



Department of Corrections and Rehabilitation
NOTICE OF CHANGE TO REGULATIONS

Sections:	NCR Number:	Publication Date:	Effective Date:
3000, 3074.3, 3077, 3078.1, 3078.2, 3078.3, 3078.4, 3078.6, 3078.7, 3078.8, 3078.9, 3078.10, 3078.11, 3078.12, 3078.13, 3375.2, 3379, 3630	24-02	February 16, 2024	TBD

INSTITUTION POSTING AND CERTIFICATION REQUIRED

This Notice announces the proposed adoption, amendment, or repeal of several sections of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, Division 3, Chapter 1, regarding Community-Based Reentry Programs.

PUBLIC COMMENT PERIOD

The public comment period will close on **April 3, 2024**. Any person may submit written comments about the proposed regulations by mail to the California Department of Corrections and Rehabilitation (CDCR), Regulation and Policy Management Branch (RPMB), P.O. Box 942883, Sacramento, CA 94283-0001, or by e-mail to RPMB@cdcr.ca.gov. All written comments must be received or postmarked no later than **April 3, 2024**.

PUBLIC HEARING INFORMATION

A public hearing regarding these proposed regulations will be held **Wednesday, April 3, 2024, from 10:00 a.m. to 11:00 a.m. in Conference Room 150N, located at 1515 S Street, Sacramento, CA 95811**. The purpose of the hearing is to receive comments about the proposed regulations. 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 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 not later than five calendar days after receipt. Also, institutions and 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. 05/19), Certification of Posting, shall be returned to RPMB by mail or email. See Department Operations Manual Section 12010.6.7 for posting and certification of posting procedures.

CONTACT PERSON

Inquiries regarding this Notice should be directed to Dmitry Kostyuk, by mail to California Department of Corrections and Rehabilitation, RPMB, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone at (916) 445-2276, or e-mail to RPMB@cdcr.ca.gov. Inquiries regarding the subject matter of these regulations should be directed to Neil Pollard, Division of Rehabilitative Programs, at (916) 531-2865.

Original Signed By:

TAMMY FOSS
Undersecretary, Operations
California Department of Corrections and Rehabilitation

Attachment

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 (CDCR or Department), proposes to amend sections 3000, 3077, 3078.1, 3078.2, 3078.3, 3078.4, 3078.6, 3375.2, and 3379; adopt sections 3078.7, 3078.8, 3078.9, 3078.10, 3078.11, 3078.12, and 3078.13; and repeal sections 3074.3 and 3630 in the California Code of Regulations (CCR) Title 15, Division 3, regarding Community-Based Reentry Programs.

PUBLIC HEARING

Date and Time: **April 3, 2024 – 10:00am to 11:00am**
Place: Department of Corrections and Rehabilitation
Conference Room 150
1515 S Street – North Building
Sacramento, CA 95811

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period begins **February 16, 2024**, and closes on **April 3, 2024**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

<u>Primary Contact</u>	<u>Back-Up</u>	<u>Program Contact</u>
Josh Jugum Telephone: (916) 445-2266 Regulation and Policy Management Branch P.O. Box 942883 Sacramento, CA 94283-0001	Y. Sun Telephone: (916) 445-2269 Regulation and Policy Management Branch P.O. Box 942883 Sacramento, CA 94283-0001	Neil Pollard Telephone: (916) 531-2865 Division of Rehabilitative Programs

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC 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 CDCR. As of that date, the office of the Director of Corrections is abolished.

PC 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 CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

In accordance with Penal Code (PC) sections 5058 and 6252, these amendments will establish regulations concerning community-based programs, which include the Male Community Reentry Program (MCRP), the Female Community Reentry Program (FCRP; previously named the Custody to Community Transitional Reentry Program (CCTRP)), and the Community Participant Mother Program (CPMP).

The Alternative Custody Program (ACP), CPMP, and CCTRP were activated under the Division of Adult Institutions (DAI), however, the MCRP was activated under the Division of Rehabilitative Programs (DRP). This resulted in variances between eligibility requirements and program administration policies between the male and female programs. In 2021, the programs were reorganized and consolidated under DRP supervision. The proposed regulations reflect changes to provide consistency and increase equity between the male and female programs.

The CCTRP is renamed to FCRP. When first established, there was no equivalent program for male inmates. Consequently, there was no need to differentiate between men's and women's programs in the title.

Currently, there are no regulations for MCRP, FCRP, and CPMP. Establishing regulations for the programs ensures the programs are administered equitably and not subject to variance between institutions and the community facilities. Community-based programs are integral to the California Model and are expected to expand significantly over the next few years. Established regulations will ensure newly activated programs and facilities are consistent with the departmental mission to enhance public safety and promote the successful reintegration of the people in our care back to their communities.

The term "Enhanced Alternative Custody Program" (EACP) is created to encompass the programs administered by DRP: MCRP, FCRP, and CPMP. EACP participants are housed and supervised in a community facility administered by the DRP, which is a much more structured environment than ACP. Utilizing a contracted vendor, DRP provides rehabilitative programming that is mandatory for all participants. EACP participants are also provided with reentry resources, such as employment, housing, and medical care.

ACP is distinctly separate and different than EACP in terms of supervision, case management, and programming, requiring a regulatory distinction between the programs. ACP allows participants to serve their terms in the community, either in a private program facility or in a private residence. ACP participants are supervised by the Division of Adult Parole Operations (DAPO) in a manner similar to parolees.

The CPMP is a specialized program that allows pregnant individuals or mothers with child(ren) six years old or younger to be housed with their children in a safe and wholesome environment away from a prison setting. PC sections 3417-3420 contain specific provisions for the program, including eligibility and various notification requirements. Establishing regulations ensures the program is operated consistently with PC and provides an opportunity for family reunification to all eligible inmates. The program requires very specific regulations as to screening, eligibility, and daily operations to ensure the safety and welfare of the child(ren).

The revisions being made to CCR section 3375.2 are necessary to update the current regulations to remove the exclusion from inmates being housed in a Level I facility without gun coverage based on immigration status. Additionally, immigration status shall not impede placement in any program or service, including security-level housing, and DRP community-based re-entry facilities. The revision being made to section 3379 is necessary as the department no longer transfers inmates to Immigration and Customs Enforcement (ICE) for deportation hearing proceedings.

California Senate Bill (SB) 54, "The California Values Act" was signed into law on October 5, 2017, and took effect on January 1, 2018. Government Code (GC) Section 7284.10 is specific to CDCR and establishes that the department shall not restrict access to any in-prison educational or rehabilitative programming or credit earning opportunity on the sole basis of citizenship or immigration status, nor shall the department consider citizenship and immigration status as a factor in determining a person's custodial classification level.

Currently, Title 15, Section 3630, Limitations of Parole Services, states that "qualified aliens" or "nonimmigrant aliens" who are paroled for less than one year are ineligible to receive or participate in a multitude of DAPO programs or services. Repealing this section will allow offenders on parole to be afforded additional rehabilitative services and assist in their transition back into the community, and bring the regulations into compliance with GC section 7284.10.

Section 3077 is also amended to remove participation restriction based in part on an Immigration and Customs Enforcement hold, in accordance with SB 54.

This action will:

- Establish eligibility and exclusionary criteria for inmate participation in an Enhanced Alternative Custody Program (EACP). An EACP is a voluntary program that allows eligible inmates to serve their sentence in the community in lieu of confinement in a state prison.
- Establish provisions to ensure that potentially eligible inmates at women's institutions are identified and recruited for participation in the Community Participant Mother Program, and that all inmates at women's institutions are aware of the availability of the program.
- Establish processes for applying to the program(s), assessing applications, providing notice to specified stakeholders, and determining program eligibility.
- Establish that a Case Conference Review shall be conducted, taking into consideration the totality of case factors, before any participating inmate shall be returned to prison.
- Repeal regulatory provisions that excluded inmates and parolees from participating in programming and/or receiving benefits or services based solely upon immigration status.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The department anticipates the proposed regulations will enhance inmate access to rehabilitative services and programs through lower security level placement. The proposed amendments will allow inmates the opportunity to qualify for lower security levels and increased access to rehabilitative services and programs, which will aid in public safety when inmates return to the community.

Inmates and the public will greatly benefit from participation in community programs. The programs provide a supervised and phased approach to community reentry upon release from prison. The programs provide rehabilitative programming similar to in-prison programs (e.g., substance abuse, anger management, family relationships, etc.) in the early phases, and build up to outside employment and education in the later phases. The programs often provide the opportunity to allow participants to transfer closer to their homes and families, which provides better access to visitation and other family reunification activities. The CPMP allows mothers to be housed with their child(ren) and continue as primary caretakers. This strengthens the bond between mother and child and avoids the potential emotional trauma for the child(ren) when placed in the foster care system. Community programs enhance public safety by reducing recidivism and providing inmates with skills and resources upon reentry to the community. The department does not anticipate that the proposed regulations will affect worker safety or the environment.

DOCUMENTS INCORPORATED BY REFERENCE

CDCR Form 2226 (Rev. 10/23) Male Community Reentry Program Eligibility
CDCR Form 2234-MCRP (Rev. 07/23) Male Community Reentry Program Application and Voluntary Agreement
CDCR Form 2235 (Rev. 10/23) Female Community Reentry Program Screening
CDCR Form 2235 (Rev. 07-23) ACP Screening
CDCR Form 2234-FCRP (Rev. 10/23) Female Community Reentry Program Application and Voluntary Agreement
CDCR Form 415 (Rev. 07/23) Community Participant Mother Program – Application
CDCR Form 415-A (Rev. 07/23) Community Participant Mother Program – Notice to Child’s Caretaker/Guardian
CDCR Form 415-B (Rev. 07/23) Community Participant Mother Program – Notice to County Children’s Services
CDCR Form 415-C (Rev. 07/23) Community Participant Mother Program – Assessment of Application
CDCR Form 415-D (Rev. 07/23) Community Participant Mother Program – Notification
CDCR Form 415-E (Rev. 07/23) Community Participant Mother Program – Recommendation to Board of Parole Hearings for Retain/Return
CDCR Form 415-F (Rev. 07/23) Community Participant Mother Program – Determination of Eligibility
CDCR Form 415-H (Rev. 07/23) Community Participant Mother Program – Authorization and Release
CDCR Form 415-J (Rev. 07/23) Community Participant Mother Program – Child Release Authorization
CDCR Form 415-K (07/23) Community Participant Mother Program – Application Screening Worksheet
CDCR Form 415-L (07/23) Community Participant Mother Program – Inmate Placement Agreement
CDC Form 128-B (04/74) General Chrono

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern community-based reentry programs.

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 or savings to any state agency: *None*
- Cost to any local agency or school district that is required to be reimbursed: *None*
- 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 ON BUSINESS

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will have no effect on worker safety or the state's environment. The proposed regulations may benefit the welfare of California residents by helping to reduce recidivism.

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 regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are 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: www.cdcr.ca.gov.

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.

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, amends or repeals 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 at least 15 days after the date on which they are made available.

TEXT OF PROPOSED REGULATIONS

In the following text, 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 1. Behavior

3000. Definitions.

Section 3000 is amended to alphabetically merge the definitions below with existing definitions in this section.

*

*

Community Participant Mother Program (CPMP) means an approved program for pregnant individuals or mothers with up to two children six years of age or younger, located in a structure in an area zoned for residential habitation, that is located and identified by a street number and street name, and provides participants the opportunity to be housed with their children in a safe and wholesome environment away from the prison setting.

*

Enhanced Alternative Custody Program (EACP) means a voluntary program that allows eligible inmates to serve their sentence in the community in lieu of confinement in a state prison, consisting of restriction to a Female Community Reentry Program (FCRP), Male Community Reentry Program (MCRP), or Community Participant Mother Program (CPMP), during the hours designated by the department.

*

Female Community Reentry Program (FCRP) means an approved program for female participants located in a structure in an area zoned for residential habitation, that is located and identified by a street number and street name, and provides substance abuse or other treatment, reentry and employment planning and services.

*

Male Community Reentry Program (MCRP) means an approved program for male participants located in a structure in an area zoned for residential habitation, that is located and identified by a street number and street name, and provides substance abuse or other treatment, reentry and employment planning and services.

*

*

Note: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 3411, 5058, 5058.3, 6250, 6250.5, and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2084, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3007.05, 3020, 3413-3422, 3450, 3550, 4570, 4576, 5009, 5050, 5054, 5068, 6251-6256, 6258.1, 7000 et seq., 7286.5, 11180 and 11191, Penal Code; Sections 1132.4, 1132.8 and 1203(b)(1), Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government

Code; Sections 11007, 11351, 11352, 11378 and 11379, Health and Safety Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; *Madrid v. Cate* (USDC ND Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate*, USDC ED 2:08-CV-01196-TLN-EFB; *In re Garcia* (2012) 202 Cal.App.4th 892; and *Quine v. Beard*, No. C 14-02726 JST.

[Article 6.3 Family Foundations Program is repealed.]

Article 6.3 Family Foundations Program

3074.3. The Family Foundations Program.

~~(a) The Family Foundations Program (FFP) is a 12-month residential substance abuse treatment program for pregnant and/or parenting female inmates who have been determined by the court to benefit from participation, recommended by the court for placement, and are accepted by the Department to participate. Female inmates in the program will be placed in a Family Foundations facility in the community as an alternative to serving their prison term in a State prison institution.~~

~~(b) Eligibility. To be eligible, a female inmate shall be sentenced to serve a term of not more than 36 months and be recommended by the court to participate, must have an established history of substance abuse, and be either pregnant or the parent of a child under the age of six years. Medical/dental and mental health evaluations shall be performed prior to placement to determine the existence of health care conditions that would affect participation in the program or require a reasonable accommodation be provided to the participant.~~

~~(c) Ineligibility. Female inmates who have been convicted of violent crimes and other offenses enumerated in Penal Code section 1174.4 are excluded from the program. In addition, a woman is ineligible for the program if she has an active or potential United States Immigration and Naturalization hold, felony hold; her child is a dependent of the court and it has been determined by the representative of the appropriate county agency that it is not in the best interest of the child; she is determined by the Department to pose an unreasonable risk to the public; a staff physician or psychiatrist has determined that the inmate's medical or psychiatric condition is likely to cause an adverse effect upon the inmate or upon other persons if the inmate is placed in the program; or she is not willing to sign a CDC Form 1890, Voluntary Placement Agreement, (⁴/₉₉), which is incorporated by reference, and outlines the obligations and responsibilities of program participants.~~

~~(d) Credit earnings and losses, including pre-sentence, behavioral, participation and work time credits shall not be applied while a woman is in the program. Participants who fail to complete the 12-month residential program shall have credit earnings and losses applied for time served in the program. Participants who fail the program for reasons identified in (e) below, shall be delivered to State prison where they shall serve the remainder of their original sentences. A classification committee hearing shall precede a participant's delivery to State prison.~~

~~(e) Adverse reasons for failure to complete the program include:~~

~~(1) Program participant fails to participate in programming activities; or,~~

~~(2) Program participant fails to comply with facility rules as presented in orientation; or,~~

~~(3) Program participant fails to participate in Career Technical Education program/educational activities; or,~~

~~(4) Program participant fails urinalysis/drug or alcohol testing; or,~~

~~(5) Program participant demonstrates violent or disruptive behavior.~~

- ~~(f) Program participants may be removed from the program because of a health care condition that cannot be adequately managed in the FFP facility. Behavioral credit loss shall not be applied in such cases.~~
- ~~(g) Individualized treatment plans shall be developed for each participant and her child. The treatment plan shall be formulated as a result of an individual assessment performed by a program counselor. Each plan shall address the specific treatment needs of the participant and child including the treatment needs necessary for transitioning the participant to parole and/or another treatment program, and shall describe treatment goals for both mother and child and specific activities and services to achieve these goals. Changes to this plan may occur throughout the course of treatment and must be relevant to the participant's progress toward treatment goals. Individualized treatment plans shall address a full range of problems including those directly and indirectly related to:~~
- ~~(1) Substance abuse.~~
 - ~~(2) Physical and mental health.~~
 - ~~(3) Social services.~~
 - ~~(4) Parenting skills.~~
 - ~~(5) Career Technical Education and educational skills.~~
 - ~~(6) Long term treatment goals.~~
 - ~~(7) Treatment methods and resources.~~
- ~~(h) Early childhood care and development plans shall be developed for each child and shall address issues including, but not limited to:~~
- ~~(1) Immunizations and communicable diseases.~~
 - ~~(2) Pediatric medical care.~~
 - ~~(3) Nutrition.~~
 - ~~(4) Psychological interventions.~~
 - ~~(5) Communication skills.~~
 - ~~(6) Motor skill development.~~
 - ~~(7) Play therapies.~~
- ~~(i) Each participant shall be provided all of the following:~~
- ~~(1) Intensive substance abuse treatment education classes and relapse prevention counseling.~~
 - ~~(2) Classes, as appropriate, on topics such as domestic violence, incest survivors, family relationships, co-dependency, living with AIDS, child custody issues, and legal issues.~~
 - ~~(3) Individual counseling sessions.~~
 - ~~(4) Group counseling.~~
 - ~~(5) HIV/AIDS counseling for pre and post HIV testing.~~
 - ~~(6) Classes on parenting skills.~~
 - ~~(7) Early childhood care and development services.~~
 - ~~(8) Educational, Career Technical Education programs, and life skills training.~~
 - ~~(9) Medically necessary health services pursuant to section 3350 et seq.~~

~~(j) Each participant shall be assigned a case manager and casework team, comprised of a social worker, facility manager, counselor, child development specialist, child care worker, nurse, and departmental custody staff person. The casework team will manage the participant's intake, orientation and treatment program for the duration of the 12 months.~~

~~(k) Transition planning for the participant's release from the facility to parole, shall begin in the first six months of the program with a written Transition Services Plan for each participant to be developed no later than the seventh month. Each participant's Transition Services Plan shall be initiated after nine months of participation in the program. Transition Services Plans shall consist of, but are not limited to, transitional housing, job placement or assistance, identification of available social services, etc.~~

~~(l) An outpatient transitional services program shall be developed for each participant and shall include a twelve month period of intensive parole supervision pursuant to Penal Code Section 1174.2.~~

~~(m) The FFP shall maintain a zero tolerance for drugs and/or alcohol use. Frequent and random urine testing shall be conducted to detect any illegal drug use.~~

~~(n) Each facility shall maintain a library containing a variety of reference, fiction, self-help and children's books for use by participants and their children.~~

~~(o) Facilities shall accommodate requests for voluntary participation in religious programs.~~

~~(p) Facilities shall post visiting hours and conditions in English and Spanish and maintain a weekly visiting schedule for six hours on Saturday and six hours on Sunday of each week.~~

~~NOTE: Authority cited: Sections 1174.8(a) and 5058, Penal Code. Reference: Sections 1174-1174.9 and 5054, Penal Code~~

Article 6.7. Transfer of Inmate Assessment Responsibility

Section 3077. County Assessment Program.

Section 3077 initial paragraph through subsection 3077(b)(6) are unchanged.

Subsection 3077(c) is unchanged but is shown for reference.

(c) Exclusionary criteria. An offender is excluded from participating in the SB 618 Program if he or she:

Subsections 3077(c)(1) through 3077(c)(3) are unchanged.

Subsection 3077(c)(4) is deleted.

~~(4) Has a United States Immigration and Customs Enforcement hold from countries without immigration treaties.~~

Subsections 3077(c)(5) through 3077(c)(7) are renumbered to 3077(c)(4) through 3077(c)(6), respectively, and are otherwise unchanged.

~~(45) Possesses outstanding or active felony holds from other jurisdictions.~~

~~(56) Qualifies for participation in a drug treatment program as defined in PC section 1210(b).~~

~~(67) Repeat offenders with a new sentence and who are offered a probationary sentence are not automatically excluded from consideration for participation in the SB 618 Program upon approval of the court.~~

Subsections 3077(d) through 3077(d)(3) are unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 667.5(c), 1203.8 and 5054, Penal Code.

[The title of Article 6.8 is amended to read:]

Article 6.8. ~~Alternative Custody~~ Community Based Programs

[The title of section 3078.1 is amended to read:]

3078.1 ~~Alternative Custody Program and Enhanced Alternative Custody Program~~ General Policy.

[Section 3078.1 is renumbered to read:]

(a) An Alternative Custody Program (ACP) is a voluntary alternative custody program that allows eligible inmates to serve their sentence in the community in lieu of confinement in state prison.

(~~b~~1) An ACP participant's confinement in the community shall consist of restriction to one of the following:

(~~4~~A) A residential home during the hours designated by the department, or

(~~2~~B) A transitional care facility that offers appropriate services during the hours designated by the department, or

(~~3~~C) A residential drug or treatment program during the hours designated by the department.

[New subsection 3078.1(b) is adopted to read:]

(b) An Enhanced Alternative Custody Program (EACP) is a voluntary alternative custody program that allows eligible inmates to serve the remainder of their sentence in a community facility administered by the Division of Rehabilitative Programs in lieu of confinement in a state prison.

(1) An EACP participant's confinement in the community shall consist of restriction to one of the following:

(A) A Male Community Reentry Program (MCRP) during the hours designated by the department, or

(B) A Female Community Reentry Program (FCRP) during the hours designated by the department, or

(C) A Community Participant Mother Program (CPMP) during the hours designated by the department.

[Subsection 3078.1(c) is amended to read:]

(c) One day of participation in the ACP or EACP shall be in lieu of one day of incarceration in state prison. Participants in the program shall receive any sentence reduction credits ~~that~~ they would have received pursuant to section 3043 had they served their sentence in state prison and shall be subject to denial and loss of credit pursuant to ~~PC~~ Penal Code section 2932(a).

[Subsection 3078.1(d) is unchanged.]

[Subsection 3078.1(e) is amended to read:]

(e) ~~Each~~ inmates released for placement in the ACP or EACP shall be subject to applicable rules and regulations governing inmates pursuant to the California Code of Regulations, Title 15, Division 3.

Note: Authority cited: Sections 3414, 5058, 5058.3, 6252 and 1170.05, Penal Code. Reference: Sections 1170.05, ~~and 5054~~, and 6253, Penal Code; and *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223.

[The title of section 3078.2 is amended to read:]

3078.2. Alternative Custody Program and Enhanced Alternative Custody Program Eligibility Criteria.

[Subsection 3078.2(a) is amended to read:]

(a) To be eligible to participate in the Alternative Custody Program (ACP) or Enhanced Alternative Custody Program (EACP), the inmate must volunteer.

[Subsection 3078.2(b) is amended to read:]

(b) The inmate shall be housed in an EACP facility and have no more than 12 months and no less than 45 days left to serve at the time of placement into the ACP, and;

[New subsections 3078.2(c) and 3078.2(d) are adopted to read:]

(c) The inmate shall have no more than 32 months and no less than 60 days left to serve at the time of placement into the Male Community Reentry Program (MCRP) or Female Community Reentry Program (FCRP).

(d) The inmate shall have no more than six years and no less than 90 days left to serve at the time of placement into the Community Participant Mother Program (CPMP).

[Existing subsection 3078.2(c) is renumbered to 3078.2(e) and is amended to read:]

~~(ee)~~ The inmate ~~does~~ shall not meet any of the exclusionary criteria as provided for in section 3078.3 for the ACP, the Male Community Reentry Program (MCRP) or the Female Community Reentry Program (FCRP), or in section 3078.9 for the Community Participant Mother Program (CPMP).

Note: Authority cited: Sections 3414, 5058, 5058.3, 6252 and 1170.05, Penal Code. Reference: Sections 1170.05 ~~and 5054~~, 6258.1, and 6253, Penal Code; and *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223.

[The title to section 3078.3 is amended to read:]

3078.3. Alternative Custody Program, Male Community Reentry Program, and Female Community Reentry Program Exclusionary Criteria.

[Subsection 3078.3(a) is amended to read:]

(a) Mandatory exclusionary criteria for the Alternative Custody Program (ACP) ~~includes, but is not limited to:~~

[Subsections 3078.3(a)(1) through 3078.3(a)(6) are unchanged.]

[Subsection 3078.3(a)(7) is repealed.]

~~(7) Active or potential United States Immigration and Customs Enforcement holds, warrants, or detainers.~~

[Subsection 3078.3(a)(8) is renumbered to 3078.3(a)(7) and is unchanged.]

~~(8) Active restraining order.~~

[Subsection 3078.3(a)(9) is renumbered to 3078.3(a)(8) and amended to read:]

(98) In-custody misconduct equivalent to a Divisions “A-1” through “C” offense, as defined in section 3323, within the last 24 calendar months, except for physical possession of alcohol, drugs, or drug paraphernalia.

[Subsection 3078.3(a)(10) is renumbered to 3078.3(a)(9) and amended to read:]

(409) Restricted Housing Unit, Security Housing Unit or Psychiatric Services Unit terms within the last 12 calendar months.

[Subsections 3078.3(a)(11) through 3078.3(a)(12) are renumbered to 3078.3(a)(10) through 3078.3(a)(11) and are unchanged.]

(140) Current Close or Max Custody, as defined in section 3377.2.

(121) Current or prior conviction for a sexually violent offense, as defined in Welfare and Institutions Code section 6600(b).

[Subsection 3078.3(a)(13) is amended to read:]

(132) Validated active or inactive Security Threat Group (STG)-I members or associates, as defined in subsection 3378.1(c). Validated STG dropouts are not excluded from ACP.

[Subsection 3078.3(b) is amended to read:]

(b) Additional ACP exclusionary criteria shall be reviewed on a case-by-case basis, including but not limited to:

[Subsections 3078.3(b)(1) through 3078.3(b)(8) are unchanged.]

[New subsection 3078.3(c) is adopted to read:]

(c) Male Community Reentry Program (MCRP) screening shall be completed on a CDCR Form 2226 (Rev. 10/23), Male Community Reentry Program Eligibility, which is incorporated by reference. Mandatory exclusionary criteria for MCRP:

(1) A current or prior conviction for an offense that requires the participant to register as a sex offender as provided in Chapter 5.5 (commencing with section 290) of Title 9 of Part 1 of the Penal Code (PC), an “R” Suffix as provided in subsection 3377.1(b), or a current or prior conviction for a sexually violent offense, as defined in Welfare and Institutions Code section 6600(b).

(2) A California Static Risk Assessment (CSRA) score of 5 (high violence).

(3) A history of escape within the last 10 years from a facility while under juvenile or adult custody, including, but not limited to any detention facility, camp, jail, or state prison facility; or inmates that have been reviewed for escape and have been affixed with an administrative determinant of ESC, as provided in subsection 3375.2(b)(9).

(4) Felony detainer inquiry or active felony hold, warrant, or detainer. Inmates with a detainer inquiry or active hold based solely on their immigration status shall not be precluded from placement in a MCRP.

(5) In-custody misconduct equivalent to a Division “A-1” through “C” offense, as defined in section 3323, within the last 24 calendar months, except for physical possession of alcohol, drugs, or drug paraphernalia (distribution and trafficking offenses are exclusionary).

(6) Restricted Housing Unit, Security Housing Unit or Psychiatric Services Unit terms within the last 12 calendar months.

(7) An administrative determinant of DIS affixed as provided by subsection 3375.2(b)(7). The Institution Classification Committee (ICC) may remove a previously affixed DIS administrative determinant and refer for MCRP placement in the same committee action.

(8) Validated active or inactive STG-I members or associates, as defined in subsection 3378.1(c). Validated STG dropouts are not excluded from MCRP.

(9) An administrative determinant of ARS affixed as provided by subsection 3375.2(b)(2).

(10) A current requirement for Level IV 180-design housing as provided by subsection 3375.1(a)(4)(A). Inmates housed in 180-design facilities who are eligible for 270-design housing are not excluded from MCRP.

(11) Current Close or Maximum custody, as defined by section 3377.2.

[New subsection 3078.3(d) is adopted to read:]

(d) Additional MCRP criteria shall be reviewed on a case-by-case basis:

(1) An administrative determinant of VIO imposed or a review pending as provided by subsection 3375.2(b)(29), based on a conviction for an offense not listed in PC section 667.5(c).

(2) A current or prior violent felony conviction, including stayed counts or enhancement for offenses pursuant to PC section 667.5(c).

(3) A current or prior sexual conviction which does not require PC section 290 registration (no "R" Suffix imposed).

(4) A current or prior child abuse arrest(s), good cause finding, or probable cause finding by the Board of Parole Hearings, or conviction(s) where the offense was related to abuse or neglect of a child.

(5) A current or prior conviction(s), good cause finding, or probable cause finding by the Board of Parole Hearings for stalking.

(6) An active restraining or protective order(s).

(7) An arrest, good cause finding or probable cause finding by the Board of Parole Hearings for arson or possession of an explosive device.

(8) An administrative determinant of PUB, as provided in subsection 3375.2(b)(18). The ICC shall consider whether the inmate's notoriety will negatively impact the program.

(9) Any prior ACP or Enhanced Alternative Custody Program (EACP) participation that resulted in an adverse return to an institution.

(10) A documented history of failure or refusal to house in a Non-Designated Programming Facility (NDPF).

(11) Inmates identified with a Disability Placement Program (DPP) designation which impacts placement.

(12) Inmates identified as a participant in the Developmental Disability Program (DDP).

(13) A current psychiatric, medical or dental condition that requires ongoing care.

[New subsection 3078.3(e) is adopted to read:]

(e) Female Community Reentry Program (FCRP) screening shall be completed on a CDCR Form 2235 (Rev. 07/23), Female Community Reentry Program Screening, which is incorporated by reference. Mandatory exclusionary criteria for FCRP:

(1) A current or prior conviction for an offense that requires the participant to register as a sex offender as provided in Chapter 5.5 (commencing with section 290) of Title 9 of Part 1 of the PC, or a current or prior conviction for a sexually violent offense, as defined in Welfare and Institutions Code section 6600(b).

(2) A CSRA score of 5 (high violence).

(3) A history of escape within the last 10 years from a facility while under juvenile or adult custody, including, but not limited to, any detention facility, camp, jail, or state prison facility; or inmates that have been reviewed for escape and have been affixed with an administrative determinant of ESC, as provided in subsection 3375.2(b)(9).

(4) Felony detainer inquiry or active felony hold, warrant, or detainer. Inmates with a detainer inquiry or active hold based solely on their immigration status shall not be precluded from placement in a FCRP.

(5) In-custody misconduct equivalent to a division “A-1” through “C” offense, as defined in section 3323, within the last 24 calendar months, except for physical possession of alcohol, drugs, or drug paraphernalia (distribution and trafficking offenses are exclusionary).

(6) Restricted Housing Unit, Security Housing Unit or Psychiatric Services Unit terms within the last 12 calendar months.

(7) An administrative determinant of ARS affixed as provided by subsection 3375.2(b)(2).

(8) Validated active or inactive STG-I members or associates, as defined in subsection 3378.1(c). Validated STG dropouts are not excluded from FCRP.

(9) Current Close or Maximum custody, as defined by section 3377.2.

[New subsection 3078.3(f) is adopted to read:]

(f) Additional FCRP criteria shall be reviewed on a case-by-case basis:

(1) A current or prior child abuse conviction(s) or convictions where the offense was related to abuse or neglect of a child.

(2) A current or prior conviction(s), good cause finding or probable cause finding by the Board of Parole Hearings for stalking.

(3) Any prior ACP or EACP participation that resulted in an adverse return to an institution.

(4) An arrest, good cause finding or probable cause finding by the Board of Parole Hearings for arson or possession of an explosive device.

(5) A current or prior conviction of any of the crimes listed as a violent felony in PC section 667.5(c) including stayed counts and enhancements.

(6) A current or prior conviction(s) for a sexual offense not requiring registration pursuant to PC section 290, or a currently imposed “R” suffix.

(7) An active restraining or protective order.

[Subsection 3078.3(c) is renumbered to 3078.3(g) and amended to read:]

(eg) An inmate’s existing psychiatric or medical condition that requires ongoing care is not a basis for excluding the inmate from eligibility to participate in the ACP or EACP. ICC shall review all relevant information and determine if the inmate’s needs can be adequately met in a community facility.

Note: Authority cited: Sections 5058, 5058.3, 6252 and 1170.05, Penal Code. Reference: Sections 290, 667.5(c), 1170.05, 1192.7(c), 1192.8, ~~and~~ 5054, and 6258.1, Penal Code. Section 6600(b), Welfare and Institutions Code.

[The title of section 3078.4 is amended to read:]

3078.4 Alternative Custody Program, Male Community Reentry Program, and Female Community Reentry Program Processing

[Subsection 3078.4(a) is amended to read:]

(a) Screening and Assessment for Alternative Custody Program (ACP) Cases.

[Subsections 3078.4(a)(1-2) are unchanged.]

[Subsection 3078.4(a)(3) is amended to read:]

(3) Preliminary screening for ACP eligibility shall be completed by the Correctional Counselor utilizing the criteria provided in section 3078.2 on a CDCR Form 2235 (03/16 07/23), Alternative Custody Program Screening Form, which is incorporated by reference. Upon completion, the CDCR Form 2235 shall be forwarded to ~~Women and Children Services Unit (WCSU)~~ the Division of Rehabilitative Programs (DRP) for further screening.

[Subsections 3078.4(a)(4) is unchanged.]

[Subsection 3078.4(a)(5) is amended to read:]

(5) ~~WCSU~~ DRP shall review the CDCR Form 2235 and other case factors to determine if the inmate is potentially eligible for ACP. The inmate shall be notified in writing of a determination of potential eligibility.

[Subsection 3078.4(b) is amended to read:]

(b) Individualized Treatment and Rehabilitation Plan for ACP Cases.

[Subsections 3078.4(b)(1) through 3078.4(b)(4) are unchanged.]

[Subsection 3078.4(c) is amended to read:]

(c) Classification and Case Records for ACP Cases

[Subsections 3078.4(c)(1) through 3078.4(c)(6) are unchanged.]

[Subsection 3078.4(d) is amended to read:]

(d) For ACP cases, Except as necessary to comply with any release notification requirements, the inmate shall be released to the program no later than seven business days following notice of acceptance into the program, or if this is not possible in the case of an inmate to be placed in a residential drug or treatment program or in a transitional care facility, the first day a contracted bed becomes available at the requested location.

[Subsection 3078.4(e) is amended to read:]

~~(e) The inmate may file a grievance regarding the decision through the procedures detailed in section 3480 et seq. or reapply for participation in the program 30 days after the notice of the denial.~~ Screening and assessment for Male Community Reentry Program (MCRP) cases.

(1) Every male inmate shall be afforded the opportunity to sign and submit to their assigned Correctional Counselor a CDCR Form 2234-MCRP (Rev. 07/23), Male Community Reentry Program (MCRP) Application and Voluntary Agreement which is incorporated by reference.

(2) Cases shall be screened by the assigned Correctional Counselor to determine eligibility, utilizing a CDCR Form 2226 (Rev. 10/23) Male Community Reentry Program Eligibility, which is incorporated by reference.

(3) Eligible cases shall be presented to the Institution Classification Committee (ICC), as provided in subsection 3376(c)(2), for program participation consideration. The ICC shall conduct any required case-by-case reviews and consider the totality of case factors along with input from the inmate prior to recommendation for MCRP placement.

(4) Upon recommendation of ICC for MCRP placement, the case will be referred to a Classification Staff Representative (CSR) for endorsement.

[New subsection 3078.4(f) is adopted to read:]

(f) Screening and Assessment for Female Community Reentry Program (FCRP) Cases

(1) Every female inmate shall be afforded the opportunity to sign and submit to their assigned Correctional Counselor or institutional Community Beds Coordinator a CDCR Form 2234-FCRP (Rev. 10/23) Female Community Reentry Program Application and Voluntary Agreement, which is incorporated by reference.

(2) Cases shall be screened by the assigned institutional Community Beds Coordinator to determine eligibility, utilizing a CDCR Form 2235 (Rev. 07/23) Female Community Reentry Program Screening, which is incorporated by reference.

(3) Eligible cases shall be presented to the ICC, as provided in subsection 3376(c)(2), for program participation consideration. The ICC shall conduct any required case-by-case reviews and consider the totality of case factors along with input from the inmate prior to recommendation for FCRP placement.

(4) Upon recommendation of ICC for FCRP placement, the case will be referred to a Classification Staff Representative (CSR) for endorsement.

[3078.5 Alternative Custody Program Participant Case Management and Supervision is unchanged.]

[The title of section 3078.6 is amended to read:]

3078.6 Alternative Custody Program and Enhanced Alternative Custody Program Return to Institution.

[Subsection 3078.6(a) is amended to read:]

(a) An Alternative Custody Program (ACP) or Enhanced Alternative Custody Program (EACP) Participant may be returned to state prison to serve the remainder of their original sentence, with or without cause, pursuant to the provisions of subsections (b)–(b)(7) below.

[Subsection 3078.6(b) is amended to read:]

(b) ~~Division of Adult Parole Operations~~ Staff shall conduct a Case Conference Review, as defined in section 3000, regarding whether a participant should be returned to prison. ACP cases shall be reviewed by the Division of Adult Parole Operations (DAPO), and EACP cases shall be reviewed by the Division of Rehabilitative Programs (DRP). When determining a participant's retention in the program or return to prison, staff shall consider the totality of case factors, including the participant's behavior and program participation while housed in ACP or EACP. Reasons for return to prison may include, but are not limited to:

[Subsections 3078.6(b)(1) through 3078.6(b)(2) are unchanged.]

[Subsection 3078.6(b)(3) is amended to read:]

(3) The electronic monitoring device is unable for any reason to properly perform its function at the designated ~~place of detention~~ residence or program.

[Subsections 3078.6(b)(4) through 3078.6(b)(5) are unchanged.]

[Subsection 3078.6(b)(6) is amended to read:]

(6) A felony hold, warrant or detainer is received by the department after an inmate is placed in the ACP or EACP.

[Subsection 3078.6(b)(7) is unchanged.]

Note: Authority cited: Sections 5058, 5058.3, 6252, 6253, and 1170.05, Penal Code. Reference: Sections 1170.05 and 5054, Penal Code.

[New section 3078.7 is adopted to read:]

3078.7 Community Participant Mother Program – General Policy.

(a) The Community Participant Mother Program (CPMP) provides a community treatment program that provides for the release of the mother and up to two children to a public or private facility in the community suitable to the needs of the mother and child(ren), which will provide the best possible care for the mother and child(ren).

(b) If any woman received by or committed to the Department of Corrections and Rehabilitation (CDCR), has a child under six years of age, or gives birth to a child(ren) while an inmate under the jurisdiction of CDCR, the child(ren) and their mother shall, upon their request, be admitted to and retained in the CPMP, subject to meeting the eligibility requirements for approval.

(c) The CPMP is a voluntary custody program that allows eligible pregnant inmates and inmate mothers the opportunity to be housed with their child(ren) in a supervised facility away from the prison setting while serving their prison sentence.

(d) Inmates released for placement in CPMP shall be subject to applicable rules and regulations governing inmates pursuant to the California Code of Regulation, Title 15, Division 3.

(e) Child(ren) may participate in CPMP until they reach the age of six years old, at which time CDCR will assist the inmate mother in arranging for the child's care elsewhere under any procedure authorized by statute. If the inmate mother is not pregnant and has no other child(ren) in CPMP, they shall be returned to institution for review by a classification committee to determine appropriate placement. Consistent with PC section 3421, the Board of Parole Hearings (BPH) may give approval to retain the child and mother for a longer period of time. A CDCR Form 415-E (Rev. 07/23) Community Participant Mother Program – Recommendation to Board of Parole Hearings for Retain/Return, which is incorporated by reference, shall be submitted to BPH for approval or denial.

Note: Authority cited: Sections 3414, 5058 and 6252, Penal Code. Reference: Sections 3416, 3417, 3421 and 5054, Penal Code

[New section 3078.8 is adopted to read:]

3078.8 Community Participant Mother Program – Eligibility Criteria.

(a) To be eligible for the Community Participant Mother Program (CPMP) each inmate shall volunteer and submit a CDCR Form 415 (Rev. 07/23), Community Participant Mother Program – Application, which is incorporated by reference. Inmates shall be screened for eligibility utilizing a CDCR Form 415-K (07/23) Community Participant Mother Program – Application Screening Worksheet, which is incorporated by reference.

(b) The inmate shall be pregnant or have one or more children, age 6 years or younger at the time of application.

(c) The inmate shall have been the primary caregiver of their child(ren) prior to incarceration, which means a parent who has consistently assumed responsibility for the care, housing, and health of the child(ren). The inmate shall not be excluded if, as primary caregiver, they arranged for temporary care for the child(ren) in the home of a relative or licensed foster home.

(d) The inmate shall have legal custody of their child(ren).

(e) If the child(ren) is a dependent of the Juvenile Court, the inmate shall receive permission from the Court for the child(ren)'s placement.

(f) The inmate shall not have the child(ren)'s placement challenged by the County Department of Child Services, the child's caretaker, or guardian.

(g) The inmate shall not have been declared to be an unfit parent by a court.

Note: Authority cited: Sections 3414, 5058 and 6252, Penal Code. Reference: Sections 3416, 3417 and 5054, Penal Code

[New section 3078.9 is adopted to read:]

3078.9 Community Participant Mother Program – Exclusionary Criteria.

(a) Mandatory exclusionary criteria for the Community Participant Mother Program (CPMP):

(1) A history of escape within the last 10 years from a facility while under juvenile or adult custody, including, but not limited to any detention facility, camp, jail, or state prison facility or inmates that have been reviewed for escape and have been affixed with an administrative determinant of ESC, as provided in subsection 3375.2(b)(9).

(2) A current or prior conviction for arson, under Penal Code (PC) sections 450 - 455.

(3) A current or prior conviction for a sex offense listed in PC section 667.6; an offense that requires the inmate to register as a sex offender as provided in Chapter 5.5 (commencing with section 290) of Title 9 of Part 1 of the PC; an “R” Suffix as provided in subsection 3377.1(b); or a current or prior conviction for a sexually violent offense, as defined in Welfare and Institutions Code section 6600(b).

(4) Felony detainer inquiry or active felony hold, warrant, or detainer. Inmates with a detainer inquiry or active hold based solely on their immigration status shall not be precluded from placement in a CPMP.

(5) The inmate has a current commitment or prior conviction for a violent offense listed by PC section 667.5(c), with the following exceptions:

(A) The Institution Classification Committee (ICC) shall conduct a case-by-case review of inmates with convictions for robbery or burglary, pursuant to paragraph (21) of PC section 667.5(c), to determine if placement is appropriate.

(B) Inmates with a conviction of any offense listed in PC section 667.5(c) other than burglary or robbery, are only eligible for placement in the CPMP if an ICC determines there were unusual or mitigating circumstances. The ICC shall consider all relevant case factors, including, but not limited to, the passage of time since commission of the offense, if the offense was committed in response to a physically abusive partner, and, the inmate’s participation in rehabilitative programming while incarcerated.

(6) The inmate shall be designated Medium-A custody or lower, as provided in subsection 3377.1(a). Inmates designated Close or Maximum custody are ineligible.

(7) Restricted Housing Unit, Security Housing Unit or Psychiatric Services Unit terms within the last 12 calendar months.

(8) In-custody misconduct equivalent to a division “A-1” through “C” offense, as defined in section 3323, within the last 24 calendar months, except for physical possession of alcohol, drugs, or drug paraphernalia (distribution and trafficking offenses are exclusionary).

(b) Additional CPMP exclusionary criteria shall be reviewed on a case-by-case basis:

(1) Any prior Alternative Custody Program or Enhanced Alternative Custody Program participation that resulted in an adverse return to an institution.

(2) Any current or prior conviction for the unlawful sale, or possession for sale, manufacture, or transportation, for controlled substances, if for large scale profit pursuant to PC section 3417. Current or prior convictions for Health & Safety Code sections 11358 and 11359 are eligible and do not require a review.

(3) Validated active or inactive Security Threat Group I (STG-I) members or associates, as defined in subsection 3378.1(c). Validated STG dropouts are not excluded from CPMP.

(4) An administrative determinant of PUB, as provided in subsection 3375.2(b)(18). The ICC shall consider whether the inmate's notoriety will negatively impact the program.

(5) The inmate's and child(ren)'s current psychiatric, medical or dental condition that requires ongoing care. The ICC shall review all relevant information, including written opinions from staff physicians or psychiatrists, and determine if the inmate's and child(ren)'s needs can be adequately met in a community facility.

Note: Authority cited: Sections 3414, 5058 and 6252, Penal Code. Reference: Section 6600(b), Welfare and Institutions Code; Sections 11358 and 11359, Health & Safety Code; Sections 3416, 3417, 3418, 3419, 3420 and 5054, Penal Code.

[New section 3078.10 is adopted to read:]

3078.10 Community Participant Mother Program – Recruitment.

(a) At all female institutions, the Associate Warden, Community Beds Coordinators, Reception Center (RC), and the Program Services Division, are administratively responsible for the identification, recruitment, and endorsement of inmates for the Community Participant Mother Program (CPMP).

(b) All correctional counselors shall be responsible to notify female inmates of the availability of the CPMP and the application process.

(c) Inmates shall be notified of the CPMP application process during RC processing and general population initial and annual classification review. Upon notification, inmates shall sign a CDC Form 128-B (Rev. 4/74) General Chrono, which is incorporated by reference.

(d) Inmates shall be notified of the CPMP during any scheduled orientation sessions in the RC and general population. During such sessions, any interested inmates shall be provided with CPMP information packages.

(e) The CDCR Form 415-D (Rev. 7/23), Community Participant Mother Program - Notification, which is incorporated by reference, shall be prominently posted in all inmate housing units, Law Libraries, and common areas.

Note: Authority cited: Sections 3414, 5058 and 6252, Penal Code. Reference: Sections 3416, 3417, 3418, 3419, 3420 and 5054, Penal Code

[New section 3078.11 is adopted to read:]

3078.11 Community Participant Mother Program – Processing.

(a) A Correctional Counselor (CC) II Supervisor designated as the Institutional Community Beds Coordinator shall track Community Participant Mother Program (CPMP) applications and Classification Staff Representative referrals.

(b) All pregnant inmates and inmate mothers shall be afforded the opportunity to apply for participation in the CPMP.

(c) Interested inmates shall complete the CPMP application package and submit to their assigned CCI or directly to the Institutional Community Beds Coordinator via institutional mail.

(d) The CCI shall ensure the application package is forwarded to the Institutional Community Beds Coordinator no more than 5 business days from receipt of the application package. The CCI shall provide relevant information to assist the Institutional Community Beds Coordinator in determining an inmate's eligibility on a CDCR Form 415-C (Rev. 07/23), Community Participant Mother

Program – Assessment of Application, which is incorporated by reference, but shall not be responsible to evaluate the inmate’s eligibility for the CPMP.

(e) The Institutional Community Beds Coordinator shall review the inmate’s application package as appropriate, and other case factors, to determine the inmate’s eligibility for the CPMP. The inmate shall be notified in writing of a determination of eligibility via the CDCR Form 415-F (Rev. 07/23) Community Participant Mother Program – Determination of Eligibility, which is incorporated by reference.

(f) The Institutional Community Beds Coordinator shall be responsible for preparing the inmate’s case for presentation to the Institution Classification Committee (ICC). Prior to the ICC hearing, the following forms shall be completed and available for committee review: CDCR Form 415-A (Rev. 07/23), Community Participant Mother Program – Notice to Child’s Caretaker/Guardian, CDCR Form 415-B (REV. 07/23), Community Participant Mother Program – Notice to County Children’s Services, CDCR Form 415-H (REV. 07/23), – Community Participant Mother Program – Authorization and Release, and CDCR Form 415-L (07/23), – Community Participant Mother Program – Participant Placement Agreement, which are incorporated by reference.

(g) The inmate is responsible for submitting birth certificates for their child(ren) and any other court documents related to the guardianship or custody of the child(ren).

(h) The Classification Staff Representative is responsible for reviewing and endorsement of all CPMP cases.

Note: Authority cited: Sections 3414, 5058 and 6252, Penal Code. Reference: Sections 3416, 3417, 3418, 3419, 3420 and 5054, Penal Code

[New section 3078.12 is adopted to read:]

3078.12 Community Participant Mother Program – Transfer Procedures.

(a) The Division of Rehabilitative Programs (DRP) maintains the statewide waiting list for the Community Participant Mother Program (CPMP). When vacancies in the CPMP occur, DRP selects inmates for transfer.

(b) Transportation from an institution to CPMP shall be coordinated through the institutional Community Beds Coordinator and DRP.

(c) Inmates who are scheduled to transfer to a CPMP shall be required to dispose of excess property. Storage space is limited in the facility, as some space must be used for the child(ren)’s belongings. Personal televisions or tablets are not permitted in the CPMP program.

Note: Authority cited: Sections 3414, 5058 and 6252, Penal Code. Reference: Sections 3416, 3417, 3418, 3419, 3420 and 5054, Penal Code

[New section 3078.13 is adopted to read:]

3078.13 Community Participant Mother Program – Return.

(a) Community Participant Mother Program (CPMP) participants may be returned to state prison to serve the remainder of their original sentence, with or without cause. Staff shall conduct a Case Conference Review, as defined in section 3000, regarding whether a participant should be returned to prison. CPMP cases shall be reviewed by the Division of Rehabilitative Programs (DRP). When determining a participant’s retention or return, staff shall consider the totality of case factors, including the participant’s behavior and program participation while housed in the CPMP. Reasons for return include, but are not limited to:

(1) The need for extensive medical or mental health treatment, which is unable to be accommodated or available at the CPMP.

(2) Voluntary removal from the program.

(3) Program failure.

(4) Security reasons requiring higher custody, such as a pending action for a serious Rules Violation Report.

(5) Violation of CPMP rules, guidelines, or any determination, which cause the inmate to be deemed no longer appropriate for CPMP placement.

(6) A change in case factors which make the inmate no longer eligible for program placement, or a change in case factors that requires a case-by-case review by the Institution Classification Committee (ICC).

(b) Any property belonging to the CPMP inmate shall not be returned with them to state prison and must be picked up by or mailed to an individual designated by the inmate.

(c) Child(ren) shall not be permitted to remain at the CPMP overnight in the absence of the participant. The child(ren) shall be released to the person(s) designated on CDCR Form 415-J (Rev. 07/23), Community Participant Mother Program - Child Release Authorization, which is incorporated by reference. If the designated person(s) is unable to pick up the child(ren), the CPMP staff shall notify the Department of Children and Family Services and release the child(ren) to their custody. The welfare of the child(ren) shall be the primary factor in the determination of the child(ren)'s placement.

Note: Authority cited: Sections 3414, 5058 and 6252, Penal Code. Reference: Sections 3416, 3417, 3418, 3419, 3420 and 5054, Penal Code

Subchapter 4. General Institution Regulations

Article 10. Classification

3375.2 Administrative Determinants

[Subsections 3375.2(a) through (a)(3) are unchanged but shown for reference:]

(a) An inmate meeting one or more of the following administrative or irregular placement conditions, known as administrative determinants, may be housed in a facility with a security level which is not consistent with the inmate's placement score:

(1) An inmate requires an outpatient or higher degree of medical or psychiatric care at a facility specifically staffed for the type of treatment necessary.

(2) An inmate with a history of sex crimes designated in section 3377.1(b) shall not be housed in a Level I facility and shall not be assigned outside the security perimeter.

(3) An inmate with a history of arson shall not be housed in a facility constructed primarily of wood.

[Subsection 3375.2(a)(4) is amended to read:]

(4) An inmate with a felony detainer inquiry or active felony hold, warrant, detainer, or the equivalent thereof filed with the Department, who is likely to receive a significant period of consecutive incarceration ~~or be deported~~, shall not be housed in a Level I facility without perimeter gun towers. Inmates with a detainer inquiry or active hold based solely on their immigration status shall not be precluded from placement in any departmental program or service, including security-level, classification level, housing placement and Division of Rehabilitative Programs community-based reentry facilities.

[Subsections 3375.2(a)(5) through 3375.2(b) are unchanged.]

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3450, 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Wright v. Enomoto* (N.D. Cal. 1976) 462 F.Supp. 397; and *Stoneham v. Rushen* (1984) 156 Cal.App.3d 302

3379. Inmate Transfers

[Subsection 3379(a) is unchanged but shown for reference:]

(a) Transfer requirements.

[Subsection 3379(a)(1) is amended to read:]

(1) Unless exempted within this subsection, any inmate transfer shall require a classification committee action and endorsement by a classification staff representative (CSR) or expedited transfer approval by the Chief of the Population Management Unit. A classification committee action and CSR endorsement is not required in the cases of ~~illegal aliens transferring for the purpose of deportation proceedings and expedited transfers warranted under emergent circumstances, including but not limited to inmate medical or mental health needs and transfers from one restricted housing unit to a similar restricted housing unit.~~ Additionally, a classification committee action is not required for an inmate transfer from a reception center.

[Subsections 3379(a)(2) through 3379(d) are left unchanged.]

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2911, 5025, 5054, 5068, 5080 and 11191, Penal Code; Sections 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Armstrong v. Schwarzenegger*, United States District Court, N.D. Cal., No. C-94-2307 CW, Stipulation and Proposed Order issued November 30, 2006; *Coleman v. Schwarzenegger*, United States District Court, E.D. Cal., No. CIV-S-90-0520 LKK JFM P, Order issued November 6, 2006; and *Whitaker v. Rushen* (9th Cir. 1983) 720 F.2d 1132, 1135.

Article 11 and Section 3630 are repealed.

Article 11. Illegal Aliens

~~Section 3630. Limitations of Parole Services.~~

~~(a) Pursuant to Section 411 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, (PRWORA) (8 U.S.C. Section 1621), and notwithstanding any other provision of Title 15, Division 3 of the California Code of Regulations, aliens who are not "qualified aliens" or "nonimmigrant aliens," as defined by federal law, or who are paroled into the United States for less than one year, are ineligible to receive or participate in the following parole services:~~

~~(1) Food coupons.~~

~~(2) Bus passes.~~

~~(3) Job placement services.~~

~~(4) Short-term cash assistance.~~

~~(b) Verification of immigration status is based on information furnished to the Department by the United States Immigration and Customs Enforcement prior to an inmate alien's release on parole.~~

~~(c) A determination that an alien is ineligible for the services specified in subdivision (a) may be grieved as provided in Section 3480, et seq.~~

~~(d) All eligibility requirements contained herein shall be applied without regard to race, creed, color, gender, religion, or national origin.~~

~~(e) For purposes of this section, an alien who, at the time he or she applies for, receives, or attempts to receive a parole benefit specified in subsection (a), is eligible for those benefits if he or she meets all of the conditions of subparagraphs (1), (2), (3), and (4) below:~~

~~(1) Has been battered or subjected to extreme cruelty in the United States by a spouse or registered domestic partner or a parent, or by a member of the spouse's or registered domestic partner's or parent's family residing in the same household as the alien, and the spouse or registered domestic partner or parent of the alien consented to, or acquiesced in, such battery or cruelty; or has a child who has been battered or subjected to extreme cruelty in the United States by a spouse or registered domestic partner or a parent of the alien, without the active participation~~

~~of the alien in the battery or cruelty, or by a member of the spouse's or registered domestic partner's or parent's family residing in the same household as the alien, and the spouse or registered domestic partner or parent consented to or acquiesced in such battery or cruelty.~~

~~(2) In the opinion of the Attorney General of the United States, which opinion is not subject to the review of any court, there is a substantial connection between such battery or cruelty and the need for the benefits provided.~~

~~(3) Has been approved or has a petition pending which sets forth a prima facie case, as enumerated in the Immigration and Nationality Act (INA), for:~~

~~(A) Status as a spouse or registered domestic partner or child of a United States citizen; or~~

~~(B) Suspension of deportation and adjustment of status; or~~

~~(C) Classification pursuant to clause (ii) or clause (iii) of Section 204(a)(1)(B) of the INA.~~

~~(D) Cancellation of removal pursuant to Section 240A(b)(2) of the INA.~~

~~(4) For the period for which the benefits are sought, the individual responsible for the battery or cruelty, as stated in paragraph (e)(1) does not reside in the same household or family eligibility unit as the individual subjected to the battery or cruelty.~~

~~NOTE: Authority cited: Section 5058, Penal Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; Section 297.5, Family Code; and Section 5054, Penal Code.~~

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

**COMMUNITY PARTICIPANT MOTHER PROGRAM -
APPLICATION SCREENING WORKSHEET
CDCR415-K (07/23)**

CDCR NUMBER	OFFENDER NAME	INSTITUTION
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YES	NO	EXCLUSIONARY CRITERIA – ALL RESPONSES MUST BE “YES” FOR COMMUNITY PARTICIPANT MOTHER PROGRAM (CPMP)
<input type="checkbox"/>	<input type="checkbox"/>	Offender is pregnant or has one or more children six years of age or younger.
<input type="checkbox"/>	<input type="checkbox"/>	Offender was the primary caregiver of their child(ren) prior to incarceration. Offenders are not excluded as caregiver if they made arrangements for temporary care for the child(ren) with relatives or foster care.
<input type="checkbox"/>	<input type="checkbox"/>	Offender has legal custody of their child(ren).
<input type="checkbox"/>	<input type="checkbox"/>	Offender received permission from the Juvenile Court for child(ren)'s placement, if child(ren) are a dependent of the court (mark Yes if not applicable).
<input type="checkbox"/>	<input type="checkbox"/>	Child(ren)'s caretaker or County Children's Services Department have not challenged the child(ren)'s placement in CPMP.
<input type="checkbox"/>	<input type="checkbox"/>	For children under guardianship, the guardian is willing to terminate the guardianship and relinquish the child (mark Yes if not applicable).
<input type="checkbox"/>	<input type="checkbox"/>	Offender has not been declared an unfit parent by any court.
<input type="checkbox"/>	<input type="checkbox"/>	Offender has no more than six years and no less than 90 days remaining to serve.
<input type="checkbox"/>	<input type="checkbox"/>	No history of escape within the last 10 years, and no Escape (ESC) administrative determinant affixed.
<input type="checkbox"/>	<input type="checkbox"/>	No current or prior conviction for arson, under Penal Code sections 450-455.
<input type="checkbox"/>	<input type="checkbox"/>	No current or prior conviction for a sex offense and no "R" suffix affixed.
<input type="checkbox"/>	<input type="checkbox"/>	No active felony holds, warrants, or detainers.
<input type="checkbox"/>	<input type="checkbox"/>	Offender is designated Medium-A custody or lower.
<input type="checkbox"/>	<input type="checkbox"/>	No Security Housing Unit or Psychiatric Services Unit terms within the last 12 calendar months.
<input type="checkbox"/>	<input type="checkbox"/>	No in-custody misconduct equivalent to a Division "A1" through "C" offense in the last 24 calendar months, except for physical possession of alcohol, drugs, or drug paraphernalia (distribution and trafficking offenses are exclusionary).

YES	NO	CASE-BY-CASE REVIEWS – ANY “YES” RESPONSE REQUIRES A CASE-BY-CASE REVIEW BY INSTITUTIONAL CLASSIFICATION COMMITTEE
<input type="checkbox"/>	<input type="checkbox"/>	Prior placement in a community program that resulted in adverse return to prison.
<input type="checkbox"/>	<input type="checkbox"/>	Current or prior conviction for the unlawful possession for sale, manufacture, or transportation of controlled substances for large scale profit (convictions for Health and Safety Code sections 11358 and 11359 are not exclusionary and do not require case-by-case review).
<input type="checkbox"/>	<input type="checkbox"/>	Validated active or inactive Security Threat Group-I member or associate.
<input type="checkbox"/>	<input type="checkbox"/>	Public interest case (PUB) administrative determinant affixed. ICC shall consider whether or not the offender's notoriety will negatively impact the program.
<input type="checkbox"/>	<input type="checkbox"/>	Current or prior conviction for a violent offense listed in Penal Code section 667.5(c). Convictions for robbery and burglary shall be reviewed by ICC to determine if placement is appropriate. <i>Offenders with convictions for any offense listed in Penal Code section 667.5(c) other than robbery or burglary are only eligible for CPMP if ICC determines there were unusual or mitigating circumstances.</i>
<input type="checkbox"/>	<input type="checkbox"/>	Offender or child(ren)'s current psychiatric, medical or dental condition that requires ongoing care. ICC shall determine if the offender's and/or child(ren)'s needs can be adequately met in a community facility.

COMMUNITY BEDS COORDINATOR (PRINT)	COMMUNITY BEDS COORDINATOR SIGNATURE	DATE
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MALE COMMUNITY REENTRY PROGRAM ELIGIBILITY

CDCR 2226 (Rev. 10/23)

Inmate _____ CDCR# _____ was interviewed on _____ for transfer consideration to the Male Community Reentry Program (MCRP). Subject does does not (check one) wish to participate in the MCRP if determined eligible.

I, _____ do do not (check one) request review and consideration of placement. I am aware that if approved for placement, I must wear and maintain an electronic monitoring device as a condition of placement.

Signature _____

Completion of the eligibility criteria is only required for offenders who volunteer to participate in the MCRP.

YES	NO	EXCLUSIONARY CRITERIA – Any “Yes” responses in this section indicates the offender is ineligible.
<input type="checkbox"/>	<input type="checkbox"/>	Penal Code (PC) section 290 registration requirement, an R suffix, or a current or prior conviction for a sexually violent offense as defined in subdivision (B) of the Welfare and Institutions Code section 6600.
<input type="checkbox"/>	<input type="checkbox"/>	California Static Risk Assessment score of 5 (high violence).
<input type="checkbox"/>	<input type="checkbox"/>	Currently has more than 32 months remaining to serve or less than 60 days to serve.
<input type="checkbox"/>	<input type="checkbox"/>	Escape (ESC) Administrative Determinant affixed pursuant to California Code of Regulations (CCR), Title 15, subsection 3375.2(b) or a history of escape in the last 10 years.
<input type="checkbox"/>	<input type="checkbox"/>	Active or potential felony hold, warrant, or detainer. Holds due solely to immigration status are not exclusionary.
<input type="checkbox"/>	<input type="checkbox"/>	In-custody misconduct (Division A1-C offenses) within the last 24 calendar months, except physical possession of alcohol, drugs, or drug paraphernalia. (Distribution/Trafficking offenses are exclusionary).
<input type="checkbox"/>	<input type="checkbox"/>	Released from a Restricted Housing Unit (RHU), Security Housing Unit (SHU) or Psychiatric Services Unit (PSU) term within the last 12 calendar months. (Offender is eligible if RHU/SHU term was assessed, imposed, and either suspended or commuted effective the same date as the imposition, regardless of whether D2 credit was imposed).
<input type="checkbox"/>	<input type="checkbox"/>	DIS Administrative Determinant affixed pursuant to CCR, Title 15, subsection 3375.2(b). The Institution Classification Committee (ICC) may remove a previously affixed DIS and refer for MCRP placement in the same committee action.
<input type="checkbox"/>	<input type="checkbox"/>	Validated Security Threat Group I pursuant to CCR, Title 15, subsection 3378(c).
<input type="checkbox"/>	<input type="checkbox"/>	ARS Administrative Determinant affixed pursuant to CCR, Title 15, subsection 3375.2(b).
<input type="checkbox"/>	<input type="checkbox"/>	Current requirement for Level IV 180-design housing pursuant to CCR, Title 15, section 3375.1(a)(4)(A). Offenders housed in 180-design facilities that are eligible for 270-design housing are not excluded from MCRP.
<input type="checkbox"/>	<input type="checkbox"/>	Close or Maximum Custody.
YES	NO	CASE-BY-CASE REVIEW – Any “Yes” response in this section requires a case-by-case review by ICC.
<input type="checkbox"/>	<input type="checkbox"/>	VIO Administrative Determinant imposed pursuant to CCR, Title 15, subsection 3375.2(b) or review pending based on a conviction for an offense NOT listed in PC section 667.5(c).
<input type="checkbox"/>	<input type="checkbox"/>	Current or prior violent felony conviction, including stayed counts or enhancement for offenses pursuant to PC section 667.5(c).
<input type="checkbox"/>	<input type="checkbox"/>	Current or prior sexual conviction which does not require PC section 290 registration (No “R” Suffix imposed).
<input type="checkbox"/>	<input type="checkbox"/>	Current or prior child abuse arrest(s), convictions, or Good Cause Finding/Probable Cause Finding (GCF/PCF) by the Board of Parole Hearings (BPH) where the offense was related to abuse or neglect of a child.
<input type="checkbox"/>	<input type="checkbox"/>	Current or prior conviction(s) or GCF/PCF by BPH for stalking.
<input type="checkbox"/>	<input type="checkbox"/>	Active Restraining/Protective Order(s).
<input type="checkbox"/>	<input type="checkbox"/>	An arrest or GCF/PCF by the BPH for arson or possession of an explosive device.
<input type="checkbox"/>	<input type="checkbox"/>	PUB Administrative Determinant affixed pursuant to CCR, Title 15, subsection 3375.2(b). ICC shall consider whether the offender’s notoriety will negatively impact the program.
<input type="checkbox"/>	<input type="checkbox"/>	Prior MCRP/Alternative Custody Program (ACP) participation which ended with an adverse return to CDCR.
<input type="checkbox"/>	<input type="checkbox"/>	Documented history of failure or refusal to house in Non-Designated Program Facility (NDPF).
<input type="checkbox"/>	<input type="checkbox"/>	Identified with a Disability Placement Program (DPP) concern which impacts placement.
<input type="checkbox"/>	<input type="checkbox"/>	Identified as a participant in the Developmental Disability Program (DDP).
<input type="checkbox"/>	<input type="checkbox"/>	Current psychiatric, medical or dental condition requiring ongoing care. ICC shall review all relevant case factors and determine if the inmate’s needs can be adequately met in a community facility.

Correctional Counselor Name: _____ Correctional Counselor Signature: _____

Date: _____

Institution: _____

REPEAL

STATE OF CALIFORNIA
ACP SCREENING
CDCR 2235 (Rev. 03/16)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

ACP SCREENING

CDCR Number: _____ Name: _____ Release Date: _____

This form shall be completed after review of a CDCR 2234, ACP APPLICATION AND VOLUNTARY AGREEMENT form from an inmate.
If applicable, check the appropriate EXCLUSIONARY box(es) below:

I. EXCLUSIONARY CRITERIA:

- Current Violent or Serious Felony conviction, including stayed counts or enhancements for offenses pursuant to PC Section 667.5(c), Section 1192.7(c), or 1192.8.
- PC Section 290 et seq. registration requirement or current or prior conviction for a sexually violent offense as defined in subdivision (b) of Welfare and Institutions Code Section 6600.
- California Static Risk Assessment (CSRA) score of 5 (high violence).
- Upon placement into program, cannot have more than 12 months or less than 45 days to serve on EPRD.
- Escape history within last 10 years or mandatory minimum for escape.
- Active or potential misdemeanor or felony holds, warrants, or detainers. Active or potential ICE holds, warrants, or detainers.
- Active Restraining Order.
- In-Custody misconduct (Division A-C offenses) in last 24 calendar months, except physical possession of alcohol.
- SHU/PSU within the last 12 calendar months.
- Close or MAX Custody.
- Active or inactive validated STG-I member or associate pursuant to CCR Section 3378 et seq.

II. CASE-BY-CASE REVIEW:

- Validated as an STG-II member or associate.
- Current or prior child abuse conviction(s) or convictions where the offense was related to abuse or neglect of a child.
- Current or prior conviction(s) for stalking.
- Any prior ACP participation that resulted in a return to an institution.
- Current or prior arson conviction.
- Upon review of all case factors, no appropriate transitional care facility, residential drug or treatment program or residential home is available in the community.
- Prior conviction of any of the crimes listed as a violent felony in Penal Code (PC) section 667.5(c) or serious felony in PC sections 1192.7(c) or 1192.8 including stayed counts and enhancements.

III. DETERMINATION:

- **Forward to WCSU** - If there are no boxes marked in Section I or II, check the "Forward to WCSU" box below for further review to determine potential eligibility. Final eligibility will be determined by the Institutional Classification Committee considering ACP placement.
- **Ineligible** - If any boxes are marked in Section I, check the "Ineligible" box below. The reason for ineligibility shall be noted in the Comment Section.
- **Case-by-Case Review** - If there are no boxes marked in Section I and one or more boxes are marked in Section II, check the "Forward to WCSU" and "Case-by-Case Review" boxes below. CBC reviews are conducted ONLY when no other exclusions exist. The above noted CBC reviews shall be evaluated by the Institutional Classification Committee considering ACP placement.

Ineligible Case-by-Case Review Forward to WCSU

Comments Section: _____

Institution/CCII Name/Date _____ Signature: _____

WCSU/Name/Date: _____ Signature: _____ Potentially eligible Ineligible

Distribution: Original to c-file.

ACP SCREENING

CDCR Number: _____ Name: _____ Release Date: _____

This form shall be completed after review of a CDCR 2234, ACP APPLICATION AND VOLUNTARY AGREEMENT form from an inmate.
If applicable, check the appropriate EXCLUSIONARY box(es) below:

I. EXCLUSIONARY CRITERIA:

- Current Violent or Serious Felony conviction, including stayed counts or enhancements for offenses pursuant to PC Section 667.5(c), Section 1192.7(c), or 1192.8.
- PC Section 290 et seq. registration requirement or current or prior conviction for a sexually violent offense as defined in subdivision (b) of Welfare and Institutions Code Section 6600.
- California Static Risk Assessment (CSRA) score of 5 (high violence).
- Upon placement into program, cannot have more than 12 months or less than 45 days to serve on EPRD.
- Escape history within last 10 years or mandatory minimum for escape.
- Active or potential misdemeanor or felony holds, warrants, or detainers.
- Active Restraining Order.
- In-custody misconduct (Division A-C offenses) in last 24 calendar months, except physical possession of alcohol, physical possession of drugs, or possession of drug paraphernalia.
- RHU/SHU/PSU terms within the last 12 calendar months.
- Close or MAX Custody.
- Active or inactive validated STG-I member or associate pursuant to CCR Section 3378 et seq.
- Not currently housed in the Male Community Reentry Program (MCRP), Female Community Reentry Program (FCRP) or Community Participant Mother Program (CPMP).

II. CASE-BY-CASE REVIEW:

- Validated as an STG-II member or associate.
- Current or prior child abuse conviction(s) or convictions where the offense was related to abuse or neglect of a child.
- Current or prior conviction(s) for stalking.
- Any prior ACP participation that resulted in a return to an institution.
- Current or prior arson conviction.
- Upon review of all case factors, no appropriate transitional care facility, residential drug or treatment program or residential home is available in the community.
- Prior conviction of any of the crimes listed as a violent felony in Penal Code (PC) section 667.5(c) or serious felony in PC sections 1192.7(c) or 1192.8 including stayed counts and enhancements.

III. DETERMINATION:

- **Forward to Division of Rehabilitative Programs (DRP)** - If there are no boxes marked in Section I or II, check the "Forward to DRP" box below for further review. Final eligibility will be determined by the Institutional Classification Committee considering ACP placement.
- **Ineligible** - If any boxes are marked in Section I, check the "Ineligible" box below. The reason for ineligibility shall be noted in the Comment Section.
- **Case-by-Case Review** - If there are no boxes marked in Section I and one or more boxes are marked in Section II, check the "Forward to DRP" and "Case-by-Case Review" boxes below. CBC reviews are conducted ONLY when no other exclusions exist. The above noted CBC reviews shall be evaluated by the Institutional Classification Committee considering ACP placement.

Ineligible Case-by-Case Review Forward to DRP

Comments Section: _____

Institution/CCII Name/Date _____ Signature: _____

DRP/Name/Date: _____ Signature: _____ Potentially eligible Ineligible

FEMALE COMMUNITY REENTRY PROGRAM SCREENING

CDCR Number: _____ Name: _____ Release Date: _____

This form shall be completed upon receipt of a CDCR 2234, FCRP APPLICATION AND VOLUNTARY AGREEMENT form from an inmate.
If applicable, check the appropriate EXCLUSIONARY box(es) below:

I. EXCLUSIONARY CRITERIA:

- Penal Code (PC) Section 290 et seq. registration requirement or current or prior conviction for a sexually violent offense as defined in subdivision (b) of Welfare and Institutions Code section 6600.
- California Static Risk Assessment (CSRA) score of 5 (high violence).
- Upon placement into program, cannot have more than 32 months or less than 45 days to serve on Earliest Possible Release Date (EPRD).
- Escape history within last 10 years or mandatory minimum for escape.
- Active or potential felony holds, warrants, or detainers. Holds due solely to immigration status are not exclusionary.
- In-Custody misconduct (Division A-C offenses) in last 24 calendar months, except physical possession of alcohol, physical possession of drugs, or possession of drug paraphernalia.
- Released from a Restricted Housing Unit (RHU)/ Security Housing Unit (SHU)/Psychiatric Services Unit (PSU) term within the last 12 calendar months.
- Close or Maximum Custody.
- Active or inactive validated STG-I member or associate pursuant to California Code of Regulations section 3378 et seq.
- ARS Administrative Determinant affixed pursuant to CCR, Title 15, subsection 3375.2(b).

II. CASE-BY-CASE REVIEW:

- Current or prior child abuse conviction(s) or convictions where the offense was related to abuse or neglect of a child.
- Current or prior conviction(s) or Good Cause Finding/Probable Cause Finding by the Board of Parole Hearings for stalking.
- Any prior Enhanced Alternative Custody Program (EACP) participation that resulted in a return to an institution.
- An arrest or Good Cause Finding/Probable Cause Finding by the Board of Parole Hearings for arson or possession of an explosive device.
- Current/Prior conviction of any of the crimes listed as a violent felony in Penal Code (PC) section 667.5(c), including stayed counts and enhancements.
- Current/Prior conviction(s) for a sexual offense not requiring registrations pursuant to PC Section 290, or a currently imposed "R" suffix.
- Active restraining/protective order.

III. DETERMINATION:

- **Forward to Division of Rehabilitative Programs (DRP)** - If there are no boxes marked in Section I or II, check the "Forward to DRP" box below for further review to determine potentially eligibility. Final eligibility will be determined by the Institutional Classification Committee considering FCRP placement.
- **Ineligible** - If any boxes are marked in Section I, check the "Ineligible" box below. The reason for ineligibility shall be noted in the Comment Section.
- **Case-by-Case (CBC) Review** - If there are no boxes marked in Section I and one or more boxes are marked in Section II, check the "Forward to DRP" and "Case-by-Case Review" boxes below. CBC reviews are conducted ONLY when no other exclusions exist. The above noted CBC reviews shall be evaluated by the Institutional Classification Committee considering FCRP placement.

Ineligible Case-by-Case Review Forward to DRP

Comments Section:

Institution/CCII Name/Date: _____ Signature: _____

DRP/Name/Date: _____ Signature: _____ Potentially eligible Ineligible

COMMUNITY PARTICIPANT MOTHER PROGRAM - APPLICATION

CDCR 415 (Rev. 07/23)

CDCR NUMBER	INMATE'S NAME	TODAY'S DATE
DATE RECEIVED BY CDCR	RELEASE DATE	MAXIMUM DATE
COUNTY OF COMMITMENT (FOR DATA PURPOSES ONLY)		
COMMITMENT OFFENSE	COUNTY OF LAST LEGAL RESIDENCE	ARE YOU PREGNANT? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF YES, ESTIMATED DUE DATE:		

Provide information about your child(ren) in the spaces below. Please place details for one child per section. The child(ren) must be less than six years old to participate with you in the CPMP.

CHILD'S NAME	CHILD'S DATE OF BIRTH
CHILD'S CARETAKER	RELATIONSHIP TO CHILD
TELEPHONE NUMBER	
CARETAKER'S ADDRESS	CITY AND STATE
ZIP CODE	
CHILD'S CASEWORKER / SOCIAL WORKER (IF APPLICABLE)	TELEPHONE NUMBER
ADDRESS	CITY AND STATE
ZIP CODE	

Were you the primary caretaker for this child before you were incarcerated? YES NO

Is the above child a dependent of the Juvenile Court? YES NO

If yes, provide date of action: _____ Court: _____

CHILD'S NAME	CHILD'S DATE OF BIRTH
CHILD'S CARETAKER	RELATIONSHIP TO CHILD
TELEPHONE NUMBER	
CARETAKER'S ADDRESS	CITY AND STATE
ZIP CODE	
CHILD'S CASEWORKER / SOCIAL WORKER (IF APPLICABLE)	TELEPHONE NUMBER
ADDRESS	CITY AND STATE
ZIP CODE	

Were you the primary caretaker for this child before you were incarcerated? YES NO

Is the above child a dependent of the Juvenile Court? YES NO

If yes, provide date of action: _____ Court: _____

Provide information about your other children in the spaces below.

NAME	AGE	CARETAKER	ADDRESS	TELEPHONE NUMBER

If admitted to the Community Participant Mother Program (CPMP), I understand that I remain under the legal custody of the California Department of Corrections and Rehabilitation (CDCR), and must comply with the policies, procedures, and rules of the CPMP center. I understand that the County Children's Services Department will be notified of my application and that they have the right to challenge my application.

I understand that my child's present caretaker will be notified of my application and that they have the right to challenge my application. I understand that if my child is under a guardianship, I am responsible for obtaining a notarized declaration from the guardian that the guardianship will be terminated.

I certify that I have given true and complete information throughout this application.

INMATE'S SIGNATURE	DATE SIGNED	PROGRAM LOCATION PREFERENCE	OR <input type="checkbox"/> STATEWIDE
CORRECTIONAL COUNSELOR'S SIGNATURE	NAME (PRINT OR TYPE)	INSTITUTION	DATE SIGNED

COMMUNITY PARTICIPANT MOTHER PROGRAM - NOTICE TO CHILD'S CARETAKER/GUARDIAN
CDCR 415-A (Rev. 07/23)

Today's Date:

TO:

Regarding:

INMATE-MOTHER'S NAME	CDCR NUMBER
CHILD'S NAME	DATE OF BIRTH
CHILD'S NAME	DATE OF BIRTH

Dear Guardian or Caretaker:

The inmate-mother identified above has applied for placement with their child(ren) in the California Department of Corrections and Rehabilitation's (CDCR) Community Participant Mother Program (CPMP). If the inmate-mother is qualified, they may be permitted to live in a supervised community center away from the prison setting with their child(ren) under the age of six. The mother would be responsible for their child(ren) at all times and provide for the child(ren)'s care inside and outside of the center.

You have **FIVE DAYS** from the date of this notice to decide whether or not to challenge the appropriateness of the inmate-mother's entry into the CPMP. If it is your intention to file a petition of fitness proceeding against the mother (PC section 3420), please notify the CDCR at the address provided below within FIVE DAYS from the date of this notice. Lack of a petition filed shall result in a presumption that you do not challenge the appropriateness of their entry into the CPMP. A completed form CDCR 415-H, Authorization and Release is attached.

If you are the child(ren)'s legal guardian, a written declaration is required stating that the guardianship will be terminated. Guardianship must be terminated by the court prior to the mother's transfer to CPMP.

Please complete page 2 of this form and return to the Institutional Community Beds Coordinator identified below. If you have any questions, please contact the staff identified below between the hours of 8:00 AM and 4:00 PM, Monday through Friday.

ATTACHMENTS: CDCR 415-H

Name of Institution: Address: City/State/Zip: Attention: _____ Community Beds Coordinator Telephone Number:
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**COMMUNITY PARTICIPANT MOTHER PROGRAM - NOTICE TO
CHILD'S CARETAKER/GUARDIAN
CDCR 415-A (Rev. 07/23)**

This form is to be completed for cases where the child(ren) is with a guardian or caretaker. Form must be mailed to guardian/caretaker, and be included in the CPMP application package.

INMATE'S NAME:**CDCR NUMBER:**

I understand that the above named inmate has applied for placement into the CPMP with the child(ren) listed below. The above named inmate is the mother of the child(ren) listed below, of which I have been granted guardianship by the court, or I am the recognized caretaker.

If the mother is accepted into the program, I agree to cooperate with the mother in the transportation arrangements of her child(ren) into the program.

	CHILD'S NAME	AGE	RELATIONSHIP TO CHILD
1.			(Circle One) GUARDIAN / CARETAKER
2.			(Circle One) GUARDIAN / CARETAKER

IF YOU DESIRE ADDITIONAL INFORMATION REGARDING THE CPMP, PLEASE CONTACT THE COMMUNITY BEDS COORDINATOR LISTED ON PAGE 1 OF THIS FORM.

NAME (PLEASE PRINT LEGIBLY)	RELATIONSHIP TO MOTHER
ADDRESS (STREET ADDRESS, CITY, STATE AND ZIP CODE)	
HOME TELEPHONE NUMBER	WORK TELEPHONE NUMBER
SIGNATURE OF CARETAKER OR LEGAL GUARDIAN	DATE

COMMUNITY PARTICIPANT MOTHER PROGRAM - NOTICE TO COUNTY CHILDREN'S SERVICES
CDCR 415-B (Rev. 07/23)

Today's Date:

TO:

Regarding:

INMATE-MOTHER'S NAME	CDCR NUMBER
SOCIAL SECURITY NUMBER	DATE OF BIRTH
CHILD'S NAME	DATE OF BIRTH
CASE NUMBER / FILE NUMBER	
CHILD'S NAME	DATE OF BIRTH
CASE NUMBER / FILE NUMBER	

This is to serve notice that pursuant to section 3410 et.seq. of the California Penal Code (PC), the above identified inmate-mother has applied for placement with their child(ren) in the California Department of Corrections and Rehabilitation's (CDCR) Community Participant Mother Program (CPMP). The CPMP would enable the mother, if qualified, to live with their child(ren) under the age of six in a public or privately supervised center away from the prison setting.

You have **FIVE DAYS** from the date of this notice to decide whether or not to challenge the appropriateness of the inmate-mother's entry into the CPMP. If it is your intention to file a petition of fitness proceeding against the inmate-mother (PC section 3420), please notify the CDCR at the address provided below within FIVE DAYS from the date of this notice. Lack of a petition filed shall result in a presumption that your Agency does not challenge the appropriateness of their entry into the CPMP. A completed form CDCR 415-H, Authorization and Release is attached.

The determination of whether or not to file shall be based, in part, on the likelihood of the inmate-mother being a fit parent for the child(ren) in question, both during the CPMP and afterwards. (PC section 3420). An inmate-mother shall not be denied the opportunity to participate in the CPMP based in whole or in part on a determination that they are an unfit mother unless that decision is made pursuant to section 232 of the Civil Code, section 2625, or section 300 of the Welfare and Institutions Code (PC section 3417).

If you have any questions, please contact the Community Beds Coordinator identified below between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

ATTACHMENT: CDCR 415-H

<p>Name of Institution:</p> <p>Address:</p> <p>City/State/Zip:</p> <p>Attention: _____</p> <p style="text-align: center;">Community Beds Coordinator</p> <p>Telephone Number:</p>

**COMMUNITY PARTICIPANT MOTHER PROGRAM - ASSESSMENT
OF APPLICATION**

CDCR 415-C (Rev. 07/23)

Page 1 of 1

INSTRUCTIONS: It is not within the scope of a Correctional Counselor I's duties to decide whether an inmate may participate in the Community Participant Mother Program (CPMP). However, the Correctional Counselor I is responsible for providing relevant information to assist the Community Beds Coordinator in determining an inmate's eligibility.

CDCR NUMBER	INMATE'S NAME	DATE INMATE RECEIVED BY CDCR	RELEASE DATE
COUNTY OF LAST LEGAL RESIDENCE		COMMITMENT OFFENSE(S)	
CHILD'S NAME	DATE OF BIRTH	CHILD'S NAME	DATE OF BIRTH

YES NO DOES THE CENTRAL FILE INDICATE THE INMATE WAS THE CHILD'S OR CHILDREN'S PRIMARY CARETAKER?

YES NO HAS THE INMATE BEEN FOUND TO BE AN UNFIT PARENT IN ANY COURT PROCEEDINGS?
If yes, explain below.

LIST ARREST HISTORY

LIST PRIOR COMMITMENT OFFENSE(S)

LIST ENHANCEMENTS

DESCRIBE DISCIPLINARY HISTORY

YES NO DOES THE INMATE REQUIRE SPECIAL HOUSING? *If yes, explain below.*

YES NO DOES THE INMATE POSE AN UNREASONABLE RISK AS DESCRIBED IN PENAL CODE SECTION 3417(b) TO THEMSELF, THEIR CHILD, OR TO THE PUBLIC? *If yes, explain below.*

CORRECTIONAL COUNSELOR'S NAME (Print/Type)	CORRECTIONAL COUNSELOR'S SIGNATURE	DATE	INSTITUTION
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COMMUNITY PARTICIPANT MOTHER PROGRAM - NOTIFICATION

CDCR 415-D (Rev. 07/23)

NOTICE TO INMATE-MOTHERS

The Community Participant Mother Program (CPMP) gives you a chance to live with up to two of your young children in a supervised community facility outside of the prison setting.

If admitted to this program, you will remain under the supervision and custody of the California Department of Corrections and Rehabilitation in an outside facility within the community while you serve your prison sentence.

YOU MAY BE ELIGIBLE FOR THIS PROGRAM IF:

- You are pregnant or have children under six years of age.
- You were the child(ren)'s primary caretaker before you were incarcerated and/or had prior legal custody prior to incarceration. *This means you consistently assumed responsibility for the housing, health, and safety of your child(ren) prior to incarceration. You will not be excluded if, as a primary caretaker you arranged temporary care for your child in the home of a relative or licensed foster care.*
- Your child(ren)'s guardian, if under a guardianship, provides a declaration that the guardianship will be terminated. Guardianship must be terminated prior to your transfer to CPMP.
- You have not been found to be an unfit parent under section 232 of the Civil Code, section 2624 or section 300 of the Welfare and Institutions Code.
- Your maximum remaining sentence is less than six years at the time of your application and you have more than 90 days to parole or release after reduction of credits at the time of transfer to CPMP.

Please see your assigned correctional counselor for additional eligibility criteria and application.

APPLICATIONS are available through your assigned Correctional Counselor I, the Institutional Community Beds Coordinator, the Law Library, the Inmate Advisory Council (IAC) and Reception Center. If you need any assistance with completing your application or understanding the eligibility requirements, staff will assist you.

NOTE:

The current guardian or caretaker of your child(ren) and the Children's Services Department in your last county of legal residence will be notified of your application.

Your child(ren)'s current guardian and/or caretaker, the Children's Services Department and the California Department of Corrections and Rehabilitation have the right to challenge your application.

**COMMUNITY PARTICIPANT MOTHER PROGRAM - RECOMMENDATION TO BOARD
OF PAROLE HEARINGS FOR RETAIN/RETURN**

CDCR 415-E (Rev. 07/23)

Page 1 of 1

TO: BOARD OF PAROLE HEARINGS	FROM: DIVISION OF REHABILITATIVE PROGRAMS (DRP) - WOMEN AND CHILDREN SERVICES UNIT (WCSU)	TODAY'S DATE:
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Pursuant to section 3421 of the Penal Code, the following information and recommendation are submitted for your consideration and decision. The subject child has reached six years of age and must be approved by the Board of Parole Hearings (BPH) in order to continue in the Community Participant Mother Program (CPMP).

The following information is provided to assist you in reaching a decision. Please contact the staff listed below if you require additional information.

INFORMATION		
PARTICIPANT-MOTHER'S NAME:	CDCR NUMBER:	DATE OF PROGRAM ADMISSION:
EARLIEST POSSIBLE RELEASE DATE:	COMMITMENT OFFENSE:	
CHILD'S NAME:	CHILD'S AGE:	
CHILD'S NAME:	CHILD'S AGE:	

PROGRAM PARTICIPATION INFORMATION		
DISCIPLINARY ACTIONS WHILE IN PROGRAM: <i>Attach sheet if additional space is needed</i>		
DATE:	CHARGE:	DISPOSITION:

SPECIFIC PROGRAMS/ACTIVITIES AND DESCRIPTION OF SUCCESS OR FAILURE:

RECOMMENDATION OF THE DEPARTMENT OF CORRECTIONS AND REHABILITATION

RETAIN IN PROGRAM

RETURN TO CDCR INSTITUTION

OTHER

COMMENTS:

SUBMITTED BY: (Signature of CDCR staff)	PRINTED NAME:	DATE SIGNED:
APPROVED BY: (Signature of WCSU Administrator)	TELEPHONE NUMBER:	DATE SIGNED:

**COMMUNITY PARTICIPANT MOTHER PROGRAM -
DETERMINATION OF ELIGIBILITY**
CDCR 415-F (Rev. 07/23)

CDCR NUMBER	INMATE'S NAME		INSTITUTION	RELEASE DATE
CHILD'S LEGAL NAME	DATE OF BIRTH	SEX	APPROVED/ DISAPPROVED	

APPROVED. The above identified inmate's application and case factors have been reviewed and they have been found to be eligible for placement in the Community Participant Mother Program (CPMP). The inmate must be medically cleared and approved for CPMP participation by the institution's medical and/or mental health staff and Classification Staff Representative (CSR) prior to transfer.

Please note that participation in the CPMP is based on the availability of bed space. If approved and endorsed by the CSR, the inmate will be transferred to CPMP at the earliest possible date. If there is no bed available at CPMP, The inmate's name will be place on the Statewide Waiting List pending bed availability at CPMP.

DENIED. The above identified inmate's application to participate in the CPMP has been reviewed and the inmate applicant has been found ineligible for the following reason(s):

Inmates not approved for CPMP may submit a grievance/appeal in accordance with the California Code of Regulations Title 15, sections 3480-3487.

CASE SCREENING COORDINATOR PRINTED NAME	CASE SCREENING COORDINATOR SIGNATURE	DATE SIGNED
RECEIVED BY (INMATE'S SIGNATURE)		DATE SIGNED
CORRECTIONAL COUNSELOR PRINTED NAME	CORRECTIONAL COUNSELOR SIGNATURE	DATE SIGNED

**COMMUNITY PARTICIPANT MOTHER PROGRAM -
AUTHORIZATION AND RELEASE**
CDCR 415-H (Rev. 07/23)

AUTHORIZATION AND RELEASE

I, _____, CDCR Number: _____
give my consent to the California Department of Corrections and Rehabilitation (CDCR) to obtain from any organization, including County Children's Services, or individual, including your child(ren)'s current caretaker or guardian, information necessary to determine my fitness and suitability for supervision in the Community Participant Mother Program (CPMP).

I hereby release the above mentioned persons, corporations, associations, organizations, and their employees, agents, representatives, managers, and officers thereof from any and all liability and damages which may result due to their compliance or attempts to comply with this release.

INMATE'S SIGNATURE	PRINT NAME	CDCR NUMBER	DATE
INSTITUTION NAME			
ADDRESS			
CITY / STATE / ZIP CODE			
WITNESSED BY (SIGNATURE OF CORRECTIONAL COUNSELOR)	COUNSELOR'S PRINTED NAME	DATE	

**COMMUNITY PARTICIPANT MOTHER PROGRAM -
CHILD RELEASE AUTHORIZATION**

CDCR 415-J (Rev. 07/23)

In the event I elect to leave the program or am terminated from the Community Participant Mother Program (CPMP) facility, I authorize release of my child(ren) to the individual listed below. If this individual is unavailable or unable to pick up the child(ren) within 24 hours after termination of my stay at the CPMP facility, my child(ren) will be turned over to Child Protective Services. The individual listed is aware of my request and has agreed to accept placement of my child(ren) should circumstances require it.

I, _____, CDCR # _____ authorize the CPMP Center identified above to release my child(ren) named, _____ to _____ if I elect to leave the program or am terminated from the Community Participant Mother Program.

PARTICIPANT'S SIGNATURE

DATE

WITNESS' SIGNATURE

DATE

I agree to accept placement in my home of the above named child(ren) should their mother elect to leave the program or be terminated from the Community Participant Mother Program.

NAME (PLEASE PRINT LEGIBLY)		RELATIONSHIP TO CHILD(REN)'S MOTHER	
ADDRESS (STREET ADDRESS, CITY, STATE, AND ZIP CODE)			
HOME TELEPHONE NUMBER		WORK TELEPHONE NUMBER	
SIGNATURE		DATE	

**COMMUNITY PARTICIPANT MOTHER PROGRAM -
PARTICIPANT PLACEMENT AGREEMENT
CDCR 415-L (07/23)**

PARTICIPANT NAME:**CDCR NUMBER:****DATE:**

I understand the following document includes, but is not limited to, rules for participation in the Community Participant Mother Program (CPMP).

1. I am voluntarily choosing to enter CPMP.
2. I understand that as a CPMP participant I will still be under the custody of the Department of Corrections and Rehabilitation (CDCR).
3. I understand that CPMP is a structured program involving substance abuse treatment, personal responsibility, parenting skills training, and other services for women and children.
4. I cannot possess any narcotics, paraphernalia, weapons, alcohol, or controlled substances of any type. This includes prescribed medications which would be administered by staff.
5. I understand that sexual activity on facility grounds is prohibited.
6. No violence is allowed. Acts of violence against another participant, staff, or child(ren), including corporal punishment to a child, is prohibited.
7. I understand that verbal threats to another participant, staff, or child(ren) are prohibited.
8. I understand no gambling, betting or lottery activities are allowed.
9. I must conduct myself in a courteous and respectful manner. I will not use profanity.
10. I will be able to wear civilian clothing and must dress appropriately, as per facility dress code rules.
11. I will be searched upon entering and exiting the facility.
12. I must follow all staff orders and instructions.
13. I must submit to a random urinalysis (UA) when instructed to do so.
14. I understand all job assignments and chores will be issued by staff and I must complete all assignments efficiently and in a timely manner.
15. I understand no smoking is allowed. Any tobacco related products are considered contraband.
16. I understand my room and personal belongings are subject to search by staff at any time.
17. I must leave all bedroom doors open, except when child(ren) are sleeping or I am dressing.
18. I understand all windows in the dorm rooms are to remain closed, the windows may only be opened by a staff member.
19. I am not allowed in any other participant dorm rooms at any time, unless directed by a staff member to do so.
20. I am prohibited from borrowing or loaning anything to another CPMP participant including money and personal belongings.
21. I understand my mail is subject to search, both incoming and outgoing.
22. I must participate in all planned activities, treatment plans, groups and classes, unless excused by staff in writing. I must report to all groups and activities on time.
23. I understand all passes and leaves must have prior CDCR approval in advance. I may not deviate from any approved itinerary, including pass times or destination. I cannot meet with or have any contact with the general public. While on passes, I must follow facility rules regarding check-ins. In case of any emergency, I must call and speak to a staff member on duty and follow all instructions given.
24. I am allowed to use the facility telephones at the designated times only.
25. I am responsible for cleaning up after myself and my child(ren) in all common living areas. I must make my bed daily.
26. I must clean up after my child(ren) at all times.
27. I understand children under my care must be closely supervised and within reach while under my care at all times.
28. I understand my child(ren) must be bathed daily before the evening bedtime unless otherwise specified by a doctor.

**COMMUNITY PARTICIPANT MOTHER PROGRAM -
PARTICIPANT PLACEMENT AGREEMENT
CDCR 415-L (06/23)**

29. I am responsible for the health of my child(ren) and myself. I must keep all health appointments made for my child(ren) and report any health concerns to staff immediately.
30. I must adhere to the rules of the onsite laundry room.
31. I may not trespass into any out-of-bounds areas without staff permission.
32. I understand that tablets and/or personal televisions are not allowed at the CPMP facility.
33. I must comply with all policies regarding visitors while on the premises.
34. I must obey all policies regarding the use of Aid to Families with Dependent Children and Food Stamp Benefits.
35. I understand that I am responsible for costs related to my child(ren), which will not exceed forty percent (40%) of the county's Temporary Assistance for Needy Families (TANF) payment standard. I understand that government benefits, such as TANF, food stamps, Supplemental Security Income, or personal funds may be directed to the program to satisfy the support costs.
36. I must obey all facility rules stipulated by the program staff.
37. I may appeal department rules, regulations, and policies per the grievance and appeal procedures as set forth in the California Code of Regulations Title 15, sections 3480-3487.
38. I understand my personal property will be inventoried and any item that exceeds \$300.00 in value will be mailed out of the facility at my expense.

I have had the opportunity to ask questions regarding the CPMP. After reading the above regulations, I have willingly decided to request placement in this program instead of serving the remainder of my prison sentence in a California State Prison facility. I understand that signing this document indicates my willingness to voluntarily participate in the CPMP program, which is a residential treatment program for participant-mothers and their child(ren).

I further understand that by signing this document, I am not guaranteed placement in the program. I understand that placement in the program is contingent upon available bed space, a review of my case factors, and the criteria outlined in the CPMP application screening worksheet (CDCR 415-K).

I understand that I must comply with all the above rules . I understand that CDCR may return me to custody if at anytime I am deemed no longer suitable for placement. I understand that failure to comply with any rule will lead to progressive disciplinary action, up to and including transfer to state prison to serve the remainder of my sentence. I understand that if I leave the CPMP without staff permission, I will be considered as an escapee and could face criminal charges and an additional state prison sentence.

PARTICIPANT SIGNATURE	CDCR NUMBER	DATE
CDCR STAFF SIGNATURE	CDCR STAFF NAME (PRINT)	DATE
PARTICIPANT SIGNATURE (AFTER ARRIVAL AT CPMP)	CDCR NUMBER	DATE
CPMP STAFF SIGNATURE (AFTER ARRIVAL AT CPMP)	CPMP STAFF NAME (PRINT)	DATE

FEMALE COMMUNITY REENTRY PROGRAM APPLICATION AND VOLUNTARY AGREEMENT
 CDCR 2234-FCRP (10/23)

The Female Community Reentry Program (FCRP) is a voluntary program that promotes parenting, family reunification, and the development of life skills while addressing treatment needs. The FCRP allows eligible female inmates to be housed in a transitional reentry program in lieu of serving time in prison. Participants must live in a FCRP facility while receiving rehabilitative programs and substance abuse treatment services. I understand placement into the FCRP is based upon meeting specific eligibility criteria and the California Department of Corrections and Rehabilitation has the authority for final placement approval based on bed availability and other factors. While participating in the FCRP, I will be subject to applicable rules and regulations governing inmates pursuant to the California Code of Regulations (CCR), Title 15, Division 3. I understand I may be removed from the FCRP and returned to prison to serve the remainder of my original sentence for any reason, with or without cause.

I. TO BE COMPLETED BY INMATE

<input type="checkbox"/> I have private medical insurance.	OR	<input type="checkbox"/> I agree to apply for any county, state or federal medical coverage for which I may qualify.
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I understand that my signature on this document indicates my willingness to voluntarily participate in the FCRP. I am aware that wearing and maintaining an electronic monitoring device is a condition of my placement in the FCRP.

CDCR NUMBER	INMATE NAME (PRINT)	INMATE SIGNATURE	DATE SIGNED	HOUSING UNIT
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II. FOR USE BY INSTITUTION COUNSELING STAFF

Does the participant have a qualifying disability requiring effective communication? Yes No

If yes, cite the source document and/or observation(s): _____

What type of accommodation/assistance was provided to achieve effective communication to the best of the inmate's ability?

COUNTY OF LAST LEGAL RESIDENCE	COUNTY OF COMMITMENT	INSTITUTION	EARLIEST POSSIBLE RELEASE DATE
ELIGIBILITY <input type="checkbox"/> REFER FOR SCREENING <input type="checkbox"/> INELIGIBLE	REASON, IF INELIGIBLE		
CORRECTIONAL COUNSELOR NAME (PRINT)	CORRECTIONAL COUNSELOR SIGNATURE	DATE SIGNED	

III. FOR USE BY DIVISION OF ADULT PAROLE OPERATIONS STAFF

REGION <input type="checkbox"/> NORTHERN <input type="checkbox"/> SOUTHERN	PAROLE UNIT	INVESTIGATING PAROLE AGENT'S NAME	DATE SIGNED
PROPOSED RESIDENCE MEETS CRITERIA <input type="checkbox"/> YES <input type="checkbox"/> NO	COMMENTS		DUE DATE
PAROLE AGENT'S NAME (PRINT)		PAROLE AGENT'S SIGNATURE	DATE SIGNED

I CONCUR WITH THE PAROLE AGENT'S RECOMMENDATION.

UNIT SUPERVISOR'S NAME (PRINT)	UNIT SUPERVISOR'S SIGNATURE	DATE SIGNED
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MALE COMMUNITY REENTRY PROGRAM APPLICATION AND VOLUNTARY AGREEMENT

CDCR 2234-MCRP (Rev. 07/23)

Page 1 of 1

The Male Community Reentry Program (MCRP) is a voluntary program that promotes parenting, family reunification, and the development of life skills while addressing the inmate's treatment needs. The MCRP allows eligible inmates to be housed in a transitional reentry treatment program instead of serving time in prison. The MCRP requires the inmate be housed at the MCRP facility. *I understand placement into the MCRP is based upon meeting specific eligibility criteria and the California Department of Corrections and Rehabilitation has the authority for final placement approval based on bed availability and other factors. While participating in the MCRP, I will be subject to applicable rules and regulations governing inmates pursuant to the California Code of Regulations (CCR), Title 15, Division 3. I understand I may be removed from the MCRP and returned to prison to serve the remainder of my original sentence for any reason, with or without cause.*

I. TO BE COMPLETED BY INMATE				
SELECT ONE				
<input type="checkbox"/> I have private medical insurance.				
OR <input type="checkbox"/> I agree to apply for any County, State, or Federal medical coverage for which I may qualify.				
I am requesting MCRP placement and to reside at the following MCRP facility:				
NAME OF MCRP PROGRAM/FACILITY				
STREET ADDRESS				
CITY, ZIP CODE			COUNTY	
I understand that my signature on this document indicates my willingness to voluntarily participate in the MCRP. I am aware that wearing and maintaining an electronic monitoring device is a condition of placement.				
<input type="checkbox"/> I voluntarily accept to participate in the MCRP. <input type="checkbox"/> I decline to participate in the MCRP.				
CDCR NUMBER	INMATE NAME (PRINT)	INMATE SIGNATURE	DATE SIGNED	HOUSING UNIT
II. FOR INSTITUTION COUNSELING STAFF USE ONLY				
Does the participant have a qualifying disability requiring effective communication? <input type="checkbox"/> YES <input type="checkbox"/> NO				
If yes, cite the source document and/or observation(s):				
What type of accommodation/assistance was provided to achieve effective communication to the best of the inmate's ability? (specify):				
COUNTY OF LAST LEGAL RESIDENCE	COUNTY OF COMMITMENT	INSTITUTION	EARLIEST POSSIBLE RELEASE DATE	
MCRP ELIGIBILITY	REASON, IF INELIGIBLE			
<input type="checkbox"/> INMATE ELIGIBLE <input type="checkbox"/> INMATE INELIGIBLE				
CORRECTIONAL COUNSELOR NAME (PRINT)	CORRECTIONAL COUNSELOR SIGNATURE	DATE SIGNED	PHONE NUMBER	
III. FOR PAROLE UNIT USE ONLY				
REGION	PAROLE UNIT	ASSIGNED PAROLE AGENT	DATE ASSIGNED	
<input type="checkbox"/> NORTHERN <input type="checkbox"/> SOUTHERN				
COMMENTS				
PAROLE AGENT NAME (PRINT)		PAROLE AGENT SIGNATURE	DATE SIGNED	

INITIAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR or the department), proposes to amend sections 3000, 3078.1, 3078.2, 3078.3, 3078.4, 3078.6, 3375.2, and 3379; adopt sections 3078.7, 3078.8, 3078.9, 3078.10, 3078.11, 3078.12, and 3078.13; and repeal Article 6.3 in the California Code of Regulations (CCR) Title 15, Division 3.

The amendments in Chapter 1, Article 6.8 are necessary to establish regulations in accordance with Penal Code (PC) sections 5058 and 6252, concerning community-based programs, which include the Male Community Reentry Program (MCRP), the Female Community Reentry Program (FCRP; previously named the Custody to Community Transitional Reentry Program (CCTRP)), and the Community Participant Mother Program (CPMP).

The Alternative Custody Program (ACP), CPMP, and CCTRP were activated under the Division of Adult Institutions (DAI), Female Offender Programs and Services (FOPS) however, the MCRP was activated under the Division of Rehabilitative Programs (DRP). This resulted in variances between eligibility requirements and program administration policies between the male and female programs. In 2021, the programs were reorganized and consolidated under DRP supervision. The proposed regulations reflect changes to provide consistency and increase equity between the male and female programs.

CCTRP is renamed to FCRP as part of this rulemaking. When first established, there was no equivalent program for male inmates. Consequently, there was no need to differentiate between men's and women's programs in the title. For consistency between the programs and to ensure the target population is accurately reflected in the program name, CCTRP has been renamed FCRP in all departmental regulations and forms.

There are no current regulations for MCRP, FCRP, and CPMP. Establishing regulations for the programs ensures the programs are administered equitably, and not subject to variance between institutions and the community facilities. Community-based programs are integral to the California Model and are expected to expand significantly over the next few years. Established regulations will ensure newly activated programs and facilities are in line with the current departmental mission to enhance public safety and promote the successful reintegration of the people in our care back to their communities.

The term "Enhanced Alternative Custody Program" (EACP) is created to encompass the programs administered by DRP: MCRP, FCRP, and CPMP. EACP participants are housed and supervised in a community facility administered by the DRP, which is a much more structured environment than ACP. Utilizing a contracted vendor, DRP provides rehabilitative programming that is mandatory for all participants. EACP participants are also provided with reentry resources, such as employment, housing, and medical care.

ACP is distinctly separate and different than EACP in terms of supervision, case management, and programming, requiring a regulatory distinction between the programs. ACP allows participants to serve their terms in the community, either in a private program facility or in a private residence. ACP participants are supervised by the Division of Adult Parole Operations (DAPO) in a manner similar to parolees.

The CPMP is a specialized program that allows pregnant individuals or mothers with child(ren) six years old or younger to be housed with their children in a safe and wholesome environment away from a prison setting. PC sections 3417-3420 contain specific provisions for the program, including eligibility and various notification requirements. Establishing regulations ensures the

program is operated consistently with PC and provides an opportunity for family reunification to all eligible inmates. The program requires very specific regulations as to screening, eligibility, and daily operations to ensure the safety and welfare of the child(ren).

The revisions being made to CCR section 3375.2 are necessary to update the current regulations to remove the exclusion from inmates being housed in a Level I facility without gun coverage based on immigration status. Additionally, immigration status shall not impede placement in any program or service, including security-level housing, and DRP community-based re-entry facilities. The revision being made to section 3379 is necessary as the department no longer transfers inmates to Immigration and Customs Enforcement (ICE) for deportation hearing proceedings.

California Senate Bill (SB) 54, “the California Values Act” was signed into law on October 5, 2017, and went into effect on January 1, 2018. Government Code (GC) Section 7284.10 is specific to CDCR and states the following:

Section 7284.10(b) “The Department of Corrections and Rehabilitation shall not:

- 1) Restrict access to any in-prison educational or rehabilitative programming or credit earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have a hold request, transfer request, notification request, or civil immigration warrant against the individual.
- 2) Consider citizenship and immigration status as a factor in determining a person’s custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.”

Currently, Title 15, Section 3630, Limitations of Parole Services, states that “qualified aliens” or “nonimmigrant aliens” who are paroled for less than one year are ineligible to receive or participate in a multitude of DAPO programs or services. Repealing this section will allow the department to provide services to offenders who were previously excluded solely due to deportation or immigration status. This change will allow offenders on parole supervision to be afforded additional rehabilitative services and assist in their transition back into their communities and bring regulations into compliance with GC section 7284.10.

Section 3077 is also amended to remove participation restriction based in part on an Immigration and Customs Enforcement hold, in accordance with SB 54.

CONSIDERATION OF ALTERNATIVES:

The department must determine that no reasonable alternative considered, 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 this 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 statutory policy or other provision of law.

Currently, no reasonable alternatives have been brought to the attention of the department that would alter the department’s initial determination.

ECONOMIC IMPACT ASSESSMENT:

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

Significant Adverse Economic Impact on Business

The department has made an initial determination that the proposed regulatory action will not have a significant adverse economic impact on business. Additionally, there have been no facts, evidence, documents, testimony, or other evidence provided that would alter the department's initial determination. The proposed regulations affect the internal management of CDCR only and place no requirements or restrictions on businesses.

Creation of New Jobs or the Elimination of Existing Jobs within the State of California

The department has determined that the proposed regulations will have no impact on the creation of new jobs or elimination of existing jobs within California as the proposed regulations only affect the internal management of prisons and contracted community facilities.

Creation of New Businesses or Expansion or the Elimination of Existing Businesses within the State of California

The department has determined that the proposed regulations will not have an impact on the creation of new or the elimination of existing businesses within California or affect the expansion of businesses currently doing business in California as the proposed regulations only affect the internal management of prisons and contracted community facilities.

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The department has determined that the proposed regulations will have no impact on the health and welfare of California residents, worker safety, or the State's environment.

BENEFITS OF THE REGULATIONS:

The department anticipates the proposed regulations will further enhance inmate access to rehabilitative services and programs through lower security level placement. The proposed amendments will allow inmates the opportunity to qualify for lower security levels and increased access to rehabilitative services and programs, which will aid in public safety when inmates return to the community.

Inmates and the public will greatly benefit from participation in community programs. The programs provide a supervised and phased approach to community reentry upon release from prison. The programs provide rehabilitative programming similar to in-prison programs (e.g., substance abuse, anger management, family relationships, etc.) in the early phases, and build up to outside employment and education in the later phases. The programs often provide the opportunity to allow participants to transfer closer to their homes and families, which provides better access to visitation and other family reunification activities. The CPMP allows mothers to be housed with their child(ren) and continue as primary caretakers. This strengthens the bond between mother and child and avoids the potential emotional trauma for the child(ren) when placed in the foster care system. Community programs enhance public safety by reducing recidivism and providing inmates with skills and resources upon reentry to the community.

FORMS INCORPORATED BY REFERENCE:

CDCR Form 2226 (Rev. 10/23) Male Community Reentry Program Eligibility

CDCR Form 2234-MCRP (Rev. 07/23) Male Community Reentry Program Application and Voluntary Agreement

CDCR Form 2235 (Rev. 10/23) Female Community Reentry Program Screening

CDCR Form 2235 (Rev. 07/23) ACP Screening

CDCR Form 2234-FCRP (Rev. 10/23) Female Community Reentry Program Application and Voluntary Agreement

CDCR Form 415 (Rev. 07/23) Community Participant Mother Program – Application

CDCR Form 415-A (Rev. 07/23) Community Participant Mother Program – Notice to Child’s Caretaker/Guardian
CDCR Form 415-B (Rev. 07/23) Community Participant Mother Program – Notice to County Children’s Services
CDCR Form 415-C (Rev. 07/23) Community Participant Mother Program – Assessment of Application
CDCR Form 415-D (Rev. 07/23) Community Participant Mother Program – Notification
CDCR Form 415-E (Rev. 07/23) Community Participant Mother Program – Recommendation to Board of Parole Hearings for Retain/Return
CDCR Form 415-F (Rev. 07/23) Community Participant Mother Program – Determination of Eligibility
CDCR Form 415-H (Rev. 07/23) Community Participant Mother Program – Authorization and Release
CDCR Form 415-J (Rev. 07/23) Community Participant Mother Program – Child Release Authorization
CDCR Form 415-K (07/23) Community Participant Mother Program – Application Screening Worksheet
CDCR Form 415-L (07/23) Community Participant Mother Program – Inmate Placement Agreement
CDC Form 128-B(04/74) General Chrono

DOCUMENTS RELIED UPON:

In proposing additions and amendments to these regulations, the department has not identified, nor has it relied on any technical, theoretical, or empirical study, report, or similar document.

SPECIFIC PURPOSE AND RATIONALE FOR EACH SECTION, PER GOVERNMENT CODE 11346.2(b)(1):

Section 3000 is amended to add and alphabetically merge definitions for “Community Participant Mother Program (CPMP),” “Female Community Reentry Program (FCRP),” “Enhanced Alternative Custody Program (EACP),” and “Male Community Reentry Program (MCRP)” into the existing section. Adding these definitions will codify them into regulations, because specific definitions are necessary to establish the locations and functions of the programs.

The entire Article 6.3 The Family Foundations Program is repealed, as the program has been closed due to lack of funding since approximately 2012. These revisions will update and reflect the closure of this program. The Community Participant Mother Program (CPMP) and Female Community Reentry Program (FCRP) provide similar services to those of the now-defunct Family Foundations Program.

The title of Article 6.8 is amended to “Community Based Programs.” This change is necessary to encompass newly identified EACP community programs being adopted into the article.

The title of section 3078.1 is amended to rename the section because the department is proposing to adopt provisions regarding to EACP in the section. It is necessary to add EACP in the title because this section delineates which programs are included when referring to EACP.

Subsections 3078.1(a) through 3078.1(a)(1)(C) are amended to make non-substantive formatting changes. The existing provisions for ACP are renumbered from 3078.1(b)(1-3) to 3078.1(a)(1)(A-C) and are unchanged. The renumbering is necessary to accommodate the new language in subsection 3078.1(b) regarding EACP.

New subsections 3078.1(b) through 3078.1(1)(C) are adopted to establish the EACP, pursuant to PC section 6250. This change is necessary to clearly delineate which programs are included when referring to EACP.

Subsection 3078.1(c) is amended to include EACP. Existing regulations regarding credit earning only apply to ACP. The proposed regulations now include EACP programs. This change is necessary to ensure participants who are in EACP programs will earn appropriate credits pursuant to section 3043 while housed in EACP programs. The proposed change also includes non-substantive grammatical and syntax changes to provide clarity.

Subsection 3078.1(e) is amended to include EACP. Existing regulations only apply to ACP, and the proposed regulations now include EACP programs. EACP facilities are operated by a contracted vendor. The change is necessary to establish that although the participant is housed in a community setting, they are still in departmental custody and subject to applicable rules and regulations. The proposed change also includes a non-substantive grammatical change to provide clarity.

The title of section 3078.2 is amended to include EACP. Existing regulations only apply to ACP, and the proposed regulations include EACP.

Subsection 3078.2(a) is amended to include EACP and make a non-substantive change in terminology for preferred legal language purposes. Consistent with PC 6258.1(a), EACP is a voluntary program and the proposed change establishes that requirement.

Subsection 3078.2(b) is amended to require successful participation in an EACP program prior to placement in ACP. EACP is administered by the department, while ACP participants are placed in private programs or private residences. Consequently, EACP provides a higher level of programming structure and supervision than ACP. Those who meet the eligibility requirements for ACP will be only considered for placement after successfully reaching Phase 3 of an EACP program. Advancing to Phase 3 includes completion of initial treatment, established resources in the community (e.g., California Identification Card and Medi-Cal enrollment), and staff approval for passes to leave the facility without staff escort (e.g., employment or education). This change will provide improved oversight of programming and allow participants to slowly reacclimate to the community prior to release to the minimally supervised environment of ACP.

Existing subsection 3078.2(c) is renumbered 3078.2(e) and is amended to include the three EACP programs, the change is necessary to establish exclusionary criteria for EACP programs, because the Existing regulations only apply to ACP.

New subsection 3078.2(c) is adopted to establish specific criteria for FCRP and MCRP eligibility as it relates to remaining time to serve. Additionally, there were variations between the programs, as CCRTP was activated under the DAI, FOPS, and MCRP was activated under the DRP. The programs have since been consolidated under DRP, and the proposed change will provide consistency and equity between the male and female programs. PC section 6258.1(c) requires two years or less remaining to serve in order to be eligible for the programs. The 32-month requirement in the proposed regulations for MCRP and FCRP account for the projected earnings of Milestone Completion Credits (MCC) and Rehabilitative Achievement Credits (RAC) that are earned while housed in the programs, and is the maximum allowed under the PC. EACP participants are required to complete weekly rehabilitative programming (e.g., Cognitive Behavioral Intervention and Integrated Substance Use Disorder Treatment), which is a combination of group and individual sessions. The programming is virtually identical to the programming that is provided in prison. Participants with less than 60 days remaining will not

have time to complete the programming and progress through the program phases to participate in off-site activities (e.g., jobs, housing, education, etc.). Consequently, inmates with less than 60 days to release are excluded from EACP.

New subsection 3078.2(d) is adopted to establish the amount of time left to serve for eligibility in the program. Inmates with fewer than 90 days or more than six years to serve will not get the benefits of the program.

The title of section 3078.3 is amended to include EACP. Existing regulations only apply to ACP, the proposed changes include provisions for MCRP and FCRP.

Subsection 3078.3(a) is amended to retain exclusionary criteria specifically for ACP. Existing section 3078.3 only applies to ACP.

Subsection 3078.3(a)(7) is repealed to remove ICE detainers or potential detainers as an exclusionary factor for the ACP. Senate Bill 54 established California Government Code section 7284.10(b)(1), which prohibits the department from restricting an inmate from any rehabilitative programming or credit earning opportunity based solely on citizenship or immigration status. The purpose for this change is to bring regulations in line with current law.

Subsection 3078.3(a)(8) is amended to renumber to 3078.3(a)(7). The renumbering is necessary due to the deletion of the previous subsection 3078.3(a)(7), and the text is unchanged.

Subsection 3078.3(a)(9) is amended to renumber to 3078.3(a)(8) and to include possession of drugs and possession of drug paraphernalia as exemptions to the disciplinary exclusionary factor. The renumbering is necessary due to the deletion of the previous 3078.3(a)(7). Alcohol and substance abuse treatment is an integral part of ACP and EACP programs. Including drug and drug paraphernalia in the exceptions to the exclusionary criteria will allow more inmates to participate in the programs and provide treatment rather than punishment for inmates with drug and alcohol addictions.

Subsection 3078.3(a)(10) is amended to renumber to 3078.3(a)(9) and to include Restricted Housing Unit (RHU) terms in the exclusionary criteria. This is necessary for consistency with the new regulations regarding restricted housing. Existing references to Security Housing Unit (SHU) and Psychiatric Services Unit (PSU) remain in regulations, as the new RHU regulations were applied prospectively from the effective date, November 1, 2023. Any offender placed in restrictive housing or found guilty of a SHU/PSU eligible rules violation dated prior to November 1, 2023, is subject to the previous regulations regarding SHU/PSU terms, which remain exclusionary for the program for the specified time frames.

Subsections 3078.3(a)(11) through 3078.3(a)(12) are amended to renumber to 3078.3(a)(10) through 3078.3(a)(11) due to the deletion of previous subsection 3078.3(a)(7). The text is unchanged.

Subsection 3078.3(a)(13) is renumbered to 3078.3(a)(12) and is amended to establish the acronym for Security Threat Group.

Subsection 3078.3(b) is amended to establish that the exclusionary case-by-case criteria only apply to the ACP.

Existing subsection 3078.3(c) is renumbered to subsection 3078.3(g).

New subsections 3078.3(c) through (c)(11) are adopted to codify the exclusionary criteria for MCRP. Exclusionary criteria have been established consistent with the requirements of PC section 6258.1 to provide clarity to staff, inmates, and the public as to which case factors are exclusionary for the program. CDCR Form 2226 (Rev. 07/23), Male Community Reentry Program Eligibility is incorporated by reference and a copy is made available in this rulemaking. The form is utilized by Correctional Counselors to screen for case factors that are exclusionary and case factors that require a case-by-case review. The form was developed consistent with the case factors identified in proposed sections 3078.3(c)(1-11) and 3078.3(d)(1-13).

New subsections 3078.3(d) through (d)(13) are adopted to codify the exclusionary criteria that shall be reviewed on a case-by-case basis for MCRP. Although rehabilitation and successful community reentry is the goal, the department must also be mindful of public safety. MCRP sites are located in the community, often in residential neighborhoods. Consequently, certain case factors, such as previous convictions for violent felonies, child abuse, and arson, or active restraining orders must be thoroughly reviewed by the Institution Classification Committee (ICC) prior to approval for MCRP. In conjunction with health care staff, the ICC also needs to individually evaluate psychiatric, medical, and dental conditions to determine if the inmate's needs can be adequately met in a community facility. Rather than a blanket exclusion for these types of case factors, the regulation change grants discretion to the ICC to evaluate all relevant case factors to determine if MCRP placement is appropriate.

New subsections 3078.3(e) through (e)(9) are adopted to codify the exclusionary criteria for FCRP. Exclusionary criteria have been established consistent with the requirements of PC section 6258.1 to provide clarity to staff, inmates, and the public as to which case factors are exclusionary for the program. CDCR Form 2235 (Rev. 07/23), Female Community Reentry Program Screening is incorporated by reference, and a copy is made available in this rulemaking. The form is utilized by Correctional Counselors to screen for case factors that are exclusionary and case factors that require a case-by-case review. The form was developed consistent with the case factors identified in proposed sections 3078.3(e)(1-9) and 3078.3(f)(1-7).

New subsections 3078.3(f) through (f)(7) are adopted to codify the exclusionary criteria that shall be reviewed on a case-by-case basis for FCRP. Although rehabilitation and successful community reentry is the goal, the department must also be mindful of public safety. FCRP sites are located in the community, often in residential neighborhoods. Consequently, certain case factors, such as previous convictions for violent felonies, child abuse, and arson, or active restraining orders must be thoroughly reviewed by the ICC prior to approval for FCRP. Rather than a blanket exclusion for these types of case factors, the regulation change grants discretion to the ICC to evaluate all relevant case factors to determine if FCRP placement is appropriate.

Existing subsection 3078.3(c) is renumbered 3078.3(g), and is amended to include EACP. Existing regulations only apply to ACP, the proposed regulations now include EACP. Clarification was necessary regarding eligibility for inmates with medical or mental health conditions that require ongoing care. ACP and EACP do not have on-site medical or mental health services. All medical and mental health care is handled by contracted providers in the community. While the vast majority of conditions can be adequately addressed in ACP and EACP, some specialty care needs are not available at all sites. Due to the nature of the program, placement in ACP and EACP requires the participant to be able to handle certain activities on their own (e.g., navigating on public transit). Consequently, a thorough case-by-case review is required prior to program placement. The proposed change codifies consulting with the inmate's assigned medical staff or mental health clinician in the ICC process to determine if placement is appropriate.

The title of section 3078.4 is amended to include MCRP and FCRP. Existing regulations only apply to ACP, and the proposed subsections include provisions for MCRP and FCRP.

Subsections 3078.4(a) through 3078.4(d) are amended to specify that the existing regulations in this subsection only apply to ACP cases, as section 3078.4 now contains proposed language for MCRP and FCRP. Subsection 3078.4(a) is also amended to remove outdated language regarding the Women and Children Services Unit (WCSU). WCSU was dissolved when the community programs were consolidated under the Division of Rehabilitative Programs in 2022. Additionally, the revision date of the CDCR Form 2235 is amended as this form is being amended as part of this rulemaking action.

Subsection 3078.4(e) is amended and (e)(1) through (e)(4) are adopted to establish regulations for the screening and assessment of MCRP applications. The regulation provides inmates, staff, and the public with the required process and forms to apply for the program. CDCR Form 2234-MCRP (Rev. 07/23), Male Community Reentry Program Application and Voluntary Agreement and CDCR Form 2226 (Rev. 07/23) Male Community Reentry Program Eligibility are incorporated by reference, and copies are made available in this rulemaking. CDCR Form 2234-MCRP is the initial application filed by the inmate, and CDCR Form 2226 is used by the Correctional Counselor to determine eligibility. The forms are necessary to provide a consistent and standardized starting point for inmate applications that were developed consistent with the criteria of these regulations. Previous subsection 3078.4(e) regarding the grievance process of section 3480 et seq. is deleted. This language is redundant, as section 3481(a) already grants an inmate the ability to *“dispute a policy, decision, action, condition, or omission by the Department or departmental staff that causes some measurable harm to their health, safety, or welfare.”* Since regulations already allow an inmate to file a grievance or appeal regarding any decision or action in the ACP or EACP process, it is unnecessary to retain the duplicative language in existing section 3078.4(e).

New subsections 3078.4(f) through (f) (4) are adopted to establish regulations for the screening and assessment of FCRP applications. The regulation provides inmates, staff, and the public with the required process and forms to apply for the program. CDCR Form 2234-FCRP (Rev. 04/20), Female Community Reentry Program Application and Voluntary Agreement and CDCR Form 2235 (Rev. 07/23) Female Community Reentry Program Screening are incorporated by reference, and copies are made available in this rulemaking. CDCR Form 2234-FCRP is the initial application filed by the inmate, and CDCR Form 2235 is used by the Correctional Counselor to determine eligibility. The forms are necessary to provide a consistent and standardized starting point for inmate applications that have been developed consistent with the criteria of these regulations.

3078.5 Alternative Custody Program Participant Case Management and Supervision is unchanged.

The title of section 3078.6 is amended to rename the section because the department is proposing to adopt provisions regarding EACP in the section. EACP was added to establish provisions for the department to return a participant to prison under the specified circumstances.

Subsection 3078.6(a) is amended to include EACP. Existing regulations only apply to ACP, and the proposed changes include provisions for EACP. EACP was added to establish provisions for the department to return a participant to prison under the specified circumstances. This is consistent with existing regulations regarding ACP and the provisions of PC section 6253(b).

Subsection 3078.6(b) is amended to revise language so that it is applicable to both ACP and EACP. ACP participants are supervised by the Division of Adult Parole Operations (DAPO), and EACP participants are supervised by DRP. Each division is most familiar with the respective participants they supervise and is best qualified to make the decision. The proposed change clearly delineates responsibility for the case conference and decision regarding a participant's return to an institution.

Subsection 3078.6(b)(3) is amended to revise language to current terminology.

Subsection 3078.6(b)(6) is amended to include EACP. Existing regulations only apply to ACP, and the proposed changes include provisions for EACP. EACP was added for consistency with section 3078.3(c)(4), which makes a felony, hold, warrant, or detainer exclusionary.

New section 3078.7 and subsections (a) through (e) are adopted to establish regulations for the CPMP. The proposed regulations are adopted to codify the CPMP into the CCR, in accordance with PC sections 3410 – 3424. Establishing these regulations will provide clarity to staff, inmates, and the public as to the program's general functions. CDCR Form 415-E (Rev. 07/23) Community Participant Mother Program - Recommendation to Board of Parole Hearings for Retention/Return is incorporated by reference and a copy is made available in this rulemaking. The form is utilized if the child(ren) has/have reached six years of age in the CPMP program and requires Board of Parole Hearings (BPH) approval to continue in CPMP. BPH approval is required by PC section 3421.

New section 3078.8 and subsections (a) through (g) are adopted to establish regulations for eligibility criteria for the CPMP. The purpose of the proposed language is to establish regulations in accordance with PC sections 3410-3424 and provide for the eligibility criteria for CPMP. The proposed regulations will provide clarity to staff, inmates, and the public. The CDCR Form 415 (Rev 07/23), Community Participant Mother Program – Application and CDCR Form 415-K (Rev. 07/23) Community Participant Mother Program – Application Screening Worksheet are incorporated by reference into the regulations, and copies are made available in this rulemaking. CDCR Form 415 is used as the initial application for CPMP, and CDCR Form 415-K is used by the Correctional Counselor to screen for case factors that are exclusionary and case factors that require case-by-case review. Forms are required to ensure a standardized and consistent process for program applications.

New section 3078.9 and subsections (a) through (b)(5) are adopted to establish regulations for exclusionary criteria for the CPMP. The proposed language will establish regulations in accordance with PC sections 3410-3424. The proposed regulations will provide clarity to staff, inmates, and the public as to specific case factors that are exclusionary and specific case factors that require a case-by-case review by an ICC which were established based on requirements in PC section 3417.

New section 3078.10 and subsections (a) through (e) are adopted to establish regulations for recruitment for the CPMP. Language is necessary to ensure all inmates in female facilities are made aware of the program and application process, as required by PC section 3415. The proposed regulations clearly delineate specific staff responsible for notifying all female inmates of the availability and application process for the program. CDCR Form 415-D (Rev. 07/23), Community Participant Mother Program – Notification is incorporated by reference into the regulations and a copy is provided in this rulemaking. This form is used to notify the child(ren)'s current caretaker/guardian of the inmate's application for the program. Notice is required by PC section 3420(a) and an objection by the current caretaker/guardian makes an inmate ineligible for CPMP.

New section 3078.11 and subsections (a) through (h) are adopted to establish regulations for processing applications for the CPMP. The proposed language will provide compliance with PC sections 3410-3424. The proposed regulations will eliminate variances between facilities and provide a consistent application process. Language delineates specific staff responsible for each step of the process. Correctional Counselor I and other rank and file staff are covered by a collective bargaining agreement that restricts certain duties. Consequently, specific duties are assigned to specific staff when processing CPMP applications. CDCR Form 415-A, (Rev. 07/23) Community Participant Mother Program – Notice to Child’s Caretaker/Guardian, CDCR Form 415-B, (Rev. 07/23), Community Participant Mother Program – Notice to County Children’s Services, CDCR Form 415-F (Rev. 07/23), Community Participant Mother Program - Determination of Eligibility, CDCR Form 415-H, (Rev. 07/23), Community Participant Mother Program – Authorization and Release, and CDCR Form 415-L, (Rev. 05.23), Community Participant Mother Program – Inmate Placement Agreement are incorporated by reference into the regulations, and copies are provided in this rulemaking. CDCR Form 415-A and CDCR 415-B is used to contact the child(ren)’s current caretaker and local County Children’s Services, respectively, to see if there is any objection to the inmate participating in CPMP. An objection by the current caretaker or County Children’s Services is exclusionary to the program. CDCR Form 415-C is used by the Correctional Counselor to screen for exclusionary case factors. CDCR Form 415-H accompanies the CDCR Form 415-A and CDCR Form 415-B and serves as consent by the inmate to obtain information from the caretaker/guardian and County Children’s Services. CDCR Form 415-L is the inmate's agreement to the program expectations in the CPMP. The forms are required to provide a standardized and consistent method to ensure compliance with the requirements of PC sections 3410-3424.

New section 3078.12 and subsections (a) through (c) are adopted to establish regulations for transfer procedures for the CPMP. Inmate transfers between facilities are normally facilitated through the scheduling department at the Statewide Transportation Unit. However, given the specialty mission of the CPMP, the transfer process is currently overseen by the Women and Children Services Unit (WCSU) within DRP. The proposed language will establish regulations in accordance with PC sections 3410-3424.

New section 3078.13 and subsections (a) through (c) are adopted to establish regulations for a return to institution from the CPMP. The proposed regulations contain provisions for the required case conference and the criteria used to determine retention or return from the program. CPMP is a specialized program that prioritizes the welfare of the child(ren). As such, the Women and Children Services Unit (WCSU) is best equipped to determine if a return to institution is necessary and appropriate. The proposed change also includes a contingency plan as to the custody and care of the child(ren) if the participant is returned to an institution or is otherwise unable to care for them. This will ensure the child(ren) are adequately cared for in this situation. The CDCR Form 415-J (REV. 07/23), Community Participant Mother Program - Child Release Authorization is incorporated by reference into the regulations and a copy is provided in this rulemaking. Form 415-J designates an individual to take custody of the child(ren) in the event the participant is returned to an institution or otherwise no longer able to care for them. By predesignating a caretaker, placement in foster care can be avoided when the participant is unavailable.

Subsection 3375.2(a)(4) is amended to include the language “felony detainer inquiry, or active,” to clarify that a ‘felony detainer inquiry’ or ‘active’ felony hold, warrant, detainer, or the equivalent thereof filed with the department, which is likely to produce a significant period of consecutive incarceration for the inmate, shall prevent an inmate from being housed in a Level I facility without perimeter gun towers. A felony detainer inquiry is a written document generated by the department when there’s probable cause a felony criminal act has occurred. Additionally, the phrase “or be

deported” is being removed from current text as it is no longer applicable; and the phrase “Inmates with a detainer inquiry or active hold based solely on their immigration status, shall not be precluded from placement in any departmental program or service, including security-level housing placement, and DRP community-based re-entry facilities” is added to further clarify that a detainer inquiry or active hold based solely on an inmate’s immigration status shall not obstruct or exclude an inmate from participating in any departmental programs and services, including security-level housing placement, which encompasses both departmental fire camps and minimum support facilities. This language is being clarified to differentiate that a felony hold, warrant or detainer, is different from an immigration hold, warrant or detainer.

Subsection 3379(a)(1) is amended as the department no longer transfers inmates to ICE for the purpose of immigration hearing proceedings, therefore language is removed, as it is no longer applicable.

Section 3630 is repealed in its entirety. This section denied certain privileges and services based upon immigration status and is therefore in conflict with Government Code section 7284.10(b).