

OFFICE OF LEGAL AFFAIRS

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General Counsel

P.O. Box 942883

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February 16, 2016

Dave Maass
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109

Dear Mr. Maass:

PUBLIC RECORDS REQUEST REGARDING INMATE DISCIPLINE FOR ACCESSING
THE INTERNET AND SOCIAL MEDIA
MATTER ID NO. 2016-000388

This letter is in response to your letter dated and received by this office on January 25, 2016, in which you requested:

- “1) All current CDCR policies, guidelines, and memos relevant to inmate use and access to social media, online services, and the Internet, including documents outlining CDCR procedures for conducting online investigations;
- 2) All presentations and training materials regarding to inmate use and access to social media, online services, and the Internet including documents outlining CDCR procedures for conducting online investigations;
- 3) All communication between CDCR and Facebook, Google/YouTube, Twitter, LinkedIn, and MySpace regarding inmate social media profiles, including but not limited to correspondence involving the CDCR Office of Legal Affairs;
- 4) Any document reflecting number of inmate social media accounts that have been deleted or suspended at CDCR’s request;
- 5) All spreadsheets, reports, or other documents that provide a system-wide overview or analysis regarding inmate access to social networks, online services, or the Internet.”

You noted in your letter that you are seeking updates to your March 23, 2015, Public Records Act request.

I have done some additional research since my first letter to you, and have discovered the following records:

1. Letter from California Department of Corrections and Rehabilitation (CDCR) Attorney Shirley Tang to Facebook, dated December 17, 2015, cc'ing Nolic Edwards, Director of CDCR's Office of Victim and Survivor Rights and Services (2 pages);
2. Email string between Shirley Tang and Peter Stern of Facebook regarding legal basis to restrict inmates' social media access, dated 1/1/16 (2 pages);
3. Memorandum regarding Parole Search Policy, dated November 24, 2014 (7 pages); and
4. Memorandum regarding the Issuing and Justifying of Special Conditions of Parole, dated March 6, 2008 (5 pages).

I spoke with the Public Records Act Coordinator at the Division of Adult Parole Operations (DAPO) regarding the parolee cases you mentioned on the telephone: Crook and Randall Kamini on MySpace. He and his team researched them and were not able to find anything. If Mr. Crook or Mr. Kamini had violated their conditions of parole, and those conditions included staying off from social media, it would be much easier to locate their cases if we had their CDC numbers. I have included among the documents for your review a memo regarding special conditions of parole. It gives context to this issue.

As it is, our DAPO liaison is not aware of any parole cases involving social media sites, nor does DAPO have any current policy or guidelines that address social media sites. It does have a policy regarding searches of computer and electronic devices, which I have included above. For sex offenders, agents are required to review parolee's criminal history to determine if access to social media web sites was associated with their sex offense. Once a nexus can be established, DAPO is required to place special conditions of parole prohibiting parolee access to social media sites.

You had also asked about the letters that Facebook sends when a user's page gets deleted. I asked about those letters, and discovered that they are more like notes than letters, and that CDCR does not retain them.

There are other records that are not being disclosed pursuant to Government Code section 6254(k), Evidence Code section 950 et seq, and Code of Civil Procedure section 2018.010 et seq.

CDCR charges \$.12 per page for Public Records Act requests, plus actual postage. Here, your total would be \$1.92. Since the documents can be emailed to you, postage would be waived. Please send your check or money order made payable to CDCR to my attention at the address listed at the top of this letter. If payment is not received within 90 days of the date of this letter, the matter will be considered closed. Please allow up to 120 days after receipt of payment for CDCR to send you your records. This is due to the large PRA queue at CDCR.

Dave Maass
Page 3

If you have any questions or concerns, please feel free to contact me at (916) 445-5298 to discuss this matter further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kath Clark". The signature is fluid and cursive, with a long horizontal stroke at the end.

KATHRYN A. CLARK
Attorney
Office of Legal Affairs