

California Code of Regulations
Title 15. Crime Prevention and Corrections
Division 8. California Prison Industry Authority
Chapter 1. Rules and Regulations of California Prison Industry Authority
Article 3. CALPIA Inmate Work/Training and Education

The Department proposes to repeal the following:

~~§ 8007. CALPIA Incarcerated Individual Appeals.~~

~~Unless otherwise stated in these regulations, CALPIA inmate workers are to utilize the regular appeals process which provides a remedy for inmates with identified grievances, in accordance with Title 15, Division 3, Chapter 1, Article 8, of the California Code of Regulations.~~

~~Authority: Sections 2801 and 2808, Penal Code.~~

~~Reference: Section 2801, Penal Code.~~

California Code of Regulations
Title 15. Crime Prevention and Corrections
Division 8. California Prison Industry Authority
Chapter 1. Rules and Regulations of California Prison Industry Authority

The Department proposes to adopt the following:

Article 5. Grievances, Appeals, and Allegations of Staff Misconduct

8480. Definitions.

(a) The provisions of this Article apply to all incarcerated individual and paroled individual grievances and appeals received by the California Prison Industry Authority (CALPIA).

(b) For purposes of this Article, the following definitions apply:

(1) "Allegation" is a claim that someone has violated a law, regulation, policy, procedure or committed an action contrary to an ethical or professional standard.

(2) "Appeal" is a written request from an incarcerated individual, for review by the Appeals Coordinator, disputing a grievance decision issued by a Grievance Coordinator.

(3) "Appeals Coordinator" is General Counsel, or designee, who is responsible for responding to incarcerated individual appeals.

(4) "Appeal package" is the incarcerated individual's completed CALPIA Appeal Form 602-2 (10/23), hereby incorporated by reference, and supporting documents submitted to the Appeals Coordinator.

(5) "CALPIA staff" refers to all CALPIA employees, volunteers, contractors, and vendors at California Department of Corrections and Rehabilitation (CDCR) institutions, CALPIA regions, operations, locations, enterprises, and factories.

(6) "CALPIA Grievance Form 602-1" (10/23), hereby incorporated by reference, is the CALPIA form used by an incarcerated individual to file a grievance.

(7) "CALPIA Appeal Form 602-2" is the CALPIA form used by an incarcerated individual to file an appeal.

(8) "CALPIA Request to Implement Remedies Form 602-3" (10/23), hereby incorporated by reference, is the CALPIA form used by an incarcerated individual to file a request to implement a remedy that has been granted.

(9) "CDCR" means all employees, contractors, and volunteers associated with the California Department of Corrections and Rehabilitation.

(10) "Claim" is a single complaint contained in a grievance arising from a unique set of facts or circumstances.

(11) "Effective communication" is communication assistance provided to the incarcerated individual who is not fluent in English, has low literacy levels, or has a disability which allows them to understand and participate in programs, services, and activities.

(12) "Grievance" is an incarcerated individual's written request for review by a Grievance Coordinator of one or more claims disputing a policy, decision, action, condition, or omission by CALPIA or CALPIA staff.

(13) "Grievance Coordinator" is the:

(A) Prison Industries Administrator, Prison Industries Lead Manager, or Prison Industries Lead Superintendent II at a CALPIA location, enterprise, factory, or operation;

(B) Prison Industries Administrator or Prison Industries Manager of the On-Time Delivery Branch; or

(C) Business Services Chief at Central Office.

(14) "Grievance package" is the incarcerated individual's completed CALPIA Grievance Form 602-1 and supporting documents submitted to a Grievance Coordinator.

(15) "Incarcerated individual," as used in this Article, is any person under the jurisdiction of CDCR, including paroled individuals.

(16) "Investigation" is the gathering of facts and evidence by a CDCR Office of Internal Affairs investigator concerning an allegation of staff misconduct.

(17) "Staff misconduct" is behavior that resulted in a violation of law, regulation, policy, procedure, or actions contrary to an ethical or professional standard.

Authority: Penal Code Sections 2801, 2808, and 2809.

Reference: Penal Code Section 2805.

8481. Incarcerated Individual Right to Grieve and Appeal.

(a) An incarcerated individual has the right to submit a written grievance to CALPIA containing one or more claims to dispute a policy, decision, action, condition, or omission by CALPIA or CALPIA staff, subject to the requirements in section 8482. In response, an incarcerated individual will receive a written decision from a Grievance Coordinator explaining the reason for the decision for each claim.

(1) The Grievance Coordinator must be a Prison Industries Administrator, Prison Industries Lead Manager, Prison Industries Lead Superintendent II, or other staff of higher classification.

(b) An incarcerated individual has the right to submit a written appeal concerning one or more claims to dispute a decision made by a Grievance Coordinator, subject to the requirements in section 8485. In response, an incarcerated individual will receive a written decision from the Appeals Coordinator addressing each disputed claim.

(1) The Appeals Coordinator must be a CALPIA Attorney or other staff of higher classification.

(c) An incarcerated individual may informally resolve a claim. Any attempt to informally resolve a claim does not extend the 60-day time requirement, as described in sections 8482(a) and 8485(a), for an incarcerated individual to submit a grievance or an appeal.

(d) Except for allegations of staff misconduct, the incarcerated individual may withdraw a grievance or an appeal, verbally or in writing, at any point up to receiving a written response to the grievance or the appeal.

(e) Staff must not retaliate against an incarcerated individual for seeking to informally resolve a claim or for submitting a grievance or an appeal.

(f) An incarcerated individual cannot submit a CALPIA grievance or a CALPIA appeal that was not made by CALPIA or CALPIA staff, as defined in section 8480. This does not prevent an incarcerated individual from filing a grievance or an appeal with the outside entity or outside staff person, including, but not limited to CDCR.

(g) The following must be made available to incarcerated individuals in all CALPIA operations, factories, enterprises, and locations:

(1) CALPIA Grievance Form 602-1;

(2) CALPIA Appeals Form 602-2; and

(3) CALPIA Request to Implement Remedies Form 602-3;

(h) CALPIA staff must review CDCR's Strategic Offender Management System (SOMS) and provide any reasonable accommodations that have been granted to the incarcerated individual.

Authority: Penal Code Sections 2801, 2808, and 2809.

Reference: Penal Code Section 2805.

8482. Submitting a Grievance.

(a) Incarcerated individuals must submit a grievance in writing within 60 calendar days of discovering an adverse policy, decision, action, condition, or omission by CALPIA or CALPIA staff. Discovery occurs when an incarcerated individual knew or should have reasonably known of the adverse policy, decision, action, condition, or omission.

(b) The deadline to submit a grievance is extended for the period of time that an incarcerated individual is:

- (1) In the custody of another authority for court proceedings;
- (2) In the care of a hospital outside the jurisdiction of CDCR;
- (3) Temporarily housed in a CDCR medical or mental health crisis bed; or
- (4) Actively and directly engaged in fire suppression.

(c) To submit a grievance, an incarcerated individual must:

- (1) Type or print clearly on an official CALPIA Grievance Form 602-1 or complete the form electronically if available at the incarcerated individual's work assignment location;
- (2) Include the incarcerated individual's name, CDCR number, current housing or parole unit, and institution or parole region;
- (3) Answer the questions in the CALPIA Grievance Form 602-1 including all information known and available to the incarcerated individual regarding the grievance, to the best of the incarcerated individual's knowledge;
- (4) Include all supporting documents related to the grievance or identify where the supporting documents are located by providing specific location details; and
- (5) Sign and date CALPIA Grievance Form 602-1.

(d) Incarcerated individuals should submit the grievance and supporting documentation to the incarcerated individual's immediate supervisor or CALPIA lead person.

- (1) If an incarcerated individual submits a grievance to a CALPIA employee other than their immediate supervisor or lead person, that CALPIA employee must immediately notify their direct supervisor or lead person who must route the grievance to the Grievance Coordinator.

(e) Paroled individuals must mail the grievance and supporting documentation to “CALPIA, Legal Unit, Attn: General Counsel, 560 E. Natoma St., Folsom, CA 95630.”

(f) The incarcerated individual’s supervisor must route the grievance to the Grievance Coordinator within 24 hours of receipt.

(g) When completing a CALPIA Grievance Form 602-1, an incarcerated individual must not:

(1) Use threatening, obscene, demeaning, or abusive language, except when quoting persons involved in the grievance;

(2) Include information or accusations known to be false; or

(3) Contaminate the grievance package by including organic, toxic, or hazardous materials that may present a threat to the safety and security of staff.

(A) Contaminated grievance packages must be safely discarded and the entire grievance rejected, pursuant to section 8488.

(h) If a grievance against CALPIA is submitted to CDCR staff or other non-CALPIA staff, the deadline to submit the grievance is extended for the time it takes to route the grievance to CALPIA. The 60 calendar-day timeframe for CALPIA to respond to the grievance, pursuant to 8483(h), begins when CALPIA receives the grievance, not when the grievance was initially submitted to the non-CALPIA staff.

Authority: Penal Code Sections 2801, 2808, and 2809.

Reference: Penal Code Section 2805.

8483. Grievance Review.

(a) The Grievance Coordinator must assess each written grievance within one business day of receipt, and immediately respond as required by federal and state laws and regulations if it contains any information concerning:

(1) Personal safety;

(2) Institutional security;

(3) Sexual abuse or sexual harassment as defined in the Prison Rape Elimination Act of 2003; and

(4) Sexual abuse as defined in the California Sexual Abuse in Detention Act of 2005.

(b) Grievance Coordinators must route grievances requesting records to General Counsel.

(c) Grievance Coordinators must ensure that claims contained in the grievance are redirected to the Grievance Coordinator where a majority of the facts and circumstances that gave rise to the claim occurred.

(1) The Grievance Coordinator presented with the reassigned claim must consider the claim as received on the date the grievance was originally received by the sending CALPIA staff member.

(d) Grievance Coordinators must redirect all claims alleging staff misconduct to General Counsel.

(e) Grievance Coordinators must ensure that a written grievance acknowledgment letter is completed within 14 calendar days of its receipt stating:

(1) The date the grievance was received;

(2) If any claim contained in the grievance was redirected as described in subdivisions (a) through (d);

(3) If any claim was rejected pursuant to section 8488; and

(4) The deadline for CALPIA's response to all remaining claims.

(f) An incarcerated individual or witness must be interviewed if it is determined that it will assist in addressing a claim. The interview must be conducted in a manner that provides as much privacy for the incarcerated individual as operationally feasible. The

incarcerated individual may have representatives available during the interview. The Grievance Coordinator must document in the grievance response letter:

(1) When an incarcerated individual is unavailable for an interview or refuses to be interviewed.

(2) That effective communication has been achieved during an interview and how it was achieved.

(g) Grievance Coordinators must ensure that any person identified as the subject of the claim is excluded from involvement in the grievance process regarding that claim.

(1) If the Grievance Coordinator is identified as the subject of the claim, the Grievance Coordinator must refer the claim to General Counsel to determine if the Grievance Coordinator is, in fact, the subject of the claim. If it is determined that the subject of the claim is the Grievance Coordinator, then a Branch Manager must serve as the Grievance Coordinator for that claim.

(2) If the Branch Manager is identified as the subject of the claim, then an Assistant General Manager must serve as the Grievance Coordinator for that claim.

(h) Grievance Coordinators must provide a written response to each claim contained in a grievance that has been accepted for review no later than 60 calendar days of receipt, unless another statutory or regulatory authority requires a response in less than 60 calendar days.

(i) The Grievance Coordinator's written response must include one of the following decisions for each claim contained in a grievance:

(1) "Denied," meaning that the Grievance Coordinator found by a preponderance of the evidence that all applicable policies were followed and that all relevant decisions, actions, conditions, or omissions by CALPIA or CALPIA staff were appropriate.

(2) "Granted," meaning that the Grievance Coordinator found by a preponderance of the evidence that at least one policy was not followed or that at least one relevant decision, action, condition, or omission by CALPIA or CALPIA staff was not appropriate in relation to a specific claim contained in the grievance, whether

substantively, procedurally, or both, and the Grievance Coordinator will order an appropriate remedy.

(3) "Withdrawn," as described in subdivision 8481(d);

(4) "Additional Time Required," meaning that the Grievance Coordinator needs more than 60 days to evaluate the claim fully and fairly; or

(5) "Under Legal Review" meaning that the claim is an allegation of staff misconduct and has been referred to CALPIA General Counsel for review.

(j) Grievance Coordinators must provide the incarcerated individual with a written response to each claim contained in the grievance by mail or hand-delivery.

Authority: Penal Code Sections 2801, 2808, and 2809.

Reference: Penal Code Section 2805.

8484. Allegations of Staff Misconduct.

(a) The Grievance Coordinator must forward all claims alleging staff misconduct to General Counsel within 14 calendar days of receipt.

(b) General Counsel must review the claim and confirm that it is an allegation of staff misconduct, as defined in section 8480.

(c) General Counsel must ensure an allegation of staff misconduct acknowledgment letter is mailed to the incarcerated individual within 14 calendar days of receipt stating:

(1) The date the allegation of staff misconduct claim was received by General Counsel; and

(2) The claim was referred back to the local Grievance Coordinator because the claim does not meet the definition of staff misconduct, but may still be processed as a routine claim; or

(3) The claim was rejected, pursuant to section 8448; or

(4) The claim is being investigated by CDCR Office of Internal Affairs; or

(5) The claim is being reviewed by CALPIA General Counsel.

(d) General Counsel must route an allegation of staff misconduct that may require interviews and specialized fact-gathering to the CDCR Office of Internal Affairs.

Allegations that do not require interviews and specialized fact-gathering may be reviewed and a determination made by General Counsel.

(e) General Counsel must refer an allegation of staff misconduct claim to the CDCR Office of Internal Affairs or another law enforcement entity for an investigation when the claim concerns a use of force incident or sexual abuse or sexual harassment as defined in the Prison Rape Elimination Act of 2003.

(f) General Counsel must ensure a written response is mailed to the incarcerated individual and includes one of the following decisions for each allegation of staff misconduct:

(1) Unfounded: The facts, which provide the basis for the allegation, do not demonstrate by a preponderance of the evidence to prove the allegation.

(2) Sustained: The facts, which provide the basis for the allegation, demonstrate by a preponderance of the evidence to prove the allegation.

(3) No Finding: The facts, which provide the basis for the allegation, demonstrate that another agency was involved and the incarcerated individual has been referred to that agency or the incarcerated individual is no longer available for clarification of facts.

Authority: Penal Code Sections 2801, 2808, and 2809.

Reference: Penal Code Section 2805.

8485. Submitting an Appeal.

(a) An incarcerated individual who wants to appeal a decision made by a Grievance Coordinator, as described in section 8483, must do so in writing within 60 calendar days of receiving a grievance response from a Grievance Coordinator.

(b) The deadline to submit an appeal of a grievance decision must be extended for the period of time that an incarcerated individual is:

(1) In the custody of another authority for court proceedings;

(2) In the care of a hospital outside the jurisdiction of CDCR;

(3) Temporarily housed in a CDCR medical or mental health crisis bed; or

(4) Actively and directly engaged in fire suppression.

(c) To submit an appeal, an incarcerated individual must:

(1) Type or print clearly on an official CALPIA Appeal Form 602-2 or complete the form electronically, if available at the incarcerated individual's work assignment location;

(2) Include the incarcerated individual's name, CDCR number, current housing or parole unit, and institution or parole region;

(3) Answer the questions in the CALPIA Appeal Form 602-2 including all information known and available to the incarcerated individual, including why the grievance decision provided is incorrect or inadequate;

(4) Include all supporting documents related to the appeal or identify where the supporting documents are located by providing specific location details;

(5) Sign and date the CALPIA Appeal Form 602-2; and

(6) Mail the CALPIA Appeal Form 602-2 to "CALPIA, Legal Unit, Attn: Appeals Coordinator, 560 E. Natoma St., Folsom, CA 95630."

(d) When completing a CALPIA Appeal Form 602-2, an incarcerated individual must not:

(1) Use threatening, obscene, demeaning, or abusive language, except when quoting persons involved in the claim;

(2) Include information or accusations known to be false; or

(3) Contaminate the appeal package by including organic, toxic, or hazardous materials that may present a threat to the safety and security of staff.

(A) Contaminated appeal packages must be safely discarded and the entire appeal rejected, pursuant to section 8488.

(B) An incarcerated individual must resubmit an appeal that was rejected because it was contaminated.

Authority: Penal Code Sections 2801, 2808, and 2809.

Reference: Penal Code Section 2805.

8486. Appeal Review.

(a) The Appeals Coordinator must ensure that an appeal acknowledgment letter is mailed to the incarcerated individual within 14 calendar days of receipt stating:

- (1) The date the appeal was received; and
- (2) The deadline for the Appeals Coordinator's response to all remaining claims contained in the appeal, if applicable; and
- (3) If any claim contained in the appeal was accepted for review; or
- (4) If any claim contained in the appeal was rejected pursuant to section 8488; and

(b) The full record for each claim must be made available to the Appeals Coordinator to ensure a complete and fair evaluation of the appeal. The record must include, if applicable:

- (1) Incarcerated individual's grievance;
- (2) Grievance acknowledgment letter;
- (3) Related interviews conducted by a Grievance Coordinator or other CALPIA staff;
- (4) Relevant documentation;
- (5) Investigative report;
- (6) Records contained in CALPIA's information technology system; and
- (7) CALPIA policies, rules, and memos.

(c) The incarcerated individual must not provide the Appeals Coordinator with any new information that was not previously made available to the Grievance Coordinator at the grievance level.

(d) The Appeals Coordinator must mail an appeal response letter to the incarcerated individual no later than 60 calendar days of receipt of the appeal unless the Appeals Coordinator determines that additional time is reasonably necessary to evaluate the appeal fully and fairly.

(e) The Appeal Coordinator's written response must include one of the following decisions for each claim contained in the appeal:

- (1) "Denied," meaning that the Appeals Coordinator found by a preponderance of the evidence that the decision of the Grievance Coordinator was correct.

(2) "Granted," meaning that the Appeals Coordinator found by a preponderance of the evidence that the decision made by the Grievance Coordinator was incorrect and the Appeals Coordinator will order an appropriate remedy.

(3) "Rejected," as described in section 8488;

(4) "Withdrawn," as described in subdivision 8481(d);

(5) "Additional Time Required," meaning that the Appeals Coordinator needs more than 60 days to evaluate the claim fully and fairly; or

(6) "Under Investigation," meaning that the claim is an allegation of staff misconduct and is under investigation.

(f) The Appeals Coordinator must mail a copy of the appeal response letter to the Grievance Coordinator who provided the grievance decision.

Authority: Penal Code Sections 2801, 2808, and 2809.

Reference: Penal Code Section 2805.

8487. Implementation of Remedy.

(a) When a grievance or appeal claim is granted, the remedy must be implemented no later than 30 calendar days after the grievance or appeal response letter was mailed to the incarcerated individual. If the remedy requires budget authorization outside CALPIA's existing authority, it must be implemented no later than one year after the decision was mailed to the incarcerated individual.

(b) An incarcerated individual may submit a CALPIA Request to Implement Remedies Form 602-3 if the remedy has not been implemented within 30 calendar days after the grievance or appeal response letter was mailed to the incarcerated individual.

(1) If an incarcerated individual submits a CALPIA Request to Implement Remedies Form 602-3 to CDCR, and CDCR forwards the form to CALPIA, the form will be considered submitted on the date the form was received by CALPIA.

(2) Incarcerated individuals must not submit a CALPIA Request to Implement Remedies Form 602-3 before the 30 calendar day implementation due date.

(c) To submit a request for an implementation of remedy, an incarcerated individual must:

(1) Type or print clearly on an official CALPIA Request to Implement Remedies Form 602-3 or complete the form electronically if available at the incarcerated individual's work assignment location;

(2) Include the incarcerated individual's name, CDCR number, current housing or parole unit, and institution or parole region;

(3) Sign and date CALPIA Implementation of Remedies Form 602-3.

(4) Mail the CALPIA Request to Implement Remedies Form 602-3 to "CALPIA, Legal Unit, Attn: General Counsel, 560 E. Natoma St., Folsom, CA 95630."

(d) General Counsel must route the completed CALPIA Implementation of Remedies Form 602-3 to the Grievance Coordinator at the institution where the claim was granted.

(e) The Grievance Coordinator must:

(1) Respond to General Counsel in writing within 14 calendar days of receipt stating that the remedy has been implemented; or

(2) Provide an estimated date for implementation and a reason for the delay; and

(A) The Grievance Coordinator must inform General Counsel once the remedy has been implemented.

(f) General Counsel must ensure a written response is mailed to the incarcerated individual within 30 calendar days of General Counsel's receipt of the request stating:

(1) The date the request was received by General Counsel; and

(2) Confirmation that the remedy has been implemented; or

(3) The estimated date for implementation.

(A) General Counsel must mail a subsequent written response to the incarcerated individual when the remedy has been implemented.

Authority: Penal Code Sections 2801, 2808, and 2809.

Reference: Penal Code Section 2805.

8488. Rejection of a Claim.

(a) A claim will be rejected by a Grievance Coordinator or the Appeals Coordinator for one or more of the following reasons:

(1) The incarcerated individual did not submit the claim within 60 calendar days of discovery for grievances, pursuant to section 8482, or 60 calendar days for appeals, pursuant to section 8485, unless the claim concerns an allegation of staff misconduct;

(2) The incarcerated individual did not use an CALPIA Grievance Form 602-1 or CALPIA Appeals Form 602-2;

(3) The incarcerated individual did not print clearly, did not include a signature, or did not include a date on CALPIA Grievance Form 602-1 or CALPIA Appeals Form 602-2 and the form is not readable;

(4) The claim contained in the appeal has not been reviewed under the grievance process, as described in section 8483;

(5) The claim concerns a policy, decision, action, condition, or omission by an organization, person, or entity other than CALPIA or CALPIA staff;

(6) The claim is substantially similar to a prior claim made by the same incarcerated individual;

(7) The claim concerns harm to a person other than the person who signed the grievance or appeal form, unless the claim concerns an allegation of staff misconduct;

(8) The grievance or appeal package is contaminated with organic, toxic, or hazardous materials that may present a threat to the safety and security of staff; or

(9) The claim concerns the grievance or appeal processes.

(b) When a claim is rejected because it was not submitted within 60 calendar days, as described in subdivision (a)(1), the incarcerated individual must be notified of the following:

(1) The date the claim was discovered by the incarcerated individual; and

(2) The date the claim was received by the Grievance Coordinator or Appeals Coordinator.

(c) An incarcerated individual may appeal a claim that was rejected by a Grievance Coordinator when:

- (1) The incarcerated individual did not submit the grievance within 60 calendar days of discovery;
- (2) The claim concerns a policy, decision, action, condition, or omission by an organization, person, or entity other than CALPIA or CALPIA staff;
- (3) The claim is substantially similar to a prior claim made by the same incarcerated individual, except when the prior claim was rejected because it concerned a non-CALPIA entity or employee; or
- (4) The claim is about harm to a person other than the person who signed the grievance or appeal form.

(d) An incarcerated individual may not appeal a claim that was rejected by a Grievance Coordinator when:

- (1) The incarcerated individual did not use an official CALPIA Grievance Form 602-1;
- (2) The incarcerated individual did not print clearly on CALPIA Grievance Form 602-1 and the form is not readable;
- (3) The claim contained in the appeal has not been reviewed under the grievance process;
- (4) The grievance package is contaminated with organic, toxic, or hazardous materials that may present a threat to the safety and security of staff; or
- (5) The claim concerns the grievance and appeal processes.

(e) An incarcerated individual must submit a new CALPIA Grievance 602-1 Form to the Grievance Coordinator when an appeal is not available to the incarcerated individual, as described in subdivision (d).

Authority: Penal Code Sections 2801, 2808, and 2809.

Reference: Penal Code Section 2805.