlined in Penal Code (PC) Sections 830.2(d)(1) & (2) and PC 830.5. While normal CDCR peace officer authority applies generally to custody of inmates either inside or outside of a CDCR facility (e.g. escape pursuit and transportation/hospital custody, etc.) and parolees, appropriately trained and equipped CDCR peace officers can be authorized to act outside of normal duties during emergency and non-emergency situations as specified by law.

A CDCR peace officer has authority that extends to any place in the State while engaged in the performance of the duties of his/her respective employment and for the purposes of carrying out the primary function of his/her employment or as required under Sections 8597, 8598, and 8617 of the Government Code (GC).

### **DOM 51020.15 Chemical Agents**

Departmentally approved chemical agents include, but are not limited to the following: Oleoresin Capsicum (OC), Chloroacetophenone (CN), and Orthochlorobenzalmalononitrile (CS). OC may be issued to all on-duty departmentally trained peace officers, certified in the use of chemical agents. Employees shall only administer the amount of chemical agents necessary and reasonable to accomplish the lawful objective. While in the community, non-uniformed peace officers that are issued OC products shall carry the product in a concealed manner, unless the peace officer has a badge clearly displayed.

### **DOM 61010.4 – Social History/Staff Reports:**

The counselor shall complete an Institutional Staff Recommendation Summary (ISRS) or CDC Form 816, CDC Form 812, CDC Form 839, or CDC Form 840, or CDC Form 841, and the Social Factor Sheet, all of which are explained in detail in DOM §§ 61010, 61020, and 61030.

### **DOM 61010.9 – Procedures - The Counselor:**

The counselor shall review all relevant documents available during the RC process to complete the score sheet. Since the Placement Score usually determines the institution to which the inmate will be assigned, it is extremely important that the information considered be as complete as possible. The Probation Officer's Report (POR) is the

document of choice when information conflicts; the POR is reviewed by legal counsel and the court and contents may be challenged in court.

## **CCR Subchapter 4, General Institution Regulations**

### **Article 2 Security General Policy 3270:**

The primary objectives of the correctional institutions are to protect the public by safely keeping persons committed to the custody of the Secretary of Corrections and Rehabilitation, and to afford such persons with every reasonable opportunity and encouragement to participate in rehabilitative activities. 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 requirement 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.

### **Article 2 Responsibility of Employees 3271:**

Every employee, regardless of his or her assignment, is responsible for the safe custody of the inmates confined in the institutions of the department.

### **Article 10 Classification Process 3375:**

(a) The classification process shall be uniformly applied, commencing upon reception of a person committed to the custody of the Secretary and shall continue throughout the time the individual remains under the Secretary's jurisdiction. Each inmate shall be individually classified in accordance with this article. Senate Bill 618 Participants, as defined in section 3000 and pursuant to subsection 3077.1(a)(1)(C), shall receive a preliminary classification at a county facility prior to reception at a departmental institution.

(b) The classification process shall take into consideration the inmate's needs, interests and desires, his/her behavior and placement score in keeping with the Department and institution's/facility's program and security missions and public safety.

(c) Each determination affecting an inmate's placement within an institution/facility, transfer between facilities, program participation, privilege groups, or custody designation shall be made by a classification committee composed of staff knowledgeable in the classification process.

(d) The classification of felon inmates shall include the classification score system as established. A lower placement score indicates lesser security control needs and a higher placement score indicates greater security control needs.

(e) When possible, the inmate shall be given sufficient advance written notice of any classification committee hearing to provide the inmate reasonable preparation time to discuss the matter to be considered. An inmate appearing

before a classification committee shall be informed of the inmate's next classification committee hearing date when it is known or can be anticipated.

(f) The classification of inmates shall provide the following procedural safeguards:

(1) Inmates shall be given written notice at least 72 hours in advance of a hearing which could result in an adverse effect. Adverse effect is defined as:

(A) Involuntary transfer to a higher security level institution/facility, which is not consistent with the inmate's placement score.

(B) Increase in the inmate's custody designation.

(C) Involuntary placement in segregated housing.

(D) Involuntary removal from an assigned program.

(E) Placement in a reduced work group.

(F) Involuntary transfer to another institution/facility because of the inmate's misbehavior or receipt of new information that may affect staff, inmates, the public, or the safety and security of the institution/facility, whether or not his/her placement score is consistent with the receiving institution's/facility's security level.

(G) Transfer of an inmate to a more restrictive institution or program where the security level is higher.

(2) Except as provided in subsection 3375(f)(3), the inmate shall be present at all initial classification committee hearings and at any other classification committee hearing which could result in an adverse effect upon the inmate.

(3) An in absentia (without inmate's presence) classification hearings may be held only when:

(A) The inmate refuses to appear before the committee.

(B) The inmate is physically incapable of appearing before the committee, or is determined by a psychiatrist to be mentally incompetent and cannot understand the purpose of the hearing.

(C) The purpose of the hearing is to:

1. Improve the inmate's conditions of confinement by reducing or removing a previously imposed restriction.

2. Approve an action requested in writing by the inmate.

3. Determine the need for scheduling, or to schedule, a future classification committee action.

(4) If the inmate was not previously notified and during the classification committee hearing an unanticipated adverse effect emerges, the hearing shall be postponed for at least 72 hours and the inmate shall be referred to the inmate's counselor for assistance when the inmate is illiterate, or the issues are complex unless:

(A) The hearing cannot be postponed because of safety or security factors.

(B) The inmate waives the 72-hour postponement.

(5) The inmate shall be permitted to contest the preliminary score or placement score in the hearing.

(6) Each inmate appearing before a classification committee shall be:

(A) Introduced to the committee members.

(B) Informed of the purpose of the hearing.

- (C) Encouraged to participate in the hearing discussion.
- (D) Informed of the committee's decision.
- (7) Classification committee decisions shall be based on evaluation of available information and mutual agreement of the committee members.
- (g) Every decision of a classification committee shall be documented on a CDC Form 128-G, Classification Chrono. The Security Threat Group Unit Classification Committee shall be documented on a CDCR Form 128-G1 (11/13), Security Threat Group Unit Classification Committee—Results of Hearing, which is incorporated by reference.
- (1) Each classification committee's documentation shall include, but not be limited to the following:
  - (A) The reason or purpose for the committee hearing.
  - (B) The action taken.
  - (C) The specific reasons for the action including the information upon which the decision was based.
  - (D) The inmate's stated preferred action, the reasons for the preference, and his/her agreement or disagreement with the committee action.
  - (E) If applicable, the use of any reasonable accommodation to ensure effective communication.
  - (F) If during the committee discussion, a member of the committee disagrees with a decision or the basis for a decision reached by the committee, he or she may provide language to the recorder to document his or her opinion for inclusion in the CDC Form 128-G.
  - (G) The reason(s) for the omission of any of the classification procedural safeguards identified in subsection 3375(f).
  - (H) If an in absentia hearing is held, reason(s) for the inmate being absent.
  - (I) The name, title, and signature of the committee's chairperson.
  - (J) The names and titles of staff who participated in the decision.
  - (K) The name, title, and signature of the committee's recorder.
  - (L) The date of the action.
- (2) In addition to the preceding, documentation for transfer reviews shall also include the following:
  - (A) The inmate's requested transfer preference(s) and stated reason(s) for preferring that location.
  - (B) The institution to which the committee recommends transfer with an alternate recommendation, if different from those requested by the inmate, and the specific reasons for both recommendations.
  - (C) A statement of the inmate's work group upon transfer based on adverse or non-adverse transfer circumstances.
- (3) When the inmate is treated under the Mental Health Services Delivery System (MHSDS) and is at the Enhanced Outpatient Program (EOP) or the Mental Health Crises Bed (MHCB) level of care, regardless of the inmate's housing, a clinician is required as a committee member at all hearings. When the inmate is in segregated housing and treated under the MHSDS at any level of care, a clinician is required as a committee member at all hearings. Documentation shall include, but not be limited to the following:

- (A) The inmate's current medical/psychiatric status/level of care.
- (B) MHSDS treatment needs.
- (C) The inmate's ability to understand and participate in the classification hearing.
- (4) In all hearings when the inmate is treated under the MHSDS and is housed in segregated housing, documentation shall include the requirements indicated in subsection 3375(g)(3) as well as the following:
  - (A) A clinical assessment of the inmate's likelihood of decompensation if retained in segregated housing.
  - (B) A summary of the clinical information provided by the clinician when an actively decompensating mentally ill inmate is recommended for transfer to a mental health program by the clinician and the decision of the committee is to retain the inmate in segregated housing.
- (5) Documentation from each institution's initial classification reviews shall include the following case factors:
  - (A) Date of birth or age on the date of committee.
  - (B) Term status (first, second, etc.)
  - (C) County(ies) of commitment.
  - (D) Commitment offense(s) (include parole revocation offense(s) resulting in good cause/probable cause findings if a parole violator.)
  - (E) Length of sentence.
  - (F) When the inmate was received by the Department for the current incarceration.
  - (G) County of last legal residence.
  - (H) Escape related conviction(s).
  - (I) Current or potential hold(s).
  - (J) Arson related arrest(s) or conviction(s).
  - (K) Sex-related arrest(s) or conviction(s) by date.
  - (L) The current placement score, security level, and custody designation.
  - (M) The reason(s) the inmate was transferred to the current location.
  - (N) Current eligibility status for special programs such as camp, minimum support facility, or community correctional facility. If not eligible, the reason for each shall be noted.
  - (O) Current assignments (including work group and privilege group).
  - (P) Enemy or STG concerns.
  - (Q) The existence of, and committee review of, confidential information.
  - (R) Any medical/psychiatric/disability concerns, including tuberculosis tracking code and date of the most current documentation.
  - (S) Any other pertinent case information and/or casework follow-up needed.
- (6) Documentation for each classification committee review for transfer to the COCF program shall include the case factors listed in 3375(g)(5) and:
  - (A) Attorney consultation.
  - (B) Conviction history.
  - (h) An inmate shall be provided a copy of all non-confidential CDCR staff-generated documentation and reports placed in the inmate's central file unless otherwise requested in writing by the inmate.

(i) An inmate shall not remain at an institution/facility with a security level which is not consistent with the inmate's placement score unless approved by a Classification Staff Representative (CSR) or a staff person designated to serve in that capacity.

(j) A CDCR Form 839, (Rev. 07/12), CDCR Classification Score Sheet, shall be prepared pursuant to section 3375.3 on each newly received felon.

(1) In completing the CDCR Form 839, all relevant documents available during the reception center process shall be reviewed. The inmate shall be interviewed, informed of the purpose of the form, and allowed to contest specific item scores and other case factors on the form. Factors for which documentation is absent or conflicting shall be discussed during the interview.

(2) The inmate is responsible for providing documentation to support their challenge of any information on the CDCR Form 839.

(3) An effort shall be made to obtain verifiable documentation of all items on the CDCR Form 839. The probation officer's report (POR) shall be the document of choice to resolve any conflicting information received. Credit shall be given only upon verifiable documentation and shall not be given based solely on an inmate's statements.

(4) A corrected CDCR Form 839 shall be initiated when the inmate or another party presents verifiable documentation to support the change. When the change results in a placement score which falls into the range for a different facility security level, the inmate's case shall be referred to a CSR for transfer consideration.

(k) A CDCR Form 840 (Rev. 07/12), CDCR Reclassification Score Sheet shall be prepared pursuant to section 3375.4 as part of the regular, continuous classification process. If an inmate's recalculated placement score is not consistent with the institution/facility security level where the inmate is housed, the case shall be presented to a CSR for transfer consideration.

(1) A CDCR Form 840 shall be completed:

(A) Twelve months after the date that the inmate physically arrived in the reception center and annually thereafter.

(B) Any six-month period when favorable points are granted or unfavorable points are assessed which would cause the inmate's placement score to fall outside of the facility security level.

(C) Each time a case is presented to a CSR for placement consideration.

(2) A CDCR Form 841 (Rev. 07/12), CDCR Readmission Score Sheet, shall be completed pursuant to section 3375.5 as part of the readmission process when a parolee is returned to prison.

(l) An automated needs assessment tool that identifies an inmate's criminogenic needs shall be administered pursuant to Section 3375.6.

#### **Article 10 Classification Committee 3376:**

(a) The following terms are defined for the purposes of this section:

- (1) Camp means the type of subfacility of an institution which is normally located in a rural area and which has no secure (fenced or walled) perimeter. Camp inmates are generally assigned to conservation and/or road details.
  - (2) Community-access facility (CAF) means any facility located in the community, administrated by the Division of Adult Parole Operations, where inmates have access to the community for work or training and which has no secure (fenced or walled) perimeter.
  - (3) Community correctional facility (CCF) means a facility located in the community, administrated by the Parole and Community Services Division, where inmates do not have unsupervised access to the community and which has a secure (fenced) perimeter.
  - (4) Facility means any institution, community-access facility, community correctional facility, or any camp or other subfacility of an institution under the jurisdiction of the department.
  - (5) Institution means a large facility or complex of subfacilities with a secure (fenced or walled) perimeter headed by a warden.
- (b) Each facility shall establish classification committees as provided herein. A quorum for any committee at a CAF shall be a minimum of two persons who shall be the chairperson and recorder. A quorum at all other facilities shall be a minimum of three persons who shall be the chairperson, recorder and any other member.
- (c) Composition of committees:
- (1) Initial and Unit Classification Committees shall consist of:
    - (A) Facility captain, correctional captain, or CAF/CCF manager (chairperson).
    - (B) Correctional counselor III, parole administrator I, parole agent III, or assistant CAF/CCF manager; or, for CAF/CCFs only, designated supervisory peace officer at the rank of correctional lieutenant, or above (alternate chairperson).
    - (C) Correctional counselor II, correctional counselor I, or parole agent II (recorder).
    - (D) Assignment lieutenant (initial classification), program lieutenant (unit classification), or CAF/CCF inmate assignment/program coordinator.
    - (E) Educational or Career Technical Education program representative.
    - (F) Other staff as required.
  - (2) Institution Classification Committees (ICC) and Facility Classification Committees (FCC) shall consist of:
    - (A) Warden, regional parole administrator, deputy warden, or deputy regional parole administrator (chairperson).
    - (B) Correctional administrator or parole administrator I (alternate chairperson).
    - (C) Psychiatrist or physician.
    - (D) Facility captain.
    - (E) Correctional captain.
    - (F) Correctional counselor III, parole agent III, correctional counselor II, or parole agent II (recorder).
    - (G) Assignment lieutenant or CAF/CCF inmate assignment/program coordinator.
    - (H) Educational or Career Technical Education program representative.
    - (I) Other staff as required.

- (3) Camp Classification Committee shall consist of:
  - (A) Correctional lieutenant (chairperson).
  - (B) Correctional counselor I (alternate chairperson, recorder).
  - (C) Correctional sergeant.
  - (D) Staff representative of camp contracting agency.
- (4) Security Threat Group (STG) Unit Classification Committee shall consist of:
  - (A) Captain (Chairperson).
  - (B) Correctional Counselor II (Recorder).
  - (C) Correctional Counselor I.
  - (D) Other staff as required.
- (d) Classification committee functions:
  - (1) Initial Classification Committees shall:
    - (A) Evaluate case factors and assist the inmate to understand facility expectations, available programs, and resources.
    - (B) Initiate an education, Career Technical Education program, or work program; designate a credit earning and privilege group; and assign a custody designation for each inmate.
    - (C) Refer complex cases to the ICC or FCC.
    - (D) Recommend transfer of a new arrival determined to be inappropriately placed.
    - (E) Grant work credits to which the inmate is entitled while in transit.
  - (2) Unit Classification Committees shall:
    - (A) Review each inmate's case at least annually to consider the accuracy of the inmate's classification score, custody designation, program, work and privilege group, and facility placement, including recommendation for transfer. A parole violator's first annual review may be delayed for up to five months so that it will coincide with classification score updates.
    - (B) Change in inmate's work/privilege group.
    - (C) Conduct post board classification on an inmate within 15 days of receipt of official notice of a Board of Parole Hearings' decision regarding the inmate.
    - (D) Act on an inmate's request for restoration of forfeited credits for less than Division C offenses in accordance with section 3327.
  - (3) Institution and Facility Classification Committees shall:
    - (A) Recommend transfer of inmates.
    - (B) Act on cases referred by lower committees.
    - (C) Review inmate requests for meritorious sentence reduction to determine compliance with Penal Code section 2935.
    - (D) Make referrals and recommendations through the chief, classification services, for cases requiring Departmental Review Board (DRB) decisions.
    - (E) Change an inmate's work/privilege group.
    - (F) For validated STG cases:
      - 1. Review the Validation Package and the CDCR Form 128-G1 (11/13), Security Threat Group Unit Classification Committee-Results of Hearing, which is incorporated by reference.

2. Determine a validated STG inmate's housing and program needs. ICC maintains discretion in evaluating an affiliate's overall disciplinary record and case factors in determining placement in the SDP or continued management within a general population setting in accordance with Section 3378.4(c).
- (4) Camp classification committees shall perform all functions designated above for unit and initial classification committees.
- (5) Security Threat Group Unit Classification Committee shall:
- (A) Review all STG validation packages for accuracy, compliance, and to ensure due process requirements have been met.
- (B) Review Dropout status affiliate's new disciplinary behavior for documented nexus to STG behavior as noted in the RVR, or other source items of intelligence.
- (C) Review information or intelligence received from outside law enforcement agencies or which occurred outside CDCR jurisdiction to ensure disciplinary processes or formal documentation were applied, when appropriate.
- (D) Refer validated STG cases to ICC for placement consideration in the Step Down Program.

## **Subchapter 5, Personnel**

### **Article 2 Employee Conduct 3391:**

- (a) Employees shall be alert, courteous, and professional in their dealings with inmates, parolees, fellow employees, visitors and members of the public. Inmates and parolees shall be addressed by their proper names, and never by derogatory or slang reference. Prison numbers shall be used only with names to summon inmates via public address systems. Employees shall not use indecent, abusive, profane, or otherwise improper language while on duty. Irresponsible or unethical conduct or conduct reflecting discredit on themselves or the department, either on or off duty, shall be avoided by all employees.
- (b) An allegation by a non-inmate of misconduct by a departmental peace officer as defined in section 3291(b) is a citizen's complaint pursuant to Penal Code section 832.5. Citizen's complaints alleging misconduct of a departmental peace officer shall be filed within twelve months of the alleged misconduct.
- (c) Persons other than an inmate, parolee or staff who allege misconduct of a departmental peace officer shall submit a written complaint to the institution head or parole administrator of the area in which the peace officer is employed.
- (d) Citizens filing complaints alleging misconduct of a departmental peace officer employed by this department are required to read and sign the following statement:
- YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT

ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

**Article 2 Familiarity 3400:**

Employees must not engage in undue familiarity with inmates, parolees, or the family and friends of inmates or parolees. Whenever there is reason for an employee to have personal contact or discussions with an inmate or parolee or the family and friends of inmates and parolees, the employee must maintain a helpful but professional attitude and demeanor. Employees must not discuss their personal affairs with any inmate or parolee.

**Article 2 Employee and Inmate/Parolee Relations 3401:**

- (a) Except as provided in (e) below, employees shall not take, deliver or otherwise transmit, either to or from any inmate or member of an inmate's family; any verbal or written message, document, item, article or substance.
- (b) Except as provided in (e) below, employees shall not contact, correspond or otherwise communicate with any inmate, parolee or member of an inmate's or parolee's family.
- (c) If an employee is contacted by any inmate, parolee or member of an inmate's or parolee's family, other than under circumstances specified in (e) below, the employee shall immediately notify, in writing, the employee's institution head or director/assistant secretary of that fact.
- (d) Any employee asked, coerced or otherwise contacted by any person to transmit, take or relay any message, item or substance, either to or from, any inmate, parolee or member of an inmate's or parolee's family, by other than approved means or circumstances, shall immediately notify, in writing, their institution head or director/assistant secretary of that fact.
- (e) Exceptions to the above prohibitions are as follows:
  - (1) In the execution of their assigned duties, employees shall issue, or receive from inmates any mail, packages, supplies and other items due or permitted them according to department policy and local procedures.
  - (2) In the execution of their assigned duties, employees shall interact with any inmate, parolee or member of an inmate's or parolee's family as necessary.
  - (3) While off-duty, and only in accordance with this regulation, departmental employees may conduct relationships with any inmate, parolee or member of an inmate's or parolee's family who is either the employee's immediate family member, as defined in section 3000, or the employee's aunt, uncle, niece, nephew, or first cousin.

**Article 2 Central Files 3402:**

(a) Within the scope of their assigned duties, employees are encouraged to consult an inmate's central file for assistance in better understanding the inmate. The contents of the inmate's file are private and privileged information. It will not be discussed with other persons except as is necessary for professional reasons, and will not be the subject of banter between employees or between employees and the inmate to whom it pertains or with other inmates. Information in an inmate's central file may be confidential by law or for reasons relating to institution security and the safety of persons. Such confidential or restricted information must not be disclosed to persons who are not authorized by law and departmental policy and procedures to receive such information.

(b) The central file of a parolee or an inmate may not be removed from the appropriate case records office or an institution without the prior knowledge and approval of the supervising records officer who is responsible for the control and maintenance of the file. Temporary transfer of a central file to another agency for any reason also requires the prior approval of the supervising records officer.

**Article 2 Legal Assistance to Inmates and Parolees 3405:**

Employees must not assist an inmate or parolee in the preparation of any legal document, or give any form of legal advice or service, except as specifically authorized by the warden, superintendent or regional administrator. Employees should help inmates and parolees to find qualified assistance for their legal problems.

**MOU (eff. 7/3/15-7/2/18) Article XX Correctional Counselor Workload 20.02:**

A. CDCR shall provide equitable workload assignments for all Correctional Counselors within an institution. The status of Correctional Counselor workload assignments shall be monitored by management, and appropriate steps will be taken to balance the workload. The Correctional Counselor can request an accommodation in writing to management that details with specificity the Correctional Counselor's concerns regarding timely completion of workload. The Correctional Counselor II (Supervisor) has four (4) business days to respond in writing and to adjust the Correctional Counselor I's workload. The Hiring Authority or designee shall authorize overtime, when necessary, or a reasonable accommodation will be made to avoid unrealistic work expectations, which may occur as a result of any of the following examples: the number and complexity of cases (including whether caseload is above the established ratios), institutional conversions/ transfers, implementation of special programs/administrative bulletins, leaves of absence (including vacation), prolonged illness, out-of-class assignments, training of new employees and introduction of new technology or operational systems.

Correctional Counselors utilized for short-term, non-emergency (e.g., cell searches, yard sweeps or escorts), and acting assignments which preclude them from performing their full range of normal duties shall be reasonably accommodated by reassigning the duties to another Correctional Counselor, postponing deadlines or authorizing overtime when a need exists.

Within sixty (60) days of ratification the parties agree to meet and come to agreement to create a statewide form for requesting a reasonable workload accommodation.

- B. The Hiring Authority shall fill vacant positions and/or new positions in a timely manner.
- C. In order to increase inmate access to counselors, Correctional Counselors shall be able to ducat inmates for classification and other related casework subject to administrative approval.
- D. The parties agree to convene an annual committee, to meet at the start of the calendar year, to review and assess possible redistribution of Correctional Counselor I workload.
- E. A copy of the Correctional Counselor quarterly report will be provided to CCPOA.
- F. The State agrees that separate and apart from the monthly Labor Management Meeting, local administrations will meet upon request with CCPOA Chapter President or designee and a CCI representative to discuss CCI workload issues. The parties agree that these meetings will occur no more than once a month.

If workload issues are not resolved at the local level, the union can reduce their concerns to writing and meet with the Associate Director. CCPOA's documentation should be submitted to the CDCR Chief of Labor at least forty-eight (48) hours before the meeting.

G. The State shall offer testing for the Correctional Counselor classification every three (3) years pursuant to Government Code. The Correctional Counselor I hiring list shall remain in effect until the next test is offered, unless otherwise proscribed in the Government Code.

H. The parties agree that the SOMS agreement dated February 26, 2015, and subsequent SOMS agreements are hereby incorporated into this MOU by reference and are subject to MOU Section 27.01, subsection C for the term of this MOU.