

OFFICE OF THE SECRETARY

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December 8, 2021

To our valued partners,

This message is to update you on proposed regulations the California Department of Corrections and Rehabilitation (CDCR) has filed with the Office of Administrative Law (OAL) to that improve our process for reviewing allegations of staff misconduct and make important changes to the credit-earning regulations in effect since May 1, 2021.

Credit-earning

In May, CDCR announced changes to credit-earning for eligible incarcerated people to further incentivize participation in rehabilitative and educational opportunities. Following several challenges encountered during implementation, and after input from many incarcerated and community stakeholders, CDCR has made adjustments to these changes that will better serve incarcerated people, their families, and CDCR staff.

The increases to Good Conduct Credit (GCC), earned for complying with rules and regulations, remain in effect. GCC earning for people convicted of violent crimes increased from 20 percent (one day of credit for every four days served) to 33.3 percent (one day of credit for every two days served); and nonviolent crimes increased from 33.3 to 50 percent (one day of credit for every one day served). Per state law, people sentenced to death or life without the possibility of parole are not eligible to earn credits.

However, the Minimum Security Credit (MSC) will end. The MSC replaced the previous GCC earning for people in or otherwise eligible for fire camp/Minimum Support Facility (MSF) with a 30-day credit for every 30 days of service. CDCR will establish 66.6 percent GCC earning for individuals housed in fire camp or MSF who are convicted of nonviolent crimes, and 50 percent for individuals in fire camp convicted of violent crimes. Individuals in MSF who are convicted of violent crimes will earn 33.3 percent GCC.

While the intent of MSC was to incentivize those who positively program in a minimum security setting, it became apparent upon implementation that decreasing release dates incrementally instead of projecting them based on the assumption of good conduct did not give incarcerated individuals or their loved ones a clear release date. We understand a definite release date gives people a strong incentive to stay on a positive path.

MSC awarded from May 1, 2021 through December 31, 2021, will not be rescinded.

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Allegations of Staff Misconduct

CDCR is completely restructuring how it reviews allegations of staff misconduct involving an incarcerated person or parolee by transferring review of all allegations made by incarcerated people and parolees from the institutions and parole offices where they originated to a Centralized Screening Team (CST) within the Office of Internal Affairs at CDCR Headquarters. The CST will determine whether the grievance contains an allegation of staff misconduct, and then forward that allegation to the appropriate Departmental authority.

These changes will be rolled out in phases, with full implementation being completed by the end of June 2023. I am proud of my staff for their collaboration with CDCR divisions and our many external stakeholders in developing these changes. They are truly in line with CDCR's mission to create a safe and humane environment.

The proposed regulations will go through a 20-day review period by OAL. They are expected to go into effect on January 1, 2022. More information about these draft regulations will be available on our website. As always, don't hesitate to reach out to the CDCR Office of the Ombudsman or Office of External Affairs with any questions or concerns.

Respectfully,

DocuSigned by:

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KATHLEEN ALLISON
Secretary