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### Your Responsibility When Using the Information Provided Below:

When we wrote this Informational Material we did our best to give you useful and accurate information because we know that prisoners often have difficulty obtaining legal information and we cannot provide specific advice to all the prisoners who request it. The laws change frequently and are subject to differing interpretations. We do not always have the resources to make changes to this material every time the law changes. If you want legal advice backed by a guarantee, try to hire a lawyer to address your specific problem. If you use this pamphlet it is your responsibility to make sure that the law has not changed and is applicable to your situation. Most of the materials you need should be available in your institution law library.

### How To File A CDCR Administrative Appeal

(Updated September 2008)

A prisoner can file an administrative appeal to complain about an action taken by any employee of the Department of Corrections and Rehabilitation (CDCR) or any CDCR policy or procedure that affects the prisoner. Examples of topics that an administrative appeal might address are medical care delays, failure to follow procedural rules for disciplinary violation hearings, miscalculation of work credits, restrictive mail policies, or visitor denials. Most types of administrative appeals are filed using the "602" form; however, health care appeals are filed on a special form called a "602-HC" form and disability accommodation appeals are filed on an "1824" form. There are also special procedures that apply to emergency appeals and to appeals regarding certain specific topics, such as staff misconduct, disciplinary violations, release date calculations, visitation and mail, transfers, property losses, parole issues, and Prison Industries (PIA or Free ("Joint") Venture Program issues.

Filing an administrative appeal takes time and work, but it can be an effective way to resolve a problem. Furthermore, filing an administrative appeal is almost always necessary if a prisoner wants to file a habeas petition or lawsuit challenging a CDCR policy or action.

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### **Exhaustion of Administrative Remedies**

In most cases, a prisoner must present an administrative appeal through the Third Formal Level before filing a state court petition for a writ of habeas corpus regarding a prison conditions issue. (See In re Muszalski (1975) 52 Cal. App. 3d 503 [125 Cal.Rptr. 286].) In other words, a prisoner must “exhaust administrative remedies” before asking a court to step in. A court may allow a prisoner to file a habeas petition without first completing the administrative appeal process in some special circumstances; for example, if the action requested cannot be granted via an administrative appeal, if it is clear under established CDCR policy that an appeal will not be granted, or if there is some emergency such that failure of the court to act immediately could result in great harm to the prisoner. (See Ogo Associates v. City of Torrance (1974) 37 Cal.App.3d 830 [112 Cal.Rptr. 761]; In re Dexter (1979) 25 Cal.3d 921, 925 [160 Cal.Rptr. 118]; In re Serna (1978) 76 Cal.App.3d 1010 [143 Cal.Rptr. 350].) However, courts are reluctant to grant exceptions to the requirement of exhaustion of administrative remedies and the best tactic usually is to complete the administrative appeal process before filing a habeas petition.

A prisoner also must “exhaust administrative remedies” by filing an administrative appeal through the Third Formal (Director’s) Level of review before filing a federal civil rights (“section 1983”) lawsuit about a prison issue. (42 U.S.C. § 1997e(a); Porter v. Nussle (2002) 534 U.S. 516 [122 S.Ct. 983; 152 L.Ed.2d 12]; McKinney v. Carey (9th Cir. 2002) 311 F.3d 1198.) Prisoners have to file an administrative appeal even if they are seeking only damages for pain and suffering, despite the fact that money damages are not normally awarded through the administrative appeal process. (See Booth v. Churner (2001) 532 U.S. 731 [121 S.Ct. 1819; 149 L.Ed. 2d 958].)

Prisoners must also complete the administrative appeal process through the Third Formal Level to exhaust administrative remedies for a state tort lawsuit; again, this requirement must be met even if the prisoner is seeking only money damages. (Wright v. California (2004) 122 Cal.App.4th 659 [19 Cal.Rptr.3d 92].)

### **Administrative Appeals -- Practice Tips**

The rules that govern administrative appeals are set forth in the California Code of Regulations (CCR), title 15, §§ 3084-3085. The following is a summary of the most important rules regarding administrative appeals and a few practical suggestions to help ensure the timely processing of an appeal.

**Filling Out the 602 Form:** Use **CDCR Form 602** to describe the problem in detail. (See attached form.) You begin by filling out **Part A** and **Part B**. If you need more space, you may attach one extra page (you can write on the front and back). When writing your 602, you should first state the problem that you are appealing. Then you should cite to any CDCR rule or state or federal law that applies to your situation, and give specific facts as to how the rules are being broken or violated in your particular case. Try to be as clear as possible about what happened, when it happened, who did it, and what else you have already done to try to solve the problem. Then explain what action you are requesting – in other words, what do you want the prison staff

to do in response to your appeal? You must include every issue related to the problem or you risk waiving your rights to raise the issue in the future. You should attach to the appeal form any supporting documents that concern the issue being appealed; for example, if you are appealing a disciplinary decision, attach a copy of the CDCR 115 Rule Violation Report form.

Group appeals are allowed. To file a group appeal, one prisoner must submit the appeal on behalf of all the others and the appeal papers must include a list of the names and CDCR numbers of all participating prisoners. The appeal response will be provided only to the prisoner who submitted the appeal, and that prisoner is responsible for sharing the response with the other prisoners in the group. (15 CCR § 3084.2(f).)

If you have problems with reading or writing because you don't speak English well, prison staff should help you with filling out and filing your 602 appeal. (15 CCR §§ 3084.1(b) and 3084.3(b)(3).) Prison staff must also help you if you have a developmental, physical or learning disability and need help preparing or filing a 602 appeal or reading the prison staff's responses. (Armstrong v. Wilson (N.D. Cal.) No. C94-2307CW, Remedial Plan (Jan. 3, 2001), § II.E.2; Clark v. California (N.D. Cal.) No. C96-1486FMS, Remedial Plan (Mar. 1, 2002), § II.B.3.b.3.)

**Time Limits, Procedural Requirements, Appeals System Abuse and Screen-Outs:** The CDCR has imposed many limits on the use of the appeal system. For example, you must submit an appeal promptly, usually within 15 working days after the problem occurs (or after you get your copy of the CDCR 115 or other form documenting the prison staff's action). (15 CCR § 3084.6(c).) An appeal may be rejected or "screened out" if you do not meet the timeliness requirement and you cannot show a good reason why you were not able to file on time. (15 CCR § 3084.3(c).)

An appeal may also be screened out if a prisoner does not meet other procedural requirements, if the appeal is a duplicate of one that is already under review or was previously answered, if the appeal form has not been adequately completed, or if the necessary supporting documents have not been attached. (15 CCR § 3084.3(c).)

An appeal may also be screened out if the prisoner "abuses" the appeal process. Abuse of the appeal process includes submitting more than one non-emergency appeal within a seven-calendar-day period, submitting an appeal that contains false, obscene, overly-long or unclear statements, and refusing to be interviewed by the appeal reviewer. (15 CCR § 3084.4.) Submitting an excessive number of appeals may also result in additional restrictions on how many appeals you can file. (15 CCR § 3084.4(a)(3) and (4).)

If an appeal is "screened out," you should get a notice that tells you why the appeal is being rejected. (15 CCR § 3084.3(d).) If an appeal is screened out because you haven't attached the required supporting documents or some other correctable problem, you should try to correct the problem and resubmit the appeal. If the problem cannot be corrected, and you think the screening decision is incorrect, you should file a new appeal complaining about the improper screen out, explaining why the screen out was improper or why the appeal should have been processed anyway. You should attach the original appeal and the screen out notice and submit the whole package to the Appeals Coordinator. Following up on improperly screened-out

appeals is particularly important if you want to preserve the right to file a legal action regarding the original problem, because a screened-out appeal won't satisfy the exhaustion of administrative remedies requirement for a lawsuit. (See Woodford v. Ngo (2006) 548 U.S. 81 [126 S.Ct. 2378, 2385; 165 L.Ed.2d 368].)

**Lost or Delayed Appeals:** Sometimes appeals are lost or not answered in a timely fashion by prison staff. To be prepared for this, you should make copies of the administrative appeal and all documents that you attach to the appeal. If you can't get access to a copy machine, at least make a handwritten copy. You should also keep notes about when and to whom you submit your appeal.

If you have problems getting an Informal Level response to an administrative appeal, you can try sending a copy of the appeal directly to the Appeals Coordinator with a letter describing problem and asking for assistance in getting an Informal response.

Although there are timelines for CDCR staff to respond to administrative appeals, they are allowed to exceed the normal timelines in certain circumstances, such as when witnesses are not available, the matter is complex or outside agencies must be involved. You must be given written notice of the reason for the delay and the estimated completion date. (15 CCR § 3084.6.)

Even when there is no justification for a delay, prison staff sometimes do not meet the appeal response timelines; occasionally there are very long delays in getting a response to an appeal. If the CDCR does not comply with the time limits, you may appeal this procedural violation on a separate appeal form stating the log number of your original appeal, the date it was filed, and that you have not yet received a response. A prisoner who can show that the prison or parole authority has a pattern of failing to process appeals properly may be able to get a court order forcing officials to comply with the appeal timelines. (See Craig v. Cambra (Del Norte Superior Court) Case Nos. HCPB00-5150 and 5151, Writ of Habeas Corpus dated Feb. 27, 2002; In re Woodham (2002) 95 Cal.App.4th 438 [115 Cal.Rptr.2d 431].)

**Withdrawing Appeals:** Prison staff may ask you to "withdraw" or drop your appeal because the action you asked for has been granted or because they have explained to you why the request cannot be granted. You should be cautious about withdrawing appeals because prison officials may not follow through on their promises and you then won't be able to appeal to the next level to try to get the problem solved. You also might lose the right to file a lawsuit concerning the matter. (See Sheets v. Terhune (E.D. Cal. 2006) 421 F.Supp.2d 1304, 1307.) It is almost always better to refuse to withdraw the appeal and have the prison staff formally grant or deny the requested relief.

### **Administrative Appeals – Four Levels of Review**

The normal administrative appeal procedure begins with an informal resolution of the problem and continues through three levels of formal review. **YOU MUST COMPLETE ONE LEVEL OF REVIEW BEFORE MOVING ON TO THE NEXT LEVEL; OTHERWISE, YOUR APPEAL WILL BE RETURNED TO YOU WITHOUT AN ANSWER.**

**The Informal Level:** Nearly all appeals must first be given to the staff member involved in the decision or action being reviewed, either in person or via prison mail or a “U-Save-Em” envelope. In other words, your first step after filing out the appeal form is to give the form to the person who is causing the problem. The staff member has 10 working days to answer by filling out **Part C** of the form, after which the appeal will be returned to you (15 CCR § 3084.6(b)(1)). If you agree with the response, the appeal is done. If you do not agree with the response, fill out **Part D**, and send the form to the Appeals Coordinator for First Formal Level review.

**\*Note:** Sometimes you do not need to get Informal Level review and can send your appeal directly to the First Formal Level. This is because the rules state that informal review shall be “waived” or “bypassed” in some cases. You do not need to get Informal Level review for appeals about classification committee actions; serious disciplinary rule violations; staff misconduct; Classification Staff Representative (CSR) actions; regulations, rules, policies or operational procedures; disability accommodations (15 CCR §3084.5(a)(3)); transfers (15 CCR § 3084.7(d)); and emergency appeals (15 CCR § 3084.7(a)). You also do not need to get informal level responses for health care appeals.

**The First Formal Level:** After review at the informal level, or if the informal level review is bypassed, the administrative appeal must be sent to the Appeals Coordinator for review at the First Formal Level by the supervisor of the person who took the action being appealed. There are a few exceptions:

- you do not need to send an appeal to the First Formal Level if you are appealing a transfer from a prison other than a reception center (15 CCR § 3084.7(d)(2)(A));
- an appeal about a release date or time credits will go directly from Informal to Second Level of review (15 CCR § 3084.7(h)(2)); and
- prison officials can decide to skip, or “bypass” this level for complaints involving employee misconduct. (15 CCR § 3084.5(b); CDCR Admin. Bulletin 98/10.)

Normally, prison staff will interview you as a part of the First Level review. The First Level answer must be completed by the staff within 30 working days, and will be put in **Part E** of the 602 form (15 CCR §3084.6(b)(2)). The appeal will then be returned to you.

**The Second Formal Level:** If the problem is not solved at the First Level, you may use **Part F** of the appeal form to explain why you do not agree,. You should then send the appeal back to the Appeals Coordinator for Second Level review. The Second Level answer must be completed by the Warden within 20 working days, or within 30 working days if the First Level of Review

was bypassed. (15 CCR § 3084.6(b)(3).) The answer will be set forth in **Part G** of the appeal form, or on a separate attached sheet.

**The Third Formal Level:** If the Second Level review does not solve the problem, you may fill out **Part H** of the appeal form and send the appeal to the CDCR Chief of Inmate Appeals for Third Level review. The address where you should send the appeal is on the bottom of the form. The Third Level response should be completed in 60 working days. (15 CCR § 3084.6(b)(4).)

### **Emergency Appeals**

If waiting for answers to an appeal under the normal time limits would cause you serious risk of injury or harm, you may file an emergency appeal and ask for more speedy processing. (15 CCR § 3084.7(a)(1).) Circumstances in which an emergency appeal can be filed include when you need protective custody, when you are being transferred to a prison where you have an enemy, or when you are appealing a disciplinary action resulting in loss of time credits and you were scheduled to be released from prison within 15 days.

If you want to file an emergency appeal, write “Emergency Appeal” on the top of the 602 form and submit it directly to the Appeals Coordinator. (15 CCR § 3084.5(a)(3)(E).) You should explain on the form why the appeal should be treated as an emergency appeal. You may also ask that a CDCR action (such as a transfer) be delayed until after the appeal is completed.

If emergency processing is refused, you will be notified of that and the appeal will either be given back to you so you can seek Informal Level review or will be accepted by the Appeals Coordinator for regular processing. If emergency processing is granted, the Informal and First Formal Levels are waived and the appeal will be sent to the Second Formal Level for review. At the Second Level, the Warden has five working days to answer. (15 CCR § 3084.7(a)(2)(B)). If you do not agree with the Second Level decision, you may send the appeal back to the Appeals Coordinator, who will fax it to the CDCR Chief of Inmate Appeals for Third Level review. The Third Level decision must be completed within five working days. (15 CCR § 3084.7(a)(2)(C).)

### **Special Rules for Processing Certain Types of Appeals**

#### **Health Care Appeals (Medical, Mental Health, Dental Pharmacy Services, etc.):**

The CDCR has adopted some special rules for health care administrative appeals. A new administrative appeal form, the 602-HC (the HC stands for “Health Care”) should be used if a prisoner is raising concerns related to medical, dental or mental health care, including emergency appeals about such matters and complaints about misconduct by health care staff. The 602-HC form is pink. The CDCR staff will still process health care appeals filed on the regular 602 form, but using the 602-HC form may help you get your health care issues addressed more quickly and accurately.

In addition to introducing the 602-HC form, CDCR has changed the way health care-related appeals are processed. All 602-HC appeals should be filed directly to the First Level of review by filling out **Parts A and B** and sending the appeal form to Health Care Appeals Coordinator (not the regular appeals coordinator). The Informal level review is not needed for a health care appeal. Log numbers will be assigned to every appeal, and each appeal will be tracked through the Medical Appeals Tracking System (MATS).

If you do not receive a satisfactory response to your appeal at the First Formal Level, you may fill out **Part F** of the 602-HC form and send it back to the Health Care Appeals Coordinator. If the Second Level review does not solve the problem, you may fill out **Part H** and send the 602-HC to Sacramento for Third Level review. An Office of Third Level Appeals–Health Care has been set up to address health care appeals. All Third Level health care appeals will be reviewed by licensed health care staff. The address for the Office of Third Level Appeals–Health Care is on the bottom of the 602-HC form.

The timelines for prison staff to respond to 602-HC appeals are generally the same as for regular 602 appeals: 30 working days at the First Level and 20 working days at the Second Level (or 30 working days if the First Level was bypassed). However, the Health Care Appeals Coordinator is required to identify 602-HC appeals that raise an emergency or urgent issue. If the Coordinator determines that a health care 602 raises such an issue, it must be immediately sent to the prison’s the Health Care Manager (HCM) or designee for review. If the HCM agrees that the appeal raises an emergency or urgent issue, the prisoner must be evaluated by an appropriate clinician within one day. Such appeals also will skip the first level and be answered at the second level within five working days.

#### **Disability Accommodation Appeals:**

There is a special process for people with disabilities to ask for fair treatment or to get access to CDCR services or programs. Instead of filling out a 602 form, a prisoner who wants “accommodations” for a disability should fill out a Reasonable Modification or Accommodation Request on CDCR Form 1824 and submit it to the Appeals Coordinator.

1824 forms should be answered more quickly than ordinary 602 appeals. You do not need to get Informal review of an 1824, so you can send the 1824 form directly to the Appeals Coordinator. (15 CCR § 3084.5(a)(3)(H).) The First Level answer is due within 15 working days. (15 CCR § 3085(a); Armstrong v. Wilson Remedial Plan (Jan. 3, 2001) § IV.I.23(e).) If you do not agree with the First Level response, you can file the appeal to the Second Level by attaching the 1824 form to a regular 602 appeal form, filling out section F of the 602, and sending both forms to the Appeals Coordinator. You should do this within 15 days after you get the First Level answer. The Second Level answer is then due in 15 working days. (Armstrong v. Wilson Remedial Plan (Jan. 3, 2001) § IV.I.23(e).) You can also send the appeal to the Third Level, just like a regular 602 appeal, and you should get the Third Level response within 20 working days. (Ibid.)

**Disciplinary Appeals:**

You do not need to seek Informal Level review of a 602 appeal challenging a finding of guilt for a serious disciplinary rule violation. (15 CCR § 3084.5(a)(3)(B).) The highest level of review you can get for disciplinary findings classified as “administrative” rule violations is Second Level review. You can appeal disciplinary actions classified as “serious” through the Third Level. (15 CCR § 3084.7(b).)

The CDCR rules state that within 15 days of getting the Third Level answer, you may ask for the Board of Prison Terms (now the Board of Parole Hearing) to review a serious rule violation by sending the 602 appeal and responses with a demand for review to the prison’s Classification and Parole Representative (C&PR) or the parole region Appeals Coordinator. (15 CCR § 3084.7(b)(2).) This is an old rule that pre-dates the re-organization of the Board of Parole Hearings as a division of the CDCR and it is unclear whether it is necessary to take this extra step in order to exhaust administrative remedies.

**Staff Misconduct Appeals:**

If you want to file an appeal complaining about misconduct (such as harassment or brutality or failure to follow rules) by a correctional officer, you must fill out and attach to the 602 form a “Rights and Responsibilities Statement” (CDCR Form 1858). (15 CCR §§ 3084.1(e) and 3391(d).) You do not need to seek Informal Level review of a 602 appeal complaining about misconduct by a CDCR correctional officer. (15 CCR § 3084.5(a)(3)(G).)

**Release Date and Parole Period Computation Appeals:**

There are special rules for processing 602 appeals concerning miscalculation of a prisoner’s release date, parole discharge date or goodtime/worktime credits. To obtain Informal Level review, you must submit such appeals to the prison records office. (15 CCR § 3084.7(h)(1)(A).) If the appeal is denied at the Informal Level, you may submit it to the Appeals Coordinator. First Level review will be bypassed. Second Level review will consist of a “computation review hearing.” The computation review hearing must be conducted by a case records manager or supervisor within 15 days of receipt of the appeal. (15 CCR § 3084.7(h)(2)(A), (B) and (C).) You must be provided with a copy of the hearing decision on a CDCR Form 1033. (15 CCR § 3084.7(h)(2)(E).) If the appeal is denied, or you are dissatisfied with the decision, you can submit the 602 appeal for normal Third Level review. (15 CCR § 3084.7(h)(2)(F).)

**Transfer Appeals:**

Prisoners may appeal Classification Staff Representative (CSR) decisions regarding transfers to other institutions; however, such appeals will not routinely delay a pending transfer. (15 CCR § 3084.7(d)(1).) If a transfer decision will seriously harm your safety or health, the appeal should be filed as an “emergency” appeal, as described above.

For non-emergency transfer appeals, you should use the regular 602 appeal process with a few modifications. For appeals regarding transfers from a reception center, the Informal Level of review is waived and the initial review is at the First Formal Level. (15 CCR § 3084.7(d)(3)(A).) The First Level review is conducted by the reception center “correctional administrator.” (15 CCR § 3084.7(d)(3)(B).) If the appeal is granted, you may be kept at the reception center until your case is presented to a second CSR for reconsideration. If the second

CSR disagrees with the First Level appeal response, you should re-submit the appeal for Second Level review. (15 CCR § 3084.7(d)(3)(C)). The Second Level review will be conducted by the Warden. If the appeal is denied at the second level, you may then appeal to the Third Level. (15 CCR § 3084.7(d)(3)(F).) The Second Level reviewer also has the option of keeping you at the reception center and referring the case to the CDCR's Departmental Review Board (DRB) for resolution. In such a case, the DRB decision will be the final review. (15 CCR § 3084.7(d)(3)(E).)

If the transfer is not from a reception center, both the Informal and First Levels of review are waived; you should submit the appeal directly to the Appeals Coordinator, who will assign it for Second Level review. (15 CCR § 3084.7(d)(2)(A).) If the appeal is granted at the Second Level, your case will be presented to a second CSR for reconsideration. If the second CSR disagrees with the Second Level decision, your case may be presented to the DRB. If the appeal is denied at the Second Level, or if the case is not presented to the DRB, you can pursue the appeal to the Third Level. (15 CCR § 3084.7(d)(2)(B), (C) and (D).)

**Visiting and Mail Appeals:**

Both prisoners and visitors/correspondents can administratively appeal any policy, practice, restriction or denial regarding visiting or mail. (15 CCR §§ 3137(a) and 3179(a).)

Prisoners use the regular CDCR 602 administrative appeal process to raise visiting or correspondence issues. (15 CCR §§ 3137(b) [mail] and 3179(a)(1) [visiting].) For mail appeals, the disputed item should be retained by prison staff until a decision is made at the Second Level of review. (15 CCR § (b).)

Visitors cannot use the 602 form or procedures. Instead, a visitor who wants to appeal a visiting policy or decision must send a letter to the Warden (if the appeal concerns a decision made by institution staff or a local practice) or the CDCR Director (if the appeal concerns a department-wide policy). The letter should describe the problem and state that it is an appeal of a visiting issue pursuant to CDCR rules. The Warden must provide a written response within 15 working days; a Warden's decision can then be appealed by writing a letter to the CDCR Director and attaching a copy of the Warden's response. The Director has 20 working days from the date the appeal is received to provide a written response. (15 CCR § 3179(b) and (c).) A visitor who follows this appeal process will almost always be able to present the issue for consideration at the highest level of review more quickly than a prisoner using the 602 process.

Similarly, outside correspondents can appeal issues regarding mail by writing a letter to the Warden (if the appeal concerns a decision made by institution staff or a local practice) or the CDCR Director (if the appeal concerns a department-wide policy). The Warden must provide a written response within 15 working days; a Warden's decision can then be appealed by writing a letter to the CDCR Director and attaching the Warden's response. The Director has 20 working days from the date the appeal is received to provide a written response. (15 CCR § 3137(c).)

**Personal Property Loss or Damage Appeals:**

If your personal property has been lost or damaged by CDCR staff, you may file a 602 appeal to get the property replaced or to get reimbursement (money equal to the value of the property). (15 CCR §§ 3084.7(e)(2)(A) and (B).) If the CDCR accepts liability for the damage or loss of property, the institution or parole staff will attempt to either repair any damage or find a replacement or substitute for property. If the CDCR accepts responsibility and cannot repair or replace the property, then the prisoner will be reimbursed for the value of the loss.

Reimbursement in amounts up to \$100 requires approval at either the Second or Third Level of review. Reimbursement of more than \$100 requires approval at both the Third Level of review and the Government Claims Board. (15 CCR §§ 3084.7(e)(4)(A) and (B).)

If reimbursement is approved, the method of payment will depend on the amount involved. If the amount to be paid the prisoner is \$200 or less, the reimbursement can be paid by the institution. If the amount of money is above \$200, payment must come from the Government Claims Board. (15 CCR § 3084.7(e)(1).) Before a prisoner is reimbursed in any amount, state law requires that a release form be signed discharging the state from any further liability for the loss or damage. (15 CCR § 3084.7(e)(4)(C).)

**Parole Issue Appeals:**

CDCR staff set most conditions of parole and decide the location of parole. You can appeal these decisions by sending a 602 to the Appeals Coordinator for the parole region. Appeals of your parole location will not go to an Informal Level of review; they will be assigned to the Assistant Regional Parole Administrator for First Level review. (15 CCR §3084.7(f)(2).) Appeals of parole conditions will not go to either the Informal or First Formal Levels; they will be assigned to the Regional Parole Administrator for Second Level review. You can get then ask for Third Level review by sending the appeal to the CDCR Director.

Decisions to revoke parole or to find a life prisoner unsuitable for parole are made by a division of the CDCR called the Board of Parole Hearings. As of May 2004, the BPH abolished its administrative appeal procedure. Thus, you do not have to go through any appeal procedure before you file a court case challenging a BPH decision. The BPH has at times indicated that it might some day enact a new appeal procedure, but as of September 2008 it has not yet done so.

The BPH does have appeal procedures for complaints of disability discrimination. The procedures may also be used by prisoners and parolees to request accommodations for disabilities during parole proceedings. Examples of such accommodations include ensuring accessibility to the hearing room for a prisoner with mobility impairments; braille or taped documents or reading assistance for a vision-impaired prisoner; assistance in communicating for a developmentally disabled prisoner; or sign language interpretation for a hearing-impaired prisoner. Prisoners and parolees seeking such accommodations should use the BPH Form 1073. If accommodations are sought for an upcoming hearing, the correctional counselor or Classification and Parole Representative (C&PR) at the prison should do the initial paperwork and send it to the BPH Americans with Disabilities Act Unit Coordinator for review. If the request is denied, the denial can be immediately appealed prior to the hearing by using BPH Form 1074. (Armstrong v. Davis (N.D. Cal. Aug. 4, 2000) No. C94-2307CW, Stipulation and Order Approving Defendant's Policies and Procedures, VIII.A and B; 15 CCR § 2251.5.)

**Prison Industries Authority and Free (Joint) Venture Program Appeals**

A prisoner employed by the Prison Industry Authority (PIA) shall submit any 602 appeal concerning workplace health or safety hazards directly to the prison industry safety committee. After exhausting the administrative appeal process at the third level, the prisoner may file an appeal to the labor commissioner in the manner prescribed by the Division of Industrial Safety. (15 CCR § 3084.7(i)(1) and (2).) Information necessary to pursue such an appeal may be obtained from the prison industries safety committee. Also, a prisoner may complain about any retaliation suffered as a result of a complaint to the safety committee by filing a CDCR Form 602 with the prison's Appeals Coordinator. (15 CCR § 3084.7(i)(3).)

Prisoners who work for private companies through the Free (or "Joint") Venture Program may use the 602 administrative procedure to complain about job issues. (See 15 CCR § 3482(a)(12)(I).) A prisoner who is a current or former Joint Venture Program employee with a grievance about wages, hours, or workplace retaliation or discrimination must submit the 602 appeal to the Joint Venture Program Chief. (15 CCR § 3084.7(m)(1) and (2).) If the prisoner is dissatisfied with the Chief's decision, he or she can file a grievance with the California Division of Labor Standards Enforcement (DLSE). (15 CCR § 3084.7(m)(4).) The timelines for filing a complaint with the Joint Venture Chief and the DLSE are governed by state labor statutes. There are different time limits for filing a complaint depending on the circumstances. (15 CCR § 3084.7(m)(3).) Information on how to file DLSE complaints and the procedure for hearing such complaints, along with complaint forms, are available from the DLSE at 455 Golden Gate Avenue, 9th Floor San Francisco, CA 94102 or at [www.dr.ca.gov/dlse](http://www.dr.ca.gov/dlse).

**INMATE/PAROLEE  
APPEAL FORM**  
CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
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A. Describe Problem: \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you need more space, attach one additional sheet.

B. Action Requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_ )

Staff Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date Returned to Inmate: \_\_\_\_\_

**D. FORMAL LEVEL**

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

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

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



First Level  Granted  P. Granted  Denied  Other \_\_\_\_\_

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: \_\_\_\_\_ Due Date: \_\_\_\_\_

Interviewed by: \_\_\_\_\_

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

Staff Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Division Head Approved: \_\_\_\_\_ Returned \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date to Inmate: \_\_\_\_\_

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

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

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Second Level  Granted  P. Granted  Denied  Other \_\_\_\_\_

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: \_\_\_\_\_ Due Date: \_\_\_\_\_

See Attached Letter

Signature: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Warden/Superintendent Signature: \_\_\_\_\_ Date Returned to Inmate: \_\_\_\_\_

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

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

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

For the Director's Review, submit all documents to: Director of Corrections  
P.O. Box 942883  
Sacramento, CA 94283-0001  
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION:  Granted  P. Granted  Denied  Other \_\_\_\_\_

See Attached Letter

Date: \_\_\_\_\_

Location: Institution/Parole Region: Log #: Category:  
1. \_\_\_\_\_ 1. \_\_\_\_\_  
2. \_\_\_\_\_ 2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. This form shall be used when the policy, action or decision being appealed involves health care services (medical, dental, or mental health). You must first informally seek relief through discussion with the appropriate staff member or by utilizing the health care service processes at your institution. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Health Care Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
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A. Describe Problem: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you need more space, attach one additional sheet.

B. Action Requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

C. INFORMAL LEVEL (Date Received \_\_\_\_\_):  
Staff Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date Returned to Inmate: \_\_\_\_\_

D. FORMAL LEVEL:  
If you are dissatisfied, explain below, attach supporting documents (Health Care Service Request Form, CDC 7362, Comprehensive Accommodation Chrono, CDC 7410, Trust Account Statement, etc.) and submit for processing to the Health Care Appeals Coordinator at your location within 15 days of receipt of response.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

CDCR Appeal Number

**FIRST LEVEL:**  Granted  P. Granted  Denied  Other \_\_\_\_\_

**E. REVIEWER'S ACTION (Complete within 30 working days):** Date assigned: \_\_\_\_\_ Due Date: \_\_\_\_\_

Interviewed by: \_\_\_\_\_

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

Staff Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Division Head Approval  
Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date Returned to Inmate: \_\_\_\_\_

**F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit for processing to the Health Care Appeals Coordinator at your location within 15 days of receipt of response:**

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

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

**SECOND LEVEL:**  Granted  P. Granted  Denied  Other \_\_\_\_\_

**G. REVIEWER'S ACTION (Complete within 20 working days):** Date assigned: \_\_\_\_\_ Due Date: \_\_\_\_\_

See Attached Letter

Signature: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Health Care Services  
Hiring Authority Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date Returned to Inmate: \_\_\_\_\_

**H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response:**

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

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

For the Director's Review of Health Care issues, submit all documents to:

Office of Third Level Appeals – Health Care  
P O Box 4038  
Sacramento, CA 95812-4038

**DIRECTOR'S ACTION:**  Granted  P. Granted  Denied  Other \_\_\_\_\_

See Attached Letter

Date: \_\_\_\_\_

**REASONABLE MODIFICATION OR ACCOMMODATION REQUEST**  
CDC 1824 (1/95)

INSTITUTION/PAROLE REGION:	LOG NUMBER:	CATEGORY: 18. ADA
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**NOTE: THIS FORM IS TO BE USED ONLY BY INMATES/PAROLEES WITH DISABILITIES**

*In processing this request, it will be verified that the inmate/parolee has a disability which is covered under the Americans With Disabilities Act.*

INMATE/PAROLEE'S NAME (PRINT)	CDC NUMBER	ASSIGNMENT	HOURS/WATCH	HOUSING
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In accordance with the provisions of the Americans With Disabilities Act (ADA), no qualified individuals with a disability shall, on the basis of disability, be excluded from participation in, or be denied the benefits of the services, activities, or programs of a public entity, or be subjected to discrimination.

You may use this form to request specific reasonable modification or accommodation which, if granted, would enable you to participate in a service, activity or program offered by the Department/institution/facility, for which you are otherwise qualified/eligible to participate.

Submit this completed form to the institution or facility's Appeals Coordinator's Office. A decision will be rendered within 15 working days of receipt at the Appeals Coordinator's Office and the completed form will be returned to you.

If you do not agree with the decision on this form, you may pursue further review. The decision rendered on this form constitutes a decision at the FIRST LEVEL of review.

To proceed to SECOND LEVEL, attach this form to an Inmate/Parolee Appeal Form (CDC 602) and complete section "F" of the appeal form.

Submit the appeal with attachment to the Appeals Coordinator's Office within 15 days of your receipt of the decision rendered on this request form.

If you are not satisfied with the SECOND LEVEL review decision, you may request THIRD LEVEL review as instructed on the CDC 602.

**MODIFICATION OR ACCOMMODATION REQUESTED**

DESCRIPTION OF DISABILITY:

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WHAT VERIFICATION DO YOU HAVE OF YOUR DISABILITY?

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DESCRIBE THE PROBLEM:

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WHAT SPECIFIC MODIFICATION OR ACCOMMODATION IS REQUESTED?

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INMATE/PAROLEE'S SIGNATURE

DATE SIGNED

