



FOR INFORMATIONAL PURPOSES
MAY 2018

CONTACT: (916) 445-4950

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](#).