



## Proposition 57 Frequently Asked Questions

Updated September 11, 2017

### Q: What exactly does Proposition 57 do?

A: Proposition 57 was passed by California voters on November 8, 2016. The law does three main things:

- Ends direct file -- As of November 9, 2016, prosecutors no longer has the right to directly charge a person below the age of 18 as an adult. If they want to charge the youth as an adult, they must go through a juvenile transfer hearing where the district attorney must prove to the judge that the youth should be tried as an adult.
- Nonviolent early parole -- People serving time for a nonviolent felony will be eligible for early parole consideration after they serve their full base term, before serving their enhancement time. It does *not* remove the enhancements or guarantee early release; it only gives people the *opportunity* for early parole if they are serving time for a nonviolent felony.
- Expands credit earning -- Prop 57 also gives CDCR the authority to expand good time credits and credits for completing rehabilitative programs.

### Q: When will Prop 57 take effect?

A: Emergency Regulations were released by CDCR on March 24 and draft Regular Regulations were released on July 14. Both sets of regulations propose Prop 57 going into effect in phases:

- May 1, 2017: Good Time Credit changes take effect;
- July 1, 2017: Nonviolent early parole consideration takes effect;
- August 1, 2017: Milestone, ILTAG, and Educational Merit Credits take effect.

### Q: What are the proposed changes in the Emergency/Regular Regulations?

- Non-violent early parole:
  - Screening for nonviolent parole (to determine if the "nonviolent" offense is eligible) begins July 1, 2017
  - Parole process will be a "paper process" (called a "Public Safety Screening"), not a formal hearing
  - People who have to register as sex offenders and Nonviolent Third-Strikers/Lifers are not eligible
  - People with a violent enhancement are not eligible
  - The "Public Safety Screening" for people with eligible nonviolent offenses begins *after their base term is up*, and if they are found suitable, they will be notified by their counselors and released after 60 days.

#### Credit-Earning:

Good Time Credit changes effective May 1, 2017:

People Eligible	Old Credits	New Credits
People with violent offenses and/or Lifers	0%-15%	20%
Nonviolent Second and Third Strikers	0%-33.3%	33.3%
Day-for-day offenders	50%	50%
People with violent offenses in fire camps	15%	50%
Day-for-day minimum custody offenders & nonviolent offenders in fire camps	33.3%-66.7 %	66.7%

Milestone Credits/Credit Earning Effective August 1:

- Everyone in prison, except people on death row or LWOP, will be eligible for Milestones, and will earn a max of 12 weeks per year (up from 6 weeks),
- Participation in Inmate Leisure Time Activity Groups (ILTAGs) will earn a max of 4 weeks off per year,
- One-time retroactive Educational Merit Credits applied: 3 month credits will be awarded for earning a GED; 6 month credits will be awarded for earning a college degree or Offender Mentor Certification.

### Q: Is the credit earning retroactive under the proposed Emergency/Regular Regulations?

A: No. The only credit earning that is retroactive is the Educational Merit Credit for getting your HS diploma, GED, college degree, or Offender Mentor Certification. That means, new Good Time Credits will be calculated *beginning* May 1, 2017 and new Milestone eligibility will take effect *beginning* August 1.

**Q: Are the Emergency/Regular Regulations final?**

A: No. The Emergency Regulations are temporary and expire Sept. 20, 2017. Regular Regulations, which are permanent, must be adopted before then. However, CDCR requested a 90-day extension, which will likely be granted by the OAL.

**Q: What is the next step in the Regular Regulations process?**

A: The Regular Regulations process goes like this:

- ❑ CDCR created a draft of their regulations and post them on the Office of Administrative Law's (OAL) website (posted 7/14).
- ❑ After the draft regulations are released, a 45-day public comment period began where people can submit their responses to the draft in writing. CDCR must respond to every comment that is submitted. A public hearing was held on Sept. 1 where people attended and gave their comments in person.
- ❑ After the public comment period closes, CDCR has to consider the comments and release their final version of the regulations.

**Q: How has Initiate Justice responded to the proposed Regular/Emergency Regulations?**

A: While there are some things that are really good about the Regulations, there are some issues that have concerned us, and people who filled out our Prop 57 surveys offered a lot of ideas that were not reflected in these regulations. So, Initiate Justice, in partnership with Californians United for a Responsible Budget, sent a letter to CDCR and the OAL, offering 5 recommendations:

1. Allow all people in prison to earn 50% good time credits,
2. Make all good time credit earning retroactive,
3. Include Third Strikers in the non-violent early parole,
4. Award retroactive Education Merit Credits for each achievement, and
5. Allow every person with a Youth Offender Parole Date or Elderly Parole Date to earn time off of their earliest parole date.

We also attended Prop 57 budget hearings at the State Capitol on April 20 & 24 to offer these recommendations to the Senate and Assemblymembers who had to approve a budget for Prop 57 implementation. We met with the staff of Senator Skinner, Senator Beall, Senator Anderson, Assemblymember Weber, Assemblymember Stone, and Assemblymember Jones-Sawyer's offices as well as a meeting with CDCR Secretary Scott Kernan to support these recommendations.

Additionally, we attended a Prop 57 legislative informational hearing on August 22, where the Senate and Assembly Public Safety Committees heard from community members about how we feel Prop 57 should be implemented. As a result of that hearing, the Senate sent a letter to CDCR asking them to include nonviolent Third Strikers in nonviolent early parole consideration, make credit earning retroactive, and create more programs in prisons.

Finally, our advocacy culminated on September 1, during the Prop 57 public comment hearing held by CDCR in Sacramento. Here, approximately 300 people showed up to offer comments on the proposed regulations -- about 100 people spoke during the hearing, and about 95% of the speakers supported our recommendations! CDCR said that they received letters from approximately 8,500 in all!

**Q: What is going to happen next with Prop 57?**

A: Because of our hard work, CDCR has announced that they **ARE** going to change the Prop 57 Regulations! According to an August 31 letter they sent to the OAL: "The regulations have drawn considerable public interest and the volume of comments received to date is very large. CDCR plans to issue a re-notice and accept and respond to those comments before filing the final rulemaking package with the OAL. An extension is necessary because the CDCR has determined that changes to the Text of the Proposed Regulations are needed."

We don't know what the changes will be yet, but changes ARE coming soon! When new proposed regulations are released, CDCR must send them to every person who submitted a letter to them. Stay tuned! Text of the full document can be found here: <http://oal.ca.gov/.../up.../sites/28/2017/08/2017-0831-01EON.pdf>

