

SB 219: Alternative Custody Program

Senator Carol Liu, 25th District

As introduced February 12, 2015

SUMMARY

SB 219 (Liu) addresses concerns with the implementation of the Alternative Custody Program (ACP) for female offenders. Since ACP was implemented in September of 2011 approximately 7,200 applications have been submitted. Of those applications, only 460 offenders have been approved for Alternative Custody.

As of February 11, 2015 the population at the Central California Women's Facility was at 168.8% capacity, the highest percentage of overcrowding at any California correctional facility for men or women. Though a smaller percentage of the overall prison population, women are also experiencing the effects of California's over populated jails and prisons.

BACKGROUND

The Alternative Custody Program was established by SB 1266 (Liu) in 2010 and was intended to offer more appropriate rehabilitative settings to incarcerated female offenders and inmates who were primary caregivers. The program, predating AB 109, at its inception was designed for the approximately 4,500 low-level women offenders then incarcerated that could be eligible for placement in secure, community-based programs without risking community safety (National Council on Crime and delinquency (NCCD), 2006).

SB 1266 (2010, Liu) authorized the Secretary of CDCR to assign alternative custody arrangements to individuals on a voluntary basis that met the following criteria:

- *No current or prior* convictions of a violent, serious or sex crime;
- Determined by an assessment to be low risk; and
- Women, pregnant inmates, and primary caregivers of dependent children.

In 2012 the program was amended to include only female inmates and consider only the inmate's current conviction.

Alternative Custody includes:

- Confinement to a residential home.
- Confinement to a residential drug or treatment program.
- Confinement to a transitional care facility.
- Use of electronic monitoring, GPS, or other supervising devices.

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SOLUTION

The bill clarifies that existing medical and psychiatric conditions are not a basis for excluding an inmate from the Alternative Custody Program. Further, it establishes a timeline for the application review and appeal processes as well as release. The bill also requires the Secretary or his/her designee to assist participants in obtaining Medi-Cal or private insurance coverage.

SUPPORT

Californians United for a Responsible Budget (Sponsor)

Justice Now (Co-Sponsor)

OPPOSITION

None on File

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