

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Corrections and  
Rehabilitation**

**Regulatory Action:**

**Title 15, California Code of Regulations**

**Adopt sections:** 3084, 3480, 3481, 3482,  
3483, 3484, 3485, 3486,  
3487, 3488

**Amend sections:** 3000, 3045, 3077.3, 3078.4,  
3134.1, 3136, 3137, 3141,  
3173.1, 3179, 3193, 3220.4,  
3230, 3282, 3378.4, 3383,  
3475 (renumbered to  
3465), 3476 (renumbered  
to 3466), 3477  
(renumbered to 3467),  
3478 (renumbered to  
3468), 3479 (renumbered  
to 3469), 3480  
(renumbered to 3470),  
3480.1 (renumbered to  
3471), 3481 (renumbered  
to 3472), 3482  
(renumbered to 3473),  
3483 (renumbered to  
3474), 3484 (renumbered  
to 3475), 3485  
(renumbered to 3476),  
3486 (renumbered to  
3477), 3491, 3492, 3548,  
3563, 3630, 3723

**Repeal sections:** 3084, 3084.1, 3084.2,  
3084.3, 3084.4, 3084.5,  
3084.6, 3084.7, 3084.8,  
3084.9, 3085, 3086, 3369.5

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6, and Penal Code Section 5058.3**

**OAL Matter Number: 2020-0309-01**

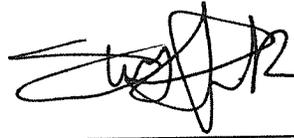
**OAL Matter Type: Emergency Operational  
Necessity (EON)**

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In this emergency of operational necessity rulemaking by the Department of Corrections and Rehabilitation (the "Department") pursuant to Penal Code section 5058.3, the Department is amending and restructuring the inmate and parolee grievances and appeals process.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code, and section 5058.3 of the Penal Code.

This emergency regulatory action is effective on 6/1/2020 and will expire on 11/10/2020.  
The Certificate of Compliance for this action is due no later than 11/9/2020.



Date: March 25, 2020

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Steven J. Escobar  
Attorney

Original: Ralph Diaz, Secretary  
Copy: Anthony Carter

For: Kenneth J. Pogue  
Director



In the following text, ~~strikethrough~~ indicates deleted text; underline, indicates added text. Additionally, an asterisk (\*) indicates omitted and unchanged text.

**California Code of Regulations, Title 15. Crime Prevention and Corrections  
Division 3. Adult Institutions, Programs and Parole**

**Chapter 1. Rules and Regulations of Adult Operations and Programs**

**Article 1. Behavior**

**3000. Definitions.**

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~~Appeal means a formal request for, or the act of requesting, an official change of a decision, action, or policy.~~

\*

~~Grievance means a complaint about a decision, action, or policy which an inmate, parolee or staff wish to have changed.~~

\*

Project, as used in sections ~~34753465~~ through ~~34783468~~, means a proposal of something to be done for which a contract has not yet been awarded.

\*

Note: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 5058, 5058.3 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653m, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3020, 3450, 3550, 4570, 4576, 5009, 5050, 5054, 5068, 7000 et seq., 11180 and 11191, Penal Code; Sections 1132.4, 1132.8, and 1203(b)(1), Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; *Madrid v. Cate* (USDC ND Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate*, USDC ED 2:08-CV-01196-TLN-EFB; *In re Garcia* (2012) 202 Cal.App.4th 892; and *Quine v. Beard*, No. C 14-02726 JST.

**3045. Timekeeping and Reporting.**

(a) Inmate timekeeping logs. The attendance and/or participation of each assigned inmate shall be recorded on an approved timekeeping log. If the assignment began or ended during the reporting month, the date(s) of such activity shall be recorded on the timekeeping log. Only the symbols designated on the timekeeping log shall be used to document the inmate's attendance. The symbol(s) and applicable hours for each day shall be recorded in the space corresponding to the calendar day. This log shall be the reference for resolving ~~complaints~~grievances or appeals and shall be retained at a secure

location designated by the facility management for a period of 4 years from the date of completion.

**Subsections 3045(a)(1) through 3045(b) remain unchanged.**

Note: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.05, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal.App.3d 1224.

**3077.3. Senate Bill 618 Participant Institutional Programming.**

**Section 3077.3(a) through 3077.3(f)(2)(C)(3) remains unchanged.**

(4) An SB 618 Participant who is determined to no longer be eligible for the SB 618 Program, may appeal the Advisory Group decision by utilizing the ~~inmate appeal process~~administrative remedies procedures as provided in the California Code of Regulations, Title 15, Chapter 1, Subchapter 5.1, Article 81, sections ~~30843480~~30853487 through ~~30853487~~.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 667.5(c), 1203.8 and 5054, Penal Code.

**3078.4. Alternative Custody Program Processing.**

**Subsections 3078.4(a) through (d) remain unchanged.**

(e) The inmate may ~~appeal~~file a grievance regarding the decision through the procedures detailed in section ~~30843480~~ et seq. or reapply for participation in the program 30 days after the notice of the denial.

Note: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05 and 5054, Penal Code.

**Article 8. Appeals Inmate Sexual Safety**

**~~3084. Definitions.~~**

~~For the purpose of Article 8, the following definitions shall apply:~~

~~(a) Appellant means an inmate or parolee who has submitted an appeal.~~

~~(b) General allegations means allegations that lack specificity or factual evidence to support them.~~

~~(c) Material adverse effect means a harm or injury that is measurable or demonstrable, or the reasonable likelihood of such harm or injury. In either case, the harm or injury must be due to any policy, decision, action, condition, or omission by the department or its staff.~~

~~(d) Modification order means an order by the institution, parole region, or third level Appeals Chief directing a previous decision to be modified.~~

~~(e) Remedy means a process or means to address an issue or correct a wrong.~~

~~(f) Reviewer means the individual with signature authority for the approval or disapproval of an appeal response at any level.~~

~~(g) Staff misconduct means staff behavior that violates or is contrary to law, regulation, policy, procedure, or an ethical or professional standard.~~

~~(h) Supporting documents means documents that are needed to substantiate allegations made in the appeal including, but not limited to, classification chronos, property inventory sheets, property receipts, disciplinary reports with supplements, incident reports, notifications of disallowed mail, trust account statements, memoranda or letters, medical records and written requests for interviews, items or services. Supporting documents do not include documents that simply restate the matter under appeal, argue its merits, or introduce new issues not identified in the present appeal form.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.~~

### **3084. Inmate-on-Inmate Sexual Violence, Staff-on-Inmate Sexual Misconduct, and Sexual Harassment of Inmates.**

(a) A grievance in whole or part containing allegations of inmate-on-inmate sexual violence, staff-on-inmate sexual misconduct, or sexual harassment of inmates shall be immediately reviewed by the Hiring Authority or designee. When the grievance alleges or indicates that the inmate may be in substantial risk of imminent inmate-on-inmate sexual violence, imminent staff-on-inmate sexual misconduct, or imminent sexual harassment, then a risk assessment shall be undertaken.

(b) An inmate shall not submit a grievance on behalf of another person unless the grievance contains an allegation of inmate-on-inmate sexual violence, staff-on-inmate sexual misconduct, or sexual harassment of any inmate.

#### (c) Staff-on-Inmate Sexual Misconduct.

(1) There shall be no time limit for allegations of staff-on-inmate sexual misconduct.

(2) A risk assessment determination of all staff-on-inmate sexual misconduct related grievances shall be immediately completed by the Hiring Authority to determine if the inmate is in substantial risk of imminent staff-on-inmate sexual misconduct. If the assessment results in a determination that the inmate is in substantial risk of imminent staff-on-inmate sexual misconduct, the Hiring Authority shall take immediate corrective action.

(3) The Hiring Authority shall provide an initial response to the inmate within 48 hours.

(4) An initial risk assessment shall be documented within 48 hours and the completed risk assessment determination by the Hiring Authority shall be documented within 5 calendar days describing whether the inmate was determined to be in substantial risk of imminent staff-on-inmate sexual misconduct and the action(s) taken in response to the grievance.

(5) The inmate may consider an absence of a timely response at any level a denial at that level.

#### (d) Inmate-on-Inmate Sexual Violence.

(1) There shall be no time limit for allegations of inmate-on-inmate sexual violence.

(2) A risk assessment determination of all inmate-on-inmate sexual violence related grievances shall be immediately completed by the Hiring Authority to determine if the inmate is in substantial risk of imminent inmate-on-inmate sexual violence. If the

assessment results in a determination that the inmate is in substantial risk of imminent inmate-on-inmate sexual violence, the Hiring Authority shall take immediate corrective action.

(3) The Hiring Authority shall provide an initial response to the inmate within 48 hours.

(4) An initial risk assessment shall be documented within 48 hours and the completed risk assessment determination by the Hiring Authority shall be documented within 5 calendar days describing whether the inmate was determined to be in substantial risk of imminent inmate-on-inmate sexual violence and the action(s) taken in response to the grievance.

(5) The inmate may consider an absence of a timely response at any level a denial at that level.

Note: Authority cited: Section 5058, Penal Code; Reference: Section 5054, Penal Code; 28 CFR Sections 35.107 and 115.52.

### **3084.1. Right to Appeal.**

~~The appeal process is intended to provide a remedy for inmates and parolees with identified grievances and to provide an administrative mechanism for review of departmental policies, decisions, actions, conditions, or omissions that have a material adverse effect on the welfare of inmates and parolees. All appeals shall be processed according to the provisions of Article 8, Appeals, unless exempted from its provisions pursuant to court order or superseded by law or other regulations.~~

~~(a) Any inmate or parolee under the department's jurisdiction may appeal any policy, decision, action, condition, or omission by the department or its staff that the inmate or parolee can demonstrate as having a material adverse effect upon his or her health, safety, or welfare.~~

~~(b) Unless otherwise stated in these regulations, all appeals are subject to a third level of review, as described in section 3084.7, before administrative remedies are deemed exhausted. All lower level reviews are subject to modification at the third level of review. Administrative remedies shall not be considered exhausted relative to any new issue, information, or person later named by the appellant that was not included in the originally submitted CDCR Form 602 (Rev. 08/09), Inmate/Parolee Appeal, which is incorporated by reference, and addressed through all required levels of administrative review up to and including the third level. In addition, a cancellation or rejection decision does not exhaust administrative remedies.~~

~~(c) Department staff shall ensure that inmates and parolees, including those who have difficulties communicating, are provided equal access to the appeals process and the timely assistance necessary to participate throughout the appeal process.~~

~~(d) No reprisal shall be taken against an inmate or parolee for filing an appeal. This shall not prohibit appeal restrictions against an inmate or parolee abusing the appeal process as defined in section 3084.4, nor shall it prohibit the pursuit of disciplinary sanctions for violation of department rules.~~

~~(e) The department shall ensure that its departmental appeal forms for appeal of decisions, actions, or policies within its jurisdiction are readily available to all inmates and parolees.~~

~~(f) An inmate or parolee has the right to file one appeal every 14 calendar days unless the appeal is accepted as an emergency appeal. The 14 calendar day period shall commence on the day following the appellant's last accepted appeal.~~

~~(g) An appellant shall adhere to appeal filing time constraints as defined in section 3084.8. Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Civil Rights of Institutionalized Persons Act; Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; and Wolff v. McDonnell (1974) 418 U.S. 539, 558-560.~~

### **~~3084.2. Appeal Preparation and Submittal.~~**

~~(a) The appellant shall use a CDGR Form 602 (Rev. 08/09), Inmate/Parolee Appeal, to describe the specific issue under appeal and the relief requested. A CDGR Form 602-A (08/09), Inmate/Parolee Appeal Form Attachment, which is incorporated by reference, shall be used if additional space is needed to describe the issue under appeal or the relief requested.~~

~~(1) The inmate or parolee is limited to one issue or related set of issues per each Inmate/Parolee Appeal form submitted. The inmate or parolee shall not combine unrelated issues on a single appeal form for the purpose of circumventing appeal filing requirements. Filings of appeals combining unrelated issues shall be rejected and returned to the appellant by the appeals coordinator with an explanation that the issues are deemed unrelated and may only be submitted separately.~~

~~(2) The inmate or parolee is limited to the space provided on the Inmate/Parolee Appeal form and one Inmate/Parolee Appeal Form Attachment to describe the specific issue and action requested. The appeal content must be printed legibly in ink or typed on the lines provided on the appeal forms in no smaller than a 12-point font. There shall be only one line of text on each line provided on these forms.~~

~~(3) The inmate or parolee shall list all staff member(s) involved and shall describe their involvement in the issue. To assist in the identification of staff members, the inmate or parolee shall include the staff member's last name, first initial, title or position, if known, and the dates of the staff member's involvement in the issue under appeal. If the inmate or parolee does not have the requested identifying information about the staff member(s), he or she shall provide any other available information that would assist the appeals coordinator in making a reasonable attempt to identify the staff member(s) in question.~~

~~(4) The inmate or parolee shall state all facts known and available to him/her regarding the issue being appealed at the time of submitting the Inmate/Parolee Appeal form, and if needed, the Inmate/Parolee Appeal Form Attachment.~~

~~(b) The inmate or parolee shall submit the signed original appeal forms and supporting documents. If originals are not available, copies may be submitted with an explanation why the originals are not available. The appeals coordinator shall have the discretion to request that any submitted copy is verified by staff.~~

~~(1) Only supporting documents, as defined in subsection 3084(h), necessary to clarify the appeal shall be attached to the appeal. Attachments shall not raise new issues, but shall only serve to clarify the present appeal issue and action(s) requested as stated in Parts A and B of the Inmate/Parolee Appeal form. New issues raised in the supporting documents shall not be addressed and any decision rendered will pertain only to the present appeal issue and requested action(s).~~

~~(2) Inmates or parolees shall submit their appeal documents in a single mailing and shall not divide their appeal documents into separate mailings.~~

~~(3) Inmates or parolees shall not deface or attach dividers or tabs to their appeal forms.~~

~~(4) Inmates or parolees shall not contaminate or attach physical/organic objects or samples to their appeal documents. Examples of these objects or samples include, but are not limited to, food, clothing, razor blades, books, magazines, tape, string, hair, blood, and/or bodily fluids/excrement.~~

~~(c) First and second level appeals as described in section 3084.7 shall be submitted to the appeals coordinator at the institution or parole region for processing.~~

~~(d) If dissatisfied with the second level response, the appellant may submit the appeal for a third level review, as described in section 3084.7, provided that the time limits pursuant to section 3084.8 are met. The appellant shall mail the appeal and supporting documents to the third level Appeals Chief via the United States mail service utilizing his or her own funds, unless the appellant is indigent in which case the mailing of appeals to the third level of review shall be processed in accordance with indigent mail provisions pursuant to section 3138.~~

~~(e) If the appeal has been accepted and processed as an emergency appeal and the appellant wishes a third level review, the appellant must forward the appeal to the appeals coordinator who shall electronically transmit it to the third level Appeals Chief. The third level review shall be completed within five working days.~~

~~(f) An inmate or parolee or other person may assist another inmate or parolee with preparation of an appeal unless the act of providing such assistance would create an unmanageable situation including but not limited to: acting contrary to the principles set forth in sections 3163 and 3270, allowing one offender to exercise unlawful influence/assume control over another, require an offender to access unauthorized areas or areas which would require an escort, or cause avoidance or non-performance in assigned work and program activities. Inmates or parolees shall not give any form of compensation for receiving assistance or receive any form of compensation for assisting in the preparation of another's appeal. The giving or receiving of compensation is considered misconduct and is subject to disciplinary action.~~

~~(g) An inmate or parolee shall not submit an appeal on behalf of another person, unless the appeal contains an allegation of sexual violence, staff sexual misconduct, or sexual harassment.~~

~~(h) Group appeal. If a group of inmates/parolees intend to appeal a policy, decision, action, condition or omission affecting all members of the group, one CDCR Form 602, Inmate/Parolee Appeal, shall be submitted describing the appeal issue(s) and action requested, accompanied by a CDCR Form 602-G (08/09), Inmate/Parolee Group Appeal, which is incorporated by reference, with the legible name, departmental identification number, assignment, housing, and dated signature of the inmate or parolee who prepared the appeal. Each page of the CDCR Form 602-G must contain the appeal issue, action requested, and a statement that all the undersigned agree with the appeal issue/action requested.~~

~~(1) The legible names of the participating inmates/parolees, departmental identification numbers, assignments, housing, and dated signatures shall be included in the space provided on the Inmate/Parolee Group Appeal form and no other signature page shall be accepted by the appeals coordinator.~~

~~(2) The inmate or parolee submitting the appeal shall be responsible for sharing the appeal response with the inmates or parolees who signed the appeal attachment.~~

~~(3) If the inmate or parolee submitting the appeal is transferred, released, discharged, or requests to withdraw from the group appeal, responses shall be directed to the next inmate or parolee listed on the appeal attachment who remains at the facility/region, and who shall be responsible for sharing the response with the other inmates or parolees identified on the appeal.~~

~~(4) An appeal shall not be accepted or processed as a group appeal if the matter under appeal requires a response to a specific set of facts (such as disciplinary and staff complaint appeals) that are not the same for all participants in the appeal. In such case,~~

~~the group appeal shall be screened out and returned to the inmate or parolee submitting the appeal with directions to advise all those who signed the appeal attachment to submit individual appeals on their separate issues.~~

~~(5) Every inmate or parolee who signs a group appeal is ineligible to submit a separate appeal on the same issue.~~

~~(6) A group appeal counts toward each appellant's allowable number of appeals filed in a 14 calendar day period.~~

~~(i) Multiple appeals of the same issue. When multiple appeals are received from more than one inmate or parolee on an identical issue, each such appeal shall be individually processed. However, if other issues in addition or extraneous to the multiple appeal issue are contained in the submitted appeal, this particular complaint shall not be processed as a multiple appeal, but will be subject to processing as a separate, individual appeal.~~

~~(1) The original inmate or parolee, and as needed for clarification of issues, one or more of the other inmates or parolees, shall be interviewed.~~

~~(2) The appellant shall be provided with an appeal response. A statement shall be included in the response indicating that the appeal has been designated as one of multiple identical appeals for processing purposes and the same response is being distributed to each appellant.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 832.5(a) and 5054, Penal Code; Civil Rights of Institutionalized Persons Act; Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; and 28 CFR Sections 35.107 and 115.52.~~

### **3084.3. Supporting Documents.**

~~(a) An inmate or parolee shall obtain and attach all supporting documents, as described in section 3084(h), necessary for the clarification and/or resolution of his or her appeal issue prior to submitting the appeal to the appeals coordinator.~~

~~(b) The inmate or parolee shall not delay submitting an appeal within time limits established in section 3084.8 if unable to obtain supporting documents, but shall submit the appeal with all available supporting documents and in Part B of their CDCR Form 602 (Rev. 08/09), Inmate/Parolee Appeal, provide an explanation why any remaining supporting documents are not available. Time limits for filing an appeal are not stayed by failure to obtain supporting documentation and commence as set forth in subsection 3084.8(b).~~

~~(c) Failure to attach all necessary supporting documents may result in the appeal being rejected as specified in subsection 3084.6(b)(7). The appeals coordinator shall 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.~~

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

~~Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.~~

### **3084.4. Appeal System Abuse.**

~~(a) The following are deemed misuse or abuse of the appeals process and may lead to appeal restriction as described in subsection 3084.4(g).~~

~~(1) The submittal of more than one appeal for initial review within a 14 calendar day period is considered excessive, unless the inmate or parolee is submitting an emergency appeal.~~

~~(2) The repeated filing of appeals that have been cancelled pursuant to subsection 3084.6(c).~~

~~(3) The appeal submission contains information the appellant knows to be false or consists of a deliberate attempt at distorting the facts.~~

~~(4) The appeal contains threatening, grossly derogatory, slanderous or obscene statements and/or organic contamination is included in or makes up any part of the appeal package.~~

~~(5) The description of the problem and/or requested action deliberately exceeds the space provided on the 602 forms or the appeal is intentionally filed contrary to instructions.~~

~~(b) When an inmate or parolee submits appeals as described above in subsections 3084.4(a)(1)-(a)(5):~~

~~(1) The first appeal received shall be screened for routine processing.~~

~~(2) All subsequent non-emergency appeals submitted by that individual shall be screened and the appeals coordinator shall begin documenting any abuse as evidenced by the screening results.~~

~~(c) If an inmate or parolee persists in submitting excessive, demonstrably false, noncompliant or abusive appeals, as described in subsection 3084.4(a), he or she shall receive a warning letter from the appeals coordinator that will document the history and nature of appeal system abuse.~~

~~(d) If the abuse of process continues after the issuance of a warning letter, the appeals coordinator shall meet with the inmate or parolee in a timely manner before imposition of any restriction to provide instruction for the appropriate use of the appeals process and to rule out any unintended basis for non-compliance. If a face-to-face meeting is not possible, an agent acting on behalf of the appeals coordinator shall conduct the meeting.~~

~~(e) Excessive, demonstrably false, noncompliant or abusive appeals, as described in subsection 3084.4(a), submitted by an inmate or parolee after the issuance of a warning letter, pursuant to subsection 3084.4(c) above, shall be screened by the appeals coordinator to ensure they do not contain qualifying emergency issues.~~

~~(1) If the appeal contains emergency issues, as described in subsection 3084.9(a)(1), it shall be processed as an emergency appeal.~~

~~(2) If no such issue is determined to be present, the appeal shall be retained by the appeals coordinator pending placement of the appellant on appeal restriction by the third level Appeals Chief. The appellant shall be informed in writing why the appeal constitutes abuse of the appeal process and informed that appeal processing has been suspended pending determination of appeal restriction status.~~

~~(f) If the appeal abuse continues after the issuance of a warning letter and a face-to-face meeting, the request for placement on restriction shall be referred to the third level Appeals Chief for approval.~~

~~(g) Upon confirmation of continued abuse and verification that a face-to-face interview and warning letter have occurred, the third level Appeals Chief shall have the discretion to authorize preparation of a notice by the Appeals Coordinator restricting the inmate or parolee to one non-emergency appeal every 30 calendar days for a period of one year. Any subsequent violation of the appeal restriction shall result in an extension of the restriction for an additional one-year period upon approval by the third level Appeals Chief.~~

~~(h) If the third level Appeals Chief makes a decision not to place the inmate or parolee on appeal restriction, any appeal submitted by the inmate or parolee and retained pursuant to subsection 3084.4(e)(2) shall be returned to the inmate or parolee who may then resubmit a returned appeal if he or she desires to do so. Resubmitted appeals are not exempt from the standard submittal requirements set forth in this Article, except that the~~

~~appellant's original submittal date of the appeal may serve to satisfy filing time requirements.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 148.6(a), 832.5(c) and 5054, Penal Code.~~

### **3084.5. Screening and Managing Appeals.**

~~(a) Each institution head and parole region administrator shall designate an appeals coordinator at a staff position level no less than a Correctional Counselor II or Parole Agent II.~~

~~(b) The appeals coordinator or a delegated staff member under the direct oversight of the coordinator shall screen all appeals prior to acceptance and assignment for review.~~

~~(1) When an appeal indicates the inmate or parolee has difficulty describing the problem in writing or has a primary language other than English, the appeals coordinator shall ensure that the inmate or parolee receives assistance in completing and/or clarifying the appeal.~~

~~(2) When an appeal is received as an emergency appeal that does not meet the criteria for an emergency appeal as defined in subsection 3084.9(a), the appellant shall be notified that the appeal does not meet the criteria for processing as an emergency appeal and has been either accepted for regular processing or is rejected for the specific reason(s) cited.~~

~~(3) When an appeal is not accepted, the inmate or parolee shall be notified of the specific reason(s) for the rejection or cancellation of the appeal and of the correction(s) needed for the rejected appeal to be accepted.~~

~~(4) When an appeal is received that describes staff behavior or activity in violation of a law, regulation, policy, or procedure or appears contrary to an ethical or professional standard that could be considered misconduct as defined in subsection 3084(g), whether such misconduct is specifically alleged or not, the matter shall be referred pursuant to subsection 3084.9(i)(1) and (i)(3), to determine whether it shall be:~~

~~(A) Processed as a routine appeal but not as a staff complaint.~~

~~(B) Processed as a staff complaint appeal inquiry.~~

~~(C) Referred to Internal Affairs for an investigation/inquiry.~~

~~(5) If an appeal classified as a staff complaint includes other non-related issue(s), the provisions of 3084.9(i)(2) shall apply.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 832.5, 832.7, 832.8, 5054 and 5058.4(a), Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act; Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; and Section 35.107, Title 28, Code of Federal Regulations.~~

### **§ 3084.6. Rejection, Cancellation, and Withdrawal Criteria.**

~~(a) Appeals may be rejected pursuant to subsection 3084.6(b), or cancelled pursuant to subsection 3084.6(c), as determined by the appeals coordinator.~~

~~(1) Unless the appeal is cancelled, the appeals coordinator shall provide clear and sufficient instructions regarding further actions the inmate or parolee must take to qualify the appeal for processing.~~

~~(2) An appeal that is rejected pursuant to subsection 3084.6(b) may later be accepted if the reason noted for the rejection is corrected and the appeal is returned by the inmate or parolee to the appeals coordinator within 30 calendar days of rejection.~~

~~(3) At the discretion of the appeals coordinator or third level Appeals Chief, a cancelled appeal may later be accepted if a determination is made that cancellation was made in error or new information is received which makes the appeal eligible for further review.~~

~~(4) Under exceptional circumstances any appeal may be accepted if the appeals coordinator or third level Appeals Chief conclude that the appeal should be subject to further review. Such a conclusion shall be reached on the basis of compelling evidence or receipt of new information such as documentation from health care staff that the inmate or parolee was medically or mentally incapacitated and unable to file.~~

~~(5) Erroneous acceptance of an appeal at a lower level does not preclude the next level of review from taking appropriate action, including rejection or cancellation of the appeal.~~

~~(b) An appeal may be rejected for any of the following reasons, which include, but are not limited to:~~

~~(1) The appeal concerns an anticipated action or decision.~~

~~(2) The appellant has failed to demonstrate a material adverse effect on his or her welfare as defined in subsection 3084(c).~~

~~(3) The inmate or parolee has exceeded the allowable number of appeals filed in a 14 calendar day period pursuant to the provisions of subsection 3084.1(f).~~

~~(4) The appeal contains threatening, obscene, demeaning, or abusive language.~~

~~(5) The inmate or parolee has attached more than one CDCR Form 602-A (08/09), Inmate/Parolee Appeal Form Attachment.~~

~~(6) The appeal makes a general allegation, but fails to state facts or specify an act or decision consistent with the allegation.~~

~~(7) The appeal is missing necessary supporting documents as established in section 3084.3.~~

~~(8) The appeal involves multiple issues that do not derive from a single event, or are not directly related and cannot be reasonably addressed in a single response due to this fact.~~

~~(9) The appeal issue is obscured by pointless verbiage or voluminous unrelated documentation such that the reviewer cannot be reasonably expected to identify the issue under appeal. In such case, the appeal shall be rejected unless the appellant is identified as requiring assistance in filing the appeal as described in subsection 3084.1(c).~~

~~(10) The inmate or parolee has not submitted his/her appeal printed legibly in ink or typed on the lines provided on the appeal forms in no smaller than a 12-point font or failed to submit an original.~~

~~(11) The appeal documentation is defaced or contaminated with physical/organic objects or samples as described in subsection 3084.2(b)(4). Appeals submitted with hazardous or toxic material that present a threat to the safety and security of staff, inmates, or the institution may subject the appellant to disciplinary action and/or criminal charges commensurate with the specific act.~~

~~(12) The appellant has attached dividers or tabs to the appeal forms and/or supporting documents.~~

~~(13) The appeal is incomplete; for example, the inmate or parolee has not provided a signature and/or date on the appeal forms in the designated signature/date blocks provided.~~

~~(14) The inmate or parolee has not submitted his/her appeal on the departmentally approved appeal forms.~~

~~(15) The inmate or parolee has submitted the appeal for processing at an inappropriate level bypassing required lower level(s) of review, e.g., submitting an appeal at the third level prior to lower level review.~~

~~(16) The appeal issue or complaint emphasis has been changed at some point in the process to the extent that the issue is entirely new, and the required lower levels of review and assessment have thereby been circumvented.~~

~~(c) An appeal may be cancelled for any of the following reasons, which include, but are not limited to:~~

~~(1) The action or decision being appealed is not within the jurisdiction of the department.~~

~~(2) The appeal duplicates an inmate or parolee's previous appeal upon which a decision has been rendered or is pending.~~

~~(3) The inmate or parolee continues to submit a rejected appeal while disregarding appeal staff's previous instructions to correct the appeal including failure to submit necessary supporting documents, unless the inmate or parolee provides in Part B of the CDCR Form 602 (Rev. 08/09), Inmate/Parolee Appeal, a reasonable explanation of why the correction was not made or documents are not available.~~

~~(4) Time limits for submitting the appeal are exceeded even though the inmate or parolee had the opportunity to submit within the prescribed time constraints. In determining whether the time limit has been exceeded, the appeals coordinator shall consider whether the issue being appealed occurred on a specific date or is ongoing. If the issue is ongoing, which may include but is not limited to, continuing lockdowns, retention in segregated housing, or an ongoing program closure, the inmate or parolee may appeal any time during the duration of the event; however, the inmate or parolee is precluded from filing another appeal on the same issue unless a change in circumstances creates a new issue.~~

~~(5) The appeal is submitted on behalf of another person, unless it contains allegations of sexual violence, staff sexual misconduct, or sexual harassment of another inmate.~~

~~(6) The issue is subject to a department director level review independent of the appeal process such as a Departmental Review Board decision, which is not appealable and concludes the appellant's departmental administrative remedy pursuant to the provisions of section 3376.1.~~

~~(7) The appellant is deceased before the time limits for responding to an appeal have expired and the appeal is not a group appeal.~~

~~(8) The appellant refuses to be interviewed or to cooperate with the reviewer.~~

~~(A) The appellant's refusal to be interviewed or to cooperate with the reviewer shall be clearly articulated in the cancellation notice.~~

~~(B) If the appellant provides sufficient evidence to establish that the interviewer has a bias regarding the issue under appeal, the appeals coordinator shall assign another interviewer.~~

~~(9) The appeal is presented on behalf of a private citizen.~~

~~(10) Failure to correct and return a rejected appeal within 30 calendar days of the rejection.~~

~~(11) The issue under appeal has been resolved at a previous level.~~

~~(d) Group appeals shall not be cancelled at the request of the submitting individual unless all of the inmate signatories are released, transferred, or agree to withdraw the appeal.~~

~~(e) Once cancelled, an appeal shall not be accepted except pursuant to subsection 3084.6(a)(3); however, the application of the rules provided in subsection 3084.6(c) to the cancelled appeal may be separately appealed. If an appeal is cancelled at the third level of review, any appeal of the third level cancellation decision shall be made directly to the third level Appeals Chief.~~

~~(f) An appeal may be withdrawn by the appellant by requesting to have the processing stopped at any point up to receiving a signed response. The request for the withdrawal shall identify the reason for the withdrawal in section H of the CDCR Form 602, Inmate/Parolee Appeal and shall be signed and dated by the appellant. If there is an agreed upon relief noted in writing at the time of a withdrawal and the relief is not provided when and as promised, then the failure to provide the agreed upon relief may be appealed~~

~~within 30 calendar days of the failure to grant the promised relief. The withdrawal of an appeal does not preclude further administrative action by the department regarding the issue under appeal. A withdrawn staff complaint shall be returned to the hiring authority to review for possible further administrative action.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 832.5 and 5054, Penal Code; Sections 19570, 19575.5, 19583.5 and 19635, Government Code; and 28 CFR Section 115.52.~~

### **~~3084.7. Levels of Appeal Review and Disposition.~~**

~~(a) All appeals shall be initially submitted and screened at the first level unless the first level is exempted. The appeals coordinator may bypass the first level for appeal of:~~

~~(1) A policy, procedure or regulation implemented by the department.~~

~~(2) A policy or procedure implemented by the institution head.~~

~~(3) An issue that cannot be resolved at the division head level such as Associate Warden, Associate Regional Parole Administrator, CALPIA manager or equivalent.~~

~~(4) Serious disciplinary infractions.~~

~~(b) The second level is for review of appeals denied or not otherwise resolved to the appellant's satisfaction at the first level, or for which the first level is otherwise waived by these regulations. The second level shall be completed prior to the appellant filing at the third level as described in subsection 3084.7(c).~~

~~(1) A second level of review shall constitute the department's final action on appeals of disciplinary actions classified as "administrative" as described in section 3314, or of minor disciplinary infractions documented on the Counseling Only Rules Violation Report, pursuant to section 3312(a)(2), and shall exhaust administrative remedy on these matters.~~

~~(2) Movies/videos that have been given a rating of other than "G", "PG", or "PG-13" by the Motion Picture Association of America are not approved for either general inmate viewing pursuant to section 3220.4 or for viewing within the classroom, and will not be accepted for appeal at any level. The first level shall be waived for appeals related to the selection or exclusion of a "G", "PG", or "PG-13" rated or non-rated movie/video for viewing and the second level response shall constitute the department's final response on appeals of this nature.~~

~~(c) The third level is for review of appeals not resolved at the second level, or:~~

~~(1) When the inmate or parolee appeals alleged third level staff misconduct or appeals a third level cancellation decision or action.~~

~~(2) In the event of involuntary psychiatric transfers as provided in subsection 3084.9(b).~~

~~(d) Level of staff member conducting review.~~

~~(1) Appeal responses shall not be reviewed and approved by a staff person who:~~

~~(A) Participated in the event or decision being appealed. This does not preclude the involvement of staff who may have participated in the event or decision being appealed, so long as their involvement with the appeal response is necessary in order to determine the facts or to provide administrative remedy, and the staff person is not the reviewing authority and/or their involvement in the process will not compromise the integrity or outcome of the process.~~

~~(B) Is of a lower administrative rank than any participating staff. This does not preclude the use of staff, at a lower level than the staff whose actions or decisions are being appealed, to research the appeal issue.~~

~~(C) Participated in the review of a lower level appeal refiled at a higher level.~~

~~(2) Second level review shall be conducted by the hiring authority or designee at a level no lower than Chief Deputy Warden, Deputy Regional Parole Administrator, or the equivalent.~~

~~(3) The third level review constitutes the decision of the Secretary of the California Department of Corrections and Rehabilitation on an appeal, and shall be conducted by a designated representative under the supervision of the third level Appeals Chief or equivalent. The third level of review exhausts administrative remedies; however, this does not preclude amending a finding previously made at the third level.~~

~~(e) At least one face-to-face interview shall be conducted with the appellant at the first level of review, or the second level if the first level of review is bypassed, unless:~~

~~(1) The appellant waives the interview by initialing the appropriate box on the CDCR Form 602 (Rev. 08/09), Inmate/Parolee Appeal. An appellant's waiver of the interview shall not preclude staff from conducting an interview in the event of staff determination that an interview is necessary.~~

~~(2) The reviewer has decided to grant the appeal in its entirety.~~

~~(3) The appeal is a request for a Computation Review Hearing, in which case the initial interview shall occur at the second level of review.~~

~~(4) The appellant is not present at the institution or parole region where the appeal was filed.~~

~~(A) In such case, a telephone interview with the appellant shall meet the requirement of a personal interview. If the appeal concerns a disciplinary action, the telephone interview may be waived if the appeals coordinator determines an interview would not provide additional facts.~~

~~(B) The response must note that the interview was conducted by telephone, explain the extraordinary circumstances that required it, and state why a face-to-face interview was not possible under the circumstances.~~

~~(C) If the appellant is not available for a telephone interview, the reviewer may request that a suitable employee in the jurisdiction where the appellant is located complete the interview and provide a report.~~

~~(f) An interview may be conducted at any subsequent level of review when staff determine that the issue under appeal requires further clarification.~~

~~(g) When a group or multiple appeal is received, one or more of the participating inmates/parolees shall be interviewed to clarify the issue(s).~~

~~(h) At the first and second level of review, the original appeal, within the time limits provided in section 3084.8, shall be returned to the appellant with a written response to the appeal issue providing the reason(s) for each decision. Each response shall accurately describe the matter under appeal and fully address the relief requested. If the decision is a partial grant, the response shall clarify for each requested action whether it is granted, granted in part, or denied, and shall also state the action taken.~~

~~(i) Modification orders issued by the institution, parole region, or by the third level of review shall be completed within 60 calendar days of the appeal decision which determined the need for a modification order. Reasonable documented proof of completion of the modification order shall accompany the completed order, or a statement shall be added by the responder clarifying the action taken and why documentation is not available.~~

~~(1) If it is not possible to comply with the modification order within 60 calendar days, staff responsible for complying with the modification order shall advise the local appeals coordinator every 30 calendar days of the reason for the delay and provide a projected date of completion. If the modification order was imposed by the third level of review, the~~

local appeals coordinator shall notify the third level Appeals Chief every 30 calendar days of the reason for the delay and provide a projected date of completion.

~~(2) When it is clear that the modification order cannot be completed in the allotted time, the appeals coordinator shall advise the appellant of the reason for the delay and the anticipated date of completion. This process shall occur every 30 calendar days until the modification order is completed. All time constraints for an appellant to submit an appeal to the next level are considered postponed up to 120 days until the completion of a previous level modification order. Thereafter, the appellant must submit his/her appeal to the next level within 30 calendar days of receiving the modification order response.~~

~~(3) If the modification order is not completed after 120 calendar days of the issuance, the appellant may submit the appeal to the next level for administrative review within 30 calendar days.~~

~~(4) If the appellant transfers prior to the completion of the modification order, the originally assigned institution or parole region shall retain responsibility for completion of the modification order as specified in subsection 3084.7(i), including cases where the receiving institution or parole region provides the actual relief.~~

~~(5) In cases where a modification order is issued on an emergency appeal, the order shall specify the timeframe for the completion of the action granted. The appeals coordinator, if granted at the second level of review, and the third level Appeals Chief or designee, if granted at the third level of review, shall notify the hiring authority by electronic transmission of the emergency timeframe for completion of the granted action.~~

~~(j) An Appeals Coordinator or member of the Office of Appeals may review audio, video, or both forms of recordings related to an inmate grievance or appeal.~~

~~Note: Authority cited: Sections 5058 and 10006(b), Penal Code. Reference: Sections 5054 and 10006(b), Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act; Title 42 U.S.C. Section 1997 *et seq.*, Public Law 96-247, 94 Stat. 349; and Section 35.107, Title 28, Code of Federal Regulations.~~

### **3084.8. Appeal Time Limits.**

~~(a) Time limits for reviewing appeals shall commence upon the date of receipt of the appeal form by the appeals coordinator.~~

~~(b) Except as described in subsection 3084.8(b)(4), an inmate or parolee must submit the appeal within 30 calendar days of:~~

~~(1) The occurrence of the event or decision being appealed, or;~~

~~(2) Upon first having knowledge of the action or decision being appealed, or;~~

~~(3) Upon receiving an unsatisfactory departmental response to an appeal filed.~~

~~(4) There shall be no time limits for allegations of sexual violence or staff sexual misconduct.~~

~~(c) All appeals shall be responded to and returned to the inmate or parolee by staff within the following time limits, unless exempted pursuant to the provisions of subsections 3084.8(f) and (g):~~

~~(1) First level responses shall be completed within 30 working days from date of receipt by the appeals coordinator.~~

~~(2) Second level responses shall be completed within 30 working days from date of receipt by the appeals coordinator.~~

~~(3) Third level responses shall be completed within 60 working days from date of receipt by the third level Appeals Chief.~~

~~(d) Exception to the time limits provided in subsection 3084.8(c) is authorized only in the event of:~~

- ~~(1) Unavailability of the inmate or parolee, or staff, or witnesses.~~
  - ~~(2) The complexity of the decision, action, or policy requiring additional research.~~
  - ~~(3) Necessary involvement of other agencies or jurisdictions.~~
  - ~~(4) State of emergency pursuant to subsection 3383(c) requiring the postponement of nonessential administrative decisions and actions, including normal time requirements for such decisions and actions.~~
  - ~~(e) Except for the third level, if an exceptional delay prevents completion of the review within specified time limits, the appellant, within the time limits provided in subsection 3084.8(c), shall be provided an explanation of the reasons for the delay and the estimated completion date.~~
  - ~~(f) An appeal accepted as an emergency appeal shall be processed within the time frames set forth in subsections 3084.9(a)(4) and (a)(5).~~
  - ~~(g) An appeal of the involuntary psychiatric transfer of an inmate or parolee shall be made directly to the third level pursuant to subsection 3084.9(b), within 30 calendar days of receipt of the hearing decision on the need for involuntary transfer.~~
- Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Civil Rights of Institutionalized Persons Act; Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; and 28 CFR Sections 35.107 and 115.52.

### **~~§ 3084.9. Exceptions to the Regular Appeal Process.~~**

- ~~(a) Emergency appeals. Emergency appeals should not be used by inmates or parolees as a substitute for verbally or otherwise informing staff of an emergency situation requiring immediate response.~~
  - ~~(1) When circumstances are such that the regular appeal time limits would subject the inmate or parolee to a substantial risk of personal injury or cause other serious and irreparable harm, the appeal shall be processed as an emergency appeal. Emergency circumstances include, but are not limited to:
    - ~~(A) Threat of death or injury due to enemies or other placement concerns.~~
    - ~~(B) Serious and imminent threat to health or safety.~~~~
  - ~~(2) An emergency appeal shall be submitted directly to the appeals coordinator and shall include a clear description of the circumstances warranting emergency processing. A request for emergency processing of an appeal that clearly does not meet the criteria for emergency processing or is made for the purpose of circumventing normal procedures or obtaining an expedited response may be considered misuse or abuse of the appeals process.~~
  - ~~(3) If the appeals coordinator determines emergency processing is unwarranted, the inmate or parolee shall be notified and the appeal shall be processed pursuant to subsection 3084.5(b)(2).~~
  - ~~(4) If emergency processing is warranted, the first level shall be waived and the second level review shall be completed within five working days.~~
  - ~~(5) Prison Rape Elimination Act (PREA) Sexual Violence (Inmate on Inmate) and Staff Sexual Misconduct Appeals.~~

A grievance in whole or part containing allegations of sexual violence or staff sexual misconduct shall be processed as an emergency appeal. The appeal shall be immediately reviewed by the Hiring Authority or designee and processed directly at the Second Level of Review. When the appeal alleges or indicates that the inmate may be in substantial risk of imminent sexual violence or imminent staff sexual misconduct, a risk assessment shall be undertaken.

    - ~~(A) Staff Complaints: While the department maintains the right to defend against an inmate lawsuit on the grounds of the applicable statute of limitations, a time limit shall not~~

~~be imposed upon when an appellant may file such a grievance. The time limits for processing an emergency Staff Complaint are as follows:~~

~~1. There shall be no time limit for allegations of staff sexual misconduct, but once received by the appeals coordinator, the appeal shall be screened in accordance with subsection 3084.5(b)(4).~~

~~2. A risk assessment determination of all staff sexual misconduct related appeals shall be immediately completed by the Hiring Authority to determine if the appellant is in substantial risk of imminent staff sexual misconduct. If the assessment results in a determination of the appellant being in substantial risk of imminent staff sexual misconduct, the Hiring Authority shall take immediate corrective action.~~

~~3. The appeals coordinator shall provide an initial response to the appellant within 48 hours that shall include whether or not the appeal is being processed as an emergency Staff Complaint.~~

~~4. An initial risk assessment shall be documented within 48 hours and the completed risk assessment determination by the Hiring Authority shall be documented within 5 calendar days describing whether the appellant was determined to be in substantial risk of imminent staff sexual misconduct and the action(s) taken in response to the appeal.~~

~~5. If the conditions of exceptional delay exist as described in subsection 3084.8(d), the time constraints of Second Level of Review or Third Level of Review may be extended in increments of 30 days, but shall not exceed 160 days from the date the appeal was received by the appeals coordinator. Any extension shall require written notification to the appellant and shall include the estimated completion date. The time consumed by the appellant in preparing the appeal shall not count in the calculation of a timely response.~~

~~6. The appellant may consider an absence of a timely response at any level, including that of any properly noticed extension, a denial at that level.~~

~~7. The appellant is required to respond to the Second Level Review within 30 calendar days in accordance with subsection 3084.8(b)(3).~~

~~(B) PREA Allegations Against Another Offender: A time limit shall not be imposed upon when an appellant may file a grievance alleging inmate on inmate sexual violence. The time limits for processing an emergency sexual violence appeal are as follows:~~

~~1. Once received by the appeals coordinator, the appeal shall be screened in accordance with section 3084.8. When the appeal alleges or indicates that the inmate is at substantial risk of imminent sexual violence, a risk assessment shall be undertaken.~~

~~2. A risk assessment determination of all sexual violence related appeals shall be immediately completed by the Hiring Authority to determine if the appellant is in substantial risk of imminent sexual violence. If the assessment results in a determination of the appellant being in substantial risk of imminent sexual violence, the Hiring Authority shall take immediate corrective action.~~

~~3. The appeals coordinator shall provide an initial response to the appellant within 48 hours that shall include whether or not the appeal is being processed as an emergency PREA appeal.~~

~~4. An initial risk assessment shall be documented within 48 hours and the completed risk assessment determination by the Hiring Authority shall be documented within 5 calendar days describing whether the appellant was determined to be in substantial risk of imminent sexual violence and the action(s) taken in response to the appeal.~~

~~5. If the conditions of exceptional delay exist as described in subsection 3084.8(d), the time constraints of Second Level of Review or Third Level of Review may be extended in increments of 30 days, but shall not exceed 160 days from the date the appeal was received by the appeals coordinator. Any extension shall require written notification to the~~

~~appellant and shall include the estimated completion date. The time consumed by the appellant in preparing the appeal shall not count in the calculation of a timely response.~~

~~6. The appellant may consider an absence of a timely response at any level, including that of any properly noticed extension, a denial at that level.~~

~~7. The appellant is required to respond to the Second Level Review within 30 calendar days in accordance with subsection 3084.8(b)(3).~~

~~(b) Involuntary psychiatric transfers. An inmate or parolee may appeal the written decision of an involuntary psychiatric transfer, pursuant to subsection 3379(d), directly to the third level. A copy of the hearing decision shall be attached to the CDCR Form 602 (Rev. 08/09), Inmate/Parolee Appeal, but the absence of such documentation shall not be cause for rejection of the appeal.~~

~~(c) Joint Venture Program (JVP) employer related grievances.~~

~~(1) Any current or former Joint Venture inmate employee who believes he/she has a grievance regarding a wage and hour or retaliation claim against a JVP employer shall submit the written grievance to the JVP Chief.~~

~~(2) The JVP Chief shall attempt to resolve all complaints.~~

~~(3) Time frames for filing grievances will be governed by the Division of Labor Standards Enforcement's (DLSE) statutes of limitations, including but not limited to, Labor Code section 98.7 and Code of Civil Procedure sections 337, 338, and 339, for the appropriate type of complaint.~~

~~(4) If the inmate is dissatisfied with the JVP Chief's decision, the inmate may file a complaint with the Labor Commissioner.~~

~~(d) Parole period and term computation appeals. Parole period and term computation appeals shall be reviewed at the first level by the department's records staff. The inmate or parolee must state in detail the alleged error or reason for disputing the calculation of his or her release date.~~

~~(1) Records staff shall research the relevant case factors and document the findings. If the appeal is denied, the denial shall be delivered by records staff or by the appropriate caseworker to the appellant who shall sign and date a CDC Form 1031 (8-88), Acknowledgment of Receipt.~~

~~(2) The inmate or parolee may request a Computation Review Hearing that constitutes the second level review. The inmate or parolee shall be notified at least 24 hours prior to the hearing via the CDC Form 1032 (12/86), Notice of Time, Date, and Place of Computation Review Hearing, but may sign a voluntary waiver of such notice.~~

~~(3) The inmate or parolee shall be provided a copy of the CDC Form 1033 (8-88), Computation Review Hearing Decision, at the conclusion of the hearing.~~

~~(e) California Prison Industry Authority (CALPIA) health and safety complaints.~~

~~(1) A health and safety complaint should not be used by inmates as a substitute for verbally or otherwise informing staff of an urgent health or safety situation requiring immediate response.~~

~~(2) Pursuant to Labor Code and Industrial Relations regulations, an inmate who believes a health or safety hazard exists in a CALPIA operation shall deposit a written complaint in a readily accessible complaint box or give the complaint to any CALPIA staff member who shall submit it to the CALPIA health and safety committee for review and response. The committee shall undertake all authorized levels of review and referral.~~

~~(f) Property appeals. All property loss or damage arising from the same event or action for a single appellant shall be included in one appeal.~~

~~(1) An inmate or parolee who is appealing missing/damaged property that he or she believes occurred as a result of an error made by the receiving entity or by the~~

~~transportation unit during the transfer of his/her property shall submit the appeal to the appeals coordinator of the receiving institution/region.~~

~~(2) An inmate or parolee who is appealing missing/damaged property that he or she alleges occurred as a result of an error made by the sending entity during the transfer from one institution/region to another institution/region, shall submit the appeal to the appeals coordinator of the receiving institution/region who will forward it to the sending institution/region for processing.~~

~~(3) The appeals coordinator shall process the appeal for a first level response.~~

~~(A) An attempt shall be made by staff to assess the damaged property and/or conduct a thorough search to locate the missing property.~~

~~(B) An attempt shall be made by staff to research the appellant's claim utilizing departmental inmate property records.~~

~~(4) If an administrative decision is made that the department is responsible for loss or damage to the appellant's property pursuant to section 3193, an attempt by staff to use donated property to substitute for or replace lost property at no cost to the state, or any effort to repair damaged property at institution expense, will be made prior to awarding monetary compensation for the loss.~~

~~(5) An appellant's refusal to accept repair, replacement, or substitution of like items and value shall be cause to deny the appeal. When denying an appeal on this basis, the reviewer must state why the replacement offered to the appellant is considered an equivalent item and value.~~

~~(6) The provisions of subsection 3193(b) shall apply when monetary compensation is determined to be the appropriate remedy.~~

~~(7) Before payment of any granted claim, the inmate or parolee shall discharge the state from further liability for the claim if required pursuant to Government Code section 965.~~

~~(8) The document denying a property claim appeal shall inform the appellant of the right to submit a claim directly with the Victim Compensation and Government Claims Board and shall provide the mailing address for such filing.~~

~~(9) An inmate or parolee who intends to submit a claim with the Victim Compensation and Government Claims Board shall adhere to the rules and timeframes governing those claims, which may be more restrictive than those of the CDCR appeals process.~~

~~(g) Disciplinary Appeals:~~

~~(1) A disciplinary action cannot be appealed until the hearing process is completed, including any re-hearing.~~

~~(2) Inmates who wish to exhaust their administrative remedies for "serious" disciplinary issues pursuant to section 3315 must appeal through the third level of review.~~

~~(h) Transfer Appeals. A decision for transfer to another institution may be appealed by the affected inmate after the transfer endorsement by the classification staff representative.~~

~~(1) Filing of an appeal of a transfer decision shall not normally be cause to stay or delay a transfer except in extraordinary circumstances and at the discretion of the Warden or designee.~~

~~(2) Regular transfer appeals:~~

~~(A) The first level of appeal shall be waived.~~

~~(B) If the appeal is granted at second level, the appellant's case shall be presented to a second classification staff representative for reconsideration.~~

~~(C) If the second classification staff representative disagrees with institution's recommendation, the institution head may submit the case to the departmental review board for final decision.~~

~~(D) If the appeal is denied at second level or the institution head does not refer the case to the departmental review board, the appellant may appeal at the third level.~~

~~(3) Reception center transfer appeals:~~

~~(A) First level review shall be conducted by the reception center's correctional administrator.~~

~~(B) If the appeal is granted, the appellant may be retained at the reception center until the case is presented to a second classification staff representative only if the proposed transfer poses a threat to the health or safety of the appellant.~~

~~(C) If the second classification staff representative disagrees with the first level appeal decision, the appellant may resubmit the appeal for second level review.~~

~~(D) Second level review shall be conducted by the institution head, who may retain the appellant at the reception center as a second level review action and refer the appeal to the departmental review board for resolution. The board's decision shall constitute final review.~~

~~(i) Staff complaints. A staff complaint filed by an inmate or parolee shall be processed as an appeal pursuant to this Article, not as a citizen's complaint. However, any appeal alleging misconduct by a departmental peace officer as defined in subsection 3291(b) shall be accompanied by the subsection 3391(d) Rights and Responsibility Statement.~~

~~(1) An inmate or parolee alleging staff misconduct by a departmental employee shall forward the appeal to the appeals coordinator. Only after the appeal has been reviewed and categorized as a staff complaint by the hiring authority or designee at a level not below Chief Deputy Warden, Deputy Regional Parole Administrator, or equivalent level shall it be processed as a staff complaint. If the hiring authority makes a determination that the complaint shall not be accepted as a staff complaint, it shall be processed as a routine appeal pursuant to subsection 3084.5(b)(4)(A).~~

~~(2) When an appeal is accepted alleging staff misconduct that also includes any other issue(s), the appeals coordinator at the time the appeal is accepted as a staff complaint shall notify the inmate or parolee that any other appeal issue(s) may only be appealed separately and therefore resubmission of those issues is required if the intention is to seek resolution of such matters. Upon receiving such a notice, the inmate or parolee has 30 calendar days to submit separate appeal(s) regarding the other issue(s).~~

~~(3) All appeals alleging staff misconduct will be presented by the appeals coordinator to the hiring authority or designee within five working days. The hiring authority will review the complaint and determine if:~~

~~(A) The allegation warrants a request for an Internal Affairs investigation as the alleged conduct would likely lead to adverse personnel action. The case will be referred for an Internal Affairs investigation as instructed by the hiring authority.~~

~~(B) The allegation does not warrant a request for an Internal Affairs investigation in which case a confidential inquiry shall be completed by the reviewer. An inquiry shall be conducted whenever the appeal is designated as a staff complaint but is not referred to the Office of Internal Affairs (OIA) or when the matter is declined by the OIA.~~

~~1. A confidential report shall summarize the review and include a determination of the findings concerning the allegation. This document shall not be provided to the appellant. It shall be kept in the appeal file in the Appeals Office and no other copies shall be kept or maintained except as herein described or as needed for Third Level review or litigation. This document is strictly confidential to all inmates and any staff except those involved in the inquiry process or litigation involving the department.~~

~~2. The accused staff may review the confidential report in the appeals office upon approval of the litigation coordinator, but if any information relating to other staff is~~

~~contained in the confidential document, a copy shall be made and that information redacted prior to the review. Neither the original nor the copy shall leave the appeals office except as required for litigation and any redacted copy shall be placed with the original after review.~~

~~3. The assigned reviewer will interview the appellant and as many witnesses as necessary to reach a determination concerning the allegation. The subject(s) of the staff complaint may be interviewed by a person trained to conduct administrative interviews and will be given notice of the interview at least 24 hours prior to the interview. If the subject chooses to waive the 24-hour requirement, he/she must indicate this at the time they are given notice. If waived, the subject may be interviewed immediately.~~

~~4. A confidential inquiry shall review the information available to determine whether policy was violated.~~

~~(4) The institution's appeal response to a staff complaint shall inform the appellant of either:~~

~~(A) The referral for investigation and the status of the investigation. Additionally, the appellant shall be notified of the outcome at the conclusion of the investigation.~~

~~(B) The decision to conduct a confidential inquiry and whether the findings determined that the staff in question did or did not violate departmental policy with regard to each of the specific allegation(s) made.~~

~~(5) A staff complaint alleging excessive or inappropriate use of force shall be addressed pursuant to the procedures described in sections 3268 through 3268.2.~~

~~(6) An appeal alleging staff misconduct by an appeals coordinator shall be reviewed by the hiring authority for determination of processing.~~

~~(j) Appeal to the DRB of transfer decision to place an inmate in the RCGP.~~

~~(1) An inmate may appeal an ICC decision to the DRB when ICC determines placement in a RCGP facility is appropriate based on the inmate being found guilty of: three serious STG related; or five administrative STG related; or a total of five serious and administrative STG related rules violation reports while housed in the Security Housing Unit (SHU) Step Down Program (SDP).~~

~~(2) The appellant shall use a CDCR Form 602 (Rev. 08/09), Inmate/Parolee Appeal, to describe the specific issue under appeal. A CDCR Form 602-A (08/09), Inmate/Parolee Appeal Form Attachment, shall be used if additional space is needed to describe the issue under appeal or the relief requested. Such appeals shall bypass the first and second levels of review.~~

~~(3) The appellant shall submit the appeal within 30 days of receiving the CDC Form 128-G, (Rev. 10/89) Classification Chrono, in which the ICC decision is documented.~~

~~(4) The appellant shall mail the appeal and supporting documents to the third level Appeals Chief via the United States mail service utilizing his or her own funds, unless the appellant is indigent in which case the mailing of appeals to the third level of review shall be processed in accordance with indigent mail provisions pursuant to section 3138.~~

~~(5) The Appeals Chief or designee shall log the appeal and forward to the Chief, Classification Services Unit (CSU) for response.~~

~~(6) The Chief, CSU shall review the materials provided and prepare the appeal for discussion with the DRB.~~

~~(7) The DRB will review the inmate's disciplinary history which caused placement in RCGP, pursuant to section 3378.9 and determine whether removal from the SHU SDP and transfer to the RCGP was appropriate. An appearance before the DRB by the inmate is not required for a determination on such an appeal.~~

~~(8) The decision of the DRB shall be documented on the CDCR Form 602 (Rev. 08/09), Inmate/Parolee Appeal and returned to the Appeals Chief where it will be logged and forwarded to the inmate.~~

~~Note: Authority cited: Section 5058, Penal Code; and Section 6304.3, Labor Code. Reference: Sections 148.6, 832.5, 832.7, 832.8, 5054 and 5058.4, Penal Code; Sections 935.6, 965, 3300-3313, 19570-19575.5, 19583.5 and 19635, Government Code; Sections 98.7 and 6304.3, Labor Code; Sections 337, 338 and 339, Code of Civil Procedure; Sections 344.40, 344.41, 344.42 and 344.43, Title 8, Industrial Relations, California Code of Regulations; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act; Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; 28 CFR Sections 35.107 and 115.52; *Wolff v. McDonnell* (1974) 418 U.S. 539, 558-560; and *Vasquez v. State of California*, 105 Cal.App.4th 849 (2003) as implemented by the Stipulated Injunction and Order entered by the Superior Court of San Diego County in Case No. GIC-740832.~~

### ~~§ 3085. Americans With Disabilities Act.~~

~~Explanation: Departmental compliance with the Americans with Disabilities Act (ADA) is currently under the supervision of federal courts as specified in Court Ordered Remedial Plans articulated in the *Armstrong v. Schwarzenegger* (previously: *Armstrong v. Davis*) case. Accordingly, departmental ADA practices, including offender ADA appeal rights are currently carried out in accordance with an Armstrong Remedial Plan (ARP) established by the court of jurisdiction.~~

~~Note: *Armstrong v. Schwarzenegger* (2002) USDC ND (No. C-94-2307-CW); Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328.~~

## ~~Article 8.5 Written Request Process~~

### ~~3086. Inmate/Parolee Request for Interview, Item or Service.~~

~~(a) Inmates and parolees may request interviews with staff and/or request items and services via a written request process. The objectives of timely resolution of routine matters through an effective and non-conflictive communication process shall be facilitated by the practices set forth in this article, which shall be henceforth applied uniformly toward that end. Department staff shall attempt to resolve inmate and parolee issues expeditiously.~~

~~(b) The written request process may be used when the inmate or parolee seeks a response to an issue or concern related to his or her confinement or parole.~~

~~(c) The department shall ensure that inmates and parolees will have access to the CDCR Form 22 (10/09), Inmate/Parolee Request for Interview, Item or Service, which is incorporated by reference. This form shall be made readily available in:~~

~~(1) All inmate housing units, general or segregated.~~

~~(2) All institutional libraries.~~

~~(3) Any facility under the department's jurisdiction, whether residential or medical, where inmates are required to remain more than 24 hours.~~

~~(4) All parole field offices.~~

~~(d) The Inmate/Parolee Request for Interview, Item or Service form will provide:~~

~~(1) A written method for an inmate or parolee to address issues and concerns with staff and/or to request items and services.~~

~~(2) A record of the date the form was first presented to staff, and the date of each staff response.~~

~~(e) When seeking response to a written request for an interview, item, or service, the inmate or parolee shall complete the Request for Interview, Item or Service form to describe his or her request. The inmate shall deliver or mail via institutional mail the completed form to any staff member who is able to respond to the issue. The parolee shall deliver or mail via the United States Postal Service the completed form to his or her parole agent, who shall respond to the issue or, as appropriate, route the form to another staff member who is able to respond to the issue.~~

~~(1) If the inmate or parolee mails the form, the receipted copy of their request may also be returned by staff via the mail.~~

~~(2) As the written request process does not stay the time constraints for filing an appeal, the inmate or parolee is not precluded from filing an appeal on the same issue prior to receiving a response to their written request. However, the appeal may be rejected by the appeals coordinator or designee with instructions to complete the request form process before resubmitting the appeal.~~

~~(f) Upon receipt of an inmate or parolee completed Request for Interview, Item or Service form, the employee shall:~~

~~(1) Accept, date and sign the form.~~

~~(2) Provide to the inmate or parolee the bottom copy of the employee signed form, which shall serve as the inmate's or parolee's receipt to verify the date of submittal. The employee, at his or her discretion, can respond to the request at this time or wait until he or she has more time to respond within the constraints of this article.~~

~~(3) The receipt of an inmate or parolee completed form does not preclude a staff member from forwarding the document to a more appropriate responder; however, employees shall either deliver the form to the staff member or place it in institutional mail addressed to the intended staff member within 24 hours.~~

~~(4) Within three working days after receipt of the form, the responding employee shall:~~

~~(A) Note his or her decision or action on the form.~~

~~(B) Sign and date the form.~~

~~(C) Retain a copy for his or her records.~~

~~(D) Return the original and remaining copy of the form to the inmate or parolee.~~

~~(g) If the inmate or parolee is dissatisfied with or disagrees with the staff member's response, he or she may submit the Request for Interview, Item or Service form to the employee's supervisor for review, while retaining a copy for his or her records. Only in the absence of the staff member's supervisor may the inmate or parolee submit the form to another supervisor of the office or unit in question.~~

~~(h) Within seven calendar days of receipt of the Request for Interview, Item or Service form, the supervisor shall:~~

~~(1) Indicate a decision or action on the form.~~

~~(2) Sign and date the form.~~

~~(3) Ensure a copy is made and retained in the facility records for a period no less than prescribed for inmate correspondence in the approved departmental records retention schedule.~~

~~(4) Return the original to the inmate or parolee.~~

~~(i) An inmate or parolee's documented use of a Request for Interview, Item or Service form does not constitute exhaustion of administrative remedies as defined in subsection 3084.1(b).~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 148.6, 832.5 and 5054, Penal Code; Section 19583.5, Government Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons~~

~~Act; Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; and Wolff v. McDonnell (1974) 418 U.S. 539, 558-560.~~

### **3134.1. Processing of Publications.**

#### **Subsections 3134.1(a) through 3134.1(c) remain unchanged.**

(d) Notifications, to Publisher, to the Inmate, and to the Division of Adult Institutions (DAI) for Disapproval of Publication. When incoming books, magazines, or publications to an inmate are withheld or disallowed on a temporary basis by the institution pending approval from DAI, a letter shall be sent by the institution to the publisher explaining why the item was denied. A book, magazine, or publication denied to an inmate(s) based on a violation of departmental regulation or policy, and that is not included on the current Centralized List of Disapproved Publications (Centralized List) pursuant to subsection 3134.1(e), shall only require one notification letter pursuant to institution to be sent to the publisher. At a minimum the letter must include the reason why the book, magazine, or publication was denied, the names and CDCR number for all inmates, the applicable CCR section that the publication violates, and a notice to the Publisher of their right to appeal pursuant to subsection 3137(c). The letter must be sent within 15 calendar days of the determination to disallow the book, magazine or publication, with a copy of the notification letter and supporting documents to be retained by the facility for a minimum of seven years. Concurrent to the letter to the publisher, when incoming or outgoing publications addressed to or being sent by an inmate are withheld or disallowed, the institution shall also notify the inmate addressee via CDCR Form 1819 (Rev. 01/16), Notification of Disapproval-Mail/Packages/Publications, which is incorporated by reference. The CDCR Form 1819 shall include the reason, disposition, name of official disallowing the publication, and the name of the official to whom an ~~appeal~~ complaint can be directed.

The institution shall also concurrently notify DAI and request that DAI affirm or deny the withholding of the temporarily disallowed publication. DAI shall provide the decision within 30 calendar days of receiving the request. If DAI affirms the withholding of the publication, disallowance of the publication shall become permanent. If DAI denies the withholding of the publication, the institution shall deliver the publication to the inmate within 15 calendar days, upon receipt of DAI's decision.

For periodicals, as defined in subsection 3133(a)(3), the DAI may include a periodical on the Centralized List, in accordance with subsection 3134.1(e), provided that all issues of the publication for twelve consecutive months violate departmental regulation or policy. However, an institution may disallow individual issues of a periodical in accordance with this subsection. The disallowance of individual issues of a periodical shall become permanent, as to those issues only, if DAI affirms an institution's decision to temporarily withhold ~~or~~ disallow the individual issues. If the DAI denies the institution's decision to temporarily withhold individual issues of a periodical, the institutional shall deliver those issues to the inmate within 15 calendar days upon receipt of DAI's decision.

(e) Centralized List Of Disapproved Publications. The Division of Adult Institutions shall distribute to each institution a Centralized List of Disapproved Publications that are prohibited as contraband. Examples of publications that would be included on the Centralized List would include, but not be limited to, publications that contain, obscene material as described in subsection 3006(c)(15), sexually explicit images that depict

frontal nudity as described in subsection 3006(c)(17)(A) warfare or weaponry, bomb making instructions, or STG written materials or photographs, as described in subsections 3378.2(b)(5)-(6). Publications that are enumerated on the Centralized List are not allowed in any institution. Local institutions may not add items to the Centralized List. When a publication is placed on the Centralized List, the Division of Adult Institutions shall send a letter to the publisher explaining why the publication was excluded. At a minimum, the letter must include the reason why the publication is excluded, the applicable CCR section that the publication violates, and a notice to the Publisher of its right to ~~appeal~~complain per CCR subsection 3137(c). The letter must be sent within 15 calendar days of the determination to disapprove the publication, with a copy of the notification letter and supporting documents to be retained by the facility for a minimum of seven years.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procurier v. Martinez* (1974) 416 U.S. 396; and *Bell v. Wolfish* (1979) 441 U.S. 520.

### **3136. Disapproval of Inmate Mail.**

(a) Disapproval of inmate mail that is in clear violation of CCR sections 3006 or 3135 shall be referred to staff not below the level of Captain for determination and appropriate action. Disapproval of inmate mail that is not in clear violation of CCR sections 3006 or 3135 shall be referred to the Warden, but not lower than the Chief Deputy Warden, for determination and appropriate action. When incoming or outgoing mail/~~packages~~, or publications addressed to or being sent by an inmate are withheld or disallowed, the inmate shall be informed via CDCR Form 1819 (Rev. 01/16), Notification of Disapproval-Mail/Packages/Publications, of the reason, disposition, name of official disallowing the mail/package/publication, and the name of the official to whom ~~an appeal~~a grievance can be directed.

### **Subsection 3136(b) remains unchanged.**

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 2601(d), Penal Code.

### **3137. Appeals and Complaints Relating to Mail and Correspondences.**

(a) Inmates, their correspondents, and publishers may ~~appeal~~file a complaint regarding departmental rules, regulations, policies, approved facility procedures and their application relating to mail and correspondence.

(b) Inmates shall use the established ~~inmate appeal procedures as provided in section 3084~~administrative remedies procedures as provided in section 3480, et seq. An inmate's submittal of ~~an appeal~~a grievance within 30 calendar days of a notice that mail is being designated as undelivered will postpone any disposition of the mail until ~~an appeal decision is made at the third level of appeal review. If the inmate's appeal is denied at the third level of appeal review, the item of mail shall be disposed of as provided in subsection 3191(c).~~the administrative remedies procedure is completed. The final decision rendered in the administrative remedies procedure shall determine disposition of mail.

(c) Persons other than inmates should address any ~~appeal~~complaint relating to department policy and regulations to the Director of the Division of Adult Institutions (DAI). ~~Appeals~~Complaints relating to a specific facility procedure or practice should be addressed in writing to the Warden, or Associate Director of the facility where the appeal issue arises. A written response shall be provided within 15 working days. ~~Appeals~~Complaints that are not satisfactorily resolved at this level may be forwarded in writing to the Director of the DAI who shall provide a written response within 20 working days.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 2601, Penal Code; and In re Muszalski, 52 Cal. App. 3rd 500.

### **3141. Confidential Correspondence.**

#### **Subsections 3141(a) through 3141(b) remain unchanged.**

(c) Persons and employees of persons with whom inmates may correspond confidentially and from whom inmates may receive confidential correspondence include:

\*

(8) The Secretary, Undersecretary, Chief Deputy Secretaries, Executive Director, Assistant Secretaries, Division Directors, Deputy Directors, Associate Directors, the Chief, ~~Inmate~~Office of Appeals, and the Lead Ombudsman's Office of the Department.

\*

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 5054, Penal Code; and In re Jordan, 12 CA 3rd 575 (1974); and King v. Borg, USDC-ED Case No. CIV. S-87-0519 LKK/PAN/P.

### **3173.1. Visiting Restrictions with Minors.**

#### **Subsections 3173.1(a) through (f) remains unchanged.**

(g) If an inmate disagrees with the decision of a classification committee, the inmate may file an ~~inmate written grievance via the CDCR Form 602 appeal process~~ as outlined in sections ~~3084 through 3084.93480, et seq.~~

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1202.05, 5054 and 5054.2, Penal Code; Section 362.6, Welfare and Institutions Code; and People v. Glass (2004) 114 Cal. App. 4th 1032.

### **3179. ~~Appeals~~Complaints Relating to Visiting.**

(a) ~~Inmates, and a~~ Approved inmate visitors, and visiting applicants may appeal in writing file a complaint with the institution head regarding department policies, staff decisions, and institution/ or facility procedures relating to visiting.

~~(1) Inmates shall use the established inmate appeal procedures as provided in section(s) 3084 through 3084.9.~~

~~(2) All appeals by approved inmate visitors and visiting applicants related to visiting shall be submitted to the institution head.~~

(b) Visitor ~~appeals~~ complaints related to institution/ or facility procedures or staff decisions shall be addressed to the institution head. A written response shall be provided within 15 working days from receipt of the ~~appeal~~ complaint. If dissatisfied with the institution/ or facility response or action, the ~~appellant~~ complainant may refer the appeal, with a copy of the institution/ or facility decision, to the director or designee.

(c) ~~Appeals~~ Complaints related to visiting shall be addressed to the director. A written response to ~~appeals~~ complaints addressed to the director shall be provided within 20 working days from the date of receipt.

(d) All subsequent decisions made as the result of an appeal and the reasons for the decisions shall be documented with a copy to the ~~appellant and/or inmate~~ complainant. Visiting privileges shall be promptly approved or restored when an investigation concludes that no violation of rules, regulations, or procedures took place.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

### **Section 3193. Liability.**

#### **Section 3193(a) remains unchanged.**

(b) The department shall accept liability for the loss or destruction of inmate personal property when it is established that such loss or destruction results from employee action. Inmates shall utilize the ~~inmate appeal process~~ administrative remedies procedures if unable to resolve a personal property claim pursuant to section ~~3084.13481~~. Upon acceptance of liability, the department shall provide to the inmate similar items of equal or greater value when such items are available via donated property items ~~consistent with sections 3084.9 and 3191(c)~~. If donated items are not available, monetary compensation to the inmate for such loss shall not exceed either the dollar value assigned to the item or items at the time the inmate received authorization to possess the property; the cost of the item, verified by receipt; or the replacement value for the item or a similar item, as determined by the department. Staff recommendations to the Victim Compensation and Government Claims Board regarding monetary reimbursement will be made accordingly.

#### **Subsection 3193(c) remains unchanged.**

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2085, 2600, 2601, 5062 and 5063, Penal Code.

### **Section 3220.4 Movies/ or Videos for Inmate Viewing.**

(a) Only movies/ or videos approved by the institution head or his/her designee (reviewer) may be scheduled for viewing by inmates.

(b) Only those movies/ or videos which have been given a rating of “G,” “PG,” or “PG-13” by the Motion Picture Association of America (MPAA) or that have been placed on the department's discretionary showing list may be considered for viewing. Movies/ or videos which have been given a rating of other than “G,” “PG,” or “PG-13” by the Motion Picture Association of America shall not be approved for general inmate viewing. Regardless of their rating or listing, movies/ or videos which, in the opinion of the reviewer, glorify violence or sex, or are inflammatory to the climate of the facility shall not be shown.

(c) The selection or exclusion of a movie/ or video by a facility may be challenged by members of the public by writing to the director, ~~appealed~~ grieved by inmates by following the ~~appeal process~~ administrative remedies procedures as stated in section ~~3084.3480~~ et seq., and grieved by staff by pursuing grievance procedures in accordance with their collective bargaining unit's contract ~~and/or~~ memorandum of understanding.

(d) At the discretion of the director, a movie/ or video review shall be done by the movie review committee, composed of staff named by the director. Movies may be submitted for consideration as follows:

(1) Movies/ or videos which have not been rated may be submitted to the director for the committee's consideration for general inmate viewing.

(2) Movies/ or videos which have an MPAA rating of other than “G,” “PG,” or “PG-13,” or have not been rated by the MPAA, may be submitted to the director by the facility reviewer or a contract vendor for the committee's consideration for specified limited inmate viewing purposes (e.g., education or contracted service vendor programs).

(3) Movies which are challenged by the public, appealed by inmates, and grieved by staff pursuant to subsection (c) of this section shall be reviewed by the committee at the director's discretion.

(e) The committee may determine a movie/ or video to be unacceptable for inmate viewing, acceptable for general inmate viewing, or acceptable for specified limited inmate viewing purposes.

(f) The committee will place movies/ or videos on a statewide “discretionary showing list” under the category of “approved for all purposes,” or under the category of “approved for specified limited inmate viewing purposes” (specifying the limited or special purpose for which the movie is being approved), or under the category of “unacceptable for inmate viewing.” A movie/ or video's placement on the list as approved will not require that it be shown by a facility.

Note: Authority cited: Sections 5058 and 10006(b), Penal Code. Reference: Sections 2601(c), 5054 and 10006(b), Penal Code.

### **3230. Establishment of Inmate Advisory Councils.**

**Subsection 3230(a) through 3230(c)(5) remain unchanged.**

(d) Inmate advisory council representatives shall not, as a council representative, become involved with inmate grievances or appeals unless the matter affects the general inmate population and such involvement is authorized by the warden.

(1) No grievance or appeal concerning an employee shall be discussed by representatives with any employee below the level of correctional lieutenant.

**Subsections 3230(d)(2) through 3230(i)(3) remain unchanged.**

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

### **3282. Use of Telephones by Inmates.**

#### **Subsections 3282(a) through 3282(f) remain unchanged.**

(g) If staff designated by the institution head determine that an incoming call concerns an emergency or confidential matter, the caller's name and telephone number shall be obtained and the inmate promptly notified of the situation. The inmate shall be permitted to place an emergency or confidential call either collect or by providing for the toll to be deducted from the inmate's trust account. A confidential call shall not be made on an inmate telephone and shall not be monitored or recorded. If a call is determined to be an attorney/ and inmate confidential phone call, in order for the inmate to place or receive the call it must have already received approval/ or clearance in accordance with subsections (g)(1), (g)(2) and (g)(4).

\*

~~(8) Inmates, approved attorneys/attorney representatives and pending approval confidential phone call applicants may appeal any departmental policies, staff decisions and institution/facility procedures related to confidential phone calls by following the appeals process as contained in Title 15, Section 3179. Appeals Related to Visiting. Title 15, Section 3179 applies in its entirety. Approved attorneys, approved attorney representatives, and confidential phone call applicants still pending approval may file a complaint regarding departmental policies, local procedures, or staff decisions related to confidential phone calls with the Warden or other official responsible for that housing unit.~~

#### **Subsections 3282(h) through 3282(i) remain unchanged.**

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

### **Article 9.1. Research of Inmates/Parolees**

#### **~~3369.5. Research.~~**

~~(a) No research shall be conducted on inmates/parolees without approval of the research advisory committee established to oversee research activities within the department. Members of the research advisory committee shall be named by the Secretary, and may include departmental staff and nondepartmental persons who are community academic representatives engaged in criminal justice research.~~

~~(b) No research project shall be considered without submission of a research proposal that shall contain the following:~~

~~(1) A statement of the objectives of the study.~~

~~(2) The specific values of the project.~~

~~(3) A description of the research methods to be used.~~

~~(4) A description of the measuring devices to be used, or if they are to be developed as part of the project, a statement of their intended use and reason.~~

~~(5) The name of the facility or office where the data will be collected.~~

~~(6) The names and titles of personnel involved and their responsibilities in the project.~~

~~(7) An estimate of departmental staff time needed for the project.~~

- ~~(8) Starting and ending dates of the research.~~
  - ~~(9) Any additional costs to the state.~~
  - ~~(10) An estimate of the inmate/parolee subjects' time needed for the project and a plan for the compensation of the inmates/parolees.~~
  - ~~(11) The source of funding.~~
  - ~~(12) A copy of the informed consent form to be used in the project which meets the requirements of Penal Code section 3521.~~
  - ~~(13) A current resume for each professional staff member of the project.~~
  - ~~(14) The full name, date of birth, and social security number of all project staff members who will enter an institution or other departmental facility to carry out the project.~~
  - ~~(15) A certification of privacy signed by the project's principal investigator which outlines the procedure for protecting exempt personal information and certifies that the protective procedures shall be followed.~~
  - ~~(16) If student research is involved, a letter from the student's faculty advisor stating that the student will be working under their supervision and the project is approved by their college/university.~~
  - ~~(17) If the proposal was previously reviewed by a committee of another agency or organization, a copy of the record of that committee's approval.~~
  - ~~(c) A nondepartmental person, agency or organization applying to conduct research within the department shall submit to the committee for approval a signed agreement to adhere to all departmental requirements.~~
  - ~~(d) Any person, agency or organization conducting research shall, as requested by the department's chief of research or designee, submit progress reports on their projects.~~
- ~~Note: Authority cited: Sections 3509.5, 3517 and 5058, Penal Code. Reference: Sections 3500 through 3524 and 5054, Penal Code.~~

#### **3378.4. Security Threat Group Behavior or Activity.**

**Introductory paragraph through Subsection 3378.4(b)(3)(A)3. remain unchanged.**

~~4. The inmate may appeal the RCGP placement to the DRB, in accordance with section 3480 et. seq., without delay of transfer, which would review the inmate's disciplinary history and determine whether removal from the program and transfer to the RCGP is appropriate in accordance with section 3084.9(j). A hearing before the DRB is not required for a determination on such an appeal.~~

~~\*~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800; *Toussaint v. Yockey* (9th Cir. 1984) 722 F.2d 1490; and *Castillo v. Alameida, et al.* (N.D. Cal., No. C94-2847).~~

#### **3383. State of Emergency.**

**Subsections 3383(a) through 3383(c)(3) remain unchanged**

~~(d) During a state of emergency the institution head or regional parole administrator/ or deputy director, DAPO, may authorize the postponement of nonessential administrative decisions, actions, and the normal time requirements for such decisions and actions as deemed necessary because of the emergency. This may include, but is not limited to,~~

classification committee hearings, disciplinary proceedings, and the review and action on grievances, appeals, and complaints.

**Subsection 3383(e) remains unchanged.**

Note: Authority cited: Section 5058, Penal Code; and Section 11152, Government Code.  
Reference: Section 5054, Penal Code.

**34765. Disabled Veteran Business Enterprise Goal.**

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Note: Authority cited: Section 5058, Penal Code; and Section 10115.3(b), Public Contract Code.  
Reference: Sections 10115 and 10115.11, Public Contract Code.

**34766. Disabled Veteran Business Enterprise Bid and Sole Source Requirements.**

(a) Within the time frames specified by the department's bid or sole source package, potential contractors shall be required to provide the department with either (1) or (2) below:

(1) Documentation, as required in the department's bid or sole source package, that they have met the disabled veteran business enterprise goal established in the respective package which shall include, but not be limited to, the names of their subcontractors; certification pursuant to section ~~3477~~3467; and dollar amounts of the subcontracts.

(2) Documentation, as required in the department's bid or sole source package pursuant to section ~~3478~~3468 of their good faith effort to meet the disabled veteran business enterprise goal established in the department's bid or sole source package.

\*

Note: Authority cited: Section 5058, Penal Code; and Section 10115.3(b), Public Contract Code. Reference: Sections 10115, 10115.2 and 10115.3, Public Contract Code.

**34767. Certification of a Disabled Veteran Business Enterprise.**

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Note: Authority cited: Section 5058, Penal Code; and Section 10115.3(b), Public Contract Code. Reference: Sections 2050-2053 and 10115.1, Public Contract Code.

**34768. Good Faith Effort Documentation.**

\*

Note: Authority cited: Section 5058, Penal Code; and Section 10115.3(b), Public Contract Code. Reference: Sections 10115.2-10115.4, Public Contract Code.

**34769. Monitoring Disabled Veteran Business Enterprise Goals.**

\*

Note: Authority cited: Section 5058, Penal Code; and Section 10115.3(b), Public Contract Code. Reference: Sections 10115 and 10115.3, Public Contract Code.

**348070. Joint Venture Program.**

\*

Note: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.2 and 5058, Penal Code.

**~~3480-171~~. Joint Venture Policy Advisory Board.**

\*

Note: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.4 and 5054, Penal Code.

**~~348172~~. Joint Venture Employer Selection Criteria.**

\*

Note: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.2, 2717.5 and 5054, Penal Code; and Section 5, Article XIV of the State Constitution.

**~~348273~~. Joint Venture Program Contracts.**

**Subsections 3473(a) through 3473(a)(3) remain unchanged.**

(4) A requirement that inmate-employees shall be paid “comparable wages” as defined by PC section 2717.8. “Comparable wages” means that compensation of inmate-employees by the Joint Venture Employer shall be comparable to the wages paid by the Joint Venture Employer to non-inmate employees performing the same or similar work for that employer. If the Joint Venture Employer does not employ such non-inmate employees in the same or similar work, compensation shall be comparable to wages paid for work of a similar nature in the locality in which the work is to be performed. These wages are subject to the deductions listed in Section ~~3485~~3476(h) and the mandatory savings listed in Section ~~3485~~3476(i).

**Subsections 3473(a)(5) through 3473(a)(12)(H) remain unchanged.**

(I) Compliance with the requirements of the department's approved inmate appeal procedures as required by Title 15, California Code of Regulations (CCR) Sections ~~3084~~3480 through ~~3084.9~~3487 or relevant Labor Code provisions.

**Subsections 3473(a)(12)(J) through 3473(a)(12)(Q) remain unchanged.**

(R) Sole responsibility of Joint Venture Employer to comply with all applicable federal, state, and local laws and regulations. (Nothing in this section should be construed to modify the responsibility of the State as defined in the California Code Regulations, Title 15, Division 3, Chapter 1, Subchapter 5, Article 9, Section ~~3484~~3475.)

**Subsections 3473(a)(12)(S) through 3473(d) remain unchanged.**

Note: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.5, 2717.6, 2717.8, and 5054, Penal Code; Section 5, Article XIV of the State Constitution; and Vasquez v. State of California, 105 Cal.App.4th 849 (2003), Stipulated Injunction and Order, Superior Court of San Diego County, Case No. GIC-740832.

**~~348374~~. Joint Venture Lease.**

\*

Note: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.2 and 5054, Penal Code.

**348475. Monitoring Comparable Wages and Wage Plans.**

\*

Note: Authority cited: 2717.3 and 5058, Penal Code. Reference: Sections 2717.3, 2717.4, 2717.8 and 5054, Penal Code; and Vasquez v. State of California, 105 Cal.App.4th 849 (2003), Stipulated Injunction and Order, Superior Court of San Diego County, Case No. GIC-740832.

**348576. Inmate Joint Venture Program Participation.**

**Subsections 3476(a) through 3476(c) remain unchanged.**

(d) Inmate participation in the Joint Venture Program shall be voluntary as evidenced by their written consent on the department's CDCR Form 1872, (Rev. ~~9/05~~03/20) Inmate Participation Agreement - Joint Venture Program (JVP), which is hereby incorporated by reference. The Joint Venture Employer shall provide to all inmates hired written information on the conditions of their participation in the Joint Venture Program. Such information shall include, but not be limited to:

(1) Hours of work and the requirements that comparable wages be paid.

(2) Job description.

(3) Right to file complaints regarding claimed violations of their rights under PC section 2717.8, relevant provisions of the Labor Code, and applicable Industrial Welfare Commission Wage Orders.

(4) Inmates shall not be subject to retaliation, as specified in Title 15, CCR, Section ~~3084.13481~~3481(d), by the department for their use of the inmate appeal process, to address Joint Venture Employer-related matters. Neither the Joint Venture Employer nor the department shall retaliate against inmates for exercising rights guaranteed under the State Labor Code or elsewhere in law to address Joint Venture Employer-related matters.

**Subsections 3476(e) through 3476(h)(4) remains unchanged.**

(i) In addition to (h) of ~~3485~~3476, twenty percent of the inmate's net wages after taxes shall be retained for the inmate in mandatory savings under the control of the department.

**Subsection 3476(i)(1) through 3476(i)(3) remain unchanged.**

Note: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.8 and 5054, Penal Code.

***NOTE TO PUBLISHER – REMOVE PICTURE OF FORM 1872 (REV. 09/05)***

STATE OF CALIFORNIA \_\_\_\_\_ DEPARTMENT OF CORRECTIONS  
AND REHABILITATION  
**INMATE PARTICIPATION AGREEMENT –  
JOINT VENTURE PROGRAM (JVP)**

**CDCR 1872 (Rev. 09/05)**

~~Earned wages will be distributed to me by the department once per month regardless of the frequency the employer issues payroll. I authorize the CDCR and my employer to issue checks payable to "California Department of Corrections and Rehabilitation for Inmate Name and CDCR Number," and I authorize CDCR's contracted financial services firm to deposit the checks for distribution as described above.~~

~~If I make voluntary supplemental deposits to my mandatory savings account, those funds will also be restricted from my access until release. Upon my parole, my mandatory savings in its entirety will be made available to me. If I am owed funds after my release, they will be forwarded to my Parole Agent in accordance with the established monthly disbursement schedule unless you make other arrangements with the JVP.~~

~~I also understand the above deductions from my net wages after taxes are a requirement to participate in the JVP and the handling of my payroll in the above mentioned manner expedites the disbursement process.~~

~~I agree this agreement shall supersede any provisions in any other document regarding the JVP, which may conflict with this agreement.~~

~~I have read, understand, and agree to the above terms and conditions and know what is expected of me as a participant in the JVP.~~

<del>Inmate-Employee's Name (Print)</del>	<del>Inmate-Employee Signature</del>	<del>CDC Number</del>	<del>Date Signed</del>
<del>Institution</del>		<del>JVP Company Name</del>	
<del>Staff Witness's Name</del>		<del>Staff Witness's Signature</del>	<del>Date Signed</del>

~~ORIGINAL — JVP Headquarters / Canary — Central File / Pink — Inmate-Employee~~

~~STATE OF CALIFORNIA ————— DEPARTMENT OF CORRECTIONS  
AND REHABILITATION  
**INMATE PARTICIPATION AGREEMENT —  
JOINT VENTURE PROGRAM (JVP)  
CDCR 1872 (Rev. 9/05)**~~

~~**WELCOME TO THE JOINT VENTURE PROGRAM. CONGRATULATIONS ON BEING  
SELECTED FOR EMPLOYMENT WITH A JOINT VENTURE COMPANY. READ THE  
TERMS AND CONDITIONS CAREFULLY, AND IF YOU AGREE TO THEM, SIGN  
WHERE INDICATED BELOW.**~~

~~I am volunteering to participate in the California Department of Corrections and Rehabilitation (CDCR) Joint Venture Program (JVP). As a participant in JVP, I am responsible for complying with the requirements of my employer and the CDCR. I understand my employment is "at will," and as such is at the discretion of my employer. I understand that I may be lawfully terminated by my Joint Venture employer at any time with or without cause. In addition, I understand that my participation in the JVP may be terminated at any time, with or without cause, by CDCR.~~

~~As a condition of my participation in JVP, I agree to participate in random urine testing.~~

~~I understand that I may appeal or file a complaint regarding any alleged violation of my rights under Penal Code Section 2717.8 or relevant Labor Code provisions, and that I shall not be subject to retaliation or adverse action by CDCR or my employer for exercising rights guaranteed under the Labor Code or elsewhere in law to address employer-related matters. I understand that I may have rights under the State Labor Laws that can be protected through the complaint procedure of the State of California's Division of Labor Standards Enforcement.~~

~~Deductions on my W-4 form will correspond with the information recorded in my Central File, and I will not request withholding of additional amounts of taxes. I hereby authorize the CDCR to make the following deductions which shall not exceed 80 percent of my gross wages in accordance with Section 2717.8 of the Penal Code (Compensation of inmate workers deductions) and Sections 3485(h) and (i) of Title 15 of the California Code of Regulations:~~

~~Federal, state, and local taxes.~~

~~20 percent of my net wages after taxes shall be paid to any lawful restitution fine, or contributed to any fund established by law to compensate victims of crime (generic restitution).~~

~~20 percent of my net wages after taxes shall be remitted to CDCR for payment of room and board.~~

~~20 percent of my net wages after taxes shall be paid for support of family pursuant to state statute or court order. If there is no such state statute or court order, I may designate a family member to receive this portion. If there is no state statute or court order and I choose not to designate a family member, this portion will be held in a mandatory savings account.~~

~~I further authorize the Department of Corrections and Rehabilitation to distribute my net wages after taxes once each month in accordance with the above deductions. The remainder of my net wages after taxes shall be distributed to me as follows:~~

~~20 percent of my net wages after taxes shall be available to me once per month with a statement revealing the disbursements made. These earnings will be placed into my Inmate Trust Account for expenditure per standard institutions rules upon receipt at the institution.~~

~~The remainder of my net wages after taxes shall be deposited in a mandatory savings account and will be available to me upon my release.~~

### **348677. Compliance.**

If a JVE is found to be in non-compliance with PC section 2717.8 or the provisions of sections ~~34823473~~(a)(4) and ~~34823473~~(a)(12)(K), the JVP administrator shall issue a written notice requiring the JVE, within 30 days, to comply with the JVP contract. After 30 days, if the JVE remains non-compliant with the contract, the administrator shall issue to the JVE a written 30-day cancellation notice indicating that the JVE is in material breach of contract. Any bonds held pursuant to ~~34833474~~(a)(12)(J) shall be forfeited if the JVE is found to be non-compliant. At the close of the 30-day cancellation notice, if the JVE has not come into compliance with the contract, the JVE shall be terminated from the JVP.

Note: Authority cited: 2717.3 and 5058, Penal Code. Reference: Sections 2717.8 and 5054, Penal Code; and Vasquez v. State of California, 105 Cal.App.4th 849 (2003), Stipulated Injunction and Order, Superior Court of San Diego County, Case No. GIC-740832.

## **Subchapter 5.1. Inmate and Parolee Programs**

### **Article 1. Administrative Remedies for Inmates and Parolees**

#### **3480. Implementation Date and Definitions.**

(a) The provisions of this Article shall apply to all inmate and parolee grievances received by the Department of Corrections and Rehabilitation on or after June 1, 2020.

(b) For purposes of this article, the following definitions shall apply:

(1) "Administrative remedy" means the non-judicial process provided by the Department to address inmate and parolee complaints.

(2) "Allegation inquiry" refers to the process of gathering preliminary information concerning a claim that involves an allegation of staff misconduct.

(3) "Appeal" means a written request from a claimant for review by the Office of Appeals of a decision issued by the Institutional or Regional Office of Grievances.

(4) "Appeal package" means a CDCR Form 602-2 (03/20) and all of its supporting documents.

(5) "Claim" means a single complaint arising from a unique set of facts or circumstances.

(6) "Claimant" refers to an inmate or parolee under the custody or control of the Department who files a grievance or appeal with the Department.

(7) "Coordinator" means the official responsible for the administrative functions of the Office of Grievances or Office of Appeals, depending on their assignment.

(8) "Department" and "departmental staff" refers exclusively to the Department of Corrections and Rehabilitation and to all employees, contractors, and volunteers associated with the Department, respectively.

(9) "Formal investigation" refers to a criminal or administrative investigation by the Office of Internal Affairs concerning a claim that involves an allegation of staff misconduct.

(10) "Grievance" means a written request from a claimant for review by the Institutional or Regional Office of Grievances of one or more claims.

(11) "Grievance package" means a CDCR Form 602-1 (03/20) and all of its supporting documents.

(12) "Reviewing Authority" means the official at the Office of Grievances or Office of Appeals who is responsible for reaching a decision on each claim raised in a grievance or appeal, respectively.

(13) "Serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(14) "Staff misconduct" means an allegation that departmental staff violated a law, regulation, policy, or procedure, or acted contrary to an ethical or professional standard, which, if true, would more likely than not subject a staff member to adverse disciplinary action.

(15) "Supervisory review" refers to the process of gathering preliminary information concerning a claim that does not involve an allegation of staff misconduct.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

### **3481. Claimant's Ability to Grieve and to Appeal.**

(a) A claimant has the ability to submit a written grievance containing one or more claims, subject to the requirements in section 3482, to dispute a policy, decision, action, condition, or omission by the Department or departmental staff that causes some measurable harm to their health, safety, or welfare. In response, a claimant shall receive a written decision as described in section 3483 from the Institutional or Regional Office of Grievances, hereby established in the Division of Adult Institutions and Division of Adult Parole Operations, respectively, clearly explaining the reasoning for the Reviewing Authority's decision as to each claim. A claimant also has the ability to submit a written appeal concerning one or more claims, subject to the requirements in section 3485, to dispute the decision by the Institutional or Regional Office of Grievances. In response, a claimant shall receive a written decision as described in section 3486 from the Office of Appeals clearly explaining the reasoning for the Reviewing Authority's decision as to each claim.

(b) The Director of the Division of Adult Institutions shall appoint Institutional Reviewing Authorities authorized to approve or disapprove each claim in a grievance received by an inmate, but in no case shall that official be of a rank lower than a Chief Deputy Warden. The Director of the Division of Adult Parole Operations shall appoint Regional Reviewing Authorities authorized to approve or disapprove each claim in a grievance submitted by a parolee, but in no case shall that official be of a rank lower than a Chief Deputy Parole Administrator. The Secretary shall appoint the Reviewing Authority authorized to grant or deny each claim in an appeal submitted by an inmate or a parolee, but in no case shall that official be of a rank lower than the Associate Director of the Office of Appeals.

(c) A claimant may choose to informally resolve a claim; however, any attempt to informally resolve a claim does not extend the time for submitting a grievance or an appeal.

(d) Staff shall not retaliate against a claimant for seeking to informally resolve a claim or for submitting a grievance or appeal.

(e) A claimant does not have the ability to submit a grievance or appeal to dispute a policy, decision, action, condition, or omission that was not made by the Department or

departmental staff but instead was made by an entity or official outside of the Department, including, but not limited to, a county jail, a private hospital, or the Interstate Commission for Adult Offender Supervision; nor by an entity or official that is quasi-independent of the Department, including, but not limited to, the Board of Parole Hearings, the Prison Industry Authority, or the Commission on Correctional Peace Officer Standards and Training. This article does not preclude a claimant from filing a complaint with the outside entity or official.

(f) CDCR Form 602-1 (03/20), "Grievance," hereby incorporated by reference, shall be made available to inmates in all housing units and in all prison law libraries and to parolees at all parole offices statewide.

(g) When submitting a grievance or appeal, or for purposes of a related interview, if a claimant requests assistance based on a disability, lack of literacy, or need for translation services, or departmental staff detect the need for such assistance, then staff shall provide reasonable accommodations and utilize effective communication techniques as required by the Americans with Disabilities Act.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

### **3482. Preparation and Submittal of a Grievance.**

(a) Where to Submit a Grievance.

(1) An inmate who wishes to submit a grievance shall do so in writing to the Institutional Office of Grievances at the prison, re-entry facility, or fire camp where they are housed. Every Warden, in consultation with the Director of the Division of Adult Institutions, shall issue a separate local rule in compliance with subdivision (c) of section 5058 of the Penal Code which shall be made available in all the law libraries at that institution, identifying the address where grievances may be mailed, the availability of electronic kiosks or tablets for submitting grievances, the physical location in each housing unit of all lock-boxes where grievances may be submitted, and the specific departmental staff permitted to collect grievances from those lock-boxes. Grievances shall be collected from lock-boxes at least once per business day by departmental staff not regularly assigned to that housing unit. Additional rules regarding the preparation and submittal of a grievance may be promulgated by the Division of Adult Institutions so long as they are consistent with this Article.

(2) A parolee who wishes to submit a grievance shall do so in writing to the Regional Office of Grievances in the parole region where they are supervised. Every Regional Parole Administrator, in consultation with the Director of the Division of Adult Parole Operations, shall issue a written advisement to a parolee within 15 calendar days of the parolee's release from prison identifying the address where grievances may be mailed, the availability of electronic kiosks or tablets for submitting grievances, and the physical location where grievances may be submitted. Additional rules regarding the preparation and submittal of a grievance may be promulgated by the Division of Adult Parole Operations so long as they are consistent with this Article.

(b) A claimant shall submit a claim within 30 calendar days of discovering an adverse policy, decision, action, condition, or omission by the Department. Discovery occurs when a claimant knew or should have reasonably known of the adverse policy, decision, action, condition, or omission. The time limit for a parolee to submit a grievance shall not be extended while the parolee is on suspended status, meaning the parolee has absconded. The deadline to submit a claim shall be extended for the period of time that a claimant is:

- (1) in the custody of another authority for court proceedings;
- (2) in the care of an outside hospital; or
- (3) temporarily housed in a medical or mental health crisis bed.
- (c) To submit a grievance, a claimant shall:
  - (1) type or print legibly on an official CDCR Form 602-1 (03/20) or complete the form electronically, if available;
  - (2) describe all information known and available to the claimant regarding the claim, including key dates and times, names and titles of all involved staff members (or a description of those staff members), and names and titles of all witnesses, to the best of the claimant's knowledge;
  - (3) describe any attempt to resolve the claim informally and, if there was such an attempt, provide the details of that attempt, including key dates and times, names and titles of all involved staff members (or a description of those staff members), and the results of that attempt, to the best of the claimant's knowledge;
  - (4) include all supporting documents available to the claimant related to the claim or identify to the best of the claimant's ability all relevant records with sufficient specificity for those records to be located; and
  - (5) sign and date the CDCR Form 602-1 (03/20).
- (d) When completing a CDCR Form 602-1 (03/20), a claimant shall not:
  - (1) use threatening, obscene, demeaning, or abusive language, except when quoting persons involved in the claim;
  - (2) include information or accusations known to the claimant to be false; or
  - (3) contaminate the grievance package by including organic, toxic, or hazardous materials that may present a threat to the safety and security of staff, in which case the grievance shall be safely discarded and the entire grievance disallowed.
- (e) The grievance package submitted by the claimant shall be stored electronically by the Department. The CDCR Form 602-1 (03/20) shall contain a notification to the claimant that the documents submitted will not be returned to the claimant.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

### **3483. Grievance Review.**

- (a) The Reviewing Authority for each Office of Grievances shall designate at least one official to assess each written grievance within one business day of receipt to determine if it contains any information concerning personal safety, institutional security, or sexual misconduct, including acts of sexual misconduct as defined by the federal Prison Rape Elimination Act and the California Sexual Abuse in Detention Elimination Act. In those instances, the official shall immediately commence an appropriate response as required by all applicable laws and regulations. The claimant shall be notified of the Department's course of action within five business days. Regardless of such notification, the Reviewing Authority shall issue a written response to the claimant as required in subsection 3483(i).
- (b) The Grievance Coordinator shall ensure that claims meeting the following criteria are redirected to the appropriate authority described below to process according to all applicable laws and regulations.
  - (1) An issue concerning medical, dental, or mental health services provided by the Correctional Health Care Services Division or a dispute concerning a policy, decision, action, condition, or omission by the Correctional Health Care Services Division or its staff shall be redirected to that Division.

(2) A request for a reasonable accommodation based on a disability shall be redirected to the Institutional or Regional Americans with Disabilities Act coordinator.

(3) A request for an interview, item, assistance, or service shall be redirected to the Facility Captain or Parole District Administrator responsible for responding to such requests from the claimant in question.

(4) A request for records pursuant to the California Public Records Act or the California Information Practices Act shall be redirected to the Institutional or Regional Public Records Act coordinator.

(5) An allegation against an inmate or parolee shall be redirected to the Facility Captain or Parole District Administrator where the majority of the facts and circumstances that gave rise to the claim occurred.

(c) The Grievance Coordinator shall ensure that claims meeting the following criteria are reassigned to the appropriate authority described below who shall respond to the claim.

(1) The Grievance Coordinator shall ensure that a claim is reassigned to another Institutional or Regional Office of Grievances if a majority of the facts and circumstances that gave rise to the claim occurred there. The Office of Grievances that is presented with the reassigned claim shall treat the claim as received on the date that the sending Office of Grievances received it.

(2) The Grievance Coordinator shall ensure that a request to implement a remedy is reassigned to the Remedies Compliance Coordinator referred to in subsection 3483(k)(2).

(d) The Reviewing Authority shall refer claims alleging staff misconduct to the Office of Internal Affairs for completion of an allegation inquiry or formal investigation pursuant to section 3484.

(e) A claim may be rejected as described in section 3487.

(f) The Grievance Coordinator shall ensure that an acknowledgment of receipt of a grievance is completed within 14 calendar days of its receipt indicating the date the grievance was received, whether it was disallowed pursuant to subsection 3482(d)(3), whether any particular claim was redirected or reassigned pursuant to this section, and the deadline for the Department's response to all remaining claims.

(g) A claimant or witness shall be interviewed if departmental staff responsible for reviewing a claim determine it would assist in resolving the claim. The interview shall be conducted in a manner that provides as much privacy for the claimant as operationally feasible. If a claimant is unavailable to be interviewed or refuses to be interviewed, then those facts shall be documented in the written response prepared by the Reviewing Authority.

(h) The Reviewing Authority shall ensure that any individual whose personal interaction with a claimant forms part of the claim is excluded from participating in the grievance process as to that claim, including any interview of a claimant conducted as part of the grievance process.

(1) If the individual in question is a Warden, then an Associate Director, Deputy Director, or the Director from the Division of Adult Institutions shall serve as the Reviewing Authority for that claim.

(2) If the individual in question is a Regional Parole Administrator, then a Deputy Director or the Director from the Division of Adult Parole Operations shall serve as the Reviewing Authority for that claim.

(3) Participating in a committee meeting to discuss a claimant or that includes a claimant in attendance does not, by itself, constitute personal interaction.

(i) The Reviewing Authority shall ensure that a written response is completed no later than 60 calendar days after receipt of the grievance, unless other statutory or regulatory

authority requires a response in less than 60 calendar days, and approve one of the following decisions as to each claim in the grievance:

(1) "Disapproved," meaning that the Reviewing Authority found by a preponderance of the evidence available that all applicable policies were followed and that all relevant decisions, actions, conditions, or omissions by the Department or departmental staff were proper (whether substantively, procedurally, or both);

(2) "Approved," meaning that the Reviewing Authority did not find by a preponderance of the evidence available that all applicable policies were followed or that all relevant decisions, actions, conditions, or omissions by the Department or departmental staff were proper (whether substantively, procedurally, or both), in which case the Reviewing Authority shall order an appropriate remedy;

(3) "No Jurisdiction," meaning that the claim concerns a policy, decision, action, condition, or omission by an independent entity or official which requires that the claimant file a complaint with that entity or official, as described in subsection 3481(e);

(4) "Redirected," as described in subsection 3483(b);

(5) "Reassigned," as described in subsection 3483(c);

(6) "Rejected," as described in subsection 3487(a);

(7) "Disallowed," as described in subsection 3482(d)(3);

(8) "Under Inquiry or Investigation," meaning that the claim is under an allegation inquiry or formal investigation by departmental staff or another appropriate law enforcement agency;

(9) "Pending Legal Matter," meaning that the substance of the claim concerns pending litigation by a party other than the claimant (excluding class action litigation), pending legislation, or pending regulatory action; or

(10) "Time Expired," meaning that the Department was not able to respond to the claim in the time required pursuant to subsection 3483(i).

(j) The Reviewing Authority's written decision shall be mailed to the claimant and a copy placed in the claimant's central file.

(k) Implementation of Remedy.

(1) If the Reviewing Authority approves a claim, then the corresponding remedy shall be implemented no later than 30 calendar days after the decision was sent to the claimant. If the remedy requires budget authorization outside the Department's existing authority, then it shall be implemented no later than one year after the decision was sent to the claimant.

(2) If the remedy has not been implemented and the applicable deadline has passed, then a claimant may submit a CDCR Form 602-3 (03/20), "Request to Implement Remedies," hereby incorporated by reference, directly to the Remedies Compliance Coordinator by regular mail sent to the "Remedies Compliance Coordinator, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, California 95811." Correspondence directed to this address shall not be opened by any departmental staff other than those in the unit.

(l) Additional rules may be promulgated by the Division of Adult Institutions and the Division of Adult Parole Operations so long as they are consistent with this Article.

(m) Exhaustion.

(1) Completion of the review process by the Institutional or Regional Office of Grievances resulting in a decision found in subsections 3483(i)(1) through 3483(i)(7) does not constitute exhaustion of all administrative remedies available to a claimant within the Department. Nor does completion of the review process resulting in a decision to reject a

claim pursuant to section 3487. Exhaustion requires a claimant to appeal such decisions as provided in section 3485.

(2) Completion of the review process by the Institutional or Regional Office of Grievances resulting in a decision found in subsections 3483(i)(8) through (i)(10) does constitute exhaustion of all administrative remedies available to a claimant within the Department. No appeal is available because the claim was exhausted at the conclusion of the review by the Institutional or Regional Office of Grievances.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 832.5 and 5054, Penal Code; and Section 35.107, Title 28, Code of Federal Regulations.

#### **3484. Allegations of Staff Misconduct.**

(a) All claims alleging staff misconduct shall be presented by the grievance coordinator to the Reviewing Authority who shall review the claim and determine if:

(1) The claim warrants a request for an allegation inquiry in which case the claim shall be referred to the Office of Internal Affairs, Allegation Inquiry Management Section. An allegation inquiry shall be conducted whenever the claim meets the definition of staff misconduct but the Reviewing Authority does not have a reasonable belief that the misconduct occurred.

(2) The claim warrants a request for a formal investigation in which case the claim shall be referred to the Office of Internal Affairs, Central Intake Unit. A formal investigation shall be conducted whenever the claim meets the definition of staff misconduct and the Reviewing Authority has a reasonable belief that the misconduct occurred.

(b) A confidential report shall be prepared by the Office of Internal Affairs after the completion of an allegation inquiry or formal investigation summarizing all of the evidence that was gathered, including all significant factual findings. This document shall not be provided to the claimant and no other copies shall be kept or maintained except as needed by a Reviewing Authority or the staff working in an Office of Grievances or Office of Appeals in order to respond to a claim, after which the report shall be returned to the Office of Internal Affairs.

(c) Staff with the Office of Internal Affairs may interview the claimant and as many witnesses as necessary to help determine if the allegation is true. The subject of the allegation of staff misconduct may also be interviewed by staff with the Office of Internal Affairs trained to conduct administrative interviews and shall be given notice of the interview at least 24 hours in advance. If the subject chooses to waive the 24-hour notice requirement then the subject may be interviewed immediately.

(d) When the allegation of staff misconduct concerns a use of force incident, then the Reviewing Authority shall refer the claim to the Office of Internal Affairs for completion of an allegation inquiry or formal investigation if the alleged use of force by staff resulted in serious bodily injury or the alleged use of force was not reported in accordance with sections 3268.1 or 3268.3.

(e) If the staff misconduct in question involves a person who is employed by a different hiring authority than the Reviewing Authority, then it shall be the responsibility of the Reviewing Authority to confer with that hiring authority before the referral to the Office of Internal Affairs in order to avoid duplicative referrals.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

### **3485. Preparation and Submittal of an Appeal.**

(a) A claimant who wishes to appeal a decision made by an Institutional or Regional Office of Grievances concerning one or more claims they previously submitted in a grievance shall do so in writing by regular mail sent to the "Office of Appeals, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, California 95811" or by electronic kiosk or tablet, if available. Correspondence directed to this address shall not be opened by any departmental staff other than those in the Office of Appeals.

(b) A claimant who wishes to appeal a decision found in subsections 3483(i)(1) through 3483(i)(6) shall submit an appeal within 30 calendar days of discovering the decision by the Institutional or Regional Office of Grievances. Discovery occurs when a claimant knew or should have reasonably known of the decision. The time limit for a parolee to submit an appeal shall not be extended while on suspended status, meaning the parolee has absconded. The deadline to submit an appeal of a claim shall be extended for the period of time that a claimant is:

(1) in the custody of another authority for court proceedings;

(2) in the care of an outside hospital; or

(3) temporarily housed in a medical or mental health crisis bed.

(c) To submit an appeal, a claimant shall:

(1) type or print legibly on an official CDCR Form 602-2 (03/20), "Appeal of Grievance," hereby incorporated by reference, or complete the form electronically, if available;

(2) describe in detail why the decision provided by the Institutional or Regional Office of Grievances is inadequate; and

(3) sign and date the CDCR Form 602-2 (03/20).

(d) When completing a CDCR Form 602-2 (03/20), a claimant shall not:

(1) use threatening, obscene, demeaning, or abusive language, except when quoting persons involved in the claim;

(2) include information or accusations known to the claimant to be false; or

(3) contaminate the appeal package by including organic, toxic, or hazardous materials that may present a threat to the safety and security of staff, in which case the appeal shall be safely discarded and the entire appeal disallowed; or

(4) include new claims that were not included in the original grievance, in which case the claim shall be reassigned pursuant to subsection 3486(c)(1).

(e) The appeal package submitted by the claimant shall be stored electronically by the department. The CDCR Form 602-2 (03/20) shall contain a notification to the claimant that the documents submitted will not be returned to the claimant.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

### **3486. Appeal Review.**

(a) The Reviewing Authority for the Office of Appeals shall designate at least one official to assess each written appeal within one business day of receipt to determine if it contains any information concerning personal safety, institutional security, or sexual misconduct, including acts of sexual misconduct as defined by the federal Prison Rape Elimination Act and the California Sexual Abuse in Detention Elimination Act. In those instances, the official shall refer the matter to the Institutional or Regional Office of Grievances where the majority of the facts and circumstances that gave rise to the claim occurred to be handled pursuant to subsection 3483(a).

(b) The Appeal Coordinator shall ensure that claims meeting the following criteria are redirected to the appropriate authority described below to process according to all applicable laws and regulations.

(1) An issue concerning medical, dental, or mental health services provided by the Correctional Health Care Services Division or a dispute concerning a policy, decision, action, condition, or omission by the Correctional Health Care Services Division or its staff shall be redirected to that Division.

(2) A request for a reasonable accommodation based on a disability shall be redirected to the Institutional or Regional Americans with Disabilities Act coordinator.

(3) A request for an interview, item, assistance, or a service shall be redirected to the Facility Captain or Parole District Administrator responsible for responding to such requests for the claimant in question.

(4) A request for records pursuant to the California Public Records Act or the California Information Practices Act shall be redirected to the Institutional or Regional Public Records Act coordinator.

(5) An allegation against an inmate or parolee shall be redirected to the Facility Captain or Parole District Administrator where the majority of the facts and circumstances that gave rise to the claim occurred.

(c) The Appeal Coordinator shall ensure that claims meeting the following criteria are reassigned to the appropriate authority described below who shall respond to the claim.

(1) A claim which was not first submitted in a grievance to an Institutional or Regional Office of Grievances shall be reassigned to the Institutional or Regional Office of Grievances where a majority of the facts and circumstances that gave rise to the claim occurred. The Office of Grievances that is presented with the reassigned claim shall treat the claim as received on the date the Office of Appeals received it.

(2) A claim which was first submitted in a grievance but not answered by an Institutional or Regional Office of Grievances shall be reassigned to the Institutional or Regional Office of Grievances where a majority of the facts and circumstances that gave rise to the claim occurred. The Office of Grievances that is presented with the reassigned claim shall treat the claim as received on the date that the claim was first received but not answered by an Institutional or Regional Office of Grievances.

(3) A request to implement a remedy shall be reassigned to the Remedies Compliance Coordinator referred to in subsection 3486(k)(2).

(d) If the Office of Appeals determines that a claim involves staff misconduct and that claim was not referred to the Office of Internal Affairs for an allegation inquiry or formal investigation by the Office of Grievances, then the Office of Appeals shall refer that claim to the individuals below who shall consider whether completion of an allegation inquiry or formal investigation is required pursuant to section 3484.

(1) If the claim was made by an inmate, then an Associate Director, Deputy Director, or the Director from the Division of Adult Institutions shall serve as the Reviewing Authority for that claim.

(2) If the claim was made by a parolee, then a Deputy Director or the Director from the Division of Adult Parole Operations shall serve as the Reviewing Authority for that claim.

(e) A claim may be rejected as described in section 3487.

(f) The Appeal Coordinator shall ensure that an acknowledgment of receipt of the appeal is completed within 14 calendar days of its receipt indicating the date the appeal was received, whether it was disallowed pursuant to subsection 3485(d)(3), whether any particular claim was redirected or reassigned pursuant to this section, and the deadline for the Department's response to all remaining claims.

(g) The full record of each claim shall be made available to the Office of Appeals for purposes of conducting its reviews. The record shall include the claimant's grievance, the claimant's appeal, both acknowledgment letters, all related interviews conducted for the Institutional or Regional Office of Grievances, any relevant documentation prepared for the Office of Grievances, any allegation inquiry reports prepared for the Office of Grievances, any records contained in the Department's information technology system, and all Department rules and memoranda. The record shall not include any new information provided by the claimant to the Office of Appeals that was not made available to the Office of Grievances for their review.

(h) The Reviewing Authority shall exclude any individual whose personal interaction with the claimant forms part of the claim from participating in the appeal process as to that claim. If the individual in question is the Associate Director of the Office of Appeals, then the Director from the Division of Correctional Policy Research and Internal Oversight shall serve as the Reviewing Authority for that claim.

(i) The Reviewing Authority shall ensure that a written response is completed no later than 60 calendar days after receipt of the appeal, unless other statutory or regulatory authority requires a response in less than 60 calendar days, and approve one of the following decisions as to each claim in the appeal:

(1) "Denied," meaning that the Reviewing Authority found by a preponderance of the evidence available that the decision of the Institutional or Regional Office of Grievances was proper;

(2) "Granted," meaning that the Reviewing Authority did not find by a preponderance of the evidence available that the decision by the Institutional or Regional Office of Grievances was proper, in which case the Reviewing Authority shall set aside the decision of the Institutional or Regional Office of Grievances and order an appropriate remedy;

(3) "No Jurisdiction," meaning that the claim concerns a policy, decision, action, condition, or omission by an independent entity which requires that the claimant file a grievance with that entity, as described in subsection 3481(e);

(4) "Redirected," as described in subsection 3486(b);

(5) "Reassigned," as described in subsection 3486(c);

(6) "Rejected," as described in subsection 3487(a);

(7) "Disallowed," as described in subsection 3485(d)(3);

(8) "Under Inquiry or Investigation," meaning that the claim is under an allegation inquiry or formal investigation by departmental staff or another appropriate law enforcement agency;

(9) "Pending Legal Matter," meaning that the substance of the claim concerns pending litigation by a party other than the claimant (excluding class action litigation), pending legislation, or pending regulatory action; or

(10) "Time Expired," meaning that the Department was not able to respond to the claim in the time required pursuant to subsection 3486(i).

(j) The Reviewing Authority's written decision shall be mailed to the claimant and a copy placed in the claimant's central file. If the Reviewing Authority grants a claim, then a copy of the decision shall be simultaneously sent to the appropriate Institutional or Regional Grievance Coordinator.

(k) Implementation of Remedy.

(1) If the Office of Appeals grants a claim, then the Institutional or Regional Reviewing Authority shall ensure that the corresponding remedy is implemented no later than 30 calendar days after the decision was sent to the claimant. If the remedy requires budget

authorization outside the Department's existing authority, then it shall be implemented no later than one year after the decision was sent to the claimant.

(2) If the remedy has not been implemented and the applicable deadline has passed, then the claimant may submit a CDCR Form 602-3 (03/20) directly to the Remedies Compliance Coordinator by regular mail sent to the "Remedies Compliance Coordinator, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, California 95811." Correspondence directed to this address shall not be opened by any departmental staff other than those in the unit.

(l) Additional rules may be promulgated by the Office of Appeals so long as they are consistent with this Article.

(m) Completion of the review process by the Office of Appeals constitutes exhaustion of all administrative remedies available to a claimant within the Department. A claim is not exhausted if it was disallowed pursuant to subsections 3482(d)(3) or 3485(d)(3) or rejected pursuant to subsection 3487(a).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 832.5 and 5054, Penal Code; and Section 35.107, Title 28, Code of Federal Regulations.

### **3487. Rejection of a Claim.**

(a) A claim shall only be rejected by an Institutional or Regional Office of Grievances or Office of Appeals for one or more of the following reasons:

(1) the claimant did not submit the claim within the timeframe required by subsection 3482(b) for grievances or subsection 3485(b) for appeals;

(2) the claim concerns an anticipated policy, decision, action, condition, or omission by the Department or departmental staff;

(3) the claim is substantially duplicative of a prior claim by the same claimant, except when the prior claim was rejected pursuant to subsection 3487(a)(2);

(4) the claim concerns harm to a person other than the person who signed the grievance or appeal; or

(5) the claim concerns the regulatory framework for the grievance and appeal process itself.

(b) If a claim is rejected as untimely under subsection (a)(1), then the claimant shall be notified of the following dates as determined by the Reviewing Authority: the date the claim was discovered, the date the claim was received, and the deadline for receipt of the claim pursuant to either subsection 3482(b) or 3485(b), whichever is applicable.

(c) A claim that is rejected may be appealed for review by the Office of Appeals pursuant to the procedures in section 3485. If the Office of Appeals grants the appeal, then the claim shall be reassigned to the Office of Grievances at the institution or region where the majority of the facts and circumstances that gave rise to the claim occurred. The Office of Grievances shall treat the claim as received on the date that the Office of Appeals issued its decision and shall issue its own decision in compliance with subsection 3483(i).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

## **Article 2. Research Involving Inmates or Parolees**

### **3488. Research.**

(a) No research shall be conducted on inmates or parolees without approval of the research advisory committee established to oversee research activities within the department. Members of the research advisory committee shall be named by the Secretary, and may include departmental staff and nondepartmental persons who are community academic representatives engaged in criminal justice research.

(b) No research project shall be considered without submission of a research proposal that shall contain the following:

(1) A statement of the objectives of the study.

(2) The specific values of the project.

(3) A description of the research methods to be used.

(4) A description of the measuring devices to be used, or if they are to be developed as part of the project, a statement of their intended use and reason.

(5) The name of the facility or office where the data will be collected.

(6) The names and titles of personnel involved and their responsibilities in the project.

(7) An estimate of departmental staff time needed for the project.

(8) Starting and ending dates of the research.

(9) Any additional costs to the state.

(10) An estimate of the inmate or parolee subjects' time needed for the project and a plan for the compensation of the inmates or parolees.

(11) The source of funding.

(12) A copy of the informed consent form to be used in the project which meets the requirements of Penal Code section 3521.

(13) A current resume for each professional staff member of the project.

(14) The full name, date of birth, and social security number of all project staff members who will enter an institution or other departmental facility to carry out the project.

(15) A certification of privacy signed by the project's principal investigator which outlines the procedure for protecting exempt personal information and certifies that the protective procedures shall be followed.

(16) If student research is involved, a letter from the student's faculty advisor stating that the student will be working under their supervision and the project is approved by their college or university.

(17) If the proposal was previously reviewed by a committee of another agency or organization, a copy of the record of that committee's approval.

(c) A nondepartmental person, agency or organization applying to conduct research within the department shall submit to the committee for approval a signed agreement to adhere to all departmental requirements.

(d) Any person, agency or organization conducting research shall, as requested by the department's chief of research or designee, submit progress reports on their projects.

Note: Authority cited: Sections 3509.5, 3517 and 5058, Penal Code. Reference: Sections 3500 through 3524 and 5054, Penal Code.

### **3491. Eligibility Review.**

\*

(g) Eligibility reviews under this section are subject to the department's ~~inmate appeal process administrative remedies procedures~~ in accordance with ~~Article 8 of Chapter 1 of this Division~~ section 3480, et seq.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); and Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a).

### **3492. Eligibility Review and Referral to the Board of Parole Hearings.**

\*

(d) Eligibility reviews and referrals under this section are subject to the department's ~~inmate appeal process~~ in accordance with ~~Article 8 of Chapter 1 of this division~~ section 3480, et seq.

\*

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); and Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a).

### **3548. Payments of Certain Costs by Parolees.**

#### **Subsection 3548(a) through 3548(a)(3) remains unchanged.**

(b) If the parolee disagrees with the department's finding that the parolee has the ability to pay for the costs associated with the continuous electronic monitoring, the parolee may file an appeal by submitting a ~~CDC Form 602 (rev 12/87), Inmate/Parolee Appeal form to the departmental appeals coordinator~~ CDCR Form 602-1 (03/20), to the Regional Office of Grievances.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3006, 3010.8 and 5054, Penal Code.

### **3563. Global Positioning System-Payments of Certain Costs by Parolees.**

#### **Subsection 3563(a) through 3563(a)(3) remain unchanged.**

(b) If the parolee disagrees with the Department's finding that the parolee has the ability to pay for the costs associated with GPS monitoring, the parolee may file an appeal by submitting a ~~CDC Form 602 (Rev. 08/09), Inmate/Parolee Appeal form to the departmental appeals coordinator~~ CDCR Form 602-1 (03/20), to the Regional Office of Grievances.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

### **3630. Limitations of Parole Services.**

#### **Section 3630(a) through (b) remain unchanged.**

(c) A determination that an alien is ineligible for the services specified in subdivision (a) may be appealed/grieved as provided in Sections ~~3084 through 3084.9~~ of these regulations 3480, et seq.

**Subsection 3630(d) through (e)(4) remain unchanged.**

Note: Authority cited: Section 5058, Penal Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; Section 297.5, Family Code; and Section 5054, Penal Code.

**3723. Parolee Rights.**

The parolee shall receive a copy of the discharge review decision, including the reasons for a decision not to discharge the parolee, if applicable. The parolee may ~~appeal~~file a grievance regarding any mistake of fact contained in the discharge review report pursuant to the ~~appeals process~~administrative remedies procedures provided in sections ~~3084-3084.93480~~, et seq. If a mistake of fact is substantiated and that mistake results in a change in the recommendation to retain on parole, the corrected discharge review report with the recommendation to discharge shall be corrected and submitted to the Board of Parole Hearings with a request to reconsider the decision to retain.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.





**APPEAL OF GRIEVANCE**

CDCR 602-2 (03/20)

<b>STAFF USE ONLY</b>	Appeal #: _____ Date Received: _____
	Date Due: _____
	Categories: _____
	Grievance #: _____

Claimant Name: \_\_\_\_\_ CDCR #: \_\_\_\_\_

Current Housing/Parole Unit: \_\_\_\_\_ Institution/Facility/Parole Region: \_\_\_\_\_

There are no claims that can be appealed.

The following claims cannot be appealed:

Claim #s:

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*This is the process to appeal the decision made regarding a claim that is not listed above.*

Claim #: \_\_\_\_\_

Explain the reason for your appeal of any claims not listed above. Be as specific as you can.

*I am dissatisfied with the response I was given because* \_\_\_\_\_

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Are there documents that would be helpful to support your position? Attach copies of those documents, if you don't have the documents, identify them as best you can below:

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**APPEAL OF GRIEVANCE**

**CDCR 602-2 (03/20)**

**Claim #:** \_\_\_\_\_

Explain the reason for your appeal. Be as specific as you can.

*I am dissatisfied with the response I was given because* \_\_\_\_\_

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Are there documents that would be helpful to support your position? Attach copies of those documents, if you don't have the documents, identify them as best you can below:

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**Reminder:** Please attach all documents in your possession that support your claim(s).

Please note that this form and supporting documents will not be returned to you.

**Claimant Signature:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

**REQUEST TO IMPLEMENT REMEDIES**

CDCR 602-3 (03/20)

<b>STAFF USE ONLY</b>	Grievance or Appeal #: _____ Date Received: _____
	Date Due: _____
	Categories: _____

*This is the process to ask for a granted or approved remedy to be provided to you.*

Claimant Name: \_\_\_\_\_ CDCR #: \_\_\_\_\_

Current Facility/Parole District: \_\_\_\_\_ Current Area/Bed/Parole Unit: \_\_\_\_\_

Claim #: \_\_\_\_\_

Decision: APPROVED [or] GRANTED

Institution/Parole Region of Origin: \_\_\_\_\_ Current Facility/Parole District of Origin: \_\_\_\_\_

Housing Area/Parole Unit of Origin: \_\_\_\_\_

Category: \_\_\_\_\_ Sub-Category: \_\_\_\_\_

Remedy Approved [or] Granted: \_\_\_\_\_ Due Date for Implementation: \_\_\_\_\_

**This form shall be submitted by mail to:**  
 Office of Appeals  
 Remedies Compliance Coordinator  
 Department of Corrections and Rehabilitation  
 P.O. Box 942883  
 Sacramento, CA 95811

I, \_\_\_\_\_, assert that 30 days has passed from the due date for implementation of the  
Name of Claimant  
 remedy approved (or granted) for the claim referenced above. As a result, I am hereby submitting a request to implement the outstanding remedy.

Please note that this form will not be returned to you.

Claimant Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**INMATE PARTICIPATION AGREEMENT—JOINT VENTURE PROGRAM (JVP)**  
**CDCR 1872 (Rev. 03/209/05)**

Page 1 of 2

Earned wages will be distributed to me by the department once per month regardless of the frequency the employer issues payroll. I authorize the CDCR and my employer to issue checks payable to "California Department of Corrections and Rehabilitation for Inmate Name and CDCR Number," and I authorize CDCR's contracted financial services firm to deposit the checks for distribution as described above.

If I make voluntary supplemental deposits to my mandatory savings account, those funds will also be restricted from my access until release. Upon my parole, my mandatory savings in its entirety will be made available to me. If I am owed funds after my release, they will be forwarded to my Parole Agent in accordance with the established monthly disbursement schedule unless you make other arrangements with the JVP.

I also understand the above deductions from my net wages after taxes are a requirement to participate in the JVP and the handling of my payroll in the above mentioned manner expedites the disbursement process.

I agree this agreement shall supersede any provisions in any other document regarding the JVP, which may conflict with this agreement.

I have read, understand, and agree to the above terms and conditions and know what is expected of me as a participant in the JVP.

Inmate-Employee's Name (Print)	Inmate-Employee Signature	CDC Number	Date Signed
Institution	JVP Company Name		
Staff Witness Name	Staff Witness Signature	Date Signed	

**DISTRIBUTION** **White:** JVP Headquarters, **Canary:** Central File, **Pink:** Inmate-Employee

~~ORIGINAL—JVP Headquarters / Canary—Central File / Pink—Inmate-Employee—~~

**INMATE PARTICIPATION AGREEMENT—JOINT VENTURE PROGRAM (JVP)**  
**CDCR 1872 (Rev. ~~03/2019~~05)**

Page 2 of 2

**WELCOME TO THE JOINT VENTURE PROGRAM. CONGRATULATIONS ON BEING SELECTED FOR EMPLOYMENT WITH A JOINT VENTURE COMPANY. READ THE TERMS AND CONDITIONS CAREFULLY, AND IF YOU AGREE TO THEM, SIGN WHERE INDICATED BELOW.**

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I am volunteering to participate in the California Department of Corrections and Rehabilitation (CDCR) Joint Venture Program (JVP). As a participant in JVP, I am responsible for complying with the requirements of my employer and the CDCR. I understand my employment is "at will," and as such is at the discretion of my employer. I understand that I may be lawfully terminated by my Joint Venture employer at any time with or without cause. In addition, I understand that my participation in the JVP may be terminated at any time, with or without cause, by CDCR.

As a condition of my participation in JVP, I agree to participate in random urine testing.

I understand that I may appeal or file a complaint regarding any alleged violation of my rights under Penal Code Section 2717.8 or relevant Labor Code provisions, and that I shall not be subject to retaliation or adverse action by CDCR or my employer for exercising rights guaranteed under the Labor Code or elsewhere in law to address employer-related matters. I understand that I may have rights under the State Labor Laws that can be protected through the complaint procedure of the State of California's Division of Labor Standards Enforcement.

Deductions on my W-4 form will correspond with the information recorded in my Central File, and I will not request withholding of additional amounts of taxes. I hereby authorize the CDCR to make the following deductions which shall not exceed 80 percent of my gross wages in accordance with Section 2717.8 of the Penal Code (Compensation of inmate workers deductions) and Sections ~~34763485~~ (h) and (i) of Title 15 of the California Code of Regulations:

Federal, state, and local taxes.

20 percent of my net wages after taxes shall be paid to any lawful restitution fine, or contributed to any fund established by law to compensate victims of crime (generic restitution).

20 percent of my net wages after taxes shall be remitted to CDCR for payment of room and board.

20 percent of my net wages after taxes shall be paid for support of family pursuant to state statute or court order. If there is no such state statute or court order, I may designate a family member to receive this portion. If there is no state statute or court order and I choose not to designate a family member, this portion will be held in a mandatory savings account.

I further authorize the Department of Corrections and Rehabilitation to distribute my net wages after taxes once each month in accordance with the above deductions. The remainder of my net wages after taxes shall be distributed to me as follows:

20 percent of my net wages after taxes shall be available to me once per month with a statement revealing the disbursements made. These earnings will be placed into my Inmate Trust Account for expenditure per standard institution rules upon receipt at the institution.

The remainder of my net wages after taxes shall be deposited in a mandatory savings account and will be available to me upon my release.

IAB USE ONLY

Institution/Parole Region: Log #: Category:

FOR STAFF USE ONLY

You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations (CCR), Title 15, Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that led to the filing of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):	CDC Number:	Unit/Cell Number:	Assignment:
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State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A):

B. Action requested (If you need more space, use Section B of the CDCR 602-A):

Supporting Documents: Refer to CCR 3084.3.

Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

No, I have not attached any supporting documents. Reason:

Inmate/Parolee Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

By placing my initials in this box, I waive my right to receive an interview.

STAFF USE ONLY

C. First Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached?  Yes  No

This appeal has been:

- Bypassed at the First Level of Review. Go to Section E.
- Rejected (See attached letter for instruction) Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_
- Cancelled (See attached letter) Date: \_\_\_\_\_
- Accepted at the First Level of Review.

Assigned to: \_\_\_\_\_ Title: \_\_\_\_\_ Date Assigned: \_\_\_\_\_ Date Due: \_\_\_\_\_

First Level Responder: Complete a First Level response. Include Interviewer's name, title, interview date, location, and complete the section below.

Date of Interview: \_\_\_\_\_ Interview Location: \_\_\_\_\_

Your appeal issue is:  Granted  Granted in Part  Denied  Other: \_\_\_\_\_

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer: \_\_\_\_\_ Title: \_\_\_\_\_ Signature: \_\_\_\_\_ Date completed: \_\_\_\_\_  
(Print Name)

Reviewer: \_\_\_\_\_ Title: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Print Name)

Date received by AC: \_\_\_\_\_

AC Use Only  
Date mailed/delivered to appellant \_\_\_\_ / \_\_\_\_ / \_\_\_\_

D. If you are dissatisfied with the First Level response, explain the reason below, attach supporting documents and submit to the Appeals Coordinator for processing within 30 calendar days of receipt of response. If you need more space, use Section D of the CDCR 602-A.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Inmate/Parolee Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

**E. Second Level - Staff Use Only** Staff - Check One: Is CDCR 602-A Attached?  Yes  No

This appeal has been:

By-passed at Second Level of Review. Go to Section G.  
 Rejected (See attached letter for instruction) Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_  
 Cancelled (See attached letter)  
 Accepted at the Second Level of Review

Assigned to: \_\_\_\_\_ Title: \_\_\_\_\_ Date Assigned: \_\_\_\_\_ Date Due: \_\_\_\_\_

Second Level Responder: Complete a Second Level response. If an interview at the Second Level is necessary, include interviewer's name and title, interview date and location, and complete the section below.

Date of Interview: \_\_\_\_\_ Interview Location: \_\_\_\_\_

Your appeal issue is:  Granted  Granted in Part  Denied  Other: \_\_\_\_\_

See attached letter. If dissatisfied with Second Level response, complete Section F below.

Interviewer: \_\_\_\_\_ Title: \_\_\_\_\_ Signature: \_\_\_\_\_ Date completed: \_\_\_\_\_  
(Print Name)

Reviewer: \_\_\_\_\_ Title: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Print Name)

Date received by AC: \_\_\_\_\_

**AC Use Only**  
Date mailed/delivered to appellant \_\_\_/\_\_\_/\_\_\_

F. If you are dissatisfied with the Second Level response, explain reason below; attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Inmate/Parolee Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

**G. Third Level - Staff Use Only**

This appeal has been:

Rejected (See attached letter for instruction) Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_  
 Cancelled (See attached letter) Date: \_\_\_\_\_  
 Accepted at the Third Level of Review. Your appeal issue is  Granted  Granted in Part  Denied  Other: \_\_\_\_\_

See attached Third Level response.

**Third Level Use Only**  
Date mailed/delivered to appellant \_\_\_/\_\_\_/\_\_\_

H. Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because; State reason. (If withdrawal is conditional, list conditions.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Print Staff Name: \_\_\_\_\_ Inmate/Parolee Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Title: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_





# REPEAL

IAB USE ONLY	Institution/Parole Region:	Log #:	Category:
	FOR STAFF USE ONLY		

This is a group appeal signature attachment sheet. Attach it to your group CDCR 602. You are to legibly print your name, number, assignment and housing, then sign and date the form. By signing, you are agreeing to the issue and action requested; and you acknowledge that this appeal counts towards the allowable number of appeals in the period in which it is filed.

**PRIMARY APPELLANT**

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):	CDC Number:	Assignment:	Unit/Cell #	Signature	Date
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A. Summarize the specific issue that you are appealing as identified in the attached CDCR 602: \_\_\_\_\_

\_\_\_\_\_

B. Summarize the action requested: \_\_\_\_\_

\_\_\_\_\_

**NOTE:** I, the undersigned, agree that the facts presented in this appeal are true. I agree with the issue presented and I am requesting the action indicated. In the event the Primary Appellant transfers or elects to withdraw from the appeal, I understand that I may become the primary appellant for purposes of processing the group appeal.

CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
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CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date

STAFF USE ONLY

REPEAL

STATE OF CALIFORNIA  
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE  
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

**SECTION A: INMATE/PAROLEE REQUEST**

NAME (Print): (LAST NAME)		(FIRST NAME)	CDC NUMBER:	SIGNATURE:
HOUSING/BED NUMBER:	ASSIGNMENT:		HOURS FROM ____ TO ____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

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METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **\*\*NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED \*\***

- SENT THROUGH MAIL: ADDRESSED TO: \_\_\_\_\_ DATE MAILED: \_\_\_\_/\_\_\_\_/\_\_\_\_
- DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
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IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL
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**SECTION B: STAFF RESPONSE**

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
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**SECTION C: REQUEST FOR SUPERVISOR REVIEW**

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

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SIGNATURE:	DATE SUBMITTED:
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**SECTION D: SUPERVISOR'S REVIEW**

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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