



For Informational Purposes
September 12, 2011

(916) 445-4950

Alternative Custody Program

Community-based program focused on re-entry and family reunification

In September 2010, Governor Arnold Schwarzenegger signed Senate Bill 1266, creating the Alternative Custody Program (ACP). Non-serious, non-violent offenders as defined by Penal Code (PC) 1192.7(c) and 667.5(c), and non-sex offenders may be permitted to serve the remainder of their sentences in a residential home, a nonprofit residential drug-treatment program, or a transitional-care facility that offers individualized services based on an inmate's needs.

The program focuses on reuniting low-level inmates with their families and reintegrating them back into their community.

The ACP offers alternative custody options, *not* alternative sentencing.

All inmates will continue to serve their sentences under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR) and may be returned to state prison for any reason. An inmate selected for ACP will be under the supervision of a Parole Agent and is required to be electronically monitored at all times.

Eligibility for ACP


Beginning September 12, 2011, the program will initially be offered to qualifying female inmates. Participation may be offered at a later date to male inmates, at the discretion of the Secretary of CDCR.

The following eligibility criteria must be met for participation:

- Female inmate, or
- Pregnant inmate, or
- Inmate who, immediately prior to incarceration, was the primary caregiver of a dependent child.
- Must have 24 months or less to serve in state prison.
- Must volunteer for the program.

The following exclusionary criteria preclude an inmate from participating:

- Current or prior serious or violent felony, as defined by the Penal Code
- Current or prior sex-offense conviction or PC 290 registration requirement
- An escape in the last 10 years
- Specific in-prison misconduct or custody levels
- Active restraining order
- Specific in-prison misconduct or custody levels
- Gang membership/affiliation
- Felony, or Immigration and Customs Enforcement hold



In addition, a case-by-case eligibility determination will be made regarding:

- Current or prior sexual convictions not requiring PC 290 registration
- Current or prior child-abuse arrests or convictions in which the offense was related to abuse or neglect of a child
- Current or prior convictions for stalking

An inmate accepted into ACP will participate in her county of last legal residence.

A participant will be selected and processed into the program after having arrived at a state prison.

Who is responsible?

CDCR will retain responsibility for all inmates participating in ACP while in community-based residences. The inmate's supervision and case management will be provided by an assigned parole agent, but CDCR will not staff the community-based residences. Each ACP participant will be required to wear an electronic-monitoring device while in the program.

When ACP was enacted into law, several non-profit and community organizations offered their programs free of charge to ACP participants. Under ACP, inmates may live in approved residences, but the state is not responsible for their housing costs.

Pursuant to notification requirements, CDCR will notify both local law enforcement and victims, when applicable, of an inmate's participation in ACP.

Funding

SB 1266 did not appropriate funding for ACP. Since the state will not be responsible for transportation, food, or housing costs for ACP participants, CDCR anticipates a cost-savings to the state of approximately \$6 million next year.

Programs and Services


Inmates in the ACP will continue to receive sentence-reduction credits they would have received had they served their sentence in a state prison. In addition, they are eligible to receive day-for-day earned release credits if they successfully complete approved rehabilitative programs while participating in ACP.

The principles of ACP's programs and services include:

- Deliver programs and services that are evidence-based
- Address why the inmate engages in criminal behavior
- Deliver programs at varying levels of intensity
- Use both incentives and sanctions
- Be conducted by adequately-trained staff
- Measure performance and provide feedback

Some of the services for ACP participants will include:

- Education/Vocational training
- Anger management
- Family- and marital-relationship assistance

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- Substance-abuse counseling and treatment
 - Life-skills training
 - Narcotics/Alcoholics Anonymous
 - Faith-based and volunteer services
 - Community service opportunities

CDCR estimates 45 percent of its female inmates will be potentially eligible for ACP. The percentage *approved* for participation in ACP will be lower, however, because it is dependent on review of individual history and case factors.