



SPECIAL REPORT

**CDCR'S REVISED INMATE APPEAL PROCESS LEAVES
KEY PROBLEMS UNADDRESSED**

**OFFICE OF THE
INSPECTOR GENERAL**

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STATE OF CALIFORNIA
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September 28, 2011

Matthew L. Cate, Secretary
California Department of Corrections and Rehabilitation
1515 S Street, Room 502 South
Sacramento, California 95814

Dear Mr. Cate:

Enclosed is the Office of the Inspector General's special report on the California Department of Corrections and Rehabilitation titled CDCR's Revised Inmate Appeal Process Leaves Key Problems Unaddressed. The purpose of this special report was to identify our concerns with the revised appeals process, which became effective on January 28, 2011.

In reviewing both CDCR's former and revised inmate appeal processes, we identified the concerns that led CDCR to change its inmate appeal process and assessed whether the revised inmate appeal process addressed those concerns. The report concludes that some of the appeal process changes appear to have benefited both the department and adult inmate/parolee population. For instance, the department implemented a new accountability measure providing a "receipt" for inmate/parolee requests. However, the department missed an opportunity to provide a similar feature with the actual appeal form to minimize allegations of lost, stolen, misplaced, or destroyed appeals. This report summarizes our findings and identifies three areas of concern that require further action by CDCR:

- *The revised appeal process lacks an accountable means of verifying that appeals are made and lacks an accountable means of delivering appeals.*
- *Appeals coordinators do not provide inmates with the information necessary to resubmit a rejected appeal.*
- *Rapid implementation of the revised appeal process caused confusion and presented additional challenges.*

Mr. Matthew L. Cate, Secretary
Page 2

We would like to thank you and your staff for the cooperation extended to my staff in completing this special report. If you have any questions concerning this report, please contact Bill Shepherd, Deputy Inspector General, In-Charge, at (916) 830-3600.

Sincerely,



ROBERT A. BARTON
Inspector General

Enclosures

cc: Dean Foston, Chief, Office of Appeals, CDCR
Linda Wong, External Audits Manager, CDCR

Contents

Executive Summary	1
Introduction	4
Objectives, Scope, and Methodology	8
Finding 1	9
The revised appeal process lacks an accountable means of verifying that appeals are made and lacks an accountable means of delivering appeals.	
Recommendations	12
Finding 2	14
Appeals coordinators do not provide inmates with the information necessary to resubmit a rejected appeal.	
Recommendations	17
Finding 3	18
Rapid implementation of the revised appeal process caused confusion and presented additional challenges.	
Recommendations	22
California Department of Corrections and Rehabilitation’s Response	23

Executive Summary

The California Department of Corrections and Rehabilitation (CDCR) began developing its current inmate appeal process in the 1970s in response to several high-profile riots and prison takeovers by inmates who believed their grievances were not being properly addressed. Reviews of those incidents determined that establishing a meaningful inmate appeal process that promptly resolves inmate grievances at the earliest possible stage is a cost-effective strategy that reduces tensions in the prison system and is essential to the security of California's penal system.

The revised inmate appeal process prescribed under Title 15, Section 3084.1 (a) of the California Code of Regulations, which became effective on January 28, 2011, enables an inmate or parolee (inmate) to appeal any policy, decision, action, condition, or omission by CDCR or its employees that the inmate can demonstrate had a materially adverse effect upon the inmate's health, safety, or welfare. The objective of this process is to resolve inmate grievances at the lowest possible administrative level.

In reviewing both CDCR's former and revised inmate appeal processes, the Office of the Inspector General identified the concerns that led CDCR to change its inmate appeal process and assessed whether the revised inmate appeal process addressed those concerns.¹ This report summarizes our findings and identifies three areas of concern that may require further action by CDCR.

One of the primary deficiencies CDCR identified in its former appeal process was that inmates were unable to prove they had attempted to informally resolve an issue. This lack of verification led to allegations that a number of appeals were destroyed or lost, either intentionally or negligently. The revised process attempts to increase CDCR's accountability by providing the inmate with a copy, or receipt, of his or her attempt to informally resolve an issue (Form 22 request-for-interview process) before filing a formal appeal. The revised inmate appeal process does not, however, provide the inmate with a receipt of any kind if the inmate elevates the issue to the formal appeal level at the prison's appeals office (Form 602 appeal process). As a consequence, CDCR's revised appeal process does not provide enough accountability to address inmate allegations that more significant appeals are subject to intentional destruction or negligence. We further found that a number of inmates do not trust that correctional employees will appropriately safeguard either the Form 602 appeal itself or the information contained in the Form 602 appeal.

Our second area of concern pertains to the responsibilities of appeals coordinators who screen Form 602 appeals at the appeals office. When an appeals coordinator rejects a Form 602

¹ The Office of the Inspector General anticipates conducting a second review of the revised inmate appeal process later this year. Our second review will focus on whether the revised process is achieving better results for both employees and inmates.

appeal,² new regulations direct the coordinator to provide clear and sufficient instruction necessary for an inmate to qualify an appeal for processing. In general, however, appeals coordinators do not adequately explain the reasons for rejecting the appeal. The inadequate or absent explanation for the appeal's rejection makes it difficult for the inmate to have a resubmitted appeal accepted. Additionally, we found that although the primary reason appeals are rejected is that the inmate has not attached all necessary appropriate documents to the appeal, inmates are not necessarily afforded an opportunity to photocopy the relevant documents for inclusion with their appeal.

Finally, it appears that CDCR implemented the revised appeal process before adequately training employees and inmates concerning the new process. This lack of training caused confusion for both inmates and employees. Information we received indicates that a number of correctional employees refused to sign the receipt for the Form 22 appeal because they believed that signing the form could create liability for them. This refusal made it difficult for inmates to submit their appeals. Moreover, because employees were not adequately trained in a timely manner, a number of employees and inmates confused the instructions for using the new Form 22 ("Inmate/Parolee Request for Interview, Item or Service") with the instructions for using the standing Form GA-22 ("Inmate Request for Interview").

The above concerns notwithstanding, the Office of the Inspector General acknowledges CDCR's efforts to make its inmate appeals process more accountable and we note that all of the concerns we have identified in the revised appeal process appear to be readily correctable.

Recommendations:

The Office of the Inspector General recommends that the CDCR take the following actions to provide further accountability in the Form 602 appeal process:

- Add a receipt feature to the Form 602 appeal form or assign a log number to all Form 602 appeals, whether or not they are accepted, to minimize allegations of lost, stolen, misplaced, or destroyed appeals.
- Consider modifying regulations to allow inmates to make copies of their rejected appeals and supporting documentation.
- Consider implementing other accountability measures, such as those successfully implemented by the Texas Department of Criminal Justice, whereby appeals office employees, rather than correctional officers, directly collect all inmate appeals.
- Ensure that the appeal screen-out notice provided to inmates not only provides the specific reason(s) for the rejection and correction(s) necessary for the appeal to be accepted, but also includes complete instructions to the inmate by identifying all specific action(s) and form(s) necessary for CDCR to accept the appeal, as well as where and how to obtain them.

² An appeal that is rejected pursuant to Title 15 requirements may later be accepted if the reason noted for the rejection is corrected and the inmate returns the appeal to the appeals coordinator within 30 calendar days of rejection. Representatives of the Inmate Advisory Council (Council) and CDCR employees commonly refer to appeal rejections as "screen-outs" since the inmate appeals coordinator screens all appeals prior to acceptance and assignment for review.

- Require appeals office employees to regularly meet with Inmate Advisory Council members to discuss the supporting documents needed for the most common types of appeal issues and remove barriers to inmates' obtaining these documents.
- Ensure that all affected employees are properly trained concerning new appeal procedures.
- Develop an alternative to inmates' submitting a Form 22 to custody staff for signature. We suggest designating a staff position in each housing unit to process Form 22 requests at specific times every day.
- Effectively explain to its employees and inmates when to use the Form 22 and when to use Form GA-22.
- Make copies of the revised appeal regulations available in prison law libraries.

Introduction

In the wake of several high-profile inmate riots and takeovers of prisons nationwide during the 1960s and 1970s, reviews of those incidents determined that one of the primary reasons for inmate unrest was inmates’ belief that no process existed for them to have their legitimate concerns and grievances addressed by correctional management. As a result, the state determined that it was in the best interests of the inmates, the correctional employees, and the public to create an inmate appeal process. That process, now commonly referred to as the 602 appeal process, commenced in the mid-1970s and has continually evolved since that time.

More recently, on January 28, 2011, CDCR implemented emergency regulations that amended the existing 602 appeal process. On that date, CDCR published a notice of change to the amended regulations and allowed for a written public comment period through March 22, 2011. On June 15, 2011, CDCR submitted its final rulemaking package for approval to the Office of Administrative Law, which determines whether emergency regulations can be made permanent. The revised 602 appeal process was approved by the Office of Administrative Law and became effective on July 28, 2011.

In its Initial Statement of Reasons, CDCR identified its concerns regarding the appeal process and explained how its amended regulations would resolve these concerns. The key concerns and corresponding solutions are listed in Figure 1:

Figure 1: CDCR’s concerns and solutions for the inmate appeal process.

CDCR Concerns	CDCR Solutions
<p>When inmates or parolees claimed they were denied access to a remedy because CDCR employees lost or did not respond to appeals at the informal stage, the informal appeal process did not give CDCR the means to refute or sustain those claims.</p>	<p>Eliminate the informal appeal step and create a new “written request process” that is outside the appeals system. This process provides an inmate or parolee with a “receipt” or copy of his or her request at the time of submission and during other response stages. This new process establishes greater accountability than the previous informal appeal process and allows an inmate or parolee to file an appeal if a CDCR employee fails to respond in a timely manner to an inmate’s written request.</p>
<p>Vague regulations and inmates’ improper use of the appeal process led to the following CDCR concerns:</p> <ul style="list-style-type: none"> • Regulations only require an “adverse effect,” which does not require measurable harm or injury. • Inmates submit non-essential attachments with appeals. • Inmates file excessive numbers of appeals (more than one appeal every seven days per inmate). • There is a <i>limited</i> criteria to define “appeal abuse” when inmates abuse the process. 	<p>Clarify appeal regulations and create a standardized appeal process to ensure that inmates can effectively complete and submit appeals. The revised inmate appeal process includes the following changes:</p> <ul style="list-style-type: none"> • Requires a “material adverse effect” that establishes a measureable harm or injury instead of a mere “adverse effect.” • Reduces the space available on the form for the appeal explanation and limits attachments. • Decreases filing frequency to one appeal per inmate every 14 days (<i>unless appeal meets “emergency” criteria.</i>) • Defines criteria that place inmate or parolee on appeals abuse restriction.

Source: CDCR’s Initial Statement of Reasons – Appeals, December 13, 2010.

Independently from CDCR, the Office of the Inspector General reviews complaints from inmates and other concerned persons; such complaints arrive by mail or through the Inspector General's 24-hour toll-free telephone line. For this report, we analyzed the complaints received in 2010 to provide context for the types of complaints we received regarding CDCR's former appeal process: in 2010, the Office of the Inspector General received 502 complaints regarding inmate appeals, of which 156 concerned allegedly lost, stolen, misplaced, or unanswered appeals.

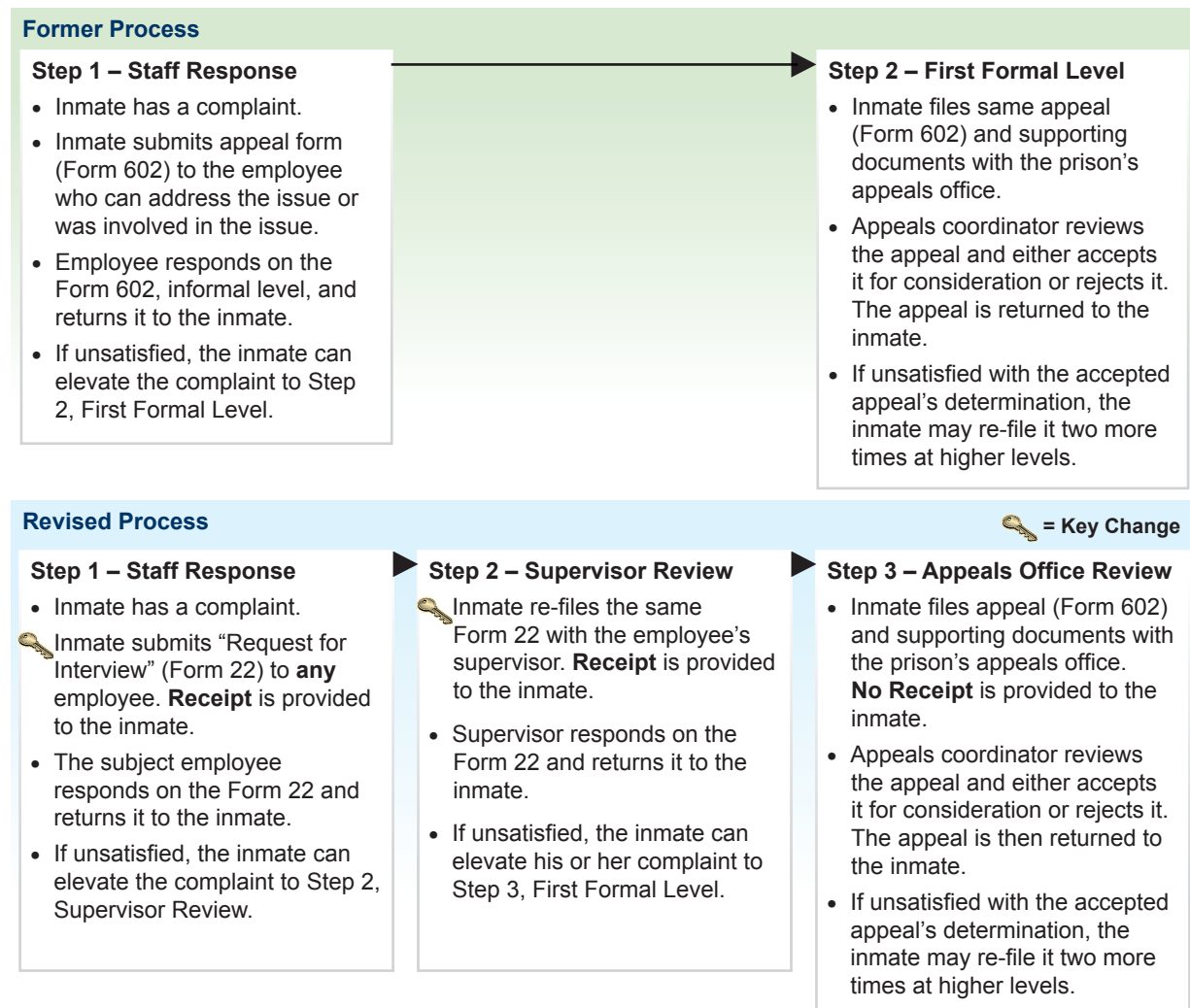
Former Appeal Process

Before January 28, 2011, an inmate filed an appeal by submitting a CDCR Form 602 to the appropriate CDCR employee at the "informal level" within 15 days of the event giving rise to the appeal. At the informal level, the employee involved in the action or decision responded directly to the inmate. For example, if an inmate submitted an appeal claiming that his or her property was missing following a cell search, the employee who performed the search could discuss the matter with the inmate who filed the appeal, review all pertinent documentation (e.g., housing unit cell/locker search receipt or log book), and attempt to resolve the appeal informally. Appeals resolved at the informal level were not required to be logged or tracked.

Employees and inmates alike recognized certain problems plaguing this system. Most noticeably, the system lacked accountability: it did not provide a means by which inmates could prove they had filed an appeal nor a means by which employees could refute inmates' claims of lost or mishandled appeals. Moreover, guidelines governing key aspects of the process itself were vague. For example, the term, "appeal abuse," a reason for rejecting an inmate's appeal, was insufficiently defined, as was the term, "adverse effect," which is a requirement for making an appeal. The vague definitions further diminished the process's utility, as inmates grew frustrated with appeals being denied for reasons the inmates did not clearly understand.

As shown in Figure 2 on the next page, under the former process, if an inmate were dissatisfied with the informal response, the inmate proceeded to the first level of a formal review. If still dissatisfied, the inmate could then appeal the decision to a second, and if necessary, even a third level of review.

Figure 2: First steps of the former and revised inmate appeal process.



Revised Appeal Process

On January 28, 2011, CDCR eliminated the “informal” level in the appeal process and created a five-step written process that uses the CDCR Form 22 (Form 22) and a revised CDCR Form 602 (Form 602).³ Steps one and two are processed separately from the appeals office since the Form 22 process is not a formal appeal but rather a request for interview to resolve an issue. Inmates unsuccessful in resolving a request orally may choose to use Form 22 to document the request in writing. It is a multi-part form that the inmate may submit to any CDCR employee. The CDCR employee signs and prints his or her name, dates the form, and provides a “receipt” by returning a copy of the Form 22 to the inmate. If the receiving employee is not the subject of the request, the receiving employee forwards the request within 24 hours to the employee who is the subject of the request or is in some other way the appropriate person to handle the

³ When submitting a Form 602, the inmate or parolee must present evidence of steps taken to resolve the issue and the CDCR employee's final decision. The Form 22 provides proof of final actions or determinations by a CDCR employee when no other process or proof is available. The Form 22 is not required for disciplinary appeals, classification appeals, or other appeal areas that already document a final CDCR decision. Additionally, staff complaints must be appealed directly with the Form 602.

request. For example, an inmate might deliver a Form 22 request directly to a correctional officer for receipt purposes although the subject of the request is an employee in the prison’s mailroom. After receiving the appropriate employee’s response, an inmate can request a supervisor’s review if the inmate disagrees with the employee’s response. If dissatisfied with the supervisor’s response, the inmate proceeds to the next level of the process, which is to submit a Form 602 appeal to the prison’s appeals office.

As shown in Figure 2, during Step 3, the inmate must submit a Form 602 appeal to the appeals coordinator within 30 days of the appeal issue. The inmate does not, however, receive a copy of the appeal when he or she submits the Form 602 to the appeals coordinator.⁴ If dissatisfied with the first-level response to the appeal at the appeals office, the inmate can appeal the decision to a second, and if necessary, a third level. At each level of the Form 602 appeal process, the inmate must state his or her reasons for elevating the appeal. At none of these levels does the inmate receive a copy or receipt when filing his or her appeal.

Key Process Changes

One of the fundamental changes between the former and revised appeal processes is the ability for an inmate or parolee to receive a non-carbon copy of his Form 22 request, which also functions as a “receipt,” at the initial level when requesting an interview, item or service. If the inmate is dissatisfied with the response to his or her request at that initial level and proceeds to file a Form 602 appeal with the appeals office, however, the inmate or parolee does not receive a receipt of the Form 602. Figure 3 below summarizes noteworthy changes between the former and revised appeal processes.

Figure 3: Noteworthy changes in the inmate appeal process.

Former Process	Revised Process	Viewpoint*	
		CDCR	Inmate
Must show an “adverse” effect.	Must show a “material adverse” effect.	+	-
Must file within 15 days of the event.	Must file within 30 days of the event.	0	+
May only file one appeal every 7 days .	May only file one appeal every 14 days .**	+	-
Explanation of appeal limited to approximately 2 ¼ pages of writing or typewriting.	Explanation of appeal limited to approximately 1/2 page of writing or typewriting.	+	-
Allowed multiple issues .	Limited to one issue .	+	-
No receipt /evidence of filing.	Receipt for request form (Form 22).	+	+
	No Receipt for appeal form (Form 602).	-	-

Source: CDCR’s “Inmate/Parolee Appeal Changes”; Initial Statement of Reasons – Appeals, December 13, 2010; and OIG calculation of available appeal writing space.

*Note: Positive (+), Negative (-), and Neutral (0) viewpoints were determined through inspector observations and interviews with inmate representatives and inmate appeals coordinators.

** See Title 15, Section 3084.9 for exceptions to the regular appeal process. Also, a group appeal counts toward the number of allowable appeals filed in a 14-calendar-day period.

4 If the appeal is accepted, the inmate does receive a log number and due date notice through the mail.

Objectives, Scope and Methodology

The Office of the Inspector General began its review and evaluation of the inmate appeal process following implementation of the emergency regulations. The focus of our review was to evaluate whether the revised inmate appeal process reasonably addressed the most fundamental problems associated with the former inmate appeal process. A secondary objective of this review was to identify areas for possible improvement by CDCR. To complete this review, we performed the following actions:

- Reviewed laws, rules, regulations, policies and procedures related to the inmate appeal process.
- Conducted interviews with inmate appeals coordinators and appeals office employees. We also spoke with several custody and non-custody managers and employees at four prisons: California State Prison, Corcoran; California Substance Abuse Treatment Facility and State Prison, Corcoran; California State Prison, Solano; and Sierra Conservation Center.
- Interviewed 29 Inmate Advisory Council (Council) executive body and housing unit representatives.⁵
- Obtained and analyzed inmate appeal rejections,⁶ electronic data from the In-Service Training Program, and CDCR's comparative statistics on inmate appeals.⁷
- Reviewed and analyzed all public comments submitted to CDCR through the close of the public comment period on March 22, 2011, concerning its regulatory changes to the inmate appeal process.

⁵ Title 15, California Code of Regulations, Section 3230 (a) (1), provides that representatives of the Inmate Advisory Council (Council) shall advise and communicate with the warden and other CDCR employees issues of a common interest and concerns to the inmate general population.

⁶ We reviewed inmate rejection letters obtained during our semi-annual inspections at California Correctional Institution, Chuckawalla Valley State Prison, and Correctional Training Facility.

⁷ CDCR's 2010 comparative statistics identified 148,896 appeals (excluding inmate medical appeals) submitted to adult prisons. Of this total, 75,146 appeals were accepted and issued a log number; the remaining 73,750 were rejected. [Note: CDCR's "CompStat Counting Rules" classify these rejections as "screen-outs": appeals returned to the appellant for correction.]

Finding 1

The revised appeal process lacks an accountable means of verifying that appeals are made and lacks an accountable means of delivering appeals

The California Department of Corrections and Rehabilitation (CDCR) noted in its Initial Statement of Reasons for proposing the emergency regulations that because it did not log informal appeals, “inmates could allege that staff were losing and/or not responding to appeals at the informal stage, which in turn meant that [if, in the interim, the time limit for filing the appeal expired], inmates or parolees were being denied access to a remedy, and CDCR had no way to refute such claims.” As a result, CDCR replaced the informal appeal process with a two-step “Request for Interview, Item or Service” (Form 22) process. This two-step process improved accountability via a “receipt” feature (for both inmates and CDCR employees) that is attached to the Form 22. However, CDCR did not extend the same receipt feature to the third step of its revised appeal process, the actual “Inmate/Parolee Appeal” (Form 602). Thus, although the revised process has resolved the problem regarding allegations of lost or destroyed requests for resolution of an issue, for those situations where the issue is not resolved at the request level, the revised process has not solved the problem regarding allegations of lost or destroyed appeals.

We reviewed each of the 64 written public comments and one oral statement provided at the public hearing held on March 22, 2011, regarding CDCR’s changes to the inmate appeal process. Several comments expressed concern that CDCR did not include a receipt feature with the revised Form 602.⁸ Although some written comments and inmate interviews were positive about the new receipt feature on the Form 22, others wondered why the Form 602 lacked this feature. Further, multiple Inmate Advisory Council (Council) members we spoke with commented on the lack of accountability in the appeal process, as well as the lack of trust inmates have when submitting an appeal through prison mail.

CDCR’s Form 602 appeal process lacks receipt accountability

We asked Council members if the new appeal process addressed the accountability problems in the former appeal process, and some responded that “the Form 602 needs a receipt or immediate sign off,” and that the new process should use an NCR [no-carbon-required] Form 602 to provide a receipt for inmates.

In addition to the Council member comments, public comments concerning the proposed regulatory changes to the inmate appeal process also supported adding more accountability to the Form 602 appeal process. Excerpts from two of those comments follow:

⁸ Other notable concerns raised in the written comments included: 1) changing the appeal threshold from “adverse effect” to “materially adverse effect”; 2) decreasing the space available for inmates to explain their appeal issue; and 3) limiting the frequency of appeal submissions from “1 every 7” to “1 every 14” calendar days. After allowing sufficient time to determine the impact of these changes, the Office of the Inspector General may further explore these concerns in a follow-up evaluation.

The CDCR has not addressed the appeal tracking problem with regards to appeals submitted directly to the appeals coordinator's office ... mailed through the institutions [sic] internal mail system ... there is no receipt or record created to prove that the appeal was in fact submitted and the CDCR also does not have any way to refute an inmate's allegation that an appeal was submitted.

There is still one significant flaw [with Form 602]: its ability to become lost ... losing of [sic] an appeal happens far too often because of a built in characteristic: this is its [sic] only one master copy ... add self-duplicating triplicate [no-carbon-required] process.

We asked an official from the Office of Appeals (formerly known as the Inmate Appeals Branch) why CDCR did not include a receipt feature with the revised Form 602. The official acknowledged that CDCR considered making both the Form 602 and Form 602-A ("Inmate/Parolee Appeal Form Attachment") no-carbon-required documents, similar to the new Form 22; however, CDCR ultimately declined to do so for the following reason:

It would require us to receipt each step of the 602 process by breaking the current single, two-sided, form into separate NCR forms; one for each of the four levels of review available at that time. Yet despite the cost⁹ and complexity of this approach, the benefits would have been minimal ... since almost all formal appeals are mailed, a receipt would have provided the appellant with only slightly more protection than the old practice already did. It certainly would not have provided any insurance against the possibility of the appeal being lost or destroyed.

The official further noted that instead of creating an NCR form for the Form 602 process, CDCR created a "new receipted CDCR Form 22 that would both facilitate and document a problem solving process prior to appeal," replacing the discontinued informal appeal level.

The Office of Appeals official's reasoning notwithstanding, it appears that although the current Form 602 process includes three levels of review, it is probably not necessary to create a receipt process for each review level for purposes of establishing that the Form 602 appeal was not lost or destroyed. Instead, because the primary allegation we have encountered concerns the Form 602 appeal being lost or destroyed by correctional staff before the appeal makes it to the first level of review at the appeals office, it should suffice if a record is created of the Form 602 appeal actually being submitted to the appeals office. In short, although the new appeal process provides accountability for inmate *requests* for resolution of an issue, it still lacks accountability for those usually more serious issues that are not resolved at the request stage and instead are elevated to a formal *appeal*.

CDCR lacks an accountable means of delivering inmates' appeals

Designated custody officers briefly open and read all non-legal mail, including inmate appeals

⁹ From December 2010 through March 2011, CDCR paid \$435,943 for 4.9 million new forms (Form 22, 602, 602-A, and 602-G) related to the roll-out of the emergency regulations for inmate appeals. The average cost was approximately \$.20 for each Form 22 and \$.05 for each 602 appeal form.

submitted through prison mail or appeal boxes.¹⁰ This practice leads inmates to assert that some of these officers could interfere with an appeal before forwarding it to the appeals office.

When we asked Council representatives what changes would be necessary to improve the former inmate appeal process, one representative asserted that the correctional officer who collects the appeals is too close to the appeal process and that appeals should go directly to the appeals coordinator. Another inmate expressed his belief that lost appeals will still be an issue with the revised Form 602 since custody employees have the ability to read an appeal firsthand through the existing mail process. An Office of Appeals official remarked that CDCR is working on improving the appeal delivery to make it a process “in which staff either do not handle or are unaware of the contents of the appeal.”

Our experience with inmate appeals reflects similar concerns. In 2010, when the former process was in effect, the Office of the Inspector General received 156 complaints regarding lost, stolen, misplaced, or unanswered appeals. The top two complaint topics in this group were the employee’s “failure to respond” to previous inmate appeal forms (69 percent) and “failure to accept/destruction of [appeal] document” (23 percent). We reviewed a sample of 30 complaints in these two areas and determined that 28 out of 30 (93 percent) of the complaints were not substantiated.¹¹ For example, many inmates claimed they did not receive a response to their appeal, but upon further investigation we typically found that CDCR had in fact already responded to the inmate by issuing a rejection letter. Although many complaints we received may ultimately be unsubstantiated, the amount and type of appeal complaints we receive continue to demonstrate inmates’ perceptions that the appeal process lacks accountability.

Examples of comments made by Council members regarding submitting an appeal form:

- A first watch officer opened mail containing an inmate appeal and gave a copy to the officer who was the subject of the appeal. The next morning, the subject officer questioned the inmate in his cell about the appeal.
- The appeals coordinator does not put a log number on [submitted] appeals... A log number should be issued as soon as you turn in your appeal at the drop-off point.
- The ‘buddy system’ can make your day-to-day life harder with officers informing other officers about your appeal.

Source: Council responses to OIG questions on whether inmates received a resolution or had a problem with their appeal. Interviews occurred in February and March 2011.

One means of improving accountability could be to move the responsibility for collecting and reading inmate appeals from custody employees in a housing unit to the appeals coordinator or employees in each prison’s appeals office. The Texas Department of Criminal Justice’s Offender Grievance Program requires grievance forms to be submitted directly to a Unit Grievance Investigator (roughly the equivalent of CDCR’s appeals coordinator), or placed in a grievance

¹⁰ Title 15 mandates that all non-confidential inmate mail, incoming or outgoing, is subject to being read in its entirety by designated staff (typically a correctional officer in the respective housing unit or area) to prevent the introduction of contraband and ensure the safety and security of the prison.

¹¹ Two complaints were considered “potentially substantiated” since the appeals coordinator did not have a record of receiving the appeal when an inmate claimed to have submitted one. Since the Form 602 does not include a receipt feature, inmates cannot demonstrate that they submitted an appeal or that a CDCR employee lost or destroyed a 602 appeal form.

box. The Texas Unit Grievance Investigator is responsible not only for processing and resolving offender complaints, screening unit-level grievances, and assigning appropriate issue and outcome codes for each appeal, but also for assisting offenders with the grievance process.¹²

CDCR does not reliably allow inmates to make photocopies of appeal documents that could function as verification of the appeal in the absence of a receipt copy

Another area of concern to inmates is their inability to make photocopies of their own appeal documents. Although CDCR's regulations allow inmates to make copies of "legal documents," appeal forms are not identified as legal documents by Title 15 regulations. Council members claimed that some prisons interpret this fact as justification for prohibiting inmates from obtaining copies of their appeal documents unless the prison assigned a log number to the appeal or the appeal is the subject of an active court case (thus moving the appeal to the status of a "legal document"). Another Council member claimed the independent judgment of the CDCR employee working in the law library, where inmates typically make photocopies, determines whether or not an inmate can make a copy of an appeal. The Council members explained that since CDCR employees do not consistently allow inmates to make copies of an appeal form or necessary supporting documents, inmates are unable to prove they filed an appeal if CDCR employees lose, steal, or misplace appeals. Without the ability to make photocopies, inmates' only option is to make handwritten copies of their appeal and supporting documents, but a handwritten copy does not provide actual evidence that the appeal was filed.

In its Initial Statement of Reasons for the emergency regulations, CDCR recognized a need to introduce accountability into its inmate appeal process. The department effectively did so for purposes of the Form 22 "request for interview" process (formerly the "informal" complaint process); however, CDCR did not extend the receipt concept to Form 602 appeals submitted to the appeals office and continues to assign log numbers only to "accepted" appeals (not "screened-out" appeals). As a result, it is likely that CDCR and the Office of the Inspector General will continue receiving complaints of lost, destroyed, or misfiled appeals, and inmates will continue to distrust the appeal delivery process.

Recommendations:

The Office of the Inspector General recommends that the CDCR take the following actions to improve accountability in the 602 appeal process:

- Add a receipt feature to its appeal form or assign a log number to all Form 602 appeals, whether or not they are accepted, to minimize allegations of lost, stolen, misplaced, or destroyed appeals.
- Consider modifying regulations to allow inmates to make copies of their rejected appeals and supporting documentation.

¹² The Unit Grievance Investigator (UGI) works closely with the warden and other Texas Department of Criminal Justice department heads to consider offender input during a "Step 1" grievance. If the offender is not satisfied with the response, the decision may be appealed to the Central Grievance Office as a "Step 2" grievance. During Fiscal Year 2010, the Unit Grievance Investigators handled more than 173,500 grievances at the unit level (Step 1), while central office staff processed more than 43,500 appeals (Step 2).

- Consider implementing other accountability measures, such as requiring appeals office employees instead of correctional officers to directly collect all appeals, as implemented by the Texas Department of Criminal Justice.

Finding 2

Appeals coordinators do not provide inmates with the information necessary to resubmit a rejected appeal

Although CDCR guidelines specify that appeals coordinators should not place unreasonable restraints on appellants' rights to appeal, we found that the practices of a number of CDCR employees, including appeals coordinators, oftentimes contradict these guidelines. Appeals coordinators often provide inmates with insufficient guidance for correcting rejected appeals and some CDCR employees restrict inmates' access to documents necessary for supporting those appeals. As a result, an inmate's ability to file acceptable appeals is impaired.

When inmates' appeals reach the appeals office, they are screened¹³ by the inmate appeals coordinator during the first level of review. During that screening, the appeals coordinator determines which appeals to accept, then issues a log number to the accepted appeals and assigns those appeals to the appropriate CDCR unit for response. Appeals that are not accepted are considered "screened out" and a log number is not assigned to the appeal. Rules and procedural guidelines for appeals coordinators specify that "[e]ach appeal must be screened and categorized" and that appeals coordinators should not exercise their responsibilities "in any manner that would place unreasonable restraints on the inmate's or parolee's right to appeal" (*Appeals Coordinator – Authority, Responsibilities and Expectations*, published by CDCR's Office of Appeals).

Examples of comments made by Council members regarding screen-outs:

- Appeals [coordinators] ask for documentation, but inmates are not provided with the means to get the documents.
- Appeals are sent back to inmates requesting documents and information that was already attached to the 602. Inmates get frustrated with the amount and type of screen-outs, and give up on the process entirely.
- Inmate appeals office does everything it can to stall the 602 until inmates give up on the process. 'Youngsters' [new inmates] give up on the process knowing that it does not work.

Source: Council responses to OIG questions on significant problems with former appeals process. Interviews occurred in February and March 2011.

We interviewed 29 Inmate Advisory Council (Council) members and asked, "What changes would be necessary to improve the old inmate appeal process?" The inmates frequently responded that appeals office employees need to make this screen-out practice less restrictive. Further, Council members said many inmates were frustrated by their inability to obtain copies of necessary documents to complete their appeals. The Council members also voiced concerns that the inmate population's frustration with the appeal process causes many inmates to abandon appeals before achieving any resolution. The Council members worried that this frustration could increase tension between CDCR employees and inmates, and that this tension could cause inmates to seek alternatives, such as violence, if their complaints were perceived to be ignored.

¹³ Title 15 identifies 16 specific reasons that an appeal may be rejected, including the following: failure to demonstrate a material adverse effect to the appellant, failure to attach supporting documents, and not using proper appeal forms.

CDCR employees rejected appeals for appropriate reasons, but did not provide sufficient instruction for the inmate to resubmit an acceptable appeal

According to CDCR's 2010 comparative statistics, 148,896 appeals were submitted in adult prisons.¹⁴ Of this total, 75,146 appeals were accepted and issued log numbers, and the remaining 73,750 were rejected. Title 15 requires when appeals coordinators reject an appeal, they explain the reason for rejection and also provide the inmate or parolee with clear and sufficient instruction on how to resubmit an acceptable appeal. Multiple appeals coordinators informed us that the most common screen-out factor is the inmate's failure to include necessary supporting documents.

To determine the validity of screen-outs, we reviewed 31 appeal screen-outs filed under the revised regulations from California Correctional Institution, Chuckawalla Valley State Prison, and Correctional Training Facility during April 2011. After we reviewed the screen-out letters, appeal forms, and appeal attachments, we concluded that the reasons for all 31 screen-outs were valid under the Title 15 requirements. However, we found that for 16 of the 31 screen-outs (52 percent), the accompanying letter to the inmate was missing key details, including not identifying the appropriate CDCR form needed to support the appeal or the Title 15 reference used to reject the appeal. Absent clear and sufficient instructions on how to resubmit an acceptable appeal, inmates face an increasing likelihood of a subsequent appeal rejection. The screen-out letters were missing one or more of these items:

- A list of all Title 15 references linked with each reason for rejecting the appeal.
- The specific CDCR form(s) required to support the appeal.
- Instructions on how to obtain a required form.
- A definitive response to the inmate's request for emergency status.
- The reasons that the appeals office determined the inmate misused or abused the appeal process.

One screen-out letter we reviewed illustrates how an inmate might feel unable to obtain resolution of an issue. The inmate's appeal claimed that his caseworker did not respond to his two attempts to apply for credit restoration. However, the inmate provided no documentary evidence to support these attempts and, as a result, the appeals coordinator rejected, or screened out, the appeal. The appeal screen-out letter instructed the inmate to attach a completed Application for Restoration of Credits and resubmit the appeal (Form 602) – apparently ignoring the inmate's assertion that he had twice already attempted to file this form. Had the screen-out letter instead advised the inmate to resubmit his appeal with a completed Form 22, the inmate's further attempt(s) to receive a response from his caseworker would be documented on the Form 22 receipt. Alternatively, the inmate may have been able to resolve his issue by using the Form 22 without further involvement from the appeals office. However, without

¹⁴ During 2010, according to the Office of Appeals, CDCR also received 2,639 appeals within the Division of Adult Parole Operations (DAPO), Regions I through IV and Community Correctional Facilities (CCF), accounting for less than 2 percent of total statewide appeals. The screen-out rates were 87 percent (1,749 out of 2,012) for DAPO and 20 percent (124 out of 627) for CCF's.

the appeals coordinators providing appellants with specific guidance, an inmate's ability to resubmit an acceptable appeal is diminished. When CDCR rejects appeals, it must provide sufficient information to inmates in their screen-out letter to avoid subsequent rejections for deficiencies that could have been noted in the initial rejection.

Inmates' difficulty in obtaining critical documents increases the possibility of a rejected appeal

We found that inmates' omission of necessary documents with their appeal is one of the most common reasons an appeal is rejected. Our review of appeal rejections found that some inmates are either uninformed or disregard the fact that they need to submit a CDCR form to support their appeal issue. Council members explained that inmates had difficulty obtaining access to the law library to use the photocopy machine, due to inmate demand and recurring lockdowns of facilities. Another Council member said that some inmates are not receiving necessary documents in a timely manner after committee meetings, and that in order to meet appeal deadlines, they knowingly file their appeal without necessary documents. We note that CDCR's extension of the deadline for filing an appeal from 15 to 30 days of the event may provide some relief to inmates who require additional time to obtain supporting documents for their appeal.

We asked four appeals coordinators about the most common appeal screen-out reasons, and all four answered that the primary reason was missing documents. One appeal coordinator acknowledged that inmates do not understand what supporting documents are necessary when filing an appeal. He also acknowledged that, at times, CDCR employees may not respond in a timely manner to inmates' requests for supporting documents.¹⁵

An attorney representing inmates raised the following concern regarding the Title 15 requirement that inmates obtain the correct form and attach all supporting documents necessary for clarification or resolution:

A prisoner's grievance is not akin to a formal trial, or a substantive legal motion in which evidence should be required. An appeal is a mechanism by which a problem can be brought to the attention of prison officials, who respond. In addition, in many instances, the documents are entirely under the control of prison officials, and indeed are entirely available to the official responding to the appeal

Although some documents supporting an inmate's appeal may be readily available to the responding official, one appeals coordinator acknowledged it would be too time-consuming for CDCR employees to track down necessary forms for every appeal, especially considering the 2010 statewide monthly average of 376 appeals per prison. For instance, the appeals coordinator mentioned that he regularly receives appeals from inmates requesting the status of their requested sentence reductions for completing "milestone credits" (rehabilitation programs, the successful completion of which may reduce eligible inmates' sentences). However, we learned that calculating milestone credits is a labor-intensive manual process

15 Supporting documents include CDCR forms, such as a classification chrono (CDCR Form 128-G), which is used to document classification committee decisions.

involving multiple forms and CDCR employees.¹⁶ In such cases, the appeals office is dependent on the inmate as well as other CDCR employees or outside entities to obtain the appropriate supporting documents.

Recommendations:

The Office of the Inspector General recommends that the CDCR take the following actions:

- Ensure that the appeal screen-out notice not only provides the specific reason(s) for the rejection and correction(s) necessary for the appeal to be accepted, but also includes complete instructions to the inmate by identifying *all* specific action(s) and form(s) necessary for CDCR to accept the appeal, as well as where and how to obtain them.
- Require that appeals office employees regularly meet with Inmate Advisory Council members to discuss the supporting documents needed for the most common types of appeal issues and remove those barriers to inmates' obtaining these documents.

¹⁶ For example, CDCR procedures require that before an inmate can participate in the GED exam, education staff must review the inmate's central file to confirm that the inmate does not already possess a high school diploma, GED, or college degree. If a discrepancy exists, the inmate must request a transcript from the high school he or she attended to verify eligibility for participation in milestone credit-earning courses. Upon receipt of the transcript, an education registrar evaluates the information to determine the inmate's eligibility for program participation. Finally, a prison case records employee provides the inmate with a "legal status summary" calculating the inmate's release date based on the milestone completed.

Finding 3

Rapid implementation of the revised appeal process caused confusion and presented additional challenges

Timely training and comprehensive distribution of information is critical to the effective implementation of any change in an established process. In June 2010, CDCR's Office of Training and Professional Development (OTPD) noted in its on-the-job-training (OJT) modules for Form 22 requests and Form 602 appeals that failure to provide training in the revised appeal process may result in increased appeals and in CDCR's possible involvement in litigation initiated by inmates. Yet before starting the appeal process changes on January 28, 2011, CDCR did not expedite training for all of its employees who have direct contact with the inmate population; moreover, CDCR inconsistently distributed information to inmates and CDCR employees after the new revised process was in place. The slow roll-out of training, inconsistent information provided to employees and inmates, and confusion over the requirements entailed by the former and revised request-for-interview forms resulted in multiple challenges to the effective implementation of the revised appeal regulations.

The timing of training for custody employees did not match the implementation date of the revised regulations

Effective implementation of CDCR's revised appeal process required prisons and parole offices to expedite training for all employees who have contact with inmates and parolees. Most CDCR employees received training in the revised appeals process after the implementation date of the new regulations. An official with the Office of Appeals explained that funding designated for expedited formal training through OTPD was removed due to state budget constraints shortly before the appeal process changes went into effect on January 28, 2011. As a result, CDCR's training roll-out was delayed and informal training was offered as an alternative. Under this alternative training approach, CDCR required all field employees with custody and parole responsibilities to be trained by the end of December 2011 on how to use the new Form 22 and revised 602 forms. We learned that appeals coordinators initially provided training to supervisors during regularly scheduled employee meetings. Those supervisors were then responsible for sharing this information with rank and file employees involved in the appeal process. Subsequently, the Deputy Director of Adult Operations acknowledged the following in an email dated April 6, 2011:

Since it is anticipated that it may take up to 12 months for all staff to complete formal IST [in-service training] on this topic [Inmate Appeal System changes], please utilize OJT [on-the-job training] to ensure all staff are familiar with the changes to the Inmate/Parolee Appeal and written request (Form 22) policies, practices and forms.

Custody employees attend annual in-service training, which includes a one-hour component on the revised appeal process. Custody employees are also required to complete one-hour on-the-job training (self-study modules) on the use of the new Form 22 and the revised Form 602. In an email message, the Deputy Director of Adult Operations declared his expectation that 95 percent of employees were to complete the on-the-job modules for the Form 22 and Form

602 by May 6, 2011. During our review, as noted below in Figure 4, several prisons trained approximately half of their custody employees in the respective on-the-job training modules a few months after the new appeal requirements were implemented on January 28, 2011.

Figure 4: Percentage of custody employees who have completed on-the-job training in the revised appeal process.

Prison	Number of Custody Employees	Number of Custody Employees That Have Completed Training on Form 22 and 602	Percentage of Custody Employees Trained	As of:
North Kern State Prison	854	219	26%	April 2011
Pleasant Valley State Prison	847	392	46%	April 2011
California Substance Abuse Treatment Facility and State Prison	1,261	612	49%	March 2011
Sierra Conservation Center	598	497	83%	March 2011
California State Prison, Solano	781	713	91%	March 2011

Source: Figures were provided by the In-Service Training Lieutenant or Sergeant at the above-mentioned prisons.

CDCR distributed inconsistent information to employees and inmates on the revised appeal process

The Office of Appeals designed two brochures--*Introducing the New CDCR Form 22 for Inmates and Parolees* and *How to Submit an Appeal [Form 602]*--to educate the inmate population on the new appeal process. However, according to CDCR employees, two of the four prisons we visited did not distribute the brochures to inmates due to budget constraints. At one of the prisons distributing the brochures, appeals office employees attached brochure copies to inmates’ appeal screen-out letters; the other prison made copies of the brochures and distributed them to each inmate’s cell.

In February and March 2011, CDCR gave inmates copies of the *California Code of Regulations*, Title 15, updated through January 1, 2011, containing CDCR’s rules and regulations. Since the emergency regulations for the revised appeal process did not take effect until January 28, 2011, the revised appeal regulations were not included in the copies distributed to inmates. One inmate we interviewed was frustrated that his appeal was screened out for a regulation that he did not know existed, since the regulation cited by the appeals coordinator in rejecting his appeal was part of the emergency regulations not included in the inmate’s most recent copy of Title 15. We found copies of CDCR’s emergency regulations and Initial Statement of Reasons in a prison law library used by minimum-security inmates, but we were informed by Inmate Advisory Council members that those copies were not available to inmates in other housing areas at the same prison.

Some custody officers are allegedly unwilling to accept a Form 22

The on-the-job training module that CDCR provides to custody employees mandates that “staff shall not refuse to accept the Form 22, unless urgent and/or critical situations demand immediate attention.” The training module also notifies CDCR employees that “Failure to

accept a completed form while not otherwise engaged in duties that preclude doing so is not allowed. Furthermore, failure to respond to, or destruction of the completed form, is subject to corrective action in accordance with the staff discipline policies of the Department.”

The above mandate notwithstanding, the California Correctional Supervisors Organization (CCSO) informed CDCR that most custody employees do not want to sign the Form 22 if they are not the respondent. As the Administrative Liaison for the CCSO explained, “[N]ormally staff are reluctant to sign for a document that is not intended for them, therefore, making them somehow legally liable for the issuance in return . . . So inmates are having a hard time getting people to sign [the Form 22] to route it [to the respondent].” One appeals coordinator said that some custody employees and inmates still do not understand that the Form 22 is not an appeal but rather a request for interview. The appeal coordinator mentioned that Form 22s

are being erroneously routed to the appeals office for resolution without first being addressed by the respondent. This erroneous routing slows down the resolution process.

Examples of comments made by Council members regarding the new Form 22 and obtaining a receipt:

- Some officers refuse to accept or sign the Form 22. Inmates are mailing them in and not getting a response within three days. The new process takes longer.
- Some officers still need training in the new process. Officers are not inclined to sign the forms because they would (or may) be held accountable.
- Everyone needs to be on board and willing to sign and address the new Form 22 timely. Otherwise, it can create problems down the line. There is so much uncertainty that inmates do not want to submit the form. The form is not officer-friendly.
- Officers are ‘too busy’ to accept the new Form 22. The appeal process is complicated. I watched the training video about ten times.

Source: Council comments on the Form 22 – request for interview process. Interviews occurred in February, March, and April 2011.

Some inmates also claimed during our interviews to have difficulty finding employees willing to sign their Form 22 request. The appeals training video instructs inmates using the new Form 22 request form to “wait for a staff member who has the time to at least take the form, sign it and give you a copy.” Our inspectors received numerous comments from Inmate Advisory Council (Council) members mentioning that some custody employees are unwilling to sign the Form 22, claiming to be “too busy,” or that some employees instruct the inmate to send his or her appeal through prison mail. If an inmate is not able to obtain a signature on a Form 22, the “receipt” function of the form becomes moot because an inmate must then submit the form through the prison’s mail – just as they did in the former initial appeal process that the CDCR discontinued because of its lack of receipt accountability.

Inmates and CDCR employees are confused about the intent and purpose of the two similarly named forms “GA-22” and “CDCR 22”

The training module for CDCR’s Form 22 specifies that “[a]ll inmates/parolees will receive training on how to use the Form 22: Request for Interview, Item or Service through a video presentation and/or a brochure” prepared by the Office of Appeals. The prisons received an informational inmate appeals video, approximately eight minutes long, which was to be aired four to five times daily from mid-January through April 29, 2011. More than half (16 out of 29) of the Council members we interviewed watched the video through an institutional channel

in their cells because inmates generally choose not to watch the institutional channel in the dayrooms. One Council member noted that CDCR “[t]raining assumes each inmate has a TV or [the video] is shown on the dayroom floor.” The inmates’ choice not to watch the institutional channel in dayrooms likely resulted in many inmates not viewing the video unless they owned a TV. In addition to the problem of limited access, the video appears to have created confusion with its initial statement:

Today we are discussing significant changes in how requests are made and routine problems addressed within the prisons and parole regions. The existing half-page Inmate Request for Interview Form [GA-22] has been redesigned to a full page and is now entitled the Request for Interview, Item or Service Form [CDCR 22]. This new CDCR 22 Form will be used to make requests and resolve issues. It also replaces the informal appeal process, which has been discontinued. There are other changes to the appeal process which will be discussed later in this video.

The video thus implies that inmates should no longer use the GA-22 to make simple requests and resolve issues, and that the redesigned form – the CDCR 22 – should be used for these purposes. This direction has led to unintended uses of the new form, including inmates making basic requests for things such as indigent envelopes or a Bible.

Further, the Office of Appeals notified CDCR employees that the Form GA-22 “Inmate Request for Interview” would be replaced (as similarly stated in the appeals video shown to inmates) when the new appeal process is implemented. Although we learned that this misstatement was later corrected during a CDCR teleconference, some inmates and CDCR employees remain uncertain about whether to use a Form GA-22 or Form 22. Two appeals coordinators pointed out that CDCR could have changed the form name or number to avoid confusion between the two forms.

We reviewed the following public comments regarding the appeal form confusion:

From a law librarian - [B]ecause the new regulations state that the new CDCR 22 form can be used for ‘requests’ and take the place of the GA-22 form we are now receiving your four page NCR forms for simple request for law library access... I think this is a great waste of the State’s money and contradicts the purpose of ‘saving money and streamlining services’... my suggestion is not to abandon the old GA[-]22 form because it serves an important purpose in the daily lives of inmates

From a Catholic chaplain - I receive anywhere from 50-75 of these requests [Form 22] each week ... Please consider limiting the use of CDCR 22 to issues that require a written response or explanation from staff. Simple requests for ‘things’ (such as a Bible, a Sympathy card, a prayer) should be made without requiring the 10 minutes it has been taking me to deal with each form.

These public comments from CDCR employees illustrate the confusion that comes from inadequate training as well as the confusion that comes from using similarly named request forms.

Recommendations:

The Office of the Inspector General recommends that the CDCR take the following actions:

- Ensure that all affected employees are properly trained concerning new appeal procedures.
- Develop an additional alternative to inmates' submitting a Form 22 to custody employees for signature. We suggest designating an employee to process Form 22 requests at specific times every day.
- Effectively explain to its employees and inmates when to use the Form 22 and when to use Form GA-22.
- Make copies of the revised appeal regulations available in prison law libraries.

California Department of Corrections and Rehabilitation's response to the special report (page 1 of 2)

STATE OF CALIFORNIA —DEPARTMENT OF CORRECTIONS AND REHABILITATION

EDMUND G. BROWN JR., GOVERNOR

OFFICE OF THE SECRETARY

P.O. Box 942883
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September 12, 2011

Mr. Robert A. Barton
Inspector General
Office of the Inspector General
P.O. Box 348780
Sacramento, CA 95834-8780

Dear Mr. Barton:

This letter is being submitted by the California Department of Corrections and Rehabilitation (CDCR) in response to the Office of the Inspector General's (OIG) report titled *Special Report: CDCR's Revised Inmate Appeal Process Leaves Key Problems Unaddressed*. The review identified concerns that led CDCR to change its inmate appeal process and assessed whether the revised inmate appeal process addressed those concerns.

It is important to CDCR that the inmate appeal process is accessible to the offender population and that staff are accountable for responding timely to their grievances. As such, the Office of Appeals (OOA) introduced a new Form 22 process which incorporates No Carbon Required copies to provide receipts for routine requests. OOA is also implementing necessary changes to ensure inmates' access to remedy and reviewing alternate secure delivery systems to mitigate the possibility of lost or discarded requests.

Due to unexpected fiscal restraints at the time of regulatory approval, OOA was unable to train all staff on the new regulations prior to implementation. However, 95 percent of the staff have now been trained and OOA is providing ongoing guidance and support as the training modules are completed. In addition, the institutions have been emailed specific directions regarding the proper handling of the form by staff and whether a CDCR Form 22 or a GA 22 is appropriate given the situation. A memo will be drafted to memorialize this information and will provide further onsite support as needed to ensure full staff compliance with the CDCR Form 22 process.

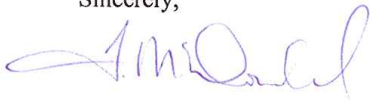
The OIG also noted deficiencies in institutional screening compounded by the inability of inmates to obtain the required documents to have their appeals accepted. To comply with the requirements of the Prison Litigation Reform Act regarding offenders' access to remedy, OOA will provide training and oversight in institutional screening and is working on a Screener's Handbook for distribution statewide. In addition, the OOA is in the process of ensuring that copies of the new regulations and forms are readily available to the offender population. Lastly, OOA agrees with OIG's recommendation that appeals coordinators meet at least quarterly with the Men's Advisory Council.

California Department of Corrections and Rehabilitation's response to the special report (page 2 of 2)

Robert A. Barton, Inspector General
Page 2

We would like to thank the OIG for allowing us the opportunity to comment on the special report and value your continued professionalism and guidance in our efforts to improve our operations. The CDCR's Office of Audits and Court Compliance will monitor and document the OOA's progress in addressing the report's recommendations. If you should have any questions or concerns, please call my office at (916) 323-6001.

Sincerely,



TERRI MCDONALD
Director (A)
Division of Adult Institutions

cc: George Giurbino, Deputy Director (A), Division of Adult Institutions
Dean Foston, Chief, Office of Appeals



SPECIAL REPORT

CDCR'S REVISED INMATE APPEAL PROCESS LEAVES
KEY PROBLEMS UNADDRESSED

OFFICE OF THE INSPECTOR GENERAL

STATE OF CALIFORNIA
SEPTEMBER 2011

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