

Proposition 57:

What California's Community Colleges Need to Know

August 2017

Proposition 57 – the Public Safety and Rehabilitation Act of 2016 – is a ballot initiative passed by voters in November 2016. It makes a number of important changes to criminal justice policy in California, some of which are or will be relevant to the state's community colleges

What does Proposition 57 do?

Proposition 57 has three major components:

1. It allows individuals convicted of non-violent offenses to be paroled if they have served the full term of their primary criminal offense and if the Board of Parole Hearings determines the individual does not pose a current threat to public safety.
2. It gives state prisoners the opportunity to earn additional credits for good behavior and for participating in rehabilitative, educational, and career training programs.
3. It requires judges, rather than prosecutors, to determine whether juveniles should be tried in juvenile or adult court.

When does Proposition 57 go into effect?

All of Proposition 57's provisions are in effect. The juvenile justice and Good Conduct Credit provisions

were effective on May 1, 2017. The non-violent parole process went into effect on July 1, 2017. The Milestone Completion, Rehabilitative Achievement, Educational Merit, and Extraordinary Conduct credits went into effect on August 1, 2017.

Who does Proposition 57 affect?

All California state prisoners are eligible for credits under Proposition 57, except those serving death sentences or life without the possibility of parole.

How does Proposition 57 affect California's Community Colleges?

Proposition 57's expanded Milestone and Educational Merit Credits will likely mean a greater demand for college courses from incarcerated students. College faculty and staff working inside the prison are likely to receive questions from their students regarding eligibility and restrictions related to these credits.

What kinds of credits can a prisoner earn for completing college programming?

State prisoners can earn two types of credit for completing college programming:

1. **Milestone Completion Credits** can be earned when prisoners complete a specific education or career training program during their current term of incarceration. Credit is awarded based on actual instruction and classwork time, rather than the overall duration of a class. For college classes, each 3-unit semester course or 4- or 5-unit quarter course earns a prisoner two weeks off his/her sentence, upon completion of the course. Non-credit courses are not eligible. In a 12-month period of time, a prisoner can earn up to 12 weeks off through Milestone Completion Credits.¹ Prisoners who earn more than 12 weeks of Milestone Completion Credits in a single year can have the excess credit preserved and applied to the next year. Milestone Completion Credits can be earned prospectively as of August 1, 2017. Milestone Completion Credits cannot be received for classes completed prior to August 1, 2017.

2. **Educational Merit Credits (EMC)** can be earned when prisoners successfully obtain a GED, high school diploma, Associate of Arts or Science degree, Bachelor of Arts or Science degree, or a graduate degree (Masters or Doctorate) while incarcerated. For attainment of an Associate, Bachelor or graduate degree, the prisoner will receive a credit of six months so long as at least 50 percent of the courses leading to the degree were completed during the person's current term of incarceration. This credit may be awarded for each level of educational achievement only once. EMC can be applied for degree attainment that occurred prior to Proposition 57 so long as the degree was earned during the prisoner's current term of incarceration.

What kind of college degrees are eligible for EMC?

The college degree must be earned from a regionally accredited institution. View the list of regionally accredited institutions at <http://correctionstocollegeca.org/resources/list>.

Can a prisoner earn EMC for completing two Associate or two Bachelor degrees?

No. EMC may be awarded for each level of educational achievement only once.

What documentation do student prisoners need to present to be eligible for credit?

To request EMC for college completion, the student needs to request official transcripts from the college and return the sealed transcripts to a VEP teacher or prison principal for review and updates into the CDCR system. Transcript request forms for Chaffey, Coastline, Feather River, Lassen, and Palo Verde Community Colleges are available in the prison libraries or through the VEP teachers. To request EMC for a High School Diploma, GED or equivalent, the student needs to complete a "High School Equivalency/High School Diploma Look Up Form" which is available in the prison libraries or through the VEP teachers and return it to a VEP teacher or prison principal.

Can prisoners receive credit for classes they took prior to the law going into effect?

For purposes of earning Milestone Completion Credits for college course completion, the new credit lengths (two weeks) and maximums (12 weeks in a given 12-month period) are prospective and apply to classes completed after August 1, 2017. For purposes of earning Educational Merit Credits for college degree attainment, the credits can be earned for degree attainment prior to August 1, 2017 provided at least 50 percent of the college course credit was earned during the prisoner's current term of incarceration.

Can prisoners earn credit for college classes completed while they were incarcerated in a local jail?

No.

Can awarded credits be forfeited?

Yes, Milestone Completion Credits can be revoked because of prisoner misconduct. EMC cannot be forfeited or revoked for any reason.

1. Prior to the implementation of Proposition 57, an individual could receive one week of Milestone Credit for each college class completed, and up to six weeks in a 12-month period.