

**AGREEMENT BETWEEN
THE CALIFORNIA CORRECTIONAL PEACE OFFICERS ASSOCIATION (CCPOA),
AND
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR)
REGARDING THE REITERATION FOR UTILIZATION OF ADMINISTRATIVE
DETERMINANTS BASED UPON POSITIVE AND NEGATIVE INMATE BEHAVIOR AND
INCREASED ACCESS TO REHABILITATIVE PROGRAMS**

This agreement represents the full and complete understanding reached by and between the parties at the conclusion of meet and confer negotiations, on October 26, 2016. This agreement becomes an addendum to the current State Bargaining Unit Six (BU6) Memorandum of Understanding (MOU), Article XXVII, Section 27.01 which expires on July 2, 2018.

WHEREAS, CDCR and CCPOA have arrived at the following agreement, which is mutually prepared by the parties and agree as follows:

- The State and CCPOA agree that for Non SHU-able Rule Violation Reports (RVR) there is no minimum disciplinary free period which shall mandate a Correctional Counselor I to recommend a BEH Administrative Determinate for an inmate.
- The State and CCPOA agree to adhere to the exclusionary criteria listed in the attached July 5, 2016 Memorandum titled, "Utilization of Administrative Determinants Based Upon Positive and Negative Inmate Behavior and Increased Access to Rehabilitative Programs". If and/or when the State determines a need to revise the memo, the State will do so as outlined in section 27.01 of the BU 6 MOU.
- Per the Memorandum (DD 103/00) dated August 30, 2000 titled, "Correctional Counselor I Workload Project-Directives For Immediate Work Relief-Administrative Segregation Unit", Correctional Counselor I's will not be required to act as a recorder in Institutional Classification Committee (ICC) unless they are in a documented acting assignment in accordance with State Personnel Board (SPB) rules.
- The State agrees that no BU 6 Correctional Counselor shall be required to conduct a six month review when requested by an inmate for the sole purpose of considering a recommendation for BEH Administrative Determinant.

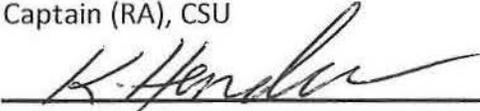
State of California



Vanessa Andrade
CDCR Labor Relations Representative



Richard Baughman
Captain (RA), CSU



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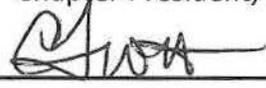
CCPOA



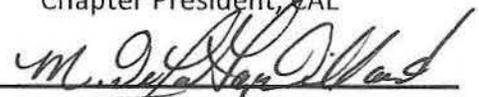
Phillip Auzins
CCPOA Grievance Coordinator



Herschel Keel
Chapter President, CMC



Christopher Trott
Chapter President, CAL



Mandy De La Garza-Dillard
CCI, HDSP

NOTHING FOLLOWS

Memorandum

Date : July 5, 2016

To : Associate Directors, Division of Adult Institutions
Wardens
Classification Staff Representatives
Classification and Parole Representatives

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C.C.P.O.A.

PA
CCPRA
10-26-14
JA
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Subject: **UTILIZATION OF ADMINISTRATIVE DETERMINANTS BASED UPON POSITIVE AND NEGATIVE INMATE BEHAVIOR AND INCREASED ACCESS TO REHABILITATIVE PROGRAMS**

The purpose of this memorandum is to provide direction and clarification regarding the application of California Code of Regulations (CCR), Title 15, Section 3375.2, Administrative Determinants.

Effective immediately, in order to exercise appropriate discretionary use of administrative determinants and expand inmate access to all rehabilitative programs, for those who have demonstrated positive programming, staff shall consider all inmates during all classification committee reviews for placement into the next lower or higher facility security level in accordance with CCR, Title 15, Sections 3375 and 3375.2. Each review shall consist of a comprehensive evaluation of the inmate's case factors, including but not limited to the inmate's positive programming efforts, needs, interests, desires, and disciplinary. Classification committees shall not recommend irregular placements within lower security level facilities that are precluded pursuant to CCR, Title 15, Sections 3375.2(a)(1) through 3375.2(a)(11).

Consistent with CCR, Title 15, Section 3375(g)(1), when considering an inmate for placement in a lower or higher security level facility, the recorder of the classification committee shall document the action, and the specific reasons for the decision, including the information upon which the decision was based. When a classification committee identifies that an inmate is suitable for placement in the next lower or higher security level, the case shall be referred to the Classification Staff Representative (CSR) for endorsement and possible transfer. Classification committees shall clearly articulate and document the reason for approval and/or denial of irregular placement of an inmate to a more or less restrictive environment. If an inmate is currently in a vocation or other type of rehabilitative program that is nearing completion, then it would be appropriate to retain the inmate pending completion. Inmates who fail to meet the behavior criteria at the lower placement level shall be reviewed for possible removal, via the classification process. A classification committee shall evaluate the inmate's programming needs and recommend transfer accordingly.

The following administrative determinants may be used by classification committees and CSRs to recommend and approve inmate placements in facilities that are inconsistent with their placement scores, and to identify inmates who are eligible for specific rehabilitative programs:

BEH Inmate's record of behavior indicates he/she is capable of successful placement at a facility with a security level lower than that which is consistent with his/her placement score. This factor shall not be used for an inmate who is currently housed at a facility with a security level higher than that which is consistent with his/her placement score.

CAM Placement is recommended due to a shortage of camp qualified inmates.

DIS Inmate's disciplinary record indicates a history of serious problems or threatens the security of the facility.

REN Inmate is currently endorsed to or requires transfer to a Reentry Hub program and a Reentry Hub program is not available at a facility with a security level which is consistent with the inmate's placement score.

SCH Inmate is involved in an academic program which is not available at a facility with a security level that is consistent with his/her placement score.

VOC Inmate is involved in a Career Technical Education program, also referred to as a vocational program, which is not available at a facility with a security level which is consistent with the inmate's placement score.

WOR Inmate has a work skill in a critical trade which warrants special placement consideration.

Unless there are exclusionary criteria present, every inmate will be considered for any of the aforementioned administrative determinants, if applicable, during any classification review.

EXCLUSIONARY CRITERIA

The following criteria shall exclude inmates from placement in the next lower facility security level with a BEH administrative determinant:

- A guilty finding for a Security Housing Unit (SHU)-able Rules Violation Report (RVR) within the last 12 months of incarceration; all other serious disciplinary offenses shall require a case-by-case review.
- A serious disciplinary violation with a Security Threat Group (STG) nexus.
- Currently assigned to Work Group (WG) C.
- A mandatory minimum score factor which precludes administrative placement in the next lower facility security level.
- A Close Custody requirement which precludes administrative placement in the next lower facility security level.

The following criteria may be utilized when considering inmate's placement in the next higher facility security level with a DIS administrative determinant:

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Wardens
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- Upon release after serving an imposed determinate SHU term.
- A serious disciplinary violation with an STG nexus in the last 12 months.
- Second assignment to WG C in the last 24 months.
- Division A-D serious disciplinary offenses within the last 12 months.

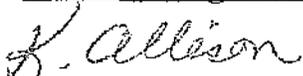
Inmates who have been endorsed for placement in the next lower facility security level shall be expected to satisfactorily participate in assigned work, rehabilitative, and self-help programs, and comply with all departmental rules. Any inmate found guilty of a serious RVR for an offense committed while endorsed for placement to the next lower facility security level may be reviewed by a classification committee for program review. The classification committee may refer the inmate's case to a CSR and recommend a transfer to a facility with a security level consistent with the inmate's placement score and removal of the relevant administrative determinant.

Classification and Parole Representatives shall provide training and a copy of this memorandum to all Correctional Counselors, Correctional Captains, and all other staff members who serve as classification committee chairpersons. Copies of corresponding California Department of Corrections and Rehabilitation Forms 844, *Training Participation Sign-in Sheets*, with the title "Utilization of Administrative Determinants Based Upon Positive Inmate Behavior and Increased Access to Rehabilitative Programs" and Business Event Type (BET) identification (ID) code 11053489 shall be provided to Classification Services Unit (CSU) contact staff within one month of the date of this memorandum.

Additional Information

This memorandum will be available on the CSU Mini Manual webpage, <http://intranet/ops/AO/ins/Pages/Minimanual.aspx>, under the "Administrative Determinants" and "Transfer" topics.

If you have any questions or require additional information regarding classification processes related to this memorandum, please contact Richard Baughman, Captain (RA) at (916) 323-3659 or Richard.Baughman@cdcr.ca.gov or Mike Masters, CSU Captain at (916) 322-1164 or Mike.Masters@cdcr.ca.gov.



KATHLEEN ALLISON
Director
Division of Adult Institutions

cc: Jeff Macomber Dennis Halverson
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 Vincent S. Cullen Mike Masters
 Brian Moak

Memorandum

Date : August 30, 2000

To : Executive Staff
Regional Administrators, Institutions Division
WardensSubject : CORRECTIONAL COUNSELOR I WORKLOAD PROJECT-DIRECTIVES FOR
IMMEDIATE WORK RELIEF-ADMINISTRATIVE SEGREGATION UNIT

Pursuant to the February 4, 2000, agreement between the California Department of Corrections (CDC) and the California Correctional Peace Officers Association (CCPOA) relating to the workload of the Correctional Counselor I (CCI), a task force has been comprised of CDC and CCPOA representatives. The following issues have been identified as providing immediate relief to CCIs; therefore, the following directive shall be implemented no later than 30 days from the date of this memorandum.

- The CCIs shall not be required to act as the recorder in Institutional Classification Committee (ICC). Any exception to this directive for CCIs to perform this function shall be in cases where the CCI is performing the duties of a CCII in a documented acting assignment in accordance with State Personnel Board (SPB) Rules.

Per the California Code of Regulations (CCR), Title 15, Section 3376, the recorder of ICC is a CCII or Correctional Counselor III (CCIII). The practice of assigning CCIs as "acting CCIIIs" for the purpose of serving as the recorder of ICC shall be eliminated.

- The CCIs shall not be required to prepare the CDC Form 128G, Classification Chrono, on behalf of the recorder of ICC. Any exception to this directive for CCIs to perform this function shall be in cases where the CCI is performing the duties of a CCII in a documented acting assignment in accordance with SPB Rules.

Per the Department Operations Manual, Section 62010.9.1, the "committee shall prepare a recording of the hearing on a CDC Form 128G"; this task is most appropriately completed by the committee's recorder. Per the CCR, Title 15, the recorder of ICC is a CCII or CCIII. Therefore, CCIs shall not be required to prepare the CDC Form 128G on behalf of the recorder of ICC. This does not preclude the use of CCIs who are not assigned full general population caseloads for case preparation. However, the recording/dictating of the committee's actions, justifications for its actions and the inmate's input shall be completed by the CCII/CCIII. The CCII/CCIII shall proofread, correct and sign the CDC Form 128G.

- The CCIs shall not be required to review Rules Violation Reports (RVRs) for accuracy and due process. While this is the responsibility of the Chief Disciplinary Officer (CDO) and the ICC, errors found by any staff should be brought to the attention of appropriate Supervisors.

At some institutions, the CCIs assigned to Administrative Segregation are required to review RVRs for accuracy and due process. This is the responsibility of the CDO and the ICC. However, staff should bring forward any errors noted.

- The CCIs shall not be the only staff required to serve as the primary "investigator" for an inmate being placed in Administrative Segregation Unit (ASU). The Supervisor authorizing the lock-up or the Investigative Services Unit shall ensure that the investigation needed to support the inmate's placement in ASU is complete.

At many institutions, the CCIs are the primary staff selected to "investigate" the reason for the inmate's placement in ASU. Although there are occasions when the CCI may be the best choice to conduct these type "investigations", there are many cases when other staff would be equally effective.

- Ratio-driven, full caseload carrying, general population CCIs shall not be required to participate in ASU ICC. Additionally, ratio-driven, full caseload carrying, general population CCIs shall not participate in case preparation or maintenance for ASU inmates beyond Initial ASU placement. Involvement in Initial ASU case preparation (if needed) shall be limited to updating the CDC Form 812/812C and providing a case factor worksheet.

In some institutions, ratio-driven full caseload carrying general population CCIs are required to assist with ASU cases to varying degrees. This is an interruption and distraction from their assigned caseloads. This practice shall be limited to assisting (if needed) with the initial update of the CDC Form 812/812C and providing a case factors worksheet for use by the CCII/CCIII preparing the case for Initial ASU ICC.

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Local procedures should be adjusted accordingly. If you have any questions or require additional information, please contact Marilyn Kalvelage, Chief (A), Institution Operations, Institutions Division, at (916) 323-4108. For technical information, institution staff may contact George Lehman, Chief (A), Classification Services Unit, at (916) 322-2544.



DAVID TRISTAN
Deputy Director
Institutions Division

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