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## **MEMORANDUM**

**TO:** George Maynard, Hospital Administrator

**FROM:** Daniel Wagoner, Interim Patients' Rights Advocate  
Warren Rogers, Assistant Patients' Rights Advocate

**RE:** CDRW discs

**DATE:** 6/27/08

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Our office has received numerous complaints from individuals lately regarding the confiscation of their possessions, and more specifically the confiscation of their CDRW discs.

According to these complaints, individuals' residing at Coalinga State Hospital (C.S.H.) have had their CDRW discs confiscated from them for looking "burned" or copied.

As part of my investigation into these matters I have reviewed many individual records, contacted C.S.H. Administration, contacted the Property Room, spoken with Unit Supervisor, Miriam Joya, and discussed the matter with Daniel Meeks, Acting Program Director for Program 1.

Per my review of many applicable individual records, I was unable to find any documentation regarding why these individuals possessions were taken. The only documentation that I could find in many instances to support that these items were actually confiscated were confiscation receipts showing the number of items confiscated with the description of "burned/copied" discs.

After contacting Coalinga State Hospital Administration on 5/21/08, our office was informed that per the hospital's Moratorium on computer equipment, no new CDRW discs would be allowed in the hospital for individual use.

However, because these discs were at one time available for individuals to purchase in the Canteen, as long as the CD-RW discs that are in individuals' possession are properly marked with their name and identification (I.D.) number, they should not be confiscated as Contraband.

While speaking with Officer David Wallace from the Property Room during the week of 6/16/08, I was informed that as long as discs are properly marked with individuals' name and I.D. number, then the Department of Police Services does not consider them to be Contraband.

Although, according to Officer Wallace, all discs found by staff or officers have to be reviewed for content. After reviewing these discs for content, if they contain "approved" material they are placed in the individuals' property until that individual's Unit Supervisor can come down to the Property Room and pick up the "approved" items.

Upon visiting Unit 11 on 6/19/08 to investigate several of these allegations I had the opportunity to speak with Unit Supervisor Miriam Joya regarding this matter. At this time I was informed by Ms. Joya that per 'Program', copied discs are to be treated as Contraband.

During a conversation with Daniel Meeks, Acting Program Director on 6/25/08, I brought this issue to his attention. According to Mr. Meeks, when these blank CDRW discs were sold in the Canteen they were marked with individuals' name and I.D. number, and were only "supposed to be" used for Phase Treatment work.

If it was found that a disc contained material other than Phase Treatment work, according to Mr. Meeks, or if it was found to be altered in any way including but not limited to having material copied or downloaded on to the disc, it was confiscated by Coalinga State Hospital for "misuse" per Administrative Directive (A.D.) 658- Individuals' Use of Electricity and Electrical Devices.

As you may be aware, per California Code of Regulations, Title 9 Section 884(b)(1), all individuals residing at Coalinga State Hospital have *the right to keep and use personal possessions as space permits, except items and materials listed as **Contraband** by the facility.*

Upon reviewing Coalinga State Hospital's most recent Contraband list, C.S.H. A.D. 654- Individual Personal Computers, and A.D. 658, I could find nothing to support that CDRW discs are considered **Contraband** unless they contain only Phase Treatment work.

Therefore, it would appear as though individuals residing at Coalinga State Hospital have to right to keep and use these CDRW discs as long as the discs themselves to not contain Contraband.

It should be noted that copied, downloaded, or "burned" music/movies in general are not listed as Contraband by Coalinga State Hospital, nor do they meet the Title 9 definition of Contraband by posing a safety and security risk to the facility.

These above mentioned practices by Coalinga State Hospital raise several concerns with our office regarding the confiscation and withholding of these possessions. Additionally, through our investigation into this matter we have yet to be provided with, or told where to find, a formal or written policy specific to the allowance/disallowance of individual possession and use of CDRW discs.

As part of our investigation process, we are requesting that you or a member of your staff provide us with information in the following areas;

- What is Coalinga State Hospital's current practice/policy regarding the use of CDRW discs and where can this information be found in writing?
- If CDRW discs are allowed for individual use, as long as they do not specifically contain **Contraband** individuals have the *right* to keep and use these items. Is this being taken into consideration when such discs are found?
- According to my conversation with Officer Wallace, all discs are subject to being reviewed for content. Per A.D. 654, such inspections of computer media are to be done by qualified staff. How does Coalinga State Hospital determine which staff is qualified to review

the contents of these discs without compromising the confidentiality of individuals' possible treatment and/or legal work?

- If it is determined that these discs are not Contraband, what is the plan to return these possessions to their owners?

We will use the information provided to address the complaint and reach a point of resolution. When providing your response, please attach it to this memorandum and include the name of the person providing the written information to our office.

We are looking forward to your input no later than 7/14/08. If you have any questions or concerns regarding this matter, please feel free to contact our office for assistance.

CC: Pam Ahlin, Executive Director  
José Valencia, Clinical Administrator  
Michele Mudgett, Director- Office of Patients' Rights  
Applicable residents on unit