

7. How often do participants attend court progress hearings?

The timing of the progress hearings are determined in consultation with the judge and prosecutor. We recommend that the first progress hearing take place one month after release. The timing of subsequent hearings is determined after review of the comprehensive progress report submitted by the program.

8. How long does the program last? Does the time vary depending on how well or poorly the defendant is doing?

Nathaniel ACT is a two-year, alternative-to-incarceration program. There have been some exceptions when prosecutors have recommended shorter or longer periods of court monitoring. We submit comprehensive progress reports at the progress hearings and the judge determines how long the court monitored participation should continue, based on the participant's status in the program. After sentencing, participants remain in the program until the team arranges after-care services. The team then monitors participants for an additional three months to confirm that they are engaged in the new services.

9. What determines whether or not a client is successful or fails? Is there any status between the two?

The ACT program will recommend a participant for sentencing when the individual has completed two years of treatment services and has secured and maintained stability in housing and community living. The team may need to adjust the treatment plan when a participant continues to struggle with substance use; this is one of the main reasons for an extension of program participation. Participants fail the program when they discontinue or refuse services, are incarcerated for a lengthy period and so cannot benefit from services, or cannot live safely in the community.



CASES

NATHANIEL ACT TEAM

FAQs - Prosecutors



CASES

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1. How is eligibility determined? What criteria, and by what process?

We conduct a series of comprehensive psychosocial, medical, and risk assessment interviews to determine whether the defendant: (a) has a serious and persistent mental illness; (b) meets other ACT admission criteria; and, (c) is suitable for community treatment and supervision. During this process the ACT intake specialist and psychiatrist interview the defendant, review medical records and records of arrest and prosecution, and contact collateral sources such as family and community providers. We assess current mental health status, past psychiatric treatment history, risk factors, substance abuse history, health status, housing status, family supports, offending history, and motivation to engage in treatment. The case is reviewed by CASES' Director of Mental Health Programs and the ACT Team Leader before a decision is made to admit the defendant to the ACT Team. For a list of eligibility criteria, please see the brochure.

2. Is the ACT program inpatient or outpatient?

Both. The ACT Team secures placements for participants in both residential (congregate) and supportive mental health settings located throughout the City. Some live in 24-hour supervised congregate residences, others with family, and some alone. The staff ensures that participants are placed in the most appropriate setting based on their need and a thorough assessment of risk. On the day of release, the majority of participants are placed into 24-hour supervised settings until they demonstrate the ability to live and function safely in the community. During this period, the ACT staff escorts them to appointments and provides services where they live. Participants remain in residential (congregate) housing as long they continue to need these supports; however, participants are also helped to develop the skills necessary for moving to less structured types of housing.

3. Can I recommend that the defendant should go to a locked facility or residential program?

There are no locked mental health residences or housing programs in NYC. Upon release, Nathaniel ACT participants are typically placed in 24-hour supervised congregate mental health residences where they are closely monitored. Initially, participants are not permitted to leave the residence without an ACT staff escort; however, residential staff may not restrain a resident determined to leave on his own. Our mobile ACT team will attempt to locate a participant who leaves a residence unescorted. Frequent contacts, close monitoring of medication compliance, and a staff trained in successfully engaging new participants in treatment make this an infrequent occurrence. Once safely established in housing, our focus is on teaching participants living skills needed to maintain psychiatric stability, independence and stable housing.

4. How do you guarantee medication compliance?

Each participant has a medication management plan. Medication compliance is part of the individual case review that takes place daily in the ACT team meeting. The level of medication supervision is determined by the team and ranges from daily observation to independent compliance. Participant who are subject to civil Assisted Outpatient Treatment (AOT) orders cannot refuse medications. The program psychiatrist is able to prescribe long lasting, injectable, antipsychotic medications. The program psychiatrist and team members closely monitor side effects to ensure that medication compliance is not reduced by negative reactions to prescribed regimens.

5. What are the program's outcomes?

CASES has provided alternative-to-incarceration services to felony offenders with mental illness since 2000, serving over 235 participants.

- 63% of all defendants with mental illness who have been released to complete a two-year ATI program at CASES successfully completed or are still active in the program.
- 72% of participants receiving Nathaniel ACT Team services between 2003 and 2006 had no subsequent arrests, and 82% had no further criminal convictions, during a study period that averaged 19 months directly following their release to CASES.

6. What are the conditions of the plea agreement?

Nathaniel ACT requirements:

- Participation in ACT mental health and rehabilitation services
- Compliance with prescribed medications
- Compliance with housing program rules
- Authorization for the Release of Health Information Pursuant to HIPAA

Prosecutor requirements:

- Waiver of right to appeal
- Details of the sentence to be imposed if defendant absconds
- Details of the sentence to be imposed if defendant is unsuccessful
- District Attorney's recommendation upon successful completion of ACT services
- Statement that nothing in the agreement should be construed to deny the defendant the rights accorded under the Mental Hygiene Law

Please contact us if you would like a sample plea agreement.