



San Francisco Sheriff's Department

Alternative Program Eligibility Chart Guidelines

DISQUALIFIERS	EXPLANATIONS	
290 Registrant	A person charged with or a conviction of a sex offense requiring 290 registration is in general not eligible. Misdemeanor charges may be referred to the Unit Commander, but all felony convictions must be approved by the Sheriff with a court order.	
3056 – Parole Violation Commitment (PVC)	A felon found to be in violation of the terms and conditions of their paroled release from the California State Prison system and sentenced to County Jail to complete the revocation time is not eligible.	
3454(b) – Flash Incarceration	A period of detention in county jail due to a violation of an offender's conditions of post-release community supervision, up to a maximum of ten days	
CDC/ICE/Out-of-County Holds <i>ONLY</i>	Any person whose local charges have been adjudicated and has a holds from another jurisdiction is not eligible.	
Current Charge of an Ineligible Offense <i>OR</i> Conviction of Ineligible Offense in Past 5 Yrs	Any crime that falls into the following: 667.5 PC (List of Violent Felonies), 1192.7 PC (List of Serious Felonies), Sex Offense, AB109 Exclusionary List, Community Programs Ineligible List	
QUALIFYING CATEGORIES	TYPE OF PROGRAM	EXCEPTIONS/COMMENTS
1170(h)(A) – Straight Jail Time	EM with a case management plan approved by the EM vendor and sworn supervisor.	Individuals who meet Alternative Programs Eligibility Criteria shall be reviewed when they have 9, 6 and 3 months left on their sentence.
1170(h)(B) – Split Sentence w/Mandatory Supervision by Probation	EM, SWAP, Community Programs (5KCS, NoVA, PREP, SRP, TOD, WRC)	Eligibility for Community Programs is dependent upon a consultation with APD and a review of the prisoner's risk assessment and treatment plan.
1203.2 – Mandatory Supervision Revocation, Probation Revocation or PRCS Revocation by Probation	EM, SWAP, Community Programs (5KCS, NoVA, PREP, SRP, TOD, WRC)	Eligibility for Community Programs is dependent upon a consultation with APD and a review of the prisoner's risk assessment and treatment plan.
In-Custody & Out-of-Custody	EM, SWAP, Community Programs (5KCS, NoVA, PREP, SRP, TOD, WRC)	Must meet Community Programs Eligibility Criteria
Pre-Sentenced	Pre-Trial Electronic Monitoring (PTEM)	Court order required for eligibility as a condition of OR only or per 1203.018 PC
EXCEPTIONS	EXPLANATIONS	
<i>HEIGHTENED SCRUTINY ELIGIBLE</i>	Circumstances where eligibility for participation in an alternative community program would require a higher level of review for placement and requires more intensive supervision after placement; Court ordered placements for in and out of custody individuals	
<i>COURT ORDERS</i>	A court order must be issued for any instance a judge wants to send a defendant to a program in which the defendant does not otherwise meet the eligibility criteria set forth by the SFSD.	

FILE NO. 151200



**San Francisco Sheriff's Department
Appendix A - Alternative Programs Ineligibility List**

Including: AB109 Crime exclusion list, 1192.7 and 667.5 PC and Administration and Programs Division

PROVISION	TYPE	DESCRIPTION	NEW PROVISION
37	Ineligible Charges per 1192.7 PC	Treason	
128	Ineligible Charges per 1192.7 PC	Perjury Resulting in Capital Punishment	
136.1	Ineligible Charges per 1192.7 PC	Intimidation of Witness	
166	Community Programs Ineligible List	Contempt of Court	
182	Ineligible Charges per 1192.7 PC	Conspiracy to Commit a Crime Listed in this Section	
186.11	AB 109 Exclusionary List	Felony convictions with a Penal Code Section 186.11 Enhancement	
186.22	Ineligible per 1192.7 / AB 109	Criminal Gang Activity (Any Felony Which Would Also Constitute a Felony Violation of this Section)	
186.26	AB 109 Exclusionary List	Street Gang Activity	
186.33	AB 109 Exclusionary List	Gang Registration Violation	
187	Ineligible per 1192.7 PC / 667.5 PC	Murder	
191.5(c)	AB 109 Exclusionary List	Vehicular Manslaughter while Intoxicated	
192(a)	Ineligible per 1192.7 PC / 667.5 PC	Voluntary Manslaughter	
203, 205	Ineligible Charges per 1192.7 PC	Mayhem	
206	Community Programs Ineligible List	Torture	
207, 208, 209 (all subsections), 209.5	Ineligible per 1192.7 PC / 667.5 PC	Kidnapping	
211, 212.5	Ineligible per 1192.7 PC / 667.5 PC	Any Robbery, including Bank Robbery	
215, 215(a)	Ineligible per 1192.7 PC / 667.5 PC	Carjacking	
217.1	Community Programs Ineligible List	Assault on P.O.	
218	Community Programs Ineligible List	Causing a Train Wreck	
220	Ineligible per 1192.7 PC / 667.5 PC	Assault with Intent to Commit Mayhem, Rape, Sodomy, or Oral Copulation	
222	AB 109 Exclusionary List	Administering Stupefying Drugs to Assist in the Commission of a Felony	
243.4	Community Programs Ineligible List	Sexual Battery	



Appendix A - Alternative Programs Ineligibility List

PROVISION	TYPE	DESCRIPTION	NEW PROVISION
243.7	AB 109 Exclusionary List	Battery Against a Juror	
243.9	AB 109 Exclusionary List	Gassing of a Peace Officer or Local Detention Facility Employee	
244	Ineligible Charges per 1192.7 PC	Throwing Acid or Flammable Substance	
245(a)(1)	Ineligible Charges per 1192.7 PC	Only if Assault with Deadly Weapon	
245(a)(1)	ineligible Charges per 1192.7 PC	Assault with Force Likely to Commit Great Bodily Injury	245(a)(4)
245(b)	Ineligible Charges per 1192.7 PC	Assault with Semi-Automatic Firearm	
245(c)	Ineligible Charges per 1192.7 PC	Assault with Deadly Weapon on a Peace Officer	
245(d)	Ineligible per 1192.7 PC / AB 109	Assault with Deadly Weapon on a Peace Officer	
246	Ineligible Charges per 1192.7 PC	Discharge of a Firearm at an Inhabited Dwelling, Vehicle, or Aircraft	
261 (all subsections), 262	Ineligible per 1192.7 PC / 667.5 PC	Rape	
262	Ineligible Charges per 667.5 PC	Spousal Rape	
264	Ineligible Charges per 667.5 PC	Rape in Concert with Another	
264.1	Ineligible Charges per 1192.7 PC	Commission of Rape or Sexual Penetration in Concert with Another Person	
266	Community Programs Ineligible List	Sexual Enticement of Minors	
266a	AB 109 Exclusionary List	Abduction or Procurement by Fraudulent Inducement for Prostitution	
266e	AB 109 Exclusionary List	Purchasing a Person for Purposes of Prostitution or Placing a Person for Immoral Purpose	
266h	AB 109 Exclusionary List	Sale of a Person for Immoral Purposes	
266i	AB 109 Exclusionary List	Pimping and Pandering of a Minor	
266j	AB 109 Exclusionary List	Procurement of a Child under the age of 16 for Lewd or Lascivious Acts	
272(b)	AB 109 Exclusionary List	Persuading, Luring, or Transporting a Minor under 13	
273	Community Programs Ineligible List	Receiving Funds for Adoption of Child	
273a	AB 109 Exclusionary List	Felony Child Abuse likely to Produce Great Bodily Injury or Death	
273ab	AB 109 Exclusionary List	Assault resulting in the Death of a Child under the age of 8	



Appendix A - Alternative Programs Ineligibility List

PROVISION	TYPE	DESCRIPTION	NEW PROVISION
273.5	AB 109 Exclusionary List	Felony Domestic Violence	
286(c)(2)	Ineligible Charges per 1192.7 PC	Sodomy by Force, Duress, Violence, Menace, Threat, or Fear	
286(c)(3)	Ineligible Charges per 1192.7 PC	Sodomy by Force, Duress, Violence, Menace, Threat, or Fear	
286(d)	Ineligible per 1192.7 PC / 667.5 PC	Sodomy in Concert with Another	
288(all subsections)	Ineligible Charges per 667.5 PC	Sodomy	
288(a)	Ineligible per 1192.7 PC / 667.5 PC	Lewd or Lascivious Acts with Minor under 14	
288a(c)	Ineligible Charges per 667.5 PC	Oral Copulation with a Minor Under 14	
288a(c)(2)	Ineligible Charges per 1192.7 PC	Oral Copulation by Force, Violence, Duress, Threat, or Fear	
288a(c)(3)	Ineligible Charges per 1192.7 PC	Oral Copulation by Force, Violence, Duress, Threat, or Fear	
288a(d)	Ineligible per 1192.7 PC / 667.5 PC	Oral Copulation by Force, Violence, Duress, Threat, or Fear	
288(b)(1)	Ineligible Charges per 667.5 PC	Lewd or Lascivious Acts with Force, Violence, Duress, Menace, or Fear	
288.5	Ineligible per 1192.7 PC / 667.5 PC	Continuous Sexual Abuse of a Child	
289(a)(1)	Ineligible per 1192.7 PC / 667.5 PC	Forcible Acts of Sexual Penetration	
289(a)(2)	Ineligible Charges per 1192.7 PC	Forcible Acts of Sexual Penetration	
289(j)	Ineligible Charges per 667.5 PC	Sexual Penetration with a Minor Under 14	
290	Community Programs Ineligible List	Registration of Sex Offender	
347	AB 109 Exclusionary List	Poisoning or Adulterating Food, Drink, Medicine, Pharmaceutical Products, Spring, Well, Reservoir, or Public Water Supply	
368	Community Programs Ineligible List	Crimes Against Dependant Adults	
368b	AB 109 Exclusionary List	Felony Physical Abuse of an Elder or Dependant Adult	
417(c)	AB 109 Exclusionary List	Brandishing a Firearm in the Presence of a Peace Officer	
417.8	AB 109 Exclusionary List	Brandishing a Firearm or Deadly Weapon to Resist or Avoid Arrest	
422	Ineligible Charges per 1192.7 PC	Criminal Threats	
422.55	Community Programs Ineligible List	Hate Crimes	
451, 451.5	Ineligible Charges per 1192.7 PC	Arson	



Appendix A - Alternative Programs Ineligibility List

PROVISION	TYPE	DESCRIPTION	NEW PROVISION
451(a)	Ineligible Charges per 667.5 PC	Arson that Results in Great Bodily Injury (GBI)	
451(b)	Ineligible Charges per 667.5 PC	Arson of an Inhabited Structure of Property	
452	AB 109 Exclusionary List	Unlawfully causing a Fire that causes an Inhabited Structure or Inhabited Property to Burn	
459, 460	Ineligible per 1192.7 PC / 667.5 PC	First Degree Burglary	
487(d)(2)	Ineligible Charges per 1192.7 PC	Grand Theft of Firearm	
518, 186.22	Ineligible Charges per 667.5 PC	Extortion	
646.9	AB 109 Exclusionary List	Felony Stalking	
653f(b)	AB 109 Exclusionary List	Solicitation of Murder	
664.187	Ineligible Charges per 667.5 PC	Attempted Murder	
2800.2	AB 109 Exclusionary List	Evading a Peace Officer by Driving in a Willful or Wanton Disregard for the Safety of Person or Property	
2800.3	AB 109 Exclusionary List	Evading a Peace Officer Causing Death or Serious Bodily Injury	
4131.5	Community Programs Ineligible List	Battery Upon Person Not Confined	
4500, 4501	Ineligible Charges per 1192.7 PC	Assault by a Life Prisoner or Non-Inmate	
4501.1	Community Programs Ineligible List	Aggravated Battery - Gassing	
4503	Ineligible Charges per 1192.7 PC	Holding Person Hostage by Prisoner	
4532	AB 109 Exclusionary List	Escape	
4535	Community Programs Ineligible List	Aiding a Prisoner's Escape	
4573	Community Programs Ineligible List	Bringing Controlled Substances to jail	
4574	Community Programs Ineligible List	Bringing Weapons to Jail	
4600	Community Programs Ineligible List	Destroying Jails	
11353	AB 109 Exclusionary List	Employment of a Minor to sell Controlled Substances	
11353, 11380	Ineligible Charges per 1192.7 PC	Selling PCP, Cocaine, or Methamphetamine or Precursors to Minors	
11354	AB 109 Exclusionary List	Employment of a Minor to sell Controlled Substances	
11361(a)(b)	AB 109 Exclusionary List	Employment of a Minor to sell Marijuana	
11370.1	AB 109 Exclusionary List	Possession of a Controlled Substance while Armed with a Firearm	
11380(a)	AB 109 Exclusionary List	Use of a Minor to Transport/Possess for Sale	



Appendix A - Alternative Programs Ineligibility List

PROVISION	TYPE	DESCRIPTION	NEW PROVISION
11418(b)(all subsections)	Ineligible per 1192.7 PC / 667.5 PC	Use of Weapons of Mass Destruction Against People	
11418(c)	Ineligible per 1192.7 PC / 667.5 PC	Use of Weapons of Mass Destruction Against Natural Resources	
12020	Community Programs Ineligible List	Supply Weapons to Jail	
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Hand Grenades	19200(a)
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Air Gauge Knife	20310
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Belt Buckle Knife	20410
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Cane Sword	20510
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Lipstick Case Knife	20610
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Shobi-Zue	20710
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Writing Pen Knife	20910
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Ballistic Knife	21110
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Metal Knuckles	21810
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Nunchaku	22010
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon	22210
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Shuriken	22410
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Camouflage Firearm Container	24310
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Cane Gun	24410
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Unrecognizable Firearm	24510
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Undetectable Firearm	24610
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Wallet Gun	24710
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Flechette Dart	30210(a)
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Bullet with Explosive Agent	30210(b)
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Unconventional Pistol	31500
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Multi-Burst Trigger Activator	32900
12020(a)(1)	Community Programs Ineligible List	Possession of a Deadly Weapon: Short-Barreled Rifle/Shotgun	33215