



**Department of Corrections and Rehabilitation**  
**NOTICE OF CHANGE**  
**TO DEPARTMENT OPERATIONS MANUAL**  
**Chapter 1, Article 34,**  
**Office of Legal Affairs**

**Transmittal Letter Number:**

**15-15**

**Revision Date:**

**September 1, 2015**

The purpose of this document is to provide all Department Operations Manual (DOM) holders with information regarding the attached amendment to Chapter 1, Article 34, Office of Legal Affairs.

This Notice of Change to DOM is part of a series of anticipated DOM revisions that update DOM policy as it relates to the Board of Parole Hearing's (BPH) role in corrections procedure per current statute. In 2011, the Governor signed Assembly Bill 109, Budget Act of 2011: Public Safety Realignment into law, which made significant changes to California corrections in regards to low-level offenders and the parole revocation process. BPH requested CDCR update multiple Department DOM policies to reflect BPH's responsibility in corrections procedure following Public Safety Realignment, and to make additional updates and clarifications in reference to BPH as needed. In addition to these updates, the Office of Legal Affairs made necessary updates to bring the descriptions of functions and operational structure of the Office of Legal Affairs up to date.

References to defunct units are deleted and replaced with references to current units, and updated descriptions of their functions and responsibilities. Position titles and unit names are updated where appropriate, and references to obsolete policy and discontinued practice are removed. In addition, new subsection 15070.1.1, Request for Legal Assistance, is added to establish that specified CDCR Executive staff may request assistance with legal matters. New text describes the procedure to request legal assistance from the Office of Legal Affairs.

Please inform all persons concerned of the contents of this notice, which shall remain in effect until it is incorporated into the next edition of the DOM. If you have any questions concerning this revision, please contact Nia Vincent, Office of Legal Affairs at (916) 445-8392.

*Original signed by:*

**KATHERINE TEBROCK**  
Chief Deputy General Counsel, Policy  
Office of Legal Affairs

## Article 34 – Office of Legal Affairs

*Revised September 1, 2015*

### **15070.1 Office of Legal Affairs**

The General Counsel of the Office of Legal Affairs (OLA) reports to the Secretary of CDCR. The primary functions of the OLA are managing all litigation involving the Department; providing legal advice to the Secretary and the staff of the Department; and representing the Department in administrative proceedings. Among the services provided by OLA are the following:

- Advice on legal matters related to business operations and administrative functions, including contracts, transactions and disputes involving vendor goods and services contracts, environmental issues, and construction related matters.
- Assessment of requests of records pursuant to federal and state law, such as the Public Records Act.
- Advice to hiring authorities and the Office of Internal Affairs regarding the investigation and prosecution of those CDCR employees who have committed crimes or misconduct as specified in Government Code Section 19572 and representation of CDCR in administrative hearings on these matters as well as Equal Employment Opportunity Commission and Department of Fair Employment and Housing mediations.
- Advice on inmate, ward, and parolee health care issues, including representation of CDCR in involuntary psychiatric medication administrative hearings.
- Oversight of the management of class action litigation against CDCR.
- Oversight of litigation against CDCR, including lawsuits seeking money damages filed by inmates, parolees, youths, employees and external plaintiffs, writs of habeas corpus, and writs of mandate.
- Advice on a broad spectrum of issues that pertain to inmates, parolees, and youth including conditions of confinement, regulations, policies, and legislative analysis.
- Advice on general personnel matters, including labor issues, equal employment opportunity claims, employee requests for reasonable accommodations, and Cal/OSHA matters.
- Training, support, legal research and analysis, case management, and settlement authority in workers' compensation cases of CDCR employees.
- Advice to proactively identify and address areas where CDCR may be vulnerable to risk of litigation, or can best mitigate such exposure with early intervention.
- Oversight of Victim Compensation and Government Claims Board (VCGCB) claims filed against CDCR or its employees, including coordination with institution or program staff to develop recommendations to pay or reject claims, staff training on VCGCB processes, and representation of CDCR at VCGCB hearings.

#### **15070.1.1 Request for legal assistance**

High level CDCR staff may request assistance with legal matters by sending an email outlining the issue about which they need assistance to [Legal.Assistance@cdcr.ca.gov](mailto:Legal.Assistance@cdcr.ca.gov). These high level staff are Executive Staff and their designees, headquarters staff at the level of Chief of a unit and above, Parole Regional Administrators, Wardens, Division of Juvenile Justice Superintendents, and all Litigation Coordinators.

#### **15070.2 Revisions**

The General Counsel or designee is responsible for ensuring that the contents of this Article are kept current and accurate.

#### **15070.3 References**

CCR 15 (3)