

FREQUENTLY ASKED QUESTIONS

Condemned Inmate Transfer Pilot Program

(Rev. 9/25/2019)

1. Why has California Department of Corrections and Rehabilitation (CDCR) implemented the Condemned Inmate Transfer Pilot Program (CITPP)?

On November 8, 2016, the people of the State of California voted in support of the passage of Proposition 55, known as the Death Penalty Reform and Savings Act of 2016. As a result, sections of the California Penal Code (PC) governing CDCR's condemned population were adopted or amended. PC Section 3500 was amended to allow CDCR to transfer condemned male inmates to another prison providing a sufficient level of security. Additionally, PC Section 2700.1 was added to the penal code and requires all CDCR inmates sentenced to death to work "as many hours of faithful labor each day as he or she is so held as shall be prescribed by the rules and regulations of the department." Therefore, CDCR has elected to institute a pilot program allowing for the voluntary transfer of eligible condemned male inmates to identified CITPP institutions and the transfer of eligible condemned female inmates to alternative housing units at the Central California Women's Facility (CCWF), to enhance job placement opportunities for condemned inmates. CDCR's Office of Research and the Division of Adult Institutions will conduct an ongoing assessment of the CITPP to evaluate the effectiveness of the pilot program.

2. What institutions will be participating in the CITPP?

- California Correctional Institution
- California Medical Facility
- California State Prison, Corcoran
- Centinela State Prison
- Central California Women's Facility
- Kern Valley State Prison
- Richard J. Donovan Correctional Facility
- Salinas Valley State Prison

The above listed institutions provide a mixture of Level III and Level IV housing options available to accommodate each condemned inmate's case factors and needs.

3. Is the CITPP a voluntary program?

Placement in the CITPP is voluntary. However, once approved for placement in the CITPP, participation is mandatory and an inmate cannot withdraw from the program.

4. What is the eligibility criteria for participation in the CITPP?

All condemned inmates, including newly received condemned inmates, under the jurisdiction of CDCR are eligible for CITPP unless one of the following inmate case factors exists:

- The inmate is currently serving a Segregated Housing Unit (SHU) term, or equivalent.
- The inmate has a pending Division A through B offense Rules Violation Report (RVR) or has been found guilty of a Division A through B offense RVR within the last five calendar years from the date of their annual review.

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5. Can both male and female condemned inmates participate in CITPP?

Yes. Eligible male and female condemned inmates may participate in the CITPP. Female condemned inmates will remain at CCWF, but may be transferred to alternate housing units.

6. What is the process for placement into the CITPP?

Initial recommendation for placement will be made by the Unit Classification Committee (UCC) during the annual review process. The notification to condemned inmates of their annual review will include information about participation in the CITPP. The UCC will ask the inmate if they wish to participate. If the inmate indicates they wish to volunteer for the program, staff shall review the inmate's case factors to determine if the inmate is otherwise eligible for placement in the CITPP. If eligible, staff shall complete a CDCR Form 328-B, General Chrono, which the inmate will sign indicating that he/she has been advised of, and concurs with CITPP placement, prior to referral to the Institution Classification Committee (ICC) for a final determination.

ICC shall review the UCC's referral. The ICC shall also be comprised of Mental Health Services Delivery System clinical staff that will provide information about the inmate's clinical functioning. ICC will then consider the inmate's case factors, stated preference, and county of commitment before recommendation for placement is made via a warden-to-warden agreement.

7. Can the inmate state a preference for placement in a particular CITPP institution?

Yes. Male condemned inmates may state a preference for placement in a particular CITPP institution. The ICC will consider the inmate's preference; however, placement in a particular CITPP institution will be dependent upon the totality of the inmate's case factors, the inmate's county of commitment, security mission, and public safety pursuant to PC 5068. There is no guarantee that an inmate will be transferred to his preferred institution.

8. What custody designation will be applied to a condemned inmate upon placement into the CITPP?

Participating condemned inmates shall be assigned Close Custody designation while in the CITPP.

9. How will an inmate's placement score be affected upon placement into the CITPP?

All condemned inmates participating in the CITPP shall be applied an automatic mandatory minimum score of 36 points and shall not be placed in any institution below a Level III facility security level. The inmate's placement score at the time of CITPP placement will dictate Level IV or Level III housing.

10. How will a condemned inmate's work group and privilege group be impacted upon placement into the CITPP?

Condemned inmates participating in the CITPP shall be placed in an appropriate inmate work group and privilege group pursuant to California Code of Regulations (CCR), Title 15, Section 3044. However, participants are ineligible to receive credits, including but not limited to Good Conduct Credit, Milestone Completion Credit, Rehabilitative Achievement Credit, Educational Merit Credit, and

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Extraordinary Conduct Credit pursuant to CCR, Title 15, Sections 3043.2, 3043.3, 3043.4, 3043.5, and 3043.6.

12. What are the visiting guidelines and restrictions for condemned inmates participating in the CITPP?

Condemned inmates participating in the CITPP are prohibited from family visiting (overnight). All other visiting guidelines and restrictions will be set forth based on the inmate's arrest and conviction history, disciplinary history, and custody designation, in accordance with current departmental policy (pursuant to CCR, Title 15, Article 7, Visiting).

13. Will CITPP participants have telephone privileges?

Telephone privileges for condemned inmates participating in the CITPP will be the same privileges as all inmates, in accordance with their privilege group and set forth in local procedures (pursuant to CCR, Title 15, Section 3282).

14. Will condemned inmates participating in the CITPP be granted Priority Legal User (PLU) status?

Yes. Upon placement into the CITPP, condemned inmates shall receive PLU status. With PLU status, condemned inmates will receive a higher priority to prison law library resources than other inmates (pursuant to CCR, Title 15, Section 3122).

15. How will legal property be stored upon placement in the CITPP?

Wardens at the designated CITPP institutions shall provide for storage and ready access to legal materials for condemned inmates participating in the CITPP.

16. How will the inmate population be advised of the CITPP?

All condemned inmates will be provided written notice of the pilot program once effective. This notice will suggest that inmates consult their appellate counsel prior to volunteering for the pilot program. A courtesy copy of the notice will also be sent to California Appellate Project and Habeas Corpus Resource Center. Additionally, the Men's Advisory Council, Women's Advisory Council, and Inmate Family Council at each designated CITPP institution, as well as the CDCR Office of the Ombudsman will be advised of the implementation of the pilot program.

Note: This document will be updated periodically, as new questions arise. FAQs may be shared directly with the inmate population.