

INITIAL STATEMENT OF REASONS:

The California Department of Corrections and Rehabilitation (CDCR) proposes to amend sections 3043 and 3044 of the California Code of Regulations (CCR), Title 15, Division 3, governing inmate credit earning and inmate work groups.

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

PC 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 divided into milestones (components), for which credit will be awarded upon completion.

In 2010, the CDCR adopted regulations to comply with this legislation. The Milestone Completion Credit (MCC) Schedule was created to establish specific programs and credit allotments available to inmates.

In accordance with CCR, Title 15, subsection 3043(c)(1)(B)(6), all changes to the MCC Schedule shall be adopted in compliance with the rulemaking requirements of the Administrative Procedures Act. Therefore, CDCR has revised the Milestone Completion Credit Schedule, which is incorporated by reference into subsection 3043(c), with a revision date of January 2015. The MCC Schedule is amended to include various revisions, additions and deletions. These programs are amended or adopted to provide eligible inmates greater opportunity to participate in programs and to earn MCC upon successful completion. Additionally, new accredited certification programs have been added which provide inmates productive work and skill development opportunities to better prepare them to find employment upon release and thereby reduce recidivism. Many programs have increased the amount of credit an inmate can earn upon completion of specified objectives. Programs have been enhanced to meet changing needs within their respective industries. Specified programs are being discontinued due to changes in certification processes, including switching to on-line testing, which is currently unavailable to inmates. Specified programs have decreased the amount of credit earned for completing objectives because these programs have been separated into basic introduction and core skill level courses to provide the necessary development to the trade which will assist the inmate in transitioning to the next level.

Proposed amendments allow for inmates who participate in any assigned rehabilitative program to be designated Work Group A-1. Additionally, any combination of half-time work assignment and any assigned rehabilitative program shall be designated Work Group A-1. Work Group A-1 is the designation given to an offender whose assignment qualifies as a full time assignment. CDCR is proposing to allow an inmate who participates in any rehabilitation program or combination of rehabilitation program and work assignment to be designated as Work Group A-1 in an effort to incentivize participation in programs benefiting the inmate by increasing their ability to successfully reintegrate into society. Work Group A-1 allows inmates

access to the full range of rehabilitative and other programs, and therefore the most opportunities to earn credits to reduce his/her term of confinement.

Anticipated Benefits

The Department anticipates that these regulations will help to better prepare inmates to find employment upon release and, eventually, to reduce recidivism and overcrowding in California prisons.

Consideration of Alternatives

The Department must determine that no reasonable alternative 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.

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

Determinations of Impact on Business and Small Business

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

The Department has made an initial determination the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony or other evidence provided that would alter the Department's initial determination. The proposed regulations affect the internal management of prisons only, and place no requirements or restrictions on businesses.

Reports/Studies Relied Upon

The Department has not relied upon any technical, theoretical, or empirical study, report, or similar document in proposing these regulations, other than the Economic Impact Assessment (see below).

Economic Impact Assessment

The Department has determined the proposed regulations will have no impact on the creation or elimination of jobs within the state. The proposed regulations affect the internal management of prisons only.

The Department has determined the proposed regulations will have no impact on the creation of new businesses or the elimination of existing businesses within California. The proposed regulations affect the internal management of prisons only, and place no requirements or restrictions on businesses.

The Department has determined the proposed regulations will have no impact on the expansion of businesses currently doing business in California. The proposed regulations affect the internal management of prisons only, and place no requirements or restrictions on businesses.

The Department has determined the proposed regulations may benefit the health and welfare of California residents by reducing recidivism and prison overcrowding. The Department has determined the proposed regulations will have no impact on worker safety or the state's environment as they affect the internal management of prisons only.

Specific Purpose and Rationale for each Section, per Government Code Section 11346.2(b)(1)

Section 3043. Credit Earning.

Section 3043 Presentence through Subsections 3043(c)(5) remain unchanged.

Subsection 3043(c)(6) is amended to establish the new revision date of January 2015 (01/15) for the incorporated by reference Milestone Completion Credit Schedule. The revision is necessary to include added, deleted and amended milestone completions and credits awarded for a variety of programs and courses available to eligible inmates.

Subsections 3043(c)(7) through 3043(i) remain unchanged.

Section 3044. Inmate Work Groups.

Subsections 3044(a) through 3044(b)(2) remain unchanged.

Subsection 3044(b)(2)(A) is amended to establish that any inmate assigned to a Rehabilitative Program, to include but not be limited to: Substance Abuse Treatment, Cognitive Behavioral Treatment, Transitions, Education, Career Technical Education or any combination thereof, shall be designated Work Group A-1. This is necessary to establish that an inmate assigned to any rehabilitative program shall be designated Work Group A-1, regardless of half time or full time assignment. The existing language which specifies that a full time rehabilitative program shall not be less than 3 hours of work participation per programming day is deleted as this provision is no longer a requirement. Additionally, incentivizing participation in programs benefiting the inmate will increase their ability to successfully reintegrate into society and reduce recidivism. Work Group A-1 allows inmates access to the full range of rehabilitative and other programs, and therefore the most opportunities to earn credits to reduce his/her term of confinement.

Subsection 3044(b)(2)(B) is amended to establish that any combination of half-time work assignment and any rehabilitative program as described in subsection (A) above, shall be designated Work Group A-1. This is necessary to promote positive programming as the Department believes inmates who successfully complete any rehabilitative programming increases their ability to successfully reintegrate into society and ultimately reduce recidivism. Work Group A-1 allows inmates access to the full range of rehabilitative and other programs, and therefore the most opportunities to earn credits to reduce his/her term of confinement. Existing language which required that combination assignments meet the same minimum participation as a regular full-time work assignment and each combination half-time assignment required the same minimum participation as a half-time work assignment is deleted as it is no longer required due to amended language in Subsection 3044(b)(2)(A).

Subsections 3044(b)(2)(C) through 3044(j)(3) remain unchanged.