



Proposition 57: The Public Safety and Rehabilitation Act of 2016 Frequently Asked Questions

(Updated November 2017)

What is Proposition 57?

Proposition 57 – The Public Safety and Rehabilitation Act of 2016 – is a ballot measure that was overwhelmingly approved by voters 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 nonviolent 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. Condemned inmates and inmates sentenced to life without the possibility of parole will continue to be excluded from any credit-earning.

Has Proposition 57 been implemented?

Yes. Under the emergency regulations introduced in spring 2017, the expansion of the Good Conduct Credits began on May 1, 2017; the Nonviolent Offender Parole Review Process began on July 1, 2017; and the new and modified credit-earning opportunities for Milestone Completion, Rehabilitative Achievement, Educational Merit, and Extraordinary Conduct went into effect on August 1, 2017.

What is that status of the Proposition 57 regulations?

The Office of Administrative Law (OAL) temporarily approved the Proposition 57 emergency regulations on April 13, 2017, which gave CDCR the authority to implement all the major provisions outlined in the regulations. On September 21, 2017, the OAL approved a 90-day extension to the emergency regulations, and CDCR is in the process of finalizing and codifying them. CDCR issued a re-notice of the regulations on November 29, 2017, which begins the process to finalize the Proposition 57 regulations.

What does Proposition 57 do?

Proposition 57 includes three major components designed to improve the juvenile and adult criminal justice system in California.



- It 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 nonviolent offenders, as defined by California Penal Code, 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 will give 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 on the outside.

What are the credits inmates can earn under Proposition 57?

The current credit-earning system is based on the crime committed. This new system will be based on conduct and participation in programs. CDCR is increasing credits for Good Conduct and Milestone Completion Programs, and introducing credits for Rehabilitative Achievement and Educational Merit. Credits shall be awarded to inmates who participate in qualifying programs and activities successfully, and have sustained good behavior. The credits will serve to 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. Most credits can be forfeited if the inmate violates prison rules.

Who is eligible to receive credits under Proposition 57?

All inmates, except condemned inmates and inmates sentenced to life without the possibility of parole.

Can an inmate lose credits?

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

What is the nonviolent offender parole review process?

All inmates currently serving a conviction for a nonviolent offense as defined by California Penal Code will be able to participate in this parole process. This does not mean that inmates are automatically granted parole. The inmate's behavior will be reviewed and considered by the Board of Parole Hearings (BPH). The commissioners may find that inmate suitable for parole consideration if they believe he or she does not pose a current threat to public safety, and the inmate has served the full-term of the sentence for their primary offense.

Will CDCR be granting "early release" for inmates under Proposition 57?



Proposition 57 does not grant early release, but does give eligible inmates the opportunity to earn additional credits or time off their sentences. Credits can also be earned to advance an inmate's initial parole hearing date if he or she is sentenced to an indeterminate term with the possibility of parole. Credits can also be taken away for breaking prison rules.

How will Proposition 57 affect inmates who are serving time out of state?

Inmates serving criminal sentences under California law but housed in another jurisdiction (such as Western or Interstate Corrections Compact and a correctional facility administered by the Federal Bureau of Prisons), or housed in facilities leased by CDCR, are eligible to earn in Good Conduct Credit, Educational Merit Credit, and Extraordinary Conduct Credit.

Have any inmates been released under Proposition 57?

In October 2017, 1,877 inmates were released per earned Good Conduct Credits towards their advanced release date. These inmates earned an average of almost 95.6 days of additional Good Conduct Credits, since its May 1 implementation.

Under the nonviolent parole process, as of October 31, 2017, 2,706 referrals have been reviewed on the merits, with 495 inmates approved for release and 2,211 denied.

The number of releases under the Milestone Completion, Rehabilitative Achievement, Educational Merit and Extraordinary Conduct Credits will be available at a future date.