**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

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**NOTICE OF APPROVAL OF EMERGENCY REGULATORY ACTION**

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

OAL Matter Number: 2021-0205-02

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 readopting emergency regulations that amend and restructure 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 3/10/2021 and, pursuant to Executive Orders N-40-20 and N-71-20, will expire on 10/9/2021. The Certificate of Compliance for this action is due no later than 10/8/2021.

Date: February 25, 2021

Original: Kathleen Allison, Secretary
Copy: Anthony Carter

For: Kenneth J. Pogue
Director

[Signature]
Steven J. Escobar
Senior Attorney
**EMERGENCY**

** NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 10/2019)

**OAL FILE NUMBERS** 2021-0205-02

For use by Office of Administrative Law (OAL) only

**FOR USE BY SECRETARY OF STATE ONLY**

**ENDORSED - FILED**

in the office of the Secretary of State of the State of California


1:40 p.m.

**OFFICE OF ADMINISTRATIVE LAW**

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

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<th>SUBJECT OF NOTICE</th>
<th>TITLE(S)</th>
<th>FIRST SECTION AFFECTED</th>
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B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

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**SECTION(S) AFFECTED**

| LIST ALL SECTION NUMBER(S) INDIVIDUALLY. ATTACH ADDITIONAL SHEET IF NEEDED. |
|-----------------------------|--------------------------------------------------------------------------------|
| 15                          |                                                                                |

**TITLE(S)**

- See attachment
- See attachment
- See attachment

**TYPE OF FILING**

- Adopt
- Amend
- Repeal

**FOR YOUR CONVENIENCE, ATTACH**

- Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- Emergency Readopt (Gov. Code, §11346.1(h))
- Other (Specify) Emergency Reg. Act (Gov. Code, §5058.3)
- Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- File & Print
- Print Only

**EFFECTIVE DATE OF CHANGES**

- Effective January 1, April 1, July 1, or October 1 (Gov. Code §11345.4(a))
- Effective on filing with Secretary of State
- $100 Changes Without Regulatory Effect
- Effective other (Specify) March 10, 2021

**CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**

- Department of Finance (Form STD. 398) (SAM §58660)
- Fair Political Practices Commission
- State Fire Marshal
- Other (Specify)

**CONTACT PERSON**

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**FOR USE BY OFFICE OF ADMINISTRATIVE LAW (OAL) ONLY**

**ENDORSED APPROVED**

FEB 25 2021

Office of Administrative Law

**SIGNATURE OF AGENCY HEAD OR DESIGNEE**

Jennifer Barretto

**DATE**

2/5/2021

**FOR USE BY OFFICE OF ADMINISTRATIVE LAW (OAL) ONLY**

**ENDORSED APPROVED**

FEB 25 2021

Office of Administrative Law

**SIGNATURE OF AGENCY HEAD OR DESIGNEE**

Jennifer Barretto, Undersecretary, Administration, CDCR

**TYPE NAME AND TITLE OF SIGNATORY**

Jennifer Barretto, Undersecretary, Administration, CDCR
B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)

Title
15

SECTION(S) AFFECTED

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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.

* Project, as used in sections 3465 through 3468, 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, 5007.7, 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-EBF; 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 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 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 administrative remedies procedures as provided in the California Code of Regulations, Title 15, Chapter 1, Subchapter 5.1, Article 1, sections 3480 through 3487.

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 file a grievance regarding the decision through the procedures detailed in section 3480 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. Inmate Sexual Safety

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; and 28 CFR Sections 35.107 and 115.52.

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 a 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 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.


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 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 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 administrative remedies procedures as provided in section 3480, et seq. An inmate's submittal of a grievance within 30 calendar days of a notice that mail is being designated as undelivered will postpone any disposition of the mail until 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 complaint relating to department policy and regulations to the Director of the Division of Adult Institutions (DAI). 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. 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, 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; 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 a written grievance as outlined in section 3480, et seq.


3179. Complaints Relating to Visiting.

(a) Approved inmate visitors, and visiting applicants may file a complaint with the institution head regarding department policies, staff decisions, and institution or facility procedures relating to visiting.
(b) Visitor 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 complaint. If dissatisfied with the institution or facility response or action, the complainant may refer the appeal, with a copy of the institution or facility decision, to the director or designee.
(c) Complaints related to visiting shall be addressed to the director. A written response to 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 complainant. Visiting privileges shall be promptly approved or restored when an investigation concludes that no violation of rules, regulations, or procedures took place.


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 administrative remedies procedures if unable to resolve a personal property claim pursuant to section 3481. 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. 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, grieved by inmates by following the administrative remedies procedures as stated in section 3480 et seq., and grieved by staff by pursuing grievance procedures in accordance with their collective bargaining unit's contract 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.


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) 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.


3378.4. Security Threat Group Behavior or Activity.
Introductory paragraph through Subsection 3378.4(b)(3)(A) remain unchanged.

4. The inmate may appeal the RCGP placement to the DRB, in accordance with section 3480 et. seq., without delay of transfer.

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.

3465. Disabled Veteran Business Enterprise Goal.

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

3466. 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 3467; and dollar amounts of the subcontracts.
   (2) Documentation, as required in the department's bid or sole source package pursuant to section 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.

3467. Certification of a Disabled Veteran Business Enterprise.

* 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.

3468. 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.


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

3470. Joint Venture Program.

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

3471. Joint Venture Policy Advisory Board.

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

3472. 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.

3473. 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 3476(h) and the mandatory savings listed in Section 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 3480 through 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 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.

3474. Joint Venture Lease.

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

3475. 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.

3476. 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 form CDCR Form 1872, (Rev. 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 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 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.

3477. Compliance.
If a JVE is found to be in non-compliance with PC section 2717.8 or the provisions of sections 3473(a)(4) and 3473(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 3474(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: Sections 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 form CDCR Form 602-1 (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 form 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) “Supervisorial review” refers to the process of gathering preliminary information concerning a claim that does not involve an allegation of staff misconduct.


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) Form 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.


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 form 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 form CDCR Form 602-1 (03/20).
(d) When completing a form 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 form CDCR Form 602-1 (03/20) shall contain a notification to the claimant that the documents submitted will not be returned to the claimant.


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).

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

(j) 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 form 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.


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 form 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 form CDCR Form 602-2 (03/20).

(d) When completing a form 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 form CDCR Form 602-2 (03/20) shall contain a notification to the claimant that the documents submitted will not be returned to the claimant.


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 form 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).


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.


3491. Eligibility Review.

* (g) Eligibility reviews under this section are subject to the department's administrative remedies procedures in accordance with section 3480, et seq.
3492. Eligibility Review and Referral to the Board of Parole Hearings.
* 
(d) Referral review results under subsection (a) are subject to the department's administrative remedies procedures in accordance with 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 form 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.


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 form 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 grieved as provided in Section 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 file a grievance regarding any mistake of fact contained in the discharge review report pursuant to the administrative remedies procedures provided in section 3480, 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.

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.**

**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.

**C. First Level - Staff Use Only**

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: 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: (Post Name) Title: Signature: Date completed:

Reviewer: (Post Name) Title: Signature:

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: ____________
☐ 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: __________________________ (Print Name) Title: ____________

Reviewer: __________________________ (Print Name) Title: ____________

Date received by AC: ____________

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 942863, 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: ____________
☐ 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.)

Inmate/Parolee Signature: __________________________ Date: ____________

Print Staff Name: __________________________ Title: ____________ Signature: ____________ Date: ____________
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**

<table>
<thead>
<tr>
<th>Name (Last, First)</th>
<th>CDC Number</th>
<th>Assignment</th>
<th>Unit/Cell #</th>
<th>Signature</th>
<th>Date</th>
</tr>
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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.

<table>
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<tr>
<th>CDC Number</th>
<th>Name</th>
<th>Assignment</th>
<th>Unit/Cell #</th>
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Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used. Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

A. Continuation of CDCR 602, Section A only (Explain your issue):  

__________________________________________________________________________________________  

__________________________________________________________________________________________  

__________________________________________________________________________________________  

__________________________________________________________________________________________  

__________________________________________________________________________________________  

Inmate/Parolee Signature: ___________________________ Date Submitted: ___________________________

B. Continuation of CDCR 602, Section B only (Action requested):

__________________________________________________________________________________________  

__________________________________________________________________________________________  

__________________________________________________________________________________________  

__________________________________________________________________________________________  

__________________________________________________________________________________________  

__________________________________________________________________________________________  

__________________________________________________________________________________________  

Inmate/Parolee Signature: ___________________________ Date Submitted: ___________________________
D. Continuation of CDCR 602, Section D only (Dissatisfied with First Level response):


Inmate/Parolee Signature: _______________________________ Date Submitted: _______________________


F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response):


Inmate/Parolee Signature: _______________________________ Date Submitted: _______________________


This is the process to ask for help with a complaint.

Claimant Name: __________________________ CDCR #: _________ Current Housing/Parole Unit: __________

Institution/Facility/Parole Region: ________________________________________________________________

In order for the Department to understand your complaint, make sure you have answered the following questions:

- What is the nature of your complaint?
- When and where did the complaint occur?
- Who was involved?
- Which specific people can support your complaint?
- Did you try to informally resolve the complaint?
- What rule or policy are you relying on to make your complaint?
- Are there documents that would be helpful to support your position? List the documents if you do not have them. Please note that documents submitted with this form will not be returned.
- What specific action would resolve your complaint?

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________
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: ______________

DISTRIBUTION  Original: Claimant's File  Copies: DAI, DAPO, and Claimant
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 #

___________________________

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 ________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

____________________________________

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:

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________
Claim #: _____________________

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

I am dissatisfied with the response I was given because ____________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

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:

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

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: ________________
STAFF USE ONLY

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: ________________

I, ____________________________, assert that 30 days has passed from the due date for implementation of the
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: ________________

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
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: ________________
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


ORIGINAL – JVP Headquarters / Canary – Central File / Pink – Inmate-Employee.
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 3476-3485 (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 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.