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Your Responsibility When Using the Information Provided Below:

When we wrote this Informational Material we did our best to give you useful and accurate information because we know that people in prison often have difficulty obtaining legal information and we cannot provide specific advice to everyone who requests it. The laws change frequently and are subject to differing interpretations. We do not always have the resources to make changes to this material every time the law changes. If you use this pamphlet it is your responsibility to make sure that the law has not changed and is applicable to your situation. Most of the materials you need should be available in your institution law library.

CDCR'S ALTERNATIVE CUSTODY AND REENTRY PROGRAMS
(Updated March 2022)

We are sending you this letter because you asked us about CDCR programs that allow people to serve the last part of their sentences in the community instead of in prison. We hope that this letter will help answer your questions. The information in this letter is from CDCR's website (www.cdcr.ca.gov), the Penal Code, or CDCR's Title 15 regulations.

State law authorizes CDCR to contract with public agencies and private companies to provide reentry programs for people who are nearing their release dates. (Penal Code §§ 6260-6266.) That law gives CDCR broad authority to decide who is eligible for such programs except that CDCR shall not place a person in a reentry program if they would pose an "unreasonable risk to the public," or if they have certain criminal history or prison behavior factors (though CDCR may make exceptions). (Penal Code §§ 6260-6265.)

CDCR has four types of community reentry programs for people serving the last parts of their sentences. These are the Male Community Reentry Program (MCRP), the Custody to Community Transitions Reentry Program (CCTRP), the Alternative Custody Program (ACP), and the Community Prisoner Mother Program (CPMP). Each of these programs has its own eligibility requirements. (Note that CDCR also has reentry programs for people who have finished serving their prison terms and are on parole; those programs are not discussed in this letter.)

Male Community Reentry Program (MCRP)

The Male Community Reentry Program (MCRP) allows some people who are housed in men's prisons to serve the last part of their sentence in the community. As of late February 2022, there were 589 people in the MCRP. MCRP facilities are located in the following counties: Butte (which also serves people from Tehama, Nevada, Colusa, Glenn, Sutter, Placer and Yuba), Kern, Los Angeles, and San Diego. MCRP rehabilitation services may include guidance and support, family reunification, community resources, education, employment, health care services, recovery groups, and housing. People in the MCRP must agree to mandatory electronic monitoring. One day in the MCRP counts as one day of actual time served. People in the MCRP also earn the same credits for good conduct and programming that they would earn in prison.

There are no specific Title 15 regulations about the MCRP. CDCR states that a person can be approved for an MCRP when they are within 32 months of their Earliest Possible Release Date (EPRD), but they will not be transferred until they are within 30 months or less of their EPRD. People with fewer than 60 days left to serve are not eligible for MCRP placement.

Any of the following factors will make a person *ineligible* for MCRP placement:

- the county of last legal residence is not serviced by an MCRP (unless the person is approved for transfer of supervision to a county serviced by an MCRP);
- a sex offender registration requirement, “R” classification suffix, or current or prior conviction for a sexually violent offense;
- a California Static Risk Assessment score of five (high violence);
- a Mandatory Minimum Placement Code for escape or for a walkaway within the last five years;
- an active or potential felony hold;
- an active or potential ICE hold;
- a Division A, B, or C prison rule violation within the last 24 months (except for simple possession of alcohol or drugs);
- being in a Security Housing Unit (SHU) or Psychiatric Security Unit (PSU) within the last 12 months;
- validation as a Security Threat Group I (STG I) member or associate;
- Close Custody classification.

The MCRP is a voluntary program. If you think you are eligible and you are interested in the program, you should notify your counselor to request consideration

Custody to Community Transitions Reentry Program (CCTRP)

The CCTRP allows some people who are housed in women’s prisons to serve the last part of their sentence in the community. As of late February 2022, there were 310 people in the CCTRP. There are CCTRP facilities in San Diego, Santa Fe Springs, Bakersfield, Stockton, Sacramento, and Los Angeles. The CCTRP provides rehabilitation services to assist with alcohol and drug recovery, employment, education, housing, family reunification, and social support. One day in the CCTRP counts as one day of actual time served. People in the CCTRP also earn the same credits for good conduct and programming that they would earn in prison.

There are no Title 15 regulations governing the CCTRP. CDCR states that a person can be placed into the CCTRP if they are within 30 months of their EPRD and have at least 45 days left to serve. Although the CDCR website doesn’t mention ineligibility factors, it is very likely that the ineligibility factors that apply to the MCRP (see above) will be applied in deciding whether someone can be placed in the CCTRP

The CCTRP is a voluntary program. If you think you are eligible and you are interested in the program, you should notify your counselor to request consideration.

Alternate Custody Program (ACP)

A state law says that CDCR “may” offer an Alternative Custody Program (ACP) for people to serve part of their sentence in the community, and sets some eligibility requirements for ACP placements. (Penal Code § 1170.05.) Title 15 regulations also set forth eligibility requirements and rules regarding the program. (15 CCR §§ 3078-3078.6.) The ACP was originally available only to people in women’s prisons, but a federal court ordered CDCR to expand the program to include people in men’s prisons. (*Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223.) As of late February 2022, most people in reentry programs are in the MCRP and CCTRP; there are only 18 people currently in an ACP.

A person in the ACP may live in a private home, a transitional care facility, or a residential drug or other treatment program. People in the ACP are supervised by CDCR parole agents. One day in the ACP counts as one day of actual time served. People in the ACP also earn the same credits for good conduct and programming that they would earn in prison.

A person must have no more than 12 months and no less than 45 days left to serve at the time of the ACP placement.

Any of the following factors will make a person *ineligible* for ACP placement:

- a current conviction for a serious or violent felony;
- a sex offender registration requirement, or a current or prior conviction for a sexually violent offense;
- a history of escape within the past 10 years;
- a California Static Risk Assessment score of five (high violence);
- an active or potential felony or misdemeanor hold;
- an active or potential ICE hold;
- an active restraining order;
- a Division A, B, or C prison rule violation within the last 24 months (except for possession of alcohol);
- validation as an STG-I member or associate;
- Close Custody classification; or
- being in a Security Housing Unit (SHU) or Psychiatric Security Unit (PSU) within the last 12 months;
- Other factors may be considered on a case-by-case basis: past failure to comply with prison or parole rules; current or prior conviction involving child abuse or neglect; current or prior conviction for stalking; current or prior conviction for arson; prior conviction of a serious or violent felony; validation as an STG-II member or associate; prior ACP failure; lack of an appropriate program or housing.

The ACP is a voluntary program. If you think you are eligible and you are interested in the program, you should notify your counselor and ask for a CDCR Form 2234, ACP Application and Voluntary Agreement. When you submit the CDCR Form 2234, you must list at least two places where you would like to live and include an acceptance letter from the program in which you want to be placed.

Community Prisoner Mother Program (CPMP)

A state law says that CDCR shall establish a community program for mothers with young children, setting forth eligibility requirements. (Penal Code §§ 3410-3424.) CDCR states that it has a Community Prisoner Mother Program (CPMP) in which some mothers may serve their sentences living with their children in a community facility, but there are no Title 15 regulations about the program. The CDCR website states that there is a 24-bed CPMP facility in Pomona that provides rehabilitation services for mothers and pediatric services for children. However, as of late February 2022, CDCR no one was actually housed in the CPMP.

To be eligible for the CPMP, a person must:

- have one or two children under the age of six (born either before or after arrival in CDCR) or be pregnant (Note: If a child in the CPMP turns six years old, the BPH may send the child to be cared for somewhere else and transfer the mother to prison. In exceptional cases, a mother and child may be allowed to stay in the CPMP after the child is six years old);
- have been the primary caretaker of those children born prior to incarceration, and must not have been found to be an “unfit mother”; and
- have a maximum of six years left to serve before their EPRD;

Any of the following factors will make a person *ineligible* for CPMP placement:

- the placement would pose an unreasonable risk to the public;
- a sex offender registration requirement;
- a violent felony conviction (except people convicted of robbery or “hot prowler” first-degree burglary may be considered on a case-by-case basis);
- an arson conviction;
- a probability the person will abscond from the program due to escape history or a criminal hold (other than a traffic misdemeanor); or
- a probability that the person will be a management problem as show by prior removal from the CPMP, prison rule violations, or the opinion of a physician or to psychiatrist;
- other factors may be considered on a case-by-case basis: conviction for drug crime involving large scale sale, possession for sale, manufacture, or transportation; an ICE hold.

The CPMP is a voluntary program. If you think you are eligible and you are interested in the program, you should notify your counselor to request consideration.

If you have problems getting prison officials to consider you for community placement or if you believe you have been unfairly denied a community placement, you should file a CDCR Form 602-1 grievance and (if necessary) a Form 602-2 appeal. If the issue concerns a disability, you should file your grievance on a CDCR Form 1824. You can also file an administrative grievance and appeal if you are placed in a community program and have complaints about the conditions or if you are unfairly removed from a community program. A free manual on how to prepare an administrative grievance is available from the Prison Law Office or on the Resources page at www.prisonlaw.com.

If you pursue an administrative grievance and appeal and are not satisfied with the result, you may send a copy of your grievance and responses to the Prison Law Office. The Office attorneys will determine whether we can provide you with additional information or assistance.