

1 KAMALA D. HARRIS
2 Attorney General of California
3 PATRICK R. MCKINNEY
4 Supervising Deputy Attorneys General
5 ELISE OWENS THORN, State Bar No. 145931
6 CHRISTINE M. CICCOTTI, State Bar No. 238695
7 Deputy Attorneys General
8 1300 I Street, Suite 125
9 P.O. Box 944255
10 Sacramento, CA 94244-2550
11 Telephone: (916) 323-4025
12 Fax: (916) 324-5205
13 E-mail: Christine.Ciccotti@doj.ca.gov

14 *Attorneys for Defendants*

15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE EASTERN DISTRICT OF CALIFORNIA
17 SACRAMENTO DIVISION

18 **RALPH COLEMAN, et al.,**

19 Plaintiffs,

v.

20 **EDMUND G. BROWN JR., et al.,**

21 Defendants.

22 2:90-cv-00520 KJM DAD PC

23 **STIPULATED RESPONSE AND ORDER
24 ON THE SPECIAL MASTER'S REPORT
25 ON CALIFORNIA DEPARTMENT OF
26 CORRECTIONS AND
27 REHABILITATION'S
28 IMPLEMENTATION OF POLICIES
VIOLATION REPORTS**

29 On January 30, 2015, the Special Master filed his report, as required by this Court's April
30 10, 2014 order, (ECF No. 5131) on the California Department of Corrections and Rehabilitation's
31 (CDCR) implementation of policies and procedures related to Rules Violation Reports (RVR).
32 (ECF No. 5266.) The report included four recommendations. (*Id.* at 25-26.)

33 The parties met-and-conferred with the Special Master's team on February 19, February
34 27, March 12, March 17, March 23, April 1, and April 2, 2015, to discuss the Special Master's
35 recommendations and the RVR process. During this meet-and-confer process, the parties, in
36 coordination with the Special Master, made several modifications to CDCR's RVR policies and
37

1 procedures, in response to the Special Master's Report.

2 The parties have agreed to revise the 2011 RVR policies, procedures, and staff training
3 that were the subject of the report. As such, CDCR will implement the following:

- 4 a. Revised Title 15, Sections 3310(d), 3315(h), 3317, 3317.1, 3317.2
5 (Attachment 1; in draft form);
- 6 b. Revised Departmental Operating Manual Section 52080.5.8 (Attachment 2; in
7 draft form);
- 8 c. Revised Mental Health Assessment Form (115-MH) (Attachment 3; in draft
9 form); and
- 10 d. Memorandum entitled "Implementation of Rules Violation Report Exclusions
11 and Documentation of Rules Violations in an Alternate Manner Based on
12 Clinical Input for all Inmate Participants in the Mental Health Services
13 Delivery System" (Attachment 4; in draft form)

14 As a result, the parties, with the concurrence of the Special Master, stipulate as follows:

15 **STIPULATION**

16 **Recommendation No. 1**

17 1. The first recommendation in the report states: "CDCR shall immediately end the
18 practice of using inmate workers in any aspect of the RVR process." (ECF No. 5266 at 25.) The
19 parties have agreed that CDCR will eliminate the use of inmate workers in the RVR process
20 entirely by upgrading its Strategic Offender Management System (SOMS). (See Attachment 5.)
21 This SOMS upgrade will allow CDCR staff to directly input information into the RVR forms,
22 thus removing inmate clerks from this process. CDCR will implement this measure within 12
23 months from the date the Court approves this Stipulation and Proposed Order, and will make a
24 good-faith effort to accelerate implementation.

25 2. In the interim, CDCR will not use inmate clerks in the RVR process for inmates
26 who receive RVRs while housed in a Mental Health Crisis Bed, or in an inpatient program within
27 a CDCR prison (which includes DSH-Stockton, Salinas Valley Psychiatric Program, Vacaville
28 Psychiatric Program, the San Quentin Psychiatric Inpatient Program, and the California

1 Institution for Women Psychiatric Inpatient Program.) (See Attachment 5.)

2 3. Also in the interim, for RVRs issued to any participant in the Mental Health
3 Services Delivery System, CDCR will not use inmate clerks to type RVR hearing summaries or
4 RVR dispositions, or file or otherwise track completed RVRs. (See Attachment 1.) CDCR
5 proposes to implement these interim measures concurrently with the revised RVR policies
6 outlined above.

7 **Recommendation No. 2**

8 4. The second recommendation in the report states: "CDCR shall devise an RVR
9 quality improvement process for incorporation into its Quality Improvement Tool (CQIT) and
10 conduct regular quality improvement reviews of the RVR process, including but not limited to the
11 staff training aspects of the RVR process, in all of its institutions."

12 5. Consistent with Recommendation No. 2, CDCR will revise its Continuous Quality
13 Improvement Tool (CQIT) to include a quality improvement process for RVRs and to conduct
14 regular RVR reviews.

15 **Recommendation No. 3**

16 6. The third recommendation in the report states: "Within 243 days, CDCR shall
17 implement, under the guidance of the Special Master, its program of RVR mandatory initial and
18 ongoing training/re-training of all clinical and custody staff who are involved in the RVR
19 process."

20 7. Consistent with Recommendation No. 3, CDCR will work with the Special Master
21 to develop and implement mandatory training on the revised policies and procedures outlined
22 above, for clinical and custody staff who are involved in the RVR process. CDCR will
23 implement these policies and procedures, and training thereon, within the 243 day timeframe
24 recommended by the Special Master in the report.

25 **Recommendation No. 4**

26 8. The fourth recommendation in the report states: "Following the 243-day period for
27 implementation of the staff training/re-training program, the Special Master shall conduct a
28 review of staff training/re-training on the RVR process in all CDCR institutions, and shall report

1 to the Court on his findings no later than 90 days after the completion of his review.”

2 9. Consistent with Recommendation No. 4, the parties agree that the Special Master
3 will review and report on CDCR’s training on the revised policies and procedures.

4 Dated: April 3, 2015

Respectfully submitted,

5 KAMALA D. HARRIS
6 Attorney General of California
7 PATRICK R. MCKINNEY
8 Supervising Deputy Attorney General

9 *Christine M. Ciccotti*

10 11 CHRISTINE M. CICCOTTI
12 Deputy Attorney General
13 *Attorneys for Defendants*

14 15 *Michael W. Bien*

16 17 MICHAEL W. BIEN
18 Attorney for Plaintiffs

19 20 **ORDER**

21 22 The court approves the foregoing stipulation, and orders compliance with its provisions.

23 24 IT IS SO ORDERED.

25 26 DATED: May 1, 2015.

27 28 
UNITED STATES DISTRICT JUDGE