

# The National Institute of Justice's Evaluation of Second Chance Act Adult Reentry Courts: Program Characteristics and Preliminary Themes from Year 1

*Submitted By*

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# The National Institute of Justice’s Evaluation of Second Chance Act Adult Reentry Courts: Program Characteristics and Preliminary Themes from Year 1

## Introduction

In recent years the issue of prisoner reentry has emerged as one of the most critical and complex dilemmas facing practitioners, researchers and policymakers alike. The high volume of individuals returning from incarceration to neighborhoods that feature concentrated poverty and the overwhelming obstacles they face has contributed to heightened interest in identifying effective strategies for managing the reentry process. Over 2.2 million individuals were incarcerated in local, state, and federal adult correctional facilities in 2010 (Glaze & Bonczar, 2011), and nearly all incarcerated persons will eventually be released. Formerly incarcerated persons face the stigma of a criminal record, drug and alcohol addictions, mental and physical health problems, strained family relations, and limited occupational or educational experiences to prepare them for successful community reintegration (Lattimore & Visher, 2009; Petersilia, 2003; Travis & Visher, 2005). Thus, it is not surprising that as many as two-thirds of individuals released from prison are rearrested within 3 years, and over 50% return to prison or jail (Langan & Levin, 2002).

In response to the high post-release failure rates and the overwhelming needs of individuals returning from incarceration, many reentry programs designed to facilitate the transition from incarceration to the community have been implemented over the past several decades. Reentry courts, which combine intensive judicial oversight with rehabilitative services, arose as part of a broader national movement towards the development and implementation of specialized “problem-solving courts,” such as drug, mental health, domestic violence, and community courts, as an approach for addressing specific problems among criminal justice populations. Although Travis (2000) introduced the concept of reentry courts a

### Reentry Courts Defined

Reentry courts are “specialized courts that help reduce recidivism and improve public safety through the use of judicial oversight to apply graduated sanctions and positive reinforcement, to marshal resources to support the prisoner’s reintegration, and to promote positive behavior by the returning prisoners” (Bureau of Justice Assistance [BJA], 2010). These courts are intended to address the critical needs of returning prisoners—particularly in the period immediately following release—through the combination of judicial oversight and a collaborative case management process. The underlying goal of reentry courts is to establish a seamless system of offender accountability and support services throughout the reentry process (BJA, 2010).

decade ago, they have not been implemented nor studied as extensively as drug courts and other problem-solving courts. As a result, little is known about the challenges associated with reentry court implementation and the effectiveness and cost-effectiveness of these programs. Furthermore, a well-established reentry court model has not been clearly documented.

Several federal efforts have supported the creation of reentry courts. In February 2000, the Office of Justice Programs (OJP) launched the Reentry Court Initiative (RCI) with the goal of establishing “a seamless system of offender accountability and support services throughout the reentry process.” The RCI provided limited technical assistance (but no direct financial support) to nine states to develop reentry court programs. The sites were “charged with developing strategies to improve the tracking and supervision of offenders upon release, prepare communities to address public safety concerns, and provide the services necessary to help offenders reconnect with their families and the community” (OJP, 1999). Sites were encouraged to tailor their reentry court programs to their local jurisdictional context, while incorporating six core elements: assessment and planning, active oversight, management of support services, accountability to community, graduated and parsimonious sanctions, and rewards for success (Lindquist, Hardison, & Lattimore, 2004). The process evaluation of the RCI found that all but one site became operational. However, the programs operated on a very small scale and encountered several implementation barriers (Lindquist et al., 2004). A few of the reentry courts piloted under the RCI sustained their programs, and lessons learned from this early initiative helped pave the way for subsequent reentry courts.

The Second Chance Act of 2007 (SCA) (Pub. L. 110-199) authorized funding for various approaches to adult and juvenile reentry, one of which was the reentry court model. Several reentry courts were awarded funding under the Bureau of Justice Assistance’s (BJA’s) FY 2010 State, Tribal, and Local Reentry Courts Program and BJA’s FY2009 solicitation for SCA Adult Demonstration Projects. The framework for establishing a reentry court under the SCA was based on lessons learned from the earlier RCI and from other early reentry courts. An emphasis on the use of validated assessment tools, evidence-based treatment practices, and rigorous tracking of services delivered and received distinguished the new BJA requirements. As with all SCA funding, grantees are subject to several mandatory requirements, including reentry strategic planning, the use of a Reentry Task Force, and other strategies for interagency collaboration. Technical assistance is provided to SCA grantees by the National Reentry Resource Center, which is overseen by the Council of State Governments (CSG).

A cross-site evaluation of eight BJA-funded reentry courts was awarded by the National Institute of Justice (NIJ) in FY2010. NIJ’s Evaluation of Second Chance Act Adult Reentry Courts (NESCAARC) is being

conducted by NPC Research (NPC), RTI International (RTI), and the Center for Court Innovation (CCI). The evaluation consists of three components—a process evaluation, impact evaluation, and cost-effectiveness study (see sidebar). The goals of the evaluation are to:

1. Describe the SCA adult reentry courts through a process evaluation. Process evaluation methods include interviews with reentry court staff, observations of staff meetings and court sessions and focus groups with reentry court participants.
2. Determine the effectiveness of the SCA reentry courts at reducing recidivism and improving

#### The NESCAARC Evaluation

- The **process evaluation** will document the policies, practices, community context, and implementation barriers across all eight sites; draw explicit comparisons between the reentry court model, as implemented in the sites, with the antecedent drug court model (specifying similarities, differences, and adaptations in each policy domain); and examine reentry courts in the context of reentry programs and best practices.
- The **impact evaluation** will compare during- and post-program recidivism outcomes and other individual level outcomes (e.g., employment, substance use, and housing) of reentry court program participants to a matched comparison group to determine if reentry courts reduce re-arrests, reconvictions, and re-incarceration and if reentry courts reduce problems related to criminal behavior, drug and alcohol abuse, employment, housing, mental health, and family relationships. The impact evaluation will also seek to determine which specific reentry court practices, services, and participant perceptions are associated with more positive outcomes.
- The **cost-effectiveness analysis** that will be conducted in seven sites will estimate the cost of the program and determine whether the costs due to criminal justice, treatment, and other outcomes are lower for reentry court participants than their matched comparison groups.

individual outcomes through an impact evaluation.

In seven sites, the impact evaluation involves obtaining administrative data on participants (with samples that are cumulative from program startup) and comparison offenders. In four sites, the impact evaluation will also include data from interviews and oral fluids drug tests of participants and comparison offenders.

3. Conduct a cost-benefit analysis. The cost-benefit study will use the transaction and institutional cost analysis (TICA) approach. The TICA approach views an individual's interaction with publicly funded agencies as a set of *transactions* in which the individual utilizes resources contributed from multiple agencies and institutions. This cost analysis involves calculating the costs of the reentry court programs, and the costs of outcomes (or impacts) after program entry (or the equivalent for the comparison group).

4. Identify key reentry court components. The detailed information gathered from the process evaluation, as well as information learned from the administrative data and cost analysis will be used to help identify any key reentry court components that occur in these eight sites.

This report presents Year 1 findings from the process evaluation, summarizing early implementation characteristics of the eight programs (listed in Exhibit 1). These eight programs are quite diverse, as they vary widely in regional location, the population served, program size, and other design characteristics. During the Year 1 site visits, that were conducted from October 2011 – March 2012, evaluation staff conducted semi-structured interviews with program staff and representatives from partnering agencies and structured observations of court proceedings and pre-court staff meetings. Other data sources for the current report include program implementation plans, policy manuals, and other written program materials.

**Exhibit 1. Programs Selected for the NIJ Evaluation of the SCA Adult Reentry Courts**

| BJA Grantee                                   | Location of Court                    |
|---|--------------------------------------|
| Arkansas Administrative Office of the Courts  | Union County, Arkansas (AR)          |
| Delaware Criminal Justice Council             | New Castle County, Delaware (DE)     |
| Pinellas County Board of County Commissioners | Pinellas County, Florida (FL)        |
| Missouri Office of State Courts Administrator | Boone County, Missouri (MO)          |
| Strafford County Commissioners                | Strafford County, New Hampshire (NH) |
| Stark County Court of Common Pleas            | Stark County, Ohio (OH)              |
| Bexar County                                  | Bexar County, Texas (TX)             |
| Supreme Court of Virginia                     | Norfolk County, Virginia (VA)        |

## Program Context

Several aspects of program context, including the origins of the reentry court, integration with established drug courts, and mechanisms for jurisdictional authority, were documented in the first round of evaluation site visits.

**Start-up vs. Expansion.** Among the eight reentry courts included in the NESCAARC, three used their SCA funding to expand an existing program. These sites include DE and OH, which built upon established reentry courts, and NH, which added reentry services to an existing drug court. In the remaining sites, SCA funding was used to develop a brand new reentry court. The distinction between “start up” and “expansion” programs is relevant to many aspects of implementation, with established programs benefitting from an existing infrastructure.

**Integration with Drug Courts.** Not surprisingly, given the popularity of the drug court model, several of the SCA reentry court grantees have an established drug court in operation at their jurisdiction and

reported being guided by this program in developing or expanding their reentry court. Reentry courts are based on the drug court model, but they differ in at least two ways. Offenders admitted to reentry courts do not need to demonstrate alcohol and other drug treatment needs to be eligible, although the SCA mandates that treatment services are available for offenders admitted to funded programs. Second, reentry courts target offenders returning from jail or prison and transitioning to the community; this is in contrast to drug courts or other problem-solving courts (see sidebar on “Pre-entry Courts”) that attempt to prevent or reduce jail and prison sentences for defendants or offenders at risk for incarceration. Nevertheless, the NH site established a “reentry drug court” by expanding the existing drug court to include reentry-oriented case management services in the context of a larger system of comprehensive offender assessment and programming. One additional site (TX) implements joint status hearings with its existing drug court, such that reentry court clients participate in the same status hearings as drug court clients even though the programs are otherwise distinct.

**Mechanisms for Judicial Authority.** An issue that has received substantial attention in the reentry court literature is the mechanism for judicial authority over program participants, given that individuals returning from prison with post-release supervision requirements are typically under the jurisdiction of the state correctional agency rather than the courts. The mechanism for judicial authority is a major distinguishing factor among reentry courts. Some courts are established as administrative courts, in that authority is maintained by the executive branch (e.g., parole or probation), and are presided over by an administrative judge such as a retired judge or parole administrator. In others, the judicial branch has the authority, through mechanisms that allow the sentencing judge to retain jurisdiction over a case during the entire sentence, such as split sentencing (see Tauber, 2008).

Among the eight NESCAARC reentry courts, only one program is an administrative court. In this site (AR), the parole board has authority over participants, with participation in the reentry court established

#### Pre-entry Courts

Judge Jeffrey Tauber has offered a vision of a “pre-entry” court—a model that couples drug court with county-jail/probation-based reentry court—as a criminal justice reform strategy that reduces both prison overcrowding and reentry failures. Ideally, a pre-entry court model engages non-violent drug offenders at the time of plea and assessment. The offender is placed on probation and ordered to attend and participate in an in-custody treatment program as a condition of probation. Upon treatment completion and release, a pre-entry court judge and team continue to monitor the individual in the community through process hearings until graduation. This model provides offenders with a “last best opportunity” to avoid a formal prison incarceration. (<http://www.reentrycourtsolutions.com/pre-entry-courts/pre-entry-court-a-probation-based-reentry-court>)

as a special condition of their release. A hearing examiner from the Parole Board serves as the sanctioning authority.

In the remaining sites, the judicial branch has authority over participants. In these sites, the circuit judge presides over reentry court status hearings. However, the OH program has a unique approach in that both the circuit judge and a hearing officer from the Adult Parole Authority (within the Ohio Department of Rehabilitation and Corrections) lead the hearings.

Among the judiciary-based programs, the split sentence mechanism, in which individuals are sentenced to jail or prison followed by community supervision (with reentry court established as a condition of supervision), is the most common mechanism for allowing the judicial branch to retain authority over participants among the NESCAARC courts. Other mechanisms include:

- Sentence modification hearings, in which the judge modifies the individual's conditions of supervision to include reentry court. Among the NESCAARC courts, this modification can take place either at release or at a violation of probation/parole (VOP) hearing.
- Judicial release, in which the judge sentences the individual to prison and then releases him/her early under community supervision, with reentry court established as a condition of supervision.
- A "pocket plea" mechanism, in which the judge sentences an individual to jail or prison but suspends his/her sentence until successful completion of reentry court.

As discussed below, several of the NESCAARC sites are targeting participants under different types of criminal justice supervision and at different points in the sentencing process. Therefore, more than one mechanism may be in place in a given site, depending on the population.

## Target Population and Enrollment

The populations targeted for the SCA reentry courts are presented in Exhibit 2. As evident from the descriptions below, cross-site variation exists in the legal, risk-based,<sup>1</sup> need-based, and other eligibility criteria used to identify reentry court participants.

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<sup>1</sup> High-risk generally refers to the likelihood of recidivism for a particular individual, while high need refers to the level of services an individual might need to succeed in the reentry court program. The use of specific assessment tools to determine risk is discussed later in this section.



## Exhibit 2. Target Populations of the SCA Reentry Court Programs

| Site                  | Target Population   |
|-----------------------|---|
| Union County, AR      | High-risk, high-need men who are returning to Union County after serving a minimum sentence of 6 months in a state prison and who are released by the Parole Board are eligible for the program. Eligible participants are identified for reentry court prior to release (at the time of Parole Board review), and participation is voluntary. All participants are on state parole supervision during reentry court participation.   |
| New Castle County, DE | Moderate-high to high-risk men who are returning to the city of Wilmington after serving at least 1 year in a state prison and who will have 12-18 months of probation supervision after release are eligible for the program. Eligible participants are identified for reentry court 5-6 months prior to release and participation is mandatory. All participants are on state probation supervision during reentry court participation.   |
| Pinellas County, FL   | <p>Moderate- to high-risk men and women who are residents of Pinellas County, with the following specific populations eligible for the program:</p> <p>1) Felony violators of probation (VOP). This population comprises approximately 80% of program participants and includes individuals who, while serving a state probation term in Pinellas County, violated their probation. This population's immediate incarceration experience is limited to the 3-4 weeks spent in the Pinellas County Jail while waiting for their VOP hearing. Individuals are identified for reentry court at the time of their VOP hearing and participation is <u>mandatory</u>. This population is under state probation supervision during reentry court participation.</p> <p>2) Former prisoners. This population comprises approximately 20% of program participants and includes individuals who are released to Pinellas County from a state prison either unconditionally (i.e., without any community supervision requirements, which is the case for 80% of returning prisoners in FL) or conditionally. Most of this population is identified for the program after release, and participation is <u>voluntary</u>. Those who are unconditionally released are not on any type of community supervision during reentry court participation, while those who are conditionally released are on state probation supervision.</p> |
| Boone County, MO      | Men and women who are returning to Boone County after successfully completing a 120-day program in a state prison, consisting of either residential substance abuse treatment or "shock incarceration" (i.e., the individual receives life skills and other programming but lives with the general prison population) are eligible for the program. Individuals who receive this 120-day sentence that is an alternative to what is specified in the state sentencing guidelines, tend not to have lengthy criminal histories. Participants are identified for reentry court at the time of sentencing, with final eligibility determined 90 days into the sentence. Participation is mandatory. All participants are on state probation supervision during reentry court participation.  |

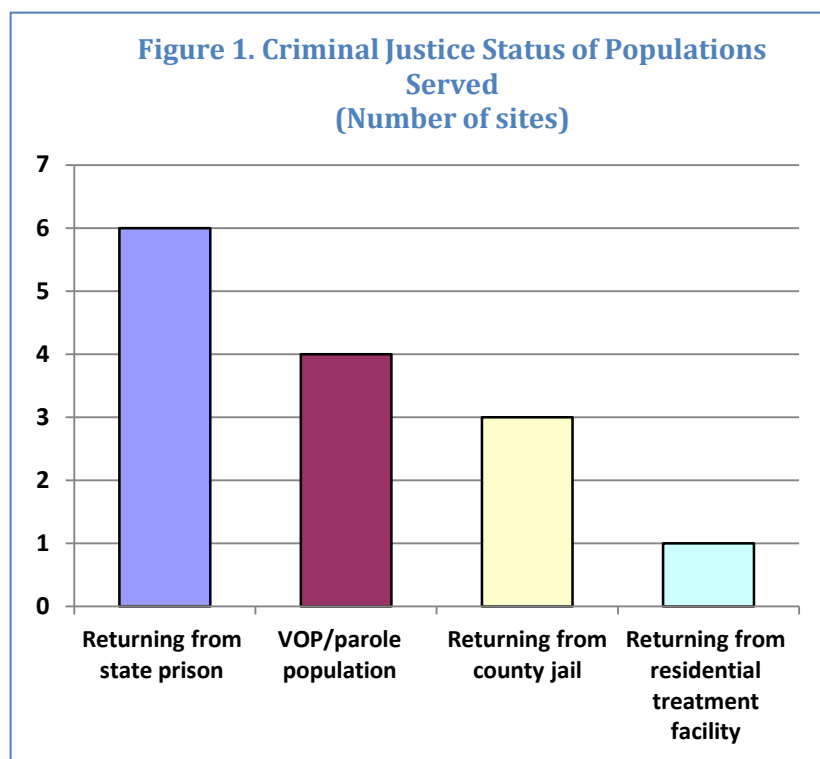
| Site                 | Target Population   |
|----------------------|---|
| Strafford County, NH | <p>Men and women who are residents of Strafford County and meet the DSM IV criteria for chemical dependency, with the following specific populations eligible for the program:</p> <p>1) Newly sentenced individuals who receive the program as a diversion strategy. This population comprises approximately 50% of program participants and includes individuals with a new felony or misdemeanor charge in Strafford County. This population's immediate incarceration experience is limited to a few days in county jail prior to sentencing (with some clients having no incarceration). Most of these individuals are identified for reentry court prior to sentencing (and receive a suspended sentence after pleading guilty to the charge) and participation is voluntary. This population is on state probation during reentry court participation.</p> <p>2) Violators of probation or parole (VOP). This population comprises approximately 40% of program participants and includes individuals who, while serving a state probation or parole term in Strafford County, violated the conditions of their probation/parole with a drug-related offense. This population's immediate incarceration experience is limited to a few days in county jail prior to the VOP hearing (with some clients having no incarceration). Individuals are identified for reentry court at the time of their VOP hearing and participation is voluntary. This population is under state probation or parole during reentry court participation.</p> <p>3) Reentering prisoners. This population comprises approximately 10% of program participants and includes individuals who are released to Strafford County by the Parole Board after serving their minimum sentence (which is typically just over a year) in a state prison. Most of these individuals are identified for reentry court at sentencing and participation is voluntary. This population is under state parole supervision during reentry court participation.</p> |
| Stark County, OH     | <p>Men and women who are felony offenders, returning to Stark County after incarceration, and who have at least 1 year of community supervision to be served are eligible for the program. Individuals classified as high risk are eligible for an intensive reentry court program and those classified as low or medium risk <u>and</u> who lack employment or stable housing are eligible for a less intensive reentry "Community Stabilization Program." The following specific populations are eligible:</p> <p>1) The judicial release population. This population comprises approximately 60% of program participants and includes individuals who serve a minimum sentence (typically 6 months) in state prison and are released early on judicial release. This population is typically identified for reentry court at the time that judicial release is granted, and participation is mandatory. This population is on community supervision during reentry court participation; the first 12 months entail intensive supervision probation (a county-based mechanism) and the remainder entails state probation.</p> <p>2) The probation population. This population comprises approximately 35% of</p>  |

| Site               | Target Population  |
|--------------------|--|
|                    | <p>program participants and includes individuals who serve a short sentence (typically 30-90 days) in the county jail or the state community-based correctional facility, followed by community supervision. Most individuals in this population are identified for reentry court at sentencing, and participation is mandatory. This population is on community supervision during reentry court participation; the first 12 months entail intensive supervision probation and the remainder entails state probation.</p> <p>3) Former prisoners. This population comprises approximately 5% of program participants and includes individuals who serve out their sentence in state prison, are placed on post-release control (state supervision) and are then identified for the program. This population is identified after they have already been released from prison, and participation is mandatory. This population is on state parole during reentry court participation.</p>   |
| Bexar County, TX   | <p>High risk, high need (including chemical dependency), men and women returning to Bexar County after serving a sentence (typically 4-6 months) in the county probation department's Substance Abuse Treatment Facilities or the Mentally Impaired Offender Facility, who were sentenced for non-violent felony offenses related to their substance abuse or mental illness, and who have a minimum of 18 months on supervised probation. Eligible individuals are identified prior to release, and participation is voluntary. All participants are under county probation supervision during reentry court participation.</p>   |
| Norfolk County, VA | <p>Moderate to high risk and need men and women with no history of violent offenses (within the past 10 years), no certified gang affiliations, no predatory sex offenses, and no possession of a firearm or deadly weapon, who are released from the city jail. The following specific populations are eligible:</p> <p>1) Individuals serving a split sentence. This population comprises approximately 95% of program participants and includes individuals with an eligible charge (non-violent felony property crimes, felony drug possession, felony possession with intent to distribute, and prostitution) and who are sentenced to city jail (and serve a minimum of 45 days) followed by supervised probation. This population is identified for reentry court either at sentencing or after beginning the jail sentence, and participation is voluntary. This population is under state probation supervision during reentry court participation.</p> <p>2) Felony violators of probation (VOP). This population comprises approximately 5% of program participants and includes individuals who, while serving a state probation term, violated the conditions of their probation and spend a minimum of 45 days in city jail. This population is identified at the time of their VOP hearing, and participation is voluntary. All individuals on this track are under state probation supervision during reentry court participation.</p> |

In the sections that follow, cross-site similarities and differences in target populations and enrollment characteristics are highlighted in eight main areas: criminal justice status, duration of incarceration/post-release supervision, risk level, other eligibility criteria, exclusion criteria, point of identification, mandatory vs. voluntary participation, and cumulative enrollment and capacity.

**Criminal justice status.** The criminal justice status of the target population(s) is a major source of variation among the NESCAARC sites. This variation can be observed in Figure 1 that classifies the target populations into one of four categories. Because half of the NESCAARC sites serve more than one “population” of participants (e.g., VOP offenders and those returning from state prison), the numbers in the exhibit sum to more than

eight. Three of the categories reflect individuals who are returning to the community after at least some incarceration, including individuals returning from state prisons (a population targeted by six sites), individuals returning from county jails (targeted by three sites), and individuals returning from a community corrections residential treatment facility (targeted by



one site). In contrast, the individuals in the fourth category, targeted by four sites, are individuals who are under community-based supervision (e.g., probation or parole) and their supervision did not immediately follow a period of incarceration. In addition, it is noteworthy that in some sites targeting individuals returning from county jail, participants may only spend a few days at booking and have not actually served a sentence.

**Duration of incarceration/post-release supervision.** Not surprisingly, given that most NESCAARC reentry courts establish participation in reentry court as a condition of supervision, several sites (TX, DE, OH, and MO) use the minimum time on community supervision that the individual is expected to serve (e.g., 18 months) as an eligibility criterion. This criterion ensures that reentry court participants are

under community supervision for the entire period of reentry court participation. Typically, reentry court participation, ranging from 6 months to 2 years across the sites, is shorter than the community supervision term. Therefore, upon completing reentry court, the client would either continue serving the remainder of his/her supervision term or, in some sites, be granted early termination by the reentry court judge.<sup>2</sup>

Only a few programs (AR and DE) have established the minimum time served in jail/prison (e.g., 6 months) as an eligibility criterion, to allow for early identification of participants and sufficient time for pre-release service coordination.

**Risk level.** A major emphasis of the SCA funding and technical assistance is the use of validated risk assessment tools to assess potential participants' risk of recidivism. Among the NESCAARC sites, risk assessment tools in use include the Level of Service Inventory- Revised (LSI-R), Level of Service/Case Management Inventory (LS/CMI), Risk and Needs Triage (RANT), Correctional Offender Management Profiling for Alternative Sanctions (COMPAS), Ohio Risk Assessment System (ORAS), and the Wisconsin Risk Assessment tool. Two of the courts limit participation to individuals who are classified as high risk and three limit participation to individuals who are classified at moderate or high risk. An additional program targets individuals who are either high risk or who are low to moderate risk but lack stable employment or housing. Only two programs accept individuals of any risk level; however, stakeholders from these programs report that most of the clients served are high risk.

**Other eligibility criteria.** Other criteria used by programs to determine program eligibility include:

- *Geography.* All of the NESCAARC reentry courts target individuals returning to or residing in the county or city in which the program operates.
- *Gender.* Two of the courts (DE and AR) serve only males.
- *Treatment needs.* Two of the courts require that participants have a chemical dependency diagnosis (NH and TX). In TX, those with a dual diagnosis are accepted into the program and put on a separate docket.

**Exclusion criteria.** A few programs exclude individuals from their reentry court based on specific criteria. Excluded individuals include sex offenders (ineligible in 3 sites), gang members (ineligible in 1

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<sup>2</sup> Individuals for whom probation/parole is revoked during reentry court participation are terminated from reentry court. In these cases, the consequence depends on the sentencing mechanism that led to the person's enrollment in reentry court (e.g., for individuals who had a portion of their prison or jail term suspended, that amount would be the maximum sentence that could be imposed) and whether a new crime was committed.

site<sup>3</sup>), and individuals with either a serious mental health issue (2 sites) or a mental health issue that should be medically managed but is not (1 site). However, it is important to note that in the programs that exclude individuals with mental health problems, it is typically because these individuals have access to a mental health court in the jurisdiction.

**Point of identification.** As with all reentry programs, one of the key considerations of reentry courts is the point at which eligible individuals are identified for program participation. The NESCAARC reentry courts have implemented different approaches for participant identification. Not only is there variation across sites, but there is also variation within sites,

given that half of the programs serve multiple populations of participants and the point of identification for one population may differ from that of another population within the same site. In five sites (NH, OH, VA, MO, and FL), at least some program participants are identified for reentry court participation at the time of sentencing. In four sites (AR, TX, DE, and OH), at least some program participants are identified after sentencing but during incarceration (before release). Finally, in four sites (FL, VA, OH, and NH), at least some program participants are identified for reentry court while they are in the community. These are individuals who are on parole or who are parole/probation violators; once again, this group includes individuals who may or may not have recently been incarcerated.

**Mandatory vs. voluntary participation.** Another key distinguishing characteristic among reentry courts is whether eligible individuals are mandated to participate or whether they are given the choice. Among the NESCAARC programs, participation is considered voluntary in four sites (AR, NH, TX, and VA) and mandatory in three (DE, MO, and OH). One site (FL) has both a voluntary and mandatory population, with individuals who are released unconditionally from state prison and therefore not under any type of supervision eligible to participate in the program voluntarily, while those who are under supervision and facing a VOP hearing mandated to participate. The distinction between voluntary and mandatory programs is not necessarily as clear as it appears, however, because in several sites, reentry court participation is linked to early release or some other type of sentence reduction or suspension. Therefore, in a few sites where the program is considered by program staff to be mandatory, an

#### **Pre-Release Enrollment Considerations**

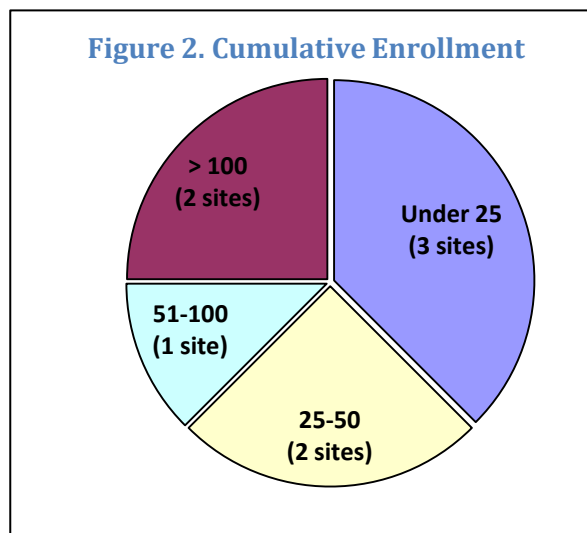
Reentry courts were originally conceptualized such that judicial oversight would begin at sentencing and continue through the period of release (Travis, 2000). Early identification allows for more extensive pre-release service delivery and coordination. However, this model is often not possible because courts may not have the capacity to “reach in” to prisons or jails for screening, enrollment, or monitoring of pre-release services.

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<sup>3</sup> Gang members were excluded in this site because program staff could not get access to work with them prior to release, given their security level.

individual could choose not to accept the early release or other sentence benefit tied to reentry court participation.

**Cumulative enrollment and capacity.** The number of participants enrolled from program inception to March 2012 is shown Figure 2. Cumulative program enrollment ranged from 3 to 385 clients. Three sites had served fewer than 25 participants, three sites had served between 25 and 100 clients, and two sites had enrolled over 100 participants. Not surprisingly, both of the



programs with over 100 participants (OH and NH) were sites in which the SCA funding was used to expand an existing program. In terms of program capacity, or the number of participants the programs can serve at a given time, the range is considerable. Estimates ranged from 15 to 180 participants, with most sites intending to serve between 70 and 100 participants at a time.

### Program Components and Services

A brief description of each site's program components and services is included in Exhibit 3. As noted previously, the NESCAARC reentry courts range in duration from 6 months to 2 years. Three of the programs (OH, MO, and DE) can be completed in less than a year, but the rest of the programs require between 12 and 18 months for completion. All but three sites (AR, FL, and MO) have organized their programs into formal phases that specify the various requirements (and their frequency) for each phase and the necessary conditions for phase advancement.

As evident from the exhibit below, most of the SCA reentry courts are delivering broad-based reentry services using a case management approach, coupled with judicial monitoring and probation or parole supervision. Also evident from the exhibit is the focus on post-release service delivery. For the most part, the reentry court programs do not provide programming beyond what is already available at the institutions from which participants are released. However, half of the programs (DE, OH, TX, and VA) reach in to the pre-release institution to conduct reentry planning prior to the participant's release, and two programs bring individuals into the reentry court for formal program enrollment (DE) or status review hearings (TX) prior to release.

### Exhibit 3. Program Components and Services among the SCA Reentry Court Programs

| Site                  | Program Components and Services   |
|-----------------------|---|
| Union County, AR      | The program includes assessment-based service coordination and supervision. Most participants receive residential treatment prior to release. After release, participants receive vocational and employment-related assistance, as well as assistance with housing and medical needs. They also have contact with a parole officer and, as needed, participate in status hearings with a hearing examiner from the parole board.  |
| New Castle County, DE | The program provides enhanced pre-release planning and service coordination. Post-release, participants receive regular judicial oversight through court hearings and enhanced supervision provided by a dedicated team of probation officers. Participants also receive enhanced case management for substance abuse treatment provided by a dedicated case manager from the state Treatment Access Center (TASC) and enhanced access to post-release employment, housing, and education services provided through a contract with a community-based service provider. |
| Pinellas County, FL   | Through a case management approach entailing assessment and individualized treatment plans, the program connects participants to needed services, including substance abuse treatment, mental health treatment, housing, and job placement. Participants also have regular contact with their supervision officers and are required to participate in court hearings.   |
| Boone County, MO      | The program entails participation in a 120-day MO DOC program that includes substance abuse treatment, followed by transfer to a transitional home upon release. Participants attend regular court appearances, receive supervision, and complete individualized goals and objectives regarding housing, employment, education and drug and alcohol and mental health services.   |
| Strafford County, NH  | The program includes an Intensive Outpatient Treatment substance abuse program, regular court hearings, case management and drug testing by Strafford County Community Corrections, supervision by state probation/parole, and reentry assistance from reentry specialists.   |



| Site               | Program Components and Services   |
|--------------------|---|
| Stark County, OH   | The program provides court monitoring and reentry assistance to support individuals in finding a job and housing. Employment is a major emphasis, and the program has contractual relationships with several employment service providers and other service providers who offer a range of services including substance abuse treatment, mentoring, and family services. These agencies receive funding for services provided to reentry court clients, and the program regularly refers participants to these service providers. Other services include Individual Community Plans, transportation assistance, security deposits/first month rents, and post-secondary education in welding. |
| Bexar County, TX   | The program offers assistance to participants transitioning from a structured inpatient treatment program. Participants receive pre-release contact with a reentry court case manager and are released to transitional housing for 30 days. Post-release, participants continue to receive case management, community supervision, and participate in court hearings and community supervision. Services include substance abuse treatment, mental health treatment, individual and group counseling, job placement/employment readiness assistance, housing assistance, and benefits enrollment.   |
| Norfolk County, VA | The program includes individualized supervision plans, with services matched to offender needs. Participants receive pre-release assistance from a reentry case manager and attend court hearings; upon release, they are connected to needed social services--such as substance abuse treatment, counseling, anger management, and parenting skills—through the case manager. They also receive probation supervision and continue to participate in court hearings.   |

In the sections that follow, cross-site similarities and differences are highlighted in eight main areas: court monitoring and responses, supervision, drug testing, case management, family involvement, post-release services, community involvement and aftercare.

**Court Monitoring and Responses.** Program participants are required to attend status hearings, or regularly scheduled court appearances for the purpose of monitoring participants' degree of compliance with program requirements and administering sanctions and rewards, in all but one site. The remaining site (AR) holds status reviews as needed.

In the majority of programs, participants are required to attend weekly status hearings during the initial stages of their reentry court participation, with the frequency of hearing decreasing as they progress through the program phases.

All of the NESCAARC sites employ a team approach to making decisions about how to respond to client's performance in the program (see sidebar). This approach is similar to the drug court model in that team members, including program coordinators, judges, case managers, supervision officers, and treatment providers, review cases and make decisions about the appropriate course of action. However, unlike drug courts, prosecutors and defense attorneys are only involved in client-specific decisions in half the sites (TX, AR, VA, and NH).

In most sites, program staff members have participated in trainings on the use of sanctions and rewards. Sanctions used among the NESCAARC sites include penalties such as increasing reporting requirements, more restrictive monitoring, writing assignments, community service, and jail time. Rewards include advancement through phases, public recognition, certificates, waived fees, and gift cards or items of small monetary value.

**Supervision.** Given that most of the NESCAARC sites establish reentry court participation as a condition of community supervision, virtually all reentry court participants are under supervision by a parole or probation officer during their time in the program. The only exception is the voluntary track of clients in FL, who are released unconditionally from state prisons and choose to enter the program voluntarily.

#### **Findings from Observation Data on Decision-Making During Reentry Court Team Staffings and Court Hearings**

During the first round of site visits to the NESCAARC sites, the evaluation team observed reentry court status hearings and pre-court staffings, in which the cases scheduled to appear in court were reviewed by the team. Generally, the staffings were led by the judge, program coordinator, or case manager. The judges, case managers, and program coordinators were rated as the most active participants during the team staffing. Other attendees included treatment representatives and probation officers. Prosecutors and defense attorneys only attended in two sites. During the staffings, decisions were made about how to handle the cases under discussion, and consensus among the team was reached prior to making the decision in all sites. None of the sites appeared to draw upon a fixed sanction and reward schedule in this process.

The responses that were implemented during the court sessions observed were consistent with the decisions reached during the staffing in all sites. The court sessions varied in length (ranging from 32 minutes to 4 hours) and the number of cases reviewed (ranging from 2-25 cases). In all sites, the judge spoke directly to participants and imparted instructions or advice. In most sites, the judge asked both probing and non-probing questions, explained consequences of future compliance and noncompliance, and asked about the client's employment situation, housing, and transportation. Participants only asked questions of the judge in two sites. Based on ratings by the evaluation team, judges were rated most favorably on being respectful, fair, consistent, and attentive. Judges were rated less favorably on being enthusiastic, caring, and supportive.

As with other problem-solving courts, supervision is well-integrated with the reentry court program in most sites. Most programs, including AR, DE, NH, MO, TX, and VA, have dedicated supervision officers who are assigned exclusively to reentry court participants. In most sites, information on participants' progress is shared among supervision officers and case managers, with supervision officers typically participating in case reviews and court sessions.

Typically, participants are required to meet regularly with supervision officers and may be subject to home visits or other forms of monitoring (e.g., electronic monitoring). Supervision requirements are usually more intensive in the initial stages of the supervision term.

**Drug Testing.** Given the frequency of drug use among criminal justice populations and the emphasis on drug testing within the drug court model, the NESCAARC documented drug testing practices within the 8 reentry courts. All of the NESCAARC programs use drug test results to assess participants' abstinence from drug use. Testing is typically conducted by the probation/parole agency, the treatment facility, or both. In most sites, the drug testing schedule is random, with parameters for the frequency of testing generally guided by program (or probation) phase.

**Case Management.** All of the NESCAARC sites provide case management to reentry court participants. This function is most commonly filled by court staff; however, in some sites, case management is provided by treatment providers (e.g., TASC) and/or community supervision officers. Case management entails individualized assistance, based on a needs assessment and the development of a treatment plan, with clients meeting regularly with case managers to discuss needs, receive referrals, and follow-up on progress. As with other program components, requirements for the frequency of case management sessions typically decrease with program advancement.

**Family Involvement.** Family involvement in reentry court is not required in any site and few directly involve family members in the program. Family members are encouraged to attend court hearings and graduations and are occasionally invited to participate in some aspects of treatment. In a few sites, case managers contact family members, involve family members in reentry planning (with the client's consent), and support the client with family reintegration. Although direct family member involvement is rare, several NESCAARC sites refer clients to a variety of family-related services, including parenting classes, family reunification services, family therapy, and assistance with child support arrangements.

**Services.** The NESCAARC sites deliver a variety of reentry services designed to meet the breadth of needs among the populations served. As noted previously, the primary emphasis of the programs is on post-release service delivery. Pre-release services are typically limited to reentry planning. However, a few sites require that participants must have completed a particular program during their incarceration

in order to be eligible. For example, both TX and MO target individuals returning to the community after having completed a residential substance abuse program (or other intensive programming).

Post-release, all programs provide substance abuse treatment. In most sites, treatment is delivered by a central treatment provider contracted by the court to provide a structured intensive outpatient program (IOP). Similar to the drug court model, dedicated treatment counselors who work with reentry court clients participate in reentry court team staffings and/or attend court hearings. One site, New Hampshire, focuses exclusively on chemically dependent clients and requires that all program participants complete a structured IOP. In the remaining sites, treatment requirements are based on substance use assessment results such that individuals who do not have substance abuse problems are not required to participate in treatment.

Employment was cited by NESCAARC program stakeholders as one of the most prevalent needs among reentry court participants and is therefore a major emphasis of several programs. In several sites, case managers provide direct assistance in this area, including job searching assistance, job clubs or readiness classes, and transportation to job interviews. Contractual relationships with employment assistance agencies have also been developed in a few sites, such that more intensive employment assistance is provided to reentry court participants; however, referrals to vocational centers, state unemployment offices, or employment agencies that do not have contractual agreements with the program are more common. Finally, two sites (MO and OH) engage in more direct job placement by providing employer reimbursements for a trial period of employment.

Housing is another widespread need among reentry court participants. Among the NESCAARC sites, most housing assistance is referral-based. However, one program (TX) transfers all participants to transitional housing (for at least 30 days) upon release and another (NH) offers priority placement for participants in a transitional housing program.

Other services provided to reentry court participants include educational assistance (e.g., tutoring, adult education and GED assistance), referrals to mental health counseling, transportation assistance, assistance with public benefits enrollment, assistance obtaining government identification, assistance with child support or custody issues, family reunification services, and mentoring. Additionally, sites offer a variety of classes to participants such as cognitive behavioral therapy, criminal thinking, anger management, life skills (including financial management), parenting, batterer intervention, and health/wellness, as well as peer support groups.

**Community Involvement.** To connect participants with the services described above, the NESCAARC sites have developed extensive relationships with community service providers. Some are formal,

contractual relationships for the provision of services whereas others are informal. The grantees have connected with a variety of local agencies—both public and private—that provide services related to substance abuse treatment, housing, employment, mental health, mentoring, public benefits assistance, and other services. In addition, grantees are regularly involved in local reentry coalitions.

**Aftercare.** Three of the NESCAARC sites report having a formal, post-program aftercare component to their reentry court. In two sites (NH and VA), aftercare takes place while the participant is still under community supervision (and prior to official reentry court graduation in VA) and entails drug testing and other requirements such as court appearances (NH) and support group meetings (VA). In TX, although graduates still have to submit to drug tests and participate in self-help groups, the aftercare is run by the alumni association rather than the courts. However, it is important to note that even in the sites without a “post-program” aftercare component, the last phase of the program is intended to ensure that the person is maintaining a stable lifestyle. In addition, most of the substance abuse treatment programs in which reentry court clients participate address relapse prevention during program participation. Finally, many sites also ensure that clients are connected with self-help groups prior to graduation and some offer participants the opportunity to continue being involved in services on a voluntary basis after graduation.

## Conclusions and Next Steps

At the time of the first NESCAARC site visits, which took place approximately 1 year after the FY 2010 grantees received their funding, all eight reentry courts were up and running. Most programs were start-up in nature and therefore had to develop partnerships and design their programs in a short period of time, with several jurisdictions drawing upon their experience with an established drug court.

Several programmatic characteristics were common across most NESCAARC sites, including the emphasis on post-release service delivery, the provision of a breadth of services relevant to the target population (with all sites offering substance abuse treatment and employment services), the use of a case management approach to coordinate and monitor services, the use of court hearings for the purpose of monitoring participants’ progress in the program, the use of drug testing, and a team approach to decision-making regarding sanctions and rewards. In all sites, reentry court participation is used as a condition of supervision, with the sentencing judge retaining jurisdiction over the participant in most sites. Therefore, almost all participants are under community supervision by a parole or probation officer for the entire duration of reentry court participation. Importantly, however, most of the programs enroll offenders at multiple stages of the criminal justice process, and not all reentry court

participants in the NESCAARC sites have served a sentence in a jail or prison. Several grantees are exploring strategies for reaching this population, particularly individuals returning from state prisons, and the evaluation will continue to document the evolution of populations served by NESCAARC sites over time.

Several sources of variability are evident across the NESCAARC sites, including program size, whether participation is voluntary or mandatory, and the population targeted. Although most sites serve moderate to high risk offenders who do not have a common service need, two sites focus on chemically dependent and/or mentally ill offenders and two serve only males; several programs exclude additional populations such as sex offenders or individuals with a serious mental health problems.

The NESCAARC process evaluation will continue to document the implementation of the evolving programs through two more rounds of site visits, including focus groups to capture the perspective of program participants; an investigation into the use of evidence-based treatment practices; and an analysis of interagency collaboration as a key element of the reentry court model. A particular focus of the subsequent site visits will be on implementation challenges encountered among the NESCAARC sites and effective strategies for overcoming barriers. Early efforts toward program sustainability after federal funding expires will also be documented.

The impact evaluation currently underway will determine the effectiveness of the NESCAARC reentry courts at reducing recidivism and improving other reentry outcomes. It will also explore “for whom” reentry courts are effective and, through combining process data with outcome data, will elicit an understanding of program characteristics, such as policies and practices, that explain any observed impact of reentry court on recidivism. A cost-benefit evaluation will begin near the end of Year 2 of the study. The cost-benefit evaluation will provide information on taxpayer dollars spent on these programs as well as whether or not there are subsequent savings due to program participation. The relative cost invested by various agencies in support of these reentry programs will be calculated, as well as the relative benefits accrued (if any) related to successful participant outcomes (such as reduced recidivism and re-incarceration).

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