

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

April 22, 2016

2. Department

California Correctional Health Care Services (CCHCS)

3. Organizational Placement (Division/Branch/Office Name)

California Health Care Facility (CHCF)

4. CEA Position Title

Ombudsman, California Health Care Facility

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

CCHCS proposes to allocate the above position to a CEA category (Level A) within CHCF. This CEA Position Request Form will serve in establishing the allocation.

6. Reports to: (Class Title/Level)

Chief Executive Officer, Health Care (Safety) and Chief, Office of the Ombudsman, California Department of Corrections and Rehabilitation (CDCR)

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): The Ombudsman provides management advice and consultation to Administration and makes recommendations to executive level staff in resolving sensitive and critical issues that impact a broad spectrum of areas affecting departmental policies, procedures, and programs applicable to surrounding issues of CHCF.

8. Organizational Level (Select one)

- 1st 2nd 3rd 4th 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the direction of the Chief Executive Officer (CEO) at CHCF and the functional supervision of the Chief Ombudsman, CDCR, the incumbent is an independent entity which functions as an Ombudsman or Special Advisor on sensitive issues relating to CHCF. The position provides management advice and consultation and makes recommendations to executive level staff in resolving sensitive and critical health care issues that impact a broad spectrum of areas affecting departmental policies, procedures, and programs applicable to surrounding issues of the institution. This position serves as a key policy and public relations expert and has extensive contact with a wide variety of individuals inside and outside of state government.

Typical duties include the following:

40% Monitors institution operations and procedures; researches critical issues pertaining to and working with the institution management in developing and implementing new policies and procedures; and provides executive level advice and consultation to the Chief Ombudsman, CDCR regarding the impact of criminal justice issues on the development and implementation of departmental programs and proposals. Knows and understands safety and security policies and procedures of the institution adult inmate housing and security levels, adult inmate work assignments, movement, and classification. Communicates substantially and effectively with adult inmates and their families and has the knowledge and ability to intercede in emergent situations that have the potential to become uncontrolled and/or unstable which could escalate and endanger public safety and property if not addressed. Provides education and advice regarding policy and resolution avenues to the adult inmates through direct contact.

35% Investigates and mitigates the most sensitive complaints/appeals that require immediate resolution; and may substantiate or refute claims made by adult inmates or staff relevant to perceived problems at the institution and report findings. Some travel may be required to adult institutions to conduct extensive in-depth interviews with adult inmates, both individually and in groups, to discuss emergent and potentially systemic issues surrounding adult inmate concerns.

15% Responds to staff, adult inmates and their families, representatives of various special interest groups, legislative bodies, and community groups regarding problems or potential areas of critical concern; and serves as Ombudsman for the Department in meetings with representatives of various special interest groups, adult inmates and their families, and community-based groups. Resolves issues expediently to decrease the likelihood of future litigation, negative media coverage, and to increase the safety and security of the institution, the public, and the adult inmate populations.

10% Works collaboratively with the Division of Adult Institutions' executive staff, and participates in and provides input to the decision making process.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The Ombudsman is responsible for knowing and understanding the safety and security policies and procedures of the adult institution, adult inmate housing and security levels, work assignments, movement, and classification. The Ombudsman must communicate effectively with the adult inmates and have the knowledge and ability to intercede in emergent situations that have the potential to become uncontrollable or unstable which could escalate and endanger public safety and property if not addressed. The Ombudsman provides education and advice regarding policy and resolution avenues to the adult inmate population through direct contact.

The Ombudsman must resolve issues expediently to decrease the likelihood of future litigation, negative media coverage, and to increase the safety and security of the adult institution, the public, and the adult inmate population.

When issues are identified by the Ombudsman that cannot be remedied at the local level, these issues are referred to the Chief, Office of the Ombudsman, CDCR to be addressed and/or elevated. The Chief, Office of the Ombudsman, CDCR is responsible for making policy recommendations on systematic concerns surrounding many aspects of the Department of the Secretary and Undersecretary, Operations. The evolving litigation of Coleman, Plata, Armstrong, and Perez necessitate an adaptive approach to the formulation, interpretation, and modification, of departmental policy related to these lawsuits and any potential future litigation. The responsibility for identifying new areas of concern and providing information to adjust current policies is an indication of the sensitivity of this position.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

CHCF is a subacute medical and mental health care facility for patient-inmates within the California state prison system. By centralizing the highest need patient-inmates in an appropriate facility such as this, CCHCS is able to more efficiently provide a constitutional level of health care to its incarcerated population. CHCF provides medical care and mental health treatment to inmates who have the most severe and long term needs. The 1.4 million square foot facility is certified to provide intermediate level care and to complement less acute treatment provided in other prisons operated by CDCR. It provides housing and treatment for over 1,700 inmate-patients provided by a professional health care staff of 2,500 from CDCR, the Department of State Hospitals (DSH), and CCHCS.

As the prison health care system transitions from federal court receivership to State control, CCHCS will coordinate closely with CDCR and the major service areas in the health care delivery system - medical, mental health, dental and allied health- will become more and more integrated. In support of this transition, CDCR issued a strategic plan that includes goals for the full health care services delivery system, prompting a unified effort between CDCR and CCHCS staff in working towards delivering a value-driven, integrated health care system. The Office of the Ombudsman is committed to assisting with the Strategic Plan to end class action lawsuits and supports CCHCS' efforts to improve the quality of care provided to the patient-inmate population.

In an effort to stay abreast of the evolving changes and the mission and vision of CCHCS and CHCF, the Ombudsman performs a wide variety of tasks resulting in policy influence across all adult institutions. Due to the complexity of CHCF it requires an Ombudsman be dedicated specifically to CHCF. However, this position may be required to assist CCHCS, DSH and CDCR on an as needed basis at any of the remaining 34 institutions statewide. Consequently, travel is required for this position.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The Ombudsman serves as an independent entity or Special Advisor on sensitive issues. The Ombudsman provides management advice and consultation and makes recommendations to executive level staff in resolving sensitive and critical health care issues that impact a broad spectrum of areas affecting departmental policies, procedures, and programs applicable to surrounding issues of an adult institution. The Ombudsman works with and responds to staff, adult inmates and their families, representatives of various special interest groups, Legislative bodies, and community-based groups. The Ombudsman works within the adult institution reviewing and responding to adult inmate complaints and appeals, and monitors adult institution operations and procedures.

The Ombudsman may be required to travel to adult institutions to conduct in-depth interviews with adult inmates, both individually and in groups, to discuss emergent and potentially systemic issues surrounding policy and regulation implementation.

The Ombudsman meets regularly with and advises headquarters and institution executive and management staff relevant to perceived problems within the institution and reports the findings. The Ombudsman works with headquarters and institution management in developing new policies and procedures as needed and is instrumental in assisting the institution with implementing the new policies and procedures.

The Ombudsman is responsible for developing management strategies on how best to impart the Department's position to various entities including staff, adult inmates and their families, Legislative bodies, and special interest and/or community groups. The Ombudsman is responsible for critical special projects/studies that are of a sensitive nature and that cross organizational lines and impact a wide spectrum of departmental policies. As issues are identified, the Ombudsman is responsible for conducting independent research and, as a result of the findings, recommends policy and/or operational changes to the Chief, Office of the Ombudsman, CDCR. Such policies can include but are not limited to:

Use of Force policies - When issues or concerns are identified requiring an investigation regarding Use of Force and other staff complaints, the Ombudsman refers these to the Chief, Office of the Ombudsman, who then refers the investigations to the Office of the Inspector General (OIG). The Chief, Office of the Ombudsman, works closely with the OIG in reviewing departmental policies and procedures, with particular emphasis on CDCR's statewide Use of Force policies and procedures, as issues involving Use of Force are often extensively covered by various media sources and can lead to litigation as well as have a negative impact on the public's perception of the Department. Decisions and recommendations made by the Ombudsman staff have statewide impact and are critical to the effective management of the Department.

Gang Validation / Security Threat Group policies - During the mass disturbance (Hunger Strike) in 2013, the Office of the Ombudsman played a proactive role in the de-escalation and mitigation of future liability by effectively assisting communication between the participating inmates, the public, key stakeholders, and CDCR administration. The Gang Validation policies were an integral part of the Hunger Strike in which the Chief, Office of the Ombudsman, and subordinate Ombudsmen were instrumental in identifying significant areas of concern through mediations with inmates. Through discussions with key stakeholders, such as the OIG, Division of Adult Institutions administration, and members of the Legislature, the Chief, Office of the Ombudsman, provided management with recommendations for developing and implementing the new Security Threat Group policy and procedures which updated the old gang validation process. This active partnership helped to identify systemic concerns and provide recommendations and strategies to immediately resolve many of the inmates' concerns. These actions mitigated the early termination of the Hunger Strike avoiding future liability. The Office of the Ombudsman continues to monitor the implementation of these new policies and provide strategies when issues arise.

Sensitive Needs Yard custody designation policies - An example of a policy decision recommended by the Office of the Ombudsman includes the Department's Sensitive Needs Yard (SNY) custody designations. The recommended policy would give field staff tools to allow them to remove an SNY inmate from the SNY population if he/she is not meeting departmental expectations. This policy recommendation could lead to significant savings for the Department through a reduction in the backlog of inmates waiting to be placed in SNY designated housing units.

Inmate Visitation policies - The Office of the Ombudsman received numerous complaints from visitors due to arbitrary exclusions from visitation for unacceptable attire and lack of consistency throughout the 35 adult institutions. Visiting Regulation policy recommendations were developed to provide clear direction with regard to the type of clothing that can exclude a visitor from visiting an adult inmate. A product of this policy was the development of a swatch board, used in all adult institutions, which clearly indicates the types of clothing which are restricted.

Currently, the responsibilities and/or policy influencing roles for the Ombudsmen are performed by existing Ombudsman incumbents as well as the Chief, Office of the Ombudsman. There is no additional impact or change in policy influence on existing CEAs within the Office of the Ombudsman as a result of this allocation update.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Ombudsman serves as the key policy and public relations expert and has extensive contact with a wide variety of individuals inside and outside state government. The Ombudsman must possess superior interpersonal, negotiation, and communication skills to effectively communicate and meet the Department's needs. The Ombudsman researches issues confidentially and facilitates efforts to mitigate and resolve complaints, concerns and conflicts among relevant parties related to inmate/patient health care. The Ombudsman reviews allegations of unfairness, abuse of power or discretion; discourteous or inappropriate behavior; inappropriate application of law/policy; access to services and adverse medical outcomes. The Ombudsman's policy making decisions have a major impact on the Department's ability to resolve highly sensitive issues at the adult institutions, as well as having a direct impact on how the Department is viewed by outside entities and the public in general. The Office of the Ombudsman serves to increase the transparency and accountability of the Department by serving as an independent, impartial entity.

Any issues arising from implementation of policy at the adult institutions are addressed and resolved quickly and continually monitored by the Office of the Ombudsman. The Office of the Ombudsman program is critical to the Department's mission as it serves to mitigate many allegations that could lead to litigation and excessive costs for the Department as well as serving as a liaison enabling external and internal stakeholders (staff, adult inmates and their families, Legislative bodies, and representatives of various special interest/community-based groups) to participate in the development and implementation of policies within the Department. If the policy role of the Ombudsman is not performed, there is a void created, wherein the voice of the external and internal stakeholders is not included, and this has historically led to an increase in complaints from these stakeholders as well as legislative or court intervention. Further, there could also be increased litigation from adult inmates towards the Department for non-compliance or incorrect compliance of departmental policy. The Ombudsman's research and findings can impact future departmental operations.

The Ombudsman consequence of error is paramount to the Department; violation of policies may result in costly litigation, negative media, and the loss of the public's trust. Additionally, distrust and unease from the adult inmate population due to non-compliance and/or inconsistencies in the application of the rules and regulations of CCHCS can cause extreme concern which could compromise the safety and security of the public, the adult inmate population, and employees.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

Currently, the responsibilities and/or policy influencing roles for the Ombudsmen are performed by existing Ombudsman incumbents as well as the Chief, Office of the Ombudsman, CDCR. There is no additional impact or change in policy influence on existing CEAs within the Office of the Ombudsman as a result of this request.