

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

September 11,
2019

2. Department

California Department of Corrections and Rehabilitation

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

Division of Correctional Policy Research & Internal Oversight, Office of Appeals

4. CEA Position Title

Associate Director, Office of Appeals

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

The California Department of Corrections and Rehabilitation (CDCR) proposes to allocate the above position to the CEA category within the Division of Correctional Policy Research and Internal Oversight, Office of Appeals (OOA). The Associate Director will oversee the Department's appeals process which affords adult offenders an opportunity to address issues and resolve problems and will conduct reviews of inmate and parolees on behalf of the CDCR Secretary.

6. Reports to: (Class Title/Level)

Director, Division of Correctional Policy Research and Internal Oversight (Exempt)

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):

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.

The Associate Director will be responsible for overseeing and monitoring the Department's appeals process which affords adult offenders an opportunity to address issues and resolve problems. The Department is revising administrative remedies for adult inmates and parolees to reform the current process into grievances which will be handled at the local institutional or parole unit level and appeals of grievances which will be addressed by the OOA. These appeals of grievances are considered the Headquarters level review in which the Associate Director will provide oversight of the process to ensure reviews are completed fairly and objectively on behalf of the CDCR Secretary.

Under the direction of the Director, Division of Correctional Policy Research and Internal Oversight, the Associate Director will administer the inmate/parolee appeal process for the CDCR having direct responsibility for the final disposition of offender appeals, and oversight of the institutional/regional appeal process. The Associate Director will enforce regulatory compliance of the appeals process at all levels, issuing modification orders where necessary. The Associate Director will also direct the work of staff to process, investigate, and render a decision at the final appeal level; audit the appeal process at all local institutions and parole regions; conduct appeals training for CDCR staff as needed; provide statewide clarification and direction on appeal issues/processes; and communicate issues identified through the appeal process to the appropriate stakeholders for consideration and action. The Associate Director will be the delegated authority to render final appeal decisions on behalf of the CDCR Secretary.

The Associate Director will monitor the regulatory and statutory policies and practices governing the offender appeals process to ensure this process remains accessible, responsive, and meaningful. The Associate Director will also provide quality control assurance of reviews to reaffirm the Department's commitment to the safe and humane incarceration of felons while also supporting its commitment to the taxpayer by working to reduce the State's exposure to costly litigation.

The Associate Director will serve as the primary advisor responsible for formulation, approval, and implementation of policies and procedures to ensure the offender appeals process framework. To ensure implementation of an objective process, the incumbent will develop a comprehensive appeals training and awareness program to integrate knowledge, skills, abilities, and behaviors to institutional and parole region staff throughout the State and will collaborate with Executive Management staff to achieve fair and impartial practices statewide. Moreover, the Associate Director will perform statewide institution/parole region audits to monitor compliance with appeals regulations and operational protocols.

The Associate Director will collect, compile and analyze information, evidence, and data to identify areas of inmate/parolee concerns and staff training needs. The Associate Director will utilize gathered information to determine policy and procedure revision needs and will provide Executive Staff with reports and information to communicate operational and performance deficiencies as identified through appeals data. The Associate Director will commit to implementation of a field resource model statewide.

Travel is an essential component of the job. Up to 30 percent travel is required.

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 grievance and appeal process affords adult offenders an opportunity to address issues and resolve problems. This process includes two levels of review, the grievance is reviewed at the local institution/parole unit with the intent that those immediately familiar with the matter should review the grievance at the local level. If the institution/parole unit denies the grievance, the offender can file an appeal to the grievance with the OOA which is considered the Headquarters level. The Associate Director will act on behalf of the CDCR Secretary to review the appeal fairly and provide an objective response to ensure integrity of the appeals process.

The Associate Director will monitor the regulatory and statutory policies and practices governing the appeals process to ensure this process remains accessible, responsive, and meaningful. The Associate Director will also provide quality control assurance of reviews to reaffirm the Department's commitment to the safe and humane incarceration of felons while also supporting its commitment to taxpayers by working to reduce the State's exposure to costly litigation.

Mission: Enhance public safety through safe and secure incarceration of offenders and effective parole supervision, and rehabilitative strategies to successfully reintegrate offenders into our communities.

Organizational Goals:

- Workforce Excellence: Ensure a well-trained, quality workforce.
- Risk Management/Organizational Effectiveness: Achieve organizational excellence in our operations and systems.
- Legal Compliance: Develop preventive strategies to preclude class action lawsuits and remedy identified violations.

Programmatic Goals:

- Crime Prevention and Safety: Develop a comprehensive crime prevention program and establish evidence-based research to determine the impact of offender programs within the institutions and community to reduce criminality and victimization.
- Outreach, Partnerships, and Transparency: Seek out partnerships and develop meaningful programs and processes to promote shared responsibility for community safety.

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.

Currently, the OOA is overseen by a Correctional Administrator who formerly reported to the Division of Adult Institutions. To ensure an independent and impartial offender appeals process, OOA was moved under the purview of the Division of Correctional Policy Research and Internal Oversight in January 2019. In order for the offender appeals process to be effective and fair, the Department seeks to remove any impediment to offenders seeking to remedy grievances. Moreover, as CDCR faces extensive scrutiny from advocacy associations, parties to correctional litigation, and other State control agencies, the Department must demonstrate the highest standards of impartiality, objectivity, thoroughness, fairness, and accuracy in its review of offender appeals. The Associate Director will enhance quality assurance reviews and corrective training as well as commit to implementation of a field resource model.

As the Department is revising its policies related to offender appeals, the Associate Director will formulate, revise, develop, and implement these policies statewide. The Associate Director will also be responsible to enforce regulatory compliance of the offender appeals process at all levels, issuing modification orders where necessary. The Associate Director must have a working knowledge of relevant legal provisions, applicable class action law suits, court compliance mandates, State law, California Code of Regulations, Title 15, Department Operations Manual (DOM), and management/administrative policies and procedures. To ensure objective decision making, the Associate Director must have the classification and authority level to question and overturn decisions made by Wardens/Chief Deputy Administrators and Regional Parole Administrators. The Associate Director will also have regular interaction/communication with Executive Staff, Wardens/Chief Deputy Wardens, Health Care Manager/Chief Medical Officer, Regional Parole Administrators, other institutional or administrative staff, as well as external stakeholders including the Office of the Attorney General, the Office of the Inspector General and the Prison Law Office.

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 Associate Director will monitor the regulatory and statutory policies and practices governing the appeals process to ensure independent and impartial practices. The Associate Director will also provide quality control assurance of reviews to reaffirm the Department's commitment to the safe and humane incarceration of felons while also supporting its commitment to the taxpayer by working to reduce the State's exposure to costly litigation. These appeals of grievances are considered the Headquarters level review in which the Associate Director will provide oversight of the process to ensure reviews are completed fairly and objectively on behalf of the CDCR Secretary.

The Associate Director will serve as the primary advisor responsible for formulation, approval, and implementation of policies and procedures to ensure the statewide offender appeals process framework. To ensure implementation of an objective process, the Associate Director will develop a comprehensive appeals training and awareness program to integrate knowledge, skills, abilities, and behaviors to institutional and parole regional staff throughout the State and will collaborate with Executive Management staff to achieve fair and responsive practices statewide. Moreover, the Associate Director will perform statewide institution/parole region audits to monitor compliance with appeal regulations and operational protocols.

The Associate Director will collect, compile and analyze information, evidence, and data to identify areas of inmate/parolee concerns and staff training needs. The Associate Director will utilize this gathered information to determine policy and procedure revision needs and provide Executive Management with statewide process recommendations.

C. ROLE IN POLICY INFLUENCE (continued)

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

The Associate Director will be responsible for independent decision-making authority on the creation, management, and oversight of all aspects of CDCR's offender appeals program. The Associate Director will have significant responsibility for the implementation, evaluation, and modification of policies and procedures as they relate to CDCR's appeals program. The breadth of decision making authority spans statewide and includes all institutions and parole region offices. The Associate Director will meet regularly with CDCR's Executive staff, Wardens, Regional Parole Administrators, and external stakeholders such as the the Office of the Attorney General, the Office of the Inspector General and the Prison Law Office. Other clients include advocacy associations, parties involved in correctional litigation, and the public.

The Associate Director will have significant responsibility to identify processes requiring executive level attention or additional resources, ensure appropriate reporting of emerging issues, evaluate the effectiveness of current policies, and other related concerns. The Associate Director will also respond to inquiries from the Governor's Office, the Legislature, State control agencies, advocacy associations, and departmental executives regarding the CDCR's offender appeals program.

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

The Associate Director will monitor the regulatory and statutory policies and practices governing the appeals process to ensure this process remains accessible, responsive, and meaningful. The Associate Director will serve as the primary advisor responsible for formulation, approval, and implementation of policies and procedures to ensure the appeals process framework. To ensure implementation of an impartial process, the incumbent will develop a comprehensive appeals training and awareness program to integrate knowledge, skills, abilities, and behaviors to institutional and parole regional staff throughout the state and will collaborate with Executive Management staff to achieve fair and impartial practices statewide. Moreover, the Associate Director will perform statewide institution/parole region audits to monitor compliance with appeal regulations and operational protocols.