

OFFICE OF THE INSPECTOR GENERAL

STEVE WHITE, INSPECTOR GENERAL

REVIEW OF THE INMATE APPEAL PROCESS CALIFORNIA REHABILITATION CENTER



AUGUST 2000

Memorandum

Date: August 11, 2000

To: CAL TERHUNE, Director
Department of Corrections

From: STEVE WHITE 
Inspector General

Subject: REPORT ON A REVIEW OF THE INMATE APPEAL PROCESS AT THE CALIFORNIA
REHABILITATION CENTER

Enclosed is the report of a review by the Office of the Inspector General of the California Rehabilitation Center's inmate appeal process. The review was made pursuant to my memorandum to you dated March 17, 2000 expressing a concern with an apparent backlog at the institution in processing CDC-602 inmate appeals. I advised you that this office would conduct a review of the inmate appeal process at a later date.

I am pleased to note that the institution has taken action to address this issue and that the backlog of inmate appeals is now manageable. However, our review disclosed several issues that require management attention. These issues are included in the review report for your consideration.

If you have questions regarding this matter, please let me know.

cc: Jo Ann Gordon, Warden, California Rehabilitation Center

OFFICE OF THE INSPECTOR GENERAL



REVIEW OF THE INMATE APPEALS PROCESS AT THE CALIFORNIA REHABILITATION CENTER, NORCO

REPORT

AUGUST 11, 2000

This report presents the results of the Office of the Inspector General's review of the CDC-602 inmate appeal process used at the California Rehabilitation Center. The review was prompted by a letter from a California Rehabilitation Center inmate dated March 13, 2000, reporting a backlog in the inmate appeal process. The Office of the Inspector General was subsequently told by staff at the California Rehabilitation Center that the backlog at the institution for processing inmate appeals was six to eight weeks. A backlog of that magnitude would make it virtually impossible to process inmate appeals within regulatory time limits.

On March 17, 2000, Inspector General Steve White issued a memorandum to Director Cal Terhune of the Department of Corrections, requesting that the director review the issue and take appropriate action. The Inspector General also notified Director Terhune that the Office of the Inspector General intended to review the inmate appeal process at the California Rehabilitation Center to ensure that the backlog problem is addressed.

As a result of the review, the Office of the Inspector General found that the management of the California Rehabilitation Center has taken action to significantly reduce the number of overdue appeals, and that the backlog is now at a manageable level. The review also identified several issues that could be addressed to further improve the center's inmate appeal process.

BACKGROUND

Located in Norco, California, the California Rehabilitation Center is a Department of Corrections Level II, medium-security state prison for both male and female felons and for addicts convicted of civil drug offenses. The primary mission of the facility is to maintain the secure housing of inmates, protect the safety of the public, and provide a substance abuse treatment program. The California Rehabilitation Center is the only California prison that houses both male and female inmates within a shared exterior perimeter.

The inmate appeal process is prescribed under Title 15 of the California Code of Regulations to provide inmates with a system and process for filing grievances and complaints. Inmates file complaints by filling out and submitting a CDC-602 inmate/parolee appeal form. The process usually begins with an attempt to resolve the issue between the appellant and staff involved in the incident that prompted the complaint at an informal level. California Code of Regulations, Title 15, Section 3084 specifies that staff respond to informal-level appeals within ten working days.

If the complaint is not resolved at the informal level, or if the nature of the complaint requires waiving the appeal at the informal level, the complaint moves to the formal appeal process, which encompasses three appeal levels.

At the first appeal level, the CDC-602 appeals are filed, screened, and logged into the appeal database by the institution's appeal office. The appeals coordinator is responsible for assigning cases to appropriate staff members and for tracking and monitoring the status of appeals to ensure that they are processed in a timely and appropriate manner. A decision as to whether to grant, partially grant, or deny the appeal is rendered by the staff person assigned to the case.

If the first level of appeal is waived under California Code of Regulations, Title 15, or if the inmate is dissatisfied with the response at the first level, the complaint moves to the second level of appeal. Decisions on the appeal at this level are typically made by the warden or the chief medical officer of the institution based on staff recommendations. These appeals are also logged into the appeal database.

If the inmate is dissatisfied with the second level response, the inmate may appeal the case to the Department of Corrections director for a third-level review. The third-level review constitutes the director's decision on the appeal, and is conducted by a designated representative of the director under the supervision of the Department of Corrections chief of inmate appeals.

THE REVIEW BY THE OFFICE OF THE INSPECTOR GENERAL

In reviewing the inmate appeal process, the Office of the Inspector General:

- Obtained an understanding of California Rehabilitation Center inmate appeals process and procedures and the corrective action taken to address the backlog problem.
- Compared the California Rehabilitation Center's case backlog before the problem was reported to Department of Corrections to the case backlog on July 18, 2000, the date of the Inspector General's field review.
- Performed an analytical review of trends and patterns in appeal levels and appeal categories to identify areas of significant operational risk in internal controls to the appeal process.

- Reviewed the California Rehabilitation Center's operational controls and procedures in areas of significant risk.

The Office of the Inspector General also systematically sampled inmate appeals from prior periods to verify their clearance from the July 18, 2000 outstanding appeals list. The review did not include an audit of the computer system and database used to record inmate appeal activity or the data input into the database.

FINDING 1

The California Rehabilitation Center has reduced the appeals backlog to a manageable level by devoting additional staff resources to the appeals office.

Before April 2000, the California Rehabilitation Center appeals coordinator had primary responsibility for screening and tracking first-level appeals and for forwarding those appeals to the applicable area of the institution or responsible party for response. The appeals coordinator also performed the entire second-level appeal process, including screening, tracking, researching, and preparing the response. These responsibilities created an inordinate workload for one person. Intermittent light-duty staff was used when available to relieve some of the burden, but, according to the former appeals coordinator, the light-duty staff members were unreliable and untrained, and, at times, exacerbated the problem.

After the Office of the Inspector General reported the backlog problem, the California Rehabilitation Center management implemented changes in the appeals office to reduce the backlog. In April 2000, a new appeals coordinator was assigned, with the former appeals coordinator temporarily remaining to assist and train the new person. A full-time office assistant was also assigned to assist in processing appeals. More than 100 hours of overtime was approved to address the backlog problem. In addition, responsibility for responding to second-level appeals for disciplinary and medical cases was re-assigned to the respective divisions and, on occasion, correctional counselors outside the appeals office have been assigned to review second-level appeals.

Consequently, the number of overdue appeals, especially at the second appeal level, has been significantly reduced. The chart below illustrates the improvement:

OVERDUE APPEALS	2ND LEVEL APPEALS		1ST LEVEL APPEALS	
	Total overdue	Cases at the California Rehabilitation Center only	Total overdue	Cases at the California Rehabilitation Center only
July 18, 2000	11	6	70	23
December 27, 1999	96	90	83	40

Note: Total overdue appeals includes cases that originated at the California Rehabilitation Center but that are now under the jurisdiction of other institutions.

RECOMMENDATION

The Office of the Inspector General recommends that the California Rehabilitation Center maintain the present level of re-directed staffing in the appeals office to ensure that the backlog is eliminated entirely and remains at a manageable level in the future.

FINDING 2

Inmates appear to be unfamiliar with the appeals process, causing a high percentage of claims to be rejected during the screening process.

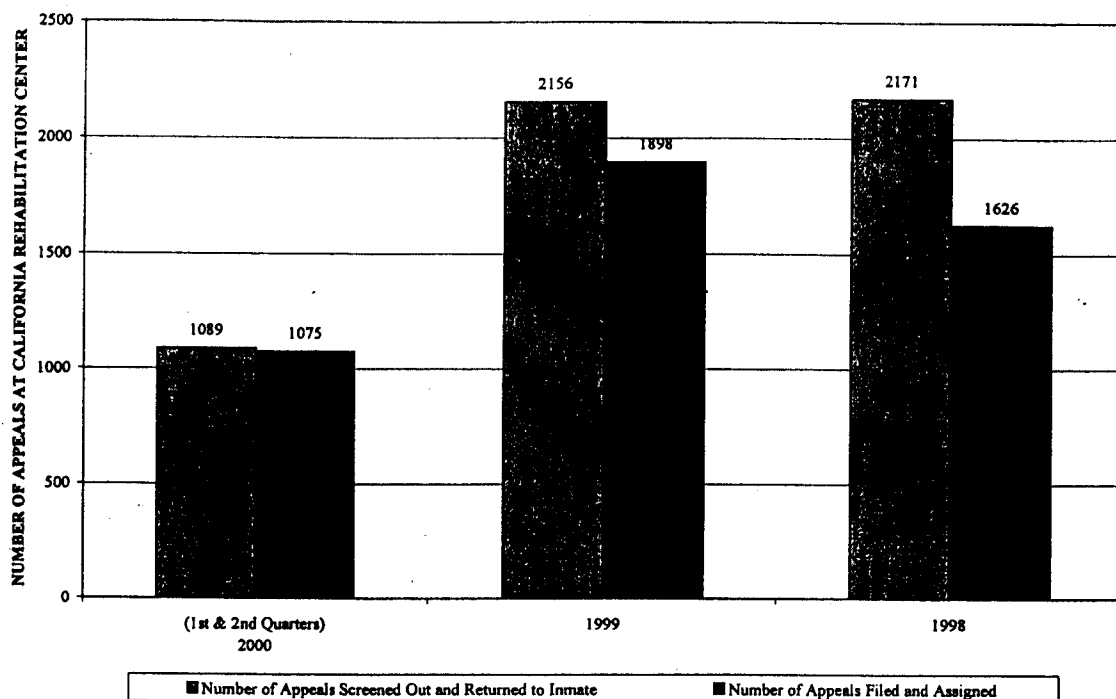
The review by the Office of the Inspector General disclosed that at least half of all inmate appeals submitted are screened out, rejected, and returned to the inmate. In the first six months of calendar year 2000, 50% of appeals were screened out. In calendar year 1999 and 1998, the percentage of appeals screened out was 53% and 57%, respectively. The high percentage of appeals rejected at the screening stage could be expected to strain the relationship and increase tensions between California Rehabilitation Center staff and inmates. The rejection rate also unnecessarily increases the workload of the appeals office. This factor may have contributed significantly to the backlog problem.

The California Rehabilitation Center staff attributed the high percentage of appeals screened out to the following factors:

- Inmates file incomplete appeal forms, leaving out pertinent information and supporting documents;
- Inmates do not use the informal appeal process when required;
- Inmates file duplicate appeals;
- Some inmates misuse the appeals process and can be classified as "appeal abusers" under Title 15, Section 3084.4; and
- Inmates may file appeals for non-appealable reasons.

The Office of the Inspector General found the probable cause of the high percentage of errors in filing appeals forms to be inadequate orientation and training provided to incoming inmates. A supervising sergeant of orientation in one of the living units reported that the inmate orientation materials do not specifically address the inmate appeal process, but rather consist only of a copy of California Code of Regulations, Title 15 and a pamphlet covering the institution's everyday menial tasks.

APPEALS SCREENED OUT OR FILED AND ASSIGNED BY YEAR



RECOMMENDATION

The Office of the Inspector General recommends that the California Rehabilitation Center incorporate into the inmate orientation program an explanation of the inmate appeal process.

Orientation in the inmate appeal process could be conducted by the appeals coordinator or a designee familiar with the process. Orientation handouts explaining the appeal process should be distributed to new inmates, with the applicable appeal sections in California Code of Regulations, Title 15 and the California Department of Corrections Operations Manual specifically covered. The orientation handouts also should cover how to complete an appeal form and common reasons appeals are rejected during the screening process.

FINDING 3

A high percentage of the inmate appeals at the California Rehabilitation Center concern the forwarding of inmate property and trust funds to other institutions.

The Office of the Inspector General found that the California Rehabilitation Center appeals office receives a large percentage of appeals regarding the forwarding of property

and trust funds belonging to inmates who have been transferred to other institutions. In the first two quarters of calendar year 2000, 18% of all appeals pertained to inmate property and 15% pertained to trust funds. Similar percentages were found for calendar years 1999 and 1998. In fact, property and trust fund appeals together accounted for at least one-third of all appeals processed over the last two and one-half years.

The review by the Office of the Inspector General revealed that the institution's receiving and release unit has a practice of not forwarding transferred inmate property to the new institution until the inmate files an appeal. This practice does not appear to be either necessary or appropriate. It is inefficient and it is costly in many respects. The Office of the Inspector General identified at least three internal processes that the receiving and release staff can use to alert them that an inmate is being transferred. First, a "transfer record," CDC Form 135, is prepared by the classification and parole unit at the California Rehabilitation Center to alert all units and sections within the institution that an inmate is transferring out. Second, even before the form is distributed, the classification and parole unit notifies the receiving and release unit by telephone of the transfer. Third, a daily movement sheet alerts all units within the institution of a transferring inmate.

The Office of the Inspector General also found that the institution trust fund accounting office forwards inmate trust fund money not more than twice a month, and usually only once a month. The trust fund accounting office is kept advised of inmate transfers through the institution's distributed data processing system and also receives the CDC Form 135 transfer records. A staff person in the trust fund accounting office told the Office of the Inspector General that workload constraints prevent staff from transferring inmate funds on a more frequent basis.

RECOMMENDATION

The Office of the Inspector General recommends that the receiving and release unit of the California Rehabilitation Center discontinue the practice of waiting for an inmate appeal from a transferred inmate before sending property to the new institution. The Office of the Inspector General also recommends that the California Rehabilitation Center administration investigate the need for increased staffing in the trust fund accounting office so that trust funds belonging to inmates transferring to other institutions are forwarded more than once or twice a month.

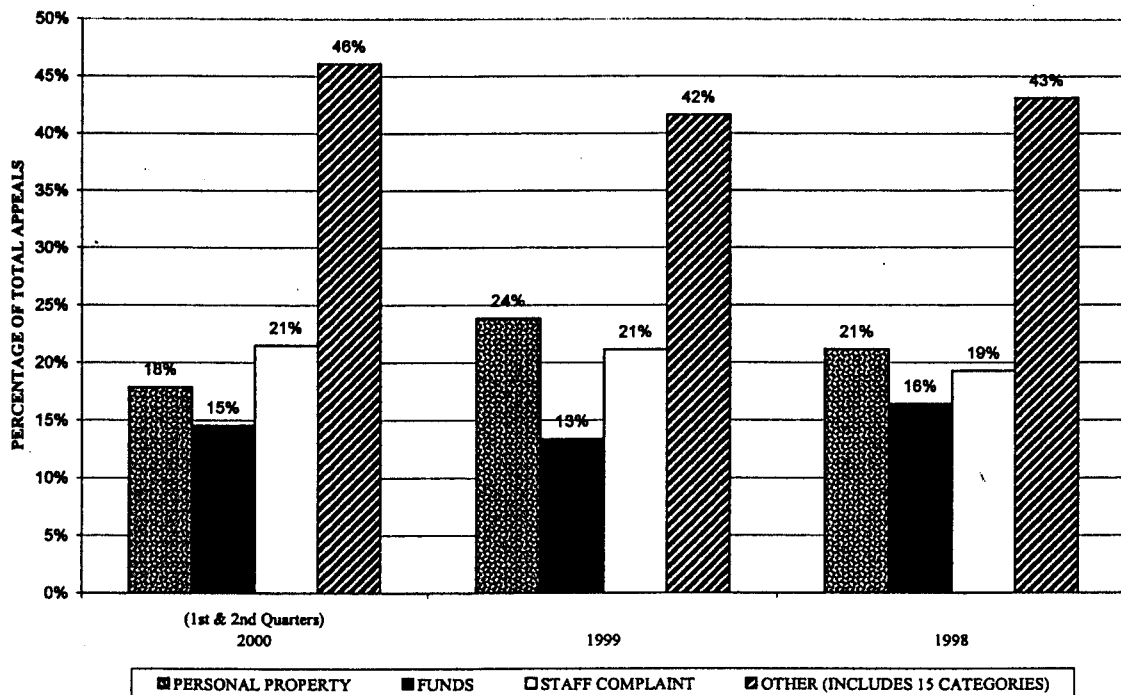
Finding 4

A high percentage of inmate appeals at the California Rehabilitation Center concerned complaints against staff.

The California Rehabilitation Center appeals office receives a high number of appeals categorized as complaints against staff. In the first six months of calendar year 2000, 21% of all appeals pertained to complaints against staff. Similar percentages were recorded in calendar years 1999 and 1998. The percentage of such complaints is the highest of all

appeal categories. This percentage appears surprisingly high, especially when compared even to higher security (Level IV) prisons reviewed by the Office of the Inspector General. For example, in calendar year 1999, the percentage of appeal complaints against staff at Salinas Valley State Prison and California State Prison, Sacramento was 16 % and 6 % respectively. The Office of the Inspector General was not able to identify reasons for the relatively high number of complaints against staff at the California Rehabilitation Center during this review, but the issue should be of concern to the institution management. This condition may necessitate a future review by the Office of the Inspector General.

PREDOMINANT CATEGORIES OF APPEALS AT CALIFORNIA REHABILITATION CENTER



RECOMMENDATION

The Office of the Inspector General recommends that the management of the California Rehabilitation Center review and analyze a representative sample of appeals categorized as complaints against staff to determine the cause of their frequency and implement corrective action.