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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 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 an Administrative Appeal at an Out-of-State – CCA – Facility** (August 23, 2010)

A California prisoner at an out-of-state facility run by Corrections Corporation of America (CCA) can file an administrative appeal to complain about any decision, action, condition, or policy that affects the prisoner. Examples of topics that an administrative appeal might address are medical care delays, disciplinary violation hearings, miscalculation of work credits or release date, individual staff actions, or visitor denials, to name a few.

The procedures for filing an administrative appeal from a CCA facility are different from the procedures for filing an administrative appeal at a California Department of Corrections and Rehabilitation (CDCR) facility. In most cases, a prisoner must first submit an informal appeal to CCA on Form 14-101A. If not satisfied with the informal response, a prisoner may then submit a formal appeal to CCA on Form 14-101B. Finally, if not satisfied with CCA's formal response, a prisoner may begin the CDCR appeal process by sending CDCR Form 602 or 602-HC, along with the 14-101B response, to the California Out-of-State Correctional Facility (COCF) office. There are also special procedures that apply to emergency appeals and to appeals regarding certain specific topics, such as disciplinary violations, staff misconduct, transfers, damaged or lost property, and release date issues.

A summary follows of the most important rules regarding out-of-state administrative appeals. We also offer a few practical suggestions to help ensure the timely processing of an appeal, discuss certain special rules for particular kinds of appeal, and provide background regarding the legal requirement that prisoners exhaust administrative remedies before filing a formal legal action. The rules that govern administrative appeals by California prisoners at CCA institutions are set forth in: California Code of Regulations (CCR), title 15, §§ 3084-3085; California Out-of-State Correctional Facility (COCF) Operational Procedure # 510; and Corrections Corporation of America (CCA) Policy 14-101.

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Filing an administrative appeal at a CCA facility 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 or CCA policy or action (exhaustion of administrative remedies is discussed at the end of this letter.)

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

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

**Informal Level:** The administrative appeal procedure at a CCA facility begins with a prisoner filing CDCR Inmate Informal Resolution Form 14-101A.<sup>1</sup> Form 14-101A must be submitted within fifteen (15) working days of the alleged incident. A 14-101A can be submitted through facility mail, or in person, to the appropriate staff. However, 14-101As related to medical care can only be submitted through facility mail. This is because only qualified health services staff are allowed to respond to medical complaints. A CCA officer or staff member should conduct an initial interview with the prisoner to discuss the informal appeal before issuing a response.

Unless a time extension has been granted, staff must provide a response within ten (10) working days of submission and the prisoner should be provided with a copy of the 14-101A when staff give their response. If a time extension is granted, notice of the extension must be provided to the prisoner, and the extension should not exceed fifteen (15) working days.

**First Level:** If a prisoner is not satisfied with the results of the informal appeal process, the prisoner may file a formal appeal using CDCR Inmate Formal Resolution Form 14-101B. Formal appeals must be filed within fifteen (15) working days of receiving the response to the informal resolution. The prisoner should complete page 1 of Form 14-101B and place it in a sealed envelope marked “Grievance.” Sealed envelopes should be placed in the grievance mail box, or given to staff to forward to the CCA Grievance Officer. Except in the case of an emergency appeal, the prisoner must also attach Informal Resolution Form 14-101A to Form 14-101B.

The institution’s response must be documented on Page 2 of the 14-101B and submitted to the prisoner for his signature at the time of presenting the response in person. The prisoner should also receive a complete copy of the formal grievance and any attachments at that time. Unless a time extension has been granted, staff must provide a response within thirty (30) working days of submission.

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<sup>1</sup> In certain circumstances you do not need to submit Form 14-101A and should instead begin the appeal process by submitting Form 14-101B or by mailing CDCR Form 602 to COCF. This is because the regulations state that informal review shall be “waived” or “bypassed” in some cases. You do not need to submit Form 14-101A for: emergency appeals; appeals concerning CDCR issues (credit calculations, transfer, parole, etc.); appeals challenging disciplinary actions; and appeals concerning lost or damaged personal property. These exceptions are explained in more detail later in this pamphlet.

**Second Level:** If a prisoner is not satisfied with the First Level response, the prisoner has fifteen (15) working days from the date of the First Level response to file an appeal for Second Level review with the COCF Appeals Coordinator. Because COCF is a department of CDCR, Second Level appeals must be submitted on CDCR Form 602 or 602-HC (for health care appeals). The prisoner must also attach the First Level response (14-101B) to the 602 form. You may place a Second Level appeal in the locked box dedicated to COCF appeals or mail the appeal directly to COCF for processing. CDCR staff should check the locked box for Second Level appeals at least twice every month. The address for mailing a Second Level appeal to COCF is:

Appeal Coordinator  
California Out of State Correctional Facility  
10961 Sun Center Drive  
Rancho Cordova, CA 95670

The prisoner should receive a response within twenty (20) working days. The answer will be set forth in **Part G** of the 602 form, or on a separate attached sheet.

CDCR appeal forms should be available in a prisoner's housing unit. All housing units (including lock-up units), libraries and law libraries must have adequate supplies of CDCR Form 602 and CDCR Form 602-HC in areas where prisoners can easily access them. (COCF Operational Procedure #510.)

**Third Level (Director's):** If the Second Level response does not solve the problem, you may fill out **Part H** of the 602 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 602 form. The Third Level response should be completed in sixty (60) working days. (15 CCR § 3084.6(b)(4).)

### **Practice Tips**

**Filling out Forms 14-101A, 14-101B & 602:** For Forms 14-101B and 602, you must describe the problem in the first section marked "A" or "STATE GRIEVANCE," and explain what action you are requesting in the second section marked "B" or "REQUESTED ACTION." On Form 14-101A, you must state both the problem and your proposed solution in the first section. You must also be sure to sign and date Forms 14-101B and 602.

In the first section of the appeal form, you should first state the problem that you are appealing. 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. In the second section (or first section for Form 14-101A), 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. If you need more space, you may attach one additional page (front and back) describing the problem and requested action. You should also attach to the appeal form any documents necessary to clarify the appeal; for example, if you are appealing a disciplinary decision, attach a copy of the CDCR 115 or similar CCA disciplinary 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, CDCR numbers, housing locations and signatures 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); COCF Operational Procedure #510.)

If you have problems reading, writing, or communicating, CCA staff should help you with filling out and filing your appeal. (15 CCR §§ 3084.1(b), 3084.3(b)(3); COCF Operational Procedure #510.) CCA staff must also help you if you have a developmental, physical or learning disability and need help preparing or filing an 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:** CDCR has imposed many limits on the use of the appeal system. (See 15 CCR §§ 3084.3, 3084.4, COCF Operational Procedure #510.) An appeal may be rejected, suspended or “screened-out” for a number of reasons.

- *Failure to Meet Time Requirements:* An appeal may be rejected or “screened-out” if you do not meet the time requirements for filing the appeal and you cannot show a good reason why you were not able to file on time. (15 CCR § 3084.3(c).) Failure to meet the time requirements for filing an appeal may also cause a prisoner to lose the opportunity to exhaust administrative remedies; thus, a prisoner should file the appeal as soon as possible after the incident or decision that is the subject of the appeal. (See Ngo v. Woodford (9th Cir. 2008) 539 F.3d 1108; Harvey v. Jordan (9th Cir. 2010) 605 F.3d 681.)
- *Failure to Meet Other Procedural Requirements:* An appeal may be screened out if the appeal is a duplicate of one that is already under review or was previously answered, if the appeal concerns an anticipated action or decision that has not yet occurred, if the appeal form has not been adequately completed, if the appeal is filed on behalf of another prisoner (except a group appeal), or if the necessary supporting documents have not been attached.
- *Excessive Filings:* A prisoner may only submit one non-emergency appeal within a seven-calendar-day period. Non-emergency appeals filed within the seven day period will be suspended, and the prisoner may be placed on grievance restriction. Prisoners on grievance restriction are only allowed to submit one (1) grievance per month for six (6) consecutive months. (CCA Policy 14-101.)

- *Inappropriate or Unclear Language:* Appeals with inappropriate statements, false information, profanity or obscene language will be rejected. Appeals in which the problem is unclear or appeals with confusing language or excessive unrelated documents attached will be rejected, except as provided in 15 CCR §§ 3084.1 and 3084.3.
- *Lack of Cooperation:* If a prisoner refuses to be interviewed or cooperate with the reviewer, the appeal may be cancelled.

If an appeal is “screened-out” or rejected, you should receive a notice that tells you why the appeal is being rejected. (15 CCR § 3084.3(c).) If an appeal is screened-out because you have not attached 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 next level of appeal. 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 COCF Appeals Coordinator with a letter describing the problem and asking for assistance in getting an Informal response.

Although there are timelines for CCA and 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 in a separate appeal, 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 will not 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.

### **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 faster 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 fifteen (15) days.

Informal Level review is not required for emergency appeals. Emergency appeals concerning issues at the CCA facility, such as a need for protective custody, should be filed directly on Form 14-101B. Emergency appeals regarding a CDCR issue, such as a transfer to a CDCR prison, should be filed on CDCR Form 602. In both cases, the prisoner should write “Emergency Appeal” on the top of the appeal form and submit the appeal directly to facility staff. You should also explain on the form why the appeal should be treated as an emergency appeal, and you may ask that a CCA or CDCR action (such as a transfer) be delayed until after the appeal is completed.

An appeal filed as an “Emergency Appeal” will be immediately faxed to the COCF Appeals Coordinator. If emergency processing is denied by COCF, you will be notified of that decision and the appeal will either be given back to you so you can seek Informal Level review, or will be accepted by the institution for regular processing. If COCF accepts the appeal as an emergency appeal, First Level review will be waived and the Second Level review will be completed by COCF within five (5) working days. (CCA Policy 14-101, O.) If the appeal is processed as an emergency appeal and the prisoner is not satisfied with the response, the prisoner may resubmit the appeal to the COCF Appeals Coordinator, who will fax it to the Chief of Inmate Appeals for a Third Level review, which must be completed within five (5) working days. (COCF Operational Procedure #510.)

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

**Health Care Appeals (Medical, Mental Health, Dental, Pharmacy Services, etc.):** For appeals related to medical, mental health, dental or pharmacy care, prisoners should begin the appeals process by filing Form 14-101A. However, unlike a regular appeal, a 14-101A concerning medical care cannot be submitted in person and must be placed in the grievance mail box. In order to appeal a Second Level decision concerning medical care (14-101B), the prisoner should complete CDCR Form 602-HC, attach Form 14-101B, and mail the papers to COCF. The COCF Appeals Coordinator will assign all medical appeals to Health Care Appeals Unit at the Second Level of review.

A health care appeal should be processed as an emergency appeal if it involves circumstances in which the regular processing times may result in serious or irreparable harm to the prisoner. Informal Level review is not required for emergency appeals and the prisoner should file Form 14-101B, write “Emergency Appeal” on the top of the form and check “NO” to the “Informal Resolution Attached” question.

**Disability Accommodation Appeals:** Unlike at a CDCR facility, CCA does not have a special appeal form for prisoners requesting disability accommodations or modifications. A prisoner requesting an accommodation or modification because of a disability should follow the regular CCA appeals process for an emergency or non-emergency appeal explained above. The prisoner should use CDCR Form 602 to appeal CCA’s formal response to COCF.

A prisoner should write “Disability Accommodation Appeal” on the top of the CCA and CDCR appeal forms. The prisoner should also be sure to include a brief description of his disability and what verification he has of the disability, as well as what specific accommodation or modification is needed.

**Disciplinary Appeals:** You do not need to seek Informal Level review of an appeal challenging a finding of guilt for a serious disciplinary rule violation, and should begin the appeal process at the First Level by filing Form 14-101B. (15 CCR § 3084.5(a)(3)(B).) The highest level of review you can receive 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).) Within fifteen (15) working days of receipt of the Third Level decision regarding a disciplinary credit loss appeal, a prisoner may demand a Board of Prison Hearing review by submitting a written demand for the review, along with a copy of the Third Level decision, to the COCF classification and parole representative (C&PR) who must forward the material to the Board within five (5) working days.

**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 CCA officer, you should begin the appeal process at the First Level of review, by filing Form 14-101B. (15 CCR § 3084.5(a)(3)(G).) If the CCA Warden determines the appeal meets the criteria for a staff complaint, CCA will conduct a confidential fact finding inquiry. The confidential fact finding inquiry is started by interviewing the prisoner, officer and witnesses. You should receive a formal response to the appeal, but will not receive a copy of the confidential inquiry. If you are not satisfied with the formal response, you may file CDCR Form 602 appealing the staff complaint issue to COCF. (COCF Operational Procedure #510.) You should attach a copy of CCA's formal response to the 602 appeal. The time limits for an appeal challenging staff misconduct are the same as the time limits for the regular CCA appeals process.

If you are complaining about misconduct by a CDCR correctional officer, you must file a 602 Form and attach to the 602 a "Rights and Responsibilities Statement." (CDCR Form 1858) (15 CCR §§ 3084.1(e) and 3391(d).) If the "Rights and Responsibilities Statement" Form is not available at the CCA facility, you should ask staff to provide you with the form. (COCF Operational Procedure #510.) 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:** Appeals concerning CDCR issues such as miscalculation of a prisoner's release date, parole discharge date or goodtime/worktime credits are handled directly by COCF. A prisoner appealing one of these issues should mail a 602 form directly to COCF for processing or place a 602 in the COCF mail box within the prisoner's assigned unit. 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 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).) Transfer appeals are not a CCA issue and must be submitted directly to COCF on CDCR Form 602. Prisoners may either place Form 602 in the locked box dedicated to COCF appeals or mail the appeal directly to COCF for processing. COCF will assign transfer appeals to the Second Level of review. 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 Departmental Review Board. If the appeal is denied at the Second Level, or if the case is not presented to the Departmental Review Board, you can pursue the appeal to the Third Level. (15 CCR § 3084.7(d)(2)(B), (C) and (D).)

If a transfer decision will seriously harm your safety or health, the appeal should be filed as an “emergency appeal.” You should write “Emergency Appeal” on the top of the 602 and submit the appeal directly to institution staff, who will fax the appeal immediately to COCF.

**Visiting and Mail Appeals:** Prisoners can appeal any policy, practice, restriction or denial regarding visiting or mail. (15 CCR §§ 3137(a) and 3179(a).) Prisoners at CCA facilities should use the regular CCA administrative appeal process explained above to raise visiting or correspondence issues.

For mail appeals, the disputed item may be retained by prison staff until a decision is made at the Second Level of review. (15 CCR § 3137.) Requests to change a prisoner’s visiting list should be submitted following CDCR procedures. CDC 106 visitor applications should be sent to COCF.

It is unclear from the rules and regulations how a visitor or outside correspondent should appeal a CCA visiting or mail issue. We suggest that a visitor or outside correspondent appealing a CCA policy or decision follow the same procedures that apply to visitors and outside correspondents appealing a policy or decision at a CDCR facility. (15 CCR §§ 3179 and 3137.) The visitor or outside correspondent may send a letter to the Warden of the CCA facility describing the problem and stating that it is an appeal of a visiting issue. If the visitor or correspondent is not satisfied with the Warden’s response, the visitor or correspondent may attempt to appeal the Warden’s decision by writing a letter to the CDCR Director and attaching the Warden’s response.

**Personal Property Appeals:** Appeals challenging damage to personal property by CCA staff should be submitted using the regular procedures for filing a CCA appeal explained above, beginning at the Informal Level. CCA will accept liability for the loss or destruction of personal property when it is established that such loss or destruction results from CCA employee action. (COCF Operational Procedure #510.) Upon acceptance of liability, the CCA or the contract agency shall provide similar items of equal or greater value to the prisoner when such items are available via donated property items consistent with Department Operations Manual section 54100.22 and CCR Title 15 sections 3084.7(e) and 3191(c). (COCF Operational Procedure #510.) The timeframes for processing property appeals against CCA are the same as the timeframes for a non-emergency CCA administrative appeal.

Prisoners appealing damage to property by CDCR staff, CDCR’s Transportation Unit, or a contract trucking company should 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).) Information regarding the transportation of property from the CDCR facility can be received from the COCF transportation staff or Lieutenant assigned to the CCA facility. 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).) 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).)

## Exhaustion of Administrative Remedies

In most cases, a prisoner must present an administrative appeal through the Third Formal (Director's) 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 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.<sup>2</sup> (See *Booth v. Churner* (2001) 532 U.S. 731 [121 S.Ct. 1819; 149 L.Ed. 2d 958].) An appeal need not set forth legal theories or each element of a legal claim, but it must include enough information to put prison staff on fair notice of what happened and to give them an opportunity to respond. (See *Griffin v. Arpaio* (9th Cir. 2009) 557 F.3d 1117, 1120-1121.)

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].)

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<sup>2</sup> Prisoners should **not** ask for damages in the administrative appeal itself.