



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

*(Updated July 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 last November (64% to 35%) to enhance public safety, to stop the revolving door of crime by emphasizing rehabilitation, and to prevent federal courts from indiscriminately 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.

## **When will Proposition 57 go into effect?**

The juvenile justice provisions have already gone into effect, as well as the implementation of the Good Conduct Credits, which began on May 1, 2017, and the nonviolent parole process, which began on July 1, 2017. Milestone Completion, Rehabilitative Achievement, Educational Merit, and Extraordinary Conduct credits are expected to go into effect on August 1, 2017.

## **How can I submit public comment on the Proposition 57 regulations?**

On Friday, July 14, 2017, CDCR issued a Public Notice, which begins the public comment period for a minimum of 45 days. CDCR invites the public to submit comments regarding Proposition 57 through a variety of ways:

- Written comments may be mailed at:
  - CDCR  
Regulation and Policy Management Branch  
P.O. Box 942883  
Sacramento, CA 94283-0001
- Comments may be sent by FAX to:
  - (916) 324-6075, Attention: Chief, Regulation and Policy Management Branch



- Comments may be e-mailed to:
  - *CDCR-Prop57-Comments@cdcr.ca.gov*

### **Why is Proposition 57 important?**

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 to succeed on the outside, and that’s good for public safety. Additionally, the initiative creates a durable solution to help the department implement common-sense prison population reduction measures and avoid court-ordered inmate releases. Currently, CDCR is under federal court orders to not exceed a prison population of more than 137.5% of design capacity. Without a durable solution, a federal court could release any inmates they choose if the population cap is exceeded.

### **What will 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. [Click here for more information on the Proposition 57 credits](#). 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 will be 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 parole 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.