

# Memorandum

Date : August 16, 2012

To : CDCR Extended Executive Staff

Subject : **GANG MANAGEMENT POLICY UPDATE**

The California Department of Corrections and Rehabilitation (CDCR) has embarked upon a project to assess and modify current regulations and policies associated with gang management. Some areas included in this project are the validation process, debriefing process, and privileges for those offenders who are assigned to a Security Housing Unit (SHU) on indeterminate status based upon their gang validation. This document is being provided to share information on the project with staff and offenders in the field.

In October 2011 a Warden's Advisory Group (WAG) was created. Its members included Wardens, staff from the Division of Adult Institutions (DAI) and Office of Correctional Safety, and a representative from the Office of the Inspector General. This group reviewed national best practices in Security Threat Group (STG) identification and management, including the 2007 study entitled "Security Threat Group Identification and Management." The WAG also reviewed incentive-based step-down programs (SDP) utilized by various states and the Federal Bureau of Prisons.

During the past several months, a proposal was developed and vetted through various stakeholders. Additionally, meetings were held separately with both internal and external groups to discuss feedback that was provided. Feedback obtained through this process was evaluated and incorporated into the proposal, as deemed appropriate.

Highlights of the proposal now include:

- CDCR intends to incorporate a STG prevention program for offenders during the intake process and an orientation process for validated affiliates.
- CDCR will no longer utilize the terms prison gangs and disruptive groups; rather, criminal gangs will be categorized into two levels of STGs. This change in policy represents a shift from focusing on those STGs that have an established origin within the prison setting to focusing on those STGs that represent a clear and present danger to staff or offenders, as well as a current threat to institutional safety.
- Initial validation as an associate will no longer result in mandatory indeterminate SHU placement. Housing for these offenders will be in general population, unless

they have been found to be individually accountable for behavior, as determined by the disciplinary process that has a nexus to the STG.

- Validation source items as referenced in California Code of Regulations (CCR), Title 15, Section 3378 have been given different point values, which will be utilized in the new validation process. In addition to the currently required three source items, the total value of the source items must equal 10 or more points to attain validation.
- A new STG Behavior Disciplinary System has been developed that defines administrative and serious behavior or activities allowing offenders to be held individually accountable for STG-related behavior or activities. Offenders will be afforded due process using the existing disciplinary system.
- A new administrative level of review has been developed, which will provide an external review by a STG Unit Classification Committee as a standard requisite within the validation process. Impacted offenders will be advised of the classification hearing in advance and be afforded due process during the validation assessment.
- The SDP will be an individual behavior-based program for STG affiliates that will provide housing, enhanced programs, interpersonal interactions, as well as corresponding privilege and personal property enhancements for participating STG affiliates. The SDP shall be completed in five steps; the first four steps will be accomplished in the SHU and the final step will generally be at a level IV, 180 design facility. The SDP allows offenders engaged in STG behavior or activities to demonstrate their ability to refrain from this type of behavior, preparing them for return to nonsegregated housing.
- CDCR recognizes that new STG groups/affiliates and corresponding gang-type behavior has emerged within the Department's Sensitive Needs Yard (SNY) population. The new policy will provide for certification, validation, and placement of these STG affiliates within the SHU SDP.

In January 2012 a Project Team was assigned to work exclusively on this project. This team is being led by George Giurbino, retired Director of DAI. The team, in collaboration with other CDCR executive staff, is engaged in or has completed the following steps toward the implementation of this policy:

- Analysis of the CCR, Title 15, and the Department Operations Manual (DOM) identifying sections that will require revision as the Department moves forward with the implementation of this policy have been completed. Draft DOM and CCR language has been completed and is currently in the review process.

- Due to the magnitude and significant changes that will be incorporated by this new policy, the CDCR will utilize a Pilot Program for up to two years, as authorized by Penal Code Section 5058.1. These changes will be implemented via an Instructional Memorandum and will allow the CDCR opportunity and flexibility to test, evaluate, and refine the program. Prior to the conclusion of the two-year Pilot Program, changes to regulations must be promulgated through the Administrative Procedures Act in order to be codified and placed into CCR, Title 15.
- Development of training curriculum and notice to the impacted employee organizations.
- Collaboration with the Alternatives to Violence Group, the Change Company, National Institute of Corrections, CDCR's Division of Rehabilitative Programs, Office of Victim and Survivor Services, Office of Community Partnerships, and other available program specialists in designing the SDP are on-going.
- In an effort to be responsive to requests from current SHU inmates, the Department worked with a vendor to develop a clear technology television/radio combination unit, as no such unit was available in the past. This resulted in creation of such a unit, which is currently available in the Union Supply catalog.
- In the near future, case-by-case reviews will begin for the existing validated gang population housed in SHU facilities to determine their appropriate placement and/or retention within the SHU/SDP or release to general population.

The implementation of the revised STG policy and procedure is intended to rely heavily on individual accountability of offenders; incorporate additional elements of due process to the validation system; and provide for a SDP as an alternative for offenders to demonstrate their commitment and willingness to refrain from STG behavior. We will do this while continuing to manage safe and secure institutions.

We recognize this is a significant change in our policy and will move forward in a thoughtful and deliberate manner to ensure the safety and security of institutions and the community. Additional training and information will be provided prior to implementation of the pilot program.



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cc: Special Projects, DAI