

INITIAL STATEMENT OF REASONS:

The California Department of Corrections and Rehabilitation (CDCR) proposes to amend Section 3043 of the California Code of Regulations (CCR), Title 15, Division 3, governing inmate credit earning.

On October 26, 2009, Governor Schwarzenegger signed into law legislation (Senate Bill (SB) X3-18), which amended Penal Code section 2933 and created new section 2933.05. This law directly affects an inmate's credit earning and eligibility status.

Penal Code section 2933.05 allows the Department to award an eligible inmate milestone completion credits to reduce his or her term of confinement in increments of not less than one week, but no more than six weeks, in a twelve-month period for completion of an approved rehabilitative program performance milestone. Each identified program is subdivided into milestones (components), for which credit will be awarded upon completion.

In 2010 the CDCR adopted and/or amended regulations to be in compliance with SBX3-18. However, inmates who had participated in the Mental Health Services Delivery System at the Enhanced Outpatient Program (EOP) level of care were inadvertently excluded from earning milestone completion credits for completing required EOP treatment programs. The Milestone Completion Credit Schedule did not reflect any treatment programs which the EOP inmates could earn milestone completion credits upon successful completion of the specified program. These regulations acknowledge treatment programs and give eligible EOP inmates the opportunity to earn completion credits.

CDCR has revised the Milestone Completion Credit Schedule to include EOP group module treatment Benchmarks 1 through 4. With these components added to the schedule, EOP inmates who are eligible to earn milestone completion credits now have the ability to earn these credits for successful completion of their required EOP treatment programs. The ability to earn milestone completion credits provides a positive incentive for the EOP inmates to participate and successfully complete the required treatment in accordance with their mental health treatment plan and aid in their successful reintegration into society and reduce their chances of recidivism.

CONSIDERATION OF ALTERNATIVES:

The Department must determine that no reasonable alternatives considered, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department has made an initial determination that no reasonable alternatives to the regulation have been identified or brought to the attention of the Department that would lessen any adverse impact on small business.

Currently, no reasonable alternatives have been brought to the attention of the Department that would alter the Department's initial determination.

ECONOMIC IMPACT ASSESSMENT

CDCR has made an initial determination that this action will not have a significant adverse economic impact on business. Additionally, there have been no facts, evidence, documents, testimony, or other evidence provided that would alter the Department's initial determination.

In accordance with Government Code Section 11346.3(b), the CDCR has made the following assessments regarding the proposed regulations:

Creation or Elimination of Jobs within the State of California

The Department has determined these regulations will have no impact on the creation or elimination of existing jobs or businesses within California because those jobs or businesses are not affected by the internal management of prisons

Creation of New Businesses or Elimination of Existing Businesses within the State of California

The Department has determined these regulations have no effect on the creation of new or elimination of existing businesses within the State of California because those businesses are not affected by the internal management of prisons.

Expansion of Business Currently Doing Business within the State of California

The Department has determined these regulations have no effect on the expansion of businesses currently doing business within the State of California because they are not affected by the internal management of prisons.

BENEFITS OF THE REGULATIONS

The proposed regulatory action will benefit eligible offenders by allowing them the opportunity to participate and successfully complete the required treatment in accordance with their mental health treatment plan, which will aid in their successful reintegration into society and reduce their chances of recidivism.

REPORTS RELIED UPON

The Department, in proposing amendments to these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

Specific Purpose and Rationale for Each Section, Per Government Code 11346.2(b)(1):

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 3.5. Credits

3043. Credit Earning

Subsections 3043 through 3043(c)(3) are unchanged.

Subsection 3043(c)(4) is amended to include EOP group module treatment as an eligible Milestone Completion Credit Schedule program. This is necessary to provide eligible inmates who participate in the Mental Health Services Delivery System at the EOP level of care the ability to earn standardized milestone completion credits for successful completion of EOP group module treatment sessions.

Subsection 3043(c)(5) is amended to include EOP group module Benchmarks 1 through 4 completions and the performance measurement necessary for attainment. This is necessary to establish authorized programs eligible for milestone completion credit earning and a minimum standard for completion as there is no standardized testing components for EOP group module treatment.

Subsection 3043(c)(6) is amended to include a revised Milestone Completion Credit Schedule, Rev. 04/14, which is incorporated by reference into these regulations and a copy made available to the public. This revision is necessary to ensure EOP group module treatment Benchmarks 1 through 4 are included in the schedule; each benchmark is identified with a program code; and the most recent schedule is reviewed and utilized by inmates, staff, and members of the public.

Subsections 3043(c)(70 through 3043(11)(i) are unchanged.