

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

10/19/2023

2. Department

California Department of Corrections and Rehabilitation

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

Board of Parole Hearings (BPH)

4. CEA Position Title

Chief Deputy, Forensic Assessment Division (FAD)

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

The Department of Corrections and Rehabilitation (CDCR) proposes to establish a Chief Deputy, Forensic Assessment Division (FAD), CEA position within the Board of Parole Hearings (BPH) for the policy development for, and oversight of, forensic clinical evaluations of life-term and other long-term incarcerated persons and person who qualify for potential civil commitment under the state's Sexually Violent Predator Act.

6. Reports to: (Class Title/Level)

Executive Officer, Board of Parole Hearings, 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*): Advises the Board of Parole Hearings executive leadership team and the Executive Officer.

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 Chief Deputy, Forensic Assessment Division (FAD), provides the Board's suitability hearing panels with Comprehensive Risk Assessments to assist in understanding a long-term incarcerated person's potential for future violence and protective factors that could minimize their risk if released to the community. The state was ordered to create the FAD in response to class-action litigation (In re Rutherford). FAD psychologists use evidence-based risk assessment tools to present hearing panels with their structured professional judgment, or expert opinion concerning each person's potential risk for future violence.

The FAD is also responsible for providing clinical psychological screenings of persons eligible for possible civil commitment under the state's Sexually Violent Predator Act.

The FAD is responsible for the overall supervision of 8 Senior and 57 Psychologists-Clinical in a correctional setting. As supervisor of clinical forensic services, the FAD plans, directs, and coordinates the various psychological activities consistent with the mission of the California Department of Corrections and Rehabilitation, Board of Parole Hearings (BPH), Forensic Assessment Division (FAD) who are conducting forensic mental health evaluations of persons serving sentences of at least 15 years or life with the possibility of parole and clinical screenings of persons convicted of sexual offenses for possible civil commitment at all California Department of Corrections and Rehabilitation (CDCR) facilities throughout the State.

Responsible for planning and organizing work for specialized forensic clinical assessment. Plans, directs, and evaluates staff work, and takes or recommends appropriate action with respect to their work performance.

Works with the Board's legal division to review and respond to legal objections filed with the Board concerning information contained in forensic mental health assessments completed by the FAD, testifies as an expert witness in litigation brought against the Board, and provides outreach to state and local elected officials and their staff, including the Governor's Office, attorneys representing persons through the parole hearing process, the incarcerated population, and the public on the status of research and the Board's processes for assessing risk for persons serving lengthy sentences in a correctional setting and clinical screenings required under the Sexually Violent Predator Act.

Operates in conjunction with the Chief Deputy, Administration Operation to ensure that all Board administrative procedures are in compliance with the various statutes, BPH policies, and control agencies' directives governing such assigned areas. Act with authority to resolve organizational and management problems within assigned program areas.

Develops policy statements and regulations and is responsible for the formulation and revision of the FAD Clinical Evaluation Assessment Procedural Manual. Confers with management on policy matters; oversees training of the Board's 21 gubernatorial-appointed board members, 50 administrative law judges, legal division, and investigation personnel; prepares reports as requested by the BPH functions; and performs other work as required.

Plans, organizes, directs, and evaluates the work and performance of staff. This includes, but is not limited to, the following: Comply with state and federal laws, rules, regulations, bargaining unit contracts, and policies in all personnel practices. Recruit, hire, train, develop, and provide leadership to a diverse staff. Monitor, evaluate, and create written performance appraisals of staff. Counsel staff and initiate disciplinary actions as necessary. Identify appropriate long-range plans and goals to address succession planning and knowledge transfer.

**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 mission of the California Department of Corrections & Rehabilitation (CDCR) is to facilitate the successful reintegration of the individuals in our care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment.

It is the mission of CDCR's Board of Parole Hearings (BPH) to protect and preserve public safety while ensuring due process to all persons who come under the Board's jurisdiction.

The Chief Deputy, Forensic Assessment Division, is responsible for the overall supervision of Senior and Psychologists-Clinical who conduct clinical assessments and screenings for persons housed in the Department's correctional institutions. As such, the Chief Deputy, Forensic Assessment Division ensures the various psychological activities are consistent with mission of the CDCR, BPH and the Forensic Assessment Division.

**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.

CDCR is requesting to establish a Chief Deputy, Forensic Assessment Division (FAD), CEA position within the BPH to effectively direct the various forensic psychological activities consistent with the mission of the CDCR, BPH, and FAD. The Board's parole hearing process has grown significantly over the several years; the number of scheduled hearings increased 73% in five years (2018-2022). In addition, the role of the Chief Psychologist (currently performing the duties) has also grown significantly, with a heighten public interaction, more than it ever had in the past. As the sole psychologist within BPH executive branch, the FAD develops policies and procedures (previously delineated) which are in accordance with BPH mandates, to include statutes, regulations, court orders, etc., and in compliance with professional and ethical requirements. Thus, the FAD makes critical policy decisions pertaining to the role and scope of the Forensic Assessment Division and the Board's overall risk assessment process, which significantly informs the Board's and the Governor's decisions about whom can be safely released from state prison.

This classification change will provide equity within BPH and allow for a more inclusive candidate pool due to the Psychologist classification minimum qualification requirements.

### **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.

#### **1. Risk Assessment and Sexually Violent Predator Screening Policy**

The Chief Deputy, Forensic Assessment Division (FAD), provides the Board's suitability hearing panels and the Governor with Comprehensive Risk Assessments to assist in understanding a long-term incarcerated person's potential for future violence and protective factors that could minimize their risk if released to the community. The FAD is responsible for developing new policy, as well as revising existing policy for how evidence-based risk assessment tools are used when providing hearing panels with structured professional judgment, or expert opinions, concerning each person's potential risk for future violence. The FAD also clinically screens eligible persons to determine if they should be referred to the Department of State Hospitals for possible civil commitment under the Sexually Violent Predator Act once they have served their prison sentence.

#### **2. Training**

The FAD determines the training needs of the Department as it relates to the Board of Parole Hearings, Forensic Assessment Division, as well as the onboarding policy for new psychologists. In addition, the FAD provides initial and on-going training for the Board's 21 gubernatorial-appointed board members, 50 administrative law judges, legal division, investigation personnel, and a variety of internal and external stakeholders on the field of violence risk assessment research and the FAD's process for assessment. The FAD often presents information to the Board in public session at the Board's monthly executive board meetings.

#### **3. Forensic Mental Health Assessments**

The FAD develops policies and procedures related to structured risk assessments of incarcerated persons, including but not limited to: selection of risk assessment tools, procedures used to conduct risk assessments, record retention, review and application of legal and ethics mandates, and policies and procedures related to the Board's process for handling objections filed by legal counsel concerning risk assessments in advance of hearings, and provides professional consultation to hearing officers on issues concerning a person's risk as needed during the parole hearing process.

#### **4. Scoring Model and Data Analysis Policy**

The FAD oversees data analyses to ensure scoring calibration of risk assessment instruments, identifies any idiosyncratic scoring (scoring drift), and also provides stakeholders with data-driven evidence to substantiate the importance of structured risk assessment and its predictive validity.

### **C. ROLE IN POLICY INFLUENCE (continued)**

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

The Chief Deputy, Forensic Assessment Division (FAD), exercises high-level policy and decision-making authority for forensic psychological services within CDCR. Decisions made by the FAD directly and indirectly impact adult institutions, parole regions, and department-wide operations. The decisions made by the FAD directly impacts the Board's and the Governor's ability to make evidence-based decisions when determining whether person's who have committed the most serious of crimes can be safely released from prison. The FAD also makes critical decisions regarding clinical screenings of persons under the Sexually Violent Predator Act, which directly impacts adult institutions, the Department of State Hospitals, courts, and local officials statewide.

The consequence of error for the FAD policy decisions is significantly high. The FAD acts independently and has a major role in the development and implementation of CDCR and BPH's policies and procedures impacting the statewide clinical evaluations of persons serving lengthy and life terms, as well as persons eligible for screening under the Sexually Violent Predator Act. The FAD works to ensure the highest level of integrity with all risk-relevant evaluations in an effort to take appropriate action, ensure critical decision-making involving the liberty of incarcerated persons is fair and evidence-based, reduce the Department's and the State of California's civil liability, and avoid costly litigation.

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

The Chief Deputy, Forensic Assessment Division, responsibility is to develop and implement policy for the Forensic Assessment Division of BPH. The Chief Deputy, Forensic Assessment Division, will also be responsible for revising, interpreting, and implementing existing policy.