



March 19, 2010

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United States Sentencing Commission
One Columbus Circle N.E., Suite 2-500
Washington D.C. 20002- 8002
Attn: Public Affairs Officer Michael Courlander

Dear Mr. Courlander:

The Center for Alternative Sentencing and Employment Services, Inc.(CASES) is submitting the attached statement in response to the Commission's request for comments on whether defendants with mental or emotional conditions should be eligible for treatment programs as an alternative to incarceration.

CASES is the oldest and largest provider of alternative to incarcerations programs in New York State. We run a unique and very successful program in which mentally ill felony offenders are diverted from incarceration. The attached comment is a brief statement about this work; we would be happy to provide more information to the Commission about our experience in this field.

Very truly yours,



Joel Copperman

YOUTH Court Employment Project | GirlRising | Choices | Community Prep High School | Learning To Work / GED Program

CRIMINAL COURT Day Custody Program | Treatment Readiness Program | Staten Island Community Service Project

MENTAL HEALTH Nathaniel ACT Team | Nathaniel Supported Housing | Transitional Case Management Program

PAROLE RESTORATION PROJECT

Statement of

JOEL COPPERMAN

CEO / President

Center for Alternative Sentencing and Employment
Services

to the

United States Sentencing Commission
on the

Proposed Amendments to the Federal Sentencing
Guidelines

March 19, 2010

*The Commission requests comment on whether
defendants with a condition other than drug
addiction, such as mental or emotional condition,
should be eligible for treatment programs as an
alternative to incarceration.*

Since 2000, the Center for Alternative Sentencing and Employment Services, Inc. (CASES), a New York State private, non-profit corporation, has operated a felony diversion program for adults with serious and persistent mental illness. The program has resulted in greatly reduced recidivism, increased stability for the defendants in our program and substantial savings for the State of New York by avoiding the cost of prison. Based on our experience, we urge the Commission to consider providing Federal judges with the option to sentence mentally ill defendants to alternative to incarceration programs that are evidence-based, carefully designed and service rich.

The CASES' program, the "Nathaniel ACT Team," works with defendants who were arrested in Manhattan and indicted on felony charges pending in New York State Supreme Court, including crimes of violence and sexual offenses¹. To be eligible, the defendants must be facing a likely prison term. Many of them, because of prior criminal convictions, are subject to mandatory prison sentences under New York State's sentencing statutes and are referred to the Nathaniel ACT Team only after the District Attorney's office agrees that it will reduce or dismiss the charges following successful program completion. Defendants must also meet mental health criteria indicative of serious and persistent mental illness: they must have a diagnosed mental, behavioral or emotional disorder of sufficient duration to meet diagnostic criteria that has resulted in functional impairments that substantially interfere with or limit one or more major life activities. The Court mandates the defendants to the program for a two-year period, generally after they have entered a guilty plea, and defers their sentences while they are in the program. Despite their extensive criminal records and severe mental illness, only a very small percentage of the successful Nathaniel ACT Team participants re-offend: just 6% have a new felony conviction within four years of program intake.

The Nathaniel ACT Team is licensed by the New York State Office of Mental Health as an "Assertive Community Treatment (ACT)" team, which is an evidence-based approach designed to provide comprehensive treatment, rehabilitation and support. The Project is non-residential; instead, these individuals are supervised intensively in the community by a team of clinicians who have training and experience in psychiatry, mental health, nursing, social work, substance abuse treatment, peer support, employment

¹ During the period July 1, 2007 through June 30, 2009, the top indicted charges were as follows: 36% robbery, 21% assault (or other harm to persons), 20% drugs, 9% property crime, 5% weapons and 9% "other."

and criminal justice. Virtually all of the defendants are held in detention at the initial point of program intervention. Most are unable to make bail; others were remanded as mentally incompetent at a preliminary stage of the criminal proceedings, and were returned to Court after becoming stable, generally on medication. Nathaniel ACT Team clinicians initially meet with these defendants in jail, and over a series of meetings, assess their needs and suitability for the program. If defense counsel supports this alternative sentence for his or her client, Nathaniel ACT Team staff help advocate for participation in the program with judges and prosecutors, addressing their specific concerns regarding each defendant.

The first 90 days in the program, during which the participants transition from incarceration to life in the community, demand intensive staff involvement. Staff aids the participants in obtaining Medicaid and other entitlements, accompanying them to all appointments, taking them for physical examinations and monitoring them closely to make sure that they are avoiding illegal activity, are compliant with their medication and are appearing at the program and in Court. The ACT team continues to provide treatment and services, including medication support and management, individual and group therapy, health services and continuous risk assessment, 24 hours per day / 7 days per week, for the two year period and sometimes beyond. Having learned that housing is a key component of stability for these individuals, many of whom were formerly homeless, CASES rents apartments that serve as transitional residences for approximately 25% of the participants. Staff works with defendants during regular home visits to help them develop independent living skills and prepare them for the transition to permanent housing placements. The staff also visits those who are housed with other supported

housing providers or with family, and work diligently to make sure the housing situation is stable and positive. The Nathaniel ACT Team also provides participants with job placements, where appropriate, and satisfies individual needs as they arise, whether they are for educational services, social activities or grief counseling. During the entire deferred sentence period, staff report to the Court regularly on each participant's progress and treatment.

While there are other ACT teams in New York State, and the model is recognized nationally, the Nathaniel ACT Team is the only ACT team in New York State that works exclusively with individuals who are accused of serious crime. We are anxious to share our experience with the Commission, because we have learned that this very challenging population is able to maintain a high level of stability and a productive lifestyle in the community. Most importantly, from the standpoint of public safety, the low recidivism rate for successful participants makes this an option that should be considered.

CASES' Nathaniel ACT Team was named after a homeless man whose mental illness went untreated for fifteen years as he cycled in and out of the criminal justice system. Based on our experience, we believe the best solution for many mentally ill offenders is not simply better treatment in prison. We urge the Commission to adopt a sentencing option for mentally ill offenders that encompasses an alternative to incarceration.

We would be pleased to answer any questions that you may have about our work and welcome Commission members and Commission staff to see our program and meet with Nathaniel ACT Team clients and CASES staff.