



National Association of Pretrial Services Agencies

October 13, 2022

Honorable Carlton W. Reeves
Chair
United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, D.C. 20002-8002

Re: Proposed 2022-2023 Priorities

Dear Judge Reeves:

The Board of Directors of the National Association of Pretrial Services Agencies (NAPSA) urge the Sentencing Commission to consider court-sponsored diversion and alternatives to incarceration programs as priorities for calendar years 2022-2023. These topics are of considerable importance to NAPSA's membership and have been identified as a proposed priority by the Sentencing Commission for the 2022-2023 amendment cycle.

NAPSA is a professional organization dedicated to advancing the best promising practices related to pretrial release and diversion nationwide. As such, we strive to provide members, as well as pretrial stakeholders, with support and guidance representing the latest legal and evidence-based practices grounded in science. Our membership is comprised significantly of federal officers and executives, many of whom are seeking guidance on diversion and alternative to incarceration (ATI) practices. At present, there are over 50 diversion or ATI programs in the federal pretrial system that are operating without formal policy or guidance from the U.S. Sentencing Commission, the U.S. Judicial Conference, or the Administrative Office of the U.S. Courts. Thus, the policies and practices of these programs exist without any common operating procedures, definitions, or populations.

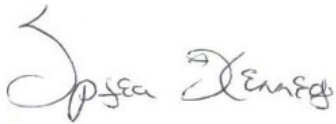
The research on diversion programs indicate that properly designed and administered programs can significantly help reduce recidivism, thereby making for safer communities. They can also conserve precious criminal justice resources for other matters better suited to traditional court processing. Further, diversion programs can change lives by targeting individually tailored risk and needs for defendants and prevent further entry into the criminal justice system.

To date, there is no standardized method in the federal system to collect data on diversion and ATI programs, nor track and study their outcomes. A recent study on federal ATI programs published by John Jay in collaboration with 13 federal districts established protocols for such a system.¹ This has laid the groundwork for the U.S. Sentencing Commission to develop a much-needed national level model that provides sound empirical data collection and analysis.

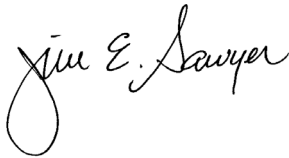
We believe that pretrial justice stakeholders cannot have a meaningful discussion regarding reducing mass incarceration without considering the impact of unnecessary pretrial detention. The research is clear that defendants who are detained pretrial are convicted at a greater rate, receive more incarcerative sentences, receive longer incarcerative sentences, and recidivate at a greater rate once released. The U.S. Sentencing Commission is uniquely situated to help educate federal court stakeholders on the evidence in this regard and how it applies to federal sentencing practice.

Thank you once again for the opportunity to provide input on this critically important priority. We stand ready to assist in the effort in any way possible.

Respectfully,



Spurgeon Kennedy, President



Jim Sawyer, Executive Director

¹ Baber, Laura, Kevin Wolff, Jonathan Muller, Christine Dozier, and Roberto Cordeiro, 2021, *Federal Probation Journal*, 85(3), 1-13.