

CHAPTER 5

ARTICLE 47 – INTEGRATED HOUSING

Effective January 18, 2008

54055.1 Policy

It is the policy of the California Department of Corrections and Rehabilitation (CDCR) that race will not be used as a primary determining factor in housing its inmate population. All inmate housing assignments shall be made on the basis of available information and individual case factors necessary to implement an integrated housing plan. This policy will ensure that housing practices are made consistent with the safety, security, treatment, and rehabilitative needs of the inmate, as well as the safety and security of the public, staff, and institutions.

It is the intent of the Department to establish a housing policy for male inmates that integrates them Department-wide, and that is consistent with housing practices already in place for female inmates.

54055.2 Purpose

The purpose of the Integrated Housing Policy (IHP) is to safely integrate inmates in celled and dormitory housing. This policy informs staff and inmates of their responsibilities, provides details of the integrated housing process and codes, and explains the ramifications of noncompliance.

54055.3 Definitions

Integrated Housing

Integrated Housing refers to the housing of inmates into beds without using race as the sole determinative criterion while minimizing any potential impact upon an inmate's safety, and maintaining the safety and security of the public, staff, and institutions.

Integrated Housing Code

The Integrated Housing Code (IHC) is a housing code that reflects the inmate's eligibility to be racially integrated in a housing environment. The inmate may be eligible to be housed with all races, with only certain races, or with only his own race based on individual case factors. The IHC will be assigned during the reception center intake process and is subject to review by a classification committee.

54055.4 Integrated Housing

An inmate's race will not be used as a primary determining factor in housing an institution's inmate population. Inmate housing assignments shall be made on the basis of available documentation and individual case factors to implement an IHP. Individual case factors include, but are not limited to:

- History of racial violence.
- Commitment offense/time to serve.
- Classification score.
- Custody level.

- Education.
- Disciplinary history.

Housing assignments will be determined in a manner that will ensure that the safety, security, treatment, and rehabilitative needs of the inmate are considered, as well as the safety and security of the public, staff, and institutions.

54055.5 Information Technology and Integrated Housing

The information contained in this section is applicable to male inmates. The CDCR will update the authorized computer tracking system fields to include coding that will be used to identify each inmate's eligibility to integrate. Based on a review of an inmate's individual case factors, all available information, and a personal interview with an inmate, an IHC will be assigned.

54055.5.1 Integrated Housing Codes

- RE Racially Eligible: an inmate can live with members of any race.
- RP Restricted Partially: an inmate is unable to live with members of a particular race(s).
- RO Restricted to Own: an inmate can live only with member of his own race/ethnicity.
- RT Temporarily Restricted by Custody: this is used whenever custody has concerns about the inmate's ability to be appropriately housed, pending further review.
- RR Restricted by Refusal: an inmate is otherwise eligible for integrated housing but refuses to participate. This inmate shall be restricted by management to ensure safety and security, but the basis of the restriction is the inmate's refusal.

Racially Eligible

Inmates that are racially eligible to house with any race will be coded as RE in the DDPS. It is the expectation of the CDCR that all inmates will be coded RE, unless specific case factors dictate otherwise. Those inmates that have been victims or perpetrators of racially motivated crimes shall be evaluated on their case factors in totality before being determined racially eligible or ineligible for an integrated housing assignment.

Restricted Partially

Inmates considered ineligible to house with inmates of a particular race shall be coded RP for Restricted Partially. For example, a Black inmate may be determined to be ineligible to house with Hispanic inmates, but eligible to house with White or Other inmates. This inmate would be coded RP. His ineligibility to house with another race/ethnicity shall be based on individual case factors. The individual case factors shall be considered by custody and classification staff in assigning this code. Assignment of this code will require staff to identify the races/ethnic groups with whom the inmate is determined ineligible to house.

Restricted to Own (Race)

Inmates who are determined eligible to be housed with only their own race or ethnic group based on individual case factors will be coded RO for Restricted to Own. During the intake process or classification process, when available information and case factors indicate the inmate cannot successfully house with inmates of other races, the IHC of RO

will be applied. Inmates who are deemed restricted to their own race will not necessarily be precluded from integration in other aspects of institutional operations such as an integrated cellblock, dormitory setting, or program assignments.

Temporarily Restricted by Custody

Inmates with insufficient information or documentation for the Receiving and Release supervisor to make an objective determination shall be coded RT for Temporarily Restricted by Custody. This code may be used when conflicting information arrives with the inmate or when questionable statements or behavior by the inmate are observed that are not consistent with the inmate's claim of eligibility. This code may also be used during the inmate's incarceration when his observed behavior is not consistent with his assigned eligibility code and it is therefore appropriate to have the assigned code reviewed by classification committee. The IHC of RT is temporary and shall be changed when additional information and documentation are obtained and evaluated.

Restricted by Refusal

Inmates who are determined eligible to house with inmates of other races, but who simply refuse to be housed with a race other than their own, will be coded RR for Restricted by Refusal. This code will be used when an otherwise eligible inmate refuses to accept a housing assignment consistent with his IHC, and his case factors and all available information and documentation do not preclude such placement. Refusal to accept an integrated housing assignment, when all available documentation and information does not preclude such, shall result in disciplinary action. Additionally, the inmate will be deemed a threat to the safety and security of the institution, and will be considered for alternative and more restrictive housing such as an Administrative Segregation Unit (ASU), or a Security Housing Unit (SHU).

54055.6 Receiving and Release Responsibility for Determining Integrated Housing Eligibility

Inmates arriving in Receiving and Release at an institution will be interviewed by a custody supervisor in accordance with the established process for intake. The interview process will elicit initial information about the inmate that will be used, in conjunction with any known case factors, to determine the inmate's housing eligibility. Staff will also consider other available information that would indicate or present an immediate risk or safety concern for the inmate, such as, but not limited to:

- Security issues including ASU placement.
- SHU
- Request for Protective Custody
- Prison gang or disruptive group affiliation or association.
- Medical or mental health issues.
- Length of term.
- Height, weight, and age.

Receiving and Release supervisors shall use the information provided during the interview with all available information and documentation to determine the inmate's eligibility for an integrated housing assignment.

54055.7 Housing and Discipline

Inmates will be housed in the first available and appropriate bed, consistent with their assigned IHC. Staff shall not delay housing an inmate in the first available and appropriate bed for the sole purpose of accomplishing an integrated assignment between races/ethnicities. When housing inmates, staff shall be alert to security issues that may be present, including the inmate's prior placement in an ASU or SHU or documented safety concerns. Integrated housing procedures do not supersede housing policies governing the placement of inmates into special programs including, but not limited to, those of the Mental Health Services Delivery System.

Inmate movement will be initiated using existing departmental practices, inclusive of the CDC Form 154 Offender Movement Form, the DDPS, and housing and control room index cards.

Any inmate that refuses to be appropriately housed consistent with his assigned IHC shall be subject to the disciplinary process applicable to the specific act.

54055.8 Non-Compliance with the IHP

Non-compliance with the IHP by an otherwise eligible inmate will require review of the individual case factors. Every inmate is expected to comply with the IHP in the absence of precluding case factors. Non-compliance shall subject the inmate to disciplinary action and consideration of being housed in alternative and more restrictive housing in keeping with departmental policy regarding program failure.

Disciplinary Process

Inmates refusing to participate in the IHP, when all case factors deem they are eligible to participate, shall be issued a Rules Violation Report (RVR) for Conduct, California Code of Regulations Section 3005(c), Conduct, for the Specific Act of Willfully Resisting, Delaying, or Obstructing any Peace Officer in the Performance of Duty (Title 15 subsection 3323(f)(6)), a Division D offense. The inmate shall be recoded with an IHC of RR, Restricted by Refusal. The inmate shall be considered after the first RVR for placement in more restrictive housing such as an ASU or a SHU. At any time during this process the inmate may elect to participate in the IHP.

Disciplinary restrictions will be applied as a result of a disciplinary process where inmates are afforded due process. Inmates found guilty of committing a Refusal to Participate in the IHP offense through the inmate disciplinary process may be subject to credit and privilege loss process. The suspension of privileges based on a finding of guilt in a disciplinary hearing, pursuant to CCR Section 3269.1, shall be assessed as follows:

- First offense: A finding of guilt in a disciplinary hearing for Refusal to Participate in the IHP may result in the loss of privileges including, but not limited to, any or all of the following, for up to a 90 day period:
 - Canteen
 - Appliances
 - Vendor Packages
 - Telephone Privileges
 - Personal Property

- Second or subsequent offense: A finding of guilt in a disciplinary hearing for Refusal to Participate in the IHP may result in the loss of any or all of these privileges for up to a 180 day period.

Following the completion of the disciplinary process and a finding of guilt, security precautions and disciplinary restrictions may remain in effect for a period of time designated by the Senior Hearing Officer consistent with this policy. If a finding of not guilty results, the security precautions shall be removed.

Classification

Any inmate charged with Refusing to Participate in the IHP shall be considered for placement in an ASU and reviewed by the Institution Classification Committee (ICC) to determine the appropriateness of ASU retention, pending disciplinary matters, and/or future housing considerations. At each ICC review, the inmate's case factors shall be reviewed for the appropriateness of the inmates IHC, and to determine if the inmate will participate in the IHP if case factors do not preclude such.

Assessment of SHU Term

A determinate period of confinement in a SHU may be established for an inmate when found guilty of Refusing to Participate in an IHP per Section 3005(b), Conduct, Refusing to Participate in an IHP. The term shall be established by the ICC utilizing the standards set forth in the SHU Term Assessment Chart in CCR Section 3341.5.

54055.9 Temporary Suspension of Assignments to Integrated Housing

In the event that management determines that a temporary suspension of assignments to integrated beds within a unit is warranted, the Warden or designee shall request approval from their mission-based Associate Director for a temporary suspension of integrated housing assignments consistent with the lockdown and modified program protocols defined in Departmental Operations Manual Article 55015. Regular housing assignment procedures shall be resumed in accordance with the IHP policy upon resolution of the incident.

54055.10 Revisions

The Director, Division of Adult Institutions, or designee shall be responsible for ensuring that the contents of this article are kept current and accurate.

54055.11 References

Johnson v. California, 125 S. Ct. 1141 (2005), Settlement and Release Agreement.
CCR, Title 15, Division 3, Section 3269.