

Making Our Voices Heard on Proposition 57 Regulations



Proposition 57 Regulations: Making Our Voices Heard

CONTENTS

- 1 What are Regulations
- 2 Understanding Prop 57
- 3 How You Can Help Shape the Regulations

**We passed
Prop 57!**

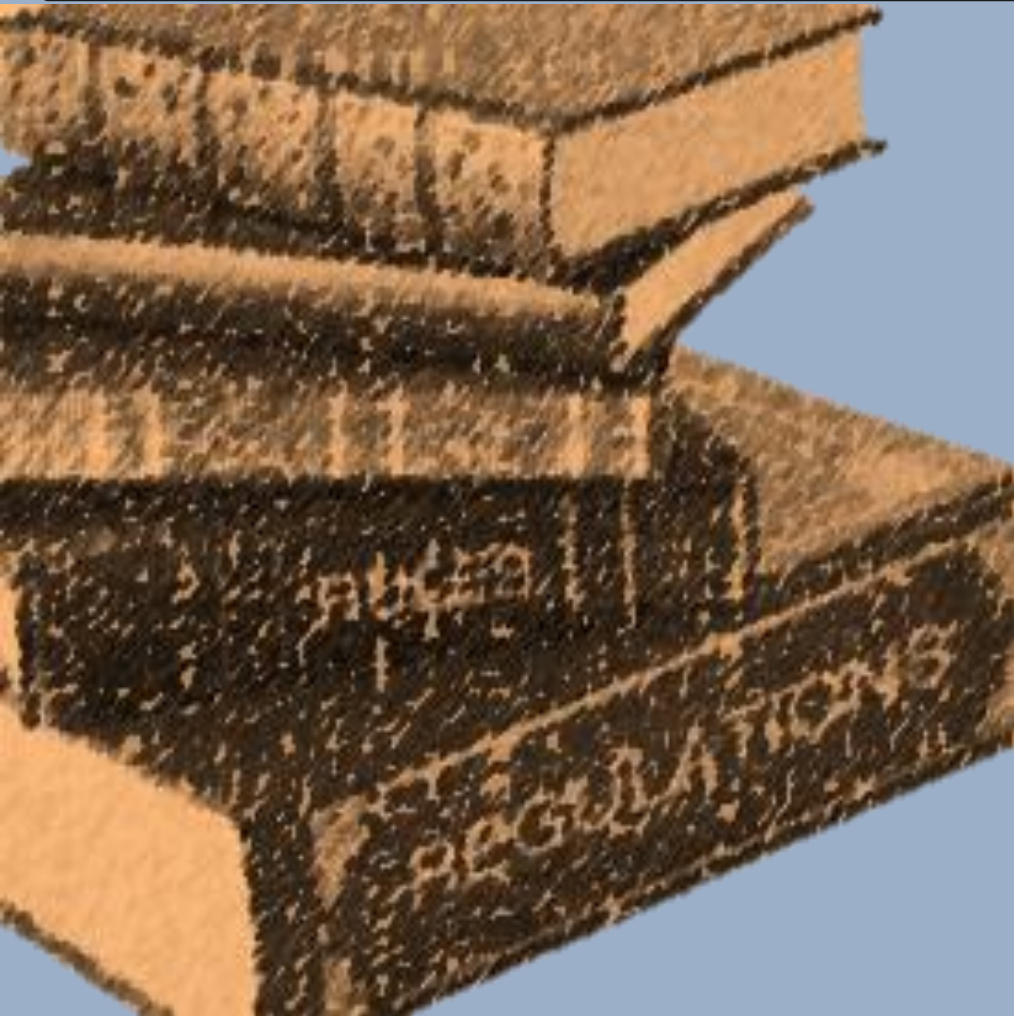
Now What?

**CDCR proposed
regulations.
We can help
shape these rules.**



Credit: Youth Justice Coalition

WHAT ARE REGULATIONS?



RULES made by an
ADMINISTRATIVE AGENCY
to help **EXPLAIN** a law.

**How do laws and regulations relate to each other?
It's kind of like a like a recipe.**

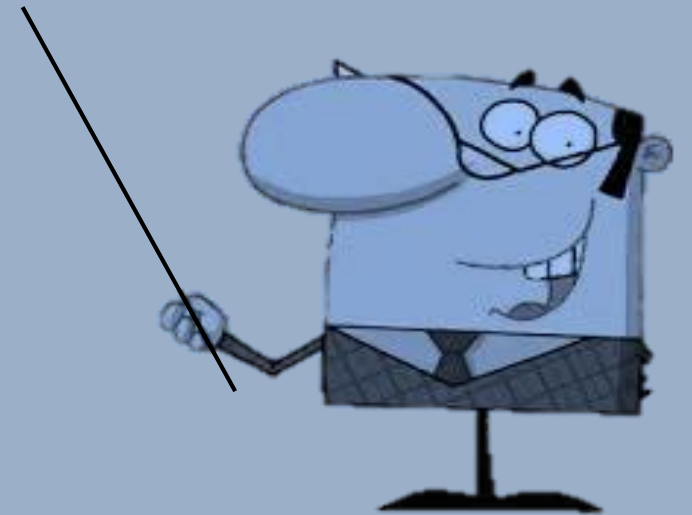
***Laws are the
ingredients.***

***Regulations are the
recipe's instructions.***



SO, WHY DO AGENCIES GET TO MAKE RULES?

- Given that power by California law
- Specialists on specific issues
- Details of how to apply a law are needed





How should an agency make regulations?

For more information:
www.cdcr.ca.gov/regulations

- **Research by the agency:**

- *How can these regulations to best help the community?*
- *How can these regulations save taxpayers' money?*
- *Are these regulations practical to apply?*

- **Part of that research is hearing from YOU!**

PUBLIC COMMENT PERIOD

Our input is important.



We have the right to be part of this rulemaking process.

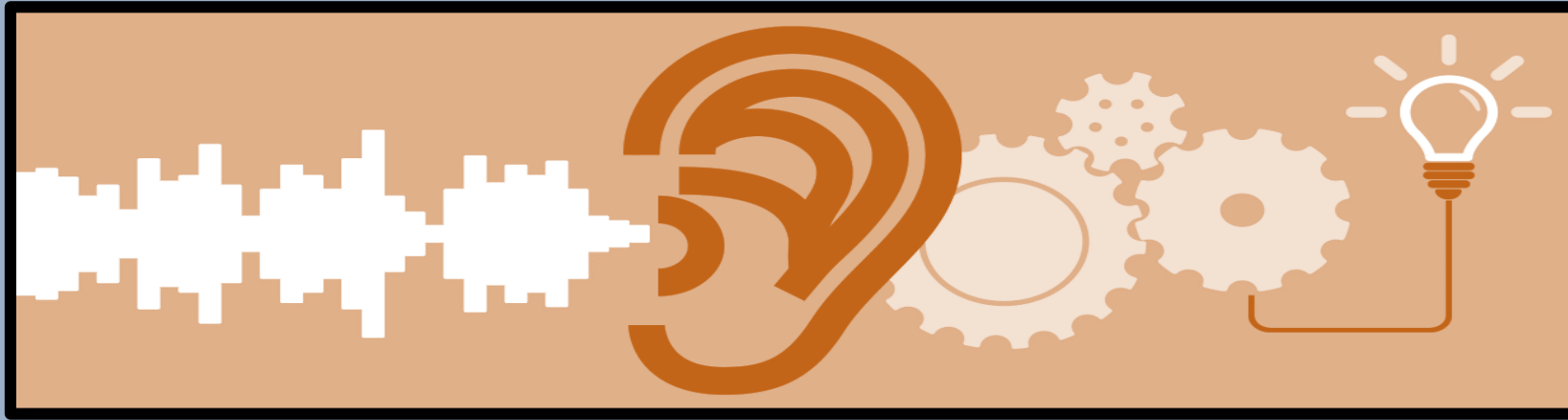
Our involvement could have an impact on our communities and loved ones.

How Can We Participate?



A public comment is a suggestion from the public on how a rule could be changed or improved.

**We are the public.
We have the right
to give input.**



Why should we
give input?

- **We are experts.**
- **Agencies need to know our opinions and experiences** in order to make good regulations.
- **It's up to us** to help the agency understand the best way to serve our communities.

The way laws are applied matters.

IMPACT



How to
make
public
comments

August 14th to September 1st

- **Send Written Comments**

Letters and emails are the most important way to give input.

September 1st, 9am to noon

- **Speak at a Public Hearing**

*Department of Water Resources
Building Auditorium*

1416 Ninth St, Sacramento, CA 95814

Join us there!

Understand Proposition 57: The law has two parts about people in prison

- 1. Non-violent Offense Parole Process**
- 2. CDCR Authority to Create New Ways to Earn Credit**

WE PASSED

57

**PUBLIC SAFETY+
REHABILITATION**

Non-violent Offense Parole Process

What Does Prop 57 say?

Any person convicted of a non-violent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term for his or her primary offense.

...[T]he full term for the primary offense means the longest term of imprisonment imposed by the court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence.



Photo: Youth Justice Coalition

Proposed Regulations: Non-violent parole process



Process

- This will be a paper review process – not a parole hearing
- A BPH deputy commissioner will make the decision
- Victim/survivors and district attorneys get notice of the review
- Appeal is to BPH

Proposed Regulations:

Non-violent parole process

A “public safety” screen will be used to exclude people with certain recent disciplinary action.

- If someone is excluded for disciplinary action, he or she will be reviewed again every year for eligibility.
- 115s for certain violent offenses will exclude individuals for a period of years.

Proposed Regulations: Non-violent parole process

Who is excluded

- Penal Code 667.5 violent offense list
- Third strike sentences
- Registrable sex offenses
- Use of a gun



Credit Provisions

What Does Prop 57 say?



Credit Earning: CDCR shall have authority to award credits earned for good behavior and approved rehabilitative or educational achievements.

CDCR shall adopt regulations in furtherance of these provisions, and the Secretary of CDCR shall certify that these regulations protect and enhance public safety.

Proposed Regulations: Credit

Changes to how credit will be earned:

Four types of credit

- » Good Time
- » Milestones
- » Enhanced Milestones
- » Achievement Credits

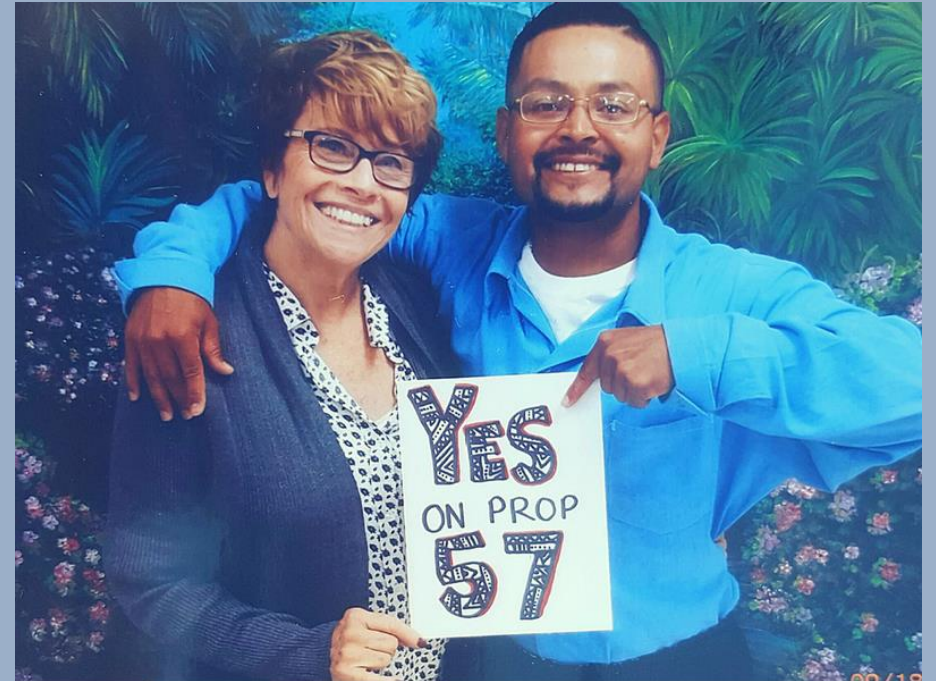


Photo: Initiate Justice

Proposed Regulations: Credit

Good Time Credit

- **Violent offenses and lifers** to get 20% Good Time credit off their MEPD. (Currently some violent offenses, lifers, and third strikers get 0% Good Time Credit; some get 15%.)
- **Non-violent and serious offenses** to earn 33% Good Time Credit. This includes nonviolent/serious sex offenses and nonviolent second strikers.



Photo: *Initiate Justice*

- Those **currently earning 50% time** will continue to earn 50% Good Time plus can earn other credits (see described in later slides.)
- Currently different **fire camps** earn different rates and the regulations would make fire camp earnings all the same – probably two-for-one Good Time.

Proposed Regulations: Credit

Milestone Credits

- Under Prop 57 we expect everyone will earn Milestone Credits for completion of programs offered by CDCR or volunteer groups. (Note that under **current law**, lifers, people with violent offenses, and strikers don't get Milestone Credits.)
- The regulations would allow people to earn up to 12 weeks credit per year. (Note that under current law it is six weeks credit per year.)
- Milestone Credits earned in one year can be rolled over to the next. (So if a person earns more than 12 weeks of credit, he receives the remainder can be applied to the next year.)



Photo: Initiate Justice

Proposed Regulations: Credit

Enhanced Milestones

This is a new type of credit, recognizing the extraordinary efforts it takes to accomplish these things.



Photo: Initiate Justice

- Four ways to earn one-time credits of 3 to 6 months: GED, AA, BA, or Mentor Drug and Alcohol Counselor Certification.
- This is the one type of credit to be awarded retroactively.

Proposed Regulations: Credit

Achievement Credits

This is a new type of credit recognizing the valuable work people in prison do in creating and leading groups.

- Work in *Inmate Leisure Time Activity Groups* (“ILTAGs”) will be recognized.
- At a person’s annual classification committee, a person who has performed hours in ILTAG group work can earn up to 4 weeks of credit for 200 hours.
- Credit is prorated, that is, less than 200 hours can earn less than 4 weeks of credit.



Credit: Silicon Valley DeBug

Proposed Regulations: Credits

Things left out:

No Retroactive Credits for Most Types of Credit

This means while people will keep whatever credit they earned under the old law, the new credits will not be applied retroactively. The one exception is for “Enhanced Milestone Credits,” such as degrees.





Proposed Regulations: Credit

People Excluded

Youth Offender “YPED” (Youth Parole Eligibility Date) is excluded from the credit provisions.

This means a person eligible for Youth Offender Parole will earn all types of credit toward his or her regular minimum eligible parole date (“MEPD”) but not the YPED. For example, a person with 50-to-life has an MEPD of 50 years and will earn credit off the 50 years. But he has a YPED of 25 years, and will not earn any credit off that date. So for some people they’ll “earn” the credit...but not get to use it.



What do you think is GOOD about the regulations?

Come up with at least three things.

Some Good Things *about the regulations*

- More ways for lifers to earn credit
- Higher rates of credit available for most people
- Recognition of prisoner-led groups (“Achievement Credits”)
- Higher rates of credit for especially difficult achievements (“Enhanced Milestones.”)
- People excluded for discipline for nonviolent parole process get an annual review for eligibility
- Credit system will be more uniform and transparent



**What do you think is missing or wrong in
the regulations?**

Come up with at least three things.

Some Problems ***with the regulations to do***

- **The regs do not provide retroactive credits for all types of credits.**
- **They will exclude many youth offenders from credit provisions.**
- **They exclude third strike offenses from non-violent parole process.**
- **The regs do not give enough credit for the ILTAGs that provide more complex and tested programming.**

Some Problems ***with the regulations***

- **The regs should award the same level of Good Time Credit to all people, regardless of type of offense.**
- **The regs should give a higher rate of Good Time Credit across the board.**
- **The regs should explicitly prioritize involving crime survivors in rehabilitative programs to promote victim awareness.**

Some Problems

with what the regulations to do

- The regs should prioritize involvement of families of people who are incarcerated in the rehabilitation and re-entry planning process.
- The regs should prioritize trauma-informed programming so people can address underlying causes of criminal behavior and addiction.
- The regs should increase access to rehabilitative programs and more equity in availability of programming across prisons.

Using the Sample Letter

July 30, 2017

Ms. Concerned Californian
12345 Involved Road
Everytown, CA 90023

Timothy M. Lockwood
Associate Director
Regulation and Policy Management Branch
California Department of Corrections and Rehabilitation
PO Box 942883
Sacramento, CA 94283-0001

Fax: (916) 324-6075

Email: CDCR-Prop57-Comments@cdcr.ca.gov

RE: Proposition 57 Regulations

Dear Mr. Lockwood:

I am writing to provide comments on Proposition 57 regulations. I live in Fresno, where I
teach for 15 years. I am active in my church, and volunteer at the
... a good sense of

What makes a letter effective?

- Focus on facts and not a lot of emotion.
- Show that we have a strong understanding of the regulations and its intentions.
- Show how we are personally affected by proposed rules and how our experience can help the regulations be better for our communities.



What's *not* effective



- **Getting off topic**

Stick to the topic – Prop 57. Regulations are not new laws, they are just rules that have to be about what the Prop 57 law is about, not something else.

- **Too much detail**

Don't go in to a lot of detail about an individual's case.

- **Focus on an individual instead of the big picture**

Make sure whatever you say about an individual is an example for the whole issue, not something promoting his or her individual case.

We suggest three key things to ask for in your letter

- (1) The proposed regulations should apply new program credits to people who prior to Prop 57 were dedicated to rehabilitation.

There is no reason why benefits of Prop. 57 should not apply retroactively to cover genuine rehabilitation programming in the past.

- (2) The proposed regulations should not exclude people who are serving life sentences under the Three Strikes law for nonviolent crimes.

Prop. 57 promised to apply to all nonviolent prisoners.

- (3) The proposed regulations should not exclude young people eligible for parole under SB 260 and 261, the Youth Offender Parole law.

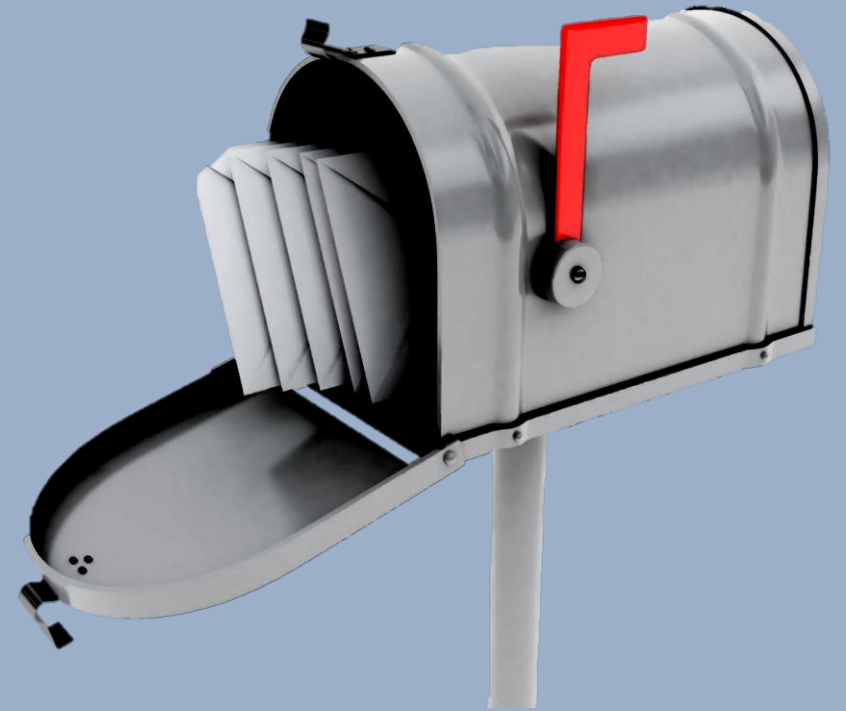
At its core, Prop. 57 promised to correct over incarceration of young people and encourage positive rehabilitative programming—there is no justifiable reason to undermine the positive reforms of SB 260 and 261.

WRITE A LETTER

Use the sample letter found at
www.fairsentencingforyouth.org

Or, just write your own
and send to:

Timothy M. Lockwood
Associate Director
Regulation and Policy Management Branch
California Department of Corrections and Rehabilitation
PO Box 942883
Sacramento, CA 94283-0001
Fax: (916) 324-6075
Email: CDCR-Prop57-Comments@cdcr.ca.gov



Using the Sample Letter

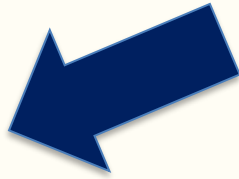
Step 1

Fill in the blanks!

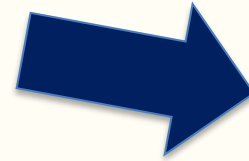
Look for the **red instructions**.

Start by adding the date, your name, address, and email.

[Date]



[Your name and address]



Timothy M. Lockwood
Associate Director
Regulation and Policy Management Branch
California Department of Corrections and Rehabilitation
PO Box 942883
Sacramento, CA 94283-000

Dear Mr. Lockwood:

Using the Sample
Letter

Step 2 Go to the prompts!

- Move your way down the sample letter and add in your comments.
- The “Ideas” and “Examples” are to help spur your creativity!
- But don’t be confined to them! Your own ideas are best.

Dear Mr. Lockwood:

I am writing to provide comments on the Prop 57 regulations. [Write one or two lines about yourself.]

Ideas:

Describe where you live, or you work, organizations you are involved with, your family, or your experience with crime.

Examples:

“My wife and I run our own business in the San Fernando Valley.” Or: “I am a mother of four, and grandmother of three.” Or: “I am an attorney practicing in San Mateo, where I am active in the Democratic Party.” Or: “I am work at a nursery and am involved in my children’s school as a volunteer.” Or: “I am a survivor of violent crime and active in my community.”]

Using the Sample Letter

Step 3

Erase all the red, and send!

- The first page of the sample letter has instructions about how to send the letter.

July 30, 2017

Mr. Active Californian
12345 Involved Road
Everytown, CA 90023

Timothy M. Lockwood
Associate Director
Regulation and Policy Management Branch
California Department of Corrections and Rehabilitation
PO Box 942883
Sacramento, CA 94283-0001
Fax: (916) 324-6075
Email: CDCR-Prop57-Comments@cdcr.ca.gov

RE: Proposition 57 Regulations

Dear Mr. Lockwood:

I am writing to provide comments on Proposition 57 regulations. I live in San Diego, where I am retired and volunteer at my church and local food bank. My son is in prison, so I have a strong sense of the need for reforms. Proposition 57 has given people in prison and their families a sense of hope and direction.

What to include in the letter?

Describe who you are

I am writing to provide comments on the Prop 57 regulations. [Write one line about yourself.]

Ideas:

Describe where you live, or you work, organizations you are involved with, your family, or your experience with crime.

Examples:

“My wife and I run our own business in the San Fernando Valley.” Or: “I am a mother of four, and grandmother of three.” Or: “I am an attorney practicing in San Mateo, where I am active in the Democratic Party.” Or: “I am work at a nursery and am involved in my children’s school as a volunteer.” Or: “I am a survivor of violent crime and active in my community.”]

What to include in the letter?

Describe why you are concerned

I am concerned about these regulations because **[Finish this sentence with a short statement about why you are interested in the regulations.]**

Ideas:

Did you vote for Prop 57? Did you help collect signatures or otherwise work on Prop 57?

Do you have experience being incarcerated and seeking rehabilitation?

Do you have a loved one who is incarcerated and will be affected?

Do you work with incarcerated or formerly incarcerated individuals?

Do you have personal experience with education, vocational training or rehabilitative programming?

Examples:

“I voted for Prop 57 and I want to be sure that it is fair.” Or: “I worked to collect signatures for Prop 57 and I believe that it should help as many people as possible.” Or: “I was formerly incarcerated and I understand the importance of hope and rehabilitation.” Or: “I have a loved one serving a long sentence and I want to be sure that Prop 57 incentivizes as many people as possible to change.”]

What to include in the letter?

Describe things you think are good

There are several things about the proposed regulations that I was very happy to hear about.

[Here make a statement about what they are getting right. It's important we let the administration know we support the good things the regs will do.]

Ideas:

What is good about the Prop 57 regulations?

Why is it good?

Examples:

"I understand that CDCR plans to award credits for participation in inmate-led groups (Achievement Credits); increase credits for more difficult achievements (Enhanced Milestone Credits); increase the ways that lifers can earn credits. I believe this is a good policy because it will help people have several ways to earn credits and get the tools they need to be successful when released."

What to include in the letter?

Describe things you think need to be changed

I understand that the regulations will **[Here write what you would like to give comments on.]**

I suggest instead that **[Here give your ideas for something different and state why.]**

Ideas:

What would you like to see changed in the Prop 57 regulations?

Why should it be changed? – You may want to give an example.

Examples:

“I believe that it is important to award credits retroactively to those people who completed programs before Prop 57 passed because they made a decision to do the right thing without any hope of reducing their time. They are the most likely to be successful when they come home and to give back to their community. It is unfair if they do not receive the benefit of their positive efforts. My son is an example of this: He has a very long sentence, but has not had any 115s for 10 years. He has participated in every program he can, even though it was not going to change his sentence. I am proud of him, and think the state should be, too.”

ACT NOW.

Thank You

Initiate Justice *for photos*

Silicon Valley DeBug *for photos and art*

Youth Justice Coalition *for photos and art*

And for content:

