The purpose of this document is to provide information regarding revisions to Department Operations Manual (DOM), Chapter 5, Article 53, Inmate/Parolee Appeals.

Revisions to Chapter 5, Article 53 remove references to Non-Revocable Parole and the Civil Addict Program (Narcotic Addict Evaluation Authority). Non-Revocable Parole was superseded by Post Release Community Supervision and the Civil Addict Program was eliminated by the 2011 Public Safety Realignment Act. Revisions also update form titles and the process of records retention for appeals sent to Case Records for processing into the Electronic Records Management System.

Please inform all persons concerned of the contents of this Notice, which shall remain in effect until incorporated into the next edition of the DOM. Inquiries regarding the subject matter may be directed to Troy Todd, Division of Adult Parole Operations, at (916) 327-1136.

Original signed by:

GUILLERMO VIERA ROSA
Director
Division of Adult Parole Operations

Attachment
CHAPTER 5 – ADULT CUSTODY AND SECURITY OPERATIONS

ARTICLE 53 – INMATE/PAROLEE APPEALS

Revised October 18, 2016

[Sections 54100.1 through 54100.4 are unchanged]

54100.5 Exclusions

The CDCR Form 602, Inmate/Parolee Appeal form shall not be utilized in the following appeals:

- Board of Parole Hearings (BPH).
- Health or Safety complaints – California Prison Industry Authority (CALPIA). (See CCR Title 15 §3084.9(e) and CCR Title 8 §344.40(a).)

[Sections 54100.6 through 54100.7.1 are unchanged]

54100.8 Supporting Documents

Prior to the submission of an appeal to the appeals coordinator, the inmate or parolee shall obtain and attach all supporting documents necessary for the substantiation, clarification and/or resolution of his or her appeal issue.

- The inmate or parolee shall not delay submitting an appeal within time limits established in DOM 54100.16. If unable to obtain supporting documents, he or she shall submit the appeal with all available supporting documents and provide in Part B of the CDCR Form 602 an explanation why any remaining supporting documents are not available.

- The time limits for filing an appeal are not stayed by failure to obtain supporting documentation.

- Failure to attach all necessary supporting documents may result in the appeal being rejected as specified in CCR Title 15 §3084.6/DOM §54100.11. The appeals coordinator (or when appropriate, third level Appeals Chief) shall in such circumstances inform the inmate or parolee that the appeal is rejected because necessary supporting documents are missing. The appellant shall be allowed an additional 30 calendar days to secure any missing supporting documents and resubmit the appeal.

- The appeals coordinator may grant additional time extensions beyond the initial 30 calendar day extension if the inmate or parolee submits a reasonable explanation why the supporting documents still are not available.

- Appellants shall not attach copies of previously processed appeals as supporting documents to the present (current) appeal, except when appealing a previously cancelled appeal or when expressly requested by the appeals coordinator. The appeals office shall clearly stamp
as “attachment” any appeals form (Form 602, 602-A or 602-G) submitted as an exhibit under these circumstances.

Supporting documents include, but are not limited to, the inmate’s or parolee’s copy of the following:

**Disciplinary**

- An appeal of an administrative or serious disciplinary action requires as supporting documentation the completed CDC Form 115, Rules Violation Report (RVR).
  - A disciplinary action is not considered complete until all processing requirements including the hearing, postponement, and any re-hearing are completed as evidenced by the signature of the Chief Disciplinary Officer (CDO).
  - The date the final RVR copy is issued to the appellant shall serve to establish the time limits for filing an appeal of the RVR, not the date of the disciplinary hearing.
- An appeal of a CDC Form 128-A, Custodial Counseling Chrono, requires the CDC Form 128-A to be submitted as a supporting document.

**Classification**

- An appeal of a classification committee action requires as supporting documentation the CDC Form 128-G, Classification Chrono, reflecting the committee’s action under appeal. If the committee’s action did not include a referral to the Classification Services Representative (CSR), the date of the committee’s action shall serve to establish the time limits for filing an appeal.
  - An appeal of a classification committee action that requires CSR endorsement or decision including, but not limited to, affixing a suffix or assessing an administrative determinant, shall include the CDC Form 128-G reflecting the CSR’s endorsement or decision. The date of the CSR’s endorsement or action shall serve to establish time limits for filing an appeal.
- An appeal of a classification committee action recommending transfer to another facility, prison, or program requiring CSR endorsement or decision, shall include as a supporting document, the CDC Form 128-G reflecting the CSR’s endorsement or decision. The filing of an appeal of a transfer endorsement/decision shall not normally be cause to stay or delay the transfer except in extraordinary circumstances and at the discretion of the Warden or designee.

**Parole**

- An appeal of conditions of parole, including special conditions, requires as supporting documentation the inmate/parolee’s CDCR Form 1515, Notice and Conditions of Parole. A verified copy of the original Notice and Conditions of Parole shall be accepted by the appeals coordinator in place of the parolee’s copy.
• An appeal of county of last legal residence may be submitted within 30 calendar days following the inmate’s receipt of the CDCR Form 611, Release Program Study, which is completed and returned to the institution/facility by the parole region.

Mail

• An appeal of disallowed/disapproved mail, magazine, or publication shall include as a supporting document the CDCR Form 1819, Notification of Disapproval-Mail/Packages/Publications, which is received by the inmate informing him or her of the disapproval of the mail, magazine, or publication under appeal.

Property

• An appeal of a property issue resulting from a cell/dorm/room search shall include the search receipt as a supporting document.

• An appeal of a property issue arising from the inmate’s placement in segregated housing shall include a copy of the CDCR Form 1083, Inmate Property Inventory, reflecting staff’s inventory of the inmate’s property at the time of his/her placement in segregated housing.

• An appeal of a property issue arising from the inmate’s transfer shall include a copy of the CDCR Form 1083 from the sending institution which reflects staff’s inventory of the inmate’s property in preparation for the inmate’s transport/transfer, and a copy of the CDCR Form 1083 provided to the appellant at the time of receipt of his/her property at the receiving institution.

CDCR Form 22

• The original of the CDCR Form 22, Inmate/Parolee Request for Interview, Item, or Service, processed through the supervisory level pursuant to CCR Title 15 §3086 need not be included as supporting documentation in the following appeal instances:

  • Classification committee actions.
  • Classification Staff Representative endorsements/decisions.
  • Disciplinary rules violations.
  • Emergency appeals.
  • Involuntary psychiatric transfers to state hospitals or Department of Mental Health Facilities.
  • Staff complaints.
  • CALPIA Health or Safety complaints.
  • Any appeal wherein the appeals coordinator determines that the appellant’s submittal of a CDCR Form 22 is unwarranted and/or would not contribute to the outcome of the appeals process.
• An inmate or parolee who intends to file an appeal shall not delay in filing the appeal if the written request process is not yet complete. The inmate or parolee shall note on the CDCR Form 602 that a response is pending at the time of the appeal submission.

• If a completed CDCR Form 22 is essential for further appeal processing but not yet available to the appellant, the appeals office shall date stamp the appeal and reject it for missing documentation. However, the appellant will have met time constraints pending subsequent receipt and attachment of the pertinent CDCR Form 22.

• In the event the completed CDCR Form 22 is not received by the appellant within 30 days of the appeal being rejected by the appeals office, the inmate or parolee shall send the appeal to the appeals office and request processing without the form. The appeals office may grant an additional extension if receipt of the form appears likely or process the appeal without such documentation.

[Sections 54100.9 through 54100.15 are unchanged]

[Section 54100.15.1 is deleted]

[Sections 54100.16 through 54100.25.2 are unchanged]

54100.26 Reserved

[Section 54100.26.1 is deleted]

[Sections 54100.27 through 54100.29.4 are unchanged]

54100.29.5 Electronic Records Management System (ERMS)

The CDCR Form 602 and the original CDC Form 1033, Computation Review Hearing Decision shall be sent to the appeals coordinator for processing.

Upon completion of processing, a copy of the CDCR Form 602 and the CDC Form 1033 shall be forwarded to Case Records along with the CDC Form 1031, Acknowledgement of Receipt and the CDC Form 1032, Notice of Time, Date, and Place of Computation Review Hearing, for placement into the ERMS.

[Sections 54100.30 through 54100.32 are unchanged]

54100.33 References

Civil Rights of Institutionalized Persons Act; Title 42 U.S.C. §1997 et seq. Public Law 96-247, 94 Stat. 349. Title 28 Code of Federal Regulations §35.107. PC §§ 148.6, 832.5, 832.7, 832.8, 3003(a), 5054, 5058, 5058.4(a) 10006(b). GC §§ 935.6, 965, 3300-3313, 19570-19575.5, 19583.5(a), and 19635. CCP §§337, 338, 339. LC §§98.7, 6304.3. CCR Title 15 §§ 3084 and 3086, 3186, 3190-3195, 3220.4, 3268-3268.2, 3312, 3314, 3318, 3220, 3326, 3376.1, 3383,