



Department of Corrections and Rehabilitation

**NOTICE OF CHANGE TO
REGULATIONS**

Sections 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3042, 3043, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3043.7, 3043.8, 3044, 3490, 3491, 3492, and 3493.

**Number:
17-05**

**Publication Date:
July 14, 2017**

**Effective Date:
April 13, 2017**

INSTITUTION POSTING AND CERTIFICATION REQUIRED

This Notice announces the Department's proposed rulemaking action to adopt, amend, and repeal several sections in the California Code of Regulations, Title 15, Division 2 and 3 regarding inmate credit earning and parole consideration pursuant to Proposition 57, The Public Safety and Rehabilitation Act of 2016 that was approved by the California voters on November 8, 2016.

IMPLEMENTATION: Phased in per the regulations, (May 1, July 1, and August 1, 2017).

PUBLIC COMMENT PERIOD

Any person may submit written comments about the proposed regulations to the California Department of Corrections and Rehabilitation, Regulation and Policy Management Branch (RPMB), P.O. Box 942883, Sacramento, CA 94283-0001, by fax to (916) 324-6075, or by e-mail to CDCR-Prop57-Comments@cdcr.ca.gov. All written comments must be received by the close of the public comment period **September 1, 2017 at 5:00 p.m.**

PUBLIC HEARING INFORMATION

A public hearing regarding these proposed regulations will be held **September 1, 2017, from 9:00 a.m. to 12:00 p.m. at Department of Water Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA 95814.** The purpose of the hearing is to receive oral comments about this action. It is not a forum to debate the proposed regulations. No decision regarding the permanent adoption of these regulations will be rendered at this hearing. Written or facsimile comments submitted during the prescribed comment period are given the same significance and weight as oral comments presented at the hearing. This hearing site is accessible to the mobility impaired.

POSTING

This Notice shall be posted immediately upon receipt at locations accessible to inmates, parolees, and employees in each Department facility and field office no later than five calendar days after receipt. Also, facilities shall make this Notice available for review by inmates in segregated housing who do not have access to the posted copies, and shall distribute it to inmate law libraries and advisory councils. CDCR Form 621-A (Rev. 09/14), Certification of Posting, shall be returned to the RPMB electronically, by fax, or by mail. See Department Operations Manual Sections 12010.12.1 and 12010.12.2 for posting and certification of posting procedures.

CONTACT PERSON

Inquiries regarding this Notice should be directed to Timothy M. Lockwood, Associate Director, RPMB, California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone at (916) 445-2269 or by e-mail to CDCR-Prop57-Comments@cdcr.ca.gov. Inquiries regarding the subject matter of these regulations should be directed to Correctional Counselor II, L. Lomonaco, RPMB at (916) 445-2217.

/Original Signed By/

SCOTT KERNAN

Secretary

California Department of Corrections and Rehabilitation

Attachments


CERTIFICATION OF PUBLIC SAFETY COMPLIANCE
[Per California Constitution, Article I, Section 32]

With the passage of The Public Safety and Rehabilitation Act of 2016 (the "Act"), the California Constitution was amended to specifically require the Department of Corrections and Rehabilitation (the "department") to promulgate regulations in furtherance of the Act's nonviolent parole consideration and credit earning provisions. Specifically, the Act states that the department "shall adopt regulations in furtherance of [the Act], and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety." (Cal. Const., art. 1, § 32, subd. (b).)

Accordingly, in my role as the Secretary of the department, I have been granted broad rulemaking authority under the California Constitution to adopt, amend, or repeal regulations in furtherance of the Act (notwithstanding other provisions of law) and I hereby invoke that constitutional grant of authority in support of this rulemaking action. Based upon my experience and the evidence in the accompanying regulatory package, it is my firm belief that successful implementation of these regulations will achieve the Act's primary goals to "[s]top the revolving door of crime by emphasizing rehabilitation" and "[p]revent federal courts from indiscriminately releasing prisoners." (The Public Safety and Rehabilitation Act of 2016, Section 2, Purpose and Intent.)

With the implementation of these new and revised rules, our prisons and communities will be made safer by encouraging and motivating suitable inmates to participate in programs that enhance social skills, employability, and rehabilitation. This in turn will lead to improved inmate behavior and a safer prison environment for inmates and staff alike. Almost every inmate will eventually return to society when they complete their sentence. Public safety is enhanced when inmates take responsibility for their own rehabilitation and choose to pursue and complete educational, vocational, training, rehabilitative, and self-improvement programs – thus positioning themselves to enter our communities better equipped to find employment and be productive members of that community.

For all these reasons, and those set forth in the Initial Statement of Reasons in support of these regulations attached hereto, I do certify that these regulations protect and enhance public safety for all Californians in compliance with Section 32 of Article I of the California Constitution.



SCOTT KERNAN
Secretary
Department of Corrections and Rehabilitation

July 3, 2017
Date

NOTICE OF PROPOSED REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (department), pursuant to the authority granted by Article 1, Section 32 of the California Constitution, Government Code section 12838.5, Penal Code section 5055, and the rulemaking authority granted by Penal Code section 5058, proposes to adopt new Subchapter 5.5, "Parole Consideration," to Chapter 1 of Division 3, with new sections 3490, 3491, 3492, and 3493, and adopts new Article 15 to Title 15, Division 2, Chapter 3, "Parole Release," with sections 2449.1, 2449.2, 2449.3, 2449.4, and 2449.5, concerning parole consideration. In addition, the department proposes to adopt sections 3043, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, and 3043.8 of the California Code of Regulations, Title 15, Division 3, concerning credit earning. Further, this action will amend sections 3043, 3043.5, (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), 3044, and repeal sections 3042, 3043.1, 3043.2, 3043.3, 3043.4, and 3043.7.

PUBLIC HEARING:

Date and Time: September 1, 2017- 9:00 a.m. to 12:00 p.m.

Place: Department of Water Resources
Resources Building Auditorium
1416 Ninth Street
Sacramento, CA 95814

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD:

The public comment period will close **September 1, 2017 at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at CDCR-Prop57-Comments@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON:

Inquiries regarding this action should be directed to:

Timothy M. Lockwood, Associate Director
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 445-2269

In the event the contact person is unavailable, inquiries should be directed to:

Laura Lomonaco, Correctional Counselor II
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 445-2217

AUTHORITY AND REFERENCE:

In California, adopting, amending, or repealing a regulation requires an express grant of authority in law. As stated in subdivision (b) of section 11349 of the Government Code, “Authority” means the provision of law which permits or obligates the agency to adopt, amend, or repeal a regulation.”

Ordinarily, the authority to adopt, amend, or repeal regulations in Division 3 of Title 15 (“Adult Institutions, Programs and Parole”) is found in subdivision (a) of section 5058 of the Penal Code: “The [Secretary] may prescribe and amend rules and regulations for the administration of the prisons” Authority to do the same in Division 2 of Title 15 (“Board of Parole Hearings”) is found in section 3052 of the Penal Code, which states, “The Board of Parole Hearings shall have the power to establish and enforce rules and regulations under which inmates committed to state prisons may be allowed to go upon parole outside the prison buildings and enclosures when eligible for parole.”

With the passage of The Public Safety and Rehabilitation Act 2016 (the “Act”), the California Constitution was amended to specifically require the department to promulgate regulations in furtherance of the Act’s parole and credit provisions. Specifically, Proposition 57 states that, “notwithstanding anything in this article or any other provision of law,” CDCR “shall adopt regulations in furtherance of [the Act], and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.” (Cal.

Const., art. 1, § 32, subds. (a)-(b).) Accordingly, the Secretary has been granted broad rulemaking authority under the California Constitution to adopt, amend, or repeal regulations in furtherance of the Act, notwithstanding other provisions of law, and hereby invokes that constitutional grant of authority in support of this rulemaking action.

Other relevant authority: Penal Code section 5000 provides that commencing July 1, 2005, any reference to the “Department of Corrections” in this or any code, refers to the department, Division of Adult Operations. Penal Code section 5050 provides that commencing July 1, 2005, any reference to the “Director of Corrections” in this or any other code, refers to the Secretary of the department. As of that date, the office of the “Director of Corrections” is abolished. Penal Code section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the department. Penal Code section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

Additional authority: Penal Code Sections, 2700 and 2701.

Reference: Cal. Const., art. 1, sec. 32(a); Penal Code Sections 667, 667.5, 1170.1(c), 1170.2, 2900.1, 2900.5, 2930, 2932, 2933, 2933.05, 2933.1, 2933.3, 2933.6, 2935, 3041, 4019, 5054 and 5068; *In re Reeves* (2005) 35 Cal.4th 765; *In re Tate* (2006) 135 Cal.App.4th 756; *In re Monigold* (1988) 205 Cal.App.3d 1224; *In re Thompson* (1985) 172 Cal.App.3d 256.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

In this regulatory action, the Secretary proposes to amend regulatory provisions pertaining to parole consideration and credit earning.

A. Parole Consideration

Under Article 1, Section 32(a)(1), of the California Constitution, adopted under the Act, the department is directed to establish a parole consideration process through which inmates currently serving prison sentences for only nonviolent felony offenses shall be eligible for parole consideration after completing the full term for his or her primary offense, subject to certification by the Secretary of the department that these implementing regulations protect and enhance public safety. To that end, the department proposes to establish a process through which determinately-sentenced state prisoners currently serving only nonviolent offenses may be considered for parole once they have served the full term of his or her primary offense. Under a prior emergency rulemaking proceeding, this process began July 1, 2017. A determinately-sentenced inmate has been sentenced to prison for a prescribed number of years as established by statute. These inmates normally serve the prescribed lengths of their sentences, less any pre- and

post-conviction credits, and are released at the end of their term without any parole review. In contrast, an inmate with an indeterminate life term has a sentence with a minimum term, but cannot be released until he or she is found suitable for parole by the board. The parole process established here affords determinately-sentenced nonviolent inmates the opportunity to be reviewed by the board and to be released prior to the end of their sentence if the inmate demonstrates to the board that he or she has been rehabilitated and no longer poses an unreasonable risk of violence to the community.

In establishing this process, the department took into consideration the court-ordered nonviolent second-striker process already in effect. Specifically, as noted above, in 2014 a federal Three-Judge Court ordered the department to implement a parole consideration process for nonviolent second-strike offenders who have served 50 percent of their sentence. This court-ordered process for nonviolent second-strike offenders requires prison officials to carefully review and screen out inmates based on public-safety criteria. Inmates who satisfy these rigorous public-safety screens are then referred to the board. Within five days of any referral, the board notifies the prosecuting agency and any registered victims. Interested parties are afforded 30 days to provide written comment and input concerning the inmate's potential parole. When considering parole for a nonviolent second-strike offender under the court-ordered process, a hearing officer from the board reviews the inmate's criminal history, behavior in prison, rehabilitative efforts, and written statements from interested parties, before deciding whether to approve or deny parole. The board's decision to approve or deny parole is based on whether the inmate poses an unreasonable risk of violence to the community.

These regulations establish a nonviolent parole consideration process that improves on the existing court-ordered nonviolent second-strike parole process. The department proposes to clarify the definitions for the terms "nonviolent," "full term," and "primary offense" as they will apply to this process, as well as establish how the department and the board identify the date upon which an inmate deemed to meet criteria as a nonviolent offender will be eligible for parole consideration. The department further proposes to establish an eligibility determination process to identify and track qualified inmates. Additionally, to carry out the public-safety requirement of the constitutional provision, the department proposes to establish a public-safety screening prior to referring otherwise qualified nonviolent offenders to the board. Screening out inmates who have engaged in recent, serious institutional misconduct protects public safety and ensures that the board is focusing its resources on the nonviolent offenders who are more likely to be found suitable for parole. Offenders who are screened out at this stage will be reviewed on an annual basis until they are deemed eligible for referral or are released under other applicable laws.

Upon referral, the department proposes to clarify how notification requirements for victims and prosecuting agencies apply to this process to ensure they have an opportunity to provide written

input in the parole consideration process. A jurisdictional review process is proposed as a second check to confirm an inmate's eligibility for nonviolent offender parole review. The department also proposes to establish the process through which its hearing officers will conduct a nonviolent offender parole review on the merits by clarifying the scope of information to be considered and the standard for determining whether the hearing officer will approve or deny parole. For nonviolent offenders approved for parole, the department proposes to clarify the timing of release in light of other applicable requirements, such as laws governing holds, warrants, detainers, notifications, and additional sentences for in-prison offenses. Finally, the department proposes to clarify the procedures through which inmates may seek redress of department and board decisions they feel were reached in error.

B. Credit Earning

The Act also amends the California Constitution to authorize the department to award credits earned in state prison for good behavior and approved rehabilitative or educational achievements. Using this authority, the department proposes to revise the complex system of credits that currently exists in the Penal Code and regulation (see "CDCR, Credit Earning '101'" attached below). These proposed regulations revise and simplify several existing forms of credit and adopt new ways in which inmates may earn credit based on their participation in and completion of specific rehabilitative or educational programs. Such credits may advance an inmate's release date if the inmate was sentenced to a determinate term, or advance an inmate's initial parole consideration hearing if the inmate was sentenced to an indeterminate term. Condemned inmates and those serving a sentence of life without the possibility of parole will remain ineligible to earn any credit.

Inmates who violate the rules and regulations of the department shall continue to have their credits forfeited. Credit forfeiture for disciplinary reasons is governed by existing rules in Title 15, Division 3, Chapter 1, Subchapter 4, Article 5, Inmate Discipline sections 3310-3326. These disciplinary rules remain unchanged and are not being revised in this rulemaking. Some forfeited credits may be restored if the inmate remains free of disciplinary infractions for a specified timeframe, while others cannot be restored. Credit forfeiture occurs through a due process disciplinary procedure where both the inmate and department staff can present evidence and information. Inmates have the right to appeal any forfeiture of credit, and the forfeited credits will be restored if the disciplinary action is reversed as a result of an administrative appeal or a court action.

Activation of the revised and new credit earning categories is being phased in during the initial implementation of these regulations because of the significant training, case records and information technology infrastructure changes and programming needed to support each credit earning change. Under a prior emergency rulemaking proceeding, Good Conduct Credit took

effect on May 1, 2017, and the remaining credit provisions described below are scheduled to take effect on August 1, 2017. With the exception of Educational Merit Credit, all new or revised credit provisions will be applied prospectively from the date of implementation.

There are five categories of credit earning that are either being revised or newly adopted in this rulemaking action. They are:

1. Good Conduct Credit

Good Conduct Credit is an existing type of credit awarded to eligible inmates who comply with the regulations and rules of the department and perform the duties assigned to him or her. Over time, a multitude of credit schemes have been enacted resulting in a patchwork of credit earning categories that are increasingly difficult to administer. Currently, inmates fall within a variety of credit earning categories depending on the date and type of the inmate's offense and the law in effect on that date.

In contrast, these proposed regulations will simplify the credit-earning categories, incentivize more inmates to comply with prison regulations, and create a durable solution to prison overcrowding by adopting some previously mandatory court ordered credit increases. Condemned inmates and inmates with a term of life without the possibility of parole will not receive these credits because their sentences cannot be reduced as a matter of law.

2. Milestone Completion Credit

Milestone Completion Credit is an existing type of credit awarded to eligible inmates for successful completion of approved rehabilitative or educational programs. (See Penal Code section 2933.05.) Milestone Completion Credit requires the mastery of certain performance measures that demonstrate an understanding of course curriculum (either academic or vocational) through completion of assignments, instructor evaluations, and standardized testing.

The department altered its methodology for computing Milestone Completion Credit in this revision. Revisions to the Milestone Completion Credit Schedule will ensure credits are awarded based on actual instruction and classwork time, rather than the overall duration of a class. For example, a four-week course with 40 total hours of instruction time and home-work will receive half as much credit as a four-week course with 80 total hours of instruction time and homework.

Before the Act, the maximum amount of Milestone Completion Credit an inmate could earn was capped statutorily at six weeks per year. (Penal Code section 2933.05.) In order to incentivize more inmates to seek out educational, rehabilitative, or vocational training programs, the maximum amount of credit an inmate may earn in a twelve-month period will double from six to twelve weeks. The department believes that doubling the existing cap on Milestone Completion Credit is in keeping with the intent of the Act to encourage more programming and that this annual limitation will ensure program availability for as many inmates as possible given the space limitations in various programs and at various institutions. Further, the proposed regulations expand the number of inmates who may participate. Currently the following inmates are excluded from Milestone Completion Credit: condemned inmates, inmates sentenced to a term of life without the possibility of parole, inmates sentenced under the Three Strikes Law (Penal Code section 1170.12, subdivision (c), or section 667, subdivisions (c) or (e)), inmates serving a term for a violent felony as defined in Penal Code section 667.5, subdivision (c), and inmates convicted of an offense that requires registration as a sex offender under Penal Code section 290. In keeping with the intent of the Act – to increase inmate participation in rehabilitative programming and thus reduce recidivism upon release – the department has determined that all inmates should participate in Milestone Completion Credit programs, except condemned inmates and inmates sentenced to a term of life without the possibility of parole (for whom credits have no effect on their sentence).

3. Rehabilitative Achievement Credit

Rehabilitative Achievement Credit is a newly proposed type of credit available to all inmates (other than those condemned or sentenced to a term of life without the possibility of parole) who participate in approved group or individual programs designed to further the educational, behavioral, or rehabilitative development of an inmate. Some examples include alcohol and substance abuse prevention, anger management, anti-gang life skills, victim awareness, and best parenting practices. Approved programs must be organized to achieve educational or rehabilitative goals, must be sponsored by department staff or volunteers, and must be approved by the Division of Adult Institutions.

The proposed regulations establish a schedule of credits to be awarded for participation in approved inmate rehabilitative programs and self-help groups at their institutions. Inmates may earn up to a maximum of four weeks credit per year. The department set the cap for Rehabilitative Achievement Credit at four weeks because anything greater could dis-incentivize inmate participation in the Milestone Completion Credit programs, which are more structured and measurable in their results.

4. Educational Merit Credit

Educational Merit Credit is a new type of credit for eligible inmates who successfully complete, while incarcerated, a high school diploma or equivalent, an associate of arts or science degree, a bachelor of arts or science degree, a graduate degree (masters or doctorate), or an alcohol and drug counselor certification. This credit may be awarded for each level of educational achievement only once, but must be completed during the inmate's current term of incarceration. At least fifty percent of the credit toward a college level degree must be earned from a regionally accredited institution while an inmate is in prison on his or her current term. This requirement ensures that at least half of an inmate's coursework is completed after the inmate's conviction and during their incarceration, when the need for educational rehabilitation is greatest. All inmates eligible for Good Conduct Credit shall be eligible to earn Educational Merit Credit.

5. Extraordinary Conduct Credit

Extraordinary Conduct Credit is an existing type of credit awarded pursuant to Penal Code section 2935, under which the Director of the Division of Adult Institutions may grant up to twelve additional months of reduction of a sentence to a prisoner who has performed a heroic act in a life-threatening situation, or who has provided exceptional assistance in maintaining the safety and security of a prison.

With the implementation of these new and revised credit earning programs, the department intends to encourage broader inmate participation in rehabilitative and educational programs, with the aim of reducing recidivism among inmates upon their eventual release to society and thereby protecting and enhancing public safety. Department data shows that inmates who receive substance abuse treatment while in prison consistently have lower rates of returning to state prison than inmates who do not receive such treatment. The department expects that its continued emphasis on rehabilitation through the credit incentives described above will reinforce this downward trend.

The department determined that implementation of the new and revised credit earning programs will be phased-in prospectively as follows: Good Conduct Credit on May 1, 2017; Milestone Completion Credit on August 1, 2017; Rehabilitative Achievement Credit on August 1, 2017; and Extraordinary Conduct Credit on August 1, 2017. Educational Merit Credit will be implemented on August 1, 2017, and applied retroactively if completed during the inmate's current term of incarceration.

A number of reasons support the department's determination that the new and revised credit earning programs should be implemented prospectively. First, implementation of all the new and

revised credit earning programs will likely affect the credit calculations of more than 80,000 inmates. To do so prospectively represents a major task for almost all of the divisions and branches of the department, but especially for the staff responsible for updating information technology systems, auditing release date calculations, and developing credit earning programs. To apply the credits retroactively would require significantly more time, staff, and resources. Such delays would thwart the goals of the Act.

Second, records of inmate participation in Milestone Completion Credit programs may not have been uniformly entered into the department's information technology system for violent inmates because they were ineligible for such credits prior to the Act. Nor were such records entered into the department's information technology system for participation in programs that may be approved for Rehabilitative Achievement Credit because those programs were not eligible for credit prior to the Act. As a result, while some inmates whose records were maintained would be helped, many inmates (especially those serving longer sentences) would lack the necessary records from the past to receive credit retroactively, resulting in disparate treatment of those inmates.

Third, retroactive implementation would harm those inmates who were not eligible to receive credit for participation in Milestone Completion Credit programs or Rehabilitative Achievement Credit prior to the Act and therefore chose to participate in other worthwhile rehabilitative programs, such as work assignments or self-help programs. To retroactively apply these proposed regulations would disadvantage those inmates who could not have known that the rules would change in 2017.

Finally, the department has determined that no inmate shall be awarded credit or have credit restored which advances his or her release to parole supervision or Post Release Community Supervision to a date less than 60 calendar days from the date the credit is applied or restored. This rule will ensure that the department has adequate time to conduct pre-parole assessments and planning to provide inmates with the best possible opportunity to succeed upon their transition to the community, as well as provide, where applicable, advance notification to crime victims, prosecutors, and law enforcement (as required by Penal Code sections 3058.6 and 3058.9) of the inmate's pending transition.

DOCUMENTS INCORPORATED BY REFERENCE:

The Milestone Completion Credit Schedule (Rev. 03/17) is incorporated by reference and made available to the public in this notice package.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS:

The proposed regulations regarding credit earning will benefit our criminal justice system and our communities by creating incentives and opportunities for inmates to take responsibility for their own conduct and rehabilitation while incarcerated. These regulations enhance public safety by encouraging inmates to pursue educational and vocational achievement opportunities, engage in self-improvement programs, and make personal preparation for the transition to state parole supervision or Post Release Community Supervision. Providing incentives to inmates to engage in rehabilitative programming also reduces inmate disciplinary misconduct and violence in the prisons, yielding safer conditions for inmates and a safer workplace for staff.

Successful implementation of these regulations will help reduce overcrowding in state prisons and aid the department in keeping its inmate prison population below the 137.5 percent of design capacity threshold ordered by the federal Three Judge Court and affirmed by the Supreme Court. Furthermore, by maintaining the inmate population below the federal court cap, the department and the State avoid the possibility of indiscriminate court-ordered early releases of prisoners. Establishing a durable remedy to prison overcrowding can eventually lead to the end of federal court oversight and substantial savings from reduced litigation costs.

The establishment of the nonviolent offender parole consideration process will also make our prisons and communities safer by encouraging and motivating inmates to participate in rehabilitative programs and service opportunities that create skills, employability and hope. The proposed regulations establish rigorous screening criteria and notification procedures for registered victims and prosecuting agencies. Establishing screening criteria benefits public safety because it excludes inmates who are more likely to pose a risk to the public and provides nonviolent offenders with substantial motivation to avoid prison misconduct and focus on their rehabilitation. Establishing notification processes benefits public safety by ensuring that registered victims and prosecuting agencies, as well as other interested parties, have the opportunity to submit additional information regarding the nonviolent offender for the Board's consideration. Under the proposed regulations, the Board will review all relevant evidence, including an inmate's full criminal history, institutional behavior, rehabilitative efforts, and written statements from interested parties and determine whether the inmate poses an unreasonable risk of violence to the community. This process will enhance public safety by motivating eligible inmates to take responsibility for their own rehabilitation and work to prepare them to be productive members of the community upon their release.

EVALUATION OF CONSISTENCY / COMPATIBILITY WITH EXISTING LAWS / REGULATIONS:

The department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation and because the Act authorizes the department to adopt regulations “notwithstanding anything in this article or any other provision of law” (Cal. Const., art. 1, § 32, subd. (a)), it has determined these proposed regulations are not inconsistent or incompatible with any existing laws or regulations within CCR, Title 15, Division 2 and Division 3.

LOCAL MANDATES:

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 - 17630.

FISCAL IMPACT STATEMENT:

- Cost to any local agency or school district that is required to be reimbursed: *none*
- Cost or savings to any state agency:
 - **Cost: Fiscal Year 2016-17 = \$0**
 - **Cost: Fiscal Year 2017-18 = \$5.7 Million**
 - **Cost: Fiscal Year 2018-19 = \$5.9 Million**
- Other nondiscretionary cost or savings imposed on local agencies: *none*
- Cost or savings in federal funding to the State: *none*

EFFECT ON HOUSING COSTS:

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES:

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, because private businesses are not significantly affected by the management of correctional facilities or the Board of Parole Hearings.

EFFECT ON SMALL BUSINESSES:

The department has made an initial determination that the proposed regulations will not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because the proposed regulations affect the internal management of the department and the Board of Parole Hearings only, and place no requirements or restrictions on businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT:

This proposed rulemaking action is designed to implement the will of California voters when they enacted the nonviolent parole consideration and enhanced credit earning provisions mandated by The Public Safety and Rehabilitation Act of 2016. As for job creation, the nonviolent parole consideration process will necessarily create jobs at the board due to the additional parole reviews required by the Act. In addition, the enhanced credit earning provisions will create jobs within the department due to the additional rehabilitative programming required by the Act. These proposed regulations may also lead to the creation and expansion of new businesses in California to fill the need for increased rehabilitative programming mandated by The Public Safety and Rehabilitation Act of 2016. However, in the long run, any reduction in the prison population due to increased rehabilitative programming and corresponding increases in credit awards or parole grants may result in a reduction of jobs at both the Board and the department.

The department has determined that the proposed regulations may have a positive impact on the Health and Welfare of California residents, worker safety, and the State's environment by protecting and enhancing public safety, encouraging and motivating inmate rehabilitation, and reducing prison overcrowding.

CONSIDERATION OF ALTERNATIVES:

The department must determine that no reasonable alternative considered by the department, 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 the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing The Public Safety and Rehabilitation Act of 2016. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:

The department has prepared, and will make available, the text, and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS:

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

INITIAL STATEMENT OF REASONS
in support of
**REGULATIONS TO BE ADOPTED, AMENDED, OR REPEALED IN
COMPLIANCE WITH NEW SECTION 32 OF ARTICLE 1 OF THE
CALIFORNIA CONSTITUTION**
amending:

TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 3. ADULT INSTITUTIONS, PROGRAMS AND PAROLE
NEW SUBCHAPTER 5.5. PAROLE CONSIDERATION
ARTICLE 1. PAROLE CONSIDERATION FOR DETERMINATELY-SENTENCED
NONVIOLENT OFFENDERS

&

TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 2. BOARD OF PAROLE HEARINGS
CHAPTER 3. PAROLE RELEASE
ARTICLE 1. PAROLE CONSIDERATION FOR DETERMINATELY-SENTENCED
NONVIOLENT OFFENDERS

&

TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 3. ADULT INSTITUTIONS, PROGRAMS AND PAROLE
CHAPTER 1. RULES AND REGULATIONS OF ADULT OPERATIONS AND PROGRAMS
ARTICLE 3.5. CREDITS

I. INTRODUCTION

The Public Safety and Rehabilitation Act of 2016 (the “Act”) was overwhelmingly approved by California voters on November 8, 2016. The Act authorizes the California Department of Corrections and Rehabilitation (CDCR or the “department”) to develop regulations that establish a process for nonviolent offenders who have served the full term for their primary offense in state prison to be considered for parole and to earn sentencing credits. The Act also amends state law to require judges, rather than prosecutors, to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court.

Pursuant to the Act, the California Constitution was amended to include Section 32 of Article 1, which reads as follows:

(a) The following provisions are hereby enacted to enhance public safety, improve rehabilitation, and avoid the release of prisoners by federal court order, notwithstanding anything in this article or any other provision of law:

(1) Parole Consideration: Any person convicted of a nonviolent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term for his or her primary offense.

(A) For purposes of this section only, the 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.

(2) Credit Earning: The Department of Corrections and Rehabilitation shall have authority to award credits earned for good behavior and approved rehabilitative or educational achievements.

(b) The Department of Corrections and Rehabilitation shall adopt regulations in furtherance of these provisions, and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.

The Act's primary purposes are to "stop the revolving door of crime by emphasizing rehabilitation" and to "prevent federal courts from indiscriminately releasing prisoners." In order to achieve these goals, the department proposes to establish a parole consideration process for nonviolent offenders and to increase credit earning opportunities for inmates who successfully complete approved educational and rehabilitative programs. The department seeks to make our prisons and our communities safer by encouraging and motivating willing inmates to participate in educational and rehabilitative programs and service opportunities that create skills, employability and hope. In this way, the department intends to incentivize inmates to take responsibility for their own rehabilitation, promote public safety by encouraging inmates to pursue educational, vocational training, rehabilitative and self-improvement programs, and reduce recidivism by increasing the likelihood that inmates will better prepare themselves for their eventual return to society.

II. CORRECTIONAL CHALLENGES IN CALIFORNIA

A. Public Safety

Most inmates will be released from prison after serving their terms of incarceration. Those who have chosen to complete academic, vocational, and behavioral programs are better prepared to find employment and become productive members of the community.

Research shows that rehabilitative programs providing effective and targeted rehabilitative interventions are proven to reduce recidivism and therefore enhance public safety. For example, the Risk-Need-Responsivity model is used in criminology to develop treatment plans for inmates based on the risk and needs of the inmate. It is based on three core principles: matching the level of service to the inmate's risk to reoffend, assessing the inmate's criminogenic needs and specifically target them during treatment, and maximizing the inmate's ability to learn from rehabilitative intervention by providing cognitive behavioral treatment while tailoring the intervention to fit the individual inmate.¹

Cognitive behavior treatment programs have also been shown to lower recidivism rates by helping inmates improve their critical and moral reasoning, social skills, self-control, problem solving, and impulse control. Programs using a cognitive-behavioral approach have reduced adult and juvenile recidivism by as much as 26 percent.²

Substance abuse treatment is another rehabilitative program proven to improve public safety. Inmates who receive substance abuse treatment in state prison consistently have lower rates of recidivism than inmates who do not receive such treatment. As reported in the Department's 2015 Outcome Evaluation Report, prison inmates released in Fiscal Year 2010-11 who received in-prison substance abuse treatment returned to state prison after three years at a rate of 36.2 percent, which is significantly lower than the statewide rate of 44.6 percent. Recidivism rates decreased even more substantially (to 15.3 percent) for inmates who also completed a community-based substance abuse program after leaving prison ("aftercare"). Similarly, inmates released in Fiscal Year 2009-10 who received both in-prison treatment and aftercare returned at a rate of 20.9 percent versus 55.6 percent for those that had not received in-prison treatment.

Inmates who participate in correctional education and vocational training programs are more likely to find employment and are significantly less likely to re-offend and return to prison than

¹ James Bonta and Donald A. Andrews, Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation (Ottawa: Public Safety Canada, 2007), <http://www.pbpp.pa.gov/Information/Documents/Research/EBP7.pdf>.

² The Council of State Governments Justice Center. In Brief: Using a Cognitive-Behavioral Approach in Programs to Reduce Recidivism. <https://csgjusticecenter.org/jr/in-brief-using-a-cognitive-behavioral-approach-in-programs-to-reduce-recidivism/>.

inmates who did not participate in such programs.³ Vocational training programs alone have been shown to reduce recidivism rates by an average of 12.5 percent.⁴ Life term inmates who participate in multiple rehabilitative programs over the course of their incarceration have some of the lowest recidivism rates. Department data shows that just 4.8 percent of inmates who served a life term and were found suitable for release by the Board of Parole Hearings returned to state prison after three years, far lower than the 44.6 percent return-to-prison rate for other types of inmates.⁵ The evidence is clear that rehabilitative programs can slow the revolving door of crime and benefit California's communities.

B. Federal Court Orders

From 1978 to 2006, the prison population in California grew from 22,000 to 176,000, an increase that forced prisons to house inmates at double their design bed capacity. On May 23, 2011, the United States Supreme Court ruled that California must comply with an order handed down by a federal Three-Judge Court to reduce its prison population to 137.5 percent of design bed capacity. The United States Supreme Court held that prison medical and mental health care fell below the constitutional standard of care and the only way to meet constitutional requirements is sustained reduction in the state prison population.

Specifically, the federal Three-Judge Court ordered the department to implement the following population-reduction measures:

1. Implement a new parole consideration process in which nonviolent second-strike inmates would be eligible for parole consideration once they have served 50 percent of their sentence;
2. Implement a new elderly parole consideration process in which inmates who are 60 years or older and have served a minimum of 25 years of incarceration are eligible for parole;
3. Expand the parole consideration process for medically incapacitated inmates and authorize the release of certain life inmates who have been granted parole with future dates;
4. Allow certain minimum custody inmates to earn two-for-one good conduct credits;
5. Increase credits prospectively for nonviolent second-strike offenders from 20 percent to 33.3 percent and allow these inmates to earn milestone completion credits for completing rehabilitative programs; and
6. Increase the department's use of reentry services and alternative custody programs.

³ Davis, Lois M., Robert Bozick, Jennifer L. Steele, Jessica Saunders and Jeremy N. V. Miles. Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults. Santa Monica, CA: RAND Corporation, 2013. https://www.rand.org/pubs/research_reports/RR266.html.

⁴ Steve Aos, Marna Miller and Elizabeth Drake. Evidence-Based Adult Corrections Programs: What Works and What Does Not." Olympia: Washington State Institute for Public Policy, 2006.

⁵ CDCR, 2015 Outcome Evaluation Report: http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/2015_Outcome_Evaluation_Report_8-25-2016.pdf.

The order makes clear that the court will maintain jurisdiction over the case until the department has “firmly established” that its compliance with the population cap is durable. If the department fails to maintain the prison population below 137.5 percent of design capacity, a court-appointed compliance officer is authorized to order the release of prisoners.⁶

The Act enables the department to replace the court-ordered requirements with a durable remedy that prevents the federal court from indiscriminately releasing prisoners and will eventually lead to the end of federal court oversight. As explained below, two of the court-ordered remedies – parole consideration for nonviolent offenders and enhanced credit earning – have already been in effect for two years and proven successful in gradually and safely reducing prison overcrowding.

1. Court-Ordered Parole Consideration for Nonviolent Second-Strike Offenders

The federal court ordered the department to implement a parole consideration process for nonviolent second-strike offenders who have served 50 percent of their sentence. This court-ordered process requires prison officials to carefully review and screen out inmates based on public-safety criteria. Only those who satisfy these rigorous public-safety screens are referred to the parole board; inmates whose behavior fails to demonstrate that they are working towards rehabilitation are not referred. Within five days of any referral, the board notifies the prosecuting agency and any registered victims of the nonviolent offender’s upcoming parole review. Interested parties are afforded 30 days to provide written comment and input concerning the inmate’s potential parole.

A hearing officer with the board reviews all relevant information, including the inmate’s criminal history, behavior in prison, rehabilitative efforts, and written statements from interested parties, and approves or denies the inmate’s parole. The board’s decision to approve or deny parole follows well-established legal standards and is based on whether the inmate poses an unreasonable risk of violence to the community. If parole is approved, the department notifies registered victims, local law-enforcement agencies, and probation officers; the Division of Adult Parole Operations then completes its normal pre-parole review process.

⁶ In addition to these court ordered measures, the department substantially increased its capacity to house inmates through contracts with private correctional facilities (approximately 4,900 inmates are housed in private out-of-state facilities and 6,500 inmates are housed in private in-state facilities) and additional construction at existing prisons (the department is adding 3,267 prison beds at existing prisons). (An Update to the Future of California Corrections, January 2016: <http://www.cdcr.ca.gov/Blueprint-Update-2016/An-Update-to-the-Future-of-California-Corrections-January-2016.pdf>, at p. 25.)

2. *Court-Ordered Enhanced Credit Earning*

Under the court-ordered credit earning process, the department increased credit for good conduct for nonviolent second-strike offenders from 20 percent (one day of credit for every four days of incarceration) to 33.3 percent (one day of credit for every two days of incarceration) and required that these inmates be eligible to earn milestone completion credit. The court also required the department to grant two-for-one credit to certain minimum custody inmates. The department has implemented all of the population reduction measures ordered by the court and these measures have reduced the prison average daily population by approximately 4,000 inmates in 2015-16.⁷

III. OVERVIEW

These regulations are necessary to implement, interpret, and make specific the provisions of Proposition 57, the Public Safety and Rehabilitation Act of 2016 (“the Act”), which was approved by California voters in November 2016. The Act has three components. First, it provides that nonviolent felony offenders who have served the full term for their primary criminal offense in state prison may be considered for parole by the board. The primary offense is defined as the longest term of imprisonment imposed by the court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence. Second, the Act authorizes the department to award credits earned for good conduct and other approved rehabilitative or educational achievements. Third, the Act requires that juvenile court judges determine whether juveniles charged with certain crimes should be tried in juvenile or adult court.⁸ The Act further directs the department to adopt regulations to implement the parole consideration and credit earning provisions described above, subject to a finding by the Secretary of the department that the regulations protect and enhance public safety.

To fulfill the Act’s directives, the department adopts a new Subchapter 5.5, “Parole Consideration,” to Chapter 1 of Division 3, with new sections 3490, 3491, 3492, and 3493, and adopts a new Article 15 to Title 15, Division 2, Chapter 3, “Parole Release,” with sections 2449.1, 2449.2, 2449.3, 2449.4, and 2449.5, concerning parole consideration for determinately-sentenced nonviolent offenders. The department proposes to delete or relocate and renumber existing sections 3042, 3043, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, and 3043.6, and adopt new sections 3043, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, and 3043.6 of the California Code of Regulations, Title 15, Division 3, concerning inmate credit earning. In addition, the department

⁷ An Update to the Future of California Corrections, January 2016: <http://www.cdcr.ca.gov/Blueprint-Update-2016/An-Update-to-the-Future-of-California-Corrections-January-2016.pdf>

⁸ This third component was self-executing and is already being implemented by the courts; it is not part of this rulemaking.

proposes to revise section 3044, “Inmate Work Groups,” to make conforming changes resulting from changes to the inmate credit earning rules.

The department has been granted broad rulemaking authority to “adopt regulations in furtherance of these provisions” (Cal. Const., Article 1, Section 32(b)). The Purpose and Intent statement of the Act commits the department and the people of California to “Prevent Federal Courts from indiscriminately releasing prisoners” and to “Stop the revolving door of crime by emphasizing rehabilitation.” In keeping with these two stated goals of the Act, the department proposes to broaden the range and availability of credit-earning opportunities for motivated inmates who behave well and participate in approved educational, vocational, and rehabilitative programs.

Prior to the passage of the Act, inmate credits were awarded under the authority of Penal Code sections 2930 through 2935. The version of the Penal Code in place at the time each crime was committed established parameters and limits on the type and amount of credit each inmate could earn. Patchwork changes to the law have led to a confusing and ever-evolving system of credit earning (see “CDCR, Credit Earning ‘101’” attached below) that is difficult to administer. Furthermore, the previous credit earning structure “provides little incentive for positive programming.”⁹ Now, following passage of the Act, the department is promulgating regulations that will simplify credit earning for all inmates, increase credit earning potential for most inmates, and set in law the credit earning programs ordered by the federal Three-Judge Court.

A. Parole Consideration for Determinately-Sentenced Nonviolent Offenders

Under Article 1, Section 32(a)(1), of the California Constitution, adopted under the Act, the department is directed to establish a parole consideration process through which inmates currently serving prison sentences for only nonviolent felony offenses shall be eligible for parole consideration after completing the full term for his or her primary offense, subject to certification by the Secretary of the department that these implementing regulations protect and enhance public safety. To that end, the department proposes to establish a process through which determinately-sentenced state prisoners currently serving only nonviolent offenses may be considered for parole once they have served the full term of his or her primary offense. Under a prior emergency rulemaking proceeding, this process began July 1, 2017. A determinately-sentenced inmate has been sentenced to prison for a prescribed number of years as established by statute. These inmates normally serve the prescribed lengths of their sentences, less any pre- and post-conviction credits, and are released at the end of their term without any parole review. In contrast, an inmate with an indeterminate life term has a sentence with a minimum term, but cannot be released until he or she is found suitable for parole by the board. The parole process established here affords determinately-sentenced nonviolent inmates the opportunity to be

⁹ Governor’s Budget Summary for Fiscal Year 2017-2018, Public Safety: <http://www.ebudget.ca.gov/2017-18/pdf/BudgetSummary/PublicSafety.pdf>, at p. 76.

reviewed by the board and to be released prior to the end of their sentence if the inmate demonstrates to the board that he or she has been rehabilitated and no longer poses an unreasonable risk of violence to the community.

In establishing this process, the department took into consideration the court-ordered nonviolent second-striker process already in effect. Specifically, as noted above, in 2014 a federal Three-Judge Court ordered the department to implement a parole consideration process for nonviolent second-strike offenders who have served 50 percent of their sentence. This court-ordered process for nonviolent second-strike offenders requires prison officials to carefully review and screen out inmates based on public-safety criteria. Inmates who satisfy these rigorous public-safety screens are then referred to the board. Within five days of any referral, the board notifies the prosecuting agency and any registered victims. Interested parties are afforded 30 days to provide written comment and input concerning the inmate's potential parole. When considering parole for a nonviolent second-strike offender under the court-ordered process, a hearing officer from the board reviews the inmate's criminal history, behavior in prison, rehabilitative efforts, and written statements from interested parties, before deciding whether to approve or deny parole. The board's decision to approve or deny parole is based on whether the inmate poses an unreasonable risk of violence to the community.

These regulations establish a nonviolent parole consideration process that improves on the existing court-ordered nonviolent second-strike parole process. The department proposes to clarify the definitions for the terms "nonviolent," "full term," and "primary offense" as they will apply to this process, as well as establish how the department and the board identify the date upon which an inmate deemed to meet criteria as a nonviolent offender will be eligible for parole consideration. The department further proposes to establish an eligibility determination process to identify and track qualified inmates. Additionally, to carry out the public-safety requirement of the constitutional provision, the department proposes to establish a public-safety screening prior to referring otherwise qualified nonviolent offenders to the board. Screening out inmates who have engaged in recent, serious institutional misconduct protects public safety and ensures that the board is focusing its resources on the nonviolent offenders who are more likely to be found suitable for parole. Offenders who are screened out at this stage will be reviewed on an annual basis until they are deemed eligible for referral or are released under other applicable laws.

Upon referral, the department proposes to clarify how notification requirements for victims and prosecuting agencies apply to this process to ensure they have an opportunity to provide written input in the parole consideration process. A jurisdictional review process is proposed as a second check to confirm an inmate's eligibility for nonviolent offender parole review. The department also proposes to establish the process through which its hearing officers will conduct a nonviolent offender parole review on the merits by clarifying the scope of information to be

considered and the standard for determining whether the hearing officer will approve or deny parole. For nonviolent offenders approved for parole, the department proposes to clarify the timing of release in light of other applicable requirements, such as laws governing holds, warrants, detainers, notifications, and additional sentences for in-prison offenses. Finally, the department proposes to clarify the procedures through which inmates may seek redress of department and board decisions they feel were reached in error.

B. Credit Earning

The Act also amends the California Constitution to authorize the department to award credits earned in state prison for good behavior and approved rehabilitative or educational achievements. Using this authority, the department proposes to revise the complex system of credits that currently exists in the Penal Code and regulation (see “CDCR, Credit Earning ‘101’” attached below). These proposed regulations revise and simplify several existing forms of credit and adopt new ways in which inmates may earn credit based on their participation in and completion of specific rehabilitative or educational programs. Such credits may advance an inmate’s release date if the inmate was sentenced to a determinate term, or advance an inmate’s initial parole consideration hearing if the inmate was sentenced to an indeterminate term. Condemned inmates and those serving a sentence of life without the possibility of parole will remain ineligible to earn any credit.

Inmates who violate the rules and regulations of the department shall continue to have their credits forfeited. Credit forfeiture for disciplinary reasons is governed by existing rules in Title 15, Division 3, Chapter 1, Subchapter 4, Article 5, Inmate Discipline sections 3310-3326. These disciplinary rules remain unchanged and are not being revised in this rulemaking. Some forfeited credits may be restored if the inmate remains free of disciplinary infractions for a specified timeframe, while others cannot be restored. Credit forfeiture occurs through a due process disciplinary procedure where both the inmate and department staff can present evidence and information. Inmates have the right to appeal any forfeiture of credit, and the forfeited credits will be restored if the disciplinary action is reversed as a result of an administrative appeal or a court action.

Activation of the revised and new credit earning categories is being phased in during the initial implementation of these regulations because of the significant training, case records and information technology infrastructure changes and programming needed to support each credit earning change. Under a prior emergency rulemaking proceeding, Good Conduct Credit took effect on May 1, 2017, and the remaining credit provisions described below are scheduled to take effect on August 1, 2017. With the exception of Educational Merit Credit, all new or revised credit provisions will be applied prospectively from the date of implementation.

There are five categories of credit earning that are either being revised or newly adopted in this rulemaking action.

1. Good Conduct Credit

Good Conduct Credit is an existing type of credit awarded to eligible inmates who comply with the regulations and rules of the department and perform the duties assigned to him or her. Over time, a multitude of credit schemes have been enacted resulting in a patchwork of credit earning categories that are increasingly difficult to administer. Currently, inmates fall within a variety of credit earning categories depending on the date and type of the inmate's offense and the law in effect on that date.

In contrast, these proposed regulations will simplify the credit-earning categories, incentivize more inmates to comply with prison regulations, and create a durable solution to prison overcrowding by adopting some previously mandatory court ordered credit increases. Condemned inmates and inmates with a term of life without the possibility of parole will not receive these credits because their sentences cannot be reduced as a matter of law.

2. Milestone Completion Credit

Milestone Completion Credit is an existing type of credit awarded to eligible inmates for successful completion of approved rehabilitative or educational programs. (See Penal Code section 2933.05.) Milestone Completion Credit requires the mastery of certain performance measures that demonstrate an understanding of course curriculum (either academic or vocational) through completion of assignments, instructor evaluations, and standardized testing.

The department altered its methodology for computing Milestone Completion Credit in this revision. Revisions to the Milestone Completion Credit Schedule will ensure credits are awarded based on actual instruction and classwork time, rather than the overall duration of a class. For example, a four-week course with 40 total hours of instruction time and home-work will receive half as much credit as a four-week course with 80 total hours of instruction time and homework.

Before the Act, the maximum amount of Milestone Completion Credit an inmate could earn was capped statutorily at six weeks per year. (Penal Code section 2933.05.) In order to incentivize more inmates to seek out educational, rehabilitative, or vocational training programs, the maximum amount of credit an inmate may earn in a twelve-month period will double from six to twelve weeks. The department believes that doubling the existing

cap on Milestone Completion Credit is in keeping with the intent of the Act to encourage more programming and that this annual limitation will ensure program availability for as many inmates as possible given the space limitations in various programs and at various institutions. Further, the proposed regulations expand the number of inmates who may participate. Currently the following inmates are excluded from Milestone Completion Credit: condemned inmates, inmates sentenced to a term of life without the possibility of parole, inmates sentenced under the Three Strikes Law (Penal Code section 1170.12, subdivision (c), or section 667, subdivisions (c) or (e)), inmates serving a term for a violent felony as defined in Penal Code section 667.5, subdivision (c), and inmates convicted of an offense that requires registration as a sex offender under Penal Code section 290. In keeping with the intent of the Act – to increase inmate participation in rehabilitative programming and thus reduce recidivism upon release – the department has determined that all inmates should participate in Milestone Completion Credit programs, except condemned inmates and inmates sentenced to a term of life without the possibility of parole (for whom credits have no effect on their sentence).

3. Rehabilitative Achievement Credit

Rehabilitative Achievement Credit is a newly proposed type of credit available to all inmates (other than those condemned or sentenced to a term of life without the possibility of parole) who participate in approved group or individual programs designed to further the educational, behavioral, or rehabilitative development of an inmate. Some examples include alcohol and substance abuse prevention, anger management, anti-gang life skills, victim awareness, and best parenting practices. Approved programs must be organized to achieve educational or rehabilitative goals, must be sponsored by department staff or volunteers, and must be approved by the Division of Adult Institutions.

The proposed regulations establish a schedule of credits to be awarded for participation in approved inmate rehabilitative programs and self-help groups at their institutions. Inmates may earn up to a maximum of four weeks credit per year. The department set the cap for Rehabilitative Achievement Credit at four weeks because anything greater could dis-incentivize inmate participation in the Milestone Completion Credit programs, which are more structured and measurable in their results.

4. Educational Merit Credit

Educational Merit Credit is a new type of credit for eligible inmates who successfully complete, while incarcerated, a high school diploma or equivalent, an associate of arts or science degree, a bachelor of arts or science degree, a graduate degree (masters or doctorate), or an alcohol and drug counselor certification. This credit may be awarded for

each level of educational achievement only once, but must be completed during the inmate's current term of incarceration. At least fifty percent of the credit toward a college level degree must be earned from a regionally accredited institution while an inmate is in prison on his or her current term. This requirement ensures that at least half of an inmate's coursework is completed after the inmate's conviction and during their incarceration, when the need for educational rehabilitation is greatest. All inmates eligible for Good Conduct Credit shall be eligible to earn Educational Merit Credit.

5. *Extraordinary Conduct Credit*

Extraordinary Conduct Credit is an existing type of credit awarded pursuant to Penal Code section 2935, under which the Director of the Division of Adult Institutions may grant up to twelve additional months of reduction of a sentence to a prisoner who has performed a heroic act in a life-threatening situation, or who has provided exceptional assistance in maintaining the safety and security of a prison.

With the implementation of these new and revised credit earning programs, the department intends to encourage broader inmate participation in rehabilitative and educational programs, with the aim of reducing recidivism among inmates upon their eventual release to society and thereby protecting and enhancing public safety. Department data shows that inmates who receive substance abuse treatment while in prison consistently have lower rates of returning to state prison than inmates who do not receive such treatment.¹⁰ The department expects that its continued emphasis on rehabilitation through the credit incentives described above will reinforce this downward trend.

The department determined that implementation of the new and revised credit earning programs will be phased-in prospectively as follows: Good Conduct Credit on May 1, 2017; Milestone Completion Credit on August 1, 2017; Rehabilitative Achievement Credit on August 1, 2017; and Extraordinary Conduct Credit on August 1, 2017. Educational Merit Credit will be implemented on August 1, 2017, and applied retroactively if completed during the inmate's current term of incarceration.

A number of reasons support the department's determination that the new and revised credit earning programs should be implemented prospectively. First, implementation of all the new and revised credit earning programs will likely affect the credit calculations of more than 80,000 inmates. To do so prospectively represents a major task for almost all of the divisions and branches of the department, but especially for the staff responsible for updating information

¹⁰ CDCR, 2015 Outcome Evaluation Report:
http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/2015_Outcome_Evaluation_Report_8-25-2016.pdf.

technology systems, auditing release date calculations, and developing credit earning programs. To apply the credits retroactively would require significantly more time, staff, and resources. Such delays would thwart the goals of the Act.

Second, records of inmate participation in Milestone Completion Credit programs may not have been uniformly entered into the department's information technology system for violent inmates because they were ineligible for such credits prior to the Act. Nor were such records entered into the department's information technology system for participation in programs that may be approved for Rehabilitative Achievement Credit because those programs were not eligible for credit prior to the Act. As a result, while some inmates whose records were maintained would be helped, many inmates (especially those serving longer sentences) would lack the necessary records from the past to receive credit retroactively, resulting in disparate treatment of those inmates.

Third, retroactive implementation would harm those inmates who were not eligible to receive credit for participation in Milestone Completion Credit programs or Rehabilitative Achievement Credit prior to the Act and therefore chose to participate in other worthwhile rehabilitative programs, such as work assignments or self-help programs. To retroactively apply these proposed regulations would disadvantage those inmates who could not have known that the rules would change in 2017.

Finally, the department has determined that no inmate shall be awarded credit or have credit restored which advances his or her release to parole supervision or Post Release Community Supervision to a date less than 60 calendar days from the date the credit is applied or restored. This rule will ensure that the department has adequate time to conduct pre-parole assessments and planning to provide inmates with the best possible opportunity to succeed upon their transition to the community, as well as provide, where applicable, advance notification to crime victims, prosecutors, and law enforcement (as required by Penal Code sections 3058.6 and 3058.9) of the inmate's pending transition.

IV. RULEMAKING AUTHORITY

In California, adopting, amending, or repealing a regulation requires an express grant of authority in law. As stated in Government Code section 11349, subdivision (b), “‘Authority’ means the provision of law which permits or obligates the agency to adopt, amend, or repeal a regulation.”

Ordinarily, the authority to adopt, amend, or repeal regulations in Division 3 of Title 15 (“Adult Institutions, Programs and Parole”) is found in Penal Code section 5058, subdivision (a): “The

[Secretary] may prescribe and amend rules and regulations for the administration of the prisons . . .” The authority to do the same in Division 2 of Title 15 (“Board of Parole Hearings”) is found in Penal Code section 3052, which states, “The Board of Parole Hearings shall have the power to establish and enforce rules and regulations under which inmates committed to state prisons may be allowed to go upon parole outside the prison buildings and enclosures when eligible for parole.”

With the passage of the Act, Article 1 of the California Constitution was amended to include Section 32, subdivision (b), which states, “The Department of Corrections and Rehabilitation shall adopt regulations in furtherance of these provisions, and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.” Accordingly, the Secretary has been granted broad authority under the California Constitution to adopt, amend, or repeal regulations in furtherance of the goals of the Act and hereby invokes that provision of law in support of this rulemaking action and affirmatively certifies that these regulations do protect and enhance public safety.

V. SPECIFIC PURPOSE AND RATIONALE FOR EACH PROPOSED REGULATORY SECTION PER GOVERNMENT CODE 11346.2(b)(1)

A. Parole Consideration for Determinately-Sentenced Nonviolent Offenders

The Act grants constitutional authority to the Secretary of the department to adopt regulations governing parole consideration for nonviolent offenders. Accordingly, through these regulations the Secretary proposes to create a parole consideration process for qualifying nonviolent offenders who have finished serving the full term for his or her primary offense. The Act does not create a right for nonviolent offenders to parole; rather, it authorizes the department to establish this parole consideration process and through it promote the public safety and rehabilitation goals of the Act.

The regulations establish the process through which the department identifies (1) which inmates qualify as nonviolent offenders, (2) when those nonviolent offenders may be screened for referral eligibility, and (3) the criteria from which to determine when the offender is eligible for referral to the board. Then, when a nonviolent offender is referred to the board for nonviolent parole consideration, these regulations direct the board to review the offender’s record and determine whether the offender may be safely released at this time or continues to pose an unreasonable risk of violence to the community. In making those determinations, the regulations establish the information to be considered, clarify the standard of review, and provide a mechanism for the board to notify victims and prosecuting agencies and consider their input.

Title 15, Division 3, New Subchapter 5.5, Article 1, Parole Consideration for Determinately-Sentenced Nonviolent Offenders.

Section 3490. Definitions.¹¹

This section is adopted to define key terms that will apply to the new parole consideration process for nonviolent offenders. First, this section defines a “nonviolent offender” as any inmate who is not (1) condemned, (2) currently incarcerated for a term of life without the possibility of parole, (3) currently incarcerated for a term of life with the possibility of parole, (4) currently serving a term for a violent felony as defined in Penal Code section 667.5, subdivision (c), or (5) convicted of a sex offense that currently requires registration pursuant to Penal Code section 290.

Condemned inmates, inmates currently serving a term of life without the possibility of parole, and inmates currently serving a term of life with the possibility of parole are excluded from parole consideration under this section because the people of the State of California (through initiatives and the legislature) determined that such inmates have been convicted of violent offenses or have repeatedly committed serious crimes that require the longest possible period of incarceration (life in prison with the possibility of parole), consistent with public safety.

Inmates currently serving a term for a violent felony offense, as defined in Penal Code section 667.5, subdivision (c), are excluded from parole consideration because the crimes listed in that section of the Penal Code involve physical violence. However, inmates who have completed a violent offense term but remain incarcerated for offenses that do not qualify as a violent felony will be eligible for parole consideration, in accordance with court decisions.

Inmates convicted of a sexual offense that currently requires or will require they register pursuant to Penal Code section 290 are also excluded from parole consideration because the crimes listed in that section of the Penal Code reflect the determination of the people of the State of California (through initiatives and the legislature) that, “Sex offenders pose a potentially high risk of committing further sex offenses after release from incarceration or commitment, and the protection of the public from reoffending by these offenders is a paramount public interest.” (Penal Code section 290.03.) Also, when the people of the State of California approved Proposition 35 on November 6, 2012, they declared that “Protecting every person in our state, particularly our children, from all forms of sexual exploitation is of paramount importance.” (See Proposition – Californians Against Sexual Exploitation Act, 2012 Cal. Legis. Serv. Prop. 35 (Proposition 35) (WEST), section 2, paragraph 1.)

¹¹ The text of this section which is adopted for Division 3 appears below in new section 2449.1 of Division 2. The definitions are repeated in each section because Division 3 is applicable to the department and Division 2 is applicable to the board, yet clarity and consistency in their application by both entities is essential.

Next, this section defines the term “primary offense” to mean the single crime with the longest sentence imposed by any court, excluding all enhancements, alternative sentences, or consecutive sentences, and defines “full term” to mean the actual number of years, months, and days the sentencing court imposed for that primary offense, not including any sentencing credits. Taken together, this means that an eligible inmate will only be considered for parole after serving the actual number of years, months, and days imposed by the sentencing court for the crime with the longest sentence. That date, less any pre-sentence credits awarded by the sentencing court, represents the inmate’s “nonviolent parole eligible date,” which shall be used to schedule the inmate’s initial parole consideration.

Section 3491. Eligibility Determination.

This section is adopted to describe how the department will review each inmate to determine whether the inmate meets the definition of nonviolent offender contained in section 3490. The purpose of this process is to determine which inmates are eligible for parole consideration so that these inmates can be properly scheduled for review.

Subsection 3491(a) establishes that on June 1, 2017, the department began the eligibility determination process for all nonviolent offenders currently in the custody of the department.

Subsection 3491(b) clarifies that the department, after completing the process described in subsection 3491(a) above, shall begin the eligibility determination process for all nonviolent offenders upon their admission to the department.

Subsection 3491(c) clarifies that the department shall conduct another eligibility determination for nonviolent offenders once a sentencing court issues a new or amended abstract of judgment affecting their conviction or term of incarceration. This ensures that inmates are identified and tracked as nonviolent offenders as quickly as possible, but that inmates are reviewed again when changes to their convictions or terms of incarceration imposed by the court occur to determine the impact of those changes on their nonviolent offender status.

Subsection 3491(d) establishes the three required steps of the eligibility determination process, which includes determining if the inmate meets the definition for inclusion as a nonviolent offender, identifying the inmate’s primary offense, and calculating the inmate’s nonviolent parole eligible date by determining when the inmate will complete the full term of his or her primary offense.

Subsection 3491(e) clarifies that eligibility determinations are subject to the department’s inmate appeal process so that inmates understand the proper channel through which to challenge an eligibility determination they feel was made in error.

Section 3492. Public-Safety Screening.

This section is adopted to describe how the department will screen each inmate beginning July 1, 2017, to determine whether a nonviolent offender should be referred to the board for parole consideration or instead be deferred for one year due to recent institutional misconduct, indicating that they pose an unreasonable risk to the community. Under the screening process set forth in this section, the department will review the inmate's current case factors as his or her nonviolent parole eligible date approaches to determine whether the inmate has committed a listed offense. Only inmates who pass this public-safety screening are referred to the board. Such screening protects public safety and ensures that the board focuses its resources on inmates who are more likely to be found suitable for parole.

Subsection 3492(a) clarifies that nonviolent offenders must be screened for potential referral at least 35 days prior to their nonviolent parole eligible date. This is to ensure that eligible inmates are referred to the board early enough for the board to complete its jurisdictional review (see section 2449.3 below) prior to the inmate reaching his or her nonviolent parole eligible date.

Subsection 3492(b) contains the eight screening criteria the department will apply to determine whether a nonviolent offender will be referred to the board. The department intends to use the same criteria established by the federal court when it ordered the department to establish a parole consideration process for nonviolent second-strike offenders. The department believes that these criteria have served to protect public safety in the court-ordered process and have therefore adopted them in the new parole consideration process.

Under these criteria, nonviolent offenders will automatically be screened out if their prison records establish they have recently committed serious misconduct indicating they pose an unreasonable risk of violence.

First, those inmates who engage in serious misconduct while in prison such that they must be segregated from the general population because they pose an unreasonable risk of violence to other inmates or staff are often placed in security housing units. Placement in a security housing unit is reserved for the most serious offenses committed in prison, clearly indicating that the nonviolent offender continues to pose a risk to public safety. Thus, nonviolent offenders who are currently placed in a security housing unit or have been placed in a security housing unit in the past five years will be screened out of the parole consideration process given that their prison record contains clear evidence that they are not suitable for parole.

Second, nonviolent offenders are similarly screened out if their prison record indicates they have been placed in a security housing unit for any involvement with a Security Threat Group (i.e., prison gang) in the past five years.

Third, nonviolent offenders will be screened out if, in the past five years, they have been found guilty of one Division A-1 or Division A-2 rules violation, which amount to in-prison felony offenses, or if they have been found guilty of two or more serious rules violations of any kind in the past year. This subsection also screens out any nonviolent offenders who have been placed in Work Group C within the last year because placement in this work group indicates the inmate has had his or her privileges revoked for disciplinary reasons.

Furthermore, this subsection screens out any nonviolent offenders who are scheduled to be released on their earliest possible release date if that date falls within 180 days of their screening date or their nonviolent parole eligible date. Parole consideration under this section is not necessary if the inmate is already going to be released by operation of law within 180 days of their screening date or their nonviolent parole eligible date.

Subsection 3492(c) clarifies that nonviolent offenders who are deemed eligible under subsection 3492(b) above shall be referred to the board for parole consideration consistent with this section.

Subsection 3492(d) clarifies that nonviolent offenders who are not screened out under this section shall be referred to the board for parole consideration. However, nonviolent offenders who are screened out must be screened again one year later and each year thereafter until they are referred to the board, no longer deemed eligible for referral, or released from prison by operation of law. This is to ensure that nonviolent offenders who are screened out of the parole consideration process are reviewed regularly to determine if their current prison record no longer demonstrates an unreasonable risk of violence to the community.

Subsection 3492(e) requires the department to notify inmates of the results of their public-safety screenings for the sake of transparency and to ensure they can appeal the department's decision if they believe it was made in error. This subsection also requires the department provide information to the nonviolent offender about his or her opportunity to submit a written statement to the board.

Subsection 3492(f) clarifies that public-safety screening determinations are also subject to the department's Inmate Appeal Process so inmates understand the proper channel through which to challenge a determination they feel was made in error.

Section 3493. Processing for Release.

This section is adopted to establish that the department shall parole an approved nonviolent offender no later than 60 days from the date of the board's decision approving parole. This section provides the board and the department with sufficient time to conduct all necessary pre-

release reviews and notifications, including statutorily-required notifications. This subsection further clarifies that nonviolent offenders approved for parole remain subject to all laws that affect the release of inmates, including laws governing holds, warrants, or detainers, and any notification requirements to victims and law enforcement agencies. Finally, this subsection clarifies that inmates subject to additional terms of confinement for in-prison offenses will still be required to serve those terms beginning on the date they would have otherwise been released from prison following parole approval by the board, in accordance with Penal Code section 1170.1, *In re Tate* (2006) 135 Cal.App.4th 756, and *In re Thompson* (1985) 172 Cal.App.3d 256.

Title 15, Division 2, Chapter 3, Article 1, Parole Consideration for Determinately-Sentenced Nonviolent Offenders.

Section 2449.1. Definitions.

This section is adopted to define key terms that will apply to the new parole consideration process for nonviolent offenders. First, this section defines a “nonviolent offender” as any inmate who is not (1) condemned, (2) currently incarcerated for a term of life without the possibility of parole, (3) currently incarcerated for a term of life with the possibility of parole, (4) currently serving a term for a violent felony as defined in Penal Code section 667.5, subdivision (c), or (5) convicted of a sex offense that currently requires registration pursuant to Penal Code section 290.

Condemned inmates, inmates currently serving a term of life without the possibility of parole, and inmates currently serving a term of life with the possibility of parole are excluded from parole consideration under this section because the people of the State of California (through initiatives and the Legislature) determined that such offenders have been convicted of violent offenses or have repeatedly committed serious crimes that require the longest possible period of incarceration (life in prison with the possibility of parole), consistent with public safety.

Inmates currently serving a term for a violent felony as defined in Penal Code section 667.5, subdivision (c), are excluded from parole consideration because the crimes listed in that section of the Penal Code involve physical violence. However, inmates who have completed a violent offense term but remain incarcerated for offenses that do not qualify as a violent felony will be eligible for parole consideration, in accordance with court decisions.

Inmates convicted of a sex offense that currently requires they register pursuant to Penal Code section 290 are also excluded from parole consideration because the crimes listed in that section of the Penal Code reflect the determination of the people of the State of California (through initiatives and the legislature) that, “Sex offenders pose a potentially high risk of committing further sex offenses after release from incarceration or commitment, and the protection of the public from reoffending by these offenders is a paramount public interest.” (Penal Code section 290.03.) Also, when the people of the State of California approved Proposition 35 on November

6, 2012, they declared that “Protecting every person in our state, particularly our children, from all forms of sexual exploitation is of paramount importance.” (See Proposition – Californians Against Sexual Exploitation Act, 2012 Cal. Legis. Serv. Prop. 35 (Proposition 35) (WEST), section 2, paragraph 1.)

Next, this section defines the term “primary offense” to mean the single crime with the longest sentence imposed by any court, excluding all enhancements, alternative sentences, or consecutive sentences, and defines “full term” to mean the actual number of years, months, and days the sentencing court imposed for that primary offense, not including any sentencing credits. Taken together, this means that an eligible inmate will be considered for parole after serving the actual number of years, months, and days imposed by the sentencing court for the crime with the longest sentence. That date, less any pre-sentence credits awarded by the sentencing court, represents the inmate’s “nonviolent parole eligible date,” which shall be used to schedule the inmate’s initial parole consideration.

Section 2449.2. Notification Process.

This section is adopted to describe the board’s processes for notifying the appropriate registered victims and prosecuting agencies when an inmate has been referred to the board for parole consideration under section 3492 above. The proposed process is the same notification process currently in place under the court-ordered nonviolent second-strike offender parole consideration process, which provides registered victims and prosecuting agencies with advance notice and 30 calendar days to provide written comment for the board’s consideration.

Subsections 2449.2(a)(1) and (2) establish a deadline of five business days for the board to generate the notifications described above and a deadline of 30 calendar days for any response to be postmarked or electronically stamped. The department believes this will provide the board with the time necessary to determine which registered victims and prosecuting agencies are entitled to receive notifications and to generate the notification letters. The department also believes this will provide the responding participants with adequate time to respond to the board.

Subsections 2449.2(b) and (c) define registered victims and prosecuting agencies in accordance with statutes and case law that currently control the board’s notification processes for parole hearings held pursuant to Penal Code sections 3041 and 3041.5. This subsection further requires the board to provide registered victims and prosecuting agencies with the opportunity to submit a written statement regarding the nonviolent offender to be considered when determining if the offender should be approved for parole. Finally, this subsection establishes the deadline for a notified person to submit a written response at 30 calendar days following the date of the board’s notification. This provides the participants with sufficient time to receive the notification and develop a statement for the board’s consideration.

Section 2449.3. Jurisdictional Review.

This section is adopted to describe the board's process for conducting a jurisdictional review prior to conducting parole consideration for nonviolent offenders to ensure that the inmate who has been referred to the board qualifies as a nonviolent offender under proposed section 3491 above and is currently eligible for referral to the board under proposed section 3492. The purpose of this section is to provide a second review to confirm that the referred nonviolent offender is eligible before the board uses its resources to conduct a full nonviolent parole consideration review on the merits.

Subsection 2449.3(a) clarifies that jurisdictional reviews shall be conducted by hearing officers employed by the board. These hearing officers include administrative law judges and commissioners who have been trained to conduct a wide range of administrative law hearings and reviews for the board and have been specially trained on the legal standards that apply and on the due process rights of all participants. This subsection further clarifies that jurisdictional reviews shall not be initiated until registered victims and prosecuting agencies have had an opportunity to submit their written statements for consideration. Since a jurisdictional review will be conducted prior to a full review on the merits, this process ensures that victims and prosecuting agencies have the opportunity to submit their statements before a hearing officer determines if the offender should be approved for parole.

Subsection 2449.3(b) defines the process used by the board to determine if it has jurisdiction to consider parole for a nonviolent offender. In accordance with proposed sections 3491 and 3492 above, a hearing officer must determine whether the offender referred to the board is currently (1) scheduled for release no earlier than 180 calendar days after the date of referral, (2) eligible as a nonviolent offender under the department's eligibility determination process, and (3) qualified for referral to the board under the department's public-safety screening criteria. If the answer to all three of the above inquiries is "yes," then the board has jurisdiction and shall consider the offender for parole. This process helps ensure that public safety is protected and the board uses its limited resources on those cases that are meritorious.

Subsection 2449.3(c) establishes the board's procedures following a jurisdictional review, depending on whether the hearing officer finds the board has jurisdiction. Specifically, if a hearing officer finds the board lacks jurisdiction, subsection (1) requires that the hearing officer issue a written decision, including a statement of reasons explaining that decision. Subsection (1) also requires the board to notify the inmate, registered victims, and prosecuting agencies of the board's jurisdictional decision to ensure transparency among all of the participants and provide the inmate with an opportunity to seek review of the board's decision pursuant to section 2449.5 below. On the other hand, if the hearing officer finds the board does have jurisdiction over the case, subsection (2) requires that the hearing officer advance the case to a full review on the merits pursuant to section 2449.4 below.

Subsection 2449.3(d) clarifies that board's jurisdictional determinations under this section are not subject to the department's Inmate Appeal Process, but are instead subject to the board's decision review process established in section 2449.5 below. This subsection ensures that inmates are afforded a means to raise any concerns they may have regarding the results of a jurisdictional determination and for the board to correct any errors.

Section 2449.4. Review on the Merits.

This section is adopted to describe the board's processes when considering parole for a nonviolent offender. This section describes the scope of the information to be considered by the board, the legal standard to be applied by the board, the circumstances that will result in an automatic review of the hearing officer's decision, and the proper means for an inmate to seek review of the board's final decision. Each of these attributes is explained in greater detail in the subsections that follow.

Subsection 2449.4(a) clarifies that a review on the merits shall be conducted by a hearing officer employed by the board, the same hearing officers responsible for the jurisdictional reviews described in section 2449.3 above. As discussed in that section, these hearing officers include administrative law judges and appointed commissioners who are highly qualified to conduct a wide range of administrative law hearings and reviews for the board.

Subsection 2449.4(b) establishes that the board's hearing officers must consider all relevant and reliable information when considering parole for a nonviolent offender. This requirement mirrors the requirements found in sections 2281 and 2402, applicable to parole suitability hearings for life-term inmates. This subsection further clarifies that relevant information includes all information in the inmate's central file, inmate's criminal history reports, and written statements submitted by the inmate, registered victims, and prosecuting agencies. In the event the inmate suffered a new criminal conviction following approval of nonviolent offender parole in the past, this subsection requires the hearing officer to consider that information as well. The purpose of this subsection is to ensure that hearing officers have access to all of the above information for their consideration when determining whether parole is appropriate for nonviolent offenders.

Subsection 2449.4(c) establishes the legal standard of review to be applied by the board's hearing officers when considering parole for nonviolent offenders. The department determined that the key question for hearing officers is whether the inmate poses an unreasonable risk of violence to the community, which follows well-established legal standards for parole consideration. This subsection further requires that hearing officers consider the circumstances of the conviction, including any mitigating or aggravating factors, as well as the nonviolent offenders' prior criminal record, institutional conduct, and written input from the

inmate, registered victims, and prosecuting agencies. This process ensures that the hearing officer makes a fully informed decision when considering parole.

Subsection 2449.4(d) directs that, if a hearing officer determines a nonviolent offender does not pose an unreasonable risk of violence to the community, he or she shall approve parole. This subsection also directs that, if the hearing officer determines the nonviolent offender does pose an unreasonable risk of violence to the community, he or she shall deny parole. In either case, this subsection requires that hearing officers reduce their findings to written decisions along with a statement of reasons in support thereof. This subsection further requires the board to notify the inmate, registered victims, and prosecuting agencies of the board's decision on the merits to ensure transparency among all of the participants and provide the inmate with an opportunity to seek review of the board's decision pursuant to section 2449.5 below.

Finally, this subsection contains an added safeguard for public safety in the form of a second-level review of a hearing officer's decision approving parole for a nonviolent offender if it would result in the inmate's release two or more years prior to his or her earliest possible release date. The second-level review shall be conducted by either an Associate Chief Deputy Commissioner or Chief Hearing Officer. The purpose of this provision is to ensure that the board scrutinizes any decision that would result in a nonviolent offender's approval for parole two or more years prior to their earliest possible release date.

Subsection 2449.4(e) clarifies that the board's parole decisions on the merits are not subject to the department's Inmate Appeal Process, but are instead subject to the board's decision-review process established in section 2449.5 below. This subsection ensures that inmates are afforded a means to raise any concerns they may have regarding the results of a board decision and afford the board a means to self-correct any errors in its parole determinations on the merits.

Section 2449.5. Decision Review.

This section is adopted to describe the board's process for administratively reviewing decisions made by one of its hearing officers. The types of decisions subject to review are limited to jurisdictional determinations and parole determinations on the merits. The purpose of this section is to provide inmates with the opportunity to raise concerns regarding such decisions and provide the board with an opportunity to administratively review those decisions in a timely fashion for any potential errors.

Subsection 2449.5(a) establishes that, within 30 calendar days of a hearing officer making a jurisdictional decision or a parole decision on the merits, an inmate may request review of that decision. The department believes that 30 calendar days is a reasonable amount of time

for an inmate to receive notification of the jurisdictional decision or parole decision on the merits, analyze the results, and seek review.

Subsection 2449.5(b) requires the board to complete its review of a jurisdictional decision or a parole decision on the merits within 30 calendar days of receipt of an inmate's request. The department believes that 30 calendar days is a reasonable amount of time for the board to analyze the hearing officer's decision and prepare a written response. Additionally, this subsection directs that review of such decisions be conducted by an Associate Chief Deputy Commissioner, the board's Chief Hearing Officer, or another hearing officer of the board who was not involved in the original decision at issue. This ensures that the review of the decision will be independent from the original hearing officer and that the affected inmate can be assured of a fair and impartial review.

Subsection 2449.5(c) requires the Associate Chief Deputy Commissioner, Chief Hearing Officer, or other hearing officer selected to conduct a review to document his or her findings in writing, whether the reviewing officer concurs with the original hearing officer's decision or disagrees with the original hearing officer's decision. In the latter case, the subsection requires the reviewing officer vacate the original hearing officer's decision and issue a new decision with a new statement of reasons. This ensures that the board and the affected inmate have a written record of the reviewing officer's decision and basis for that decision. This subsection further requires the board to notify the inmate, registered victims, and prosecuting agencies of the reviewing officer's decision to ensure transparency among all of the participants and provide the inmate with an opportunity to seek further review of the board's decision.

Subsection 2449.5(d) requires that the board vacate the decision approving parole for any nonviolent offender who is subsequently determined to be ineligible for parole consideration pursuant to section 3491 above or is subsequently disqualified under the public-safety screening process pursuant to section 3492 above. This may occur because the board becomes aware of a fact that makes the inmate no longer eligible for the nonviolent offender parole process pursuant to section 3491 above or because the inmate has engaged in subsequent misconduct that disqualifies the inmate pursuant to the public-safety screening criteria found in section 3492 above. When a decision is vacated for these reasons, this subsection requires that the board document in writing the grounds for the inmate's ineligibility or disqualification as described above. This subsection further requires the board to notify the inmate, registered victims, and prosecuting agencies if the decision is vacated for one of the reasons described above to ensure transparency among all of the participants and provide the inmate with an opportunity to seek review of the board's decision.

B. Credit Earning

With the passage of the Act, the Secretary of the department has been granted authority to adopt new regulations governing credit earning for inmates. Because of the extensive changes being adopted, the department has elected to delete, replace, relocate, and rewrite some existing sections rather than display the numerous changes to each existing sections. The department believes this will assist with readability and understanding of the changes. Each type of credit earning program will receive its own individual section rather than being embedded with other types of credit earning in the same section as is the case currently. Some existing sections are being relocated in their entirety and renumbered to make room for the new credit earning sections being adopted.

The types of credit an inmate may now earn under these new regulations are: (1) Good Conduct Credit, (2) Milestone Completion Credit, (3) Rehabilitative Achievement Credit, (4) Educational Merit Credit, and (5) Extraordinary Conduct Credit. Good Conduct Credit, Milestone Completion Credit, and Extraordinary Conduct Credit are existing inmate credit earning programs that are being modified and adopted in this rulemaking. Rehabilitative Achievement Credit and Educational Merit Credit are new credit earning programs being adopted under this rulemaking.

Specifically:

1. Good Conduct Credit is being adopted into its own section 3043.2, replacing the current section text titled “Loss of Participation Credit,” which is deleted in its entirety.
2. Milestone Completion Credit is being adopted into its own section 3043.3, replacing the current section titled “Loss of Behavior, PC 2933, or PC 2933.05 Credit,” which is deleted in its entirety.
3. Rehabilitative Achievement Credit is being adopted into its own section 3043.4, replacing repealed section titled “Non-Credit Earning.” Existing section 3043.7, “Impact of 45 Notification on Credit Earning,” is deleted in its entirety.
4. Educational Merit Credit is being adopted into section 3043.5, replacing the current section titled “Special Assignments,” which is relocated in its entirety to new section 3043.7 retaining the same title.
5. Extraordinary Conduct Credit is being adopted into section 3043.6, replacing the current section titled “Impact on Transfer on Credit Earning,” which is relocated to section 3043.8, retaining the same title.

Title 15, Division 3, Chapter 1, Article 3.5, Credits.

Section 3042. Penal Code 2933 Credits.

The existing text and title of this section are deleted in their entirety. Section 3042 was originally adopted by the department to implement, interpret, and make specific the provisions of Penal Code section 2933. Under the Secretary's authority granted by the California Constitution, new credit earning rules have been adopted and located in new sections 3043 through 3043.5 below.

Section 3043. Credit Earning.

The existing text in the preamble of this section and in subsections (a) through (i) are deleted in their entirety. The title of the section, "Credit Earning," remains the same. Under the Secretary's authority granted by the California Constitution to adopt a new credit earning system, many of the specific standards found in this section are no longer needed or have been revised. For example, "behavior" and "participation" credit given to inmates sentenced to an indeterminate term on or before June 30, 1977, or to a determinate term on or after July 1, 1977, will no longer be included under these new regulations. Instead, this small and diminishing population of inmates may continue to receive the older form of credit by direct application of the statute itself (see Penal Code section 2931). Because of the numerous changes proposed for existing section 3043, the department has elected to delete the text of this entire section and replace it with new individual sections setting the standards and conditions for each type of credit earning program. With the deletion of this section, CDCR Form 2233, "Inmate Declaration of General Education Development (GED) Eligibility," is deleted.

Subsection 3043(a) is adopted to make clear that inmates are expected to work or participate in rehabilitative programs in order to be eligible to earn Good Conduct Credit as defined in section 3043.2, Milestone Completion Credit as defined in section 3043.3, Rehabilitative Achievement Credit as defined in section 3043.4, and Educational Merit Credit as defined in section 3043.5. Inmates may also be awarded Extraordinary Conduct Credit as set forth in section 3043.6. These credit earning programs will allow inmates who seek rehabilitative opportunities while in prison and exhibit good conduct to reduce the length of their determinate term or advance their initial parole consideration hearing (as set forth in Penal Code section 3041(a)(2)) if sentenced to a term of life with the possibility of parole. By creating these credit incentives for inmates to participate in rehabilitative programming, the department believes that in-prison behavior will improve, inmates will be better prepared for a successful transition to parole, and communities will be safer.

Subsection 3043(b) is adopted to establish that all eligible inmates will have a reasonable opportunity to participate in credit earning programs depending on their in-prison behavior and custody level, as well as the availability of essential resources. For example, not all prisons can provide the same set of credit earning opportunities due to the varying availability of volunteers,

teachers, and space. The proposed regulations also explain that inmates will only get credit for complete and satisfactory participation in the programs as described in this article. The department is interested in more than mere attendance; instead, the goal is for inmates to complete educational and rehabilitative programs, engage in sustained good conduct, and participate in approved programs designed to further the educational, behavioral, or rehabilitative development of inmates. Further, this regulation clarifies that no credit will be awarded for diplomas, degrees, or certificates that cannot be verified after due diligence by department staff.

Subsection 3043(c) is adopted to ensure that under no circumstance shall inmates who have been awarded credit or have credit restored be released less than 60 days from the date the credit was awarded or restored. This rule is necessary to ensure that department staff has the ability to work with inmates on an individual basis to help them prepare a pre-release plan. The pre-release plan will aid in providing inmates with access to resources and services when they are released back into the community. This will assist in giving inmates the best opportunity to integrate back into society, as well as provide sufficient time for the department to provide notification to law enforcement, district attorneys, and victims when statutorily required.

Subsection 3043(d) is adopted to provide direction to staff and inmates that those inmates who are committed to the department but housed in another jurisdiction are eligible to participate in Good Conduct Credit, Educational Merit Credit, and Extraordinary Conduct Credit as described in subsection 3043(b). Inmates committed to the department may be housed elsewhere pursuant to the Western Interstate Corrections Compact; the Interstate Corrections Compact Agreement, or agreements with the California Department of State Hospitals or Federal Bureau of Prisons. The compacts described above are agreements between states allowing them to transfer inmates between jurisdictions. California is authorized to do so pursuant to Penal Codes sections 11189, 11190, and 11191. Pursuant to Penal Code section 2911, California is authorized to exchange prisoners with the Federal Bureau of Prisons in a similar manner. This regulation is necessary to clarify the credit earning status of inmates who are not physically housed in California State prisons, but are serving California prison terms. The proposed regulation also allows for inmates who are housed within a California Department of State Hospitals facility to participate in the credit earning programs described above.

Section 3043.1. Waiver.

The existing text in this section is deleted in its entirety. This waiver language permits certain inmates to earn credit under Penal Code sections 2933 and 2933.05. Instead, this small and diminishing population of inmates may continue to receive the older form of credit by direct application of the statute itself (see Penal Code section 2931) or opt to participate in these new credit earning programs. With the deletion of this section, CDCR Form 916, “Time Credit Waiver (PC 2934),” is deleted.

Section 3043.1. Pre-Sentence Credit.

This section is adopted to make clear that the award of any credit to an inmate prior to a sentencing hearing is performed by the sentencing court pursuant to Penal Code sections 2900.1, 2900.5, 2933.1, and 4019. These pre-sentence credits are applied to the inmate's term upon receipt of court documents. Thus, the department may only award credit to an inmate beginning the day after an inmate is sentenced by the court.

Section 3043.2. Loss of Participation Credit.

The existing text and title of this section is deleted in its entirety. Instead, this small and diminishing population of inmates may continue to receive the older form of credit by direct application of the statute itself (see Penal Code section 2931) or opt to participate in these new credit earning programs.

Section 3043.2. Good Conduct Credit.

Subsection 3043.2(a) is adopted to establish the criteria for the award of Good Conduct Credit, namely for inmates who comply with the rules and regulations of the prison on a daily basis and perform the duties as assigned to him or her, unless excluded from assignment. If an inmate fails to comply with the rules and regulations of the prison, they can forfeit Good Conduct Credit under existing regulations. Forfeited credit has the effect of lengthening an inmate's release date.

Inmates received on or after May 1, 2017, will be awarded this credit from the day after sentencing. Effective May 1, 2017, currently incarcerated inmates will be awarded this credit prospectively, based on the criteria found in subsections 3043.2(b)(1) through (b)(6). The credit will be applied to a determinately-sentenced inmate's earliest possible release date. For an inmate serving an indeterminate term, the credit awarded will advance his or her initial parole consideration hearing date as set forth by Penal Code section 3041(a)(2). Condemned inmates and inmates sentenced to life without the possibility of parole are excluded because their sentences cannot be reduced.

Subsection 3043.2(b) is adopted to establish that effective May 1, 2017, notwithstanding any other authority to award or limit credit, inmates will be awarded Good Conduct Credit based on the criteria provided in subsections 3043.2(b)(1) through (6). This regulation is necessary to establish the effective date of the Good Conduct Credit change. The award of Good Conduct Credit shall advance an inmate's earliest possible release date if sentenced to a determinate term and an inmate's initial parole consideration hearing date as set forth by Penal Code section 3041(a)(2) if sentenced to an indeterminate term. This proposed change to regulations is necessary to differentiate how Good Conduct Credit will be applied to inmates with determinate and indeterminate sentences, as listed in subsection 3043.2(b)(1) through (b)(6).

Subsection 3043.2(b)(1) is adopted to establish that condemned inmates and inmates who have been sentenced to life without the possibility of parole will remain ineligible to earn Good Conduct Credit. This inmate population is not eligible to earn Good Conduct Credit because their prison term cannot be reduced as a matter of law.

Subsection 3043.2(b)(2) is adopted to establish that inmates serving a determinate term or an indeterminate term for a violent felony as defined in Penal Code section 667.5(c) will be eligible to earn one day of credit for every four days of incarceration (20 percent). Currently, most inmates serving a determinate or an indeterminate term for a violent felony receive zero percent to 15 percent Good Time Credit, depending on when they committed their specific offense. In setting the Good Conduct Credit for inmates convicted of violent felonies at 20 percent, an increase of 5 to 20 percent depending on the inmate, the department balanced the need to provide these inmates with increased incentives to participate in rehabilitative programming and avoid misconduct with the recognition that inmates convicted of violent felonies should not be eligible for the same credit as nonviolent offenders because they bear culpability for greater harm to their communities. Nevertheless, these inmates will also be provided the opportunity to participate in all the other credit earning programs described further below. However, if they do not comply with the rules and regulations of the department, Good Conduct Credit may be forfeited which could negatively impact their release date.

Subsection 3043.2(b)(3) is adopted to establish that inmates serving a term under the Three Strikes Law (Penal Code section 1170.12(c) or 667(c)) and who are not serving a term for a violent felony as defined in Penal Code section 667.5(c) will be eligible to earn one day of credit for every two days of incarceration (33.3 percent). Currently, inmates that fall into this group receive zero percent to 20 percent Good Time Credit pursuant to statute, depending on when they committed their specific offense, or receive 33.3 percent Good Time Credit based on an order issued by the federal Three-Judge Court. In setting the Good Conduct Credit for nonviolent offenders sentenced under the Three Strikes Law at 33.3 percent, an increase of zero to 33.3 percent depending on the inmate, the department sought to establish a uniform credit for all inmates similarly sentenced and to provide those inmates with increased incentives to participate in rehabilitative programming and avoid misconduct. These inmates will also be provided with the opportunity to participate in all the other credit earning programs described further below. However, if they do not comply with the rules and regulations of the department, Good Conduct Credit may be forfeited which could negatively impact their release date.

Subsection 3043.2(b)(4) is adopted to establish that inmates who do not fall into subsections (b)(1) through (b)(3) above will be eligible to earn one day of credit for every day of incarceration (50 percent). This group of inmates currently receives 50 percent credit pursuant to Penal Code section 2933 and thus this subsection will result in no credit change for this group.

This subsection is also adopted to establish that inmates serving a determinate term for a violent felony as defined in Penal Code section 667.5(c) will be eligible to earn one day of credit for every day of incarceration once they have fulfilled the training requirements for assignment to a California Department of Forestry and Fire Protection camp or the training requirements for assignment as a firefighter to a department fire house. To be assigned to a fire camp or fire house inmates must, at a minimum, remain disciplinary free for sufficient time to be eligible for minimum custody placement, they must receive medical clearance pursuant to section 3355(c), and they must successfully complete a rigorous training program. Fire camps serve the public interest by providing millions of person hours responding to fires and other emergencies, including flood protection. Fire camps and fire house assignments carry significant risk of personal injury. The department believes these credit incentives are appropriate for inmates in these challenging assignments. However, if they fail to comply with the rules and regulations of the department they may be removed from the fire camp or fire house pursuant to section 3044(b)(7) discussed below and their Good Conduct Credit may be forfeited, and credit earning rate adjusted, or both; which could negatively impact their release date.

Subsection 3043.2(b)(5) is adopted to establish that inmates who are eligible to earn day for day credit (50 percent) and who are assigned to Minimum A Custody or Minimum B Custody pursuant to sections 3377.1(a)(8) and 3377.1(a)(9), or have fulfilled the training requirements for assignment to a California Department of Forestry and Fire Protection camp or the training requirements for assignment as a firefighter to a department fire house, will be eligible to earn two days of credit for every day of incarceration (66.6 percent). This proposed regulation will not change the current amount of Good Conduct Credit awarded to this inmate population because the federal Three-Judge Court previously ordered 66.6 percent credit to these inmates.

This subsection is also adopted to establish that inmates who are serving a determinate term for an offense that is not a violent felony as defined in Penal Code section 667.5(c) will be eligible to earn two days of credit for every day of incarceration once they have fulfilled the training requirements for assignment to a California Department of Forestry and Fire Protection camp or the training requirements for assignment as a firefighter to a department fire house. The reasons for awarding increased credits to inmate-firefighters discussed in subsection 3043.2(b)(4) above are applicable here too. Furthermore, this proposed regulation provides credit parity between nonviolent day-for-day credit earners who serve as firefighters and nonviolent 33.3 percent credit earners who serve as firefighters: both will earn 66.6 percent credit once they have fulfilled the training requirements for assignment as a firefighter. Similarly, if they fail to comply with the rules and regulations of the department then they may be removed from the fire camp or fire house pursuant to section 3044(b)(7) discussed below and their Good Conduct Credit may be forfeited, and credit earning rate adjusted, or both; which could negatively impact their release date.

Subsection 3043.2(c) is adopted to establish the criteria for credit forfeiture and restoration. While these proposed regulations allow for an overall increase in the credit that an inmate can be awarded, inmates are nevertheless expected to comply with the rules and regulations of the department at all times while incarcerated, as well as perform the duties assigned to them on a regular and satisfactory basis. If an inmate receives a serious disciplinary action or is placed on non-credit earning status, Good Conduct Credit will be forfeited in whole day increments pursuant to section 3323. The department believes that the forfeiture of credit is necessary to ensure that there are meaningful consequences for prison misconduct. However, for some low-level disciplinary actions, forfeited credit may be restored if the inmate remains disciplinary free for the requisite length of time described in Subchapter 4, Article 5.5 of these regulations. Forfeited credit may also be restored if the disciplinary action is reversed pursuant to an administrative appeal or by a court of law.

Section 3043.3. Loss of Behavior, PC 2933, or PC 2933.05 Credit.

The existing text in this section is being deleted in its entirety.

Section 3043.3. Milestone Completion Credit.

Milestone Completion Credit is an existing credit earning program first implemented by the department in 2010 following enactment of Penal Code section 2933.05. Existing Milestone Completion Credit programs, as described in subsection 3043(c), have performance measures that demonstrate an understanding of course curriculum (either academic or vocational) through completion of assignments, instructor evaluations, and standardized testing. As established, this program was limited to six weeks of credit per year and excludes condemned inmates, inmates serving a term of life without the possibility of parole, inmates sentenced under the Three Strikes Law (Penal Code section 1170.12, subdivision (c), or section 667, subdivisions (c) or (e)), inmates serving a term for a violent felony as defined in Penal Code section 667.5, subdivision (c), and inmates convicted of an offense that requires registration as a sex offender under Penal Code section 290.

Under the authority of Article 1, Section 32(b), of the California Constitution, the department has substantially revised, reorganized, and renumbered the existing text in subsection 3043(c) as new section 3043.3. These proposed regulations maintain the performance measures for Milestone Completion Credit set forth in Penal Code section 2933.05, but expand Milestone Completion Credit in two ways: first, these proposed regulations raise the current annual credit limit from six weeks to twelve weeks and, second, they allow all inmates to participate in Milestone Completion Credit programs, with the exception of condemned inmates and inmates serving a term of life without the possibility of parole.

With regard to the proposed increase in the annual credit limit, currently the maximum amount of Milestone Completion Credit an inmate can earn is capped statutorily at six weeks per year. (Penal Code section 2933.05.) However, in order to incentivize more inmates to seek out educational, rehabilitative, or vocational training programs, the department has determined that the maximum amount of credit an inmate can earn annually should double from six weeks to twelve weeks. The department believes that doubling the annual cap on Milestone Completion Credit is in keeping with the intent of the Act – to increase inmate participation in rehabilitative programming and thus reduce recidivism and enhance public safety upon release – and represents a prudent increase that should be studied in the years to come in order to determine whether further changes are appropriate.

With regard to the proposed expansion in the number of inmates that may participate, currently all of the following are excluded from Milestone Completion Credit: condemned inmates, inmates sentenced to a term of life without the possibility of parole, inmates sentenced under the Three Strikes Law (Penal Code section 1170.12, subdivision (c), or section 667, subdivisions (c) or (e)), inmates serving a term for a violent felony as defined in Penal Code section 667.5, subdivision (c), and inmates convicted of an offense that requires registration as a sex offender under Penal Code section 290. In keeping with the intent of the Act – to increase inmate participation in rehabilitative programming and thus reduce recidivism upon release – the department has determined that all inmates should participate in Milestone Completion Credit programs, except condemned inmates and inmates sentenced to a term of life without the possibility of parole (for whom credits have no effect on their sentence).

Subsection 3043.3(a) identifies the criteria necessary for a program to qualify for Milestone Completion Credit. The department believes that the award of Milestone Completion Credit should require the mastery of certain performance measures that demonstrate an understanding of course curriculum (either academic or vocational) through completion of assignments, instructor evaluations, and standardized testing. Each milestone credit is weighted based on the number of hours of classroom time and assignments. Thus, not all inmate programs will qualify for this credit.

Subsection 3043.3(b) is adopted to establish that Milestone Completion Credit will not be awarded to inmates who have previously achieved certain academic education levels prior to incarceration. The department's intent is to incentivize inmates who, while in custody, participate in educational programs to further their education. As discussed in a previous section regarding *Correctional Challenges in California* (see p. 4), research shows that inmates who participate in correctional education and vocational training programs are more likely to find employment than inmates who did not participate in such programs and are significantly less

likely to re-offend and return to prison.¹² The department has also proposed new section 3043.5, entitled Educational Merit Credit, which grants a credit award only once for each level of educational achievement inmates complete while incarcerated (i.e., a high school diploma, General Education Development certificate, associate's degree, bachelor's degree, and graduate degree) from a regionally accredited institution.

Subsection 3043.3(c) is adopted to establish that effective August 1, 2017, all inmates, except condemned inmates and inmates sentenced to a term of life without the possibility of parole, may earn up to twelve weeks of Milestone Completion Credit in a twelve month period. In this revised subsection, the department sets out to expand the number of inmates who can earn this credit and the number of weeks that can be earned in a single year for this credit for all of the reasons outlined in section 3043.3 above. This subsection also allows those inmates who earn more than twelve weeks of credit in a single year to have the excess credit preserved and applied on their next credit anniversary, defined as one year after the inmate is awarded his or her first Milestone Completion Credit. For these inmates who already have excess credit on August 1, 2017, they will not be awarded that credit until their next credit anniversary. The department believes that allowing inmates to preserve excess credits and apply them in future years will further incentivize inmates to participate in these educational and vocational rehabilitative programs in the near term. However, when an inmate is released from prison their excess credit is void.

Subsection 3043.3(d) is adopted to establish the joint responsibility of the department's Division of Rehabilitative Programs and Division of Adult Institutions to collaborate on maintaining and revising the Milestone Completion Credit Schedule as needed. The schedule (rev. 3/17) is incorporated by reference. This is necessary because the availability of educational and vocational classes, equipment, and practices fluctuates over time given resource, staff, and space limitations in the department.

The new schedule reflects one significant revision from the previous version (rev. 4/15) in that it establishes a closer link between the total number of hours required to complete each program (class time and homework) and the amount of credit awarded. For example, two Milestone Completion Credit programs may be eight weeks long, however, one program requires 80 hours of class time and homework in a four week period and another requires 40 hours in the same four week period. Rather than award each program the same amount of Milestone Completion Credit based on their similar duration, which was sometimes the case under the previous schedule, the program with the greater commitment of time and effort will now receive greater credit.

¹² Davis, Lois M., Robert Bozick, Jennifer L. Steele, Jessica Saunders and Jeremy N. V. Miles. Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults. Santa Monica, CA: RAND Corporation, 2013. https://www.rand.org/pubs/research_reports/RR266.html.

Subsection 3043.3(e) is adopted to establish that inmates within the Enhanced Outpatient Program, Developmental Disabilities Program, or other mental health inpatient program may earn Milestone Completion Credit for their participation in structured group treatment programs. The department believes this approach will provide those inmates in the above programs with sufficient incentive to more fully participate in their structured group treatment programs, an essential part of their overall success in prison as well as after prison. Furthermore, the department has committed to the federal court in *Coleman v. Brown* to develop more inclusive practices for the inmate populations described above, and the department believes that allowing inmates who participate in structured group treatment programs to earn Milestone Completion Credit is consistent with that commitment. What follows is a more in depth look at how Milestone Completion Credit will impact each of the mental health programs enumerated above.

Enhanced Outpatient Program. Although Enhanced Outpatient Program inmates have opportunities to participate in program assignments, a critical and mandatory part of their programming consists of mental health treatment activities. They are likely to derive as much, if not more, benefit from participation in a treatment program geared toward addressing their mental illness than they would from learning rudimentary job skills. Management of symptoms of serious mental illness is a prerequisite for success upon release. Successful management of mental illness translates into improved chances for success upon release. Enhanced Outpatient Program treatment programs are designed to address symptoms of mental illness and modify behavior, including behaviors that may lead to recidivism. Inmates acquire skills necessary to facilitate re-entry into the community. The department is determined to enhance the success of eligible inmates who participate in the Mental Health Services Delivery System at the Enhanced Outpatient Program level of care. The department recognizes that in order to be successful in the community, inmates with severe mental illness must both learn skills to cope with and manage their mental illness, as well as address criminogenic needs.

Mental Health Inpatient Programs. Similar to the Enhanced Outpatient Program inmates, inmates placed in other mental health inpatient programs participate in intensive rehabilitative treatment programs. Inmates in these programs do not have an opportunity to work or attend school. Their primary focus is on learning to manage symptoms of mental illness and maintain stabilization, both of which are critical to successful community re-integration.

Developmental Disabilities Program. Inmates in the Developmental Disabilities Program may engage in different kinds of programming than other inmates. Due to the nature of their disabilities, programming opportunities must be tailored to their needs and target the issues they are likely to encounter upon release. For example, some inmates in the Developmental Disabilities Program will require instruction in basic self-care, hygiene, grooming, life skills and navigating the community. Inmates in the Developmental Disabilities Program must acquire

basic daily living skills that are a pre-requisite for successful community transitions. Acquisition of these skills serves to reduce conflict, provide increased opportunities for housing and possibly employment. When preparing for community transition, it is important to remember that certain individuals will require programs that are tailored to their specific needs rather than utilizing a one size fits all approach. The department is committed to utilizing a risk-needs responsivity model to rehabilitation, recognizing that for inmates with developmental disabilities, interventions and programming must be targeted to the individual's individual risk and needs.

Subsection 3043.3(f) has been adopted to provide ten business days for an instructor to verify the completion of a program and input it into the department's information technology system. An additional ten business days is provided for the system approver to verify the inmate's eligibility for awarded credit. This time is necessary to ensure accuracy in record keeping and account for staff time necessary to process all credits.

Subsection 3043.3(g) is amended to remove references to subsections that have been renumbered or amended and to establish that Milestone Completion Credit shall be forfeited in whole day increments upon a finding of guilt of a serious rule violation in accordance with section 3323, but only after all Good Conduct Credit has been forfeited. Furthermore, once forfeited, Milestone Completion Credit is not restorable unless the disciplinary action is reversed through an administrative appeal or by a court of law.

Section 3043.4. Non-Credit Earning.

The existing text and title of this section are deleted in their entirety.

Section 3043.4. Rehabilitative Achievement Credit.

Rehabilitative Achievement Credit is a new type of credit for inmates who participate in approved programs that further their educational, behavioral, or rehabilitative development. Examples of such programs include support groups for alcohol and narcotic abuse prevention, anger management, life skills, victim awareness, restorative justice, and parenting classes. All inmates eligible for Good Conduct Credit are eligible to earn up to four weeks of Rehabilitative Achievement Credit per year. The department believes that limiting Rehabilitative Achievement Credit to four weeks per year is reasonable because anything greater could dis-incentivize inmate participation in the Milestone Completion Credit programs, which are more structured and measurable in their results.

In order to qualify for Rehabilitative Achievement Credit, these programs must be organized to achieve educational or rehabilitative goals, be sponsored by department staff or volunteers, and be approved by the Warden at each institution where they are offered. These programs are not as rigorous as Milestone Completion Credit programs. Nevertheless, they fill an important niche for many inmates who may be on one or more wait lists to participate in Milestone Completion

Credit programs, may not be able to fully participate in Milestone Completion Credit programs due to medical or mental health issues, or may decide not to participate in Milestone Completion Credit programs due to other preferred activities such as work assignments or the pursuit of advanced educational degrees.

Subsection 3043.4(a) is adopted to establish uniform criteria for inmate participation and institutional approval of programs that qualify for Rehabilitative Achievement Credit. This subsection makes clear that to earn these credits inmate attendance must be verified, inmate participation must be satisfactory, and inmate programming must be consistent with his or her custodial classification, work group assignment, privilege group, and any applicable safety and security considerations. This subsection also makes clear that institutional pre-approval is necessary for all rehabilitative programs. Pre-approval requires institutional review of the purpose, expected rehabilitative benefit, program materials, and membership criteria of each program. The proposed meeting frequency and location of each program, as well as any affiliations, shall also be reviewed by the institution prior to approval. The department believes that these measures are necessary to ensure that inmate participation in these programs will have tangible rehabilitative benefits and are appropriately supervised.

Subsection 3043.4(b) is adopted to establish that effective August 1, 2017, all inmates, except condemned inmates and inmates sentenced to a term of life without the possibility of parole, may earn up to four weeks of Rehabilitative Achievement Credit in a twelve month period. An inmate who participates successfully in one or more approved Rehabilitative Achievement Credit programs shall be awarded one week of credit (seven days credit) for each 52 hours of participation, up to a maximum of four weeks credit per year (28 days credit) for 208 hours of participation. For example, if an inmate completes their first 52 hours of participation in Rehabilitative Achievement Credit programs by November 1st then they shall be awarded one week of credit at that time. During the next twelve months that inmate may earn additional weeks of credit, one week for every 52 hours of participation in Rehabilitative Achievement Credit programs, so long as they reach or surpass 208 hours of participation by October 30th of the following year. Thereafter, the inmate may earn up to four weeks of Rehabilitative Achievement Credit each year so long as the inmate completes at least 208 hours of participation in approved Rehabilitative Achievement Credit programs by October 30th of the following year. This annual limitation is established to ensure program availability for as many inmates as possible given the likelihood of space limitations in various programs and at various institutions.

Subsection 3043.4(c) is adopted to require that the Warden at each institution publish a local rule listing all of the programs that qualify for Rehabilitative Achievement Credit at that institution. Prior to approving a program or activity the Community Records Manager at that institution will conduct a review to ensure that all of the criteria described in subsection 3043.4(b) above have been met. The Warden shall also consult with the Director of the Division

of Adult institutions and the Secretary, if requested, prior to disapproving any Rehabilitative Achievement Credit program or activity. The list of approved programs shall be published as a local rule no less than once per year. Given the wide discrepancy in available programs at each institution based on their geographic remoteness and corresponding availability of volunteer organizers, the department believes it is important that a comprehensive list of the unique programs available at each prison be published locally to ensure effective communication to the affected inmate population.

Subsection 3043.4(d) is adopted to require a staff member designated by the Warden at each institution shall ensure that within ten business days of an inmate's completion of 52 hours of qualifying programs, the inmate's completion of the hours necessary for this credit are verified and the inmate's eligibility to receive this credit is confirmed. Once it has been confirmed that the inmate has completed the 52 hours of qualifying programs, the information will be entered into and saved in the department's information technology system to ensure accurate record keeping, confirm inmate eligibility, and timely award of credit.

Subsection 3043.4(e) is adopted to establish that Rehabilitative Achievement Credit shall be forfeited in whole day increments upon a finding of guilt of a serious rule violation in accordance with section 3323, but only after all Good Conduct Credit has been forfeited. Furthermore, once forfeited, Rehabilitative Achievement Credit is not restorable unless the disciplinary action is reversed through an administrative appeal or by a court of law.

Section 3043.5. Special Assignments.

The existing text and title of this section are deleted in their entirety and relocated in their entirety to new section 3043.7.

Section 3043.5. Educational Merit Credit.

Subsection 3045.5(a) identifies a new Educational Merit Credit for eligible inmates who successfully complete, while incarcerated, a high school diploma or equivalent, an associate of arts or science degree, a bachelor's of arts or science degree, a graduate degree, or an alcohol and drug counselor certification. Attainment of these degrees requires sustained multi-year effort. This credit may be awarded for each level of educational achievement only once, but must be earned from a regionally accredited institution during the inmate's current term of incarceration. Effective August 1, 2017, Educational Merit Credit shall be applied upon verification of the certificate, diploma or college degree from the granting institution. In the case of associate, bachelor, or graduate degrees, the Educational Merit Credit shall only be applied if at least 50 percent of the units necessary to earn the degree were gained during the inmate's current term of incarceration.

Under existing Milestone Completion Credit programs, inmates receive credit as they incrementally achieve milestones in their educational and vocational training. The department believes, however, that achieving a General Education Development certificate, High School diploma, or a college level degree is deserving of additional Educational Merit Credit in recognition of the inmate's sustained commitment to their educational development, increased prospects for employment, and reduced risk of recidivism.¹³ By creating this credit, the department intends to encourage inmates to not only engage in education programs, but increase the number of inmates who complete them with a certificate, diploma or degree.

For college degrees, at least 50 percent of the college course credit must have been earned during the inmate's current term to qualify for Educational Merit Credit. This is necessary to ensure that Educational Merit Credit for college degrees is awarded to inmates that have gained their educational rehabilitation after incarceration, when it is most needed, rather than to those who completed the vast majority of their courses before they entered prison. The "50 percent rule" does not apply to General Education Development certificates and High School diplomas.

The Educational Merit Credit schedule is presented in subsection 3043.5(a).

Subsection 3043.5(b) is adopted to incorporate the Educational Merit Credit. By awarding the Educational Merit Credit, this advances an inmate's estimated release date if sentenced to a determinate term. For an inmate sentenced to an indeterminate term with the possibility of parole, the Educational Merit Credit advances the inmate's initial parole hearing date, pursuant to Penal Code section 3041(a)(2). The Education Merit Credit Schedule lists five categories:

- Category 1 describes that the achievement of a High School diploma, General Education Development certificate, or equivalent, is awarded a one-time credit of 90 days of Educational Merit Credit. This gives an inmate an additional incentive to complete their basic education while incarcerated. Because inmates receive Milestone Completion Credit as they progress through academic programs in route to a General Education Development certificate or High School diploma, the department determined that a one-time Educational Merit Credit of 90 days upon completion is appropriate.
- Category 2 describes that an inmate who obtains an Alcohol and Other Drug Counselor Certification warrants a one-time credit of 180 days of Educational Merit Credit. Unlike education and vocational training, there are no Milestone Completion Credit

¹³ Davis, Lois M., Robert Bozick, Jennifer L. Steele, Jessica Saunders and Jeremy N. V. Miles. Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults. Santa Monica, CA: RAND Corporation, 2013. https://www.rand.org/pubs/research_reports/RR266.html.

opportunities for inmates who are working toward this certification. Yet this certification requires a 4,000 hour internship which includes closely supervised counseling, written examinations, and self-help on addiction issues. Therefore, the department believes that a one-time credit of 180 days upon completion of the certification program is justified. This program within the department's In Prison Programs, allows inmates to earn their mentor certification through the California Association for Alcohol and Drug Educators and utilize this certification to obtain employment as a mentor upon release. In addition, inmates who gain their certificate while incarcerated serve as valuable trainers and mentors to other inmates participating in alcohol and drug abuse programs inside prison. The department believes this Educational Merit Credit will encourage more inmates to seek certification as an Alcohol and Other Drug Counselor.

- Category 3 describes that an inmate who achieves an Associate of Arts (AA) or Associate of Science (AS) degree will receive a one-time credit of 180 days of Educational Merit Credit. It is intended that this incentive will encourage inmates to pursue their education beyond high school despite the many challenges faced by inmates doing so in a prison environment. For example, the number of college partners that offer such programs on-site at prisons is limited, as are the opportunities for participation in distance learning programs. As a result, the time that inmates must devote in order to complete college degree programs can be twice or three times what ordinary students devote. Therefore, the department believes a larger one-time credit of 180 day is justified for inmates who successfully complete an accredited two-year college degree program.
- Category 4 describes that an inmate who achieves a Bachelor of Arts (BA) or Bachelor of Science (BS) degree will receive credit of 180 days of Educational Merit Credit. This award is on top of the credit of 180 days received for completion of the associate degree that is typically a pre-requisite for a bachelor degree. The department believes a one-time 180 day Educational Merit Credit is justified for inmates who successfully complete an accredited four-year college degree program.
- Category 5 describes that an inmate who achieves a graduate degree (including a Master's degree or Ph.D.) will receive a single credit of 180 days of Educational Merit Credit. The department believes a one-time 180 day Educational Merit Credit is justified for inmates who successfully complete a regionally accredited graduate degree program.

Subsection 3043.5(c) is adopted to clarify that the Educational Merit Credit shall be awarded only once per category to each inmate. This limitation to one degree per category is based on the ease with which a second or third degree may be earned using the same basic coursework as the first degree. This subsection also sets forth the criteria that Educational Merit Credit will only be awarded for a college level degree that has been achieved through a

regionally accredited institution and that the inmate earn at least 50 percent of the units necessary for that degree while serving his or her current term. This rule reinforces the department's goal of ensuring that an inmate's educational rehabilitation occurs after the inmate's current conviction while allowing inmates to build on some of their prior academic work. The 50 percent rule shall not be applied to inmates who achieve a General Education Development certificate or High School diploma during their current term.

Subsection 3043.5(d) is adopted to set the criteria that upon proof of achievement, departmental education staff shall verify the completion of the Educational Merit Credit and enter it into the department's electronic data system within 30 days

Subsection 3043.5(e) is adopted to clarify that when an inmate receives Educational Merit Credit, any excess Educational Merit Credit remaining upon release from prison is void. However, if an inmate is serving a consecutive term and remains in the custody of the department, the excess Educational Merit Credit shall be applied to the next term. This is necessary because under this subsection, determinate inmates can have Educational Merit Credit applied which can result in an earlier release date to state parole supervision or Post Release Community Supervision, and indeterminate inmates may have an earlier initial parole suitability hearing date. In the event an inmate is committed back to the department on a new commitment, no previous Educational Merit Credit would be applied to the inmate's new term.

Subsection 3043.5(f) is adopted to establish that educational merit credit may not be forfeited for any reason. The intent of this rule is that the inmate's individual Educational Merit Credit achievement was duly earned, was awarded by an accredited educational institution and deserves to be preserved. Instead, the department will take Good Conduct Credit, Milestone Completion Credit, and Rehabilitative Achievement Credit as sanctions for inmate misconduct as determined in a disciplinary action.

Section 3043.6. Impact of Transfer on Credit.

The existing text and title of this section are deleted in their entirety and relocated in their entirety to new section 3043.8.

Section 3043.6. Extraordinary Conduct Credit.

The department has existing regulations that govern the award of credit for heroic acts and exceptional assistance (see section 3043(g)). Because the entire existing section 3043 is being deleted in this rulemaking action, the rules for this type of credit are being adopted into a new section 3046.6.

The department's rules governing the award of credit for heroic acts and exceptional assistance were originally based on Penal Code section 2935. First enacted in 1982, the department completed adoption of regulations implementing Penal Code section 2935 the following year.

The department intends to continue awarding such credit, renamed Extraordinary Conduct Credit. The proposed regulations give the Director of the Division of Adult Institutions broad discretion to grant up to twelve months of Extraordinary Conduct Credit for heroic acts in a life-threatening situation or for providing exceptional assistance in maintaining the safety and security of a prison. The award of such credit must be based on exceptional inmate conduct.

Subsection 3043.6(a) is adopted to establish the criteria for application of Extraordinary Conduct Credit. The proposed regulations provide a process that allows the Director of the Division of Adult Institutions to award up to twelve months of credit to any inmate, excluding condemned inmates and inmates sentenced to life without the possibility of parole whose term cannot be reduced, for heroic acts and exceptional assistance. Cross references are made to existing regulations in sections 3376 and 3376.1 to establish that Institution Classification Committees are responsible for the preliminary review of inmate requests for Extraordinary Conduct Credit and that the Department Review Board at headquarters is responsible for the final review. This is necessary to ensure that both staff and inmates understand the administrative process for requesting and reviewing Extraordinary Conduct Credit requests and the administrative authority empowered to grant or deny a request for Extraordinary Conduct Credit.

Subsection 3043.6(b) is adopted to make clear how Extraordinary Conduct Credit will be applied to inmates with indeterminate and determinate sentences. Inmates with indeterminate sentences are subject to review by the board for consideration for parole. Extraordinary Conduct Credit may result in an earlier initial hearing date before the board for indeterminate sentenced inmates. Determinate sentenced inmates will have their earliest possible release date advanced making them eligible for transition to state parole supervision or Post Release Community Supervision at an earlier date.

Subsection 3043.6(c) is adopted to clarify that when an inmate receives Extraordinary Conduct Credit, any excess Extraordinary Conduct Credit remaining upon release from prison is void. However, if an inmate is serving a consecutive term and remains in the custody of the department, the excess Extraordinary Conduct Credit shall be applied to the next term. This is necessary because under this subsection, inmates can have Extraordinary Conduct Credit applied which can result in an earlier release date to state parole supervision or Post Release Community Supervision or an earlier initial hearing date before the board depending on their commitment offense. In the event an inmate may be committed back to the department on a new commitment, no previous Extraordinary Conduct Credit would be applied to the inmate's new term. This is

necessary, because the intent is for an inmate to receive credit for participating in extraordinary acts of heroism during their current term.

Subsection 3043.6(d) is adopted to establish that if an Extraordinary Conduct Credit is awarded it shall not be forfeited due to misconduct or disciplinary action. This type of awarded credit is held in high regard by the department because the inmate must have been found to have gone well beyond what would be expected. Instead, the department will take Good Conduct Credit, Milestone Completion Credit, and Rehabilitative Achievement Credit as sanctions for inmate misconduct as determined in a disciplinary action.

Section 3044. Inmate Work Groups.

Subsections 3044(a) and 3044(b) remain unchanged but for clarity and simplicity the department has elected to repeal and replace subsections 3044(b)(1) through 3044(b)(8).

Subsection 3044(b)(1) is amended to establish the criteria that an inmate willing and able to perform an assignment on a full-time basis shall be placed in Work Group A-1. Provisions regarding Work Group A-1 were previously under subsection 3044(b)(2). Subsections (A), (B), and (C) are existing provisions (formerly subsections 3044(b)(2)(A), (B), and (C)) and remain unchanged. However, subsections (D) and (E) (formerly subsections 3044(b)(2)(D) and (E)) are amended to make clear that physicians or psychiatrists can diagnose an inmate as totally or partially disabled, respectively.

Subsection 3044(b)(2) (formerly subsection 3044(b)(3)) is amended to establish the criteria that an inmate willing but unable to perform an assignment shall be placed in Work Group A-2 if either of the following is true: the inmate is placed on a waiting list for an assignment or awaiting an adverse transfer to another institution. Subsections (A) and (B) are existing provisions (formerly subsections 3044(b)(3)(A) and (B)) and remain unchanged.

Subsection 3044(b)(3) (formerly subsection 3044(b)(4)) is amended to establish the criteria that an inmate who is willing and able to perform an assignment on a half-time basis shall be placed in Work Group B.

Subsection 3044(b)(4) (formerly subsection 3044(b)(5)) is amended to establish the criteria that an inmate who twice refuses to accept assigned housing, refuses to accept or perform in an assignment, or is a program failure shall be placed in Work Group C and thus earn zero credit. Subsection (A) (formerly subsection 3044(b)(5)(A)) remains unchanged. Subsection (B) (formerly subsection 3044(b)(5)(B)) is amended to make clear that an inmate in this work group shall not be awarded Good Conduct Credit for a period not to exceed the number of disciplinary credits forfeited.

Subsection 3044(b)(5) (formerly subsection 3044(b)(6)) is amended to establish the criteria that an inmate assigned to a segregated housing program shall be placed in Work Group D-1. Subsections (A) through (D) are existing provisions (formerly 3044(b)(6)(A) through (D)) and remain unchanged.

Subsection 3044(b)(6) (formerly subsection 3044(b)(7)) is amended to establish that an inmate who is placed on lockup status based on the criteria identified in this section shall be placed in Work Group D-2 and thus earn zero Good Conduct Credit. Subsection (A) is amended to make clear that an inmate assigned to a determinate term in a security housing unit shall not receive Good Conduct Credit during the period of credit forfeiture or for up to 360 days, whichever is less, depending on the severity of the administrative offense. Subsection (B) is amended to make clear that an inmate who cannot be placed in any other assignment without causing a substantial risk of physical harm to staff or others may remain in Work Group D-2 for six additional months. Subsection (C) is an existing provision (formerly subsection 3044(b)(7)(C)) and remains unchanged. Subsection (D) is amended to establish that Good Conduct Credit shall be restored if the administrative finding of misconduct is overturned or, if criminally prosecuted for the misconduct, the inmate is found not guilty.

Subsection 3044(b)(7) is adopted to establish the criteria by which an inmate shall be placed in Work Group F. Subsection (A) is adopted to establish that an inmate assigned to Minimum A Custody or Minimum B Custody who is statutorily eligible for day-for-day credit shall be placed in Work Group F. Subsection (B) is adopted to make clear that once they have fulfilled the training requirements for assignment as a firefighter to a California Department of Forestry and Fire Protection camp or department fire house they shall be placed in Work Group F. Subsection (C) is adopted to establish that an inmate who is commits a serious rule violation, as described in subsections 3323(b), (c), or (d), or where removal from a Work Group F assignment is necessary based on safety or security considerations, shall be removed from Work Group F.

Subsection 3044(b)(8) is amended to establish that an inmate undergoing reception center processing shall be placed in Work Group U from the date of reception until classified at their assigned institution.

VI. ANTICIPATED BENEFITS OF THE REGULATIONS

The proposed regulations regarding credit earning will benefit our criminal justice system and our communities by creating incentives and opportunities for inmates to take responsibility for their own conduct and rehabilitation while incarcerated. These regulations enhance public safety by encouraging inmates to pursue educational and vocational achievement opportunities, engage

in self-improvement programs and make personal preparation for the transition to state parole supervision or Post Release Community Supervision. Providing incentives to inmates to engage in rehabilitative programming also reduces inmate disciplinary misconduct and violence in the prisons, yielding safer conditions for inmates and a safer workplace for staff.

Successful implementation of these regulations will help reduce overcrowding in state prisons and aid the Department in keeping its inmate prison population below the 137.5 percent of design capacity threshold ordered by the federal Three Judge Court and affirmed by the Supreme Court. Furthermore, by maintaining the inmate population below the federal court cap, the Department and the State avoid the possibility of indiscriminate court-ordered early releases of prisoners. Establishing a durable remedy to prison overcrowding can eventually lead to the end of federal court intervention and substantial savings from reduced litigation costs.

The establishment of the nonviolent offender parole consideration process will also make our prisons and communities safer by encouraging and motivating inmates to participate in rehabilitative programs and service opportunities that create skills, employability and hope. The proposed regulations establish rigorous screening criteria and notification procedures for registered victims and prosecuting agencies. Establishing screening criteria benefits public safety because it excludes inmates who are more likely to pose a risk to the public and provides nonviolent offenders with substantial motivation to avoid prison misconduct and focus on their rehabilitation. Establishing notification processes benefits public safety by ensuring that registered victims and prosecuting agencies, as well as other interested parties, have the opportunity to submit additional information regarding the nonviolent offender for the Board's consideration. Under the proposed regulations, the Board will review all relevant evidence, including an inmate's full criminal history, institutional behavior, rehabilitative efforts, and written statements from interested parties and determine whether the inmate poses an unreasonable risk of violence to the community. This process will enhance public safety by motivating eligible inmates to take responsibility for their own rehabilitation and work to prepare themselves to be productive members of the community upon their release.

VII. ECONOMIC IMPACT ASSESSMENT

In accordance with Government Code section 11346.3(b), the department and the board has made the following assessments regarding the proposed regulations:

A. Creation or Elimination of Jobs within the State of California

This proposed rulemaking action is designed to implement the will of California voters when they enacted the nonviolent parole consideration and enhanced credit earning provisions

mandated by The Public Safety and Rehabilitation Act of 2016. As for job creation, the nonviolent parole consideration process will necessarily create jobs at the board due to the additional parole reviews required by the Act. In addition, the enhanced credit earning provisions will create jobs within the department due to the additional rehabilitative programming required by the Act. However, in the long run, any reduction in the prison population due to increased rehabilitative programming and corresponding increases in credit awards or parole grants might result in a reduction of jobs at both the board and the department.

B. Creation of New Expansion or Elimination of Existing Businesses Currently Doing Business within the State of California

This rulemaking action will not have an adverse economic impact on existing businesses within the State of California, including the ability of California businesses to compete with businesses in other states, because private businesses are not significantly affected by the management of correctional facilities. These proposed regulations may lead to the creation of new businesses in California to fill the need for increased rehabilitative programming mandated by The Public Safety and Rehabilitation Act of 2016. These proposed regulations may also lead to the expansion of existing businesses in California to fill the need for increased rehabilitative programming mandated by The Public Safety and Rehabilitation Act of 2016.

C. Significant Adverse Economic Impact on Business

The department has made an initial determination that the proposed regulations 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 the department and the board only, and place no requirements or restrictions on businesses.

VIII. CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternatives considered, or that have otherwise been identified and brought to the attention of the department and the board 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 and equally effective in implementing The Public Safety and Rehabilitation Act of 2016.

The department and the board have made an initial determination that no reasonable alternatives to the regulations have been identified or brought to the attention of the department or the board that would lessen adverse impacts on small business, if any.

IX. LOCAL MANDATES

The department has determined that this action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code section 17561.

X. ADDITIONAL FINDINGS

In proposing these regulations, the department relied upon the following documents:

1. Official Voter Information Guide, Proposition 57, November 8, 2016 Election
<http://voterguide.sos.ca.gov/en/propositions/57/arguments-rebuttals.htm>
2. Three-Judge Court Order Granting in Part and Denying in Part the State's Request for an Extension of the Population Reduction Deadline.
<http://www.cdcr.ca.gov/News/docs/3jp-Feb-2014/Three-Judge-Court-order-2-20-2014.pdf>
3. Report Filed with Three-Judge Panel Regarding Nonviolent Second Striker Process.
<http://www.cdcr.ca.gov/News/docs/3JP-Dec-2014/State%27s-report-on-new-parole-process-for-non-violent-second-strike-inmates.pdf>
4. Cutting Corrections Costs: Earned Time Policies for State Prisoners; National Conference of State Legislatures; July 2009.
http://www.ncsl.org/documents/cj/earned_time_report.pdf
5. James Bonta and Donald A. Andrews, Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation (Ottawa: Public Safety Canada, 2007),
<http://www.pbpp.pa.gov/Information/Documents/Research/EBP7.pdf>.
6. The Council of State Governments Justice Center. In Brief: Using a Cognitive-Behavioral Approach in Programs to Reduce Recidivism.
<https://csgjusticecenter.org/jr/in-brief-using-a-cognitive-behavioral-approach-in-programs-to-reduce-recidivism/>

7. Davis, Lois M., Robert Bozick, Jennifer L. Steele, Jessica Saunders and Jeremy N. V. Miles. Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults. Santa Monica, CA: RAND Corporation, 2013. https://www.rand.org/pubs/research_reports/RR266.html.
8. Steve Aos, Marna Miller and Elizabeth Drake. "Evidence-Based Adult Corrections Programs: What Works and What Does Not." Olympia: Washington State Institute for Public Policy, 2006.
9. CDCR, 2015 Outcome Evaluation Report:
http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/2015_Outcome_Evaluation_Report_8-25-2016.pdf.
10. An Update to the Future of California Corrections, January 2016:
<http://www.cdcr.ca.gov/Blueprint-Update-2016/An-Update-to-the-Future-of-California-Corrections-January-2016.pdf>, at p. 25.
11. CDCR, 2013 Outcome Evaluation Report:
http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/ARB_FY_08_09_Recidivism_Report_02.10.14.pdf.
12. CDCR; Credit Earning '101' (attached below).
13. Governor's Budget Summary for Fiscal Year 2017-2018, Public Safety:
<http://www.ebudget.ca.gov/2017-18/pdf/BudgetSummary/PublicSafety.pdf>.

**CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION
CREDIT EARNING '101'**

Penal Code Section - Credit Earning

- 2920** Effective 1941 (all sentences are indeterminate)
- The Adult Authority granted credits for inmates based upon recommendations from the Department of Corrections
- 3046** Effective 1941 (life)
- 0 credit earning for 7 years to Life sentences
- 2931** Effective 7/1/1977 (determinate) & 11/8/1978 (15 & 25 year to life indeterminate sentences)
- 33.3 percent earnings reflected as Behavior and Participation Credits
- 2933** Effective 1/1/1983 (Day-for Day) (eligible life and determinate sentences)
- One day of additional credit for every actual day served in state prison
- 2933.5** Effective 1/1/1991 (life and determinate sentences)
- 0 credit earning when serving a term for a felony listed under this section with two or more prior prison terms for those specified offenses
- 2933.6** Effective 1/1/1993 (life and determinate sentences)
- 0 credit earning when housed in a Security Housing/Administrative Segregation Unit due to a disciplinary Rules Violation Report
- 2933.6** Effective 1/25/2010 expanded to include (life and determinate sentences)
- 0 credit earning when housed in a Security Housing/Administrative Segregation Unit due to gang affiliation.
- 667(b)-(l)/1170.12** Effective 3/7/1994 (Second Striker) (life and determinate sentences)
- 20 percent earning = 1 day of additional credit for every 4 actual days served
- 667(b)-(l)/1170.12** Effective 2/10/2014 (Second Striker - determinate sentences)
- 33.3 percent earnings for non-violent Second Strikers (excluding PC 290 sex registrants) = 1 day of additional credit for every 2 actual days served pursuant to Federal Court Order
- 667(b)-(l)/1170.12** Effective 3/7/1994 (Third Striker - Life)
- 0 credit earning, *People vs. Stoffe (1996) 45 Cal.App.4th 417*
- 2933.1** Effective 9/21/1994 [violent offenders pursuant to PC 667.5(c)] (life and determinate sentences)
- 15 percent earning = 1 day of additional credit for every 5.66 actual days served
- 664(f)** Effective 1/1/1998 (Life)
- 0 credit earning for persons convicted of attempted murder of a peace officer or firefighter
- 2933.2** Effective 6/3/1998 (Life)
- 0 credit earning for persons convicted of murder
- 2933.3** Effective 1/2/2003 (two for one) (determinate sentences)
- 2 days of additional credit for every actual day served at a conservation camp
- 2933.3** Effective 1/25/2010 expanded to include (determinate sentences)
- 2 days of additional credit for every actual day served at Forestry Training Program and institution firefighters

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In the following, underline indicates additional text, and ~~strikethrough~~ indicates deleted text.

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 3.5 Credits.

Section ~~3042~~. Penal Code 2933 Credits.

~~(a) Except where otherwise prohibited by law, effective January 25, 2010, for every six months of continuous incarceration from the date of sentencing to the Department of Corrections and Rehabilitation, an eligible inmate shall be awarded six months reduction in term of imprisonment. A lesser amount of credit based on this ratio shall be awarded for any lesser period of continuous imprisonment. Under no circumstances shall any inmate receive more than six months credit reduction for any six-month period under this section.~~

~~(1) Inmates who have waived their right to credits under Penal Code section 2931, as provided in Penal Code section 2934, may, pursuant to PC section 2933, be eligible for a reduction in their term of imprisonment from the date of reception by the department on the effective date of the waiver.~~

~~(2) PC 2933 Credits awarded may be denied or forfeited due to disciplinary action.~~

~~(b) Credits for interstate transfer inmates. The Western Interstate Corrections Compact and the Interstate Corrections Compact Agreement enable the Department to transfer and exchange prisoners with other states.~~

~~(1) Inmates who agree to serve their term in another state or a federal institution, or who are serving a concurrent term in another jurisdiction, shall be eligible to earn credits as authorized under the provisions of Penal Code sections 2933 and 2933.05.~~

~~(2) Before such credit can be awarded, the inmate's credits must be verified by a delegated official of the host institution and reported to the department.~~

~~(c) Life term inmates.~~

~~(1) Pursuant to PC section 2933, credits shall be applied to reduce the minimum terms of life inmates sentenced only under PC sections 191.5(d), 217.1(b), 667.7(a)(1) and PC 667.75.~~

~~(2) Inmates sentenced to life terms with determinate sentence law (DSL) enhancements or with a consecutive DSL term shall, except where otherwise prohibited by law, be eligible to receive credits on such terms pursuant to PC section 2933.~~

~~(d) Case records staff shall process and calculate inmate credits and release dates based upon information provided by the courts and program staff.~~

~~(1) Any classification or inmate appeal action affecting an inmate's release date, including a change in work group status or credit forfeitures and restorations, shall be forwarded to case records staff. Inmates shall be provided a copy of any change in their release dates.~~

~~(2) Case records staff shall compute credits. The resultant new legal status summary (LSS) shall be forwarded to the inmate.~~

~~Note: Authority cited: Sections 2700 and 5058, Penal Code. Reference: Sections 2931, 2933, 2933.05, 2935, 5054, 6260, 11189 and 11190, Penal Code; *In re Monigold*, 205 Cal. App. 3d 1224; and *People v. Jones*, 44 Cal. Rptr. 2d 164 (Cal. 1995).~~

Section 3043. Credit Earning.

~~Presentence. Credit for time served on a term prior to sentencing shall be awarded by the sentencing court pursuant to sections 2900.1, 2900.5 and 4019 of the Penal Code.~~

~~(a) Behavior. All inmates serving a determinate term of imprisonment for a crime committed before January 1, 1983, who have not waived the time credit provisions of Penal Code section 2931, shall be credited with a one fourth reduction on their term of imprisonment, unless all or part of such good behavior credit is denied or forfeited as the result of disciplinary action in the amounts listed in section 3323. Such credit shall be calculated from July 1, 1977 or the date of reception by the department, whichever is later.~~

~~(1) Except where otherwise prohibited by law, inmates sentenced under Penal Code section 190 to an indeterminate term of 15 years to life or 25 years to life and received by the department on or after May 27, 1987 shall be credited with a one fourth reduction on their minimum eligible parole date, unless all or part of such good behavior credit is denied or forfeited as the result of disciplinary action in the amounts listed in section 3323.~~

~~(b) Participation. All inmates described in subsection (a) shall be credited with a one twelfth reduction on their term unless all or part of such participation credit has been denied or forfeited as the result of disciplinary action for failure or refusal to participate and perform work and/or program assignments as ordered or directed.~~

~~(c) Milestone completion credits.~~

~~(1) Milestone means the achievement of a distinct objective of a rehabilitative program as established by CDCR in the Milestone Completion Credit Schedule (see 3043(c)(5)). If an inmate is eligible for program credits pursuant to PC section 2933.05, reaching a milestone allows for awarding of such credits.~~

~~(A) Milestone completion credits for GED academic achievements shall not be awarded to inmates already possessing a GED, high school equivalency/diploma or college degree.~~

~~(B) All inmates must sign the CDCR Form 2233 (Rev. 06/11), Inmate Declaration Of General Education Development (GED) Eligibility, which is hereby incorporated by reference, prior to taking any portion of the GED exam.~~

~~(2) In addition to any credit awarded pursuant to section 3042, credit reductions to reduce an eligible inmate's term of confinement may be awarded in increments of not less than one week, but no more than six weeks in a twelve month period for achievement of specific program performance milestones concluding with the successful completion of in prison or Alternative Custody Program (ACP), pursuant to Chapter 1, Article 6.8, section 3078, rehabilitative programs approved and listed by CDCR on the Milestone Completion Credit Schedule (see 3043(c)(5)). One week is equivalent to 7 calendar days.~~

~~(3) For the purposes of this section, in prison or ACP rehabilitative programs shall include, but are not limited to academic programs, Career Technical Education programs, Cognitive Behavioral Treatment programs, substance abuse treatment, social life skills, and Enhanced Outpatient Program (EOP) group module treatment.~~

~~(4) Each program milestone shall identify the applicable credit reduction, and shall specify the performance measurement necessary for attainment. Performance measurements include the mastery/understanding of course curriculum demonstrated by completion of assignments, instructor evaluation and standardized testing. For EOP group module completions, in lieu of standardized testing, inmates must participate and successfully complete a minimum of 80 percent of all required~~

~~group module treatment sessions in accordance with their mental health treatment plan within a 6-month period.~~

~~(5) Specific milestone completions and credits awarded are established by the Division of Rehabilitative Programs on the Milestone Completion Credit Schedule (Rev. 04/15), which is incorporated by reference. All changes to the Milestone Completion Credit Schedule shall be adopted in accordance with rulemaking requirements of the Administrative Procedures Act (Government Code sections 11340 through 11364).~~

~~(6) Program milestones earned in excess of six weeks within a twelve-month period shall be applied at the beginning of the next twelve month period of continuous incarceration.~~

~~(A) For the purposes of this section, the 12 month period shall begin on the date when the first milestone completion credits are completed and verified by the Inmate Assignment Lieutenant. For ACP Participants, the 12 month period shall begin on the date when the first milestone completion credits are completed and verified by the ACP Program Manager or designee.~~

~~(B) Within 3 business days of completion of an approved performance milestone, the approved program instructor will certify completion of a milestone via a CDC Form 128 B (Rev. 4/74), General Chrono and forward the document to the Inmate Assignment Office. ACP Participants shall notify the ACP Case Manager or designee of completion of an approved performance milestone in writing and provide documentation of completion. The ACP Case Manager or designee will verify completion of the performance milestone and, upon verification, notify the ACP Program Manager of completion of a performance milestone within 3 business days via a CDCR Form 1502 Activity Report (Rev. 10/06).~~

~~(C) Upon receipt of General Chrono, within 3 business days, the inmate assignment lieutenant or custody staff member not less than the rank of lieutenant, or the ACP Program Manager or designee, will verify the inmate's eligibility for milestone completion credits and complete a CDC Form 128 G (Rev. 10/89), Classification Chrono and forward to Case Records.~~

~~(7) No milestone completion credits shall be awarded for incomplete performance milestones under any circumstances.~~

~~(8) Milestone completion credits awarded may be denied or forfeited due to disciplinary action.~~

~~(9) Inmates shall not be eligible for program milestone completion credits that result in an inmate being overdue for release.~~

~~(10) Upon parole or discharge, any program milestone completion credits unapplied shall be voided.~~

~~(d) Inmates assigned to the Western Interstate Corrections Compact or the Interstate Corrections Compact Agreement are eligible to earn Milestone Completion Credits in accordance with section 3042(b).~~

~~(e) Jail confinement. A reentry inmate who is confined in a local jail pending an investigation or disciplinary action, shall be classified and placed in an appropriate work group pursuant to section 3045.1.~~

~~(f) Return from work furlough. An inmate returned to an institution due to disciplinary action or refusal to participate in assigned work, education or vocational assignment shall be placed in work group A-2, or to workgroup C (non-credit earning) by a re-entry classification committee.~~

~~(g) Heroic acts and exceptional assistance. Up to 12 months reduction of sentence may be awarded for the following acts:~~

~~(1) Acts preventing loss of life or injury to the public, staff, or other inmates.~~

~~(2) Acts preventing significant loss or destruction of property.~~

~~(3) Providing sworn testimony in judicial proceedings involving prosecution of a felony offense which occurred within the prison.~~

~~(h) Case records staff shall process and calculate inmate Milestone Completion Credits in accordance with subsection 3042(d).~~

~~(i) Reentry Hub inmates removed from the program adversely shall be classified and placed in an appropriate work group as described in Section 3044.~~

~~Note: Authority cited: Sections 2700, 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05, 2931, 2933, 2933.05, 2935, 5054, 6260, 11189 and 11190, Penal Code; *In re Monigold*, 205 Cal. App. 3d 1224, and *People v. Jones*, 44 Cal.Rptr.2d 164 (Cal. 1995).~~

(a) General. Inmates are expected to work or participate in rehabilitative programs and activities to prepare for their eventual return to society. Inmates who comply with the regulations and rules of the department and perform the duties assigned to him or her shall be eligible to earn Good Conduct Credit as set forth in section 3043.2 below. In addition, inmates who participate in approved rehabilitative programs and activities shall be eligible to earn Milestone Completion Credit, Rehabilitative Achievement Credit, and Educational Merit Credit as set forth in sections 3043.3, 3043.4 and 3043.5 below. The award of these credits, as well as Extraordinary Conduct Credit as set forth in section 3043.6 below, shall advance an inmate's release date if sentenced to a determinate term or advance an inmate's initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole. Inmates who do not comply with the regulations and rules of the department or who do not perform the duties assigned to him or her shall be subject to credit forfeiture as provided in this article.

(b) Inmate Participation in Credit Earning Programs and Activities. All eligible inmates shall have a reasonable opportunity to participate in credit earning programs and activities in a manner consistent with the availability of staff, space, and resources, as well as the unique safety and security considerations of each prison. No credit shall be awarded for incomplete, partial, or unsatisfactory participation in credit earning programs or activities described in this article or for diplomas, degrees, or certificates that cannot be verified after due diligence by department staff.

(c) Release Date Restriction. Under no circumstance shall an inmate be awarded credit or have credit restored by the department which advances the date of his or her release to a date less than 60 calendar days from the award or restoration of such credit.

(d) Participation by Inmates Housed In A Different Jurisdiction. Inmates serving criminal sentences under California law but housed in a different jurisdiction, including those participating in the Western Interstate Corrections Compact, the Interstate Corrections Compact Agreement, or in a facility administered by the California Department of State Hospitals or by the Federal Bureau of Prisons, are eligible to participate in Good Conduct Credit, Educational Merit Credit, or Extraordinary Conduct Credit as described in this article, subject to the criteria set forth in subsection (b) above.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); Section 3041, Penal Code.

Section 3043.1. Waiver.

~~(a) Inmates serving a determinate term of imprisonment may waive the right to receive credit and thereafter be eligible to earn milestone completion credits in the amounts provided for in section 3043 (c).~~

~~(1) Inmates serving an indeterminate term of imprisonment of 15 years to life, or 25 years to life shall not be entitled to waive their right to behavior and participation credits to earn Penal Code section 2933 worktime credits to reduce their minimum eligible parole dates.~~

~~(2) Inmates sentenced under Penal Code section 190 to an indeterminate term of imprisonment of 15 years to life or 25 years to life received by the department prior to May 27, 1987, who waived their right to behavior and participation credits shall not be entitled to earn Penal Code section 2933 worktime credits after February 15, 1989 to reduce their minimum eligible parole date.~~

~~(b) All credit attributable to the portion of the inmate's sentence served prior to the effective date of the waiver shall be retained by the inmate unless such credit has been forfeited for a disciplinary offense. This credit includes all presentence custody and good behavior credit; credit granted under Penal Code Section 4019; post-sentence credit; actual days in custody from date of reception and behavior and participation credit attributable to that actual custody.~~

~~(c) Eligible inmates wishing to receive credits pursuant to PC sections 2933 and 2933.05 shall present a signed, CDCR Form 916 (Rev. 09/09), Time Credit Waiver, which is hereby incorporated by reference, to their caseworker who shall:~~

~~(1) Verify the qualifying program.~~

~~(2) Enter the effective date of the waiver upon the credit waiver form.~~

~~(3) Forward the form to the facility's records office for placement into the inmate's central file.~~

~~(d) The credit waiver shall be effective on January 1, 1983 if signed on or prior to that date. If signed at a later date, such waiver shall be effective on the date the inmate's assignment to a credit qualifying program is verified. In instances where any inmate serving a sentence prior to January 1, 1983 was not provided with an opportunity to sign a credit waiver, the waiver shall be effective on the date the inmate would otherwise have been eligible because of a qualifying work/training assignment. Accepted waivers shall be irrevocable.~~

~~(e) A waiver shall not be accepted from an inmate within 30 days of their release date or if the waiver is retroactive and recomputation of sentence credits would make the inmate overdue for release, or if granting the credit waiver will prevent notification to local law enforcement officials of the release of inmates described in section 3327(c)(2) in the 45-day time frame required by law.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 273a, 273ab, 273d, 667.5, 832.5, 2933, 2933.05, 2933.6, 2934, 3058.6, 3058.9 and 5054, Penal Code.~~

Section 3043.1. Pre-Sentence Credit.

Credit applied prior to sentencing is awarded by the sentencing court pursuant to sections 2900.1, 2900.5, 2933.1, and 4019 of the Penal Code.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); Sections 2900.1, 2900.5, 2933.1 and 4019, Penal Code.

Section 3043.2. Loss of Participation Credit.

~~(a) Any inmate who accumulates participation credit as described in Section 3043(b) may be denied or may forfeit such credit for failure or refusal to perform assigned, ordered, or directed work or program activities, as described in section 3040. Any serious disciplinary offense committed while participating in such prison work or program activities shall be deemed a failure to participate.~~

~~(b) Not more than 30 days of participation credit may be denied or forfeited for any single failure or refusal to participate which occurred on or after January 1, 1983.~~

~~(c) Failure to work or participate in program activities for reasons which are beyond the inmate's control shall not be cause for denial or forfeiture of participation credit. Such circumstances may include but are not limited to:~~

~~(1) The inmate has not been given instructions or an order or an assignment to perform or participate in work or program activities.~~

~~(2) The inmate's work or program assignment has been temporarily suspended or permanently terminated, and no other work or program assignment has been ordered.~~

~~(3) The inmate is medically excluded or restricted from work or program activities, either on a temporary basis because of illness or injury, or on a permanent basis because of medically diagnosed physical or mental inability to participate.~~

~~(4) The inmate has failed to perform or participate after demonstrating a reasonable effort in the specified activity.~~

~~(5) The inmate is restricted from reporting to or participating in an assigned work or program activity by an order or action of institution staff.~~

~~Note: Authority cited: Sections 2931 and 5058, Penal Code. Reference: Sections 2931 and 5054, Penal Code.~~

Section 3043.2. Good Conduct Credit.

(a) The award of Good Conduct Credit requires that an inmate comply with the rules and regulations of a prison and perform the duties assigned on a regular and satisfactory basis.

(b) Notwithstanding any other authority to award or limit credit, effective May 1, 2017, the award of Good Conduct Credit shall advance an inmate's release date if sentenced to a determinate term or advance an inmate's initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole pursuant to the following schedule:

(1) No credit shall be awarded to an inmate sentenced to death or a term of life without the possibility of parole;

(2) One day of credit for every four days of incarceration (20%) shall be awarded to an inmate serving a determinate or indeterminate term for a violent felony as defined in Penal Code section 667.5, subdivision (c), unless the inmate qualifies under paragraph (4)(B) below or is statutorily eligible for greater credit pursuant to the provisions of Article 2.5 (commencing with section 2930) of Chapter 7 of Title I of Part 3 of the Penal Code;

(3) One day of credit for every two days of incarceration (33.3%) shall be awarded to an inmate sentenced under the Three Strikes Law, Penal Code section 1170.12, subdivision (c), or section 667, subdivisions (c) or (e), who is not serving a term for a violent felony as defined in Penal Code section

667.5, subdivision (c), unless the inmate is serving a determinate sentence and qualifies under paragraph (5)(B) below;

(4) One day of credit for every day of incarceration (50%) shall be awarded to:

(A) An inmate not otherwise identified in paragraphs (1)-(3) above; or

(B) An inmate serving a determinate term for a violent felony as defined in Penal Code section 667.5, subdivision (c), after the inmate has completed the requisite training to be assigned to a Department of Forestry and Fire Protection fire camp or as a firefighter at a Department of Corrections and Rehabilitation firehouse; or

(5) Two days of credit for every day of incarceration (66.6%) shall be awarded to:

(A) An inmate eligible to earn day-for-day credit (50%) pursuant to paragraph (4)(A) above who is assigned to Minimum A Custody or Minimum B Custody pursuant to section 3377.1; or

(B) An inmate serving a determinate sentence who is not serving a term for a violent felony as defined in Penal Code section 667.5, subdivision (c), after the inmate has completed the requisite training to be assigned to a Department of Forestry and Fire Protection fire camp or as a firefighter at a Department of Corrections and Rehabilitation firehouse.

(c) Credit Forfeiture and Restoration. Good Conduct Credit shall be forfeited in whole-day increments upon placement in a zero-credit work group pursuant to subsections (b)(4) or (b)(6) of section 3044 or a finding of guilt of a serious rule violation in accordance with section 3323. Forfeited credit under this section shall be restored if the disciplinary action is reversed pursuant to an administrative appeal or court of law. Forfeited credit may also be restored in accordance with Article 5.5 of Subchapter 4 of Chapter 1 of Division 3 of Title 15 of the California Code of Regulations.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); Sections 667, 667.5, 1170.2, 2930 and 3041, Penal Code.

Section 3043.3. Loss of Behavior, PC 2933, or PC 2933.05 Credit.

~~(a) As used in these regulations, “forfeiture” of credits means loss of credits previously earned or to be earned. Behavior, PC 2933 or PC 2933.05 credit may be denied or forfeited for the commission of any felony or misdemeanor, whether prosecuted or not, serious rule violation committed after January 1, 1983, or court judgment pursuant to Penal Code sections 2932.5 and 2933(e).~~

~~(1) Not more than 360 days of credit shall be denied or forfeited for any act specified as a division A-1 offense in section 3323(e), of these regulations.~~

~~(2) Not more than 180 days shall be denied or forfeited for any act specified as a division A-2 offense in section 3323(d) of these regulations or for any other felony not cited in subsection (a) (1).~~

~~(3) Not more than 90 days shall be denied or forfeited for commission of any misdemeanor.~~

~~(4) Not more than 30 days shall be denied or forfeited for any single act described as a serious rule violation in these regulations, unless such act is a misdemeanor or felony offense.~~

~~(5) An inmate found by a court to be a vexatious litigant as defined in section 3000 shall be denied or lose 30 days of credit.~~

~~(b) No behavior credit attributable to any portion of a sentence served prior to January 1, 1983 shall be forfeited for any criminal or disciplinary offense occurring on or after January 1, 1983.~~

~~(c) Credit loss shall be assessed in accordance with the schedule provided in section 3323. The inmate shall be notified of the change in his or her anticipated release date due to the denial or forfeiture of credits.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2932, 2932.5 and 5054, Penal Code.~~

Section 3043.3. Milestone Completion Credit.

(a) The award of Milestone Completion Credit requires the achievement of a distinct objective of approved rehabilitative programs, including academic programs, substance abuse treatment programs, social life skills programs, Career Technical Education programs, Cognitive Behavioral Treatment programs, Enhanced Outpatient Program group module treatment programs, or other approved programs with similar demonstrated rehabilitative qualities.

(b) Milestone Completion Credit for General Education Development (GED), Test of Adult Basic Education (TABE), and Comprehensive Adult Student Assessment System (CASAS) achievements shall not be awarded to inmates already possessing a GED, high school diploma, high school equivalency, or college degree.

(c) Notwithstanding any other authority to award or limit credit, effective August 1, 2017, all inmates eligible for Good Conduct Credit pursuant to section 3043.2 shall be eligible for Milestone Completion Credit pursuant to this section. The award of Milestone Completion Credit shall advance an inmate's release date if sentenced to a determinate term or advance an inmate's initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole. Milestone Completion Credit shall be awarded in increments of not less than one week, but no more than twelve weeks in a twelve-month period. Milestone Completion Credit earned in excess of this limit shall be awarded to the inmate on his or her next credit anniversary, defined as one year after the inmate completes his or her first Milestone Completion Credit program, and each year thereafter. Upon release from prison, any excess credit under this section shall be deemed void. If instead an inmate completes one term and immediately begins serving a consecutive term, any excess credit awarded under this section shall be applied to that consecutive term. One week is equivalent to seven (7) calendar days.

(d) A Milestone Completion Credit Schedule (REV 3/17), approved by the Director of the Division of Adult Institutions under the direction of the Secretary and in conjunction with the Director of the Division of Rehabilitative Programs and the Undersecretary of Health Care Services, is hereby incorporated by reference. The schedule identifies all of the approved Milestone Completion Credit programs, the corresponding credit reduction for successful completion of each program, and whether the program may be repeated for credit.

(e) Performance criteria for the award of Milestone Completion Credit include the mastery or understanding of course curriculum by the inmate as demonstrated by completion of assignments, instructor evaluation, and standardized testing. In lieu of the above performance criteria, Enhanced Outpatient Program participants, Developmentally Disabled Program participants, and participants in an approved mental health inpatient program, excluding those in a mental health crisis bed, may be awarded credit under this section by successfully completing scheduled, structured therapeutic activities in accordance with their mental health treatment plan or, if applicable, their

Developmentally Disabled Program group assignment, in the following increments: one week of credit (the equivalent of seven calendar days) for every 60 hours completed up to a maximum of six weeks of credit for 360 hours completed in a twelve-month period.

(f) Within ten (10) business days of completion of an approved credit earning program under this section, the instructor shall verify completion of the program in the department's information technology system. Within ten (10) additional business days, a designated system approver shall verify the inmate's eligibility for such credit. The Chief of Mental Health at each institution shall be responsible for verifying and awarding credit to Enhanced Outpatient Program participants.

(g) Credit Forfeiture and Restoration. Milestone Completion Credit shall be forfeited in whole-day increments upon a finding of guilt of a serious rule violation in accordance with section 3323, only after all Good Conduct Credit is exhausted. Forfeited credit under this section shall be restored if the disciplinary action is reversed pursuant to an administrative appeal or court of law.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Sections 5054 and 5058, Penal Code.

Reference: Cal. Const., art. 1, sec. 32(a)(2); Sections 2933.05 and 3041, Penal Code.

Section 3043.4. Non-Credit Earning.

~~An inmate eligible to earn credit who refuses a full time qualifying assignment, or is placed on non-credit earning status (Work Group C) by a classification committee for frequent work/training violations due to serious disciplinary infractions, shall not receive earned credit.~~

~~(a) Inmates placed in SHU, PSU, BMU, or ASU for misconduct due to a serious disciplinary infraction are ineligible to earn credits for a period not to exceed the number of disciplinary credits forfeited.~~

~~(b) An inmate who is placed in SHU, PSU, or ASU for misconduct described in subsection (c) or upon validation as a STG I member or associate is ineligible to earn credits pursuant to Penal Code section 2933 or 2933.05 during the time he or she is in the SHU, PSU, or ASU for that misconduct.~~

~~(c) The following offenses shall exclude an inmate from earning credit:~~

~~(1) Murder, attempted murder, and solicitation of murder. For purposes of this paragraph, solicitation for murder shall be proven by the testimony of two witnesses, or of one witness and corroborating circumstances.~~

~~(2) Manslaughter.~~

~~(3) Assault or battery causing serious bodily injury.~~

~~(4) Assault or battery on a peace officer or other non-prisoner which results in physical injury.~~

~~(5) Assault with a deadly weapon or caustic substance.~~

~~(6) Rape, attempted rape, sodomy, attempted sodomy, oral copulation, or attempted oral copulation accomplished against the victim's will.~~

~~(7) Taking a hostage.~~

~~(8) Escape or attempted escape with force or violence.~~

~~(9) Escape from any departmental prison or institution other than a camp or reentry facility.~~

~~(10) Possession or manufacture of a deadly weapon or explosive device.~~

~~(11) Arson involving damage to a structure.~~

~~(12) Possession of flammable, explosive material with intent to burn any structure of property.~~

~~(13) Solicitation of assault with a deadly weapon or assault by means of force likely to produce great bodily injury, arson, or a forcible sex act.~~

~~(14) Intentional destruction of state property in excess of four hundred dollars (\$400) during a riot or disturbance.~~

~~(d) If a Rules Violation Report (RVR) finding of the misconduct is not guilty or dismissed, or if the inmate is criminally prosecuted for the misconduct and is found not guilty, the inmate may remain eligible for credit earning.~~

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2931, 2932, 2933, 2933.05, 2933.6, 5054 and 5068, Penal Code.

Section 3043.4. Rehabilitative Achievement Credit.

(a) The award of Rehabilitative Achievement Credit requires verified attendance and satisfactory participation in approved group or individual activities which promote the educational, behavioral, or rehabilitative development of an inmate. To qualify for credit under this section, the purpose, expected benefit, program materials, and membership criteria of each proposed activity, as well as any affiliations with organizations or individuals outside of the department, must be pre-approved by the institution. The meeting frequency and location of each activity shall only be approved under safe and secure conditions. Inmate participation in such activities shall be consistent with his or her custodial classification, work group assignment, privilege group, and other safety and security considerations.

(b) Notwithstanding any other authority to award or limit credit, effective August 1, 2017, all inmates eligible for Good Conduct Credit pursuant to section 3043.2 shall be eligible for Rehabilitative Achievement Credit pursuant to this section. The award of Rehabilitative Achievement Credit shall advance an inmate's release date if sentenced to a determinate term or advance an inmate's initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole. Rehabilitative Achievement Credit shall be awarded in the following increments: one week of credit for every 52 hours of participation in approved rehabilitative activities up to a maximum of four weeks of credit for 208 hours of participation in a twelve-month period. Rehabilitative Achievement Credit earned in excess of this limit during a single year (which shall commence after the inmate completes his or her first 52 hours of such activities and each year thereafter) shall be deemed void. Upon release from prison, any excess credit under this section shall also be deemed void. One week is equivalent to 7 calendar days.

(c) Under the direction of the Secretary and in conjunction with the Director of the Division of Adult Institutions, every Warden shall periodically (but no less than once per calendar year) issue a separate local rule in compliance with subdivision (c) of section 5058 of the Penal Code for each particular prison or other correctional facility identifying the Rehabilitative Achievement Credit activities which comply with subsection (a) and are approved at that location.

(d) Within ten (10) business days of completing 52 hours of approved activity under this section, staff designated by the Warden at each institution shall verify the inmate's completion of the hours necessary for this credit, confirm the inmate's eligibility to receive this credit, and ensure the credit is awarded to the inmate in the department's information technology system.

(e) Credit Forfeiture and Restoration. Rehabilitative Achievement Credit shall be forfeited in whole-day increments upon a finding of guilt of a serious rule violation in accordance with section

3323, only after all Good Conduct Credit is exhausted. Forfeited credit under this section shall be restored if the disciplinary action is reversed pursuant to an administrative appeal or court of law.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); Section 3041, Penal Code.

Section 3043.5. Special Assignments.

Existing section 3043.5 is renumbered to 3043.7.

Section 3043.5. Educational Merit Credit.

(a) The award of Educational Merit Credit requires the achievement of a significant academic accomplishment which will provide inmates with life-long rehabilitative benefits. Specifically, the achievement of a high school diploma (or its equivalent), a collegiate degree (at the associate, bachelor, or post-graduate level), or a professional certificate as an Alcohol and Drug Counselor shall entitle an inmate to the benefits of this credit.

(b) Notwithstanding any other authority to award or limit credit, effective August 1, 2017, all inmates eligible for Good Conduct Credit pursuant to section 3043.2 shall be eligible for Educational Merit Credit pursuant to this section. The award of Educational Merit Credit shall advance an inmate's release date if sentenced to a determinate term or advance an inmate's initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole. Educational Merit Credit shall be awarded in the increments set forth in the schedule below upon demonstrated completion of the corresponding diploma, certificate, or degree:

<u>Category</u>	<u>Description</u>	<u>Credit</u>
<u>1</u>	<u>High School Diploma, GED, or equivalent</u>	<u>90 days</u>
<u>2</u>	<u>Offender Mentor Certification Program (alcohol and other drug counselor certification recognized and approved by the California Department of Health Care Services)</u>	<u>180 days</u>
<u>3</u>	<u>Associate of Arts or Science Degree</u>	<u>180 days</u>
<u>4</u>	<u>Bachelor of Arts or Science Degree</u>	<u>180 Days</u>
<u>5</u>	<u>Post-Graduate Degree</u>	<u>180 days</u>

(c) Credit for each category listed in subsection (b) above shall only be awarded once to an inmate upon proof the diploma, certificate, or degree was conferred during the inmate's current term of incarceration. Educational Merit Credit shall not be awarded for an Associate, Bachelor, or Post-Graduate degree unless the inmate earned at least 50 percent of the units necessary for that degree while serving his or her current term, the degree was conferred by a regionally accredited institution, and the inmate arranged for an official, sealed copy of their transcript to be sent by the

educational institution directly to the Principal at the inmate's institution. Such degrees earned before August 1, 2017, but during an inmate's current term of incarceration shall be eligible for credit.

(d) Within 30 calendar days of receiving documentation from an inmate indicating completion of an Educational Merit Credit, during the inmate's current term of incarceration, department staff shall verify completion of the diploma, certificate, or degree in the department's information technology system.

(e) Upon release from prison, any excess credit under this section shall be deemed void. If instead an inmate completes one term and immediately begins serving a consecutive term, any excess credit shall be applied to that consecutive term.

(f) Credit Forfeiture. Educational Merit Credit shall not be forfeited due to disciplinary action.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); Section 3041, Penal Code.

Section 3043.6. Impact of Transfer on Credit Earning.

Existing section 3046.6 is renumbered to new section 3043.8.

Section 3043.6. Extraordinary Conduct Credit.

(a) Notwithstanding any other authority to award or limit credit, effective August 1, 2017, the Director of the Division of Adult Institutions, under the direction of the Secretary, may award up to 12 months of Extraordinary Conduct Credit to any inmate who has performed a heroic act in a life-threatening situation or who has provided exceptional assistance in maintaining the safety and security of a prison, in accordance with subsection (d)(3)(C) of section 3376 or subsection (d)(6) of section 3376.1. No credit shall be awarded to an inmate sentenced to death or a term of life without the possibility of parole.

(b) The award of such credit shall advance the inmate's release date if sentenced to a determinate term or advance the inmate's initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole.

(c) Upon release from prison, any excess credit under this section shall be deemed void. If instead an inmate completes one term and immediately begins serving a consecutive term, any excess credit shall be applied to that consecutive term.

(d) Credit Forfeiture. Extraordinary Conduct Credit shall not be forfeited due to disciplinary action.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); Sections 2935 and 3041, Penal Code.

~~Section 3043.7. Impact of 45-Day Notification on Credit Earnings.~~

~~Inmates shall not be placed in a greater credit earning category if it prevents notification to local law enforcement officials of the release of inmates described in Section 3327(c)(2) in the 45-day time frame, as required by Penal Code Sections 3058.6 and 3058.9.~~

~~Note: Authority cited: Section 5058, Penal Code. Reference: Sections 3058.6, 3058.9 and 5054, Penal Code.~~

Section 3043.75. Special Assignments.

(a) Special assignments include:

(1) Inmate advisory council. The positions of chairperson and secretary of an institution's inmate advisory council may be full-time positions in Work Group A-1.

(2) Prerelease program. Assignment to an approved full time pre-release program shall qualify as full time assignment in Work Group A-1.

(3) Any Reentry Hub program assignment shall qualify as a full time assignment in Work Group A-1.

(b) Medical/psychiatric inpatient hospitalization (29 calendar days or less). Inmates determined by medical/psychiatric staff to need short-term inpatient care shall retain their existing credit earning category. Inmates requiring longer periods of inpatient care shall be referred by the attending physician/psychiatrist to a classification committee. The classification committee shall confirm the inmate's unassigned inpatient category and change the inmate's work/training group status as follows:

(1) General population inmates shall be placed in Work Group A-2, effective the thirtieth day of unassignment.

(2) Segregation inmates who are in Work Group A-1 or B shall be placed in Work Group D-1, effective the first day of placement into Administrative Segregation.

(3) Segregation inmates in Work Group D-1 or D-2 shall retain their Work Group status.

(c) Long term medical/psychiatric unassigned status. In cases where the health condition necessitates that the inmate becomes medically unassigned for 30 calendar days or more, the physician shall specify an anticipated date the inmate may return to work. The classification committee shall review the inmate's medical or psychiatric unassigned status and change the inmate's Work Group status as follows:

(1) An inmate in the general population shall be changed to Work Group A-2, involuntary unassigned, to be effective the thirtieth day of unassignment.

(2) An inmate in a lockup unit who is in Work Group A-1 or B shall be changed to Work Group D-1 to be effective the first day of placement into Administrative Segregation.

(3) An inmate in a lockup unit who is in Work group D-1 or D-2 shall be retained in their respective Work Group.

(d) Medical/psychiatric health care status determination:

(1) When an inmate has a disability that limits his/her ability to participate in a work, academic, Career Technical Education program or other such program, medical/psychiatric staff shall document the nature, severity, and expected duration of the inmate's limitations on a CDC Form 128-C (Rev. 1/96), Chrono-Medical, Psychiatric, Dental. The medical/psychiatric staff shall not make program assignment recommendations or decisions on the form. The CDC Form 128-C shall then be forwarded to the inmate's assigned correctional counselor who will schedule the inmate for a classification committee review. The classification committee shall have the sole responsibility for making program assignment and work group status decisions. Based on the information of the CDC Form 128-C and working in conjunction with staff from the affected work area, academic/Career Technical Education program, and the Inmate Assignment Lieutenant, the classification committee shall evaluate the inmate's ability to participate in work, academic, Career Technical Education program, or other programs and make a determination of the inmate's program assignment and work group status.

(2) Only when the inmate's documented limitations are such that the inmate, even with reasonable accommodation, is unable to perform the essential functions of any work, academic, Career Technical Education or other such program, will the inmate be placed in one of the two following categories by a classification committee:

(A) Temporary medical/psychiatric unassignment. Except as provided in section 3043.57(e)(2)(A), when a disabled inmate is unable to participate in any work, academic, Career Technical Education program or other program, even with reasonable accommodation, because of a medically determinable physical or mental impairment that is expected to last for less than six months, the classification committee shall place the inmate on temporary medical/psychiatric unassignment. Inmates on temporary medical/psychiatric unassignment status shall be scheduled for classification review any time there is a change in his/her physical/mental impairment or no less than every six months for reevaluation. The credit earning status of an inmate on temporary medical/psychiatric unassignment for less than six months shall be in accordance with section 3044(b)(~~3~~)(2), Work Group A-2. If the inmate's condition lasts six months and the classification committee still cannot assign the inmate due to his/her impairment, the credit earning status shall be changed to be in accordance with section 3044(b)(2)(1), Work Group A-1 and appropriate privilege group retroactive to the first day of the temporary medical/psychiatric unassignment.

(B) Medically disabled. When an inmate is unable to participate in any assigned work, academic, Career Technical Education program, or other such program activity, even with reasonable accommodation, because of a medically determinable physical or mental impairment that is expected to result in death or last six months or more, the classification committee shall place the inmate on medically disabled status. The inmate credit earning status shall be in accordance with section 3044(b)(~~2~~)(1), Work Group A-1 and Privilege Group A.

(e) Medical/psychiatric special assignments:

(1) Light duty: Inmates determined to have long-term medical or psychiatric work limitations shall be processed in the following manner:

(A) A medical or psychiatric evaluation of the inmate shall be made to determine the extent of disability and to delineate capacity to perform work and training programs for either a full or partial workday. If the inmate is deemed capable of only a partial work program, full credit shall be awarded for participation in such a program.

(B) A classification committee shall review the evaluation and determine the inmate's assignment.

1. A committee concurring with an evaluation's light duty recommendation shall refer the matter to the facility's assignment office which shall attempt to provide an assignment within the inmate's capabilities. Inmates assigned to such light duty shall be scheduled for semi-annual review.

2. A committee disagreeing with an evaluation's light duty recommendation shall refer the matter back to the medical department, describing the difference of opinion or rationale for requesting a second medical evaluation. If the committee disagrees with the second medical evaluation it shall refer the matter to the institution classification committee for final determination.

(2) Short-term medical/psychiatric lay-in or unassignment. Inmates who are ill or otherwise require a medical/psychiatric lay-in or unassignment for 29 days or less shall be processed in the following manner:

(A) Only designated medical/psychiatric staff are authorized to approve such lay-ins and unassignments. Reasons for the approval and the expected date of return to their regular assignment shall be documented by the medical/psychiatric staff making the decision.

(B) Inmates shall notify their work or training supervisor of their lay-in or unassignment status. The work or training supervisor shall record each day of the inmate's approved absence as an "E".

(C) Medical/psychiatric staff determining an inmate should continue on lay-in or unassigned status for more than 29 days shall refer the case to a classification committee.

(D) The inmate shall continue to use ETO time while on short-term medical/psychiatric lay-in or unassigned status.

(f) On-the-job injuries. The chief medical officer shall document inmate injuries occurring on the job. With the exception of inmates assigned to Work Group F, such injured inmates shall retain their existing work group status until medically approved to return to their work assignment. Inmates assigned to Work Group F shall revert to Work Group A-1 effective on the date the chief medical officer determines the on-the-job injury excludes the inmate from conservation camp placement providing the chief medical officer's exclusion determination is within 29 days following the date of the inmate's removal from the conservation camp assignment. If the chief medical officer's exclusion determination is not within 29 days following the date of the inmate's removal from the conservation camp assignment, the inmate shall revert to Work Group A-1 effective the 30th day following the date of the inmate's removal from the conservation camp assignment.

(g) Medical or psychiatric treatment categories "H", "I", and "N". An inmate assigned to category "H", "I", or "N" is not capable of performing a work or training assignment and shall, except where otherwise prohibited by law, be placed in Work Group A-1.

(h) Department of Mental Health (DMH) Penal Code (PC) sections 1364, 2684 and 2690 placements. An inmate transferred to DMH pursuant to PC sections 1364, 2684 or 2690 shall be placed in a work group as provided in section 3043.68(b).

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

Section 3043.68. Impact of Transfer on Credit Earning.

(a) Non-adverse transfers.

(1) A non-adverse transfer is movement of an inmate to a less restrictive institution or program where the security level is the same or lower, movement to a secure perimeter from a non-secure camp or Level 1 (Minimum Support Facility) setting by order of the prison administration for non-adverse reasons or transfers from reception centers.

(2) With the exception of inmates assigned to Work Group F, an inmate transferred for non-adverse reasons shall retain their work and privilege group status. Inmates assigned to Work Group F shall revert to Work Group A-1 effective the date removed from camp or institution fire fighter assignment.

(3) With the exception of inmates assigned pursuant to subsections 3040.2(f)(2) and 3040.2(f)(4), an inmate in a work assignment at the sending institution shall be placed on an existing waiting list at the receiving institution. If eligible, inmates on waiting lists at sending institutions shall be merged into the receiving institution's waiting list based on credit earning status, release date, and the length of time they have spent on the sending institution's waiting list. Inmates who are day-for-day eligible per Penal Code section 2933 shall be given priority for assignment with the exception of Senate Bill (SB) 618 Participants who, as defined in section 3000, pursuant to the provisions of subsection 3077.3(b)(1), and subject to the provisions of 3077.3(f), shall be placed at the top of an institution's

waiting list and given priority for assignment. Inmates shall be merged into the receiving institution's waiting list in the following manner:

(A) First, SB 618 Participants. Those SB 618 Participants having the earliest release date shall be given first priority.

(B) Second, those inmates who are day-for-day credit eligible, approved for the program and are not assigned, Work Group A-2. Inmates eligible to earn credits per Penal Code section 2933 shall be given second priority for placement on waiting lists and the inmate with the earliest release date shall be given priority.

(C) Third, inmates who are day-for-day credit eligible and are already designated Work Group A-1. Inmates eligible to earn credits per Penal Code section 2933 shall be given next priority for placement on waiting lists and the inmate with the earliest release date shall be given priority.

(D) Fourth, those inmates who are not Penal Code section 2933 day-for-day credit eligible and are already designated Work Group A-1. Inmates will be placed on waiting lists based upon the work group effective date.

(E) Fifth, those inmates who are not Penal Code section 2933 day-for-day credit eligible and are not assigned, Work Group A-2. Inmates will be placed on waiting lists based upon the work group effective date.

(4) An inmate in an OCE approved academic, Career Technical Education program, or substance abuse treatment, Cognitive Behavioral Treatment program or Transitions program at the sending institution shall be placed on the waiting list for the same or similar program, at the receiving institution if available. If the receiving institution's program is unavailable, the inmate shall be placed on an existing waiting list at the receiving institution. The inmate's projected release date and the California Static Risk Assessment (CSRA) as described in Section 3768.1 shall be the primary determinants for priority placement. Inmates with a CSRA of moderate or high shall take priority over those with a low risk assessment. Inmates shall be merged into the receiving institution's waiting list based on their CSRA and in accordance with subsection (3) above.

(b) Transfers to Department of Mental Health (DMH).

(1) Penal Code (PC) sections 2684 and 2690 transfers. An inmate transferred to the DMH pursuant to PC sections 2684 and 2690 is not capable of performing a work or training assignment. Such an inmate shall be classified by the sending facility before the transfer and placed in Work Group A-1.

(2) Penal Code section 1364 transfers. An inmate transferred to DMH to participate in the voluntary experimental treatment program pursuant to Penal Code section 1364 shall participate in a full-time credit qualifying work/training assignment in order to earn full worktime credit.

(c) Adverse transfers.

(1) Adverse transfers are defined as a transfer resulting from any in-custody documented misbehavior or disciplinary that may or may not have resulted in an inmate's removal from current program.

(2) If an inmate is removed from a program for adverse reasons and is subsequently exonerated of the charges, the credit earning status shall be designated as though the inmate had not been removed from the assignment.

(3) Effective on the date of transfer an inmate in Work Group A-1 or F who receives an adverse transfer shall be reclassified to Work Group A-2 by the sending institution. The inmate shall remain in Work Group A-2 until reclassified by the receiving institution.

(4) An inmate in Work Group A-2, C or D at the time of transfer shall be retained in that group status until reclassified at the receiving institution.

(d) Reception center or layover status.

(1) Inmates being processed in reception centers, who are ineligible to earn day-for-day credits per Penal Code section 2933, can be assigned to half-time assignments. Inmates on layover (en route) status in any institution shall only be assigned to half-time assignments. Exception to this policy requires approval from the director, division of adult institutions.

(2) An inmate's participation in a full or half-time assignment while undergoing reception center processing shall be recorded on timekeeping logs. The inmate's timekeeping log shall be completed by the work supervisor on a daily basis. A copy shall be issued to the inmate upon written request.

(e) Special housing unit transfers.

(1) Inmates found guilty of a credit loss offense which could result in a security housing unit (SHU) determinate term shall be evaluated for SHU assignment by a classification committee.

(2) Inmates placed in a SHU, PSU, or in ASU for reasons specified in section 3043.4 shall be placed in workgroup D-2. All other inmates in SHU, PSU, or ASU shall be placed in *Work Group D-1*. BMU inmates shall be placed in the appropriate workgroup, as designated by committee. The effective date of both workgroups shall be the first day of placement into SHU, PSU, BMU or ASU.

(f) Community Correctional Center (CCC) transfers. Transfers of inmates approved for a CCC program are considered non-adverse. With the exception of inmates assigned to Work Group F, inmates shall retain their current work group status while en route to a program. Inmates assigned to Work Group F shall revert to Work Group A-1 effective the date removed from the camp or institution fire fighter assignment.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.8, 1364, 2684, 2690, 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

Section 3044. Inmate Work Groups.

~~(a) Full time and half time defined.~~

~~(1) Full time work/training assignments normally mean eight (8) hours per day on a five day per week basis, exclusive of meals.~~

~~(2) Half time work/training assignments normally mean four (4) hours per day on a five day per week basis, exclusive of meals.~~

~~(b) Consistent with the provisions of section 3375 of these regulations, all assignments or reassignments of an inmate to a work group shall be by a classification committee action in accordance with this section.~~

~~(1) Work Group F: Full time conservation camp worker, or correctional institution inmate firefighter who has completed training for an assignment to a conservation camp or correctional institution inmate firefighter. Inmates eligible to earn day for day credits under Penal Code section 2933 shall be awarded two days credit for each day of qualifying performance. An inmate's ability to earn two for one credit shall not begin until he/she has completed conservation camp training or is assigned as an institutional firefighter. Pursuant to Penal Code section 2933.3, effective July 1, 2009, inmates eligible and assigned as institutional firefighters shall receive two for one credit. Conservation camp and correctional institution firefighter inmates eligible for two for one credit, as defined in this section, may be eligible for Work Group F credit during temporary removals from the conservation camp or correctional institution inmate firefighter setting. Inmates who become ineligible for continued conservation camp placement or as a correctional institution inmate firefighter for any~~

reason shall be removed from Work Group F and assigned to an appropriate Work Group consistent with the remaining provisions of this section.

~~(2) Work Group A-1: Full-time assignment. Inmates eligible to earn Penal Code section 2933 credits shall be awarded one day credit for each day assigned to this work group. The work day shall not be less than 6.5 hours of work participation and the work week no less than 32 hours of work participation, as designated by assignment. Those programs requiring an inmate to participate during other than the normal schedule of eight hours per day, five days per week (e.g., 10 hours per day, four days per week) or programs that are scheduled for seven days per week, requiring inmate attendance in shifts (e.g., three days of 10 hours and one day of five hours) shall be designated as "special assignments" and require departmental approval prior to implementation. "Special assignment" shall be entered on the inmate's timekeeping log by the staff supervisor.~~

~~(A) 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.~~

~~(B) Any combination of half time work assignment, and any rehabilitative program as described in subsection (A) above, shall be designated Work Group A-1.~~

~~(C) A full time college program may be combined with a half time work or Career Technical Education program equating to a full-time assignment. The college program shall consist of 12 units in credit courses only leading to an associate degree in two years or a bachelor's degree in four years.~~

~~(D) An inmate diagnosed by a physician and/or psychiatrist as totally disabled and therefore incapable of performing an assignment, shall remain in Work Group A-1 throughout the duration of their total disability.~~

~~(E) An inmate when diagnosed by a physician and/or psychiatrist as partially disabled shall be assigned to an assignment within the physical and/or mental capability of the inmate as determined by the physician and/or psychiatrist, unless changed by disciplinary action.~~

~~(3) Work Group A-2: Involuntarily unassigned.~~

~~An inmate willing but unable to perform in an assignment shall be placed in Work Group A-2. Inmates eligible to earn Penal Code section 2933 credits shall be awarded one day credit for each day assigned to this work group, in the following status:~~

~~(A) The inmate is placed on a waiting list pending availability of an assignment.~~

~~(B) An unassigned inmate awaiting adverse transfer to another institution.~~

~~(4) Work Group B: Half time assignment. Half time programs shall normally consist of an assignment of four hours per workday, excluding meals, five days per week, or full time enrollment in college consisting of 12 units in credit courses leading to an associate or bachelor's degree. Inmates eligible to earn Penal Code section 2933 credits shall be awarded one day credit for each day assigned to this work group. The work day shall be no less than three hours and the work week no less than 15 hours.~~

~~(5) Work Group C: Disciplinary unassigned. Zero credit.~~

~~(A) Any inmate who twice refuses to accept assigned housing, or who refuses to accept or perform in an assignment, or who is deemed a program failure as defined in section 3000, shall be placed in Work Group C for a period not to exceed the number of disciplinary credits forfeited due to the serious disciplinary infraction(s).~~

~~(B) An inmate shall remain in zero credit earning status, not to exceed the amount of disciplinary credits forfeited, and shall revert to his/her previous workgroup upon completion of the credit~~

forfeiture. Inmates shall be returned to a classification committee for placement on an appropriate waiting list.

~~(6) Work Group D-1: Lockup status. Inmates assigned to a segregated housing program, except for reasons specified within section 3043.4, shall be awarded one day credit for each day assigned to this work group. Segregated housing shall include, but not be limited to, the following:~~

~~(A) Administrative Segregation Unit (ASU).~~

~~(B) Security Housing Unit (SHU).~~

~~(C) Psychiatric Services Unit (PSU).~~

~~(D) Non-Disciplinary Segregation (NDS)~~

~~(7) Work Group D-2: Lockup Status. Inmates placed in SHU, PSU, or ASU for disciplinary related offenses described in Penal Code section 2933.6 or upon validation as a STG-I member or associate are ineligible to earn credits during placement in SHU, PSU, or ASU. Inmates placed in SHU, PSU, or ASU following the commission of any other serious disciplinary infraction(s) are ineligible to earn credits for a period not to exceed the number of disciplinary credits forfeited. Zero credit.~~

~~(A) An inmate assigned to a determinate SHU term which included a forfeiture of credits shall not be placed in a credit earning assignment during the period of credit forfeiture or 180 days, whichever is less, starting from the date of change in custodial classification. An inmate confined in a secure housing unit for a division A-1 offense, as designated in section 3323(e) of these regulations, and which included great bodily injury on a non-prisoner shall not receive participation or work time credits for up to 360 days. Upon completion of the period of credit forfeiture, the inmate shall be re-evaluated by a classification committee.~~

~~(B) An inmate's status in Work Group D-2 may be extended, in up to six month increments, by a classification committee in unusual cases where no credit qualifying program can be assigned the inmate without causing a substantial risk of physical harm to staff or others. At the end of the designated period (six months or less), the determination shall be reviewed by an institution classification committee.~~

~~(C) An inmate in ASU, SHU, or PSU, serving an administrative or determinate SHU term, who is deemed a program failure as defined in section 3000, may be assigned Work Group D-2 by a classification committee. An inmate assigned to Work Group C at the time of placement in ASU, SHU, or PSU, or who refuses to accept or perform work assignments, shall be assigned Work Group D-2. An inmate released from ASU, SHU, or PSU may be placed back into Work Group C by a classification committee not to exceed the remaining number of disciplinary credits forfeited due to the serious disciplinary infraction(s).~~

~~(D) If the administrative finding of the misconduct is overturned or if the inmate is criminally prosecuted for the misconduct and is found not guilty, credit earning status shall be restored to the inmate's previously designated workgroup at the time of placement into segregated housing.~~

~~(8) Work Group U: Unclassified. An inmate undergoing reception center processing is in this status from the date of their reception until classified at their assigned institution. Inmates eligible to earn Penal Code section 2933 credits shall be awarded one day credit for each day assigned to this work group.~~

(a) Full-time and half-time defined.

(1) Full-time work/training assignments normally mean eight (8) hours per day on a five day per week basis, exclusive of meals.

(2) Half-time work/training assignments normally mean four (4) hours per day on a five day per week basis, exclusive of meals.

(b) Consistent with the provisions of section 3375, all assignments or reassignments of an inmate to a work group shall be by a classification committee action in accordance with this section.

(1) Work Group A-1 (Full-Time Assignment). An inmate willing and able to perform an assignment on a full-time basis shall be placed in Work Group A-1. The work day shall not be less than 6.5 hours of work participation and the work week no less than 32 hours of work participation, as designated by assignment. Those programs requiring an inmate to participate during other than the normal schedule of eight-hours-per-day, five-days-per-week (e.g., 10-hours-per-day, four-days-per-week) or programs that are scheduled for seven-days-per-week, requiring inmate attendance in shifts (e.g., three days of 10 hours and one day of five hours) shall be designated as "special assignments" and require departmental approval prior to implementation. "Special assignment" shall be entered on the inmate's timekeeping log by the staff supervisor.

(A) 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.

(B) Any combination of half-time work assignment, and any rehabilitative program as described in subsection (A) above, shall be designated Work Group A-1.

(C) A full-time college program may be combined with a half-time work or Career Technical Education program equating to a full-time assignment. The college program shall consist of 12 units in credit courses only leading to an associate degree in two years or a bachelor's degree in four years.

(D) An inmate diagnosed by a physician or psychiatrist as totally disabled and therefore incapable of performing an assignment, shall remain in Work Group A-1 throughout the duration of their total disability.

(E) An inmate when diagnosed by a physician or psychiatrist as partially disabled shall be assigned to an assignment within the physical and mental capability of the inmate as determined by the physician or psychiatrist, unless changed by disciplinary action.

(2) Work Group A-2 (Involuntarily Unassigned). An inmate willing but unable to perform in an assignment shall be placed in Work Group A-2, if either of the following is true:

(A) The inmate is placed on a waiting list pending availability of an assignment.

(B) The unassigned inmate is awaiting adverse transfer to another institution.

(3) Work Group B (Half-Time Assignment). An inmate willing and able to perform an assignment on a half-time basis shall be placed in Work Group B. Half-time programs shall normally consist of an assignment of four hours per workday, excluding meals, five-days-per-week, or full-time enrollment in college consisting of 12 units in credit courses leading to an associate or bachelor's degree. The work day shall be no less than three hours and the work week no less than 15 hours.

(4) Work Group C (Disciplinary Unassigned; Zero Credit).

(A) Any inmate who twice refuses to accept assigned housing, or who refuses to accept or perform in an assignment, or who is deemed a program failure as defined in section 3000, shall be placed in

Work Group C for a period not to exceed the number of disciplinary credits forfeited due to the serious disciplinary infraction(s).

(B) An inmate in this work group shall not be awarded Good Conduct Credit, as described in section 3043.2, for a period not to exceed the number of disciplinary credits forfeited, and shall revert to his or her previous workgroup upon completion of the credit forfeiture. Inmates shall be returned to a classification committee for placement on an appropriate waiting list.

(5) Work Group D-1 (Lockup Status). An inmate assigned to a segregated housing program shall be placed in Work Group D-1. Segregated housing shall include, but not be limited to, the following:

(A) Administrative Segregation Unit (ASU);

(B) Security Housing Unit (SHU);

(C) Psychiatric Services Unit (PSU);

(D) Non-Disciplinary Segregation (NDS).

(6) Work Group D-2 (Lockup Status; Zero Credit). An inmate placed in SHU, PSU, or ASU for disciplinary related offenses, as described in Penal Code section 2933.6, or upon validation as a STG-I member or associate shall be placed in Work Group D-2 and shall not be awarded Good Conduct Credit, as described in section 3043.2, during their placement in SHU, PSU, or ASU. Inmates placed in SHU, PSU, or ASU following the commission of any other serious disciplinary infraction shall not be awarded Good Conduct Credit for a period not to exceed the number of disciplinary credits forfeited.

(A) An inmate assigned to a determinate SHU term which included a forfeiture of credits shall not receive Good Conduct Credit during the period of credit forfeiture or 180 days, whichever is less, starting from the date of change in custodial classification. An inmate confined in a secure housing unit for a division A-1 offense, as designated in section 3323(c) of these regulations, and which included great bodily injury on a non-prisoner shall not receive Good Conduct Credit for up to 360 days. Upon completion of the period of credit forfeiture, the inmate shall be re-evaluated by a classification committee.

(B) An inmate's status in Work Group D-2 may be extended, in up to six-month increments, by a classification committee in unusual cases where no other assignment can be made without causing a substantial risk of physical harm to staff or others. At the end of the designated period (six months or less), the determination shall be reviewed by an institution classification committee.

(C) An inmate in ASU, SHU, or PSU, serving an administrative or determinate SHU term, who is deemed a program failure as defined in section 3000, may be assigned Work Group D-2 by a classification committee. An inmate assigned to Work Group C at the time of placement in ASU, SHU, or PSU, or who refuses to accept or perform work assignments, shall be assigned Work Group D-2. An inmate released from ASU, SHU, or PSU may be placed back into Work Group C by a classification committee not to exceed the remaining number of disciplinary credits forfeited due to the serious disciplinary infraction(s).

(D) If the administrative finding of misconduct is overturned or if the inmate is criminally prosecuted for the misconduct and is found not guilty, Good Conduct Credit shall be restored.

(7) Work Group F (Minimum Custody and Firefighting).

(A) An inmate assigned to Minimum A Custody or Minimum B Custody who is statutorily eligible for day-for-day credit shall be placed in Work Group F.

(B) An inmate who has completed the requisite training to be assigned to a Department of Forestry and Fire Protection fire camp or as a firefighter at a Department of Corrections and Rehabilitation firehouse shall be placed in Work Group F.

(C) Inmates placed in Work Group F who are (1) found guilty of a serious rule violation as defined in subsections (b), (c), or (d) of section 3323, (2) placed in a zero-credit work group pursuant to subsections (b)(4) or (b)(6) of section 3044, or (3) otherwise removed from this assignment due to safety or security considerations, shall be assigned to another Work Group consistent with the remaining provisions of this section and shall be ineligible to receive Good Conduct Credit pursuant to subsections (b)(4)(B) or (b)(5) of section 3043.2. An inmate who has been removed from this assignment under the circumstances described above may be placed in Work Group F again, after an appropriate period of time, by classification committee action.

(8) Work Group U (Unclassified). An inmate undergoing reception center processing shall be placed in Work Group U from the date of their reception until classified at their assigned institution.

Subsections 3044(c) through 3044(j) remain unchanged.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Sections 2700, 2701 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); Sections 2932, 2933, 2933.05, 2933.3, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal.App.3d 1224 (1988).

Chapter 1. Rules and Regulation of Adult Operations and Programs

New Subchapter 5.5. Title is adopted to read:

PAROLE CONSIDERATION.

New Article 1 is adopted to read:

Parole Consideration for Determinately-Sentenced Nonviolent Offenders.

Section 3490. Definitions.

For the purposes of this article, the following definitions shall apply:

(a) A “Nonviolent Offender” is an inmate who is not any of the following:

(1) Condemned, incarcerated for a term of life without the possibility of parole, or incarcerated for a term of life with the possibility of parole;

(2) Serving a term of incarceration for a “violent felony;” or

(3) Convicted of a sexual offense that requires registration as a sex offender under Penal Code section 290.

(b) A “Nonviolent Offender” includes the following:

(1) An inmate who has completed a determinate term of incarceration for a violent felony and is currently serving a concurrent term for a nonviolent felony offense;

(2) An inmate who has completed a determinate or indeterminate term of incarceration and is currently serving a determinate term for a nonviolent in-prison offense.

(c) “Violent Felony” is a crime or enhancement as defined in Penal Code section 667.5, subdivision (c).

(d) “Primary Offense” means the single crime for which any sentencing court imposed the longest term of imprisonment, excluding all enhancements, alternative sentences, and consecutive sentences.

(e) “Full Term” means the actual number of years imposed by the sentencing court for the inmate’s primary offense, not including any sentencing credits.

(f) A “Nonviolent Parole Eligible Date” is the date on which an inmate who qualifies as a nonviolent offender has served the full term of his or her primary offense, less pre-sentence credits applied by the sentencing court for time served under Penal Code section 2900.5 and any time spent in custody between sentencing and the date the inmate is received by the department.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a); 1170.1, subdivision (c), Penal Code; *In re Reeves* (2005) 35 Cal.4th 765; *In re Tate* (2006) 135 Cal.App.4th 756; *In re Thompson* (1985) 172 Cal.App.3d 256.

Section 3491. Initial Eligibility Determination.

(a) By June 1, 2017, the department shall begin the initial eligibility determination for nonviolent offenders as defined in section 3490.

(b) Once the department completes the initial eligibility determination for inmates already under the custody of the department, it shall complete the initial eligibility determination upon an inmate’s admission to the department.

(c) Regardless of a prior initial eligibility determination, the department shall conduct a new eligibility determination whenever a sentencing court issues a new or amended abstract of judgment that changes the inmate’s conviction(s) or term(s) of imprisonment.

(d) The department shall conduct an initial eligibility determination review by completing all of the following steps:

(1) The department shall determine if the inmate meets the definition of a nonviolent offender in section 3490, subdivisions (a) and (b), of this article;

(2) The department shall identify the primary offense, as defined under section 3490, subdivision (d), of this article; and

(3) If the department finds the inmate qualifies as a nonviolent offender, it shall establish the inmate's Nonviolent Parole Eligible Date, as defined under section 3490, subdivision (f), of this article.

(e) Any initial eligibility determination under this section is subject to the department's Inmate Appeal Process in accordance with chapter 1, article 8, under this division.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a).

Section 3492. Public Safety Screening and Referral.

(a) Effective July 1, 2017, if an inmate is determined to be an eligible nonviolent offender under section 3490, no later than 35 days prior to the inmate's Nonviolent Parole Eligible Date, the inmate shall be screened to determine whether the inmate is currently eligible for referral to the Board of Parole Hearings for Nonviolent Offender Parole Consideration.

(b) Public Safety Screening and Referral. An inmate is eligible for referral to the Board of Parole Hearings if all of the following are true:

(1) The inmate is not currently serving a Security Housing Unit term and the Institutional Classification Committee has not assessed the inmate a Security Housing Unit term for any Security Threat Group or disciplinary reason within the past five years;

(2) The inmate has not been found guilty of a serious Rules Violation Report for a Division A-1 or Division A-2 offense as specified in section 3323, subdivisions (b) and (c) within the past five years;

(3) The inmate has not been placed in Work Group C as specified in section 3044, subdivision (b), paragraph (4), in the past year;

(4) The inmate has not been found guilty of two or more serious Rules Violation Reports in the past year;

(5) The inmate has not been found guilty of a drug-related offense as specified in section 3016 or refused to provide a urine sample as specified in section 3290, subdivision (d), in the past year;

(6) The inmate has not been found guilty of any Rules Violation Report in which a Security Threat Group nexus was found in the past year;

(7) The inmate's Nonviolent Parole Eligible Date falls at least 180 days prior to the inmate's Earliest Possible Release Date and the inmate will not reach his or her Earliest Possible Release Date for at least 180 days; and

(8) The inmate has not subsequently been deemed no longer eligible for the nonviolent offender parole process under sections 3490 or 3491.

(c) Inmates who are eligible for referral under subdivision (b) shall be referred to the Board of Parole Hearings for parole consideration under the California Code of Regulations, title 15, division 2, chapter 3, article 15.

(d) If the inmate is not eligible for referral, the inmate shall be screened again one year from the date of his or her last public safety screening under this section until the inmate is released from custody or has been deemed no longer eligible for the nonviolent offender parole process under sections 3490 or 3491.

(e) Inmates shall be notified of the results of the public safety screening and referral eligibility process and, if deemed eligible for referral to the Board of Parole Hearings, provided information about the nonviolent offender parole process, including the opportunity to submit a written statement to the board.

(f) Any public safety screening or referral eligibility decision under this section is subject to the department's Inmate Appeal Process in accordance with chapter 1, article 8, under this division.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a).

Section 3493. Processing for Release.

If an inmate is approved for nonviolent offender parole and the decision is not vacated by the Board of Parole Hearings, the Division of Adult Institutions and Division of Adult Parole Operations shall release the inmate 60 days from the date of the Board of Parole Hearings' decision in accordance with Penal Code section 4755 and section 3075.2, of this title, and any other procedures required by law, including required notifications to victims and law enforcement agencies. Inmates who have an additional term to serve pursuant to Penal Code section 1170.1, subdivision (c) shall begin to serve that term 60 days from the date they are approved for nonviolent offender parole, if the Board of Parole Hearings' decision is not vacated.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); Section 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a).

In the following, underline indicates additional text, and ~~strikethrough~~ indicates deleted text.

California Code of Regulations, Title 15, Division 2, Board of Parole Hearings

Chapter 3. Parole Release.

New Article 15. is adopted to read:

Parole Consideration for Determinately-Sentenced Nonviolent Offenders.

Section 2449.1. Definitions.

For the purposes of this article, the following definitions shall apply:

(a) A “Nonviolent Offender” is an inmate who is not any of the following:

(1) Condemned, incarcerated for a term of life without the possibility of parole, or incarcerated for a term of life with the possibility of parole;

(2) Serving a term of incarceration for a “violent felony;” or

(3) Convicted of a sexual offense that requires registration as a sex offender under Penal Code section 290.

(b) A “Nonviolent Offender” includes the following:

(1) An inmate who has completed a determinate term of incarceration for a violent felony and is currently serving a concurrent term for a nonviolent felony offense;

(2) An inmate who has completed a determinate or indeterminate term of incarceration and is currently serving a determinate term for a nonviolent in-prison offense.

(c) “Violent Felony” is a crime or enhancement as defined in Penal Code section 667.5, subdivision (c).

(d) “Primary Offense” means the single crime for which any sentencing court imposed the longest term of imprisonment, excluding all enhancements, alternative sentences, and consecutive sentences.

(e) “Full Term” means the actual number of years imposed by the sentencing court for the inmate’s primary offense, not including any sentencing credits.

(f) A “Nonviolent Parole Eligible Date” is the date on which an inmate who qualifies as a nonviolent offender has served the full term of his or her primary offense, less pre-sentence credits applied by the sentencing court for time served under Penal Code section 2900.5 and any time spent in custody between sentencing and the date the inmate is received by the department.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b). Reference: Cal. Const., art. 1, sec. 32(a); *In re Reeves* (2005) 35 Cal.4th 765; *In re Tate* (2006) 135 Cal.App.4th 756; *In re Thompson* (1985) 172 Cal.App.3d 256.

Section 2449.2. Notification Process.

(a)(1) Within five business days of referral from the department, the board shall notify registered victims and the prosecuting agency or agencies of the inmate’s pending nonviolent offender parole consideration and provide an opportunity to submit a written statement.

(2) Responses to the board must be in writing and postmarked or electronically stamped no later than 30 days after the board issued the notification.

(b) A registered victim is any person who is registered as a victim with the Office of Victim and Survivor Rights and Services at the time of the referral to the board.

(c) The prosecuting agency or agencies include any California district attorney office responsible for prosecuting the inmate, or the State of California Office of the Attorney General if that office was responsible for prosecuting the inmate, for any crimes for which the inmate is currently incarcerated.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b). Reference: Cal. Const., art. 1, sec. 32(a).

Section 2449.3. Jurisdictional Review.

(a) Once the 30-day notification response period under section 2449.2 has expired, a hearing officer shall review the inmate's case to determine whether the board has jurisdiction to review the inmate for nonviolent offender parole consideration.

(b) Jurisdiction Defined. For the purposes of this article, the board has jurisdiction to consider an inmate for nonviolent offender parole when:

(1) The inmate's Earliest Possible Release Date is greater than or equal to the department's referral date plus 180 days; and

(2) The board has confirmed the inmate is eligible for nonviolent offender parole consideration under section 3491 Initial Eligibility Determination and section 3492 Public Safety Screening and Referral in division 3 of this title.

(c)(1) If the hearing officer determines the board does not have jurisdiction to consider the inmate for nonviolent offender parole, the hearing officer shall issue a written decision with a statement of reasons. The inmate, any victims registered at the time of the referral, and the prosecuting agency that received notice under section 2449.2 shall be notified of the decision.

(2) If the hearing officer determines the board has jurisdiction to consider the inmate for nonviolent offender parole, the hearing officer shall conduct a review on the merits under section 2449.4 of this article.

(d) Board Jurisdiction determinations under this section are not subject to the department's Inmate Appeal Process under division 3, chapter 1, article 8 of this title, but are eligible for review under section 2449.5 of this article.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b). Reference: Cal. Const., art. 1, sec. 32(a).

Section 2449.4. Review on the Merits.

(a) Upon determination that the board has jurisdiction, a hearing officer shall complete a nonviolent offender parole consideration review on the merits.

(b) Information considered. The hearing officer shall review and consider all relevant and reliable information about the inmate including, but not limited to:

(1) Information contained in the inmate's central file and documented criminal history, including current RAP sheets and any return to prison with a new conviction after being released as a result of this section; and

(2) Written statements submitted by the inmate, any victims registered at the time of the referral, and the prosecuting agency or agencies that received notice under section 2449.2.

(c) Standard of Review. After reviewing the relevant and reliable information, the hearing officer shall determine whether the inmate poses an unreasonable risk of violence to the community. In reaching this determination, the hearing officer shall consider the totality of the circumstances, including the following four factors:

(1) The circumstances surrounding the current conviction;

(2) The inmate's prior criminal record;

(3) The inmate's institutional behavior including both rehabilitative programming and institutional misconduct; and

(4) Any input from the inmate, any victims registered at the time of the referral, and the prosecuting agency or agencies that received notice under section 2449.2.

(d) Nonviolent Offender Parole Determinations.

- (1) If the hearing officer finds the inmate poses an unreasonable risk of violence, the hearing officer shall deny parole.
- (2) If the hearing officer finds the inmate does not pose an unreasonable risk of violence, the hearing officer shall approve parole.
- (3) The hearing officer shall document his or her decision in writing with a statement of reasons. The inmate, any victims registered at the time of the referral, and the prosecuting agency that received notice under section 2449.2 shall be notified.
- (4) If the decision will result in the inmate being released two or more years prior to his or her Earliest Possible Release Date, the decision shall require a second signature from an Associate Chief Deputy Commissioner or the board's Chief Hearing Officer.
- (e) Nonviolent offender parole determinations under this section are not subject to the Inmate Appeal Process under division 3, chapter 1, article 8 of this title; however, an inmate may request review of the decision under section 2449.5 of this article.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b). Reference: Cal. Const., art. 1, sec. 32(a).

Section 2449.5. Decision Review.

- (a) Within 30 days of the date of a final decision concerning jurisdiction or a review on the merits, the inmate may request review of the decision.
- (b) Timing: A hearing officer, associate chief deputy commissioner, or the board's chief hearing officer, who was not involved in the original decision shall complete review of the decision within 30 calendar days of receipt of the request.
- (c)(1) The reviewing hearing officer shall review and consider relevant and reliable information about the inmate and shall document his or her decision in writing, either concurring with the original decision or vacating the original decision and issuing a new written decision with a statement of reasons.
- (2) The inmate, any victims registered at the time of the referral, and the prosecuting agency that received notice under section 2449.2 shall be notified.
- (d)(1) If, following parole approval, the inmate becomes ineligible under section 3491 Initial Eligibility Determination or section 3492 Public Safety Screening and Referral in division 3 of this title, the board shall vacate the decision approving parole in writing with a statement of reasons.
- (2) The inmate, any victims registered at the time of the referral, and the prosecuting agency that received notice under section 2449.2 shall be notified.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b). Reference: Cal. Const., art. 1, sec. 32(a).

MILESTONE COMPLETION CREDIT SCHEDULE

No milestone completion credits shall be awarded for incomplete performance milestones under any circumstances.

Career Technical Education Milestone Descriptions and Codes			
Auto Body			
<u>COURSE</u>	<u>COURSE DESCRIPTION</u>	<u>COURSE CODE</u>	<u>COURSE VALUE</u>
Auto Body	Detailing/Painting/ Refinishing	V01L100	2 weeks
Auto Body	Non-Structural Damage	V01L200	3 weeks
Auto Body	Structural Damage	V01L300	2 weeks
Auto Body	Mechanical and Electrical	V01L400	3 weeks
Auto Body	Auto Body Basics	V01L401	6 weeks
Auto Body	Auto Body Level 1	V01L402	4 weeks
Auto Body	Auto Body Level 2	V01L403	4 weeks
Auto Body	Auto Body Level 3	V01L404	5 weeks
Auto Body	Auto Body Level 4	V01L405	3 weeks
Auto Body (ASE)	ASE – Non-Structural Analysis and Repair	V01L406	2 weeks
Auto Body (ASE)	ASE – Painting and Refinishing	V01L407	2 weeks
Auto Body (ASE)	ASE – Structural Analysis and Repair	V01L408	2 weeks
Auto Body (ASE)	ASE – Mechanical and Electrical Analysis and Repair	V01L409	2 weeks
Auto Body (I-CAR)	I-CAR – Non-Structural Technician – ProLevel 1	V01L410	2 weeks
Auto Body (I-CAR)	I-CAR – Non-Structural Technician – ProLevel 2	V01L411	2 weeks
Auto Body (I-CAR)	I-CAR – Non-Structural Technician – ProLevel 3	V01L412	2 weeks
Auto Body (I-CAR)	I-CAR – Steel Structural Technician – ProLevel 1	V01L413	2 weeks
Auto Body (I-CAR)	I-CAR – Steel Structural Technician – ProLevel 2	V01L414	2 weeks
Auto Body (I-CAR)	I-CAR – Steel Structural Technician – ProLevel 3	V01L415	2 weeks
Auto Body (I-CAR)	I-CAR – Refinish Technician – ProLevel 1	V01L416	2 weeks
Auto Body (I-CAR)	I-CAR – Refinish Technician – ProLevel 2	V01L417	2 weeks
Auto Body (I-CAR)	I-CAR – Refinish Technician – ProLevel 3	V01L418	2 weeks
Auto Mechanics			
Auto Mechanics	Basic Auto	V02L100	2 7 weeks
Auto Mechanics	Engine Service Repair	V02L200	2 4 weeks
Auto Mechanics	Auto Trans and Transaxles	V02L300	2 4 weeks
Auto Mechanics	Man. Trans and Transaxles	V02L400	2 4 weeks
Auto Mechanics	Suspension and Steering	V02L500	3 4 weeks
Auto Mechanics	Brake Installation	V02L600	2 5 weeks
Auto Mechanics	Electrical Systems	V02L700	2 4 weeks
Auto Mechanics	Heating and A/C	V02L800	2 4 weeks
Auto Mechanics	Engine Performance	V02L900	3 5 weeks
Auto Mechanics (ASE)	ASE Maintenance and Light Repair	V02L901	2 weeks
Auto Mechanics (ASE)	ASE Auto Engine Repair	V02L902	2 weeks
Auto Mechanics (ASE)	ASE Auto Brakes	V02L903	2 weeks
Auto Mechanics (ASE)	ASE Auto Steering and Suspension	V02L904	2 weeks
Auto Mechanics (ASE)	ASE Auto HVAC	V02L905	2 weeks
Auto Mechanics (ASE)	ASE Auto Electrical and Electronics	V02L906	2 weeks
Auto Mechanics (ASE)	ASE Engine Performance and Drivability	V02L907	2 weeks
Auto Mechanics (ASE)	ASE Manual Drive Trans and Axles	V02L908	2 weeks
Auto Mechanics (ASE)	ASE Auto Drive Trans and Axles	V02L909	2 weeks
Nail Care (400-hrs)			
Manicuring	Manicuring	V03L100	2 4 weeks
Manicuring	License Award	V03L200	3 5 weeks

Career Technical Education Milestone Descriptions and Codes (Continued)

Cosmetology (1600 hrs)

Cosmetology	Health and Safety/State Cosmetology Act/Anatomy	V03L300	4 3 weeks
Cosmetology	Hair Styling	V03L400	2 4 weeks
Cosmetology	Hair Treatments/Coloring/P-Wave/Relaxing	V03L500	2 4 weeks
Cosmetology	Manicuring/Skin Care	V03L600	4 3 weeks
Cosmetology	License Award	V03L700	3 5 weeks

Career Core

Career Core	Career Core Basics	V13L100	4 weeks
Career Core	Job Readiness	V13L200	4 weeks
Career Core	OSHA	V13L300	2 weeks
Career Core	EPA	V13L400	2 weeks
Career Core	Forklift Certification – Industrial	V13L500	2 weeks
Career Core	Forklift Certification – Construction	V13L600	3 weeks

Electronics

Electronics	Core	V0400C0	1 week
Electronics	Level I	V0400L1	2 4 weeks
Electronics	Level II	V0400L2	2 4 weeks
Electronics	Level III	V0400L3	2 4 weeks
Electronics	Level IV	V0400L4	2 5 weeks
Electronics – NCCER	NCCER Electronics – Level 1	V0400L5	2 weeks
Electronics – NCCER	NCCER Electronics – Level 2	V0400L6	2 weeks
Electronics – NCCER	NCCER Electronics – Level 3	V0400L7	2 weeks
Electronics – NCCER	NCCER Electronics – Level 4	V0400L8	2 weeks

Machine Shop

Machine Shop	Quality Control	V050100	1 week
Machine Shop	Material Cutting	V050200	1 week
Machine Shop	Drill Press Operator	V050300	1 week
Machine Shop	Lathe Operator	V050400	1 week
Machine Shop	Milling Machine Operator	V050500	1 week
Machine Shop	Tool Grinder Operator	V050600	1 week
Machine Shop	CNC Mill & Lathe Operator	V050700	1 week

Manufacturing Engineering and Design Practices (Machine Shop)

CNC Machine Shop	Basic Engineering, Design and CNC Programming	V150100	4 weeks
CNC Machine Shop	Engineering, Design and CNC Programming – Level I	V150200	4 weeks
CNC Machine Shop	Engineering, Design and CNC Programming- Level II	V150300	4 weeks
CNC Machine Shop	Engineering, Design and CNC Programming- Level III	V150400	4 weeks
CNC Machine Shop	Engineering, Design and CNC Programming- Level IV	V150500	4 weeks
CNC Machine Shop	Engineering, Design and CNC Programming- Level V	V150600	4 weeks
CNC Machine Shop - TCNC	Basic Engineering, Design and CNC Programming- Level I	V150700	2 weeks
CNC Machine Shop - TCNC	Engineering, Design and CNC Programming- Level II	V150800	2 weeks
CNC Machine Shop - TCNC	Engineering, Design and CNC Programming- Level III	V150900	2 weeks

Career Technical Education Milestone Descriptions and Codes (Gcontinued)

Manufacturing Engineering and Design Practices (Machine Shop) (continued)

CNC Machine Shop - TCNC	Engineering, Design and CNC Programming- Level IV	V151000	2 weeks
CNC Machine Shop - TCNC	Engineering, Design and CNC Programming- Level V	V152000	2 weeks
Office Services and Related Technology			
OSRT	Microsoft Level 1	V060101	4 4 weeks
OSRT	Microsoft Level 2	V060200	2 4 weeks
OSRT	Microsoft Level 3	V060300	2 4 weeks
OSRT - MS	Microsoft STRAND 1	V060400	4 weeks
OSRT - MS	Microsoft STRAND 2	V060500	4 weeks
OSRT - MS	Microsoft STRAND 3	V060600	4 weeks
OSRT - MS	Microsoft STRAND 4	V060700	4 weeks
OSRT - MS	Microsoft STRAND 5	V060800	4 weeks
OSRT - MS	Microsoft STRAND 6	V060900	4 weeks
Small Engine Repair			
Small Engine Repair	Small Engine Basics	V07L001	4 weeks
Small Engine Repair	Equipment Operation & Service Electrical	V07L100	2 4 weeks
Small Engine Repair	4 Cycle	V07L200	3 4 weeks
Small Engine Repair	2 Cycle	V07L300	2 4 weeks
Small Engine Repair	Diesel	V07L400	2 4 weeks
Small Engine Repair - EETC	EETC – Two Stroke	V07L500	2 weeks
Small Engine Repair - EETC	EETC – Four Stroke	V07L600	2 weeks
Small Engine Repair - EETC	EETC – Electrical	V07L700	2 weeks
Small Engine Repair - EETC	EETC – Drive Line	V07L800	2 weeks
Small Engine Repair - EETC	EETC – Compact Diesel	V07L900	2 weeks
Small Engine Repair - EETC	EETC – Generator	V07L901	2 weeks
Small Engine Repair - EETC	EETC – Reel Tech	V07L902	2 weeks
Carpentry			
Carpentry	Core	V0801C0	1 week
Carpentry	Level I	V0801L1	2 5 weeks
Carpentry	Level II	V0801L2	2 6 weeks
Carpentry	Level III	V0801L3	2 4 weeks
Carpentry	Level IV	V0801L4	2 5 weeks
Carpentry - NCCER	NCCER Construction – Level 1	V0801L5	2 weeks
Carpentry - NCCER	NCCER Construction – Level 2	V0801L6	2 weeks
Carpentry - NCCER	NCCER Construction – Level 3	V0801L7	2 weeks
Carpentry - NCCER	NCCER Construction – Level 4	V0801L8	2 weeks
Building Maintenance			
Building Maintenance	Core	V0906C0	1 week
Building Maintenance	Level I	V0906L1	2 4 weeks
Building Maintenance	Level II	V0906L2	2 6 weeks
Building Maintenance	Level III	V0906L3	2 4 weeks
Building Maintenance	Level IV	V0906L4	2 5 weeks
Building Maintenance - NCCER	NCCER Building Maintenance – Level 1	V0906L5	2 weeks
Building Maintenance - NCCER	NCCER Building Maintenance – Level 2	V0906L6	2 weeks
Building Maintenance - NCCER	NCCER Building Maintenance – Level 3	V0906L7	2 weeks
Building Maintenance - NCCER	NCCER Building Maintenance – Level 4	V0906L8	2 weeks
Building Maintenance - NCCER	NCCER Weatherization Tech	V0906L9	2 weeks

Career Technical Education Milestone Descriptions and Codes (Gcontinued)

Electrical			
Electrical	Core	V1005C0	1 week
Electrical	Level I	V1005L1	2 6 weeks
Electrical	Level II	V1005L2	2 4 weeks
Electrical	Level III	V1005L3	2 4 weeks
Electrical	Level IV	V1005L4	2 4 weeks
Electrical - NCCER	NCCER Electrical – Level 1	V1005L5	2 weeks
Electrical - NCCER	NCCER Electrical – Level 2	V1005L6	2 weeks
Electrical - NCCER	NCCER Electrical – Level 3	V1005L7	2 weeks
Electrical - NCCER	NCCER Electrical – Level 4	V1005L8	2 weeks
HVAC			
HVAC	Core	V1107C0	1 week
HVAC	Level I	V1107L1	2 4 weeks
HVAC	Level II	V1107L2	2 6 weeks
HVAC	Level III	V1107L3	2 4 weeks
HVAC	Level IV	V1107L4	2 4 weeks
HVAC - NCCER	NCCER HVAC – Level 1	V1107L5	2 weeks
HVAC - NCCER	NCCER HVAC – Level 2	V1107L6	2 weeks
HVAC - NCCER	NCCER HVAC – Level 3	V1107L7	2 weeks
HVAC - NCCER	NCCER HVAC – Level 4	V1107L8	2 weeks
HVAC - NCCER	NCCER Weatherization Tech	V1107L9	2 weeks
Masonry			
Masonry	Core	V1202C0	1 week
Masonry	Level I	V1202L1	2 4 weeks
Masonry	Level II	V1202L2	2 5 weeks
Masonry	Level III	V1202L3	2 5 weeks
Masonry	Level IV	V1202L4	2 4 weeks
Masonry - NCCER	NCCER Masonry – Level 1	V1202L5	2 weeks
Masonry - NCCER	NCCER Masonry – Level 2	V1202L6	2 weeks
Masonry - NCCER	NCCER Masonry – Level 3	V1202L7	2 weeks
Masonry - NCCER	NCCER Masonry – Level 4	V1202L8	2 weeks
Plumbing			
Plumbing	Core	V1304C0	1 week
Plumbing	Level I	V1304L5	2 6 weeks
Plumbing	Level II	V1304L6	2 5 weeks
Plumbing	Level III	V1304L7	2 5 weeks
Plumbing	Level IV	V1304L8	2 5 weeks
Plumbing - NCCER	NCCER Plumbing – Level 1	V1304L9	2 weeks
Plumbing - NCCER	NCCER Plumbing – Level 2	V1304L10	2 weeks
Plumbing - NCCER	NCCER Plumbing – Level 3	V1304L11	2 weeks
Plumbing - NCCER	NCCER Plumbing – Level 4	V1304L12	2 weeks
Sheet Metal			
Sheet Metal	Core	V1402C0	1 week
Sheet Metal	Level I	V1402L1	2 4 weeks
Sheet Metal	Level II	V1402L2	2 4 weeks
Sheet Metal	Level III	V1402L3	2 5 weeks
Sheet Metal	Level IV	V1402L4	2 4 weeks
Sheet Metal – NCCER	NCCER Sheet Metal – Level 1	V1402L5	2 weeks
Sheet Metal – NCCER	NCCER Sheet Metal – Level 2	V1402L6	2 weeks
Sheet Metal – NCCER	NCCER Sheet Metal – Level 3	V1402L7	2 weeks
Sheet Metal – NCCER	NCCER Sheet Metal – Level 4	V1402L8	2 weeks

Career Technical Education Milestone Descriptions and Codes (Continued)

Welding			
Welding	Core	V1503C0	1 week
Welding	Level I	V1503L1	2 7 weeks
Welding	Level II	V1503L2	2 4 weeks
Welding	Level III	V1503L3	2 8 weeks
Welding	Level IV	V1503L4	2 4 weeks
Welding - NCCER	NCCER Welding – Level 1	V1503L5	2 weeks
Welding - NCCER	NCCER Welding – Level 2	V1503L6	2 weeks
Welding - NCCER	NCCER Welding – Level 3	V1503L7	2 weeks
Welding - NCCER	NCCER Welding – Level 4	V1503L8	2 weeks
Welding – AWS	AWS - MIG	V1503L9	2 weeks
Welding – AWS	AWS - Flux Core	V151310	2 weeks
Welding – AWS	AWS - Stick	V151311	2 weeks
Welding – AWS	AWS - Pipe	V151312	2 weeks
Welding – AWS	AWS - Aluminum	V151313	2 weeks
Welding – AWS	AWS - Stainless	V151314	2 weeks
Computer Literacy			
Computer Literacy	Core	V160100	4 4 weeks
Computer Literacy - MS	Digital Literacy	V160200	3 weeks
Industrial Painting			
Industrial Painting	Core	V1703C0	1 week
Industrial Painting	Level I	V1703L1	2 4 weeks
Industrial Painting	Level II	V1703L2	2 4 weeks
Industrial Painting	Level III	V1703L3	2 4 weeks
Industrial Painting	Level IV	V1703L4	2 4 weeks
Painting - NCCER	NCCER Painting – Level 1	V1703L5	2 weeks
Painting - NCCER	NCCER Painting – Level 2	V1703L6	2 weeks
Painting - NCCER	NCCER Painting – Level 3	V1703L7	2 weeks
Painting - NCCER	NCCER Painting – Level 4	V1703L8	2 weeks
Roofing			
Roofing	Core	V1903C0	1 week
Roofing	Level I	V1903L1	2 3 weeks
Roofing	Level II	V1903L2	2 5 weeks
Roofing	Level III	V1903L3	2 5 weeks
Roofing	Level IV	V1903L4	2 weeks
Roofing - NCCER	NCCER Roofing – Level 1	V1903L5	2 weeks
Roofing - NCCER	NCCER Roofing – Level 2	V1903L6	2 weeks
Roofing - NCCER	NCCER Roofing – Level 3	V1903L7	2 weeks
Roofing - NCCER	NCCER Roofing – Level 4	V1903L8	2 weeks

Career Technical Education Milestone Descriptions and Codes (continued)

Drywall			
Drywall	Core	V2003C0	1 week
Drywall	Level I	V2003L1	2 4 weeks
Drywall	Level II	V2003L2	2 4 weeks
Drywall	Level III	V2003L3	2 4 weeks
Drywall	Level IV	V2003L4	2 4 weeks
<u>Drywall - NCCER</u>	<u>NCCER Drywall – Level 1</u>	<u>V2003L5</u>	<u>2 weeks</u>
<u>Drywall - NCCER</u>	<u>NCCER Drywall – Level 2</u>	<u>V2003L6</u>	<u>2 weeks</u>
<u>Drywall - NCCER</u>	<u>NCCER Drywall – Level 3</u>	<u>V2003L7</u>	<u>2 weeks</u>
<u>Drywall - NCCER</u>	<u>NCCER Drywall – Level 4</u>	<u>V2003L8</u>	<u>2 weeks</u>
Sustainable Ecological Environmental Design (SEED)			
<u>SEED</u>	<u>SEED – Level I</u>	<u>V2101L1</u>	<u>4 weeks</u>
<u>SEED</u>	<u>SEED – Level II</u>	<u>V2101L2</u>	<u>4 weeks</u>
<u>SEED</u>	<u>SEED – Level III</u>	<u>V2101L3</u>	<u>4 weeks</u>
<u>SEED</u>	<u>SEED – Level IV</u>	<u>V2101L4</u>	<u>4 weeks</u>
<u>SEED</u>	<u>SEED – Level V</u>	<u>V2101L5</u>	<u>4 weeks</u>
<u>SEED - UCD</u>	<u>SEED UCD – Level 1</u>	<u>V2101L6</u>	<u>2 weeks</u>
<u>SEED - UCD</u>	<u>SEED UCD – Level 2</u>	<u>V2101L7</u>	<u>2 weeks</u>
<u>SEED - UCD</u>	<u>SEED UCD – Level 3</u>	<u>V2101L8</u>	<u>2 weeks</u>
<u>SEED - UCD</u>	<u>SEED UCD – Level 4</u>	<u>V2101L9</u>	<u>2 weeks</u>
<u>SEED - UCD</u>	<u>SEED UCD – Level 5</u>	<u>V210110</u>	<u>2 weeks</u>

Academic Milestone Descriptions and Codes			
ABE I			
ABE I	0.0 - 1.9 grade point level	A010100	2 <u>4</u> weeks
ABE I	2.0 - 2.9 grade point level	A010200	2 <u>4</u> weeks
ABE I	3.0 - 3.9 grade point level	A010300	2 <u>4</u> weeks
ABE II			
ABE II	4.0 - 4.9 grade point level	A020400	2 <u>4</u> weeks
ABE II	5.0 - 5.9 grade point level	A020500	2 <u>4</u> weeks
ABE II	6.0 - 6.9 grade point level	A020600	2 <u>4</u> weeks
ABE III			
ABE III	7.0 - 7.9 grade point level	A030700	2 <u>4</u> weeks
ABE III	8.0 - 8.9 grade point level	A030800	2 <u>4</u> weeks
ABE III	9.0 - 9.9 grade point level	A030900	2 <u>4</u> weeks
High School Equivalency			
HSE	Language Arts, Reading and Writing subtest (<u>Electronic GED only</u>)	G010101	2 <u>4</u> weeks
<u>HSE</u>	<u>Language Arts Reading Subtest (Paper based only – HiSET or TASC) Cannot be issued in conjunction with G010101</u>	<u>G010102</u>	<u>3 weeks</u>
<u>HSE</u>	<u>Writing Subtest (Paper based only – HiSET or TASC) Cannot be issued in conjunction with G010101</u>	<u>G010103</u>	<u>3 weeks</u>
HSE	Social Studies subtest	G010200	4 <u>3</u> weeks
HSE	Mathematics subtest	G010300	4 <u>3</u> weeks
HSE	Science subtest	G010400	4 <u>3</u> weeks
HSE	HSE Completion	G020100	1 week
High School			
HS	English 1 st course	H010100	4 <u>4</u> weeks
HS	English 2 nd course	H010110	4 <u>4</u> weeks
HS	English 3 rd course	H010120	4 <u>4</u> weeks
HS	Mathematics	H010300	4 <u>4</u> weeks
HS	Algebra I	H010210	4 <u>4</u> weeks
HS	General/ er -Life Science	H010401	4 <u>4</u> weeks
HS	Earth / er Physical Science	H010402	4 <u>4</u> weeks
HS	U.S. History or Geography	H010501	4 <u>4</u> weeks
HS	World History or Geography/Culture	H010502	4 <u>4</u> weeks
HS	American Government and Economics	H010600	4 <u>4</u> weeks
HS	Visual and Performing Arts /Fine Arts	H010800	4 <u>4</u> weeks
HS	Health	H010900	1 week
HS	Job/Career Exploration	H011000	1 week
HS	Elective completed	H011201	4 <u>4</u> weeks <u>*R1</u>
HS	High School Diploma Awarded	H011300	1 week
College			
College	Each 3 Semester or <u>4</u> -5 Quarter units completed	C010101	4 <u>2</u> weeks <u>*R1</u>
Literacy			
Literacy	CASAS Benchmark 1	L010101	2 weeks
Literacy	CASAS Benchmark 2	L010102	2 weeks
Literacy	CASAS Benchmark 3	L010103	2 weeks
Literacy	CASAS Benchmark 4	L010104	2 weeks
Literacy	CASAS Benchmark 5	L010105	2 weeks
Literacy	CASAS Benchmark 6	L010106	2 weeks
Literacy	CASAS Benchmark 7	L010107	2 <u>4</u> weeks
Literacy	CASAS Benchmark 8	L010108	2 <u>4</u> weeks

*R1 = Repeatable during same or new term for different classes/degrees

Academic Milestone Descriptions and Codes (Continued)			
Literacy	CASAS Benchmark 9	L010109	2 <u>4</u> weeks
Literacy	CASAS Benchmark 10	L010110	2 <u>4</u> weeks
Literacy	CASAS Benchmark 11	L010111	2 <u>4</u> weeks
Literacy	CASAS Benchmark 12	L010112	2 weeks
Math			
Math	CASAS Benchmark 1	M010101	2 weeks
Math	CASAS Benchmark 2	M010102	2 weeks
Math	CASAS Benchmark 3	M010103	2 weeks
Math	CASAS Benchmark 4	M010104	2 weeks
Math	CASAS Benchmark 5	M010105	2 weeks
Math	CASAS Benchmark 6	M010106	2 weeks
Math	CASAS Benchmark 7	M010107	2 <u>4</u> weeks
Math	CASAS Benchmark 8	M010108	2 <u>4</u> weeks
Math	CASAS Benchmark 9	M010109	2 <u>4</u> weeks
Math	CASAS Benchmark 10	M010110	2 <u>4</u> weeks
Math	CASAS Benchmark 11	M010111	2 <u>4</u> weeks
Math	CASAS Benchmark 12	M010112	2 weeks
Substance Abuse Program			
SAP	3 month Course Completion	S010300	2 weeks
SAP	5 month Course Completion	S010500	6 weeks
SAP	6 month Course Completion	S010600	6 weeks
Core Programs			
Criminal Thinking	Thinking for Change (T4C) Course Completion	T4C0100	1 week
Anger Management	Controlling Anger – Learning to Live with It (CALM) or Aggression Replacement Training (ART) Course Completion	CLM0100	1 week
Mental Health			
EOP group module treatment	EOP Benchmark 1	E010100	2 weeks
EOP group module treatment	EOP Benchmark 2	E010200	2 weeks
EOP group module treatment	EOP Benchmark 3	E010300	2 weeks
EOP group module treatment	EOP Benchmark 4	E010400	2 weeks
Reception Center EOP group module treatment	RC EOP Benchmark 1	E010500	1 week
Reception Center EOP group module treatment	RC EOP Benchmark 2	E010600	1 week
EOP Mental Health Treatment Plan	Each 60 hours of treatment plan activities completed	MH10100	1 week *R2
In-Patient Mental Health Treatment Plan	Each 60 hours of treatment plan activities completed	MH10200	1 week *R2
DDP Group Assignments	Each 60 hours of group assignments completed	MH10300	1 week *R2
EOP Core	Aggression Replacement Training	MH10400	1 week
EOP Core	Thinking For Change	MH10500	1 week
EOP Core	Illness Management and Recovery	MH10600	1 week
FOPS Community Beds	Wrap Around Services Course Completion	WR10100	6 weeks

***R2 = Repeatable, up to a maximum of six weeks per 12 months for inmates participating in the EOP, Mental Health Treatment Plan, In-Patient Mental Health Treatment Plan and DDP Group Assignments.**

Academic Milestone Descriptions and Codes (Gcontinued)

Rehabilitative Reentry Hub Programs			
Reentry Hub	Cognitive Behavior Therapy— Substance Abuse Treatment	RH10100	6 weeks
Reentry Hub Rehabilitative Programs	Cognitive Behavior TherapyTreatment – Anger Management	RH10200	4 <u>2</u> weeks
Reentry Hub Rehabilitative Programs	Cognitive Behavior TherapyTreatment – Criminal Thinking	RH10300	4 <u>2</u> weeks
Reentry Hub Rehabilitative Programs	Cognitive Behavior TherapyTreatment – Family Relationships	RH10400	4 <u>2</u> weeks
Reentry Hub Rehabilitative Programs	Transitions	RH10500	4 <u>2</u> weeks
SUDT	Cognitive Behavior Treatment Substance Use Disorder – 3 Months	S010300	3 weeks *R3
SUDT	Cognitive Behavior Treatment Substance Use Disorder – 5 Months	S010500	5 weeks *R3
SUDT	Cognitive Behavior Treatment Substance Use Disorder – 6 Months	S010600	5 weeks *R3
Internet Protocol Television Milestone Descriptions and Codes			
Education			
Education	College Preparatory Algebra I and II	IP10100	2 weeks
Education	College Preparatory Micro & Macro Economics	IP10200	3 weeks
Education	College Preparatory US History 1850-1950 Bundle	IP10300	2 weeks
Education	English Language Acquisition	IP10400	3 weeks
TLM Coding	Track 1	IP10401	7 weeks
TLM Coding	Track 2	IP10402	7 weeks
Employment			
Employment	Workforce Readiness	IP10500	2 weeks
Freedom			
Freedom	Anger Management	IP10600	1 week
Freedom	Financial Security and Money Management	IP10700	3 weeks
Freedom	Preparing for Success After Prison	IP10800	3 weeks
Freedom	Preparing For Success After Prison – Edited Version	IP10900	1 week
Wellness			
Wellness	Leadership	IP10111	1 week
Wellness	Life Skills	IP10112	1 week
Wellness	Nutrition	IP10113	1 week
Wellness	Parenting	IP10114	1 week
e-Reader Milestone Descriptions and Codes			
Education			
Education	Step Down Literature	IP10115	3 weeks

***R3 = Repeatable during new term**

General Milestone Description and Codes			
Inmates Putting Away Childish Things (IMPACT)			
IMPACT	Module 1	I010100	1 week
IMPACT	Module 2	I010200	1 week
IMPACT	Module 3	I010300	1 week
IMPACT	Module 4	I010400	1 week
IMPACT	Module 5	I010500	1 week
Victim Offender Education Group (VOEG)			
VOEG	Section 1	OE10100	1 week
VOEG	Section 2	OE10200	1 week
VOEG	Section 3	OE10300	1 week
VOEG	Section 4	OE10400	1 week
VOEG	Sections 1 and 2	OE10500	1 week
VOEG	Sections 3 and 4	OE10600	1 week
Addiction Recovery Counseling (ARC)			
ARC	Certification	RC10100	6 7 weeks
Guiding Rage Into Power (GRIP)			
GRIP	Course Completion	GR10100	4 2 weeks
Golden Gate Baptist Theological Seminary (Northbay School of Theology)			
GGBTS	Diploma Christian Ministries	TS10100	6 5 weeks
GGBTS	Diploma Theology	TS10200	6 5 weeks
The Urban Ministry Institute (TUMI)			
TUMI	Module 1	TM10100	1 week
TUMI	Module 2	TM10200	1 week
TUMI	Module 3	TM10300	1 week
TUMI	Module 4	TM10400	1 week
TUMI	Module 5	TM10500	1 week
TUMI	Module 6	TM10600	1 week
TUMI	Module 7	TM10700	1 week
TUMI	Module 8	TM10800	1 week
TUMI	Module 9	TM10900	1 week
TUMI	Module 10	TM10110	1 week
TUMI	Module 11	TM10111	1 week
TUMI	Module 12	TM10112	1 week
TUMI	Module 13	TM10113	1 week
TUMI	Module 14	TM10114	1 week
TUMI	Module 15	TM10115	1 week
TUMI	Module 16	TM10116	1 week
TUMI	Modules 1 and 2	TM10117	1 week
TUMI	Modules 3 and 4	TM10118	1 week
TUMI	Modules 5 and 6	TM10119	1 week
TUMI	Modules 7 and 8	TM10120	1 week
TUMI	Modules 9 and 10	TM10121	1 week
TUMI	Modules 11 and 12	TM10122	1 week
TUMI	Modules 13 and 14	TM10123	1 week
TUMI	Modules 15 and 16	TM10124	1 week
Alternatives to Violence Program (AVP)			
AVP	Basic Completion	AV10100	1 week
AVP	Advanced Completion	AV10200	1 week
AVP	Facilitator Training	AV10300	1 week
AVP	Facilitator Certification	AV10400	3 weeks
AVP	Basic and Advanced Completion	AV10500	1 week
AVP	Facilitator Training and Certification	AV10600	1 week
AVP	Lead Team Coordinator	AV10700	2 weeks

General Milestone Description and Codes (Continued)

<u>Verb Braille Program</u>			
<u>Verb Braille Program</u>	<u>Course Completion</u>	<u>ILTG001</u>	<u>3 weeks</u>
<u>Prisoners Overcoming Obstacles & Creating Hope (POOCH) Dog program</u>			
<u>POOCH</u>	<u>Course Completion</u>	<u>ILTG002</u>	<u>5 weeks</u>
<u>Peacemaker's Alliance</u>			
<u>Peacemaker Alliance</u>	<u>Peacemakers Alliance Critical Literacy and Peace Education</u>	<u>ILTG003</u>	<u>2 weeks</u>
<u>Peacemaker Alliance</u>	<u>Peacemakers Alliance Community Transformation (PACT) and Building Peaceful Communities Retreat</u>	<u>ILTG004</u>	<u>1 week</u>
<u>The Last Mile</u>			
<u>The Last Mile</u>	<u>Course Completion</u>	<u>ILTG006</u>	<u>4 weeks</u>
<u>The Last Mile</u>	<u>New Professionals /Career Development and Understanding</u>	<u>ILTG007</u>	<u>4 weeks</u>
<u>The Last Mile</u>	<u>Alpha Faith Based Prison Program</u>	<u>ILTG008</u>	<u>4 weeks</u>
<u>Inmate Ward Labor</u>			
<u>Inmate Ward Labor</u>	<u>Multi-Craft Core Curriculum</u>	<u>W01L100</u>	<u>≥ 7 weeks</u>
<u>Institution Firefighters</u>			
<u>Firefighting (Inst)</u>	<u>Basic Firefighter Block Training</u>	<u>FH10100</u>	<u>≥ 1 weeks</u>
<u>Firefighting (Inst)</u>	<u>State Fire Marshal-approved Firefighter 1 Training</u>	<u>FH10200</u>	<u>≥ 7 weeks</u>
<u>Firefighting (Inst)</u>	<u>First Responder Medical Training</u>	<u>FH10300</u>	<u>4 2 weeks</u>
<u>Firefighting (Inst)</u>	<u>Hazardous Materials/Confined Space Training</u>	<u>FH10400</u>	<u>4 2 weeks</u>
<u>Camp Firefighters</u>			
<u>Firefighting (Camp)</u>	<u>Physical Fitness/Firefighter Training*</u>	<u>FC10100</u>	<u>4 3 weeks</u>
<u>Firefighting (Camp)</u>	<u>Fire Brigade Training</u>	<u>FC10200</u>	<u>4 2 weeks</u>
<u>Firefighting (Camp)</u>	<u>Waste-Water Certificate-Grade 1</u>	<u>FC10300</u>	<u>4 8 weeks</u>
<u>Firefighting (Camp)</u>	<u>Waste-Water Certificate-Grade 2</u>	<u>FC10400</u>	<u>4 8 weeks</u>
<u>Firefighting (Camp)</u>	<u>Water Treatment Certificate – Grade 1</u>	<u>FC10500</u>	<u>4 8 weeks</u>
<u>Firefighting (Camp)</u>	<u>Water Treatment Certificate – Grade 2</u>	<u>FC10600</u>	<u>4 8 weeks</u>
<u>Firefighting (Camp)</u>	<u>Distribution Certificate – Grade 1</u>	<u>FC10700</u>	<u>1 week</u>
<u>Firefighting (Camp)</u>	<u>Distribution Certificate – Grade 2</u>	<u>FC10800</u>	<u>1 week</u>
<u>Firefighting (Camp)</u>	<u>Basic Helicopter S-271</u>	<u>FC10900</u>	<u>≥ 3 weeks</u>
<u>Firefighting (Camp)</u>	<u>Wildland Chain Saw Sawyer Level A</u>	<u>FC10901</u>	<u>3 weeks</u>

~~*Credit will be awarded upon assignment to camp.~~

California Prison Industry Authority - Milestone Descriptions and Codes

<u>Optical</u>			
Am. Board of Opticianry	Optician	PBOPT01	6 <u>4</u> weeks
<u>Baking</u>			
Am. Institute of Baking	Bread/Rolls	PIBAK01	4 <u>3</u> weeks
Am. Institute of Baking	Cake/Sweet Goods	PIBAK02	4 <u>3</u> weeks
Am. Institute of Baking	Foundations	PIBAK03	4 <u>3</u> weeks
Am. Institute of Baking	Ingredient Technician	PIBAK04	4 <u>3</u> weeks
Am. Institute of Baking	Science of Baking	PIBAK05	4 <u>3</u> weeks
<u>Welding</u>			
Am. Welding Society	MIG – GMAW-1	PWEL001	4 <u>3</u> weeks
Am. Welding Society	TIG – GTAW-1	PWEL002	2 <u>3</u> weeks
Am. Welding Society	TIG – GTAW-2	PWEL003	2 <u>3</u> weeks
Am. Welding Society	TIG – GTAW-3	PWEL004	2 <u>3</u> weeks
<u>Braille</u>			
Braille – Library of Congress	Level I – Literary Braille Transcribing	PBRAL01	4 <u>5</u> weeks
Braille – Library of Congress	Level II – Literary Braille Proofreading	PBRAL02	4 <u>5</u> weeks
Braille – Library of Congress	Level III – Music Braille Transcribing	PBRAL03	4 <u>5</u> weeks
Braille – Library of Congress	Level IV – Mathematics Braille Transcribing	PBRAL04	4 <u>5</u> weeks
Braille – Library of Congress	Level V – Mathematics Braille Proofreading	PBRAL05	4 <u>5</u> weeks
National Braille Association, Inc.	Braille Formats - Textbook Formatting	PBRAL06	5 weeks
<u>Food and Agriculture</u>			
CA Dept. Food & Ag.	Artificial Insemination License	PFOOD01	1 week
CA Dept. Food & Ag.	Pasteurizer License	PFOOD02	2 <u>1</u> weeks
CA Dept. Food & Ag.	Sampler/Weigher License	PFOOD03	4 <u>3</u> weeks
<u>Electronics</u>			
Electron Tech Assn	Customer Service Specialist	PELEC01	4 <u>2</u> weeks
Electron Tech Assn	Certified Electronics Technician	PELEC02	3 weeks
Electron Tech Assn	Journeyman (Industrial)	PELEC03	8 <u>3</u> weeks
<u>Forklift</u>			
Overton Safety Training, Inc.	Forklift – Industrial	PFORK01	4 <u>2</u> weeks
Overton Safety Training, Inc.	Forklift – Hand Truck	PFORK02	4 <u>2</u> weeks
Overton Safety Training, Inc.	Forklift – Construction	PFORK03	2 weeks
<u>Linen</u>			
Nat Assn Linen Mgt.	Certified Linen Technician	PLIN001	2 <u>3</u> weeks
Nat Assn Linen Mgt.	Certified Washroom Technician	PLIN002	2 <u>3</u> weeks
Nat Assn Linen Mgt.	Certified Laundry Linen Manager	PLIN003	3 weeks

California Prison Industry Authority - Milestone Descriptions and Codes (continued)

<u>Metal Skills</u>			
Nat Inst Metal Skills	Machining, Level I	PMET001	2 <u>4</u> weeks
Nat Inst Metal Skills	Metal Forming, Level I	PMET002	2 <u>4</u> weeks
Nat Inst Metal Skills	Metal Stamping, Level II	PMET003	2 <u>4</u> weeks
<u>Restaurant Association</u>			
Nat Restaurant Assn	ServSafe Essentials	PREST03	2 <u>3</u> weeks
Nat Restaurant Assn	ServSafe Food Handler	PREST04	1 week
<u>HVAC</u>			
No Am Tech Excellence	Installation: HVAC – A/C	PHVAC01	2 <u>3</u> weeks
No Am Tech Excellence	Installation: HVAC – Air Distribution	PHVAC02	2 <u>3</u> weeks
No Am Tech Excellence	Installation: Pumps – Heat Pumps	PHVAC03	2 <u>3</u> weeks
No Am Tech Excellence	Installation: Pumps – Gas Heat	PHVAC04	4 <u>3</u> weeks
No Am Tech Excellence	Installation: Pumps – Oil Heat	PHVAC05	2 <u>3</u> weeks
No Am Tech Excellence	Service HVAC – A/C	PHVAC06	2 <u>3</u> weeks
No Am Tech Excellence	Service: HVAC – Air Distribution	PHVAC07	2 <u>3</u> weeks
No Am Tech Excellence	Service: Pumps – Heat Pumps	PHVAC08	2 <u>3</u> weeks
No Am Tech Excellence	Service: Pumps – Gas Heat	PHVAC09	4 <u>3</u> weeks
No Am Tech Excellence	Service: Pumps – Oil Heat	PHVAC10	2 <u>3</u> weeks
<u>Print</u>			
Print Indust of America	Sheet-fed Offset Press	PPRNT01	2 <u>4</u> weeks
Print Indust of America	Web Offset Press	PPRNT02	2 <u>4</u> weeks
Print Indust of America	Pre-Press	PPRNT03	2 <u>4</u> weeks
Print Indust of America	Bindery	PPRNT04	2 <u>4</u> weeks
<u>Dental</u>			
Product. Training Corp	Dental Technician	PDTEC01	6 <u>4</u> weeks
<u>Machinery</u>			
Stiles Machinery Inc	Intermed. Weeke Machining Center Prog.	PSTIL01	2 <u>3</u> weeks
<u>Career Tech</u>			
<u>Career Tech 7370 Computer Coding</u>	<u>Code 7370 Computer Coding Track 1</u>	<u>PCT0100</u>	<u>3 weeks</u>
<u>Career Tech 7370 Computer Coding</u>	<u>Code 7370 Computer Coding Track 2</u>	<u>PCT0200</u>	<u>3 weeks</u>
<u>Career Tech AutoCAD</u>	<u>AutoCAD Drafting</u>	<u>PCT0300</u>	<u>3 weeks</u>
<u>Career Tech AutoCAD</u>	<u>Inventor</u>	<u>PCT0400</u>	<u>3 weeks</u>
<u>Career Tech AutoCAD</u>	<u>Revit</u>	<u>PCT0500</u>	<u>3 weeks</u>
<u>Career Tech Culinary</u>	<u>Core-Classroom Curriculum</u>	<u>PCT0600</u>	<u>3 weeks</u>
Career Tech Ironworker	Core-Classroom Curriculum	PCIRN01	3 weeks

California Prison Industry Authority - Milestone Descriptions and Codes (continued)

Career Tech (continued)

Career Tech Ironworker	Horizontal Welding	PCIRN02	1 week
Career Tech Ironworker	Vertical Welding	PCIRN03	1 week
Career Tech Ironworker	Overhead Welding	PCIRN04	1 week
Career Tech Ironworker	Pipe Welding	PCIRN05	1 week
Career Tech Carpentry	Core-Classroom Curriculum	PCCAR01	3 weeks
Career Tech Laborer	Lead Worker/Mentor Training	PCCAR03	4 <u>3</u> weeks
Career Tech Dive	Rigger Course Program	PCDIV01	4 <u>4</u> weeks
Career Tech Dive	Top Side Welder Course Program	PCDIV02	4 <u>4</u> weeks
Career Tech Dive	Dive Tender Course Program	PCDIV03	2 <u>4</u> weeks
Career Tech Dive	Mixed Gas Rack Operator Course Prog.	PCDIV04	2 <u>4</u> weeks
Career Tech Dive	Commercial Diver/Commercial Dive Insp.	PCDIV05	7 <u>5</u> weeks

TPC Training Systems

TPC Training System	Reading Blueprints	PTPC101	4 <u>3</u> weeks
TPC Training System	Reading Schematics and Symbols	PTPC102	4 <u>3</u> weeks
TPC Training System	Mathematics in the Plant	PTPC103	4 <u>3</u> weeks
TPC Training System	Making Measurements	PTPC104	4 <u>3</u> weeks
TPC Training System	Metals in the Plant	PTPC105	4 <u>3</u> weeks
TPC Training System	Nonmetals in the Plant	PTPC106	4 <u>3</u> weeks
TPC Training System	Hand Tools	PTPC107	4 <u>3</u> weeks
TPC Training System	Portable Power Tools	PTPC108	4 <u>3</u> weeks
TPC Training System	Industrial Safety and Health	PTPC109	4 <u>3</u> weeks
TPC Training System	Troubleshooting Skills	PTPC110	4 <u>3</u> weeks
TPC Training System	Basic Electricity and Electronics	PTPC201	4 <u>3</u> weeks
TPC Training System	Batteries and DC Circuits	PTPC202	4 <u>3</u> weeks
TPC Training System	Transformers and AC Circuits	PTPC203	4 <u>3</u> weeks
TPC Training System	Electrical Measuring Instruments	PTPC204	4 <u>3</u> weeks
TPC Training System	Electrical Safety and Protection	PTPC205	4 <u>3</u> weeks
TPC Training System	DC Equipment and Controls	PTPC206	4 <u>3</u> weeks
TPC Training System	Single Phase Motors	PTPC207	4 <u>3</u> weeks
TPC Training System	Three Phase Systems	PTPC208	4 <u>3</u> weeks
TPC Training System	AC Control Equipment	PTPC209	4 <u>3</u> weeks
TPC Training System	Electrical Troubleshooting	PTPC210	4 <u>3</u> weeks
TPC Training System	Electrical Safety – Understanding NFPA 70E	PTPC211	4 <u>3</u> weeks
TPC Training System	Basic Mechanics	PTPC301	4 <u>3</u> weeks
TPC Training System	Lubricants and Lubrication	PTPC302	4 <u>3</u> weeks
TPC Training System	Power Transmission Equipment	PTPC303	4 <u>3</u> weeks
TPC Training System	Bearings	PTPC304	4 <u>3</u> weeks
TPC Training System	Pumps	PTPC305	4 <u>3</u> weeks
TPC Training System	Piping Systems	PTPC306	4 <u>3</u> weeks
TPC Training System	Basic Hydraulics	PTPC307	4 <u>3</u> weeks
TPC Training System	Hydraulic Troubleshooting	PTPC308	4 <u>3</u> weeks
TPC Training System	Basic Pneumatics	PTPC309	4 <u>3</u> weeks

California Prison Industry Authority - Milestone Descriptions and Codes (continued)

TPC Training System (continued)

TPC Training System	Pneumatic Troubleshooting	PTPC310	4 <u>3</u> weeks
TPC Training System	Introduction to Packaging	PTPC311	4 <u>3</u> weeks
TPC Training System	Packaging Machinery	PTPC312	4 <u>3</u> weeks
TPC Training System	Casing Machinery	PTPC313	4 <u>3</u> weeks
TPC Training System	Machine Shop Practices	PTPC315	4 <u>3</u> weeks
TPC Training System	Machine Shop Turning Operations	PTPC316	4 <u>3</u> weeks
TPC Training System	Machine Shop Shaping Operations	PTPC317	4 <u>3</u> weeks
TPC Training System	Machine Shop Shaping Operations Job Analysis	PTPC323	4 <u>3</u> weeks
TPC Training System	Lathe - Turning Work Between Centers	PTPC324	4 <u>3</u> weeks
TPC Training System	Lathe - Machining Work in a Chuck	PTPC325	4 <u>3</u> weeks
TPC Training System	Basic Milling Procedures	PTPC326	4 <u>3</u> weeks
TPC Training System	Indexed Milling Procedures	PTPC327	4 <u>3</u> weeks
TPC Training System	Multiple-Machine Procedures	PTPC328	4 <u>3</u> weeks
TPC Training System	Mechanical Drive Maintenance	PTPC341	4 <u>3</u> weeks
TPC Training System	Mechanical and Fluid Drive Systems	PTPC342	4 <u>3</u> weeks
TPC Training System	Bearing and Shaft Seal Maintenance	PTPC343	4 <u>3</u> weeks
TPC Training System	Pump Installation and Maintenance	PTPC344	4 <u>3</u> weeks
TPC Training System	Maintenance Pipefitting	PTPC345	4 <u>3</u> weeks
TPC Training System	Tubing and Hose System Maintenance	PTPC346	4 <u>3</u> weeks
TPC Training System	Valve Maintenance & Piping Sys. Protection	PTPC347	4 <u>3</u> weeks
TPC Training System	Introduction to Carpentry	PTPC361	4 <u>3</u> weeks
TPC Training System	Constructing the Building Shell	PTPC362	4 <u>3</u> weeks
TPC Training System	Finishing the Building Interior	PTPC363	4 <u>3</u> weeks
TPC Training System	Structural Painting	PTPC364	4 <u>3</u> weeks
TPC Training System	Flat Roof Maintenance	PTPC366	4 <u>3</u> weeks
TPC Training System	Plumbing Systems Maintenance	PTPC367	4 <u>3</u> weeks
TPC Training System	Landscaping Maintenance	PTPC375	4 <u>3</u> weeks
TPC Training System	Blueprint Reading for Welders	PTPC416	4 <u>3</u> weeks
TPC Training System	Welding Principles	PTPC417	4 <u>3</u> weeks
TPC Training System	Oxyfuel Operations	PTPC418	4 <u>3</u> weeks
TPC Training System	Arc Welding Operations	PTPC419	4 <u>3</u> weeks
TPC Training System	Cleaning Chemicals	PTPC451	4 <u>3</u> weeks
TPC Training System	Floors and Floor Care Equipment	PTPC452	4 <u>3</u> weeks
TPC Training System	Maintaining Floors and Other Surfaces	PTPC452 3	4 <u>3</u> weeks
TPC Training System	Rest Room Care	PTPC454	4 <u>3</u> weeks
TPC Training System	Carpet and Upholstery Care	PTPC455	4 <u>3</u> weeks

**Community Correctional Facilities Administration (CCF)
Milestone Completion Credit Schedule**

Career Technical Education Milestone Descriptions and Codes

Electronics			
Electronics	Core	V0400C0	1 <u>week</u>
Electronics	Level I	V0400L1	2 <u>weeks</u>
Electronics	Level II	V0400L2	2 <u>weeks</u>
Electronics	Level III	V0400L3	2 <u>weeks</u>
Electronics	Level IV	V0400L4	2 <u>weeks</u>
Office Services and Related Technology			
OSRT	Microsoft Level 1	V060101	4 <u>4 weeks</u>
OSRT	Microsoft Level 2	V060200	2 <u>4 weeks</u>
OSRT	Microsoft Level 3	V060300	2 <u>4 weeks</u>
Graphic Arts			
Graphic Design	Graphic Design Core	V0701C0	4 <u>5 weeks</u>
Graphic Design	Graphic Design Level I	V0701L1	2 <u>5 weeks</u>
Carpentry			
Carpentry	Core	V0801C0	1 <u>week</u>
Carpentry	Level I	V0801L1	2 <u>5 weeks</u>
Carpentry	Level II	V0801L2	2 <u>6 weeks</u>
Carpentry	Level III	V0801L3	2 <u>4 weeks</u>
Carpentry	Level IV	V0801L4	2 <u>5 weeks</u>
Building Maintenance			
Building Maintenance	Core	V0906C0	1 <u>week</u>
Building Maintenance	Level I	V0906L1	2 <u>4 weeks</u>
Building Maintenance	Level II	V0906L2	2 <u>6 weeks</u>
Building Maintenance	Level III	V0906L3	2 <u>4 weeks</u>
Building Maintenance	Level IV	V0906L4	2 <u>5 weeks</u>
Electrical			
Electrical	Core	V1005C0	4 <u>2 weeks</u>
Electrical	Level I	V1005L1	2 <u>6 weeks</u>
Electrical	Level II	V1005L2	2 <u>4 weeks</u>
Electrical	Level III	V1005L3	2 <u>4 weeks</u>
Electrical	Level IV	V1005L4	2 <u>4 weeks</u>
HVAC			
HVAC	Core	V1107C0	4 <u>2 weeks</u>
HVAC	Level I	V1107L1	2 <u>4 weeks</u>
HVAC	Level II	V1107L2	2 <u>6 weeks</u>
HVAC	Level III	V1107L3	2 <u>weeks</u>
HVAC	Level IV	V1107L4	2 <u>weeks</u>
Plumbing			
Plumbing	Core	V1304C0	4 <u>3 weeks</u>
Plumbing	Level I	V1304L5	2 <u>6 weeks</u>
Plumbing	Level II	V1304L6	2 <u>5 weeks</u>
Plumbing	Level III	V1304L7	2 <u>5 weeks</u>
Plumbing	Level IV	V1304L8	2 <u>5 weeks</u>
Painting & Drywall			
Painting/Drywall	Core	V3001C0	3 <u>weeks</u>
Painting/Drywall	Level I	V3002L1	2 <u>weeks</u>
Painting/Drywall	Level II	V3003L2	3 <u>weeks</u>

CCF - Career Technical Education Milestone Descriptions and Codes (continued)			
Computer Literacy			
Computer Literacy	Core	V160100	4 <u>4 weeks</u>
Computer Repair			
COMPTIA	Core	V3003C0	3 <u>weeks</u>
COMPTIA	<u>Level I</u>	V3003L3	3 <u>weeks</u>
Horticulture/Landscaping			
<u>Horticulture/Landscaping</u>	<u>Core</u>	V3004C0	5 <u>weeks</u>

CCF Academic Milestone Descriptions and Codes

ABE I			
ABE I	0.0 - 1.9 grade point level	A010100	≥ 4 weeks
ABE I	2.0 - 2.9 grade point level	A010200	≥ 4 weeks
ABE I	3.0 - 3.9 grade point level	A010300	≥ 4 weeks
ABE II			
ABE II	4.0 - 4.9 grade point level	A020400	≥ 4 weeks
ABE II	5.0 - 5.9 grade point level	A020500	≥ 4 weeks
ABE II	6.0 - 6.9 grade point level	A020600	≥ 4 weeks
ABE III			
ABE III	7.0 - 7.9 grade point level	A030700	≥ 4 weeks
ABE III	8.0 - 8.9 grade point level	A030800	≥ 4 weeks
ABE III	9.0 - 9.9 grade point level	A030900	≥ 4 weeks
High School Equivalency			
HSE	Language Arts, Reading and Writing subtest	G010101	≥ 4 weeks
HSE	Social Studies subtest	G010200	4 3 weeks
HSE	Mathematics subtest	G010300	4 3 weeks
HSE	Science subtest	G010400	4 3 weeks
HSE			
HSE	HSE Completion	G020100	1 week
High School			
HS	English 1 st Course	H010100	4 4 weeks
HS	English 2 nd Course	H010110	4 4 weeks
HS	English 3 rd Course	H010120	4 4 weeks
HS	Mathematics	H010300	4 4 weeks
HS	Algebra I	H010210	4 4 weeks
HS	General or Life Science	H010401	4 4 weeks
HS	Earth or Physical Science	H010402	4 4 weeks
HS	U.S. History or Geography	H010501	4 4 weeks
HS	World History or Geography/Culture	H010502	4 4 weeks
HS	American Government	H010600	4 4 weeks
HS	Visual and Performing Arts/Fine Arts	H010800	4 4 weeks
HS	Health	H010900	4 3 weeks
HS	Job/Career Exploration	H011000	4 3 weeks
HS	Elective Completed	H011201	4 4 weeks <u>*R4</u>
College			
College	Each 3 Semester or 4-5 Quarter units completed	C010101	4 2 weeks <u>*R4</u>
Literacy			
Literacy	CASAS Benchmark 1	L010101	≥ 4 weeks
Literacy	CASAS Benchmark 2	L010102	≥ 4 weeks
Literacy	CASAS Benchmark 3	L010103	≥ 4 weeks
Literacy	CASAS Benchmark 4	L010104	≥ 4 weeks
Literacy	CASAS Benchmark 5	L010105	≥ 4 weeks
Literacy	CASAS Benchmark 6	L010106	≥ 4 weeks
Literacy	CASAS Benchmark 7	L010107	≥ 4 weeks
Literacy	CASAS Benchmark 8	L010108	≥ 4 weeks
Literacy	CASAS Benchmark 9	L010109	≥ 4 weeks
Literacy	CASAS Benchmark 10	L010110	≥ 4 weeks
Literacy	CASAS Benchmark 11	L010111	≥ 4 weeks
Literacy	CASAS Benchmark 12	L010112	≥ 4 weeks

*R4 = Repeatable during same or new term for different classes/degrees

CCF Academic Milestone Descriptions and Codes (Continued)

Math			
Math	CASAS Benchmark 1	M010101	2 4 weeks
Math	CASAS Benchmark 2	M010102	2 4 weeks
Math	CASAS Benchmark 3	M010103	2 4 weeks
Math	CASAS Benchmark 4	M010104	2 4 weeks
Math	CASAS Benchmark 5	M010105	2 4 weeks
Math	CASAS Benchmark 6	M010106	2 4 weeks
Math	CASAS Benchmark 7	M010107	2 4 weeks
Math	CASAS Benchmark 8	M010108	2 4 weeks
Math	CASAS Benchmark 9	M010109	2 4 weeks
Math	CASAS Benchmark 10	M010110	2 4 weeks
Math	CASAS Benchmark 11	M010111	2 4 weeks
Math	CASAS Benchmark 12	M010112	2 4 weeks
Rehabilitative Programs			
Rehabilitative Programs	Cognitive Behavior Treatment - Substance Use Disorder	RH10101	4 weeks
Rehabilitative Programs	Cognitive Behavior Treatment - Anger Management	RH10200	2 weeks
Rehabilitative Programs	Cognitive Behavior Treatment - Criminal Thinking	RH10300	2 weeks
Rehabilitative Programs	Cognitive Behavior Treatment - Family Relationships	RH10400	2 weeks
Rehabilitative Programs	Cognitive Behavior Treatment - Transitions	RH10500	2 weeks
Substance Abuse Transitions Pre-Release Program			
CSAP (CCF)	Course Completion	S020100	6 8 weeks
Internet Protocol Television Milestone Descriptions and Codes			
Education			
Education	College Preparatory Algebra I and II	IP10100	2 weeks
Education	College Preparatory Micro & Macro Economics	IP10200	3 weeks
Education	College Preparatory US History 1850-1950 Bundle	IP10300	2 weeks
Education	English Language Acquisition	IP10400	3 weeks
TLM Coding	Track 1	IP10401	7 weeks
TLM Coding	Track 2	IP10402	7 weeks
Employment			
Employment	Workforce Readiness	IP10500	2 weeks
Freedom			
Freedom	Anger Management	IP10600	1 week
Freedom	Financial Security and Money Management	IP10700	3 weeks
Freedom	Preparing for Success After Prison	IP10800	3 weeks
Freedom	Preparing For Success After Prison – Edited Version	IP10900	1 week
Wellness			
Wellness	Leadership	IP10111	1 week
Wellness	Life Skills	IP10112	1 week
Wellness	Nutrition	IP10113	1 week
Wellness	Parenting	IP10114	1 week
e-Reader Milestone Descriptions and Codes			
Education			
Education	Step Down Literature	IP10115	3 weeks

CCF General Milestone Descriptions and Codes**The Urban Ministry Institute (TUMI)**

<u>TUMI</u>	<u>Modules 1 and 2</u>	<u>TM10117</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 3 and 4</u>	<u>TM10118</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 5 and 6</u>	<u>TM10119</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 7 and 8</u>	<u>TM10120</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 9 and 10</u>	<u>TM10121</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 11 and 12</u>	<u>TM10122</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 13 and 14</u>	<u>TM10123</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 15 and 16</u>	<u>TM10124</u>	<u>1 week</u>

California Out-of-State Correctional Facilities (COCF) Milestones Credit Earning Schedule			
COCF Academic Milestone Descriptions and Codes			
ABE I			
ABE I	0.0 - 1.9 grade point level	A010100	2 <u>4</u> weeks
ABE I	2.0 - 2.9 grade point level	A010200	2 <u>4</u> weeks
ABE I	3.0 - 3.9 grade point level	A010300	2 <u>4</u> weeks
ABE II			
ABE II	4.0 - 4.9 grade point level	A020400	2 <u>4</u> weeks
ABE II	5.0 - 5.9 grade point level	A020500	2 <u>4</u> weeks
ABE II	6.0 - 6.9 grade point level	A020600	2 <u>4</u> weeks
ABE III			
ABE III	7.0 - 7.9 grade point level	A030700	2 <u>4</u> weeks
ABE III	8.0 - 8.9 grade point level	A030800	2 <u>4</u> weeks
ABE III	9.0 - 9.9 grade point level	A030900	2 <u>4</u> weeks
High School Equivalency			
HSE	Language Arts, Reading and Writing subtest	G010101	2 <u>4</u> weeks
HSE	Social Studies subtest	G010200	4 <u>3</u> weeks
HSE	Mathematics subtest	G010300	4 <u>3</u> weeks
HSE	Science subtest	G010400	4 <u>3</u> weeks
HSE			
HSE	HSE Completion	G020100	1 week
English as a Second Language (ESL) Programs			
ESL	Beginning ESL I	COCESL1	2 <u>3</u> weeks
ESL	Beginning ESL II	COCESL2	2 <u>3</u> weeks
ESL	Intermediate ESL	COCESL3	2 <u>3</u> weeks
ESL	Advanced ESL	COCESL4	2 <u>3</u> weeks
Adult Education in Spanish Programs			
INEA	Primaria	COCINE1	4 <u>3</u> weeks
INEA	Secundaria	COCINE2	3 weeks
COBACH	Colegio de Bachilleres	COCINE3	3 weeks
College			
College	Each 3 Semester or 4-5 Quarter units completed	COCFC01	4 <u>2</u> weeks <u>*R5</u>

*R5 = Repeatable during same or new term for different classes/degrees COCFC01

COCF Academic Milestone Descriptions and Codes continued

Internet Protocol Television Milestone Descriptions and Codes

<u>Education</u>			
<u>Education</u>	<u>College Preparatory Algebra I and II</u>	<u>IP10100</u>	<u>2 weeks</u>
<u>Education</u>	<u>College Preparatory Micro & Macro Economics</u>	<u>IP10200</u>	<u>3 weeks</u>
<u>Education</u>	<u>College Preparatory US History 1850-1950 Bundle</u>	<u>IP10300</u>	<u>2 weeks</u>
<u>Education</u>	<u>English Language Acquisition</u>	<u>IP10400</u>	<u>3 weeks</u>
<u>TLM Coding</u>	<u>Track 1</u>	<u>IP10401</u>	<u>7 weeks</u>
<u>TLM Coding</u>	<u>Track 2</u>	<u>IP10402</u>	<u>7 weeks</u>
<u>Employment</u>			
<u>Employment</u>	<u>Workforce Readiness</u>	<u>IP10500</u>	<u>2 weeks</u>
<u>Freedom</u>			
<u>Freedom</u>	<u>Anger Management</u>	<u>IP10600</u>	<u>1 week</u>
<u>Freedom</u>	<u>Financial Security and Money Management</u>	<u>IP10700</u>	<u>3 weeks</u>
<u>Freedom</u>	<u>Preparing for Success After Prison</u>	<u>IP10800</u>	<u>3 weeks</u>
<u>Freedom</u>	<u>Preparing For Success After Prison – Edited Version</u>	<u>IP10900</u>	<u>1 week</u>
<u>Wellness</u>			
<u>Wellness</u>	<u>Leadership</u>	<u>IP10111</u>	<u>1 week</u>
<u>Wellness</u>	<u>Life Skills</u>	<u>IP10112</u>	<u>1 week</u>
<u>Wellness</u>	<u>Nutrition</u>	<u>IP10113</u>	<u>1 week</u>
<u>Wellness</u>	<u>Parenting</u>	<u>IP10114</u>	<u>1 week</u>
<u>e-Reader Milestone Descriptions and Codes</u>			
<u>Education</u>			
<u>Education</u>	<u>Step Down Literature</u>	<u>IP10115</u>	<u>3 weeks</u>

COCF COGNITIVE BEHAVIORAL MILESTONE DESCRIPTIONS and CODES

<u>Rehabilitative Programs</u>			
<u>Rehabilitative Programs</u>	<u>Cognitive Behavior Treatment - Substance Use Disorder</u>	<u>RH10101</u>	<u>4 weeks</u>
<u>Rehabilitative Programs</u>	<u>Cognitive Behavior Treatment - Anger Management</u>	<u>RH10200</u>	<u>2 weeks</u>
<u>Rehabilitative Programs</u>	<u>Cognitive Behavior Treatment - Criminal Thinking</u>	<u>RH10300</u>	<u>2 weeks</u>
<u>Rehabilitative Programs</u>	<u>Cognitive Behavior Treatment - Family Relationships</u>	<u>RH10400</u>	<u>2 weeks</u>
<u>Rehabilitative Programs</u>	<u>Cognitive Behavior Treatment - Transitions</u>	<u>RH10500</u>	<u>2 weeks</u>
<u>Criminal Thinking</u>	<u>Thinking For A Change (T4C)</u>	<u>COCT4C1</u>	<u>4 3 weeks</u>
<u>Anger Management</u>	<u>Understand and Reducing Anger Feelings (TCU)</u>	<u>COCTCU1</u>	<u>4 3 weeks</u>
<u>Criminal Thinking</u>	<u>Unlock Your Thinking, Open Your Mind</u>	<u>COCUYT1</u>	<u>4 3 weeks</u>
<u>COCF Substance Abuse Program</u>			
<u>RDAP</u>	<u>Level I Course Completion</u>	<u>COCFRD1</u>	<u>4 3 weeks</u> <u>*R6</u>
<u>RDAP</u>	<u>Level II Course Completion</u>	<u>COCFRD2</u>	<u>4 3 weeks</u> <u>*R6</u>
<u>RDAP</u>	<u>Level III Course Completion</u>	<u>COCFRD3</u>	<u>4 3 weeks</u> <u>*R6</u>
<u>RDAP</u>	<u>Level IV Course Completion</u>	<u>COCFRD4</u>	<u>4 3 weeks</u> <u>*R6</u>
<u>RDAP</u>	<u>Level V Course Completion</u>	<u>COCFRD5</u>	<u>4 3 weeks</u> <u>*R6</u>
<u>RDAP</u>	<u>Level VI Course Completion</u>	<u>COCFRD6</u>	<u>4 3 weeks</u> <u>*R6</u>

***R6 = Repeatable during new term Substance Abuse Programs**

COCF Career Technical Education Milestone Descriptions and Codes

Braille—Library of Congress	Level I—Literary Braille Transcribing	COCBRA1	4 weeks
Braille—Library of Congress	Level II—Literary Braille Proofreading	COCBRA2	4 weeks
Braille—Library of Congress	Level III—Music Braille Transcribing	COCBRA3	4 weeks
Braille—Library of Congress	Level IV—Mathematics Braille Transcribing	COCBRA4	4 weeks
Braille—Library of Congress	Level V—Mathematics Braille Proofreading	COCBRA5	4 weeks
<u>Carpentry</u>			
Carpentry	Core	COCCAR1	4 <u>3</u> weeks
Carpentry	Level I	COCCAR2	2 <u>3</u> weeks
Carpentry	Level II	COCCAR3	2 <u>3</u> weeks
Carpentry	Level III	COCCAR4	2 weeks
Carpentry	Level IV	COCCAR5	2 weeks
CAD	Blueprint Reader	COCCAD1	1 week
CAD	Drafting Assistant	COCCAD2	2 weeks
CAD	Architectural Detailer	COCCAD3	1 week
CAD	Architectural CAD Drafter I	COCCAD4	1 week
CAD	Architectural CAD Drafter II	COCCAD5	1 week
CAD	Drafter Architectural I	COCCAD6	1 week
CAD	Drafter Architectural II	COCCAD7	1 week
<u>Computer Literacy / Office Service Related Technology</u>			
Computer Literacy	Core	COCOSR0	1 week
Computer/OSRT	Microsoft Level 1	COCOSR4	4 <u>5</u> weeks
Computer/OSRT	Microsoft Level 2	COCOSR2	2 <u>1</u> weeks
Computer/OSRT	Microsoft Level 3	COCOSR3	2 <u>1</u> weeks
<u>Electrical</u>			
Electrical	Core	COCELE1	4 <u>3</u> weeks
Electrical	Level I	COCELE2	2 <u>3</u> weeks
Electrical	Level II	COCELE3	2 weeks
Electrical	Level III	COCELE4	2 weeks
Electrical	Level IV	COCELE5	2 weeks
<u>Gardening</u>			
Master Gardener	Level I	COCGAR1	4 <u>5</u> weeks
Master Gardener	Level II	COCGAR2	1 week
Master Gardener	Level III	COCGAR3	1 week
<u>KY Workplace Essentials</u>			
KY Workpl. Essentials	Business Reading	COCWPE1	2 <u>1</u> weeks
KY Workpl. Essentials	Business Math	COCWPE2	2 <u>1</u> weeks
KY Workpl. Essentials	Business Communication and Writing	COCWPE3	2 <u>1</u> weeks
KY Workpl. Essentials	Employment Readiness	COCWPE4	2 <u>1</u> weeks

COCF Career Technical Education Milestone Descriptions and Codes continued

<u>Masonry</u>			
Masonry	Core	COCMAS1	4 <u>2 weeks</u>
Masonry	Level I	COCMAS2	2 weeks
Masonry	Level II	COCMAS3	2 weeks
Masonry	Level III	COCMAS4	2 weeks
Masonry	Level IV	COCMAS5	2 weeks
Painting	Core	COCPNT1	1 <u>week</u>
Painting	Level I	COCPNT2	2 <u>weeks</u>
Painting	Level II	COCPNT3	2 <u>weeks</u>
Painting	Level III	COCPNT4	2 <u>weeks</u>
Painting	Level IV	COCPNT5	2 <u>weeks</u>
<u>Plumbing</u>			
Plumbing	Core	COCPLU1	4 <u>3 weeks</u>
Plumbing	Level I	COCPLU4	2 <u>3 weeks</u>
Plumbing	Level II	COCPLU5	2 <u>3 weeks</u>
Plumbing	Level III	COCPLU6	2 <u>3 weeks</u>
Plumbing	Level IV	COCPLU7	2 <u>3 weeks</u>

COCF General Milestone Descriptions and Codes

<u>The Urban Ministry Institute (TUMI)</u>			
<u>TUMI</u>	<u>Modules 1 and 2</u>	<u>TM10117</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 3 and 4</u>	<u>TM10118</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 5 and 6</u>	<u>TM10119</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 7 and 8</u>	<u>TM10120</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 9 and 10</u>	<u>TM10121</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 11 and 12</u>	<u>TM10122</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 13 and 14</u>	<u>TM10123</u>	<u>1 week</u>
<u>TUMI</u>	<u>Modules 15 and 16</u>	<u>TM10124</u>	<u>1 week</u>

REPEAL

INMATE DECLARATION OF GENERAL EDUCATION DEVELOPMENT (GED) ELIGIBILITY

I _____, CDC # _____
(Print Inmate Name Legibly) (Print Legibly)

declare under penalty of perjury that I have never obtained or been awarded a High School Diploma, or its equivalent, or any type of post secondary degree (for example, an Associate Degree or Bachelor Degree) in an academic course of study.

I understand that by failing to disclose any of the above mentioned certificates, diplomas, degrees or their equivalents, that I make myself subject to the disciplinary process which includes forfeiture of credits including Milestone Completion Credits, and that I may be subject to criminal prosecution including prosecution for the felony of perjury.

I declare under the penalty of perjury that the foregoing is true and correct.

Inmate Signature and CDC # Date

County Where Signed

Witnessed by
(Legibly Print CDCR Staff Name and Title)

Staff Witness Signature Date

REPEAL

TIME CREDIT WAIVER (PC § 2934)

I, _____, (print name) having been committed for an offense which occurred prior to January 1, 1983, understand that conduct credit is granted to me pursuant to Penal Code § 2931. I am aware that under Penal Code § 2931 my term is reduced by one-third for good behavior and participation. Such credit reduction is granted at the time of reception into the Department of Corrections and Rehabilitation and can be taken away only for a disciplinary offense or for failure to participate in assigned activities.

I hereby waive my rights to the provisions of Penal Code § 2931. By making this voluntary waiver, I request the future Time Credit be granted pursuant to Penal Code § 2933 and, if eligible, Penal Code § 2933.05.

Penal Code § 2933 allows for every six months of continuous incarceration, a prisoner shall be awarded credit reductions from his or her term of confinement of six months. A lesser amount of credit based on this ratio shall be awarded for any lesser period of continuous incarceration. In addition to any credit awarded pursuant to Section 2933, the Department may also award eligible prisoners program credit reductions, pursuant to PC 2933.05, from his or her term of confinement.

I am aware that my credit earning status may be changed by the Department at any time. I am aware that I may be placed in zero credit earning status due to disciplinarys and gang member validation. When I am in lockup status due to a disciplinary infraction, zero credit may be applied for a period equal to the number of days of the disciplinary credit loss, this may be extended in six-month increments thereafter.

I am aware and agree that the penalties for disciplinary offenses committed by me are as follows:

Up to 360 days of credit may be denied or lost for any act specified as a division A-1 offense in section 3323(c) of the California Code of Regulations, Title 15.

Up to 180 days of credit may be denied or lost for any act specified as a Division A-2 offense in section 3323(d) of the California Code of Regulations, Title 15, or any other felony not listed as an A-1 offense.

Up to 90 days shall be denied or forfeited for commission of any misdemeanor.

Up to 30 days shall be denied or lost for any act that is a serious rules violation described in the California Code of Regulations, Title 15, unless such act is a misdemeanor or felony offense.

Up to 30 days shall be denied or lost by an inmate who is found by a court to be a vexatious litigant as defined in Section 3000 in the California Code of Regulations, Title 15.

This waiver will be effective only when accepted by the Department. I am also aware that this waiver is irrevocable.

SIGNED:	CDCR NUMBER:	DATE:
WITNESSED (SIGNATURE)	TITLE:	DATE:
WITNESS' NAME (PRINT OR TYPE):	This waiver is accepted by the Department of Corrections and Rehabilitation and is effective (DATE):	