

Convictions Alternative Program (CAP)

What is this program?



CAP is a program for newly charged defendants whose substance use contributed to the commission of their charged offense

Who is it for?



Moderate to High risk and needs defendants with substance abuse issues

Goal of Program



A reduced likelihood of program participants committing a new crime and the expenditure of fewer public resources as a result of decreased incarceration costs

How Long is the Program?



12m-18m

What are the Qualifiers?



Out of custody defendant with Personal Risk and Criminogenic Need factors such as:

- Age
- Early onset of substance use or delinquency,
- Prior attempts at treatment or rehabilitation,
- Chronic medical conditions,
- Functional impairments,
- Prior felony convictions.

What are the Disqualifiers?



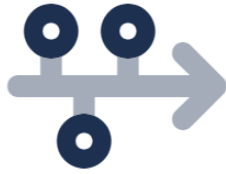
- Defendants charged with a sex-offense;
- Defendants who are non-English speakers;
- Defendants who reside out of the Northern District of California;
- Defendants in immigration custody.

What are the Successful Outcomes?



Dismissal of charges (only with USAO approval) or a non-custodial sentence of probation or supervised release

Steps and Timeline to Program Entry



① Defendant released on bond is screened by Pretrial Services to determine program eligibility and fit (within first 60 days) ② Pretrial informs Prosecution and Defense of eligibility to allow parties to confer regarding entry into CAP with or without a plea agreement. (up to 60 days) ③ Prosecution and Defense confer regarding entry with or without plea agreement.

- If plea agreement: ④ final CAP assessment (up to 60 days) ⑤ entry of plea ⑥ referral to CAP program ⑦ interview by CAP team for program entry
- If no plea agreement: ④ open plea to all counts ⑤ final CAP assessment (up to 60 days) ⑥ court determines whether referral to CAP program ⑦ interview by CAP team for program entry.

What Happens in the Program?



Participants meet at least 2 times a month in regular meetings with the CAP team and other participants in their venue. The team includes judges, pretrial services officers, AUSA, AFPD, a Federal Collaborative Courts Coordinator and treatment professionals.

What Happens if Participant is Successful?



A Presentence Report is prepared by the Probation Office and the participant is sentenced by the CAP judge with representation by their assigned defense attorney. Sentencing proceeds at a standard court appearance with a separate CAP graduation acknowledgment and party to follow.

What Happens if Participant is Unsuccessful?



A Presentence Report is prepared by the Probation Office and the participant is sentenced by the CAP judge with representation by their assigned defense attorney. Sentencing proceeds at a standard court appearance. At the judge's discretion, a former participant may have a deferred sentencing. Participants who entered with a plea agreement may be subject to a minimum term of custody.

More Questions?



<https://www.cand.uscourts.gov/about/court-programs/cap-frequently-asked-questions/>