



October 6, 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: Public Affairs – Priorities Comment

Dear Judge Reeves:

I welcome this opportunity to comment on one of the proposed priorities announced by the Sentencing Commission for the 2022-2023 amendment cycle, specifically the “multiyear study of court-sponsored diversion and alternatives-to-incarceration programs..., including consideration of possible amendments to the Guidelines Manual that might be appropriate.”

The U.S. Pretrial Services Office in the Eastern District of New York (EDNY) assists the Court in the supervision of two alternative-to-incarceration (ATI) programs, the Pretrial Opportunity Program (POP), and the Special Options Services Program (SOS). The POP, implemented in 2012, is intended for defendants who possess a documented history of drug addiction and who demonstrate a readiness to seek help and live a drug free lifestyle. The SOS program, established in its current form in 2013, targets non-violent young adult defendants up to the age of twenty-five. The typical SOS candidate may have experienced significant childhood trauma and is in high need of supportive services and structure in their lives.

To date, EDNY’s ATI programs have successfully graduated 112 participants and the majority have received a significant reduction in sentencing or a dismissal/deferred prosecution. While in the program, these individuals have demonstrated continued sobriety and meaningful progress in obtaining education and securing employment. They also reestablished supportive social networks and, in many cases, gained financial independence. Recent studies<sup>1</sup> of federal ATI programs have

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<sup>1</sup> Baber, L., Wolff, K., Muller, J., Dozier, C., & Cordeiro, R. (2021). Expanding the Analysis: Alternatives to Detention across 13 Federal Districts. *Federal Probation*, 3-13.

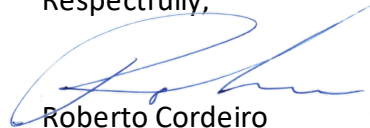
Wolff, K., Baber, L. M., Dozier, C.A., & Cordeiro, R. (2019). Assessing the efficacy of alternatives to incarceration within seven federal districts. *Justice Evaluation Journal*, 3(1), 1-27 – September 2019.

shown relative success in short-term outcomes such as new criminal arrests, failures-to-appear, and other violations of court-ordered conditions of release. The data also presents favorable results for ATI participants, when compared to matched defendants who did not participate in a program, in illicit drug use and employment.

During the last ten years, ATI courts have continued to expand in the federal system. Currently, there are more than fifty front-end courts dedicated to pretrial defendants. The Commission's proposal to launch a multiyear study is instrumental to ensure that the continued development of these programs is done in the most evidence-based manner. These individual programs need systemic support and ongoing research to improve their efforts in reducing recidivism and to offer community-based alternatives to incarceration. Furthermore, the Commission ought to consider allowing greater judicial discretion over sentencing outcomes for defendants who demonstrate successful completion of an alternative to incarceration program.

Thank you for the opportunity to offer these recommendations.

Respectfully,



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