

Appeal

904.1 PURPOSE AND SCOPE

The purpose is to establish and implement written policy and procedures for appeal of the Board of State and Community Corrections (BSCC) application and enforcement of standards and regulations governing juvenile facilities. This policy applies to all juvenile facility staff.

904.2 AUTHORITY AND REFERENCES

- Board of State and Community Corrections Title 15 § 1314;
- Welfare and Institutions Code §§ 209, 210 & 885.

904.3 POLICY

The Chief Probation Officer may file an appeal with the Executive Director and the BSCC on the basis of alleged misapplication, capricious enforcement of regulations or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.

904.4 LEVELS OF APPEAL

There are two levels of appeal as follows:

- (a) Appeal to the Executive Director; and
- (b) Appeal to the BSCC.

904.5 APPEAL TO THE EXECUTIVE DIRECTOR

If a county, city, city and county or joint juvenile facility is dissatisfied with an action of the BSCC staff, it may appeal the cause of the dissatisfaction to the Executive Director. Such appeal shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied.

The appeal shall be in writing and:

- (a) State the basis for the dissatisfaction;
- (b) State the action being requested of the Executive Director; and
- (c) Attach any correspondence or other documentation related to the cause for dissatisfaction.

904.5.1 EXECUTIVE DIRECTOR APPEAL PROCEDURES

- (a) The Executive Director shall review the correspondence and related documentation and render a decision on the appeal within 30 calendar days except in those cases where the appellant withdraws or abandons the appeal.
- (b) The procedural time requirement may be waived with the mutual consent of the appellant and the Executive Director.

Appeal

- (c) The Executive Director may render a decision based on the correspondence and related documentation provided by the appellant and may consider other relevant sources of information deemed appropriate.

904.5.2 EXECUTIVE DIRECTOR'S DECISION

- (a) The decision of the Executive Director shall be in writing and shall provide the rationale for the decision.

904.6 REQUEST FOR APPEAL HEARING BY BSCC

If a county, city, city and county or joint juvenile facility is dissatisfied with the decision of the Executive Director, it may file a request for an appeal hearing with the BSCC. Such appeal shall be filed within 30 calendar days after receipt of the Executive Director's decision.

The request shall be in writing and:

- (a) State the basis for the dissatisfaction;
- (b) State the action being requested of the BSCC; and
- (c) Attach any correspondence related to the appeal from the Executive Director.

904.6.1 BSCC HEARING PROCEDURES

- (a) The hearing shall be conducted by a hearing panel designated by the Chairperson of the BSCC at a reasonable time, date and place, but not later than 21 days after the filing of the request for hearing with the BSCC, unless delayed for good cause. The BSCC shall mail or deliver to the appellant or authorized representative a written notice of the time and place of hearing not less than 7 days prior to the hearing.
- (b) The procedural time requirements may be waived with mutual consent of the parties involved.
- (c) Appeal hearing matters shall be set for hearing, heard and disposed of by a notice of decision within 60 days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued for what is determined by the hearing panel to be good cause.
- (d) An appellant may waive a personal hearing before the hearing panel and, under such circumstances; the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.
- (e) The hearing is not formal or judicial in nature. Pertinent and relative information, whether written or oral, shall be accepted. Hearings shall be tape recorded.
- (f) After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the BSCC at its next regular public meeting.

904.6.2 BSCC DECISION

The BSCC, after receiving the proposed decision, may:

- (a) Adopt the proposed decision;
- (b) Decide the matter on the record with or without taking additional evidence; or

Riverside County Probation Department

Policy Manual

Appeal

- (c) Order a further hearing to be conducted if additional information is needed to decide the issue.

The notice of a new hearing ordered, notice of decision or other such actions shall be mailed or otherwise delivered by the BSCC to the appellant.

The record of the testimony exhibits, together with all papers and requests filed in the proceedings and the hearing panel's proposed decision, shall constitute the exclusive record for decision and shall be available to the appellant at any reasonable time for one year after the date of the BSCC's notice of decision in the case.

The decision of the BSCC shall be final.

Date last reviewed: 05/24/2019

Date(s) revised: 05/24/2019

02/04/2016

07/11/2014

05/23/2011

04/26/2010

08/06/2009

Created: 01/24/2008

Attachments: None