



Prisoner Advocacy Network

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This handout is not intended to give legal advice, and no attorney-client relationship is created with the Prisoner Advocacy Network (PAN) by using any information in this guide.

How to file a 602 Appeal

People who are in prison or on parole can file an administrative grievance to complain about actions taken by anyone who works for CDCR, about CDCR's performance of policies or procedures, or conditions that affect them. In this letter I explain the steps [name/you] may take to advocate for [name's/your] desired outcome by filing a [CDC Form 602-1 (and subsequent CDC Form 602-2 as needed) - and/or CDC Form 602HC (and subsequent CDC Form 602HC-2 as needed)] (the "602 Form").

During the explanation of the steps below, I referencslacke guides and resources that should be read carefully, and also used to file and track the 602 appeal documents. Those materials are enclosed in this letter, and listed out below my signature at the end of this letter. I encourage you to carefully read all of the enclosed materials entirely before beginning your work. I also encourage you to write out a first draft of any 602 Form that you will use to request and/or advocate for [state the desired outcome], and then proofread it so that [name's/your] request for CDCR is clear.

Exhaustion of Administrative Remedies:

Before you may file a habeas corpus petition or a lawsuit against CDCR related to your issue, you have to exhaust the necessary administrative remedies. "Exhausting administrative remedies" means you (1) document the problem and proposed solution to CDCR by submitting a CDC Form 602-1, CDC Form 602 HC, or CDC Form 1824, and then (2) you appeal CDCR's responses by filing an appeal to CDCR's decision on a CDC Form 602-2 or CDC Form 602 HC-2 through the second-level of review. It is a requirement that you fully exhaust your administrative remedies before bringing a lawsuit because, under California law, CDCR must be given notice and opportunity of the problem you are experiencing so that it may choose whether to fix the problem. If you do not exhaust your administrative remedies, and do not have an excuse the court considers valid, the court will likely reject your lawsuit.

Where to Get a 602 Form:

You should be able to find a CDC Form 602-1, CDC Form 602-2, CDC Form 602 HC, CDC Form 602 HC-2, or CDC Form 1824 in all CDCR housing units, law libraries, and parole offices. I am enclosing for your review Section 3481(f) of Title 15 of the California Code of Regulations and Section 54100.6 of the CDCR Department Operations Manual. These regulations explain CDCR's duty and departmental policy to provide all incarcerated people and parolees with grievance forms so that they may exhaust administrative remedies. The law

requires staff to help you fill out and submit your 602 Form if you have a disability or language barrier that makes it difficult for you to fill out the form on your own.

How to File a 602 Appeal:

New Process: As of June 2020, CDCR is no longer using the informal grievance process. This means, there is no longer a CDC Form 22 Inmate/Parolee Request for Interview. So the first step to complain is to file a CDC Form 602-1. You can try to resolve whatever problem you are experiencing informally before you file paperwork, but keep in mind that there are time limits on filing your CDC Form 602-1, and any attempts you may make for informal resolution will not stop the clock on your deadline to file the CDC Form 602-1. In other words, you do not have to try any other options before filing a CDC Form 602-1 grievance and should consider whether you will have time to attempt any other options at all.

30 Day Time Period To File 602 Form: You must submit the 602 Form within 30 calendar days after you know (or reasonably should have known) about the problem, policy, decision, action, condition or omission that you want to challenge or submit a complaint about.

However, if you experience sexual assault, sexual misconduct, or sexual harassment by CDCR staff or other people in prison, you can still file a CDC Form 602-1 to make CDCR aware of the problem, **but there is no deadline**. This type of complaint is called a Prison Rape Elimination Act or PREA appeal.

Please note that there are other processes and forms for health care-related grievances.

One Problem/Issue/Complaint Per 602 Form: You can only submit a complaint about one CDCR or staff member policy, decision, action, condition, omission, or problem that you want to challenge in a 602 Form. Every problem or complaint requires that you submit a new 602 Form. Check Title 15 for the limits on how often you can file forms.

Steps to Submit a 602 Form:

1. **Fill Out The 602 Form:** When you describe your problem and what you want to happen, give at least the following info: What is the problem? When and where did it happen? Who was involved and what did they do? Can anyone else contribute evidence, and what kind? Did you try to resolve the issue informally with CDCR already (if yes, what did you do when, and what happened)? What law are you relying on? List out any regulation, policy, statute, constitution section, or case law that you think has been violated. Also, say the action you want CDCR to take to resolve the complaint.

If there are any documents that would support your position, attach copies of them. Do not attach an original version of any document to the 602 Form unless you have no other choice because CDCR will not return the document to you. If you must attach an original version of any document to the 602 Form, make yourself a handwritten copy of the original document (be as accurate as possible in capturing the information and details from the original document).

2. Make a Copy: Make and keep a copy of the 602 Form to save for your personal records (even a handwritten copy if you have no other option).

3. Make a Receipt: Make sure to write down the date and the way that you submitted the form. Keep the receipt with your personal copy of the 602 Form.

4. Submit the 602 Form: Submit the 602 Form to the Institutional Office of Grievances for the prison, facility, or fire camp where you are housed. You should be able to put it in the internal prison mail or in a locked drop box in your unit.

What Happens After You File the CDC Form 602-1?

The Grievance Coordinator for your facility is required to send a notice showing the date that the 602-1 was received within 14 days of receiving it. If your safety is at risk, or there are allegations of sexual misconduct in the 602-1, then the facility has to take “appropriate” steps within 1 day of receiving the 602-1 and must notify you of those steps within 5 days.

Then, the Institutional Office of Grievances has 60 days from the date they received the 602-1 to respond to you. There are many possible responses you may receive, and you can file an appeal for some of them. Responses include: Disallowed, Redirected, Reassigned, Rejected, Disapproved, Approved, and No Jurisdiction. You must appeal these responses in order to exhaust administrative remedies. Responses to the 602-1 that cannot be appealed include: Under Inquiry or Under Investigation, Pending Legal matter, and Time Expired. CDCR considered these responses to mean your administrative remedies have been fully exhausted.

If you do not receive an initial notice from the Grievance Coordinator within about 14-days of submitting the 602-1, or if you do not receive one at all, then you may still be able to show that you have exhausted your administrative remedies. If that occurs, write to the Ombudsman of your facility (or ask a loved one to email or call the Ombudsman) to ask them to share whether the Grievance Coordinator ever received and processed your 602-1. The Ombudsman should be able to inform you of whether administrative remedies have been exhausted.

If you submit a 602-1 as a PREA appeal and the Institutional Office of Grievances does not respond within 5 days, then you can consider this lack of response as a denial of the claim and proceed to submitting a 602-2 appeal.

How To Appeal The 602-1 Decision:

If you are not satisfied with the response from the Institution Office of Grievances, then you should write and submit a CDC Form 602-2 (an appeal of the response to the 602-1).

30 Day Time Period To File CDC Form 602-2: The deadline to appeal a 602-1 is within 30 calendar days after you know (or should reasonably have known) the response from the Institution Office of Grievances.

TIP: Make sure you do not bring up any new issues or problems on the CDC 602-2 Form. Just explain why you are dissatisfied with the response you received, and include any documents

you included the first time around. **REMINDER:** Avoid sending any original documents to CDCR with the 602-2 because you will not get them back.

Mail CDC Form 602-2 to:

Office of Appeals, CDCR
P.O. Box 942883
Sacramento, CA 95811

What Happens After You File the CDC Form 602-2?

The Office of Appeals is required to send a notice showing the date that the 602-1 was received within 14 days of receiving it. If your safety is at risk, or there are allegations of sexual misconduct in the 602-1 and 602-2, then the facility has to take “appropriate” steps within 1 day of receiving the 602-2 and must notify [name/you] of those steps within 5 days.

The Office of Appeals has to complete a written response to you within 60 calendar days of when they received the 602-2. Their response has to be mailed to you and placed in your Central File. If the Office of Appeals grants the 602-2, then the remedy must take place no more than 30 days after the decision is sent to you. However, if the remedy is granted but then is never carried out, you will have to file a CDC 602-3 Form. If the Office of Appeals rejects or denies the 602-2, then you have fully exhausted administrative remedies and you can start a lawsuit against CDCR.

Can Your Loved One Use the Internal Grievance Process?

Non-incarcerated people cannot submit 602 Forms on behalf of an incarcerated person. Non-incarcerated people can file form CDCR 2142, entitled the “Citizen’s Complaint Against Employees of CDCR” with the Office of Internal Affairs. They can also submit complaints of their own to the warden or Director of the Division of Adult Institutions (“DAI”). Common grievances or problems are about prison visits (governed by Title 15, Code of Regulation § 3179(b)-(c)), mail (governed by Title 15, Code of Regulation § 3137(c)), or other problems with staff misconduct (governed by Title 15, Code of Regulations § 3391). If the problem relates to a particular CDCR staff member, or CDCR practice or procedure at your facility, then your loved one should write to the warden. If the problem is more broad, such as a department policy or regulation, then your loved one should write to the DAI.

Note on complaints against employee conduct: employees have to be courteous and professional in dealing with prisoners and loved ones. They are not allowed to use derogatory names or improper language. Loved ones may file complaints against a guard or staff member within 12 months of the date of the misconduct. These complaints should be submitted to the warden or parole administrator or Office of Internal Affairs.

Any letter to the warden should be sent to the “staff” mailing address for the facility--this information can be accessed on the facility’s webpage on the Internet. If your loved one does not receive a response from the warden within 15 days, then they should follow-up with the warden

again in writing to request a response to the original letter or call. If your loved one is unhappy with the warden's response, then your loved one can appeal the warden's decision to the DAI.

The DAI is required to respond within 20 days of receiving the letter.

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We at PAN understand that you are experiencing extreme conditions of confinement during the global COVID-19 pandemic. We also understand that you are displaying great courage and resilience in seeking to better your living circumstances by fighting for your rights. PAN applauds your advocacy efforts and hopes that this letter and enclosures will be useful. Please take care.

In Solidarity,
Prisoner Advocacy Network
Under the Supervision of Jesse Stout, Esq. (CA Bar No. 284544)