

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 2, 2014

AMENDED IN SENATE MARCH 18, 2014

SENATE BILL

No. 892

Introduced by Senator Hancock
(Coauthors: Senators Anderson, De León, Lara, Leno, and
Steinberg)
(Coauthors: Assembly Members Ammiano and Skinner)

January 13, 2014

An act to ~~amend Section 12838.1 of the Government Code, and to~~
~~amend Sections 2932, 2933.6, and 6126, and 6126.3 of, and to add~~
~~Article 7 (commencing with Section 2696) 2696.5) to Chapter 4 of Title~~
~~1 of Part 3 of, the Penal Code, relating to state prisons.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 892, as amended, Hancock. State prisons.

~~Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law authorizes the Governor to appoint 4 officers, subject to Senate approval, to the Division of Adult Institutions within the Department of Corrections and Rehabilitation, to oversee specified categories of adult institutions.~~

~~This bill would authorize an additional officer appointment by the Governor, to oversee the security threat group validation and Security Housing Unit operations and conditions within that division.~~

~~Existing law authorizes Security Housing Units for segregation of certain prisoners for disciplinary or security purposes, and because of gang membership or association.~~

This bill would require specified due process procedures for determining if an inmate is a member of or an associate of a gang, and subject to placement in a Security Housing Unit. The bill would require the Office of the Inspector General, commencing ~~July 1, 2015~~, *January 1, 2016*, to review every determination completed on or after July 1, 2015, prior to the offender being placed in a Security Housing Unit, and in which confidential information was used, that an inmate is a gang member or associate, to determine whether the minimum level of due process was provided and that the determination was supported by the evidence. If the Inspector General concludes that the determination was not supported by the evidence, or that the inmate was not provided the minimum level of due process, ~~the gang member or associate classification would be deleted and the inmate would not be placed in a Security Housing Unit.~~ *the bill would require the Inspector General to notify the Institutional Classification Committee of its determination, and to elevate its concerns through the chain of supervision within the Department of Corrections and Rehabilitation to resolve the dispute if necessary, as provided. The bill would require that an offender's placement in a Security Housing Unit be delayed until the dispute is resolved and would require the dispute process to be concluded within 30 days. Any documents pertaining to the review of security threat group validations would not be subject to a public records request or discovery.*

The bill would require an inmate subject to an indeterminate Security Housing Unit term to be placed in a multistep program designed to promote positive behavior and cessation of gang-related activities, and promotion of successful assimilation of the inmate back into the general prison population. The bill would require the Inspector General, on or before July 1, 2016, to review the central files of each inmate who is subject to an indeterminate Security Housing Unit term who is denied progression within the program to assess the department's compliance with the program.

The bill would require an inmate subject to a determinate Security Housing Unit term to receive an individualized plan to address the conduct giving rise to the term in the Security Housing Unit, and to promote successful assimilation back into the general prison population. The bill would authorize an inmate serving a determinate Security Housing Unit term to earn credits toward reducing that term.

The bill would require the Inspector General, ~~commencing July 1, 2016, and annually thereafter, to provide an audit report to the Governor~~

~~and the Legislature of inmates subject to a determinate term in a Security Housing Unit to assess compliance by the department. to review the department's compliance with the above provisions and to issue reports, no less than annually, to the Governor and the Legislature summarizing its review.~~

The bill would require an inmate in a Security Housing Unit or Psychiatric Services Unit to have access to educational programming, to have weekly face-to-face interaction with uniformed and civilian staff, to have access to radio or television, and the opportunity to earn additional specified privileges ~~and credits towards reduction of the inmate's sentence.~~ The bill would require the Inspector General, on or before July 1, 2016, and biennially thereafter, ~~to perform an audit to review and~~ assess the department's compliance with these provisions.

The bill would require mental health screening for an inmate placed in the Security Housing Unit ~~and subsequent mental health assessments, as specified.~~ *Unit.* The bill would require the Inspector General, on or before July 1, 2016, and biennially thereafter, ~~to perform an audit to review and~~ assess the department's compliance with these provisions. The bill would require the department to employ 2 ombudsmen to act as offender resource specialists ~~at each institution that has a Security Housing Unit or Psychiatric Services Unit,~~ *for Security Housing Units and Psychiatric Services Units,* to be responsible for, among other things, assisting an inmate with concerns about the inmate's responsibilities and rights during confinement in one of those units, and responding to an inmate's family member's inquiries. The bill would require the Inspector General to employ ~~2 secured housing specialists for each institution that has a Security Housing Unit or Psychiatric Services Unit~~ *5 security housing specialists* to monitor the programming and conditions of ~~those~~ security housing units.

The bill would require the department, commencing July 1, 2015, to collect specified data regarding inmates subject to a term in a Security Housing Unit. The bill would require the Inspector General, commencing January 1, 2017, and biennially thereafter, to use the data to prepare reports for the Legislature on specified criteria pertaining to inmates in a Security Housing Unit and a Psychiatric Services Unit.

Existing law provides that an inmate placed in a Security Housing Unit for specified crimes or because of gang association or membership, or placed in a Psychiatric Services Unit, is ineligible to earn credits towards reducing his or her sentence during the time the inmate is in the Security Housing Unit.

This bill would provide that those inmates would be eligible to earn credits toward reducing their sentences while in a Security Housing Unit or Psychiatric Services Unit for a period during which the inmate has been free of disciplinary action for 6 consecutive months.

The bill would state findings and declarations by the Legislature relative to Security Housing Units and would make conforming changes.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Prisons serve a vital role in California's public safety and
- 3 criminal justice system. The prison system also is an increasingly
- 4 expensive government program.
- 5 (b) The mission of the Department of Corrections and
- 6 Rehabilitation is to enhance public safety through safe and secure
- 7 incarceration of the most serious and violent offenders, and to
- 8 provide effective parole supervision and rehabilitative strategies
- 9 for the successful reintegration of offenders into our communities.
- 10 (c) The criminal justice system must be transparent and include
- 11 performance measures that hold it accountable for its results in
- 12 protecting the public, reducing reoffending, and conserving
- 13 taxpayers' money.
- 14 ~~(d) Currently, California places an offender in a setting isolated~~
- 15 ~~from the general prison population solely because the offender is~~
- 16 ~~a gang member. An offender is labeled a gang member or gang~~
- 17 ~~associate through a process that is completely internal within the~~
- 18 ~~department and that is not subject to any systematic independent~~
- 19 ~~oversight.~~
- 20 ~~(e) An offender in the Security Housing Unit is locked in a cell~~
- 21 ~~for up to 23 hours a day. These offenders are typically given~~
- 22 ~~minimal outdoor time alone in small, separately secured yards,~~
- 23 ~~and eat their meals in their cells. An offender in a Security Housing~~

1 Unit cannot make telephone calls and has very limited access to
2 family member visits.

3 (f) ~~As of February 27, 2014, there were 2,483 offenders serving~~
4 ~~indeterminate terms in the Security Housing Unit and 1,466~~
5 ~~offenders serving determinate terms in the Security Housing Unit~~
6 ~~in California state prisons.~~

7 (g) ~~As of February 27, 2014, there were 39 offenders who had~~
8 ~~been in the Security Housing Unit for more than 25 years, and 46~~
9 ~~offenders who had been in the Security Housing Unit for more~~
10 ~~than 20 years. According to the department, the average time an~~
11 ~~offender spends in the Security Housing Unit is 6.8 years.~~

12 (h) ~~Mental health professionals and researchers have found that~~
13 ~~offenders in solitary confinement, especially for an extended time,~~
14 ~~suffer from a number of psychological and psychiatric illnesses.~~
15 ~~Those illnesses include aggression, chronic insomnia, anxiety,~~
16 ~~panic attacks, extreme paranoia, and an offender often exhibits the~~
17 ~~signs and symptoms of psychosis, including hallucinations.~~

18 (i) ~~Between September 2012 and September 2013, 273 offenders~~
19 ~~were paroled directly into our communities from the Security~~
20 ~~Housing Unit.~~

21 (j)
22 (d) Long-term segregated housing as a prison management
23 strategy should be used only as a last resort and should be limited
24 in duration. The conditions of confinement should include
25 evidence-based programs designed to return the offender to the
26 general prison population.

27 SEC. 2. ~~Section 12838.1 of the Government Code is amended~~
28 ~~to read:~~

29 12838.1. (a) ~~There is hereby created within the Department~~
30 ~~of Corrections and Rehabilitation, under the Undersecretary for~~
31 ~~Administration and Offender Services, the following divisions:~~

32 (1) ~~The Division of Enterprise Information Services, the~~
33 ~~Division of Facility Planning, Construction and Management, and~~
34 ~~the Division of Administrative Services. Each division shall be~~
35 ~~headed by a director, who shall be appointed by the Governor,~~
36 ~~upon recommendation of the secretary, subject to Senate~~
37 ~~confirmation, who shall serve at the pleasure of the Governor.~~

38 (2) ~~The Division of Internal Oversight and Research. This~~
39 ~~division shall be headed by a director, who shall be appointed by~~

1 the Governor, upon recommendation of the secretary, who shall
2 serve at the pleasure of the Governor.

3 (b) ~~There is hereby created in the Department of Corrections~~
4 ~~and Rehabilitation, under the Undersecretary for Health Care~~
5 ~~Services, the Division of Health Care Operations and the Division~~
6 ~~of Health Care Policy and Administration. Each division shall be~~
7 ~~headed by a director, who shall be appointed by the Governor,~~
8 ~~upon recommendation of the secretary, subject to Senate~~
9 ~~confirmation, who shall serve at the pleasure of the Governor.~~

10 (c) ~~There is hereby created within the Department of Corrections~~
11 ~~and Rehabilitation, under the Undersecretary for Operations, the~~
12 ~~Division of Adult Institutions, the Division of Adult Parole~~
13 ~~Operations, the Division of Juvenile Justice, and the Division of~~
14 ~~Rehabilitative Programs. Each division shall be headed by a~~
15 ~~director, who shall be appointed by the Governor, upon~~
16 ~~recommendation of the secretary, subject to Senate confirmation,~~
17 ~~who shall serve at the pleasure of the Governor.~~

18 (d) ~~The Governor shall, upon recommendation of the secretary,~~
19 ~~appoint five subordinate officers to the Division of Adult~~
20 ~~Institutions, subject to Senate confirmation, who shall serve at the~~
21 ~~pleasure of the Governor. Each subordinate officer appointed~~
22 ~~pursuant to this subdivision shall oversee an identified category~~
23 ~~of adult institutions, one of which shall be female offender~~
24 ~~facilities, and one that shall oversee security threat group validation~~
25 ~~and Security Housing Unit operations and conditions, as described~~
26 ~~in Article 7 (commencing with Section 2696) of Chapter 4 of Title~~
27 ~~1 of Part 3 of the Penal Code.~~

28 (e) (1) ~~Unless the context clearly requires otherwise, whenever~~
29 ~~the term “Chief Deputy Secretary for Adult Operations” appears~~
30 ~~in any statute, regulation, or contract, it shall be construed to refer~~
31 ~~to the Director of the Division of Adult Institutions.~~

32 (2) ~~Unless the context clearly requires otherwise, whenever the~~
33 ~~term “Chief Deputy Secretary for Adult Programs” appears in any~~
34 ~~statute, regulation, or contract, it shall be construed to refer to the~~
35 ~~Director of the Division of Rehabilitative Programs.~~

36 (3) ~~Unless the context clearly requires otherwise, whenever the~~
37 ~~term “Chief Deputy Secretary for Juvenile Justice” appears in any~~
38 ~~statute, regulation, or contract, it shall be construed to refer to the~~
39 ~~Director of the Division of Juvenile Justice.~~

1 ~~SEC. 3.~~

2 ~~SEC. 2.~~ Article 7 (commencing with Section 2696)2696.5) is
3 added to Chapter 4 of Title 1 of Part 3 of the Penal Code, to read:

4
5 Article 7. The Security Housing Unit
6

7 ~~2696. (a) The terms below, as used in this article, are defined~~
8 ~~as follows:~~

9 ~~(1) “Custody” means the offender is in the physical custody of~~
10 ~~the Department of Corrections and Rehabilitation.~~

11 ~~(2) “Determinate Security Housing Unit term” means the~~
12 ~~offender is placed in the Security Housing Unit for a determinate~~
13 ~~period of time because the offender was found guilty of a serious~~
14 ~~offense, as described in the department’s regulations.~~

15 ~~(3) “Indeterminate Security Housing Unit term” means that an~~
16 ~~offender is assigned to the Security Housing Unit for an~~
17 ~~indeterminate period. These offenders include security threat group~~
18 ~~affiliates and offenders in protective custody.~~

19 ~~(4) “Psychiatric Services Unit” means a facility designed and~~
20 ~~staffed to treat mentally disordered offenders who are serving~~
21 ~~terms in the Security Housing Unit. There are three Psychiatric~~
22 ~~Services Units in the state prison system located in Pelican Bay~~
23 ~~State Prison, California State Prison, Sacramento, and California~~
24 ~~Institution for Women.~~

25 ~~(5) “Security Housing Unit” has the meaning assigned in the~~
26 ~~department’s regulations. There are four Security Housing Units~~
27 ~~in the state prison system located in Pelican Bay State Prison,~~
28 ~~California State Prison, Corcoran, California Institution for~~
29 ~~Women, and California Correctional Institution.~~

30 ~~(6) “Security threat group,” has the meaning assigned in the~~
31 ~~department’s regulations.~~

32 ~~(7) “Security threat group affiliate” has the meaning assigned~~
33 ~~in the department’s regulations.~~

34 ~~(8) “Security threat group validation” means the process used~~
35 ~~by the department to identify and document an offender affiliated~~
36 ~~with a security threat group.~~

37 ~~(b) This article does not require the department to validate an~~
38 ~~offender as an affiliate of a security threat group.~~

39 ~~2696.5. (a) In any case in which the department seeks to~~
40 ~~validate an offender as a security threat group affiliate, the~~

1 department shall provide an offender due process. An offender
2 shall be afforded, at a minimum, the following procedural
3 protections:

4 (1) Timely, written, and effective notice that security threat
5 group validation is being considered, and the facts upon which
6 that consideration is based.

7 (2) Decisionmaking by a dedicated and specially trained
8 classification committee.

9 (3) A hearing at which the offender may be heard in person and,
10 absent an individualized determination of good cause, has a
11 reasonable opportunity to present available witnesses and
12 information.

13 (4) An interpreter, if necessary, for the offender to understand
14 or participate in the proceedings.

15 (5) An advocate to assist with the offender's investigation.

16 (6) An independent determination by the committee of the
17 reliability and credibility of confidential informants. Information
18 supplied by an informant shall only be considered by the committee
19 if there is a finding, based on additional evidence, that the
20 informant has personal and actual knowledge of the information
21 he or she has provided.

22 (7) A written statement in plain language setting forth the
23 specific evidence relied upon, and the reasons for, validation.

24 (b) ~~(1) Commencing July 1, 2015, January 1, 2016, the Office~~
25 ~~of the Inspector General shall, prior to placement of an offender~~
26 ~~in a Security Housing Unit, review every security threat group~~
27 ~~validation and revalidation completed on or after July 1, 2015, in~~
28 ~~which confidential information was used, to determine whether~~
29 ~~the minimum level of due process was provided to the validated~~
30 ~~offender and that the validation was supported by the evidence. If~~
31 ~~the Office of Inspector General concludes that the security threat~~
32 ~~group validation was not supported by the evidence or that the~~
33 ~~offender was not provided the minimum level of due process, the~~
34 ~~offender's validation shall be deleted and the offender shall not~~
35 ~~be placed in the Security Housing Unit. Office of Inspector General~~
36 ~~shall notify the Institution Classification Committee of its~~
37 ~~determination. If the Institution Classification Committee disagrees~~
38 ~~with the Inspector General's determination, the Inspector General~~
39 ~~shall elevate its concerns through the chain of supervision within~~
40 ~~the department as necessary to resolve the dispute, up to and~~

1 *including the Secretary of the Department of Corrections and*
2 *Rehabilitation. An offender's placement in a Security Housing*
3 *Unit shall be delayed until the dispute is resolved. The dispute*
4 *process shall be concluded within 30 days.*

5 *(2) The duties established in paragraph (1) shall also include*
6 *the review of each decision to deny an offender progress in, or to*
7 *regress an offender in, a the Step Down Program, if that decision*
8 *involved confidential information.*

9 2697. (a) Commencing on January 1, 2015, an offender placed
10 in the Security Housing Unit *as a result of a security threat group*
11 *validation*, shall be placed in the Step Down Program. Offenders
12 who were placed in the Security Housing Unit prior to January 1,
13 2015, shall be placed in the Step Down Program by the
14 department's designated review board no later than July 1, 2016.
15 The Step Down Program is a multistep program designed to
16 provide programming with the ultimate goal of returning the
17 offender to the general prison population. The goal of the Step
18 Down Program shall be to return prisoners to the general population
19 as rapidly as possible, consistent with the safety and security of
20 institutions of the department and shall not consist of more than
21 five steps. It shall operate on the presumption that every prisoner
22 who enters the Step Down Program can complete it in a timely
23 manner.

24 (b) Within 30 days of an offender being placed into the Step
25 Down Program, and by July 1, 2015, for all offenders who began
26 serving an indeterminate Security Housing Unit term prior to
27 January 1, 2015, the department shall develop an individualized
28 plan for the offender. The plan shall include, but not be limited to,
29 an assessment of the offender's needs, an individualized strategy
30 to provide the offender with programming to address those needs,
31 and a statement of the expectations for the offender to progress
32 through the Step Down Program. The department shall provide
33 the plan to the offender and explain it so that the offender can
34 understand his or her responsibilities under the plan. A copy of
35 the plan shall be placed in the offender's central file.

36 (c) An offender in the Step Down Program shall be provided
37 with promising or evidence-based programming. The programming
38 shall include incentives to promote positive behavior. The
39 programming shall also promote the successful assimilation of an
40 offender back into the general prison population. Information

1 obtained from the offender during this programming shall not be
2 used in a rules violation report against the offender or to keep the
3 offender in the Security Housing Unit.

4 (d) The department shall track the offender's progress in meeting
5 the requirements of the plan described in subdivision (b).

6 (e) An offender in the Step Down Program shall be assessed by
7 a correctional counselor every ~~90~~ 180 days, in order to monitor
8 the offender's progress. The correctional counselor and the offender
9 resource specialist shall meet with the offender and provide the
10 offender with a progress report that outlines what requirements
11 the offender is not meeting and what the offender is expected to
12 do to progress within the Step Down Program. An interpreter shall
13 be provided, if necessary, so that the offender can understand and
14 participate in the assessment. A copy of the report shall be placed
15 in the offender's central file.

16 (f) An offender shall have the opportunity to advance to the
17 next step of the Step Down Program after successful participation
18 in the current step for 180 days.

19 (g) The department shall prepare a comprehensive reentry plan
20 for every offender who will parole directly out of the Security
21 Housing Unit or the Psychiatric Services Unit into the community.

22 (h) On or before July 1, 2016, and continually thereafter, the
23 Office of the Inspector General shall review the central file of each
24 offender who is denied progress within the Step Down Program
25 to assess the department's compliance with this section.

26 2697.5. (a) Within 30 days of an offender beginning a
27 determinate Security Housing Unit term, and by July 1, 2015, for
28 all offenders who began serving a determinate Security Housing
29 Unit term prior to January 1, 2015, the department shall develop
30 an individualized plan for the offender. The plan shall include an
31 assessment of the offender's needs, an individualized strategy to
32 provide the offender with programming to address those needs,
33 and a statement of the expectations for the offender to progress
34 toward fewer restrictions and lower levels of custody based on the
35 offender's behavior. The department shall provide the plan to the
36 offender and explain it, so that the offender can understand those
37 expectations. A copy of the plan shall be placed in the offender's
38 central file.

39 (b) An offender serving a determinate Security Housing Unit
40 term shall be provided with promising or evidence-based

programming. The programming shall promote the successful assimilation of the offender back into the general prison population. Information obtained from the offender during the programming shall not be used in a rules violation report against the offender, or to keep the offender in the Security Housing Unit.

(c) The department shall track the offender's progress in meeting the requirements of the plan described in subdivision (a).

(d) An offender serving a determinate Security Housing Unit term shall be assessed by a correctional counselor every ~~90~~ 180 days, in order to monitor the offender's progress. The correctional counselor and the offender resource specialist shall meet with the offender and provide the offender with a progress report that outlines what requirements the offender is not meeting and what the offender is expected to do to be eligible for additional privileges and early release from the Security Housing Unit. An interpreter shall be provided, if necessary, so that the offender can understand and participate in the assessment. A copy of the report shall be placed in the offender's central file.

(e) An offender serving a determinate Security Housing Unit term shall be eligible to earn credits towards early release from the Security Housing Unit. The department shall be responsible for developing guidelines for earning those credits.

(f) The department shall prepare a comprehensive reentry plan for every offender who will parole directly out of the Security Housing Unit or Psychiatric Services Unit into the community.

(g) (1) ~~Commencing on July 1, 2016, and annually thereafter, the Inspector General shall provide an audit report to the Governor and the Legislature of the offenders serving a determinate Security Housing Unit term to assess the department's compliance with this section. 2015, the Inspector General shall review the department's compliance with this section. The Inspector General shall issue reports to the Governor and the Legislature, no less than annually, summarizing its review.~~

(2) The report required by paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

2698. (a) An offender placed in the Security Housing Unit or the Psychiatric Services Unit shall be provided with meaningful forms of mental, physical, and social stimulation. Those forms of stimulation shall include, but not be limited to, the following:

1 (1) Access to educational programming, including in-cell
2 programming, that shall be developed for an offender who is not
3 permitted to leave his or her cell.

4 (2) Opportunities to exercise in the presence of other offenders,
5 provided however, that the offenders may be separated by security
6 barriers, if necessary.

7 (3) Weekly face-to-face interaction with both uniformed and
8 civilian staff or volunteers.

9 (4) Access to radio or television.

10 (b) The department shall create a behavior-driven progressive
11 incentives program that includes, but is not limited to, the
12 ~~following, for~~ following:

13 (1) *For any 30-day period where an offender in the Security*
14 *Housing Unit or Psychiatric Services Unit does not receive a rules*
15 *violation report:*

16 (1)

17 (A) One additional phone call in the following month.

18 (2)

19 (B) One additional photograph, for a maximum of 10.

20 ~~(3) Four additional hours of recreational yard time in the~~
21 ~~following month.~~

22 (2) *For any 180-day period where an offender in the Security*
23 *Housing Unit or Psychiatric Services Unit does not receive a rules*
24 *violation report, the offender shall be entitled to one additional*
25 *personal property package with a maximum weight of 30 pounds.*

26 (c) An offender shall be entitled to the privileges in subdivision
27 (b) if a disciplinary action is reversed, dismissed, or modified to
28 a minor rules violation.

29 ~~(d) An offender is eligible to earn credits pursuant to Section~~
30 ~~2933 or 2933.05 during the time that he or she is in the Security~~
31 ~~Housing Unit or the Psychiatric Services Unit as provided in~~
32 ~~Section 2933.6.~~

33 (e)

34 (d) On or before July 1, 2016, and biennially thereafter, the
35 Office of the Inspector General shall ~~perform an audit to review~~
36 *and* assess the department's compliance with this section.

37 2698.5. (a) ~~(1)~~ An offender shall undergo a mental health
38 screening by a qualified mental health professional within 30 days
39 before beginning a term in the Security Housing Unit. An offender
40 who has been diagnosed with a serious mental illness or who has

1 a history of serious mental illness and decompensation in
2 segregated settings shall not be placed in the Security Housing
3 Unit.

4 (2)

5 (b) All offenders segregated in a Security Housing Unit as of
6 January 1, 2015, shall undergo a mental health assessment by a
7 qualified mental health professional by ~~March~~ July 31, 2015.
8 Prisoners found to be suffering from a serious mental illness shall
9 be removed from the Security Housing Unit.

10 ~~(b) The mental health of an offender in the Security Housing~~
11 ~~Unit or Psychiatric Services Unit shall be monitored as follows:~~

12 ~~(1) Correctional staff shall maintain a daily log documenting~~
13 ~~the offender's behavior.~~

14 ~~(2) A qualified mental health professional shall, at least weekly,~~
15 ~~conduct rounds in the Security Housing Unit and the Psychiatric~~
16 ~~Services Unit, speak to unit staff about any unusual behavior or~~
17 ~~signs of psychological distress or vulnerability of any prisoner in~~
18 ~~the unit, monitor the psychological condition of all prisoners in~~
19 ~~the unit, review the offender log, and observe and speak to~~
20 ~~offenders who are receiving mental health treatment.~~

21 ~~(3) A qualified mental health professional shall perform a~~
22 ~~comprehensive mental health assessment of an offender in the~~
23 ~~Security Housing Unit or the Psychiatric Services Unit every 90~~
24 ~~days, unless a qualified mental health professional determines that~~
25 ~~the assessment is unnecessary based on observations made pursuant~~
26 ~~to paragraphs (1) and (2), except that every offender in the Security~~
27 ~~Housing Unit or the Psychiatric Services Unit shall be given a~~
28 ~~comprehensive mental health assessment on at least an annual~~
29 ~~basis.~~

30 (c) The department shall provide training to all correctional staff
31 in the Security Housing Unit and Psychiatric Services Unit on how
32 to respond to an individual experiencing a psychiatric crisis in
33 ways that reduce rather than escalate the crisis.

34 (d) On or before July 1, 2016, and biennially thereafter, the
35 Office of the Inspector General shall ~~perform an audit to review~~
36 ~~and~~ assess the department's compliance with this section.

37 2699. The department shall employ two ombudsmen to act as
38 offender resource specialists for ~~each institution that has a Security~~
39 ~~Housing Unit or Psychiatric Services Unit.~~ *Security Housing Units*

1 *and Psychiatric Services Units.* The offender resource specialist's
2 responsibilities shall include, but not be limited to, the following:

3 (a) Assisting an offender with concerns and questions concerning
4 the offender's responsibilities and rights during confinement in
5 the Security Housing Unit or Psychiatric Services Unit.

6 (b) Responding to inquiries from an offender's family members.

7 (c) Explaining Security Housing Unit and Psychiatric Services
8 Unit policies to the public.

9 2699.5. (a) Commencing July 1, 2015, the department shall
10 collect the following data:

11 (1) Information relating to each offender who is going through,
12 or has gone through, the validation process for determining a
13 security threat group affiliate, including the following:

14 (A) The offender's gender, age, mental health status, and race.

15 (B) The outcome at every step of the validation process.

16 (C) If the offender was validated, the date of validation.

17 (D) If the offender was validated, the level of validation that
18 the offender was assigned.

19 (2) Information relating to the offender being housed in the
20 Security Housing Unit or Psychiatric Services Unit, including the
21 following:

22 (A) The offender's gender, age, mental health status, and race.

23 (B) The date the offender was placed in the Security Housing
24 Unit or Psychiatric Services Unit and the date of release.

25 (C) The reason the offender is serving a Security Housing Unit
26 term.

27 (D) If the offender is serving an indeterminate Security Housing
28 Unit term, the progress the offender has made in the Step Down
29 Program.

30 (E) For offenders in the Step Down Program, the time spent in
31 each step of the program.

32 (F) The number of visits from persons other than staff that the
33 offender was provided while serving a term in the Security Housing
34 Unit or Psychiatric Services Unit.

35 (G) The number of telephone calls the offender was provided
36 while serving a term in the Security Housing Unit.

37 (H) Whether the offender attempted to commit or committed
38 suicide.

39 (I) Any disciplinary action taken against the offender, and the
40 result of that action.

1 (J) Whether the offender was paroled directly out of the Security
2 Housing Unit or the Psychiatric Services Unit into the community.

3 (3) The number of administrative appeals filed by offenders in
4 the Security Housing Unit or Psychiatric Services Unit, the subject
5 matter of the appeals, and the outcome of the appeals.

6 (b) Commencing January 1, 2017, and biennially thereafter, the
7 Office of the Inspector General shall use the data described in
8 subdivision (a) to prepare a report to the Legislature that includes,
9 but is not limited to, the following information:

10 (1) The number of offenders investigated for security threat
11 group validation and the number of investigations that resulted in
12 a validation.

13 (2) The number of cases in which the Office of Correctional
14 Safety recommended against validation and the outcome of those
15 cases.

16 (3) The number of cases in which the security threat group
17 committee decided not to validate the offender.

18 (4) The number of offenders who were not initially placed in
19 the Security Housing Unit or Psychiatric Services Unit but were
20 sent to the Security Housing Unit or Psychiatric Services Unit
21 within six months of validation.

22 (5) The number of offenders placed for an indeterminate
23 Security Housing Unit term or in the Psychiatric Services Unit.

24 (6) The number of offenders placed for a determinate Security
25 Housing Unit term or in the Psychiatric Services Unit.

26 (7) The average length of time offenders serving an
27 indeterminate Security Housing Unit term spent in the Security
28 Housing Unit or the Psychiatric Services Unit, or both.

29 (8) The average length of time offenders spent in each step of
30 the Step Down Program.

31 (9) The number of suicide attempts made by offenders in the
32 Security Housing Unit and the Psychiatric Services Unit.

33 (10) The number of suicides by offenders in the Security
34 Housing Unit and the Psychiatric Services Unit.

35 (11) The number of offenders in the Security Housing Unit and
36 the Psychiatric Services Unit who were paroled directly out of the
37 Security Housing Unit and the Psychiatric Services Unit into the
38 community.

(12) The number of disciplinary actions taken against offenders in the Security Housing Unit and the Psychiatric Services Unit, the type of actions, and the outcomes of the disciplinary actions.

(13) The number of visits by persons other than staff to offenders in the Security Housing Unit and the Psychiatric Services Unit.

(14) The number of telephone calls provided to offenders in the Security Housing Unit and the Psychiatric Services Unit.

(15) The number of administrative appeals filed by offenders in the Security Housing Unit or the Psychiatric Services Unit, the subject matter of the appeals, and the outcomes of those appeals.

(c) The report required by subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

~~SEC. 4.~~

SEC. 3. Section 2932 of the Penal Code is amended to read:

2932. (a) (1) For any time credit accumulated pursuant to Section 2931 or 2933, not more than 360 days of credit may be denied or lost for a single act of murder, attempted murder, solicitation of murder, manslaughter, rape, sodomy, or oral copulation accomplished against the victim's will, attempted rape, attempted sodomy, or attempted oral copulation accomplished against the victim's will, assault or battery causing serious bodily injury, assault with a deadly weapon or caustic substance, taking of a hostage, escape with force or violence, or possession or manufacture of a deadly weapon or explosive device, whether or not prosecution is undertaken for purposes of this paragraph. Solicitation of murder shall be proved by the testimony of two witnesses, or of one witness and corroborating circumstances.

(2) Not more than 180 days of credit may be denied or lost for a single act of misconduct, except as specified in paragraph (1), which could be prosecuted as a felony whether or not prosecution is undertaken.

(3) Not more than 90 days of credit may be denied or lost for a single act of misconduct which could be prosecuted as a misdemeanor, whether or not prosecution is undertaken.

(4) Not more than 30 days of credit may be denied or lost for a single act of misconduct defined by regulation as a serious disciplinary offense by the Department of Corrections and Rehabilitation. Any person confined due to a change in custodial classification following the commission of any serious disciplinary infraction shall, in addition to any loss of time credits, be ineligible

1 to receive participation or worktime credit for a period not to
2 exceed the number of days of credit which have been lost for the
3 act of misconduct or 180 days, whichever is less. Any person
4 confined in a Security Housing Unit for having committed any
5 misconduct specified in paragraph (1) in which great bodily injury
6 is inflicted upon a nonprisoner shall, in addition to any loss of time
7 credits, be ineligible to receive participation or worktime credit
8 for a period not to exceed the number of days of credit which have
9 been lost for that act of misconduct. In unusual cases, an inmate
10 may be denied the opportunity to participate in a credit qualifying
11 assignment for up to six months beyond the period specified in
12 this subdivision if the Secretary of the Department of Corrections
13 and Rehabilitation finds, after a hearing, that no credit qualifying
14 program may be assigned to the inmate without creating a
15 substantial risk of physical harm to staff or other inmates. At the
16 end of the six-month period and of successive six-month periods,
17 the denial of the opportunity to participate in a credit qualifying
18 assignment may be renewed upon a hearing and finding by the
19 director.

20 (5) The prisoner may appeal the decision through the
21 department's review procedure, which shall include a review by
22 an individual independent of the institution who has supervisory
23 authority over the institution.

24 (b) For any credit accumulated pursuant to Section 2931, not
25 more than 30 days of participation credit may be denied or lost for
26 a single failure or refusal to participate. Any act of misconduct
27 described by the Department of Corrections and Rehabilitation as
28 a serious disciplinary infraction if committed while participating
29 in work, educational, vocational, therapeutic, or other prison
30 activity shall be deemed a failure to participate.

31 (c) Any procedure not provided for by this section, but necessary
32 to carry out the purposes of this section, shall be those procedures
33 provided for by the Department of Corrections and Rehabilitation
34 for serious disciplinary infractions if those procedures are not in
35 conflict with this section.

36 (1) (A) The Department of Corrections and Rehabilitation shall,
37 using reasonable diligence to investigate, provide written notice
38 to the prisoner. The written notice shall be given within 15 days
39 after the discovery of information leading to charges that may
40 result in a possible denial of credit, except that if the prisoner has

1 escaped, the notice shall be given within 15 days of the prisoner's
2 return to the custody of the secretary. The written notice shall
3 include the specific charge, the date, the time, the place that the
4 alleged misbehavior took place, the evidence relied upon, a written
5 explanation of the procedures that will be employed at the
6 proceedings and the prisoner's rights at the hearing. The hearing
7 shall be conducted by an individual who shall be independent of
8 the case and shall take place within 30 days of the written notice.

9 (B) The Department of Corrections and Rehabilitation may
10 delay written notice beyond 15 days when all of the following
11 factors are true:

12 (i) An act of misconduct is involved which could be prosecuted
13 as murder, attempted murder, or assault on a prison employee,
14 whether or not prosecution is undertaken.

15 (ii) Further investigation is being undertaken for the purpose of
16 identifying other prisoners involved in the misconduct.

17 (iii) Within 15 days after the discovery of information leading
18 to charges that may result in a possible denial of credit, the
19 investigating officer makes a written request to delay notifying
20 that prisoner and states the reasons for the delay.

21 (iv) The warden of the institution approves of the delay in
22 writing.

23 The period of delay under this paragraph shall not exceed 30
24 days. The prisoner's hearing shall take place within 30 days of the
25 written notice.

26 (2) The prisoner may elect to be assigned an employee to assist
27 in the investigation, preparation, or presentation of a defense at
28 the disciplinary hearing if it is determined by the department that
29 either of the following circumstances exist:

30 (A) The prisoner is illiterate.

31 (B) The complexity of the issues or the prisoner's confinement
32 status makes it unlikely that the prisoner can collect and present
33 the evidence necessary for an adequate comprehension of the case.

34 (3) The prisoner may request witnesses to attend the hearing
35 and they shall be called unless the person conducting the hearing
36 has specific reasons to deny this request. The specific reasons shall
37 be set forth in writing and a copy of the document shall be
38 presented to the prisoner.

39 (4) The prisoner has the right, under the direction of the person
40 conducting the hearing, to question all witnesses.

1 (5) At the conclusion of the hearing the charge shall be
2 dismissed if the facts do not support the charge, or the prisoner
3 may be found guilty on the basis of a preponderance of the
4 evidence.

5 (d) If found guilty the prisoner shall be advised in writing of
6 the guilty finding and the specific evidence relied upon to reach
7 this conclusion and the amount of time-credit loss. The prisoner
8 may appeal the decision through the department's review
9 procedure, and may, upon final notification of appeal denial, within
10 15 days of the notification demand review of the department's
11 denial of credit to the Board of Parole Hearings, and the board
12 may affirm, reverse, or modify the department's decision or grant
13 a hearing before the board at which hearing the prisoner shall have
14 the rights specified in Section 3041.5.

15 (e) Each prisoner subject to Section 2931 shall be notified of
16 the total amount of good behavior and participation credit which
17 may be credited pursuant to Section 2931, and his or her anticipated
18 time-credit release date. The prisoner shall be notified of any
19 change in the anticipated release date due to denial or loss of
20 credits, award of worktime credit, under Section 2933, or the
21 restoration of any credits previously forfeited.

22 (f) (1) If the conduct the prisoner is charged with also
23 constitutes a crime, the department may refer the case to criminal
24 authorities for possible prosecution. The department shall notify
25 the prisoner, who may request postponement of the disciplinary
26 proceedings pending the referral.

27 (2) The prisoner may revoke his or her request for postponement
28 of the disciplinary proceedings up until the filing of the accusatory
29 pleading. In the event of the revocation of the request for
30 postponement of the proceeding, the department shall hold the
31 hearing within 30 days of the revocation.

32 (3) Notwithstanding the notification requirements in this
33 paragraph and subparagraphs (A) and (B) of paragraph (1) of
34 subdivision (c), in the event the case is referred to criminal
35 authorities for prosecution and the authority requests that the
36 prisoner not be notified so as to protect the confidentiality of its
37 investigation, no notice to the prisoner shall be required until an
38 accusatory pleading is filed with the court, or the authority notifies
39 the warden, in writing, that it will not prosecute or it authorizes
40 the notification of the prisoner. The notice exceptions provided

1 for in this paragraph shall only apply if the criminal authority
2 requests of the warden, in writing, and within the 15 days provided
3 in subparagraph (A) of paragraph (1) of subdivision (c), that the
4 prisoner not be notified. Any period of delay of notice to the
5 prisoner shall not exceed 30 days beyond the 15 days referred to
6 in subdivision (c). In the event that no prosecution is undertaken,
7 the procedures in subdivision (c) shall apply, and the time periods
8 set forth in that subdivision shall commence to run from the date
9 the warden is notified in writing of the decision not to prosecute.
10 In the event the authority either cancels its requests that the prisoner
11 not be notified before it makes a decision on prosecution or files
12 an accusatory pleading, the provisions of this paragraph shall apply
13 as if no request had been received, beginning from the date of the
14 cancellation or filing.

15 (4) In the case where the prisoner is prosecuted by the district
16 attorney, the Department of Corrections and Rehabilitation shall
17 not deny time credit where the prisoner is found not guilty and
18 may deny credit if the prisoner is found guilty, in which case the
19 procedures in subdivision (c) shall not apply.

20 (g) If time credit denial proceedings or criminal prosecution
21 prohibit the release of a prisoner who would have otherwise been
22 released, and the prisoner is found not guilty of the alleged
23 misconduct, the amount of time spent incarcerated, in excess of
24 what the period of incarceration would have been absent the alleged
25 misbehavior, shall be deducted from the prisoner's parole period.

26 (h) Nothing in the amendments to this section made at the
27 1981–82 Regular Session of the Legislature shall affect the granting
28 or revocation of credits attributable to that portion of the prisoner's
29 sentence served prior to January 1, 1983.

30 ~~SEC. 5.~~

31 *SEC. 4.* Section 2933.6 of the Penal Code is amended to read:

32 2933.6. (a) Notwithstanding any other law, a person who is
33 placed in a Security Housing Unit, Psychiatric Services Unit,
34 Behavioral Management Unit, or an Administrative Segregation
35 Unit for misconduct described in subdivision (b) or upon validation
36 as a prison gang member or associate is ineligible to earn credits
37 pursuant to Section 2933 or 2933.05 during the time he or she is
38 in the Security Housing Unit, Psychiatric Services Unit, Behavioral
39 Management Unit, or the Administrative Segregation Unit for that
40 misconduct.

(b) This section applies to the following offenses:

(1) Murder, attempted murder, and solicitation of murder. For purposes of this paragraph, solicitation of murder shall be proven by the testimony of two witnesses, or of one witness and corroborating circumstances.

(2) Manslaughter.

(3) Assault or battery causing serious bodily injury.

(4) Assault or battery on a peace officer or other nonprisoner which results in physical injury.

(5) Assault with a deadly weapon or caustic substance.

(6) Rape, attempted rape, sodomy, attempted sodomy, oral copulation, or attempted oral copulation accomplished against the victim's will.

(7) Taking a hostage.

(8) Escape or attempted escape with force or violence.

(9) Escape from any departmental prison or institution other than a camp or reentry facility.

(10) Possession or manufacture of a deadly weapon or explosive device.

(11) Arson involving damage to a structure.

(12) Possession of flammable, explosive material with intent to burn any structure or property.

(13) Solicitation of assault with a deadly weapon or assault by means of force likely to produce great bodily injury, arson, or a forcible sex act.

(14) Intentional destruction of state property in excess of four hundred dollars (\$400) during a riot or disturbance.

(c) This section does not apply if the administrative finding of the misconduct is overturned or if the person is criminally prosecuted for the misconduct and is found not guilty.

(d) This section does not apply during any period during which an offender in the Security Housing Unit has remained free of disciplinary action for six consecutive months.

~~SEC. 6.~~

SEC. 5. Section 6126 of the Penal Code is amended to read:

6126. (a) The Inspector General shall be responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process of the Department of Corrections and Rehabilitation, pursuant to Section 6133 under policies to be developed by the Inspector General.

(b) When requested by the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, the Inspector General shall review policies, practices, and procedures of the department. The Inspector General, under policies developed by the Inspector General, may recommend that the Governor, the Senate Committee on Rules, or the Speaker of the Assembly request a review of a specific departmental policy, practice, or procedure that raises a significant correctional issue relevant to the effectiveness of the department. When exigent circumstances of unsafe or life threatening situations arise involving inmates, wards, parolees, or staff, the Inspector General may, by whatever means is most expeditious, notify the Governor, Senate Committee on Rules, or the Speaker of the Assembly.

(c) (1) Upon completion of a review, the Inspector General shall prepare a complete written report, which shall be held as confidential and disclosed in confidence, along with all underlying materials the Inspector General deems appropriate, to the requesting entity in subdivision (b) and the appropriate law enforcement agency.

(2) The Inspector General shall also prepare a public report. When necessary, the public report shall differ from the complete written report in the respect that the Inspector General shall have the discretion to redact or otherwise protect the names of individuals, specific locations, or other facts that, if not redacted, might hinder prosecution related to the review, or where disclosure of the information is otherwise prohibited by law, and to decline to produce any of the underlying materials. Copies of public reports shall be posted on the Office of the Inspector General's Internet Web site.

(d) The Inspector General shall, during the course of a review, identify areas of full and partial compliance, or noncompliance, with departmental policies and procedures, specify deficiencies in the completion and documentation of processes, and recommend corrective actions, including, but not limited to, additional training, additional policies, or changes in policy, as well as any other findings or recommendations that the Inspector General deems appropriate.

(e) The Inspector General, pursuant to Section 6126.6, shall review the Governor's candidates for appointment to serve as

1 warden for the state's adult correctional institutions and as
2 superintendents for the state's juvenile facilities.

3 (f) The Inspector General shall conduct an objective, clinically
4 appropriate, and metric-oriented medical inspection program to
5 periodically review delivery of medical care at each state prison.

6 (g) The Inspector General shall conduct an objective,
7 metric-oriented oversight and inspection program to periodically
8 review delivery of the reforms identified in the document released
9 by the Department of Corrections and Rehabilitation in April 2012,
10 entitled The Future of California Corrections: A Blueprint to Save
11 Billions of Dollars, End Federal Court Oversight, and Improve the
12 Prison System (the blueprint), including, but not limited to, the
13 following specific goals and reforms described by the blueprint:

14 (1) Whether the department has increased the percentage of
15 inmates served in rehabilitative programs to 70 percent of the
16 department's target population prior to their release.

17 (2) The establishment of an adherence to the standardized
18 staffing model at each institution.

19 (3) The establishment of an adherence to the new inmate
20 classification score system.

21 (4) The establishment of and adherence to the new prison gang
22 management system, including changes to the department's current
23 policies for identifying prison-based gang members and associates
24 and the use and conditions associated with the department's
25 security housing units.

26 (5) The implementation of and adherence to the Comprehensive
27 Housing Plan described in the blueprint.

28 (h) The Inspector General shall, in consultation with the
29 Department of Finance, develop a methodology for producing a
30 workload budget to be used for annually adjusting the budget of
31 the Office of the Inspector General, beginning with the budget for
32 the 2005–06 fiscal year.

33 (i) The Inspector General shall employ ~~two~~ *five* secured housing
34 ~~specialists for each institution that has a Security Housing Unit or~~
35 ~~Psychiatric Services Unit.~~ *specialists*. The secured housing
36 specialists shall monitor the programming and conditions of ~~those~~
37 security housing units, in addition to assuming any related duties
38 determined by the Inspector General.

39 *SEC. 6. Section 6126.3 of the Penal Code is amended to read:*

1 6126.3. (a) The Inspector General shall not destroy any papers
2 or memoranda used to support a completed review within three
3 years after a report is released.

4 (b) Except as provided in subdivision (c), all books, papers,
5 records, and correspondence of the office pertaining to its work
6 are public records subject to Chapter 3.5 (commencing with Section
7 6250) of Division 7 of Title 1 of the Government Code and shall
8 be filed at any of the regularly maintained offices of the Inspector
9 General.

10 (c) The following books, papers, records, and correspondence
11 of the Office of the Inspector General pertaining to its work are
12 not public records subject to Chapter 3.5 (commencing with Section
13 6250) of Division 7 of Title 1 of the Government Code, nor shall
14 they be subject to discovery pursuant to any provision of Title 3
15 (commencing with Section 1985) of Part 4 of the Code of Civil
16 Procedure or Chapter 7 (commencing with Section 19570) of Part
17 2 of Division 5 of Title 2 of the Government Code in any manner:

18 (1) All reports, papers, correspondence, memoranda, electronic
19 communications, or other documents that are otherwise exempt
20 from disclosure pursuant to the provisions of subdivision (d) of
21 Section 6126.5, Section 6126.6, subdivision (c) of Section 6128,
22 subdivision (c) of Section 6126, or all other applicable laws
23 regarding confidentiality, including, but not limited to, the
24 California Public Records Act, the Public Safety Officers'
25 Procedural Bill of Rights, the Information Practices Act of 1977,
26 the Confidentiality of Medical Information Act of 1977, and the
27 provisions of Section 832.7, relating to the disposition notification
28 for complaints against peace officers.

29 (2) Any papers, correspondence, memoranda, electronic
30 communications, or other documents pertaining to any review that
31 has not been completed.

32 (3) Any papers, correspondence, memoranda, electronic
33 communications, or other documents pertaining to internal
34 discussions between the Inspector General and his or her staff, or
35 between staff members of the Inspector General, or any personal
36 notes of the Inspector General or his or her staff.

37 (4) All identifying information, and any personal papers or
38 correspondence from any person requesting assistance from the
39 Inspector General, except in those cases where the Inspector

1 General determines that disclosure of the information is necessary
2 in the interests of justice.

3 (5) Any papers, correspondence, memoranda, electronic
4 communications, or other documents pertaining to
5 contemporaneous public oversight pursuant to Section 6133.

6 (6) Any papers, correspondence, memoranda, electronic
7 communications, or other documents pertaining to the review of
8 security threat group validations made pursuant to Section 2696.5.

9 SEC. 7. The Legislature finds and declares that Section 6 of
10 this act imposes a limitation on the public's right of access to
11 meetings of public bodies or the writings of public officials and
12 agencies within the meaning of Section 3 of Article I of the
13 California Constitution. Pursuant to that constitutional provision,
14 the Legislature makes the following finding to demonstrate the
15 interest protected by this limitation and the need for protecting
16 that interest: the Legislature finds and declares that in order to
17 protect the security of the Department of Corrections and
18 Rehabilitations, its staff and inmates, it is necessary to exempt any
19 papers, correspondence, memoranda, electronic communications,
20 or other documents pertaining to the review of security threat
21 group validations made pursuant to Section 2696.5 from public
22 disclosure.