

Jesus Nut

by

Lonnie G. Schmidt
RFB - Proverbs 21:31
March 13, 2023

"Without Me you can do nothing." John 15:5 NKJV

On a helicopter, the last piece affixed -- the Main Rotor Retaining Nut -- is of the first importance. Without it you can't get off the ground. Its loss in flight, your only hope a prayer. A single point of catastrophic structural failure.

In a criminal prosecution, the last act of the trial judge -- the signing and entry of a judgment of conviction -- is of the first importance. Without it there is no conviction, no possibility of appeal, and, no authority for imprisonment. The accused must be freed. A single point of catastrophic failure in the criminal justice system.

1966 - U.S. Army Advanced Helicopter Flight Training, Fort Rucker, Alabama. Warrant Officer Candidates are introduced to the Bell UH1 "Huey", primary troop transport in Vietnam. Joining my Instructor Pilot (IP) on top of the aircraft for my first pre-flight, the IP explained what to look for as he watched me check the push-pull rods, swash plate and blades. Pointing to the 4" nut safety wired to the top of the mast securing the rotor system, he said in his best Southern drawl "This here is what we call the Jesus nut. If you lose it, all you can say is 'Oh Jesus!'".

The hardest people to help are those who need it and don't know it.

I freed a thousand slaves. I could have a freed a thousand more
if they had known they were enslaved. Harriet Tubman

Prisoners want to go home but don't know they are illegally imprisoned.

"Jesus Nut" confirms the findings of a CDCR Whistle-blower exposing the illegal imprisonment of all persons in the state prison system by the California Department of Corrections and Rehabilitation (CDCR). The intake and detention of persons pursuant to fraudulent court documents and without the documentary evidence required by law of a felony conviction and sentence to state prison.

Presenting evidence from CDCR's own books and records of failure to follow the rules, regulations and statutes mandated by law for lawful imprisonment, "Jesus Nut" administers the coup de grace to CDCR.

He who reads has to believe the facts presented herein. CDCR, you've held us in a lie long enough. **Mr. Secretary, you can hold us no longer.**

Kindergarten in 1949 and growing up in the 50's, emphasis was heavy on the three R's ("reading, riting and rithmetic"). I recall corporate magazine and billboard ads pleading "Send me a man who reads!". It seems such plea has been lost on succeeding generations.

Well, revival time! Heard the quip "Going by the book"? Grab a cup of coffee, pull up a chair and read with me from "the books" governing administration of the state prison system (boring, you think?). Let's see for ourselves what they say ... and don't say about imprisonment authority. Knowing, believing and holding to the truth can set you free. Fifteen minutes could save you a life-time in prison!

The "books" reviewed and presented here are those referenced by CDCR Associate Director, Division of Policy Research and Internal Oversight, Howard Moseley in his efforts to alert and encourage CDCR¹ to receive (intake) and detain persons according to law: a judgment. Comprised of the California Penal Code (PC), California Code of Regulations (CCR) and CDCR Department Operations Manual (DOM) these guides to lawful administration of the State's prison system are mandatory reading by CDCR employees and require compliance. Persons confined and residing in facilities of the department are subject to the rules and regulations of the Secretary and expected to conduct themselves in accordance therewith and are issued a copy of the Rules and Regulations. Title 15 C.C.R. §§ 3001, 3002, 3005.

The books-- ostensibly finding authority in the Federal and State Constitutions in order to ensure due process of law --fill the interstices between the Legislative and Executive branches' intent to provide guidance to government agents in the implementation of the imprisonment decisions of the Judicial branch. These books uniformly articulate that the only document authorizing imprisonment of a convicted felon in the state prison is a judgment signed by a judge and entered on the superior court record directing the defendant be delivered into the custody of the Director of Corrections. The term of imprisonment is to be determined from the judgment. Neither the books nor past nor present judicial decision provide for, or authorize, the use of a substitute document, i.e., an "abstract".

As evidenced by the Director of CDCR admittedly not receiving a judgment of conviction from the officer executing judgment (delivering defendant to state prison), and, CDCR personnel admittedly accepting delivery with substituted paperwork (abstract) in place of the required judgment, these books have apparently been sitting on the shelf unread.

Hear Ye, Hear Ye, Hear Ye!

NOTICE is hereby given that the present Secretary and all past CDCR Secretaries, and, as applicable, present and past Wardens, and, as applicable, present and past State Executive Branch officials, are presently and have been in violation of State and Federal law for the past, present and continuing unlawful imprisonment of all persons for whom a judgment of conviction is not found in CDCR records.

Executive branch liability for personal injury and damages arises due to CDCR Secretary and the department's official maintenance of a fraudulent "abstract of judgment" as alleged authority for the imprisonment of persons, while knowing (at least since notice in 2020)² said "abstract" to be fraudulent for lack of any underlying or supporting "judgment" on record in any State or Federal court -- though for lack of published authority, the matter glaringly apparent since the unlawful reception of the first arrival processed by CDCR Receiving and Release personnel.

Statutes (PC) are the law. Rules (DOM) and Regulations (CCR) have the force and effect of law. The laws are codified in the books. The following analysis tells the simple story: authority is either in the books or it is not. Any action taken by the state not in the books is unlawful. Imprisonment and calculation of term pursuant to an abstract of judgment is not in the books: unlawful. Imprisonment and calculation of term pursuant to a judgment is in the books: lawful.

THE TRUTH IS FOUND IN THE BOOKS

This analysis quotes the Penal Code and miscellaneous definitions. Relevant pages from the DOM and CCR as referenced are found in the "NOTES" for visual verification (seeing is believing) and are attached hereto and incorporated herein as Appendix I and II respectively.

CDCR Authority To Receive Inmates Requires A Judgment

CDCR DOM Initial Intake Procedure § 72020.1: departmental policy is to receive inmates³ - pursuant to authority of CCR Title 15 Initial Intake § 3075(e): Inmates received by the department⁴ - pursuant to authority of PC § 1202a: If judgment is for imprisonment in the state prison...judgment directs defendant delivery into the custody of the Director of Corrections⁵.

A "defendant" delivered to the State for imprisonment becomes an "inmate" only when accepted by the Director of Corrections. Inmate is a term applicable only to one class of persons: those committed to the custody of the Director of Corrections⁶. Persons sentenced to imprisonment in the state prison are committed to the custody of the Director of Corrections by a judgment⁷ signed by a judge and entered in the superior court record by the Clerk⁸ who must furnish a certified copy of the entry of the judgment to the officer executing the judgment^{8a}. The term of imprisonment is fixed by the judgment⁹. The Warden is mandated to receive persons sentenced to imprisonment in a State prison¹⁰.

CDCR DOM Mandates Judgment.

DOM §§ 72020.1: policy requires proper documentation and authorization must accompany inmate¹¹; 72020.4.1: receiving responsibility requires verification and certification of court order (judgment)¹²; 72020.5: for case summary purposes only permits usage of Abstract of Judgment¹³; and 72020.5.4.1: processing of commitments requires calculation of term from the sentence fixed by the judgment¹⁴.

For more than 70 years, State Executive Branch officials, assuming that an "abstract of judgment" is a document which authorizes imprisonment in the state prison and calculation of imprisonment term, have learned and become loyal to a lie.

There is no authorization for such usage of an "Abstract of Judgment" or "abstract of the judgment" to be found in the above authorities... or anywhere. Such usage of an unauthorized document-- and failure to use the authorized document mandated by (which has been, and is, the practice of CDCR) --has been held to be a due process violation.

Federal law for the Ninth Circuit holds "that a collateral attack based on a violation of a state rule of criminal procedure will succeed, and a due process violation will be found when the petitioner shows that he was prejudiced or that his rights were effected thereby." Carter v. McCarthy, 806 F.2d 1373, 1376 fn2 (9th Cir. 1986).

Habeas Corpus is the normal procedure for a person unlawfully imprisoned to seek relief. However, inasmuch as CDCR did not receive authority from any court to receive and detain a person imprisoned pursuant to a "judgment", but pursuant to a fraudulent "abstract of judgment", demand should first be made to CDCR for release.

A certified mail letter dated February 22, 2023 your author sent to CDCR Secretary Jeffrey Macomber may be used as an example for your suggested use and is attached hereto. In the event relief is not obtained, your letter may be used as evidence of exhausted administrative remedies, normally a prerequisite to Habeas Corpus Application for release, and for civil rights action for damages for false imprisonment.

For legal counsel review, a Memorandum of Points and Authorities (merits and supporting case law on the issue of requirement of judgment for imprisonment by the state) is annexed hereto as an example of a cause of action for dismissal of the criminal case in the trial court. A jurisdictional issue may be raised at any time.

NOTES

1 See "**UNSHACKLED**" (CDCR Whistle-blower proposes regulation change to clarify requirement of a judgment for imprisonment) at withoutoneplea.com (click on "state").

2 See **Press releases** - "California's Governor Orders Mass Release of Prisoners! And It Ain't Corona, Sweetheart!" June 26, 2020, "CDCR Secretary Ralph Diaz Admits No Authority To Confine Prisoners!" September 1, 2020, San Francisco Chronicle "Legal Notice - CDCR" July 20, 2021 at withoutoneplea.com.

California Department of Corrections and Rehabilitation
Operations Manual, Chapter 7 - Adult Case Records Information
Article 4 - Initial Intake Procedure
(Attached hereto as Appendix I, Pages 605-608)

3 See Appendix I, p. 605: **72020.1 Policy:** "Inmates received by the department..."

California Department of Corrections and Rehabilitation
Code of Regulations, Title 15. Crime Prevention and Corrections,
Division 3. Adult Institutions, Programs and Parole,
Chapter 1, Rules and Regulations of Adult Operations and Programs
Article 6.5 Intake, Release and Discharge of Inmates
(Attached hereto as Appendix II, Pages 66, 67)

4 See Appendix II, p. 66: 15 CCR § 3075 Initial Intake
Page 67: **§ 3075(e)** "Inmates received by the department..."

NOTE: Authority cited: Penal Code. Reference: Sections 1202a [relevant re "judgment shall direct that the defendant be delivered into the custody of the Director of Corrections"].

5 **PC § 1202a:** If the judgment is for imprisonment in the state prison the judgment [court order] shall direct that the defendant be delivered into the custody of the Director of Corrections (Secretary per PC § 5050) at the state prison or institution designated by the Director of Corrections as the place for the reception of persons convicted of felonies,

6 **15 CCR 2000 Rules of Construction and Definitions**

2000(a)(3) "Inmate", "prisoner", or "parolee" applies to any person who is or has been committed to the custody of the Director of Corrections, including inmates, residents, parolees, and dischargees, regardless of that person's present status.

7 See **Note5**, supra.

8 **PC § 1207:** When judgment upon conviction is rendered, the clerk must enter the judgment in the minutes, stating briefly the offense for which the conviction was had, and the fact of a prior conviction, if any. A copy of the judgment of conviction (court order) shall be filed with the papers in the case.

8a **PC § 1207 Cross References:** Requirement that certified copy of entry of judgment be furnished officer whose duty it is to execute judgment: PC § 1213.

9 **PC § 2900:** The term of imprisonment fixed by the judgment in a criminal action commences to run only upon the actual delivery of the defendant into the custody of the Director of Corrections... .

10 PC § 2901: Admission of persons convicted; Duration of detention. It is hereby the duty of the wardens of the State prisons to receive persons sentenced to imprisonment in a State prison and such persons shall be imprisoned until duly released according to the law. (Absent a judgment it is not possible to determine sentence to state prison or term of imprisonment; PC §§ 1202a, 2900.)

Cross references: Execution of judgment of imprisonment. PC § 1213. (Absent a judgment abstract cannot exist.)

11 See **Note3**, supra. **72020.1** "accompanied by proper documentation and authorization," see Appendix I, p. 605.

12 See Appendix I, p. 605: **72020.4.1 Receiving Responsibility**: In processing arrivals the R&R sergeant shall: Verify that new/additional commitments are valid and certified. The court order is deemed certified if it has any two of the following: Original judge's signature. Original county/court clerk's signature. Original county seal.

13 See Appendix I, p. 607: **72020.5 Case Summary**

Information from the following documents may be used in the preparation of the case summary. Abstracts of Judgment... .

Note: No mention of "abstract" usage as a commitment document (judgment or court order) or to calculate term. Usage limited to summarizing the case. (Absent a judgment, an abstract thereof cannot exist and it is not possible confirm a case summarized by a fraudulent abstract.)

14 See Appendix I, p. 607: **72020.5.4.1 Procedures for Processing Commitments.**

DSL, Upon receiving a judgment... LPU shall process the case as follows: Term(s) shall be calculated ... ISL, Term(s) shall be recalculated.

See "Definitions", infra, for "judgment", "judgment of conviction", "F.R.Cr.P. 32(k)(1)". Note: No mention of "abstract" usage to calculate term. (Absent a judgment, there is no sentence and it is not possible to calculate term or expiration thereof.)

See also Appendix I, p. 608: Article 4 References § **72020.8 - References** (relevant): PC §§ 2081.5 (documents furnished by the court: no judgment), 2900 (term of imprisonment fixed by the judgment: no judgment - no term) 2901 (admission of persons convicted and duration of imprisonment: no judgment - no conviction).

Note: No Penal Code section pertaining to judgment committing defendant to Director of Corrections (§ 1202a) or execution of judgment (§ 1213, 1216, 1217) are referenced.

Definitions applicable to DOM and CCR.

15 CCR 2000(a)(5) - "Shall" is mandatory.

Order: A written directive or command delivered by a court or judge. Also termed court order or judicial order. Black's Law Dictionary Abridged, 7th Ed.

Court order: Final order: final decision or judgment for purposes of an appeal.

Judgment: The term "judgment" includes a decree and any order from which an appeal lies. Black's Law Dictionary, 7th Ed.

Judgment of conviction: The written record of a criminal judgment, consisting of the plea, the verdict or findings the adjudication, and the sentence. Fed. R. Crim. P. 32(d)(1) [32(k)(1)]." Black's Law Dictionary, 7th Ed.

Fed. R. Crim. P. Rule 32(k) Judgment. (1) In General; states in relevant part "In the judgment of conviction, the court must set forth the plea, the jury verdict or the court's findings, the adjudication, and the sentence. ...The judge must sign the judgment and the clerk must enter it."

EPILOG

1967 - Thanksgiving Day, Republic of Vietnam. "Thunderbird One", Flight Leader of the 118th Assault Helicopter Company "Thunderbirds", I was returning our ten birds to the bird-cage after a full day of troop support and insertion into hot LZ's. The emergency radio crackled to life "May day, may day, may day" the pilot calmly giving his call-sign and location, "I've just lost my main rotor system. Goodbye, good luck, God bless you all." Then silence. Freedom is not free.

The rotor system was found intact two miles from the fuselage. Scuttlebutt had it that the mast had been hit by a .50 caliber round and the rotor had twisted itself free.

In my 57 years as a pilot I've never heard of a Jesus nut failure.

Why "Jesus Nut"?

He is before all things, and in Him all things hold together.
Colossians 1:17 NIV

At first blush, "Jesus Nut" portends a theme written by a religious fanatic. Well, that's partially true. I am nuts about Jesus... the Creator who loves us enough to come to earth, live, work miracles, suffer death on a cross, be buried and rise from the dead on the third day; for us ... so we might believe in Him, enjoy abundant life now and live happily forever after! Wow! What's not to be nuts about?

Young when I first believed and now old, I can testify that Jesus has never failed me. Like the Jesus nut, He holds my life together and prevents me from flying apart, crashing and burning.

Life's experience has been likened to a river carrying us along upon whose banks often appear a door leading to Heaven. Above the door is written "Whosoever will may enter". When you do walk through the door, look back and see written above the lintel "Chosen before the foundation of the world". Yes, Jesus loves me. And you too, He always has... the Bible tells us so. Read it. John 3:16, 14:6; Romans 10:9-13.

The first page of this treatise ends with the statement "He who reads has to believe...". To believe is to have faith. A helicopter pilot must have faith in the Jesus nut or he will never strap into the cockpit. No guts, no glory. A prisoner must believe that when there is no judgment of conviction (JOC) holding him he must be released or he will never ask for freedom. No JOC? Then set us free!

Become a man who reads. For those who believe the truth written and evidentiary facts presented herein and take action (permit the analogy) "If you hold to my teaching... Then you shall know the truth, and the truth shall set you free. Therefore, He who the Son sets free is free indeed." John 8:31,32,36.

It's never too late to become the man you might have been... and free.

MEMORANDUM OF POINTS & AUTHORITIES

RELEASE IS PROPER REMEDY FOR VIOLATION OF DUE PROCESS GUARANTEE OF THE CALIFORNIA CONSTITUTION, ART. I, SEC. 7(a), FOR LACK OF JUDGMENT OF CONVICTION ON RECORD: UNLAWFUL IMPRISONMENT.

Release is Just in Absence of Judgment of Conviction.

The Legislature's intent is clearly drafted at Penal Code, Title 8, Chapter 1, mandating that loss of personal liberty is possible ONLY where a superior court criminal trial judge personally signs a "judgment of conviction" for certification and immediate entry on record by the court clerk. (Penal Code §§ 1202(a), 1207; Code of Civil Procedure §§ 635, 664.)

Our Courts agree, there are no legislative or judicial shortcuts, excuses, creations, loop-holes, exceptions, deviations by which to imprison any sane adult citizen in the absence of a "judgment of conviction." (People v. Banks (1959) 53 Cal.2d 370, 383; People v. Crow (1971) 4 Cal.3d 613, 618; People v. John (2019) 36 Cal.App.5th 168, 175.) A "judgment of conviction" must exist.

Collateral Consequence - Appeals To Be Dismissed.

Appeal is available from a judgment or order. (Penal Code § 1237). The "notice of appeal" is invalid or nullity. Cal. Rules of Court 8.100(a)(2), in part provides: "This notice is sufficient if it identifies the particular judgment or order being appealed." Identification is impossible with no judgment.

A purported appeal from a "judgment of conviction" will be dismissed where the record does not show entry of a judgment.

People v. Wilde (1941) 42 Cal.App.2d 482, 485.)

No judgment - no appeal.

Recognized much earlier, yet valid today, on appeal from a "judgment of conviction" where the transcript does not contain the judgment from which the appeal purports to be taken, the appeal cannot be entertained. People v. Sing Lum (1881) 60 Cal. 6.

No Reasonable/Lawful Ground for Denial of Release.

But upon what logic under these facts might a denial be based where the only authority for execution (imprisonment), Penal Code Title 8, Chapter 2, under state law is entry on the court record of a judgment of conviction (Title 8, Chapter 1) which does not exist?

Denial then, would appear to ignore both legislative intent and published opinions (as cited above too) as it's long been settled that there is no commitment authority "in the absence of a judgment entered on record." (In re Rick (1952) 112 Cal.App.2d 410, 413.) Hawaiian courts are in accord following California: State V. Buffalo (1983) 4 Haw.App. 646, 649 [1983 Haw.App. LEXIS 154], citing In re Black (1967) 66 Cal.2d 881, and People v. Prater 71 Cal.App.3d 695, 703 [1977 Cal.App. LEXIS 1640].

Failure to consider here this petitioner's request would no doubt "deny the defendant a substantial right" (People v. Konow (2004) 32 Cal.4th, 995, 1022), as petitioner has met his burden "to provide the facts to the court," pointing to an absence of "judgment of conviction" in the court's own records, such that "the court does have a duty to consider it." (People v. Lee (2008) 161 Cal.App.4th 124, 129.)

WHEREFORE, for lack of any "judgment of conviction" signed by a superior court judge and entered on record, pursuant to state legislative mandate, the Honorable Court considering release must order the petitioner released on the grounds here presented.

February 22, 2023

Lonnie G. Schmidt AZ3544
CSP Solano D-21-3-4L
P.O. Box 4000
Vacaville, CA 95696

Jeffrey Macomber, Secretary
California Department of Corrections and Rehabilitation
1515 S. Street, Suite 502
Sacramento, CA 95811
(916) 445-7682
Via U.S.P.S. Certified Mail RRR No.: 7002 0510 0003 4495 3078

Re: IMPORTANT NOTICE - DEMAND FOR RELEASE
Unlawful Imprisonment of LONNIE GLENN SCHMIDT.
(People v. Schmidt (2013) Sacramento County Superior Court #13FEO7578;
abandonment of prosecution with no final disposition.)

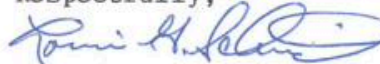
Secretary Macomber:

Notice is hereby given that you and all past California Department of Corrections and Rehabilitation (CDCR) Secretaries, and, as applicable, present and past Wardens, and, as applicable, present and past State Executive Branch officials, are presently and have been in violation of State and Federal law for my past, present and continuing unlawful imprisonment.

This executive branch liability for personal injury and damages arises due to your official maintenance of a fraudulent "amended abstract of judgment" as alleged authority for the imprisonment of my person, while knowing (at least since notice in 2020) your document to be fraudulent for lack of any underlying or supporting "judgment" on record in any State or Federal court -- though the matter glaringly apparent since my unlawful reception in 2016. DOM §§ 72020.1 (documentation/authorization), 72020.4.1 (court order), 72020.5.4.1 (judgment); Title 15 C.C.R. § 3075(e) (judgment); Cal. Penal Code §§ 1202a (judgment), 1207 (judgment of conviction); People v. Banks (1959) 53 Cal.2d 370, 383; People v. Crow (1971) 4 Cal.3d 613, 618; People v. John (2019) 36 Cal.App.5th 168, 175; United States v. Arpaio (9th Cir. 2020) 951 F.3d 1001, 1004 -- and authority therein cited.

I hereby demand immediate and unconditional release from imprisonment, and expungement of all State and Federal criminal records naming me, which may in but small measure mitigate ever mounting macro-damages to my family and myself.

Respectfully,



Lonnie G. Schmidt, Captain USAR

cc: Gavin Newsom, Governor (for CDCR Secretary accountability)
State Capitol Building, Capitol Mall, Sacramento, CA 95814

Rob Bonta, California Attorney General (for CI&I referral/expungement)
1300 I Street, Suite 1740, Sacramento, CA 95814

Federal Bureau of Investigation, (for investigation/expungement)
2100 Freedom Way, Roseville, CA 95678

Gigi Matteson, Warden (for immediate release)

The missing time report provides a method for staff to make immediate follow-up of any missing time thereby enabling case records staff to grant accurate worktime credits in a timely manner.

The missing time report shall be routed to facility department heads for further distribution to supervisor(s) for follow-up.

Staff shall review their timekeeping records and prepare a time card or chrono for inmates under their supervision who are listed on the report.

72010.16.3 Missing Time Report Format

The missing time report is printed in CDC numerical order within the following categories:

- Not vested.
- Vested.

Missing time information shall continue to be shown on each monthly listing until a time card or time chrono has been received and entered into the computer by case records staff.

72010.17 Revisions

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

72010.18 References

PC § 2081.5.

CCR (15) (3).

DOM §§ 52080 and 73030.

ARTICLE 4 — INITIAL INTAKE PROCEDURE

Revised July 22, 2013

72020.1 Policy

Inmates received by the Department must be accompanied by proper documentation and authorization, and their identity must be verified to prevent inadvertent acceptance of persons not legally committed to CDCR.

If CDCR Intake Control Unit (ICU) has been notified by a county that a new commitment prisoner or a referral pursuant to Penal Code (PC) Section 1203.03 is ready to be transported, the Department is unable to accept delivery by the fifth working day, and the abstract of judgment or minute order has been completed, PC Section 4016.5(d) states that county shall be reimbursed for costs incurred resulting from the prisoner's detention.

California Code of Regulations (CCR), Title 2, Division 2, Financial Operations, Chapter 1, Victim Compensation and Government Claims Board, Section 776, states a county is entitled to reimbursement for allowable expenses incurred in the transportation of a State prisoner to a State institution.

72020.2 Purpose

This Section establishes standard procedures for the orderly acceptance and processing of inmates in a controlled, expedient manner into departmental institutions.

This Section establishes standard procedures for the reimbursement to a county when the county has notified CDCR of the detention of a new commitment State prisoner in a county facility in excess of five working days from the date of county notification to ICU.

This Section also establishes standard procedures for reimbursement of allowable expenses incurred in the transportation of State prisoners.

72020.3 Types of Inmates/Cases Received by the Department

Inmates received by CDCR include:

- New commitments.
- Diagnostic commitments [PC 1203.03].
- Safekeepers (PC 4007).
- Out-to-court returns with new terms or to finish terms.
- Parole Violators With New Terms (PVWNT) or Parole Violators Returned To Custody (PVRTC).
- Outpatient returnees with new commitments or to finish commitments.

72020.3.1 New Commitment County Reimbursement

CDCR shall reimburse a county for each day of a prisoner's detention, starting on the day following the fifth working day (Monday through Friday, excluding holidays as outlined in Government Code Section 19853) after the county notifies CDCR it has a prisoner ready for transfer to CDCR and delivery is denied.

Reimbursement begins for each day in excess of five working days from the date the county notified CDCR ICU that delivery of the prisoner was denied.

The county will not be reimbursed for the detention of a prisoner for any period of time prior to notification and within the five working days after notification.

Notification Processes:

Notification to CDCR ICU shall be on or before the Friday prior to the week of transport. If a county's designated Receiving Center (RC) is unable to accept delivery of the prisoner, the county shall contact ICU. ICU will either:

- Direct the county to deliver the prisoner to an alternate RC with available beds; or
- Verify that CDCR is currently unable to accept delivery of the prisoner at any RC.

If a county refuses or is unable to deliver the prisoner to the designated or alternate RC, the county will no longer be eligible for reimbursement. Upon notification from CDCR ICU of the inability to accept delivery of the prisoner at any RC, the county shall e-mail, in CDCR's approved format, the following information to CDCR ICU:

- The name of each detained prisoner denied delivery to CDCR, along with his or her criminal investigation and identification number, and date of birth;
- The certified abstract of judgment date or minute order date for each prisoner denied transfer;
- Verification the prisoner denied delivery by CDCR is medically fit for transport.

Priority shall be given to inmates incurring non-routine medical expenses who are otherwise medically capable of transporting to CDCR. If a county attempts to deliver a prisoner to CDCR without notifying ICU and the RC is unable to accept delivery of the prisoner, the date of notification will be the date the county attempts to deliver the prisoner to CDCR. In the event beds become available at an RC for the prisoner whose delivery was initially denied, CDCR will notify the county of the bed availability and the county shall arrange for delivery of the prisoner to the identified RC. The county shall deliver the prisoner within two working days of CDCR's notification of bed availability. If the county is unable to deliver the prisoner within two working days, reimbursement will not be authorized for any additional days.

72020.3.2 Allowable Expenses

CDCR is responsible for reimbursement to counties for expenses incurred for the transportation of the State prisoner from a county facility to CDCR as outlined in CCR, Title 2, Section 776. Reimbursement claims must be submitted to CDCR within six months of the end of the month in which the costs were incurred.

72020.4 Intake Procedures

Reception centers or receiving institutions shall prepare required departmental forms on inmates received with new commitments.

In processing arrivals at institutions, standard procedures shall be followed.

72020.4.1 Receiving Responsibility: Receiving and Release (R&R)

In processing arrivals the R&R sergeant shall:

Verify that new/additional commitments are valid and certified. The court order is deemed certified if it has any two of the following:

- Original judge's signature.
- Original county/court clerk's signature.
- Original county seal.

Refer to Correctional Case Record Manager (CCRM) any questionable documents for verification.

Make a print of arrival's right index finger on the commitment document.

Assign a CDC identification number (CDC number) for new commitments.

Record each newly admitted inmate's number and name in the reception center roster.

Prepare Forms

Prepare a Body Receipt in duplicate and distribute:

- Original to person delivering inmate.
- Copy to C-File.

Receive new arrival's cash, securities, and other personal property and complete a CDCR Form 104, Property and Cash Receipt Arrival, in quadruplicate and distribute:

- White, retained in R&R.
- Yellow, to inmate.
- Green, to trust office with case/securities.
- Pink, to remain with valuable property envelope.

Have inmate complete a CDCR Form 345, Authorization for the Secretary to Maintain Trust Account, and forward to C-file.

Prepare the Strategic Offender Management System (SOMS) - Notification in Case of Inmate Death, Serious Injury, or Serious Illness, on all new commitments.

- The CCRM shall prepare the SOMS-Notification in Case of Inmate Death, Serious Injury or Serious Illness for commitments received by mail.
- This information is used to prepare the FBI Form FD-249; Fingerprint Cards, and then the form is destroyed.
- The chrono section of the "Notification in Case of Inmate Death, Serious Injury, or Serious Illness" shall be removed and forwarded to Case Records for the C-File.

CDC Form 103-B

The CDC Form 103-B, Associate Warden--Custody Inmate Record Card, may be used in a facility at the discretion of the Warden. This form is not a part of the inmate C-file and shall not be retained therein.

72020.4.2 Disposition of Personal Clothing

New arrivals may send civilian clothing out of the facility at their own expense or designate that the facility dispose of it.

72020.4.3 Fingerprints

Four sets of fingerprints and complete information shall be provided on four FBI Form FD-249, except for 90-day placements (PC 1203.03).

R&R Responsibility

On 90-day placements, only one FBI Form FD-249 shall be sent to California Department of Justice (DOJ) on an FBI card.

Required Information

The following information is required on all FBI Form FD-249s:

- Date subject was received by the facility.
- County of commitment.
- Commitment offense(s).
- Court case number(s), crime(s) including probation revocation when applicable, proper code section(s), and sentence(s) shall be specified.
- For diagnostic cases, the charge shall be "PC 1203.03." The charge resulting in PC 1203.03 commitment shall not be reflected.
- Inmate's full commitment name [see DOM 73010.6.1], CDC number, contributing facility's identification number, and the name of the facility submitting the card.

Additional Commitments

If an additional commitment is involved, indicate the type.

- Court return with new term.
- Additional commitment received by mail.
- Escape return with new term.
- PVWNT.
- Civil Addict cases shall specify outpatient return with a new commitment.

Parole Violators

PVRTC:

- In the charge box, note "Parole Violator" or "Outpatient Returnee."
- In the final disposition box, note "P.R.T.C."

PVWNT:

- In the charge box, note "Parole Violator with New Term" and include county, case number, code and section number, and offense in narrative form.
- In the final disposition box, place the new term(s) (i.e., Parole Violator with New Term and years of term. Do not include code number).

Audit of Information

All FBI Form FD-249s shall be audited to ensure that they are proper, accurate, and complete in form.

FBI Form FD-249s that do not contain all the required information shall be returned to the processing facility by DOJ.

Returned FBI Form FD-249s shall be forwarded to the facility of confinement for correction and resubmission to DOJ.

On a daily basis, and no later than four working days after receipt of the inmate, two of the FBI Form FD-249s shall be mailed to:

California Department of Justice
Bureau of Criminal Information and Analysis
4949 Broadway
Room F-109
Sacramento, CA 95820-1528

Records Office

The remaining two FBI Form FD-249s will be filed in the C-file. One shall be permanently retained there, and the other one shall be sent out to the Division of Adult Parole Operations (DAP0) when the inmate is released on parole.

72020.4.4 Inmate Photograph Specifications

Inmate photographs must meet the following specifications:

Photographs and negatives produced for other than institutional use shall have both the front and side views of the inmate. The size of the picture and negative shall be three inches (height) by four inches (width) with no border. The side view shall be on the left side of the photograph facing the front view.

All photographs shall be taken in a reduction scale of 7:1. The ground glass on the camera will be marked to provide 2 3/8 inches from the top of the head to the bottom of the number board.

- Number boards shall be used on all front view photographs and be approximately eight inches (width) by four inches (height). They shall contain only the following information:
 - "CALIFORNIA PRISON" in 1/2 inch letters. Civil addict commitments will show as "CALIFORNIA REHABILITATION CENTER."
 - Inmate's CDC number in one inch numbers.
 - Inmate's name in 1/2 inch letters (initials and last name).
 - Date photograph taken in 1/2 inch numbers.

Photographs shall reflect as nearly as possible the normal appearance of the inmate. Excessive smiles or squints that distort the shape of the eyes and mouth shall be avoided.

- Inmates shall be photographed every five years or when there is a distinct change in physical appearance.

Staff Responsibility

Staff shall refer inmates to the institutional photo lab for a new photograph when their appearance differs markedly from the photograph on their privilege or identification card or in the C-file.

Referrals shall be in writing with a copy to CCRM.

72020.4.5 Confidential Folders

Upon receiving information that an inmate has a prior CDC number and was discharged on or after 1-1-80, the following shall be done.

Reception Center Case Records Staff

Query Offender Based Information System (OBIS) for confidential file flag.

- If there is a confidential flag, immediately contact ID/Warrants Unit Confidential Folder clerk.
- Request the Confidential Folder and have pertinent information relayed immediately for use by custody and counseling staff prior to receipt of the folder.

ID/Warrants Unit

Mail Confidential Folders by First Class Mail the same day request is received.

- If the material in the Confidential Folder is deemed nonconfidential (see DOM 61020) the ID/Warrants Unit, Confidential Folder clerk, shall be notified to remove the confidential flag from OBIS.
- The Confidential Folder, with the notation "Deemed Nonconfidential," shall be returned to the Archives Unit with the discharged file.

72020.4.6 Case Files for Parole Violators/CCRM Responsibility

The CCRM shall communicate with the appropriate regional CCRM, using the telephone, FAX, or OBIS, advising them of the receipt of the parole violator(s) and shall request that the case files be forwarded immediately.

- Case files on parole violators (PVRTC or PVWNT) shall be requested daily.
- Parole regions shall forward requested files to the institution immediately.

72020.4.7 Parolees With New Commitments

Non-life commitment parolees who have been revoked and returned to prison with a new commitment shall not be automatically discharged.

Case Records Staff

Case Records staff shall determine whether or not to discharge a prior commitment for a parolee returned to prison with a new commitment in accordance with BPH Rule 2649.

A parolee who has been returned with a new commitment but whose parole has not been revoked shall be presented to the BPH on the Miscellaneous Proceedings Calendar at the reception center or receiving facility.

72020.4.8 Safekeepers

The PC 4007 provides for housing of county prisoners in State prisons for safekeeping, hospitalization, or because the county jail is unsafe or unfit. The Warden shall immediately, upon receiving such prisoner, advise The Director in writing.

Records Office Responsibility

The ID/Warrants Unit will issue all "S" numbers and the headquarters OBIS staff will enter all "Admission" movements.

The following information shall be telephoned to the ID/Warrants Unit prior to receiving an "S" number:

- Reviewing facility's name.
- Name, title, and telephone number of person requesting the "S" number.
- Safekeeper's date of birth.
- Safekeeper's ethnicity.
- Safekeeper's CI&I number (or state that the CI&I number is unavailable).
- Admitting agency.

The C-file shall be processed in accordance with DOM 71020.5.7.

72020.5 Case Summary

Information from the following documents may be used in the preparation of the case summary. Upon receipt they shall be placed in the C-file.

- Abstracts of Judgment or Minute Orders.
- Statements of judgment and DA.
- POR.
- Transcript of proceedings at the time of sentence.
- Copy of the indictment or information.
- CI&I SSCH.
- All correspondence pertaining to the inmate's case.

Responsibility of Case Records Staff

The CCRMs are responsible for incorporation into the case summary all legal information pertaining to the inmate's case, e.g., statement of the judge and DA.

72020.5.1 Legal Status

Instructions for completion of the legal status section of the case summary are in DOM 73010.

72020.5.2 Commitments Not Processed Through a Reception Center

Newly received commitments not processed by the reception center or for whom a recent case summary is not available shall have a case summary prepared by the C&PR or designee of the facility to which the inmate is assigned.

72020.5.3 Former "Z" Cases (PC 1203.03) Case Records Staff

When an inmate is received on a felony sentence and was previously a "Z" case, the following shall occur:

Request the "Z" file from the Archives Unit if it has been shipped to that unit. When it is received:

- Destroy the following material from the "Z" file:
 - All worksheets used by staff during processing.
 - CDC Form 112, Chronological History.
 - SOMS-Notification in Case of Inmate Death, Serious Injury or Serious Illness.
- FBI Form FD-249, Fingerprint Card.
- CDCR Form 345, Authorization for the Secretary to Maintain Trust Account.
- Draw a line through the "Z" number on the medical file; place the new CDC number on the file and forward it to the medical department.
- If part of the case summary is used, the new CDC number shall be typed above the "Z" number and the "Z" number lined out.
- Draw a line through the "Z" number on all remaining material and incorporate it into the new C-file. Materials not used shall be destroyed.

72020.5.4 PC 1170 (A)(2) Commitments

The Legal Processing Unit (LPU) records commitments for persons sentenced pursuant to PC 1170(a) (2) and not delivered to prison.

The PC 1170(a) (2) provides for disposition of cases in which the amount of pre-prison credit exceeds the sentence under the Determinate Sentence Law (DSL). The BPH rules provide the same provisions for cases sentenced under the Indeterminate Sentence Law (ISL).

72020.5.4.1 Procedures for Processing Commitments

DSL

Upon receiving a judgment under the provision of PC 1170(a)(2), LPU shall process the case as follows:

To conform with DSL commitments:

- Term(s) shall be calculated and a CDC Form 188 prepared.
- If the preprison credit exceeds the DSL term including period of parole, the CCRM shall notify the sentencing court that the person has completed the prison term and period of parole and should be released from custody.
- If the preprison credit exceeds the DSL term, but not the period of parole, the case shall be presented to the BPTH for consideration of waiver of parole. The court shall be advised of the BPTH decision. If parole is not waived, the court shall be advised to order the individual to the appropriate parole office for parole supervision.
- If the preprison credit does not exceed the DSL term, the CCRM shall notify the court. The notification shall include information reflecting the computation and the amount of time remaining to be served.

ISL

To conform with ISL commitments:

- Term(s) shall be recalculated pursuant to PC 1170.2(a) using a CDC Form 678, Cumulative Case Summary Confinement Computation, and the case screened for possible extended term hearing.
- The CDC Form 678, Probation Officer Report (PRO), Information, and related documents shall be presented to the BPH for review and disposition.
- If the person is not scheduled for an extended term hearing and is overdue for release on the date calculated under PC 1170.2(a), the CCRM shall notify the sentencing court that the prison term is completed and the person should be released from custody. If the preprison credit does not satisfy the period of parole, the court shall be advised to order the person to report to the appropriate parole office for parole supervision.
- If the person is not overdue for release or if the person is scheduled for an extended term hearing, the CCRM shall notify the court that the person must be delivered to the Department. The notification to the court shall include a copy of the CDC Form 678 or BPH Form 1091, Screening Form, and include the amount of time remaining to be served unless the person is scheduled for an extended term hearing.

Person Not Delivered

Those cases that require a person not be delivered shall be processed as follows:

- Assign CDC number.
- Route to OBIS for input of commitment information.
- Prepare departmental records.
- If discharged, microfiche and forward all documents to the Archives Unit.
- If paroled, forward all documents to the appropriate parole region CCRM.

Note: CDC numbers and departmental records shall not be issued and/or prepared until it has been determined that the pre-prison credit exceeds the term and the person will be discharged or placed under parole supervision.

72020.5.5 Direct Release to Parole From Court

In certain situations courts will sentence a person directly to the Department for parole supervision. The appropriate parole authority will make the final decision to retain or waive parole supervision.

72020.5.6 Former Division of Juvenile Justice Files

If a new arrival is identified as a former Division of Juvenile Justice (DJJ) ward or is being discharged to the Department's jurisdiction, the CCRM shall contact DJJ ward master files.

The DJJ will provide a copy of the clinical summary for use by the counselor. If a complete file is needed, it will have to be specifically requested.

72020.6 Processing Inmates Tried Under Interstate Agreement on Detainers

Individuals confined in facilities outside California's jurisdiction may request disposition of charges pending in California pursuant to PC1389, Interstate Agreement on Detainers. Upon completion of court proceedings, these individuals must be returned to the sending jurisdiction.

If a California commitment is received to run concurrent with previously imposed terms, the Director is authorized to designate a facility of another jurisdiction as the place of reception on the California term (PC 2900).

72020.6.1 Processing Procedures - Concurrent Commitments

Region I, Case Records Office is responsible for processing these cases.

The received date on the CDC Form 188, Legal Status, shall be either:

- The date of receipt by the other jurisdiction after sentencing by California.
- The date of sentencing in California if the subject was not present.

The term's start date shall be the same as the received date except for probation revocation cases.

The term's start date on probation revocation cases shall be the date the inmate was originally received by the other jurisdiction.

The CDC Form 112 shall be posted as follows.

Example:

- 01/01/73-Received at Colorado State Prison.
- (Date of Detainer)-Colorado State Prison designated as place of reception on this term pursuant to PC2900.
- 01/01/74-Received at NRC-CMF (transfer from Colorado State Prison).

72020.7 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.

72020.8 References

PC §§ 1170(a)(2), 1170.2(a), 1203.03, 1389, 2081.5, 2082, 2900, 2901, 3058.5, 4007, and 4016.5(d).

GC §§ 19853.

Government Claims Board Section 776.

ARTICLE 5 — CENTRAL FILE AND TRANSFER OF RECORDS

Revised April 1, 1992

72030.1 Policy

Uniform records shall be maintained on persons under the jurisdiction of the Department.

72030.2 Purpose

This section sets forth the procedures for the uniform preparation of an inmate's C-File and other departmental records pertaining to an inmate.

72030.3 C-File

The C-File is the central depository for copies of all documents, correspondence, and reports pertaining to each inmate.

A C-File is inaugurated for each new inmate upon admission in the Department.

72030.4 Filing Order

The C-File is divided into 11 sections. Specific items are designated to be filed in respective sections.

Like documents shall be grouped together in chronological order, most recent information on top.

72030.4.1 Case Summary Section

- CDC Form 261, Order of Filing.
- CDC Form 112, Chronological Inmate History.
- Legal status sheet.
- Case summary/POR or police report if POR is not available.
- Latest report to paroling board.
- CI&I/FBI SSCHs.
- Other related forms and documents.
- PC 1203.03 reports.
- PC 1170(d) reports.
- CDC Form 916, Time Credit Waiver.

72030.4.2 Legal Documents Section

- CDC Form 1151, Legal Status Audit Sheets.
- CDC Form 1130, LPU Document Transmittal.
- CDC Form 819, Personal/Confidential Information Disclosure/Access Log.
- Minute Order.
- Abstract of Judgment.
- Court remittitur(s).
- Court decisions.
- Sentencing transcript.
- PC 1203.01 statements.
- Information.

- Legal correspondence.
- CDC Form 123, Body Receipt.
- Other related forms and documents.
- CDC Form 138, Fingerprint Card(s).

72030.4.3 Classification Section

- CDC Form 262, Custody Classification - Assignment.
- CDC Form 840, Reclassification Score Sheet.
- CDC Form 812, Notice of Critical Case Information – Safety of Persons.
- CDC Form 812-A, Notice of Critical Information – Prison Gang Identification.
- CDC Form 812-B, Notice of Critical Information – Disruptive Group Identification.
- CDC Form 128-B-1, Notice of Classification Hearing. (Filed on a CDC Form 108-A, Chrono Sheet - Classification.)
- CDC Form 114-D, Order and Hearing for Placement in Segregated Housing.
- CDC Form 839, Classification Score Sheet.
- CDC Form 108-A, Chrono Sheet - Classification (all CDC Form 128-G Chronos).
- Other related forms and documents.

72030.4.4 Disciplinary Section

- CDC Form 804, Notice of Pending CDC 115.
- CDC Form 115s, Rules' Violation Reports and attached Incident Reports.
- CDC Forms 629-A, Segregation Housing Unit (SHU) Term of Initial Confinement, and 629-B, Redetermination of SHU Confinement Term.
- DA response.
- Other incident reports.

72030.4.5 General Chronos Section

- CDC Form 108, Chrono Sheet - General (CDC Form 128-A).
- CDC Form 958, Application for Restoration of Credit.
- CDC Form 108, Chrono Sheet – General (SOMS - Notification in Case of Inmate Death, Serious Injury, or Serious Illness and all CDC Form 128s except for A, B-1, E and G).
- CDC Form 109, Chrono Sheet - Work Reports (all CDC Forms 101 and 128-E Chronos).
- Other related forms and documents.

72030.4.6 Miscellaneous Section

- CDC Form 191, Inmate Time Cards and Time Chronos (taped on an 8" x 11" sheet of paper).
- CDC Form 602, Inmate/Parolee Appeal Form.
- Miscellaneous correspondence.
- CDC Form 345, Power of Attorney and Authorization for Deposit.
- CDC Form 601, Temporary Community Leave Request.
- CDC Form 1604, Agreement to Participate in Community Work Furlough Program.
- Other related forms and documents.

72030.4.7 Detainers Section

- CDC Form 850, Detainer Summary.
- Detainers (all documents related to specific detainers together).
- All nonconfidential notices.
- Advance release notices.
- Other related forms and documents.

72030.4.8 Parole Section

- Parole violation/activity reports.
- CDC Form 102, Statement Release.
- CDC Form 1515, Notice and Condition of Parole.
- DOJ Form SS 8047, Notice of Registration Requirement.
- CDC Form 611, Release Program Study.
- Other related forms and documents.

managed in the FFP facility. Behavioral credit loss shall not be applied in such cases.

(g) Individualized treatment plans shall be developed for each participant and her child. The treatment plan shall be formulated as a result of an individual assessment performed by a program counselor. Each plan shall address the specific treatment needs of the participant and child including the treatment needs necessary for transitioning the participant to parole and/or another treatment program, and shall describe treatment goals for both mother and child and specific activities and services to achieve these goals. Changes to this plan may occur throughout the course of treatment and must be relevant to the participant's progress toward treatment goals. Individualized treatment plans shall address a full range of problems including those directly and indirectly related to:

- (1) Substance abuse.
- (2) Physical and mental health.
- (3) Social services.
- (4) Parenting skills.
- (5) Career Technical Education and educational skills.
- (6) Long-term treatment goals.
- (7) Treatment methods and resources.

(h) Early childhood care and development plans shall be developed for each child and shall address issues including, but not limited to:

- (1) Immunizations and communicable diseases.
- (2) Pediatric medical care.
- (3) Nutrition.
- (4) Psychological interventions.
- (5) Communication skills.
- (6) Motor skill development.
- (7) Play therapies.

(i) Each participant shall be provided all of the following:

- (1) Intensive substance abuse treatment education classes and relapse prevention counseling.
- (2) Classes, as appropriate, on topics such as domestic violence, incest survivors, family relationships, co-dependency, living with AIDS, child custody issues, and legal issues.
- (3) Individual counseling sessions.
- (4) Group counseling.
- (5) HIV-AIDS counseling for pre- and post-HIV testing.
- (6) Classes on parenting skills.
- (7) Early childhood care and development services.
- (8) Educational, Career Technical Education programs, and life skills training.
- (9) Medically necessary health services pursuant to section 3350 et seq.

(j) Each participant shall be assigned a case manager and casework team, comprised of a social worker, facility manager, counselor, child development specialist, child care worker, nurse, and departmental custody staff person. The casework team will manage the participant's intake, orientation and treatment program for the duration of the 12 months.

(k) Transition planning for the participant's release from the facility to parole, shall begin in the first six months of the program with a written Transition Services Plan for each participant to be developed no later than the seventh month. Each participant's Transition Services Plan shall be initiated after nine months of participation in the program. Transition Services Plans shall consist of, but are not limited to, transitional housing, job placement or assistance, identification of available social services, etc.

(l) An outpatient transitional services program shall be developed for each participant and shall include a twelve month period of intensive parole supervision pursuant to Penal Code Section 1174.2.

(m) The FFP shall maintain a zero tolerance for drugs and/or alcohol use. Frequent and random urine testing shall be conducted to detect any illegal drug use.

(n) Each facility shall maintain a library containing a variety of reference, fiction, self-help and children's books for use by participants and their children.

(o) Facilities shall accommodate requests for voluntary participation in religious programs.

(p) Facilities shall post visiting hours and conditions in English and Spanish and maintain a weekly visiting schedule for six hours on Saturday and six hours on Sunday of each week.

NOTE: Authority cited: Sections 1174.8(a) and 5058, Penal Code. Reference: Sections 1174-1174.9 and 5054, Penal Code.

HISTORY:

1. New article 6.3 (section 3074.3) and section filed 8-18-99 as an emergency; operative 8-18-99 (Register 99, No. 34). A Certificate of Compliance must be transmitted to OAL by 1-25-2000 pursuant to Penal Code section 5058(e) or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8-18-99 order, including further amendment of subsection (l) and Note, transmitted to OAL 12-2-99 and filed 1-13-2000 (Register 2000, No. 2).
3. Amendment of subsections (e)(3), (g)(5), (i)(1) and (i)(8) filed 10-29-2013 as an emergency; operative 10-29-2013 (Register 2013, No. 44). A Certificate of Compliance must be transmitted to OAL by 4-7-2014 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 10-29-2013 order transmitted to OAL 4-4-2014 and filed 5-14-2014 (Register 2014, No. 20).

Article 6.5. Intake, Release and Discharge of Inmates

3075. Initial Intake and County Reimbursements.

(a) CDCR shall assign each county to a reception center (RC) institution for the delivery of new commitment State inmates.

(b) The county shall first contact the designated RC institution, on or before the Friday prior to the week of transfer, to notify and coordinate the upcoming delivery of the inmates(s).

(1) In the event the RC is unable to accept delivery of the inmate(s), the county shall contact the CDCR Intake Control Unit (ICU). The ICU will make every effort to direct the county to an alternate RC.

(A) If ICU is unable to provide an alternate RC for delivery, the county shall follow CDCR's notification process, pursuant to subsection (c), to be eligible for reimbursement.

(B) If ICU notifies a county that space is available at a RC after previously being denied, the county shall deliver the inmate(s) within two working days (Monday through Friday, excluding holidays), from CDCR's notification of bed availability.

(C) If the county is unable to deliver the inmate(s) within two working days, reimbursement will not be authorized for any additional days.

(D) Inmates shall be delivered in the order they were notified to the ICU.

(c) If the ICU has been notified by the county that a new commitment inmate is ready to be transported, and the department is unable to accept delivery by the fifth working day (Monday through Friday, excluding holidays), pursuant to Penal Code (PC) Section 4016.5(a), a county shall be reimbursed for costs incurred resulting from the detention of a new commitment State inmate, or a county referral of an inmate pursuant to PC Section 1203.03.

(1) CDCR shall reimburse a county for each day of an inmate's detention, starting on the day following the fifth working day after ICU is notified of the inmate's denied delivery.

(2) The county shall not be reimbursed if, upon notification of the pending transport, ICU directs the county to deliver the State

inmate to an alternate RC and the county refuses or is unable to transport inmates to the alternate RC.

(3) The county shall not be reimbursed for the detention of an inmate(s) for any period of time prior to notification and within the five-day time period after notification.

(4) CDCR shall not reimburse a claim that is in excess of six months from the close of the month in which the costs were incurred.

(d) A county is also entitled to reimbursement for mileage expenses incurred when transporting State inmates to a State institution. A mileage expense will be paid for a total round trip distance.

(e) Inmates received by the department shall be accompanied by either a copy of the minute order or an abstract of the judgment certified by the clerk of the court or judge. Confidential medical/mental health documents indicating that the inmate is medically capable for transport are required upon delivery. The inmate's identity shall be verified by staff to prevent inadvertent acceptance of a person not legally committed to the department.

(f) Upon staff's receipt of an inmate's cash, personal securities and property, a CDCR Form 104 (Rev. 6/13), Inmate Property and Cash Receipt—Arrival, which is incorporated by reference, shall be completed.

(g) Each inmate shall be photographed and an identification card prepared. The identification photo shall be updated every five years or when there is a distinct change in the inmate's physical appearance. An inmate who noticeably changes his/her appearance will be charged for the cost of the updated identification photo/card, if the distinct change occurs anytime within the five-year period.

(h) Each inmate shall be informed of the departmental grooming standards and shall be afforded an opportunity to comply prior to being photographed. Each inmate will be advised that failure to comply with departmental grooming standards may result in the issuance of an administrative rule violation report and that a repeated pattern of administrative rule violations, may result in the inmate being deemed a program failure pursuant to Section 3000. The processing officer will document on a CDC Form 128-B (Rev. 4/74), General Chrono, the inmate's refusal to comply with the departmental grooming standards. The CDC Form 128-B will be forwarded to records for the inmate's initial classification committee review.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1202a, 1203.03, 1216, 1217, 2081.5, 2901, 3058.5, 4016.5(a), 4537, 4750, 4751 and 5054, Penal Code; and Section 19853, Government Code.

HISTORY:

- Article 6.5 heading and new section filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 12-20-91 order including amendment of Note transmitted to OAL 4-15-92 and filed 5-28-92 (Register 92, No. 22).
- New subsection (d) filed 10-16-97 as an emergency; operative 10-16-97 (Register 97, No. 42). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 3-25-97 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 10-16-97 order, including further amendment of subsection (d), transmitted to OAL 3-23-98 and filed 5-4-98 (Register 98, No. 19).
- Amendment of subsection (c) filed 1-17-2006 as an emergency; operative 1-17-2006 (Register 2006, No. 3). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-26-2006 or emergency language will be repealed by operation of law on the following day.

- Amendment of subsection (d) filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
- Certificate of Compliance as to 1-17-2006 order transmitted to OAL 6-22-2006 and filed 7-27-2006 (Register 2006, No. 30).
- Change without regulatory effect amending subsection (b), repealing CDC Form 104 and incorporating by reference new CDCR Form 104 filed 7-30-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 31).
- Amendment of section and Note filed 1-23-2014; operative 1-23-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 4).

3075.1. Intake Processing.

(a) A CDC Form 188-L (Rev. 3/89), Cumulative Case Summary, shall be prepared for each inmate committed to the department and shall include:

- CDC Form 188, Legal Status Summary.
- CDC Form 112 (Rev. 9/83), Chronological History.
- Probation Officer's Report (POR).
- Criminal Identification and Investigation (CI&I) Report.
- A psychiatric/psychological evaluation, when completed pursuant to (c) below.
- The Institutional Staff Recommendation Summary (ISRS) described in (h), below.
- CDC Form 816 (Rev. 02/03), Reception Center Readmission Summary.
- A summary of the inmate's social factors regarding the inmate's: religion; driver's license number; social security number; and the names, birthdays, addresses and occupations of parents and siblings; dates and status of marriages; names, birthdays and custody of children; and family arrest history.

(b) Information affecting an inmate's conditions of confinement or parole and sentence shall be solicited from sources outside the department, with or without the inmate's consent, and shall include California Youth Authority/Division of Juvenile Justice commitment history within the last five years and history of any federal, state or local commitment.

(c) A psychiatric or psychological evaluation shall be prepared for each inmate whose behavior or background information causes staff to believe a serious mental problem may exist.

(d) Casework information and documents important to the placement and supervision of the inmate shall include:

- Notification in Case of Inmate Death, Serious Injury, or Serious Illness (see section 3357).
 - CDC Form 128-O (8/92), Document Receipt.
 - CDCR Form 345 (Rev. 2/13), Authorization for the Secretary to Maintain Trust Account, which is incorporated by reference.
- (e) All questionable information shall be verified to the extent possible.

(f) Information obtained from other documents shall indicate the source. Unverified information affecting an inmate's conditions of confinement or parole and sentence shall be noted as unverified.

(g) Each inmate shall before initial classification be provided a copy of their CDC Form 188-L from which the CI&I Report and CDC Form 112 have been removed.

(h) An ISRS shall be prepared for each person committed with or returned as a parole violator with a new life term.

(1) The ISRS shall state the sources of information used and summarize the inmate's history of or status concerning: type of confidential information on file; holds or detainers; medical and dental requirements or limitations; results of a psychiatric or psychological referral; work experiences and skills; narcotics, drugs and alcohol use; escapes; arson offenses; sex-related offenses; academic and Career Technical Education program needs or interests; necessary casework follow-up; the counselor's evaluation of the inmate; release plans if the inmate has six months or less to