

OFFICE OF THE INSPECTOR GENERAL



FOLLOW-UP REVIEW

OF

THE CALIFORNIA DEPARTMENT OF CORRECTIONS

OFFICE OF COMPLIANCE

INMATE APPEALS BRANCH

SEPTEMBER 2004

EXECUTIVE SUMMARY

This report presents the results of a follow-up to a review conducted by the Office of the Inspector General in February 2001 of the Inmate Appeals Branch of the California Department of Corrections Office of Compliance. The inmate appeals process affords inmates and parolees their due process rights and provides them with the opportunity to remedy problems and address grievances in accordance with *California Code of Regulations Title 15*, sections 3084 and 3085. The Inmate Appeals Branch administers the department's third and final appeal level in the inmate appeals process. The February 2001 review was limited to an assessment of the timeliness of appeal processing at the third-level review and did not examine the overall effectiveness of the inmate appeals process.

As a result of the 2001 review, the Office of the Inspector General identified serious deficiencies in the third-level inmate appeals process that caused unacceptable delays in the processing of inmate appeals. The Office of the Inspector General found the following:

- Ninety-six percent of third-level appeals completed during fiscal year 1999-00 failed to meet prescribed time limits for processing.
- A backlog of more than 4,000 appeals had not been processed within the prescribed time limits. Without significant intervention, the appeals backlog had the potential to become much worse.
- The Inmate Appeals Branch lacked formal guidelines and training programs to ensure consistency and completeness in the decisions rendered by its examiners. Some examiners expressed the belief that they were not fully qualified to render decisions.
- The Inmate Appeals Branch did not use modern technology to manage and monitor its operations and activities.

The Office of the Inspector General made five recommendations for remedying the deficiencies. In the follow-up review, the Inspector General determined that the Inmate Appeals Branch has made significant progress in implementing the recommendations. Two of the five recommendations have been fully implemented, one has been substantially implemented, and two have been partially implemented.

Following are key changes made by the Inmate Appeals Branch in response to the recommendations:

- The Inmate Appeals Branch is meeting required deadlines in responding to third-level appeals.
- The backlog of overdue appeals has been virtually eliminated.
- The Inmate Appeals Branch has developed a formal training manual and written guidelines and is using the manual and guidelines to train new staff.
- A standardized system for tracking inmate appeals has been developed for use at all prisons. Online interconnectivity with the Inmate Appeals Branch is under development.

BACKGROUND

California Department of Corrections Operations Manual section 54100.2 declares that the purpose of the inmate appeals process is to provide for the resolution of inmate grievances in a timely manner and at the lowest possible level. The process also provides a means of resolution for inmates who file requests for reasonable modification or accommodation under the Americans with Disabilities Act. In addition, the inmate appeals process is intended to serve as a vehicle for improving department policies and procedures. According to the *California Department of Corrections Operations Manual*, the appeals process is designed to audit the internal practices and operation of the Department of Corrections to “identify, modify, or eliminate practices which may not be necessary or may impede the accomplishment of correctional goals.”

The inmate appeals process begins with the inmate’s submission of an inmate/parolee appeal form, CDC Form 602. The process directs inmate complaints through one informal and two formal levels of appeal at an institution and a third and final appeal at the director’s level. The director’s level decisions are delegated to the Inmate Appeals Branch. The director’s level review is conducted by a designated representative of the director under the supervision of the chief of the Inmate Appeals Branch. Issuance of the director’s level decision exhausts the administrative appeals process. Inmates who wish to pursue a grievance further may seek remedy through the courts.

The Inmate Appeals Branch received an average of 2,690 appeals per month during fiscal year 2001-02, with the volume increasing to an average of 3,107 per month during the first ten months of fiscal year 2003-04.

The Office of the Inspector General conducted a review of the Inmate Appeals Branch in February 2001 to assess the efficiency and effectiveness of the inmate appeals process. The review was prompted by the Office of the Inspector General’s receipt of a large number of letters from inmates alleging significant delays in receiving responses to appeals filed with the Inmate Appeals Branch.

The February 2001 review found serious deficiencies in the director’s level review that resulted in unacceptable delays in processing inmate appeals. The Office of the Inspector General noted in the report that the magnitude and severity of the problems were beyond the ability of the Inmate Appeals Branch to address effectively and urged the management of the Department of Corrections to devote additional staff resources to processing inmate appeals and providing guidance in revamping the process. The Office of the Inspector General also directed specific recommendations for improving the third-level appeal process to the Inmate Appeals Branch.

OBJECTIVES, SCOPE, AND METHODOLOGY

In conducting the follow-up review, the Office of the Inspector General interviewed officials of the Inmate Appeals Branch, including its chief and other staff responsible for implementing and monitoring the program. The Office of the Inspector General reviewed manuals and documents relating to policy and procedural changes implemented as a result of

the February 2001 review. The Office of the Inspector General also reviewed responses to third-level appeals and performed audit tests to verify compliance with the Office of the Inspector General's recommendations.

After completing the on-site field work, the Office of the Inspector General classified the progress of the Inmate Appeals Branch in implementing each recommendation into the following four categories:

- **Fully implemented:** The recommendation has been implemented and no further corrective action is necessary.
- **Substantially implemented:** More than half of the corrective actions necessary to fulfill the recommendation have been implemented.
- **Partially implemented:** Half or fewer than half of the corrective actions necessary to fulfill the recommendation have been implemented.
- **Not implemented:** The recommendation has not been implemented.

The following section lists the recommendations associated with each of the findings from the February 2001 review, provides the status of the recommendation, and explains the basis for the status determination. Where appropriate, the Office of the Inspector General has provided follow-up recommendations.

ORIGINAL FINDING NUMBER 1:

The Office of the Inspector General found that 96 percent of third-level appeals completed in fiscal year 1999-2000 failed to meet prescribed time limits.

ORIGINAL RECOMMENDATION(S):	STATUS:	COMMENTS:
<p>The Office of the Inspector General made the following overall recommendation to address the four findings:</p> <p>The Department of Corrections should convene a task force to identify a means for improving the efficiency and effectiveness of the entire inmate appeal process.</p>	<p>FULLY IMPLEMENTED</p>	<p>The Department of Corrections did convene a task force to improve the efficiency of the inmate appeal process.</p>

FOLLOW-UP RECOMMENDATIONS:

- None

ORIGINAL FINDING NUMBER 2:

The Office of the Inspector General found that without significant intervention by management, the appeals backlog could get much worse:

ORIGINAL RECOMMENDATION(S):	STATUS:	COMMENTS:
<p>Within the framework of the overall recommendation, the Office of the Inspector General suggested that the following measures be taken:</p> <ul style="list-style-type: none"> • Dedicate the temporary resources necessary to eliminate the significant backlog of inmate appeals. Augment existing staffing levels as needed to process and maintain current workload. 	<p>Fully Implemented</p>	<p>The Office of the Inspector General reviewed the Inmate Appeals Branch process, including intake, screening, assignment, review, and distribution, and found that the backlog of overdue appeals has been virtually eliminated and all timelines are now being met. The Office of the Inspector General reviewed 50 third-level responses for timeliness and found that all responses were completed within the 60-working day requirement as required by <i>California Department of Corrections Operations Manual</i> section 54100.12.</p> <p>The Inmate Appeals Branch has established a system to ensure that incoming appeals are screened in accordance with <i>California Department of Corrections Operations Manual</i> requirements and assigned to an appeals examiner within two weeks of receipt. Examiners have two weeks to complete the review and prepare the appropriate response. Management ensures that the responses are reviewed by a supervisor and mailed to the inmate within the 60-working day requirement. Management uses status sheets to monitor and ensure that appeals are completed on time. Appeals involving the Americans with Disabilities Act are tracked separately, as these require a response within 20 working days of receipt. An examiner with Americans with Disabilities Act expertise has been dedicated to reviewing, monitoring, and responding to these appeals to ensure that they meet the prescribed timeframes.</p>

FOLLOW-UP RECOMMENDATIONS:

- None

ORIGINAL FINDING NUMBER 3:

The Office of the Inspector General found that the Inmate Appeals Branch does not have formal guidelines or training programs to ensure consistency and completeness in the decisions rendered by the examiners. Some examiners believe they are not fully qualified to render decisions on certain appeals:

ORIGINAL RECOMMENDATION(S):	STATUS:	COMMENTS:
<ul style="list-style-type: none"> • Develop written guidelines and formalized training for all examiners and institution appeals coordinators and recruit and retain staff with a medical background or knowledge to resolve medical appeals. 	<p>SUBSTANTIALLY IMPLEMENTED</p>	<p>The Inmate Appeals Branch has recently developed a training manual for all new examiners. The training manual includes several modules dealing with the appeals process and the most common appeal issues (such as staff complaints, discipline, transfers, and property issues). Experienced examiners developed the modules as a reference for staff. The Inmate Appeals Branch reported that the manual was submitted to the department training office for review and comment.</p> <p>The Inmate Appeals Branch does not have on-site medical staff to assist in responding to medical appeals, but informed the Office of the Inspector General that the staff consults with the Health Care Services Division on appeals related to medical issues.</p> <p>The Inmate Appeals Branch provided a copy of a budget change proposal submitted to the Department of Finance to fund additional staff in fiscal year 2005-06. The proposal includes a request for one doctor and five nurse practitioners to assist in responding to medical appeals, in addition to 37 other new positions to be dedicated to processing inmate appeals and analyzing the reasons for their occurrence.</p>

FOLLOW-UP RECOMMENDATIONS:

- None

ORIGINAL FINDING NUMBER 4:

The Office of the Inspector General found that the Inmate Appeals Branch does not use modern technology to manage and monitor its operations and activities:

ORIGINAL RECOMMENDATION(S):	STATUS:	COMMENTS:
<ul style="list-style-type: none"> • Conduct a needs assessment for a new statewide inmate appeals tracking system. The new system should be designed to provide management with reporting capabilities, compile data for all institutions and parole regions, and track appeals through the review process. 	<p>PARTIALLY IMPLEMENTED</p>	<p>The Inmate Appeals Branch reported that it has implemented a new inmate appeals tracking system for use at all institutions. The system is integrated into the department’s distributed data processing system and provides information about inmate complaints as well as information about the inmate filing the complaint, including current housing location. The system has not yet been integrated with the director’s third level of review.</p>
<ul style="list-style-type: none"> • Address the intended purpose of the inmate appeals process as described in the <i>California Department of Corrections Operations Manual</i> by providing for a review of institution appeals and evaluation of granted and partially granted appeals as a vehicle for identifying department policies and procedures needing revision. 	<p>PARTIALLY IMPLEMENTED</p>	<p>The Inmate Appeals Branch is in the process of extending the reporting capability of the new inmate appeals tracking system to include data developed from the first and second levels of appeal at the institutions. A July 20, 2004 letter of intent to the Inmate Appeals Branch from the Department of Corrections Information Systems Division reports that the Information Systems Division will begin that project in October or November 2004. When completed, the system is expected to be a valuable tool for identifying systemic problems, including policies and procedures needing revision.</p>

FOLLOW-UP RECOMMENDATION:

- The Inmate Appeals Branch should continue to work with the Information Systems Division to develop and enhance the new inmate appeals tracking system.