

INSTITUTIONAL OPERATIONS PLAN

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
CALIFORNIA STATE PRISON-SOLANO
VACAVILLE, CALIFORNIA

PLAN TITLE: SEXUAL BARRIER DEVICE DISTRIBUTION (PILOT PROJECT)

PLAN NUMBER: CSPS-L3-08-117

DATED: September 2008

ADDENDUM TO OPERATIONS PLAN

This addendum will be incorporated into the next revision of Operations Plan CSPS-L3-08-117, SEXUAL BARRIER DEVICE DISTRIBUTION (PILOT PROJECT) in June 2008.

Added Language

3. Sexual Barrier Device (SBD) Dispensing Machines and Inmate Access.

Seven dispensing machines will be installed; one in each of the five Facility II General Population Housing Units, one in the Level III Education inmate restroom and one in the Primary Clinic restroom closest to the breezeway. These machines will be mounted in locations which are somewhat inconspicuous; however, given the layout of the housing units by correctional design, these locations are not discreet. The machines are also placed such that staff will be able to periodically observe them for the purpose of maintaining security. The SBD dispensing machines will be serviced by personnel from the Center for Health Justice at no cost to the State of California. Inmates will be made aware of the availability of condoms and how to obtain them from the dispensing machines. The basic procedures for inmates to follow will be posted next to the machines and will include:

CONDOM DISPENSING MACHINE RULES

This machine is for Facility II inmate use only

Inmates in Facilities I, III, and IV in possession of a condom will be subject to CDCR 115

- Having sex in prison is illegal under California Penal Code § 286(e) and CCR Section 3007. Failure to obey these rules will result in disciplinary action.
- Facility II inmates are allowed to carry one condom to all areas except the regular visiting area as long as the condom is still inside the inner clear sealed plastic wrapper.
- Condoms enclosed in the inner clear sealed plastic wrapper are not contraband.
- Condoms remaining in the external orange box or removed from the inner clear sealed plastic wrapper are contraband and will be confiscated.
- *Take only one condom at a time from the vending machine*
- Immediately open condom package and discard the external cellophane wrapper and orange paper box.
- Inmates are responsible for the proper disposal of used condoms – flushing down the toilets is considered appropriate for this pilot period.

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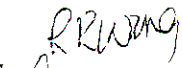
DATED: September 2008

As always, staff is advised to use standard precautions, including latex gloves, whenever there is a possibility of coming into contact with potentially infectious or dangerous materials in the course of conducting searches of persons, cells, or property. Latex gloves should be used if the need ever arises to handle condoms for the purpose of evidence collection or disposal.

4. Disciplinary Processes.

In giving the inmate population access to condoms, the CDCR is not implying acceptance or condoning of sexual behavior within CDCR facilities. However, CDCR acknowledges the reality that sexual activity may occur, although the prevalence of such activity is not known. Therefore, inmates assigned to Facility II may possess on their person, or in their cell or locker, one (1) SBD (condom). More than one condom found in an inmate's possession shall be considered contraband. The inner sealed condom package shall be not opened or tampered with. If the condom package is found by staff to be compromised it will be considered contraband. The inmate may enter the Program Complex B, Education B, Dining Hall 3 or 4, Main Kitchen, the Treatment and Triage Area (TTA) and their work site (including C-Side) with one condom on their person.

In practice, the California Code of Regulations (CCR) Title 15, Section 3006 (Contraband) has prohibited inmates from being in possession of condoms. However, an exception to this practice will be made during the one-year SBD pilot project for inmates housed in Facility II.


D. K. SISTO
Warden

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CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
CALIFORNIA STATE PRISON – SOLANO
VACAVILLE, CALIFORNIA

PLAN FOR: SEXUAL BARRIER DEVICE DISTRIBUTION (PILOT PROJECT)

PLAN NUMBER: CS-PS-L3-08-117

DATED: June 25, 2008

I. PLAN NUMBER AND TITLE:

OPERATIONS PLAN Sexual Barrier Device Distribution Pilot Project.

II. PURPOSE AND OBJECTIVES:

A. PURPOSE

The purpose of the program is to provide Sexual Barrier Devices (SBD) as a means of preventing the spread of Human Immunodeficiency Virus (HIV) and other Sexually Transmitted Diseases (STD) inside CDCR state prisons. CDCR recognizes that consensual and non-consensual sexual activity between inmates may occur, in spite of regulations prohibiting such conduct, disciplinary actions, and other custody practices designed to minimize or eliminate sexual activity. Engaging in high-risk sexual behaviors while incarcerated constitutes a serious threat to the health and welfare of the inmate population and the communities to which the majority will be returned. While the majority of inmates with HIV and STDs likely acquired their infections prior to being incarcerated, some individuals continue high risk sexual and drug-using risk behaviors while in prison. Outbreaks of HIV and STDs including syphilis, gonorrhea, and Hepatitis B have been documented in many state prison systems. State and federal prison inmates are affected by rates of HIV infection that are three to five times that in the free population. This program aims to reduce the risk of acquiring such diseases within the CDCR facilities.

B. OBJECTIVES

The SBD pilot project is designed to assess the risk and viability of distributing condoms within California prisons. The SBD pilot will be conducted in one Level III Facility at the California State Prison-Solano (SOL) containing five general population housing units, housing about 1,025 inmates.

III. REFERENCES:

On October 14, 2007, Governor Arnold Schwarzenegger vetoed Assembly Bill 1334. This bill would have required CDCR to allow non-profit and public health care agencies to distribute "sexual barrier protection devices" (such as condoms and dental dams) to California State prisons inmates in an effort to reduce the transmission of HIV, and other sexually transmitted diseases.

In his veto message, the Governor directed CDCR to determine the "risk and viability" of a condom distribution program by identifying one state prison facility for the purpose of allowing non-profit and health agencies to distribute sexual barrier devices.

The regulations relevant to the pilot evaluation are:

California Code of Regulations (CCR), Title 15, Sections 3005 (c), 3006, 3007, 3008 and 3016
California Penal Code 286 (e) and 288a (e)

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PLAN NUMBER: CSPA-L3-08-117

DATED: June 25, 2008

IV. APPROVAL AND REVIEW:

This Operations Plan will be reviewed as needed during the pilot period by the Associate Warden, Level III, the Chief Deputy Warden, and signed off by the Warden.

V. RESPONSIBILITY:

The Warden designates overall responsibility to the Associate Warden, Level III, at SOL. The Facility II Captain, Program Lieutenants, and Program Sergeants will be responsible for adherence to the policies and procedures defined in this Operations Plan. All employees are responsible to ensure compliance.

VI. METHODS:

1. Staff and Inmate Information and Education

The Center for Health Justice in cooperation with CDCR personnel will provide information and education for all SOL staff and the inmate population at the selected pilot facility. Information will be provided to staff on site during the Quarterly Warden's Forum. Information provided to staff will include the history, purpose, and inmate and custody procedures to be followed during the one-year SBD pilot project. During the in-person informational sessions, staff will be given ample opportunity to comment and ask questions. Additional opportunities for staff to provide input regarding the condom distribution program will include voluntary and anonymous staff surveys to be administered prior to and after the pilot period. The inmate population will view a video presentation which explains the purpose of the pilot project and the procedures that must be followed with respect to accessing, possessing, and disposing of condoms during the one-year pilot period. Inmate education will include a clear message that sexual activity while incarcerated is still against the law, pursuant to the California Penal Code [286(e) & 288a(e)], and is a violation of CCR Section 3007.

Throughout the pilot period, the SOL Peer Education Coordinator and the Peer Educators will be available to provide education and counseling to inmates regarding risks for HIV, STDs, and Hepatitis, and on the proper use and disposal of condoms.

2. SBD Pilot Site - Facility II

Facility II is a Level III Facility with five General Population housing units. There are four 270 designed housing units and one Gymnasium converted into a dormitory. The inmate population consists of 1,025 Level III General Population inmates with various custody levels and commitment terms.

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3. Sexual Barrier Device (SBD) Dispensing Machines and Inmate Access.

Ten dispensing machines will be installed in the five housing units (two per housing unit). These machines will be mounted in locations which are inconspicuous and allow inmates discreet access given the layout of the housing units. The machines are also placed such that staff will be able to periodically observe them for the purpose of maintaining security. The SBD dispensing machines will be serviced by personnel from the Center for Health Justice at no cost to the State of California. Inmates will be made aware of the availability of condoms and how to obtain them from the dispensing machines. The basic procedures for inmates to follow will be posted next to the machines and will include:

- Take only one condom at a time from the vending machine.
- Immediately open condom package and discard the external cellophane wrapper and orange paper box.
- Condoms enclosed in the inner clear sealed plastic wrapper are not contraband.
- Condoms remaining in the external orange box or removed from the inner clear sealed plastic wrapper are contraband and will be confiscated.
- Having sex in prison is illegal under California Penal Code § 286(e) and CCR Section 3007.
- Failure to obey these rules will result in disciplinary action.
- Inmates are responsible for the proper disposal of used condoms – flushing down the toilets is considered appropriate for this pilot period.

As always, staff are advised to use standard precautions, including latex gloves, whenever there is a possibility of coming into contact with potentially infectious or dangerous materials in the course of conducting searches of persons, cells, or property. Latex gloves should be used if the need ever arises to handle condoms for the purpose of evidence collection or disposal.

4. Disciplinary Processes.

In giving the inmate population access to condoms, the CDCR is not implying acceptance or condoning of sexual behavior within CDCR facilities. However, CDCR acknowledges the reality that sexual activity may occur, although the prevalence of such activity is not known. Therefore, inmates assigned to Facility II may possess on their person, or in their cell or locker, one (1) SBD (condom). More than one condom found in an inmate's possession shall be considered contraband. The condom package shall be not opened or tampered with. If the condom package is found by staff to be compromised it will be considered contraband. The inmate may enter the Program Complex B, Education B, Dining Hall 3 or 4, Main Kitchen, the Treatment and Triage Area (TTA) and their work site (including C-Side) with one condom on their person.

In practice, the California Code of Regulations (CCR) Title 15, Section 3006 (Contraband) has prohibited inmates from being in possession of condoms. However, an exception to this practice will be made during the one-year SBD pilot project for inmates housed in Facility II.

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Rule Violation Reports (RVR) written to document unauthorized possession of condom(s) or failure to follow the rules regarding the external and inner packaging posted beside the dispensing machines shall be charged with CCR, Section 3006, Possession of Contraband. Should a condom be used during this pilot program for any purpose other than its intended use, the RVR shall be completed to reflect the specific act and CCR section. For incidents where an RVR reflecting a specific non-contraband act is completed, an additional RVR charging the inmate with possession of Contraband shall not be completed.


Inmates transferring from Facility II to other facilities within SOL will not be allowed to take condoms with them. Inmates who are housed on Facilities I, III, and IV, found in possession of a condom, regardless of its source, will be subject to the disciplinary actions noted above. For incidents in all Facilities (I through IV), staff shall document their findings on an RVR. When documenting Rules Violations, the RVR specific act will include in parenthesis any item used in committing the act, including a condom, balloon, latex glove, or cellophane for storing or conveying contraband, or a condom or other improvised weapon used in an assault (e.g., Possession of Contraband (SBD), Possession of Contraband (Tobacco wrapped in cellophane), Gassing (SBD), Gassing (latex glove), Possession of a Sling Shot Weapon (SBD), Possession of a Sling Shot Weapon (rubber band). The designation in parentheses of the specific vessel or tool used must be included on all RVRs and disciplinary or informative documentation utilized by staff for tracking and reporting purposes.

5. Tracking of RVR Violations.

For the duration of the pilot project, on a quarterly basis, the Associate Wardens of Level II and III Operations will ensure that the completed Rules Violations Report Log (Attachment A) with attached copies of relevant RVRs (pertinent to the SBD pilot project) are and forwarded to the Chief Deputy Warden for his review via the SOL Compliance Office. This report will then be forwarded to the pilot program evaluation team members at the CDCR, Adult Research Branch and the Department of Public Health, Office of AIDS.

Ongoing communication between all stakeholders will be imperative. At the end of the 12-month SBD Pilot Project, the data collected during this time period will be used to evaluate the risk and viability of SBD distribution in California State prisons.

APPROVED:


D. K. SISTO
Warden