

What is NDPF?

Non-Designated Programming Facility is a program in which SNY (Sensitive Needs Yards) and GP (General Population) inmates are forced to cohabitate and program on a Non-Designated Yard together.

History:

Over two decades, the Sensitive Needs Yards were created (formerly known as Protective Custody). Inmates generally placed on these yards are that of inmates that cannot program on a General Population yard safely due to a multitude of issues i.e. convictions of a sexual nature, informants, former law enforcement, gang dropouts, and transgender inmates. This was created for their own protection. However, over the course of many years, CDCRs guidelines were deviated from in that they moved away from the debriefing/THU processes, and it was taken advantage of in that anyone could go to SNY yards if requested. The magnitude became unmanageable, and the prevalence of gang activity and violence on many of these yards grew significantly. Therefore, CDCR decided to integrate these two groups across level 1-2 facilities in the fiscal year 2018-2019 in an attempt to dismantle these issues in addition to providing an equal opportunity for programs i.e. education and self-help. This is what the SNY populations were asking for. However, CDCR grossly misinterpreted their request for equal programming opportunities in that it was deemed a request to integrate the two classifications.

Implementation Outcomes

- 1) Initially, implementation was on a voluntary basis i.e. RJ Donovan and San Quentin. However, this has since been changed and it is a forced program as of 2018.
- 2) As this was continued to be rolled out on level 1-2 facilities, there were several documented incidences of violence that occurred such as riots, stabbings, and beatings. None of those incidents were publicized in the media and given the attention as far as what actually caused those incidents to occur. It was due to the NDPF program. CDCRs response has been that the program is working well with minor incidences. They have a catchphrase, which is "inmates are responsible for their own behavior". This is a very interesting way for them to wash their hands of the bloodshed that they are responsible for. They are willfully and intentionally putting these inmates in a dorm setting or on a yard with "enemies" and placing the onus on the inmates as they look the other way and say, "you're responsible for your own behavior". Again, this was at one point a voluntary program. Even at those facilities where it was voluntary, there were constantly incidences occurring, but again none of those incidences were brought to light publicly.
- 3) Correctional officers, the frontline staff, are in fear of this program as well. Their safety is jeopardized in that

they must respond to these large-scale violent incidences. I have yet to hear any feedback from anyone in law enforcement that says that this is a safe program other than the administrators. These administrators are CDCR administration in Sacramento and the Wardens and their support staff that work in the administrative offices, not front-line staff.

- 4) Process to implement this program- Due to this not being a law, CDCR did not go through the OAL (Office of Administrative Law) to implement, as they typically do when they implement policy/regulation changes.

Consequences to Inmates/Families

- 1) Inmates who are involved in a violent occurrence, whether victims or aggressors, are subject to loss of good time credits. For example, those that were able to take advantage of the proposition 57 benefits are subject to losing their good time. They can pick up additional charges, receive serious 115s for participating in a riot or program failure, and administrative segregation (the hole). Lifers' board of parole hearings may also be jeopardized if they receive 115s, whether defending themselves or not.
- 2) Model inmates (lifers) – threatened to be used as a “poster boy” on an NDPF yard to prove rehabilitated. If declined, they are told that they would speak negatively at board hearing, jeopardizing possibility of parole. If agreed, they stated that they would speak favorably at board hearing.
- 3) Multiple facilities are interviewing inmates, calling it a survey. Consequences to this “survey” is that the inmates are questioned if they are willing to program on an NDPF yard, whether they decline or state “no comment”, they are threatened with a serious 115, possible transfer to a higher-level facility, and transfer out-of-state. Many are being sent to emergency committee, and they are currently in the process of being transferred. Transferring large quantities of validated gang members.
- 4) Families and inmates are truly suffering due to this program. With loss of privileges and/or administrative segregation, the familial connection has been broken. These facilities are constantly on lockdown; thus, no phone calls, visiting or family visiting. Families are experiencing severe mental anguish, anxiety and fear not knowing if their loved ones are safe and if their opportunity to come home has been jeopardized.

Actions/Outcomes Seeking

- 1) Rally and peaceful protest took place in Sacramento on November 2, 2018. Met with representatives of legislation at the state capitol. Those that we met with were very unaware of this program. They seemed genuinely concerned and it appeared that there was a common denominator with the meetings, as several of them asked “did this program have anything to do with the state budget”? Based on the timeline that was provided of California State Prisons implementation dates.
- 2) Rally at CDCR Headquarters followed and included a meeting with CDCR administrators including Acting Secretary of CDCR, Ralph Diaz. We provided an organization letter from Youth Justice Coalition as well as several other organizations that signed. List of demands was also included with the number one being to halt this program indefinitely. Stated program was currently on a hiatus; however, we were not provided any specific timeline as to when this would continue. Committed to meeting with his staff to engage in further discussion and stated he heard our concerns as family members. Stated he would grant us a follow up meeting but with a smaller group at a later time.
- 3) Seek alternative, safe solutions i.e. elicit feedback from affected families, front-line staff, inmates, IACs and IFCs.
- 4) Suggested to revert back to voluntary program to decrease the violence that is occurring.
- 5) Organizing another rally at CDCR Headquarters/organizing workgroups by region to rally at all California State Prisons that implement this program.
- 6) Follow up with state legislators as to what the outcomes were of our meetings and what actions they are taking.
- 7) Seeking legal insight/representation for a possible injunction until it can be heard in court and/or class action lawsuit.