

OFFICE OF LEGAL AFFAIRS

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May 24, 2016

Beryl Lipton
MuckRock News
Email: 25486-47994818@requests.muckrock.com

Dear Ms. Lipton:

PUBLIC RECORDS REQUEST REGARDING INFORMATION REGARDING THE ASSESSMENT, COLLECTION AND BALANCES OF INMATE FEES AND DEBT, ETC.
Matter ID No. 2016-002278; PRA 10463

This letter is in response to your email received by this office on April 28, 2016, in which you requested:

The following materials regarding the assessment, collection, and balances of inmate fees and debt:

- All policies and procedures regarding the goods, services, or any other expenses for which inmates are or may become liable. Please include all policies on the garnishment/disbursement of funds from inmate accounts and wages (such as those related to mandatory saving, mandatory deductions, coverage of care, personal necessities, etc.), as well as all relevant reporting requirements. Please include all relevant data as regards to medical payments, room and board costs, meal fees, stamps and postage, hygienic materials, and any other expenses for which inmates are or may become liable, etc.
- All reports, databases, spreadsheets, or equivalent materials regarding current debts/restitution paid to or owed to this department or any facility/agency under its jurisdiction. Please include all available segregable information (excluding individual personally-identifying elements, as necessary and appropriate), including but not limited to the reason for the debt/fee, the amount of the debt, the facility at which the debt was incurred, whether the debt is held by an inmate in custody or released, any available individual data regarding record of prior release, etc.

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The California Department of Corrections and Rehabilitation (CDCR) has located the following information in response to your request. CDCR is continuing to search for other documents, and will contact you with that information if and when we're able to locate them.

In regards to your first request, here is a link to the Department's website that will give you access to the Department Rules, Title 15, Division 3 and the Department Operation Manual (DOM). This is all public information and can be obtained at no cost.
http://www.cdcr.ca.gov/Regulations/Adult_Operations/index.html

Some suggested key words to help in your search may include "restitution", "co-pay" and "liability." In addition, there are Penal Code sections that might provide some insight: PC 1202.4, subdivision (a)(f) (Provides authority for courts to impose restitution obligations against an offender for felony convictions, both for restitution fines and direct orders to victims); PC 1202.45 (Provides authority for courts to impose a parole violation fine against offenders who fail to successfully complete their term of parole); PC 2085.5 (Provides authority for CDCR to collect restitution debts from offenders that are ordered under PC1202.4 and PC 1202.45); PC 3000.05/R&TC 19280 (Provides authority for CDCR to refer outstanding victim restitution debts to the Franchise Tax Board for collection post-release).

If you want more information, please be more specific in your request. CDCR does not charge or hold inmates liable for basic living and medical expenses. These services are provided at taxpayer expense.

In regards to your second request, it seems to apply more to a private prison and not to CDCR. If you would like to clarify your second request in any way, please let us know and we would be happy to assist you in searching for any relevant records.

If you have any questions or concerns please feel free to contact Michelle Mraule at michelle.mraule@cdcr.ca.gov to discuss this matter further.

Sincerely,



KATHRYN A. CLARK
Attorney
Office of Legal Affairs

cc: Michelle Mraule