



FOR INFORMATIONAL PURPOSES
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Proposition 57 – Public Safety and Rehabilitation Act of 2016

Summary

Proposition 57 is a ballot measure that was overwhelmingly approved by voters in the November 2016 election (64% to 35%) to enhance public safety, to stop the revolving door of crime by emphasizing rehabilitation, and to prevent federal courts from releasing prisoners. It also will require judges, rather than prosecutors, to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court. It establishes a parole consideration process for non-violent offenders who have served the full term for their primary criminal offense and who demonstrate that they should no longer be considered a current threat to public safety. It also gives inmates the opportunity to earn additional credits for good behavior and participation in rehabilitative, educational, and career training programs, so they are better prepared to succeed and less likely to commit new crimes when they re-enter our communities.

CDCR is currently under a Federal court-ordered prison population cap of 137.5 percent of design capacity. In order to stay below the cap, CDCR has used a variety of measures, including adding new bed and programming space and building the new California Health Care Facility in Stockton. Proposition 57 will help CDCR avoid unearned, court-ordered inmate releases and instead will require behavior and program participation as well as achievement and accountability.

Proposition 57 Regulations Update

On March 20, 2018 CDCR submitted the final regulations for Proposition 57 to the Office of Administrative Law (OAL) for review. These were approved on May 1, 2018, which concluded the regulatory process making them permanent regulations.

[You can view the Proposition 57 final regulations here](#) and you can view CDCR's [Final Statement of Reasons here](#).

Juvenile Justice

Proposition 57 amended the law to require judges, rather than prosecutors, to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court.

Non-Violent Offender Parole Consideration

Proposition 57 created a process for non-violent offenders, as defined by the California Penal Code, who have served the full term for their primary offense to be considered for parole by the Board of Parole Hearings (BPH). This does not mean that inmates are automatically granted parole. The inmate's behavior will be reviewed and considered by

BPH. The commissioners may find that inmate suitable for parole if they believe he or she does not pose a current threat to public safety.

For additional information regarding the Nonviolent Parole Process, [you can view the FAQs here.](#)

Credit Earning and Revocation

By giving inmates – a vast majority of whom will eventually return to our communities – incentives to improve their lives through education, career training and rehabilitation, we are giving them tools they need to succeed once they reenter society, and that will improve public safety.

Under the Proposition 57 regulations, inmates will be able to earn credits for good behavior and if they complete approved rehabilitative or educational programs. Credits will be applied prospectively with the exception of Educational Merit Credit, which will apply retrospectively if earned during the inmate's current term of incarceration. Condemned inmates and inmates sentenced to life without the possibility of parole will continue to be excluded from any credit-earning.

CDCR can revoke credits, with the exception of Educational Merit Credits, if an inmate violates prison rules. Inmates have the right to appeal any revocation of credit and the credits will be restored if the disciplinary action is reversed as a result of a successful administrative appeal or court action.

Good Conduct Credits (GCC)

- Inmates currently earn Good Conduct Credits if they comply with prison rules and perform duties as assigned.
- Proposition 57 increases the amount of Good Conduct Credits inmates can earn.

Milestone Completion Credits (MCC)


- Inmates can earn Milestone Completion Credits when they complete a specific education or career training program that has attendance and performance requirements.
- Proposition 57 increases the amount of time inmates can earn for Milestone Completion Credits from 6 weeks per year to 12 weeks.

Rehabilitative Achievement Credits (RAC)

- Inmates can earn Rehabilitative Achievement Credits when they participate in approved self-help groups or other activities which promote the rehabilitation or positive change in behavior of inmates.
- Inmates can earn up to 4 weeks of credit per year.

Educational Merit Credits (EMC)

- Inmates can earn Educational Merit Credits for successful completion of the following:
 - high school diploma or high school equivalency approved by the California Department of Education

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- higher education degrees such as an AA or a BA
 - the Offender Mentor Certification Program
 - A one-time credit is awarded for each level of educational achievement earned during the inmate's current term.

For additional information about credit earning opportunities, [you can view the FAQs here.](#)



Proposition 57: Credit-Earning for Inmates Frequently Asked Questions (FAQ)

(Updated May 2018)

Overview of Proposition 57

On November 8, 2016, California voters overwhelmingly passed Proposition 57 (64% to 35%), which gives California Department of Corrections and Rehabilitation (CDCR) inmates the ability to earn additional credits for good behavior and for approved rehabilitative or educational achievements. Under Proposition 57, the department incentivizes inmates to take responsibility for their own rehabilitation; promote public safety by encouraging inmates to pursue educational, vocational, and self-improvement activities; and reduce recidivism by increasing the likelihood that inmates will successfully transition back into our communities.

Proposition 57 regulations were approved for permanent adoption by the Office of Administrative Law (OAL) and filed with the Secretary of State's Office on May 1, 2018. This was the last step in codifying the regulations, which were implemented gradually last year after being approved on a temporary emergency status in April 2017.

What are the credits inmates can earn under Proposition 57?

Inmates are expected to maintain good behavior, work or participate in approved rehabilitative programs and activities to give them tools and skills for their eventual return to society. Under Proposition 57, inmates who comply with the rules, avoid violence, and perform duties assigned to them, are eligible to earn Good Conduct Credits. Inmates who participate in approved rehabilitative and educational programs shall be eligible to earn Milestone Completion Credits, Rehabilitative Achievement Credits, or Educational Merit Credits. Inmates who perform a heroic act in a life threatening situation may be eligible to receive the Extraordinary Conduct Credits. All credits except for Educational Merit and Extraordinary Conduct Credits will be applied prospectively.

What will do the expanded credit-earning opportunities do for inmates?

Credits earned for good conduct and rehabilitative and educational achievements can advance an inmate's release date if sentenced to a determinate term, or advance an inmate's initial parole hearing date if sentenced to an indeterminate term with the possibility of parole. *(Note: A determinate term is a sentence of specified length. An indeterminate term is a sentence of unspecified length which ends only when the inmate is granted parole by the Board of Parole Hearings.)* Inmates who violate prison rules will forfeit credits.

Who is eligible?

Credit-earning opportunities are available to all inmates, including those housed in contract facilities, as well as those in administrative segregation housing, security housing and psychiatric services units. Inmates not eligible for credits under Proposition 57 include condemned inmates and those serving sentences of life without the possibility of parole.



What are Good Conduct Credits under Proposition 57?

Good Conduct Credits are awarded to eligible inmates who comply with all the rules within a prison and perform the duties as assigned on a regular basis. Effective May 1, 2017, Good Conduct Credits were amplified according to the following table:

Good Conduct Credits Table (GCC):

Inmates Eligible	Prior to Prop. 57 GCC Credits	Prop. 57 GCC Credits
• Violent offenders serving determinate sentences or indeterminate life sentences	Zero to 15%	20%
• Nonviolent second- and third-strikers	Zero to 33.3%	33.3%
• Day-for-day offenders	50%	50%
• Offenders with violent offenses completed fire fighter (FF) training for assignment to Camp or a Firehouse and inmates assigned to Fire Camp in support positions (non-FF positions).	15%	50%
• Nonviolent offenders' assignment to Camp or a Firehouse and inmates assigned to Fire Camp in support positions (non-FF positions).	33.3%	66.6%
• Day-for-day minimum-custody offenders These inmates receive enhanced credit based on Minimum Custody, and do not require FF training or camp placement to receive enhanced GCC.	66.6%	66.6%

What are Milestone Completion Credits?

Under Proposition 57, the Milestone Completion Credits were expanded to 12 weeks in a 12-month consecutive period effective August 1, 2017. Milestone Completion Credits are awarded to eligible inmates for successful completion of approved rehabilitative or educational programs designed to better prepare them to find employment upon release and thereby reduce recidivism. They are also awarded for achievement of a distinct objective based on instruction and classwork time.

What are Rehabilitative Achievement Credits?

Thousands of self-help and volunteer public service activities offered in California prisons are intended to provide meaningful rehabilitative programming to our inmate population. Some examples include alcohol and substance abuse prevention, anger management, anti-gang life skills, victim awareness, and best parenting practices, to name a few. Many of these self-help activities fall under the Rehabilitative Achievement Credits, and effective August 1, 2017, inmates are able to receive up to one week of credit for every 52 hours of participation in approved programs, for up to a maximum of four weeks of credit for 208



hours of participation in a twelve month period. CDCR's Division of Adult Institutions and the prisons' Wardens approve the programs, which must be organized to achieve educational or rehabilitative goals, and be sponsored by department staff or volunteers.

What are Educational Merit Credits?

Educational Merit Credits recognize the achievements of inmates who earn the following:

- a high school diploma or high school equivalency approved by the California Department of Education (current options include the following exams: GED, HiSET, and TASC);
- higher education degrees, such as an AA or a BA;
- the Offender Mentor Certification Program

High school and high school equivalency completion awards inmates 90-days of credit. Inmates can earn 180-days of credits for higher education degrees and the OMCP. This once-in-a-lifetime credit, which came into effect on August 1, 2017, may be awarded for each level of educational achievement; and the achievement must be completed during the inmate's current term of incarceration. At least fifty-percent of the credit toward a college-level degree must be earned from a regionally accredited institution while an inmate is in prison on his or her current term. Because it can take years to earn an educational degree, inmates who achieve that goal will be given three-to-six months of credit, which will be applied retroactively if the degree has been completed during the inmate's current term of incarceration.

What are Extraordinary Conduct Credits?

The Extraordinary Conduct Credit is an existing type of credit where an inmate may be granted up to twelve additional months of reduction of a sentence, under the approval of the Director of the Division of Adult Institutions, if they have performed a heroic act in a life-threatening situation, or have provided exceptional assistance in maintaining the safety and security of a prison.

Can an inmate lose credits?

CDCR can forfeit Good Conduct, Milestone Completion, and Rehabilitative Achievement Credits as a result of disciplinary infractions and rules violations. Educational Merit and Extraordinary Conduct Credits are not subject to forfeiture for disciplinary reasons.



Proposition 57: Nonviolent Parole Process Frequently Asked Questions

(Updated May 2018)

What is the Proposition 57 nonviolent parole process?

When Proposition 57 was overwhelmingly approved by California voters on November 8, 2016, it authorized the California Department of Corrections and Rehabilitation (CDCR) to develop regulations in conjunction with the Board of Parole Hearings (board) that create a parole consideration process for nonviolent offenders who have served the full-term of their primary offense in state prison.

Nonviolent offenders have served the full-term of their primary offense when they have served the longest term of imprisonment imposed by a court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence. The full-term of a primary offense does not include post-sentencing credits.

Proposition 57 does not create a right for nonviolent offenders to parole from prison. It gives the board the authority to review eligible offenders in prison and, if they no longer pose an unreasonable threat of violence or threat of significant criminal activity, approve their release to community supervision.

When did the Proposition 57 nonviolent parole process take effect?

July 1, 2017.

How are eligible inmates referred to the board?

If an inmate is determined to be an eligible nonviolent offender, he or she will be screened for possible referral to the board no later than 35 days prior to serving the full term of his or her primary offense. Only those inmates who pass CDCR's rigorous public-safety screening criteria will be referred to the board. If an inmate does not pass the public-safety screening process, he or she will be screened again one year later.

What is the notification process for inmates?

Eligible inmates are notified of the results of the public-safety screening process and, if referred to the board, provided information about the nonviolent offender parole process, including the opportunity to submit a written statement to the board.

Which inmates will be eligible?

All inmates are eligible for the nonviolent parole consideration process except those who are:

- condemned;
- currently incarcerated for a term of life without the possibility of parole;
- currently incarcerated for a term of life with the possibility of parole for a violent felony;
- currently serving a determinate term prior to beginning a term of life with the possibility of parole or prior to beginning a term for an in-person offense that is a violent felony;
- currently serving a term of incarceration for a violent felony;



- currently serving a term of incarceration for a nonviolent felony offense after completing a concurrent determinate term for a violent felony;
- convicted of a sexual offense that currently requires or will require registration as a sex offender under the Sex Offender Registration Act.

Can victims and prosecutors participate in the review process?

Yes. Within five business days of referral by CDCR, the board will notify victims registered with CDCR's Office of Victim and Survivor Rights and Services and the prosecuting agency or agencies, and provide them an opportunity to submit a written statement. Recipients will have 30 calendar days after the board issued the notification to submit a written statement to the board.

How does the board reach a decision?

A Deputy Commissioner at the board conducts an administrative review to determine if the offender's release to community supervision would pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity. The review will include information such as the offender's criminal history, institutional behavior, rehabilitation efforts, and any written statements received from the inmate, victims, or prosecutor. As in the nonviolent second-striker process, no hearing will be scheduled.

How soon will inmates be released to community supervision if approved by the board?

CDCR will release approved nonviolent offenders 60 calendar days after the board's decision. During that time, CDCR and the board will conduct all statutorily required pre-release reviews, such as checks for warrants, detainers, or other legal holds. In addition, CDCR and the board will conduct all statutorily required notifications, such as victim, prosecutor, and law enforcement notifications.

Who will supervise offenders approved for release to community supervision?

Supervision in the community will be conducted by the Division of Adult Parole Operations (DAPO) or a county probation department.

Can a board decision be reversed?

Yes. Inmates may request review of a board decision within 30 calendar days of the inmate being served the decision. The board will then review the original decision and determine whether to uphold or vacate it. Inmates, registered victims, and prosecutors will be notified of the outcome. In addition, the board may at any time prior to the inmate's release, review its decision if the decision contained an error of law, an error of fact, or if the board receives new information that would have materially impacted the previous decision had it been known at the time the decision was issued.

Can the Governor reverse the board's decision?

No, unlike the board's parole decisions regarding life-term inmates, the board's decisions regarding nonviolent offenders eligible for parole consideration under Proposition 57 are not subject to gubernatorial review.



CDCR's Inmate Locator: Phase II Expansion

Frequently Asked Questions (FAQ)

(October 20, 2017)

Overview

When Proposition 57 was approved by voters in November 2016, it gave the California Department of Corrections and Rehabilitation (CDCR) the responsibility of developing and implementing regulations to increase credit-earning opportunities for inmates based on good behavior and program participation. Many inmates are now eligible for parole consideration or release at different times than when they were originally sentenced to prison. The proposition also allowed the Board of Parole Hearings (BPH) to consider nonviolent felons for parole who have served the full-term of the sentence for their primary offense, and who demonstrate they should no longer be considered a current threat to public safety.

In order to give inmate families, victims, law enforcement, and the public clear information about the impact of these changes to individual inmates, CDCR is expanding its Inmate Locator in different phases. On September 27, 2017, the Inmate Locator began displaying up-to-date information on an inmate's release date or eligibility date for parole consideration by the BPH.

In that same spirit of transparency, CDCR continued this expansion on October 20th to share more detailed information about specific proceedings that are completed, pending completion, or will be scheduled in the future by the BPH for inmates who are eligible for consideration under one of the BPH's parole processes.

What is CDCR's Inmate Locator?

The Inmate Locator is found on CDCR's public website, and allows anyone to search for an inmate by name or CDCR number to see where the inmate is being housed. It also provides the inmate's age, CDCR number, admission date, and his or her earliest parole eligible date. It also displays the address and driving directions to the institution where the inmate is currently housed.

What is being added to the Inmate Locator?

The Inmate Locator now includes more information about an inmate's past, pending, and future parole actions by the BPH. There is now a link to "*View Board of Parole Hearings' Actions*" that appears in the search results for inmates who have been involved in the BPH's parole processes or will be scheduled for one of the BPH's parole processes in the future. For example, it lists the dates of parole hearings that have occurred and whether the inmate was granted or denied parole. It also shows any decisions by the BPH to advance an inmate's next parole hearing date, postpone a parole hearing, as well as decisions to approve or deny release under the Prop. 57 nonviolent parole review process. Other BPH actions that will be displayed include parole hearing decisions reviewed by the full BPH, Penal Code section 1170 actions, parole rescission hearings, and parole reconsideration hearings.

Why was the Inmate Locator expanded to include parole consideration eligible dates?
Many inmates are now eligible for parole consideration or release at different times than when they were originally sentenced to prison. There are several reasons for this, including the



passage of the Public Safety and Rehabilitation Act of 2016 (Proposition 57), which created new credit-earning opportunities for inmates, as well as the nonviolent offender parole review process; the passage of new laws, such as Senate Bills 260 and 261 for youthful offenders; and implementation of court-ordered programs, such as the elderly parole program. In order to give inmate families, victims, law enforcement, and the public clear information about the impact of these changes to individual inmates, CDCR expanded its Inmate Locator to display each inmate's earliest parole eligible date. Only the month and year will be displayed.

How is a parole consideration eligible date determined?

The parole eligible date displayed for each inmate is the earliest date the inmate was or will be eligible for release or parole consideration by BPH as of the day the inmate is looked up. For example, a determinately sentenced inmate who was immediately eligible for referral to BPH under the nonviolent offender parole review process when it went into effect on July 1, 2017, and who was not previously eligible for any other parole consideration process by BPH will have "7/2017" listed as his or her parole eligible date.

Similarly, an inmate who was immediately eligible for a youth offender hearing when Senate Bill 260 went into effect on January 1, 2014, and who was not previously eligible for any other parole consideration process will have "1/2014" displayed as his or her parole eligible date.

A life-term inmate who was first eligible for a parole suitability hearing in February 2010 will have "2/2010" displayed as his or her parole eligible date, even though he or she may also be eligible for consideration as youth offender or under the elderly parole program at his or her parole hearings.

What other information is displayed?

The following information is displayed for most inmates: name, CDCR number, current age, latest admission date to CDCR, current location (with link to a map of location), parole consideration eligible date (month and year only), information about the parole eligible date explaining if the date is based on a release date, or the date the inmate was (or will be) first eligible for parole consideration by BPH, as a life-term inmate, youth offender, nonviolent offender, or under the elderly parole program.

Is information available for life without the possibility of parole or condemned inmates?

Inmates serving a sentence of life without the possibility of parole will not have a parole consideration eligible date or parole actions displayed. The Inmate Locator will instead display: *"The inmate shown above was sentenced to life without the possibility of parole, and is therefore not eligible for parole consideration at this time."*

Similarly, condemned inmates will not have a parole consideration eligible date or parole actions displayed. Instead, the Inmate Locator will display: *"The inmate shown above was sentenced to death and is therefore not eligible for parole consideration."*

Are all inmates included in CDCR's Inmate Locator?

The overwhelming majority of California inmates are included in CDCR's Inmate Locator. To be included, inmates must be under the custody and jurisdiction of CDCR. Inmates who are in a community correctional facility, fire camp, or other facility that is not a prison is included in the



Inmate Locator, but their specific location is not disclosed. Inmates who have been released or who are no longer under the custody and jurisdiction of CDCR are not included. Inmates under witness protection, or who are being housed under special circumstances for their own safety are also not included in CDCR's Inmate Locator.

How often is the information updated?

The information will be updated on a timely and regular basis. The Inmate Locator will specifically indicate the date that the information was updated.

THE PUBLIC SAFETY AND REHABILITATION ACT OF 2016

SECTION 1. Title.

This measure shall be known and may be cited as "The Public Safety and Rehabilitation Act of 2016."

SEC. 2. Purpose and Intent.

In enacting this Act, it is the purpose and intent of the people of the State of California to:

1. Protect and enhance public safety.
2. Save money by reducing wasteful spending on prisons.
3. Prevent federal courts from indiscriminately releasing prisoners.
4. Stop the revolving door of crime by emphasizing rehabilitation, especially for juveniles.
5. Require a judge, not a prosecutor, to decide whether juveniles should be tried in adult court.

SEC. 3. Section 32 is added to Article I of the California Constitution, to read:

SEC. 32. (a) The following provisions are hereby enacted to enhance public safety, improve rehabilitation, and avoid the release of prisoners by federal court order, notwithstanding anything in this article or any other provision of law:

(1) Parole consideration: Any person convicted of a non-violent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term for his or her primary offense.

(A) For purposes of this section only, the full term for the primary offense means the longest term of imprisonment imposed by the court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence.

(2) Credit Earning: The Department of Corrections and Rehabilitation shall have authority to award credits earned for good behavior and approved rehabilitative or educational achievements.

(b) The Department of Corrections and Rehabilitation shall adopt regulations in furtherance of these provisions, and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.

SEC. 4. Judicial Transfer Process.

Sections 602 and 707 of the Welfare and Institutions Code are hereby amended.

Section 602 of the Welfare and Institutions Code is amended to read:

602. (a) Except as provided in ~~subdivision (b)~~ Section 707, any person who is under 18 years of age when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based

solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.

~~(b) Any person who is alleged, when he or she was 14 years of age or older, to have committed one of the following offenses shall be prosecuted under the general law in a court of criminal jurisdiction:~~

~~(1) Murder, as described in Section 187 of the Penal Code, if one of the circumstances enumerated in subdivision (a) of Section 190.2 of the Penal Code is alleged by the prosecutor, and the prosecutor alleges that the minor personally killed the victim.~~

~~(2) The following sex offenses, if the prosecutor alleges that the minor personally committed the offense, and if the prosecutor alleges one of the circumstances enumerated in the One Strike law, subdivision (d) or (e) of Section 667.61 of the Penal Code, applies:~~

~~(A) Rape, as described in paragraph (2) of subdivision (a) of Section 261 of the Penal Code.~~

~~(B) Spousal rape, as described in paragraph (1) of subdivision (a) of Section 262 of the Penal Code.~~

~~(C) Foreible sex offenses in concert with another, as described in Section 264.1 of the Penal Code.~~

~~(D) Foreible lewd and lascivious acts on a child under 14 years of age, as described in subdivision (b) of Section 288 of the Penal Code.~~

~~(E) Foreible sexual penetration, as described in subdivision (a) of Section 289 of the Penal Code.~~

~~(F) Sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code, by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.~~

~~(G) Lewd and lascivious acts on a child under 14 years of age, as defined in subdivision (a) of Section 288, unless the defendant qualifies for probation under subdivision (d) of Section 1203.066 of the Penal Code.~~

Section 707 of the Welfare and Institutions Code is amended to read:

707. (a)(1) In any case in which a minor is alleged to be a person described in subdivision (a) of Section 602 by reason of the violation, when he or she was 16 years of age or older, of any felony criminal statute, or ordinance except those listed in subdivision (b), or of an offense listed in subdivision (b) when he or she was 14 or 15 years of age, the District Attorney or other appropriate prosecuting officer may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction, upon The motion of the petitioner must be made prior to the attachment of jeopardy. Upon such motion, the juvenile court shall cause order the probation officer to investigate and submit a report on the behavioral patterns and social history of the minor, being considered for a determination of unfitness. The report shall include any written or oral statement offered by the victim pursuant to Section 656.2.