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# **The Harlem Parole Reentry Court Evaluation**

## **Implementation and Preliminary Impacts**

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Services and the United States Bureau of Justice Assistance

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## EXECUTIVE SUMMARY

This report presents a process and preliminary impact evaluation of the Harlem Parole Reentry Court. The Harlem Parole Reentry Court began operations in June 2001 as a pilot demonstration project at the Harlem Community Justice Center, located in the East Harlem neighborhood of New York City. Its purpose is to test the feasibility and effectiveness of a collaborative, community-based approach to managing offender reentry, with the ultimate goal of reducing recidivism and prison return rates. The court is part of the United States Department of Justice Office of Justice Programs' (OJP) Reentry Court Initiative. The Reentry Court experiment was developed by the New York State Division of Parole, the Center for Court Innovation, and the New York State Division of Criminal Justice Services, with technical assistance from OJP.

The Reentry Court reflects growing national concern about prisoner reentry—the process by which people leave prison and return to their communities. Nationwide, more than 600,000 individuals are released from state or federal prison each year. Upon release, ex-offenders face significant barriers to obtaining employment, housing, medical care and other basic needs, factors that affect their ability to reunite with their families, reintegrate into their communities, and to lead law-abiding, productive lives. Indeed, within three years, 68% are rearrested and nearly half returned to jail or prison for either a new crime or parole violation. The prisoner reentry challenge has potentially profound implications not only for ex-offenders and their families but also for public safety and the economic and social health of states and communities.

This report focuses on the Harlem Reentry Court's first twenty months of operations (June 2001—January 2003). During this time, the Reentry Court targeted a population of nonviolent adult felony offenders convicted on drug charges (possession and sales) and with a post-release residence in one of three precincts in the East Harlem area.

Key elements of the Harlem Reentry Court model include:

- **Assessment and planning:** Identification of candidates prior to release; needs assessments and planning prior to release; involvement of the offender, community corrections and other key partners;
- **Active oversight:** Regular court appearances beginning immediately after release involving the ex-offender, Reentry Court staff, and family or other informal support mechanisms;
- **Coordination of support services:** Identification of necessary resources including substance abuse treatment providers, job training programs, private employers, family members, housing services, and other community- and faith-based organizations, with a case management approach accountable to the court;
- **Graduated sanctions and incentives:** Use of predetermined range of sanctions for violation of supervision conditions that can be administered swiftly, predictably, and universally; and the use of incentives to recognize program milestones;
- **Neighborhood focus:** A narrowly defined geographic area covering three police precincts (23<sup>rd</sup>, 25<sup>th</sup> and 28<sup>th</sup>) in East and Central Harlem; access to on-site services available at the Harlem Community Justice Center.

The first twenty months of the Harlem Reentry Court has seen many accomplishments but also numerous challenges and implementation barriers. Despite the challenges, the Reentry Court demonstration provides support for the viability of a collaborative, team-based model of supervision and treatment services in New York.

### **IMPLEMENTING THE HARLEM REENTRY COURT**

The Reentry Court put in place a collaborative, team-based model that improves communications between parole and treatment agencies. As a result, parolees appear to receive greater access to needed services (substance abuse treatment, job training, transitional housing, etc.) and more coordinated service delivery using a case management approach. Enhanced communication facilitates intensified parole supervision and allows the team to identify substance use/relapse at an early stage. Program implementation was facilitated by building upon the Division of Parole's existing relationships with service providers and the Harlem Community Justice Center's roots in the community to be served.

However, the Reentry Court faced significant implementation challenges, due principally to difficulties locating and enrolling participants during early program operations. While the Reentry Court's caseload has nearly doubled in recent months, only 45 participants were enrolled during the first year (short of the goal of 96) and participants were not identified until shortly before release from prison, which limited time for pre-release planning and services. In addition, the Reentry Court continues to struggle to define staff roles and responsibilities, both across and within agencies, in the context of a collaborative team-based model. A particular challenge has been to make rather substantial changes to supervision practices to accommodate a model that combines proactive supervision with treatment. The Reentry Court also continues to struggle to develop ties to community organizations to provide needed services, most notably transitional housing.

Through January 31, 2003, the Reentry Court had enrolled 61 parolees. These participants, though nonviolent, were (like the majority of the parolee population) at high risk of recidivism—none were first time offenders, all had at least two felony convictions, and most were released from prison with an array of presenting problems, including a history of substance abuse, limited employment prospects and limited education. Participants made regular appearances, beginning the day of release from prison, before the Reentry Court's administrative law judge, who implemented graduated sanctions and rewards in an effort to promote compliance with the treatment and supervision plan. Twenty-two parolees successfully completed the three program phases, graduated, and entered program aftercare, during which time they continued to report to Reentry Court parole officers and receive services at the Harlem Community Justice Center.

Given that the program enrolled a high-risk population, it is not surprising that many have had criminal justice involvement. Criminal justice records indicate that, within one year of release from prison, 36% were rearrested, with 22% reconvicted for a misdemeanor or felony while under the Reentry Court's supervision.

## **LESSONS**

The early days of Harlem Reentry Court implementation highlight a number of lessons about managing prisoner reentry into the community. As such, it provides valuable guidance for the future development of programs and policies:

### **Lesson 1. Effective joint problem solving requires building the structures and relationships to sustain ongoing collaboration between supervision agents and service providers.**

The Harlem Reentry Court functions best when the parole officers, case managers and service providers are proactive in sharing information and using that information to develop supervision and treatment strategies to reduce risk factors that contribute to reoffending. Such a collaborative, team-based effort requires all staff to take on non-traditional roles, and that does not always come easily. A key management problem has been to build and sustain a team-based model, particularly when personnel change. Strong local leadership, clearly defined staff roles and responsibilities (perhaps through written memoranda of understanding), and ongoing staff training in team building and case management techniques are all essential to these efforts.

### **Lesson 2. Identifying eligible offenders as early as possible prior to release from prison is critical in reentry management and requires coordinated efforts between correctional and supervision agencies.**

Identifying eligible offenders in a state correctional system with seventy-two facilities as potential feeders is indeed a challenge. While the Harlem Reentry Court's caseload has grown at a significantly faster pace in recent months, candidates continue to be identified with difficulty and only shortly before their scheduled release. Efforts to support successful reintegration benefit greatly when offenders are identified as early as possible prior to release, allowing maximal time to assess the offenders' needs and to begin to build the linkages to needed services (treatment, job training, housing, etc.). Early identification of eligible offenders, particularly when it does not occur at the time of sentencing, requires institutional support from both correctional and supervision agencies. Ideally, the process would be integrated with existing mechanisms already in place in order to avoid duplication of efforts.

### **Lesson 3. Interventions designed to build offender motivation and readiness to change may be critical to offender success, particularly in a mandatory reentry program.**

A continuing challenge for the Harlem Reentry Court is to prepare parolees for the program, a particularly thorny challenge since parolees are mandated to participate as a condition of release and given little advance notice of their selection. The Reentry Court regimen is stricter than traditional parole, with parolees held to higher behavioral standards and monitored more closely. In programs such as this, where participation is a mandatory condition of parole for selected offenders, there is less certainty that offenders will enter the program with the level of motivation and commitment to a crime- and drug-free lifestyle than they might have if participation were voluntary. Many program participants and project staff cite readiness to change as key to success. The Harlem Reentry Court highlights the need to cultivate readiness as early as possible—ideally prior to release from prison—through interventions designed to build motivation.

## **THE PRELIMINARY IMPACT OF THE HARLEM REENTRY COURT**

A preliminary impact evaluation examined one-year rates of reconviction and return to prison—for either a new felony conviction or technical violation of parole—among the first 45 Reentry Court participants compared to a matched sample of 90 parolees, highly alike on key characteristics, who were released onto parole supervision in northern Manhattan during the same time period. The preliminary evaluation offers a snapshot of the first twenty months of implementation, rather than a definitive analysis of the Reentry Court’s operations and long-term impacts.

Key recidivism measures are presented in the table below. Overall, reconviction rates were not significantly—although they were somewhat—reduced. However, the results indicate a significant reduction in convictions on *non-drug* related offenses within one year of release from prison. Reduced reconviction on non-drug related offenses appears to reflect the Reentry Court’s increased attention and scrutiny. It is unclear why similar reductions were not detected in drug-related convictions, although this may possibly reflect the long-standing and less tractable substance abuse problems that some of the parolees face.

The results also indicate no reduction in overall return to prison after one year. Indeed, the reincarceration rate for Reentry Court participants is somewhat, although not significantly, higher than the comparison group. Parolees in both groups are more likely to have been returned for a technical violation than a new felony conviction, with no difference emerging between the two groups on this measure either.

The findings, once again, are preliminary—the small number of Reentry Court participants available for analysis considerably limits the ability to detect program impact. The results are also best understood in light of the significant implementation challenges cited above. Participants in this analysis were enrolled in the Reentry Court during the early implementation period. It is not possible to make firm conclusions about the effectiveness of the Reentry Court model until it has had a chance to work with more participants. Nonetheless, the report highlights the challenges of working with a high-risk offender population that is prone to recidivism and the difficulties of implementing an innovative criminal justice partnership involving multiple players and significant changes to standard operating practice.

## ONE-YEAR RECIDIVISM RATES

	Reentry Court (N=45)	Comparison Group (N=90)
Reincarcerated within 1 Year Post-Release	22%	14%
New Felony Conviction	7%	3%
Technical Violation	15%	11%
Any New Conviction within 1 Year Post-Release	22%	30%
Any New Felony Conviction	9%	13%
Any New Misdemeanor Conviction	13%	18%
Any Drug Conviction	20%	16%
Any Non-Drug Conviction	4%	20%*

\*p < .05 (two-tailed t-test).

## FUTURE CHANGES TO THE HARLEM REENTRY COURT

Since the study period ended in January 2003, the Harlem Reentry Court has undergone several programmatic changes. Due largely to budgetary difficulties facing all state agencies, the maximum caseload of Reentry Court parole officers has increased and the administrative law judge is available to the court one day, rather than two, per week. The program is expected to undergo additional modifications in coming months as it expands to include serious and violent offenders. Finally, in the near future, program participants are likely to spend less overall time under the supervision of the Reentry Court, although at the time of this writing the nature and scope of this change has yet to be fully determined. Although the collective impact of these changes may be considerable, key innovations—a collaborative, community-based model of treatment and supervision, oversight by an administrative law judge, an emphasis on substance abuse treatment and employment—will remain in place. This initial report suggests that there is need for continued study of the Reentry Court model to determine not only whether or not it works, but also what its impacts are across various ex-offender populations and which of its various components is most effective.

# CHAPTER 1

## INTRODUCTION

The Harlem Parole Reentry Court began operations in June 2001 as a pilot demonstration project at the Harlem Community Justice Center, located in East Harlem. Its purpose is to test the feasibility and effectiveness of a collaborative, community-based approach to managing prisoner reentry, with the ultimate goal of reducing recidivism and prison return rates. The court is part of the US Department of Justice Office of Justice Programs' (OJP) Reentry Court Initiative. The Reentry Court was developed by the New York State Division of Parole, the Center for Court Innovation, and the New York State Division of Criminal Justice Services, with technical assistance from OJP.

The Reentry Court builds on a problem-solving court model and features partnerships among dedicated parole officers, an administrative law judge, case managers, a drug treatment provider, and a vocational service provider. Key elements of the Reentry Court model include pre-release assessment and planning, contracts specifying required behavior, intensive parole supervision, ongoing judicial monitoring, management of support services, graduated sanctions, and incentives for success. During the first twenty months covered in this evaluation, the court served a target population of nonviolent felony offenders convicted on drug charges (drug use or drug sales) and with post-release residence in one of three precincts in the East Harlem area. Its jurisdiction, however, recently expanded to service a larger population also including more serious and violent offenders.

### **Report Organization**

This report presents a process and preliminary impact evaluation of the Harlem Parole Reentry Court experiment, covering the planning period and the court's first twenty months of operations (June 1, 2001 – January 31, 2003). It evaluates the project implementation process, accomplishments and lessons learned in order to provide programmatic and policy guidance to Reentry Court stakeholders and to those in other jurisdictions who may wish to replicate the reentry court model.

Chapter 2 defines the problems the Reentry Court is designed to solve by describing the broader political, social and economic context in which the Harlem Reentry Court began operations, at the national, state, and local levels.

Chapter 3 outlines a proposed solution to these problems—the Harlem Parole Reentry Court. It describes the evolution of the Reentry Court model, with an emphasis on its roots in the drug court model and documents the pre-implementation planning period.

The Reentry Court represents a significant departure from traditional parole operations in New York City. It involves an attempt to enhance parole supervision for a select group of offenders with the aim of reducing recidivism and returns to prison. Chapter 4 examines the

implementation of the model over the Court's first twenty months: it describes its operations as well as staff and participant perceptions of its strengths and weaknesses.<sup>1</sup>

Chapter 5 examines the first 61 Reentry Court participants in terms of their demographics, criminal history, progress through the program, and key outcomes of interest such as program graduation and criminal justice involvement.

Finally, Chapter 6 examines the Reentry Court's preliminary impact on recidivism by comparing rates of return one year after release from prison among Reentry Court participants and similar parolees returning to northern Manhattan during the contemporaneous time period but not referred to the Reentry Court. The chapter provides some initial insights into the effects of focused attention to a specific class of ex-offenders: non-violent felony offenders convicted on drug charges returning to the East and Central Harlem community.

The findings are based on observations of court operations, attendance at planning meetings, review of project records, interviews and discussions with key project staff and participants, analysis of data from the Reentry Court Management Information System (MIS), and data retrieved from criminal justice system records provided by the New York State Division of Criminal Justice Services and the Division of Parole.

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<sup>1</sup> Because no research staff was dedicated to the Reentry Court on a full-time basis until May 2002, analysis of the planning period and first eleven months of program operations are to some extent retrospective and historical, and not based on the researcher's direct observations.

## CHAPTER 2

### PRISONER REENTRY: ISSUES AND CHALLENGES

The Harlem Reentry Court opened during a time of renewed concern about the prisoner reentry issue. Any discussion of the issue must begin by acknowledging that the challenge of reintegrating ex-offenders into the community is not new. For as long as there have been prisons, prisoners have been returning to their communities.

What is new, however, is the size, scope and severity of the challenge, both in New York and across the nation. A few numbers illustrate the basic story. Nationwide, more than 600,000 individuals are released from state or federal prison each year—1,600 releases each day. Within three years, two-thirds (68%) will be rearrested and nearly half will be returned to jail or prison for either a new crime or parole violation. Never before in US history have so many individuals been released from prison and never before is such a large proportion of the ex-offender population likely to end up back in prison.

Faced with these numbers, it should be no surprise that attention to the impact of prisoner reentry is no longer limited to criminal justice officials—communities recognize reentry as an issue that affects public safety, economic revitalization, and the well being of families and neighborhoods. The Harlem Reentry Court is part of a growing national effort to test the effectiveness of new methods to address the many challenges ex-offenders face when they return to their communities. This chapter examines the context in which the Reentry Court began operations by describing, albeit briefly, current issues in prisoner reentry.<sup>2</sup>

#### THE NATIONAL PERSPECTIVE

Prisoner reentry—the process by which individuals leave the custody of criminal justice agencies and reintegrate into the community—has always been a challenge. This challenge has increased in recent years, as a result of changes at all stages of the criminal justice process: sentencing, incarceration and post-release supervision. These changes have been driven or exacerbated by public policies that have expanded incarceration while at the same time reducing the capacity of communities and correctional agencies to manage reentry. The result is more offenders leave prison, after having served longer sentences with minimal rehabilitative programming. These releasees are returning predominantly to poor and working class urban neighborhoods already under considerable strain. Once released, ex-offenders face significant barriers to obtaining employment, housing, medical care and other basic needs, factors that affect their ability to lead law-abiding, productive lives.

#### *Sentencing: Growing Incarceration Rates and Longer Terms in Prison*

Nationally, there has been rapid growth in the prison population. In 2002, more than two million inmates were incarcerated in state or federal prisons (Harrison and Karberg 2003). When

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<sup>2</sup> For a thorough accounting of the dimensions and consequences of prisoner reentry, see Travis, Solomon and Waul (2001).

compared to the approximately 200,000 incarcerated in 1970, this represents a ten-fold increase in just over thirty years. During that time, the rate of incarceration grew nearly fivefold—from 96 to 474 people incarcerated per 100,000. Since 93% of those who enter the prison system are at some point released (Petersilia 2002), it is no surprise that growing numbers going into prison means growing numbers coming out of prison.

Not only is there a greater number of individuals who enter and are released from prison, but prisoners now spend a longer time behind bars, with the median time served increasing from 22 to 28 months between 1990 and 1998 (Beck 2000).

Growing rates of incarceration and term length reflect a number of policy changes beginning in the late 1970s, with a shift away from the use of indeterminate sentencing and discretionary parole release to a greater reliance on determinate sentencing and mandatory release. An increase in sentencing severity—fueled by the “War on Drugs” in the early 1980s—led to broader implementation of mandatory minimum sentences, truth-in-sentencing laws, “three strikes” laws, and other measures designed, in part, to get tough on offenders (particularly drug offenders) and to limit the discretion of judges and juries who were perceived to be soft on crime. For many, longer stays in prison are associated with deteriorating family ties and reduced employment prospects, complicating the challenge of community reentry and reintegration.

### ***Incarceration: Reduced Programming***

Most released prisoners will not have participated in educational, vocational or pre-release programming. The overall rate of participation has declined due largely to a decline in the availability of such programs. The 1990s in particular saw a significant decrease in funding for correctional programming, through measures such as the Violent Crime Control and Law Enforcement Act of 1994, which denied prisoners access to Pell Grants. In 1997, only 35% of soon-to-be-released inmates reported participating in educational programs and just 27% reported participating in vocational programs.

Drug treatment needs are also not being fully met. In a 1997 survey, 83% of prisoners reported having ever used drugs, although only 12% reported having participated in drug or alcohol treatment since admission (Mumola 1999).<sup>3</sup> This is especially problematic because participation in prison treatment programs has been shown to decrease recidivism, particularly when followed by community aftercare (Gaes et al. 1999).<sup>4</sup>

### ***Post-Release Supervision: Increased Failure on Parole***

Nationally, 70 percent of parolees successfully completed their parole term in 1985. By 1998, that number had dropped to 45 percent, which means that today the odds are that offenders will *not* complete their term on parole and will be recycled back into the prison system. Failure on parole predominantly is a result of technical violations of release conditions: twice as many

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<sup>3</sup> Inmates may have used drugs yet not require substance abuse treatment. In a 1991 survey, state corrections officials estimated that 70-85% of inmates need some level of substance abuse treatment (GAO 1991). The 1997 survey also indicates that 28% of state prisoners report having participated in other treatment, such as self-help/peer counseling groups, and educational or awareness programs (Mumola 1999).

<sup>4</sup> While Martinson’s (1974) highly influential “nothing works” essay suggested that few correctional treatment programs reduce recidivism, a growing body of research since then shows that effective treatment interventions can in fact reduce recidivism. For an overview, see Cullen and Gendreau (2000).

parolees are now returned to prison for technical violations as they are for committing new crimes.<sup>5</sup> Between 1980 and the late 1990s, parole revocations jumped from 18 percent to over one third of all prison admissions. These “churners” constitute the fastest growing category of prison admissions, posing special risks and challenges since they have already tried—and failed—to reintegrate into their communities (Travis, Solomon and Waul 2001).

While it is difficult to determine exactly why parole failure rates have risen, it appears to be tied to a number of interrelated trends in post-prison community supervision. Some states have done away with discretionary parole release entirely. As a result, more offenders receive fixed terms when they are initially sentenced and are automatically released after serving a set percentage of their overall sentence (minus credits for good behavior). Offenders then tend to spend less time on parole supervision after release, meaning that return on a technical violation would result in a shorter incarceration period than had they been granted discretionary release earlier. In fact, about one in five state prisoners leave prison without any post-release supervision whatsoever.

Meanwhile, funding for parole departments has not kept pace with the growth in the parolee population resulting from higher incarceration rates, and parole officer caseloads have risen (Travis, Solomon and Waul 2001; Petersilia 1999). Parole officers therefore have little time to work with parolees. Nationally, the 80 percent of ex-offenders on traditional parole make, on average, less than two, fifteen-minute meetings with their parole officers each month (Petersilia 2001).

Faced with rising caseloads, safety and security have understandably become key issues to parole officers. A survey of parole officers shows that they give higher priority to the law enforcement function of parole rather than to its service or rehabilitative functions (Lynch 1999). Indeed, the most common activities of parole officers, particularly those in large urban areas, are drug testing, electronic monitoring and verifying curfews, activities decidedly supervision-oriented (Petersilia 1998). This has been facilitated by the development of surveillance technology—particularly electronic monitoring—and drug testing, making it easier for parole officers to detect technical violations of parole conditions.

### ***Geographic Concentration of the Reentry Population***

While reentry is a national problem, the reality is that the reentry population is concentrated in a small number of neighborhoods located in core counties (counties containing the central city of a metropolitan area) that tend to be poor or working class. Unfortunately, these communities also lack resources and are in many ways least capable of facilitating the successful reintegration of former prisoners. High rates of incarceration—and reincarceration—pose substantial risks to communities and families within those communities. As individuals are removed from the neighborhood, their earning power is lost, community ties are weakened and, over time, prison becomes demystified and less of a social stigma. All of this may increase the likelihood of even further crime in the community (see, e.g., Clear 1996), although there is little research specifically documenting such an effect.

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<sup>5</sup> The administrative recording of parole violations tells little about the underlying parolee behavior. A “technical” violator may in fact have been arrested (but not tried) for a new crime while under parole supervision. For instance, 43 percent of parole violators in a 1991 study reported having been arrested for a new crime at least once while on parole (Cohen 1995).

## **PRISONER REENTRY IN NEW YORK**

Prisoner reentry in New York appears to follow some, but not all, of the nationwide trends, although less data is available to paint a complete picture. Overall, the prison population increased dramatically with the number of inmates rising from roughly 13,000 in 1973 to just fewer than 70,000 in 2001. While it has declined slightly over the past year, New York's 67,131 inmates at midyear 2002 represent the nation's fourth largest state prison population. Of course, New York's incarceration rate of 346 per 100,000 remains below the national average of 474 (Harrison and Karberg 2003). Note too that prison commitments from New York City have declined substantially over the past ten years – from nearly 18,000 in 1992 to 9,700 in 2002.

Drug-related arrests and incarcerations, in particular, increased considerably over the past two decades. In 1980, there were 27,407 statewide drug arrests. That figure jumped to 103,834 in 1990 and 145,694 in 2000, meaning drug arrests increased 432% from 1980 to 2000. Growth in drug-related incarcerations was even more dramatic. Drug offenders sentenced to state prison grew from 470 in 1970 to 886 in 1980 to 10,785 in 1990, and then declined slightly to 8,521 in 1999. Still, the 1999 figure represents a 1,730% increase from 1970 and an 862% increase from 1980. (Source of all data: New York State Commission on Drugs and Courts 2000, citing other New York State data sources.)

Coupled with the tremendous increase in drug offense volume is evidence of high rates of drug use and recidivism among the arrestee and prisoner populations. A sample of Manhattan arrestees found that 76.1% of males and 77.4% of females tested positive for drugs. Based on interviews with the defendants, 50.0% of males and 44.9% of females in New York City demonstrated “heavy use” of illegal substances (use in 13 or more days out of the previous 30). A study cited by the New York State Commission on Drugs and the Courts found that 80% of jail and prison inmates used illegal drugs (CASA 1998). And data from the New York State Division of Criminal Justice Services indicated high recidivism rates; 34% of drug offenders released from state prison in 1998 were re-arrested within one year, and 56% were re-arrested within three years (cited by Commission on Drugs and Courts 2000:14).

New York also falls within the trend of limiting discretionary parole release, though for violent offenders only. In 1995, a sentencing reform act eliminated parole board hearings for repeat violent felons, requiring them to serve at least 85 percent of their determinate sentences. Three years later, the ban on discretionary release was extended to first-time violent felons, so that they too are now required to serve at least 85 percent of their terms.<sup>6</sup> This legislation, however, also diverted certain nonviolent drug offenders to a 90-day treatment program at the former Willard Psychiatric Center in Seneca County. Thus, the act provided a two-pronged approach by keeping violent offenders in prison for longer while also providing a treatment alternative for low-level, nonviolent drug offenders.<sup>7</sup>

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<sup>6</sup> During this time, work release for violent felons was also eliminated.

<sup>7</sup> The full impact of these laws has yet to be seen. Because the laws are not retroactive, most violent felons sentenced under the new rule have not yet reached the upper range of their sentences and many violent felons appearing before the parole board were sentenced before the laws took effect.

Again following national trends, the returning prison population is concentrated in a small number of high-risk neighborhoods, most in the New York City metropolitan area. In March 2001, over 32,000 adult offenders were under parole supervision in New York City – 65% of the state parole population (50,150) in a city that houses 42% of state residents. Recidivism rates among this group are high. Forty-one percent of offenders sentenced to prison from New York City are returned within three years of release—16 percent for new felony convictions and 25 percent for violating the condition of release. And more than 3,000 (3,088) of these parolees are located in just four police precincts in Harlem – the 23<sup>rd</sup>, 25<sup>th</sup>, 28<sup>th</sup> and 32<sup>nd</sup> precincts.<sup>8</sup> Nearly two in three (67%) of these parolees returning to Harlem were convicted of a drug offense (Source: Harlem Reentry Court planning documents, on file with author).

## CHALLENGES FOR EX-OFFENDERS

The challenge of prisoner reentry has grown in scope and severity in part as a result of public policies that have expanded incarceration while reducing the capacity of communities and systems charged with managing reentry. These systemic changes have exacerbated the already difficult process of community reintegration. On an individual level, offenders today enter and leave prison with serious needs that can present significant barriers to community reintegration and increase the likelihood of recidivism. Key barriers include:<sup>9</sup>

- **Substance/Alcohol abuse:** Roughly 80 percent of state prisoners have a history of drug and/or alcohol use and, as discussed above, are unlikely to have received treatment while incarcerated.
- **Lack of employment experience:** Only half of state prison inmates were employed full-time before incarceration. Incarceration further reduces the employability of individuals who entered the prison system with dim prospects. Ex-prisoners are banned from certain jobs and professions. And as a result of welfare reform in recent years, ex-prisoners might face greater competition for low-paying jobs from former welfare recipients, although the impact of welfare reforms on the labor market is not well documented.
- **Lack of education:** A majority of prisoners returning to the community have not completed high school.
- **Severe health risks:** In 1997, prison releasees accounted for roughly a quarter of AIDS/HIV cases in the nation; nearly a third of Hepatitis C infections, and 38% of all tuberculosis cases.
- **High rates of mental illness:** Nationally, 16% of prison inmates have been identified as mentally ill (Ditton 1999).
- **Housing:** Obtaining basic needs such as housing is becoming increasingly important as offenders are returning from longer periods of incarceration and isolation from the community. In addition, ex-offenders are prohibited from most public housing and other public benefits (Mumola 1999).

## RESPONDING TO THE CHALLENGES

The prisoner reentry challenge has potentially profound implications not only for public safety but also for the economic and social health of states and communities, particularly those

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<sup>8</sup> The Reentry Court catchment zone included only the 23<sup>rd</sup>, 25<sup>th</sup>, and 28<sup>th</sup> precincts—it did not include the 32<sup>nd</sup>—during the time period covered in this report.

<sup>9</sup> Unless otherwise indicated, the following information is taken from Travis et al. (2000).

communities in which the returning prisoner population is concentrated. In response, the United States Department of Justice has undertaken several initiatives to encourage new ways of responding to the growing numbers of offenders being released from prison. These national initiatives implicitly recognize that the existing mechanisms are insufficient to effectively manage growing numbers of offenders returning to communities.

Since 1999, the Office of Justice Programs has helped to develop a series of system-wide reentry initiatives, including the Reentry Courts Initiative (of which the Harlem Reentry Court is a part) and several reentry partnerships. These initiatives are all based on a belief that all actors in the criminal justice system (police, courts, institutional and community corrections) play a role not only in offender processing and control but also in long-term offender change and reintegration into their communities. An additional premise is that criminal justice agencies cannot do this alone—they must engage families, community-based service providers, faith- and community-based organizations, and other sources of formal and informal support in reintegrating offenders.

### ***Evidence-Based Programming***

Reentry courts are a new concept and there has been relatively little research into their implementation, much less their outcomes and impact. Reentry court planners can, however, draw on a number of studies about what works in correctional programming, community corrections, alternative-to-incarceration programs such as drug courts, and other interventions that can be applied to reentry management. These studies suggest general lessons relevant to programming designed to reduce recidivism, promote community reintegration and protect public safety.

For example, studies suggest that a treatment component is important in changing offender behavior and reducing crime (Sherman et al. 1997). Evidence does not support the argument that enhanced supervision alone—for example, a greater willingness to violate parolees on technical conditions—suppresses new criminal arrests (Petersilia and Turner 1993).

Successful programs communicate offender responsibility and expectations to participants. Behavioral contracts can be an effective way to convey these expectations (Taxman, Soule, Gelb 1999; Silverman, Higgins, Brooner, Montoya, Cone, Suchuster & Preston 1996). In addition, research on drug courts (e.g., Harrell, Cavanagh and Roman 1998) suggests that contracts featuring a schedule of graduated sanctions and incentives can be particularly effective in changing participant behavior. Key elements of systems of sanctions and incentives are that they be applied consistently (to underscore the certainty of consequences), immediately after the triggering behavior, and that sanctions be relevant to the offender.

Beyond conveying expectations to offenders, successful programs also build support mechanisms which are critical to long-term success. This can mean involving the family, community, informal agencies (e.g., religious organizations, support groups) to help link the offender to the community (NIDA 2000). Informal social controls have been found to have a more direct effect on offender behavior than formal social controls (e.g., Gottfredson and Hirschi 1990, Byrne 1990), suggesting that families, peers, community and other influences should be drawn upon whenever possible. For example, in a study of prisoners returning to New York City, Nelson et al. (1999) suggest that supportive families were an indicator of success across the

board, correlating with low drug use, greater likelihood of finding jobs and reduced criminal activity.

These lessons provide guidance for the planning of initiatives designed to manage the reintegration of offenders back into their community. Indeed, planners were aware of these lessons when developing the Harlem Reentry Court. The Reentry Court model and planning period are the subject of the next chapter.

## CHAPTER 3

### THE HARLEM REENTRY COURT MODEL

The last chapter outlined the context of prisoner reentry and its consequences. Faced with this daunting challenge, several jurisdictions have tested new models of prisoner reentry management. The Harlem Parole Reentry Court is one such pilot project. The Reentry Court draws on the promising drug court model to manage released offenders by using judicial authority and graduated incentives and sanctions to promote law-abiding behavior.

This chapter documents the evolution of the Harlem Reentry Court model, from the initial funding through the planning process. This chapter provides a backdrop for understanding the Reentry Court's implementation and early operations—the subject of the next chapter.

#### THE REENTRY COURT MODEL

The Reentry Court model borrows from the underlying premise of drug courts and other problem-solving courts, but features enhancements designed to facilitate community reintegration and to ensure that public safety is not compromised. According to the Office of Justice Programs (1999:7-9), core elements of the Reentry Court model include:

- **Assessment and planning:** Identification of candidates prior to release; needs assessments and planning prior to release; involvement of the offender, community corrections and other key partners;
- **Active oversight:** Regular court appearances beginning immediately after release involving the ex-offender, Reentry Court staff, and family or other informal support mechanisms;
- **Coordination of support services:** Identification of necessary resources including substance abuse treatment providers, job training programs, private employers, family members, housing services, and other community- and faith-based organizations, with a case management approach to be developed by and accountable to the court;
- **Accountability to the community:** Involvement of citizen advisory boards and victim organizations;
- **Graduated and parsimonious sanctions:** Use of predetermined range of sanctions for violation of supervision conditions that can be administered swiftly, predictably, and universally; and
- **Incentives for success:** Identification of program milestones and use of incentives to recognize such milestones.

As implemented in Harlem, an additional programmatic element—a **neighborhood focus**—is noteworthy. The Harlem Reentry Court is unique among the Reentry Court Initiative programs in focusing on a narrowly defined geographic area covering three police precincts (23<sup>rd</sup>, 25<sup>th</sup> and 28<sup>th</sup>) in East and Central Harlem. By locating the court in the neighborhood where parolees live, the program attempts to engage family members, local police and community institutions

(churches, schools, etc.) in aiding reintegration and supervision efforts. The Reentry Court also seeks to benefit from on-site services available at the Harlem Community Justice Center.

### **PLANNING THE HARLEM REENTRY COURT**

A great deal had to be worked out to move from the general approach articulated by the Office of Justice Programs to an operational plan. As has been the case with pilot projects operated by the Center for Court Innovation in the past, what emerged from the planning period was an operational plan with basic policies and procedures intact but with other issues unresolved, which the planners expected to be worked out during the early stages of program implementation.

Planning for the Reentry Court took place throughout 2000 and early 2001 and was led by a team from the New York State Division of Parole, the Division of Criminal Justice Services, the Center for Court Innovation, and Center for Employment Opportunities. Team members included Mary Ellen Flynn from the Division of Criminal Justice Services (and later the Division of Parole), Felix Rosa and John Meehan from the Division of Parole, Alfred Siegel and Michele Sviridoff from the Center for Court Innovation, and Mindy Tarlow from the Center for Employment Opportunities. Others participated throughout the planning process. Together, the team developed the court's policies and operational procedures.

The Reentry Courts Initiative provided technical assistance but no programmatic funding. The Reentry Court planning team benefited from participating in two cluster meetings, sponsored by the United States Department of Justice's Office of Justice Programs, featuring representatives from all Reentry Courts Initiative sites. The meetings took place in April and September 2000.<sup>10</sup> Harlem Reentry Court planners requested assistance in three key areas: the development of graduated sanctions and incentives, organizational development of the Reentry Court staff, and the development of ways to engage families in the Reentry Court. The assistance provided in these three areas was in organizational development, in the form of team building training funded under a separate National Institute of Corrections grant.

Reentry Court planners also conducted three focus groups to elicit feedback from key stakeholders and to inform the planning process. Separate focus groups were conducted among male and female parolees (who were participants in the Center for Employment Opportunities) as well as parole officers. The focus groups provided feedback on the concerns and needs of parolees and parole officers, the supports that are and are not in place to facilitate reentry, ways the new program could help facilitate reentry, and suggestions about appropriate and effective incentives and sanctions.

#### ***Key Issues Addressed***

Team planners agreed that the principal goals of the Reentry Court would be to reduce recidivism and promote successful community reintegration, while maintaining public safety. How to best achieve those goals was the subject of much discussion.

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<sup>10</sup> The Reentry Court Initiatives initially intended to provide additional local technical assistance, but this was never implemented.

### Target Population

Program planners agreed on a population of felony drug offenders (those convicted on either drug possession and/or drug sales offenses) with a post-release residence in one of three precincts in Central and East Harlem: the 23<sup>rd</sup>, 25<sup>th</sup> and 28<sup>th</sup>. Eligibility requirements further stipulated that participants have no history of violent felony convictions—either current or past convictions—and present no severe mental illness.<sup>11</sup> Both Board- and conditional-release parolees are eligible for the program.<sup>12</sup>

Note that a target population of drug offenders was seen as a logical first step in adapting the drug court model in the prisoner reentry context. The decision to initially target a non-violent offender population reflected planners' desire to choose a population they anticipated would be acceptable to the community and the Harlem Community Justice Center, which offered programs and services to others in the community, including youth.

For offenders meeting all program eligibility criteria, participation in the Harlem Reentry Court is mandatory. Because the Reentry Court features more intensive parole supervision and holds parolees to a higher behavioral standard than would be asked of them on traditional parole, planners were concerned that a voluntary program would be difficult for staff to make attractive to soon-to-be-released offenders. Planners did not, however, anticipate that *all* eligible offenders would be enrolled in the program. After reaching its caseload capacity, the program would select new offenders (enrolled on a mandatory basis) only when a slot became available.

### Developing Sanctions and Incentives

A key issue addressed during the planning period was how to respond to technical violations of release conditions, such as missed appointments or a failure to make a scheduled report to the parole officer. Since the Division of Parole must respond quickly to misbehavior to ensure public safety, parolees are more likely to be reincarcerated for technical violations than for reoffense. Planners anticipated that the Reentry Court program could be particularly effective in reducing instances of reincarceration for technical violations of release conditions.

Reentry Court planners discussed ways to establish and implement proportionate responses, short of parole revocation, to noncompliant behavior. Exacerbating the challenge was the reality that the program would place a greater number of release conditions on parolees (which might increase the likelihood of technical infractions) and that parolees would be subject to greater supervision (increasing the likelihood that parole officers will detect noncompliant behavior). Planners were aware that, particularly under these circumstances, a key issue would be when to “pull the plug” – at what point would technical infractions no longer be dealt with through intermediate sanctions? At what point would revocation of parole be appropriate? The next

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<sup>11</sup> Also excluded were those who on their current conviction participated in SHOCK incarceration or the Willard drug treatment programs.

<sup>12</sup> There are two principal mechanisms for parole release in New York State. The first method, Board release, occurs when the Parole Board grants release to an inmate. This is the most frequent method of release in New York. The second method, conditional release, is a statutory method that requires release when total good time behavior reaches two-thirds of the maximum sentence (for indeterminate sentences). For example, an inmate serving a one to three year indeterminate sentence is eligible for Board release after one year and conditional release after two years, assuming there has been no loss of good time. Most non-violent drug offenders are granted Board release, although both Board and conditionally-release parolees are eligible for the Reentry Court program.

chapter will show that responding to technical violations has been a continuing challenge for the Reentry Court.

Program planners were also faced with the complicated task of developing incentives and sanctions appropriate to the target population that also comply with the Division of Parole's minimum supervision requirements and statutory regulations. Incentives, in particular, were the subject of considerable discussion. Planners brought to the table differing perspectives about the idea of providing incentives for compliant behavior and the form such incentives should take. According to several stakeholders, providing positive incentives for parolees is inconsistent with the prevailing culture in parole departments, both locally and nationally, which tend to think in terms of sanctions and the absence of sanctions. In other words, some of the planning team believed that parole release is itself a privilege and parolees ought not to receive material incentives for abiding by their parole contract. Ultimately, the team agreed upon a set of "small tokens" such as judicial congratulations, the relaxation of restrictions, small tokens (pens or writing journals), and public ceremonial acknowledgements to mark program milestones.<sup>13</sup>

#### Defining Staff Roles and Developing a Team Model

The Reentry Court model envisions a very different relationship among parole officers, case managers, service providers and an administrative law judge, with all staff working in collaboration and taking on non-traditional roles. Perhaps most notably, the administrative law judge, who typically presides only at parole revocation hearings, would monitor parolee compliance through regular court appearances (scheduled on a biweekly or monthly basis depending upon the parolee's program status), and implement a schedule of graduated sanctions and incentives.

Other staff would also take on non-traditional roles. Parole officers would work in a team setting with the administrative law judge, case managers, and treatment providers. Case managers would need to become sensitive to the issue of adherence to supervision plans and the need to report noncompliance to parole officers. Other key players such as employment specialists have long been accustomed to working with the parolee population but may not have traditionally worked closely with justice agencies. For example, employment specialists may not have been as extensively involved in meetings with parole officers or engaged in regular and formalized reporting mechanisms. Nearly everyone involved in the Reentry Court would need to adjust their work styles to function effectively in this coordinated team approach.

Designing and implementing a team-based approach represented a key challenge to the Harlem Reentry Court. Program planners recognized it would require not only committed staff but also ongoing team building and training in collaborative decision making. Prior to beginning operations, a team building training session was held in Poughkeepsie, New York in January 2001.

A related challenge was to define staff roles and responsibilities within the team-based model. Who has the final say in cases where team members disagree? Under what circumstances should parole officers act unilaterally, and when should they wait for the input of other staff? Planners

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<sup>13</sup> Note too that in the parolee focus groups held during the planning period, some parolees viewed restrictions (e.g., urine testing) as incentives to stay clean.

agreed that when serious violations occurred, parole officers would not be required to wait on the court or collaborate with the team—they would have the authority to take necessary actions to ensure public safety. How to react to “less serious” instances of parolee noncompliance, such as rearrest for minor violations, elicited greater discussion. Ultimately, the specific nature of staff roles was left somewhat ambiguous, anticipating that real-life practice during the early stages of program implementation would inform the final decisions regarding staff responsibilities.

## **PROGRAM DESCRIPTION**

The Harlem Reentry Court operational plan reflects the result of the planning process and provides the programmatic context in which the court began operations in June 2001. This program description is organized around the six core elements of the Office of Justice Programs’ Reentry Courts Initiative model.

### ***Timeline and Program Stages***

The Reentry Court program was originally envisioned to last approximately six months, with a subsequent aftercare period of another twelve months. The six-month program is divided into three phases, each approximately sixty days. Resources are targeted to the period when parolees are presumed to be most vulnerable—the first months after release. During the first two months, participants appear before the judge every other week and report to their parole officers on a weekly basis. Progress from one phase to another results in gradually less intensive supervision, as reflected in Exhibit 3.1.

**Exhibit 3.1  
Program Stages**

<b>Phase</b>	<b>Court Appearances</b>	<b>Reporting to Parole Officer</b>
Phase I	Bimonthly	Weekly
Phase II	Monthly	Bimonthly
Phase III	Monthly	Monthly

Phase advancement is determined on a case-by-case basis and is tied to parolee behavior in making continued progress toward community reintegration. Participants are expected to abide by the general conditions of parole, as well as their supervision and case management plans, at all times. This includes maintaining abstinence, attending and participating in drug treatment, working or attending job training, and other special conditions. The operational plan gives the court the discretion to extend each program phase an additional thirty days.

The plan for the court specified that within the first twelve months of operations, it would enroll 96 parolees into the program.

## **Program Components**

### ***Assessment and Planning***

Reentry Court planners were faced with the formidable task of developing procedures to identify and enroll eligible prisoners serving sentences in any one of seventy-two prison facilities statewide, many located several hundred miles from New York City. The original approach as stated in the operational plan would have screening take place at the facility approximately ninety days before release. Inmates identified as eligible for the program would then be transferred “downstate” to local prerelease facilities – Queensboro Correctional Facility for men and Bayview Correctional Facility for women.

Presumably, this would require Department of Correctional Services staff to alert the Reentry Court parole officers of eligible candidates and to take the steps to transfer these candidates to the appropriate downstate facilities. Establishing such a process, which was to be supervised by the senior parole officer, poses issues of coordination and communication among agencies without such procedures already in place. The next chapter will show that the procedures developed to conduct screening in the facilities proved ineffective, and the Reentry Court eventually adopted alternative inmate screening procedures.

Once at the downstate facilities, inmates meet their parole officer. Prior to release, the parole officer also conducts a community preparation investigation. As part of the community prep, the officers work with the Reentry Court staff and contractors, as well as the parolee and his or her family, while the parolee is still in pre-release confinement. The parole officer visits the anticipated residence of the parolee to assess the living conditions as well as the living conditions and the employment status of others in the family.

In addition to the parole officer meetings and investigations, the Reentry Court resource coordinator conducts an intake assessment within a few days after the inmate is identified as eligible for the program. The purpose of the assessment is to note any immediate problems, suggest areas of concern that need greater investigation, and guide service needs. The operational plan states that the resource coordinator will also conduct a separate family assessment prior to release to gather information on problems within the family (assuming one exists), family strengths and weaknesses, and the degree of support for the parolee’s reentry.

The Reentry Court envisioned substantial pre-release programming to be conducted by the National Trust for the Development of African-American Men, with post-release follow-up using the services of the Exodus Transitional Program. The curricula would include workshops and leadership groups, with a focus on teaching accountability, self-reliance, and responsibility.

### ***Active Oversight***

A key component of the Reentry Court model is active and continued judicial monitoring. Because Harlem Reentry Court participants are under the jurisdiction of the Division of Parole and not the courts, an administrative law judge employed by the Division of Parole serves as the

titular head of the Reentry Court.<sup>14</sup> The administrative law judge's role is to preside at regular court appearances by parolees and to implement a schedule of graduated sanctions and incentives. This substantially transformed the role of the administrative law judge, who traditionally presides only at parole revocation hearings.

Parolees appear before the administrative law judge the day of release from prison to formally review their conditions of release as well as the treatment and supervision plans that have been individually crafted for them by Reentry Court staff. At the end of the initial meeting/court appearance, a formal contract between the parolee and the Reentry Court is executed and signed by the parolee, parole officer, and administrative law judge. The contract includes specifically enumerated goals and objectives tied to treatment, employment, housing and other services.

The contract provides for periodic appearances before the administrative law judge throughout the period of program participation. These hearings are used to monitor participants' progress, issue sanctions for noncompliant behavior and acknowledge progress. The parolee and his or her parole officer both attend the hearings.

Reentry Court parole officers are responsible for monitoring compliance with the conditions of release and the Reentry Court contract. The Reentry Court has two dedicated parole officers—supervised by a senior parole officer—operating on reduced caseloads not to exceed twenty-five cases per officer. This caseload compares to the 40:1 caseload for newly released parolees on traditional parole.<sup>15</sup> Active oversight of Reentry Court participants—including frequent random drug testing—is facilitated by the program's neighborhood focus. Since all parolees reside within a relatively small geographic area in East and Central Harlem, parole officers are able to spend more time with the parolees they supervise, making visits to a parolee's home, treatment program or work site, and less time traveling from one site to another.<sup>16</sup> Parole officers are also expected to meet regularly with a parolee's family members. In addition, parole officers are expected to meet regularly with service providers, employers and family members to discuss issues affecting supervision.

### ***Coordination of Support Services***

Linking parolees to needed services is one of the Reentry Court's highest priorities. Since the target population for the court is drug offenders, virtually all with substance abuse histories, emphasis is placed on drug treatment and employment (job readiness/training, transitional work) services. The Center for Employment Opportunities provides employment services for Reentry Court participants, enrolling them in a transitional work program and seeking to place them in unsubsidized employment. Substance abuse treatment providers with existing contracts with the Division of Parole offer services as well. Reentry Court participants also have access to support services located on-site at the Harlem Community Justice Center (e.g., mediation and family group conferencing) and those located within the Harlem community, to address housing, job

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<sup>14</sup> In other words, the executive rather than judicial branch is the authoritative body for the Reentry Court.

<sup>15</sup> Newly released parolees are typically placed on intensive supervision status (40 parolees per parole office) for the first twelve months of supervision. After twelve months, parolees transition to regular supervision and are supervised at a ratio of 100:1.

<sup>16</sup> The parole officers do, however, travel outside the Reentry Court catchment zone. Most parolees' work sites are outside Harlem (many outside Manhattan), and some program participants reside in a long-term residential drug treatment facility located in the Bronx.

development, and other basic needs. Case managers—overseen by the resource coordinator—are critical to the coordination of support services.<sup>17</sup>

The Reentry Court model envisions a team working together to implement the treatment plan. To facilitate this process, the operational team meets on a weekly basis to discuss parolees scheduled to make court appearances the following day (Reentry Court hearings are held one day per week). This team includes representatives from the drug treatment programs (staff from Palladia and Project Greenhope), Center for Employment Opportunities, the parole officers and the senior parole officer, the administrative law judge, case management staff, and a community resource developer. The weekly meetings are intended to share appropriate information, assess participants' progress and to develop coordinated responses to problems that may have arisen.

### ***Accountability to the Community***

The Reentry Court Initiative sites were encouraged to use citizen advisory boards to provide guidance to the programs. While the Harlem Reentry Court program did not do this, program planners were committed to building a community-based support system for parolees. Analysis of planning documents, for example, shows that Reentry Court planners sought to work with the Harlem Community Justice Center advisory board to build community service projects for Reentry Court participants. The Reentry Court operational plan did not, however, mandate community service for participants out of a concern for placing too many demands on parolee's time so shortly after release from prison. To encourage community accountability, program planners anticipated that the Center for Employment Opportunities would make efforts to identify work sites located in East and Center Harlem.

### ***Graduated and Parsimonious Sanctions***

The Reentry Court adapts the drug court model by applying graduated sanctions in response to noncompliant behavior, such as missed appointments, dirty urines, and absconding. According to the operational plan, sanctions for misconduct include increased appearances before the administrative law judge, delayed promotion from one phase to another, increased drug treatment and testing, tighter curfews, and electronic monitoring. The goal is to use graduated, intermediate sanctions as an alternative to formal revocation of parole, when appropriate, to deter reoffending. The next chapter will show that additional sanctions not written into the operational plan were developed over the first year of operations on a case-by-case basis in response to perceived needs.

### ***Incentives for Success***

The Reentry Court operational plan also provides for incentives to offer positive reinforcement for compliant behavior. Incentives include judicial recognition, certificates of accomplishment, the relaxation of restrictions, small tokens such as pens and writing journals, and public ceremonies to mark key program milestones.

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<sup>17</sup> When the Reentry Court opened, the resource coordinator conducted most case management himself. Staffing for case managers has fluctuated during the twenty months. Currently, one case manager is devoted to the court on a full-time basis; the court also has a part-time intern who conducts case management (the resource coordinator continues to conduct some case management as well).

### ***Graduation and Aftercare***

Upon successful completion of the three program phases, parolees participate in a formal, public graduation ceremony. Parolees then enter a year-long aftercare phase, where they may avail themselves of services provided by the Harlem Community Justice Center. They may also appear before the administrative law judge on a case-by-case basis when problems arise or when achievements warrant the judge's attention. Program planners anticipated that the dedicated Reentry Court parole officers would no longer supervise Reentry Court graduates. Instead, they would be transferred to regular parole caseloads for the remainder of their parole term.<sup>18</sup> Note that successful completion of the Reentry Court program does not affect graduates' parole status—they remain on parole until their term expires and graduation does not bring about a reduced term length.

### **STAFFING**

The original staffing plan for the Harlem Reentry Court consisted of an administrative law judge, senior parole officer, two parole officers, and resource coordinator.

#### ***Administrative Law Judge***

A single administrative law judge presided over the Harlem Reentry Court from its inception until August 2002, when another administrative law judge replaced him. The administrative law judge is the presiding judicial officer at the Reentry Court, and is dedicated to the court on a part-time basis. Through March 2003, the administrative law judge was devoted to the Court two days per week. In her capacity as Reentry Court judge, she presides over all Reentry Court proceedings, administers all sanctions and incentives, participates in case conferencing meetings, and presides over graduation ceremonies for successful participants. In addition, she presides over all parole violation and revocation hearings involving Reentry Court parolees.

#### ***Senior Parole Officer***

The senior parole officer is the supervising parole officer for the Reentry Court. A single senior parole officer held the position from the program's inception until January 2003, when another senior parole officer replaced her. The current senior parole officer is dedicated to the Reentry Court on a part-time basis, in which capacity his principal responsibilities are to supervise the parole officers assigned to the Reentry Court, identify and screen potential participants, and issue warrants for parolees whose behavior requires such action. As a member of the case management team, the senior parole officer participates in all aspects of supervision and case management, providing input and recommendations on matters such as reviewing parolee progress, issuing incentives and sanctions, and holding emergency hearings when necessary. The senior parole officer has played a central role in coordinating the program, establishing policies, organizing graduation ceremonies, advising staff and facilitating communication among members of the Reentry Court staff and outside providers.

#### ***Parole Officers***

Two parole officers, who are the principal agents who supervise Reentry Court parolees, have a wide range of responsibilities. They assist the senior parole officer in identifying program participants and processing the necessary paperwork to transfer participants to the jurisdiction of

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<sup>18</sup> Program graduates would be maintained on intensive supervision standards for a period of six months after which they would be subject to supervision standards at the discretion of the Division of Parole.

the Reentry Court. The parole officers meet participants before they are released to introduce them to the program. They work with the senior parole officer, resource coordinator and other staff to prepare an initial supervision and case management plan. The parole officers carry out field supervision duties—home checks, work visits, urine tests, reports, etc.—on an intensive supervision caseload. They are responsible for assessing public safety risks and taking actions needed to ensure public safety (this includes arresting parolees and instituting parole violation or revocation hearings against them).

In addition, the parole officers work with other members of the case management team to carry out and, when necessary, modify the case management plan. The parole officers also participate in all Reentry Court hearings by reporting parolee compliance and progress to the administrative law judge and making recommendations about the appropriate court response.

### ***Resource Coordinator***

A resource coordinator with a professional degree in social work oversees the case management process. He is responsible for supervising case management staff, managing a wide array of support services, and coordinating case management meetings. The resource coordinator conducts an initial intake and needs assessment with program participants a few days prior to their release from prison and then works with the parole officers to develop a supervision and treatment plan. He also appears at all Reentry Court hearings to provide information and recommendations to the administrative law judge regarding parolee progress in treatment and service areas. During the first twenty months of operations, the resource coordinator conducted much of the case management himself, including individual counseling, family meetings and support groups, and referrals in collaboration with the parole officers. The resource coordinator worked with both planning and operational staff (particularly the senior parole officer) in coordinating the program, establishing policies, facilitating communication and organizing graduation ceremonies.

### ***Other Staff***

Program planners also envisioned that an employment specialist from the Center for Employment Opportunities would work in partnership with Reentry Court staff.<sup>19</sup> Additional project staff were added over time to include a part-time administrative assistant employed by the Division of Parole to provide clerical assistance, case managers (working under the resource coordinator's supervision), a community outreach coordinator responsible for identifying and reaching out to potential community partners, and an evaluator to gather data and conduct research to monitor implementation and outcome objectives.

With this operational and staffing plan in place, the Harlem Reentry Court formally opened in May 2001 and began operations the next month. The next chapter examines the court's first twenty months of operations, highlighting its successes and continuing challenges.

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<sup>19</sup> This staff position is not, however, formally described in the Reentry Court operational plan.

## CHAPTER 4

### IMPLEMENTING THE REENTRY COURT MODEL

The Harlem Reentry Court tests a new model of providing supervision and treatment services designed to reduce recidivism and facilitate parolee reintegration into the community. This model envisions new approaches to interagency coordination and decision making that typically take several years to implement. The purpose of this chapter—a process evaluation—is to examine program implementation as compared to the initial design and identify areas to improve implementation. The process evaluation is also designed to inform the planning and implementation of future reentry initiatives, both in New York and nationally.

The first twenty months of the Harlem Reentry Court has seen many accomplishments but also numerous challenges and implementation barriers to overcome. The early operations of the court focused primarily on establishing an efficient participant identification process, defining and refining the substance of a team-based model, and responding to other challenges. To examine these and other issues encountered during implementation, this chapter is organized around four key topics:

- § *Overview of the implementation period:* The chapter begins by identifying key program milestones and changes to the model that occurred during implementation;
- § *Key policy and implementation challenges:* Three key challenges—offender identification, defining staff roles and implementing a team based model, and operational leadership—were faced during implementation. This section examines each challenge and its impact on the Harlem Reentry Court;
- § *Implementation in all program areas:* After examining the principal challenges, the focus then turns to implementation across all program areas, identifying successes, continuing challenges, and lessons learned;
- § *Future directions for the Harlem Reentry Court:* Finally, ongoing changes to the Harlem Reentry Court are discussed.

#### OVERVIEW OF THE IMPLEMENTATION PERIOD

Exhibit 4.1 presents a timeline highlighting the Reentry Court's key milestones as well as programmatic and personnel changes during the planning period and first twenty months of program operations. The Harlem Reentry Court formally opened in May 2001 and began operations the next month, with the first participant released from prison to the Reentry Court's supervision on June 28, 2001. The Court has held three graduation ceremonies to date—in March, June and November 2002. There have been a total of 22 graduates.

## Exhibit 4.1 Project Timeline

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### 2000

- February Reentry Courts Initiative grant received; project planning begins.
- April Planning team members attend first OJP cluster meeting for technical assistance.
- September Planning team members attend second OJP cluster meeting for technical assistance.
- November Planners conduct focus groups among parolees and parole officers.

### 2001

- January Team building training session held in Poughkeepsie, NY.
- May Harlem Reentry Court formally opens.
- June First participant released to the Reentry Court's supervision.
- December North General Hospital, first outpatient drug treatment provider, loses contract with Division of Parole. Palladia—Comprehensive Treatment Institute (CTI) begins to take Reentry Court participants on a fee-for-service (Medicaid) basis.

### 2002

- March First graduation ceremony held at the Harlem Community Justice Center (4 graduates).
- April First peer support group, organized by case managers, is held.
- May Senior research associate hired; evaluation begins.  
New job coach from CEO begins working with the Reentry Court; is dedicated to working with all Reentry Court participants attending CEO.
- June Second graduation ceremony held (7 graduates).
- July Honorable Brigitte Fortune replaces Honorable Terry Saunders as the Reentry Court's administrative law judge.
- October Community service outreach coordinator position filled.  
Third graduation ceremony held (11 graduates).
- November Case manager position filled.

### 2003

- January Senior parole officer position changes hands.  
Palladia—Parole Transition Program (PTP) announces transition from a six-month residential substance abuse treatment facility to a three-month community based residential program.  
Evaluation period ends.
-

There were a variety of organizational and personnel changes during the first twenty months of operations. Most notably, in December 2001, the program's initial outpatient drug treatment provider—North General Hospital—lost its contract with the Division of Parole. Palladia, Inc. (formally Project Return) began at that time to take Reentry Court participants on a fee-for-service basis. In July 2002, The Honorable Terry Saunders resigned his position as the Reentry Court's first administrative law judge. Replacing him was The Honorable Brigitte Fortune. The senior parole officer position also changed hands in January 2003. Throughout the implementation period, several new positions (researcher, case manager, and community resource developer) were also filled.

The Reentry Court procedures envisioned in the operational plan changed considerably during implementation. The key changes resulted either directly or indirectly from the difficulty of identifying program participants, the principal implementation challenge during the first twenty months of operations. Early operations differed from the initial plan in three principal ways:

- § ***Offender identification***: The process of identifying offenders in upstate facilities was far more difficult than program planners had anticipated. Among the issues affecting the program was the sheer size of the state correctional system. With seventy-two facilities as potential feeders, identifying eligible candidates in a timely manner and transferring them downstate proved to be a frustrating endeavor. After approximately one year, the Reentry Court began to identify program participants solely at metropolitan-area pre-release facilities (Queensboro Correctional Facility for men, Bayview Correctional Facility for women).
- § ***Pre-release planning and services***: Significantly fewer than the anticipated sixty days was available for pre-release planning and services. While pre-release time was less than anticipated even when offenders were initially identified at upstate facilities (due to the processing time involved in transferring them to local facilities), identifying offenders only at transitional facilities dictated shorter pre-release periods than envisioned in the operational plan.
- § ***Aftercare***: The operational plan originally anticipated program graduates would be transferred off of the Reentry Court parole officers' caseloads to finish their parole term so that parole officers could retain a maximum caseload of twenty-five cases per officer as new participants entered the program. Due to the lower-than-anticipated caseloads, however, this was unnecessary and Reentry Court parole officers continued to supervise participants in aftercare. While this provided greater continuity in supervision for the first graduates, it also delayed the need for staff to develop and refine procedures for participants to exit the program.

Each of these issues is described in detail below.

## **KEY POLICY AND IMPLEMENTATION CHALLENGES**

As noted earlier, the Reentry Court's first twenty months of operations included many accomplishments and many issues to be resolved. Participating staff and organizations were quite proactive in defining weak or troublesome elements and suggesting ways to strengthen the program.

This section examines three key challenges the Reentry Court faced during program implementation: offender identification, implementation of a team-based model, and operational leadership. Additional accomplishments and challenges are identified in later sections of this chapter.

### **OFFENDER IDENTIFICATION**

The major obstacle to the effective start-up of the Reentry Court was the inability of the planned screening process to identify eligible offenders. The program's caseload during the first year of operations—45 participants entered the program—fell far short of its goal of 96 (see Exhibit 4.2). During the twenty-month period covered in this evaluation, 61 parolees entered the program.<sup>20</sup> Identification of female offenders has been particularly problematic, as only four have entered the program.

Program planners had assumed that all offenders meeting the eligibility criteria would be available for the Reentry Court. However, many of these individuals are eligible for work release, making them ineligible for Reentry Court participation. It was also anticipated that the Department of Correctional Services and Division of Parole would work together to identify potential candidates for the program while they are in upstate facilities and transfer them to local pre-release facilities at least 60 days before their release date. But the planned multi-agency, multi-level coordination did not work as hoped and coordinating staff at the 72 upstate facilities proved difficult, despite the best efforts of staff from the Division of Parole over the course of several months.

In response, Reentry Court staff gradually abandoned this procedure and began, in approximately June 2002, to identify offenders solely at transitional pre-release facilities located in New York City (Queensboro Correctional Facility for men, Bayview Correctional Facility for women). This new participant identification process was manual and cumbersome: lists of all offenders entering Queensboro were faxed to the Reentry Court senior parole officer, who identified potential candidates from the sheets. While the new process did reduce the burden on program staff of coordinating across multiple sites, it had no impact on the caseload (see Exhibit 4.2) because identifying participants at the local facilities introduced a new set of challenges and constraints for the court.

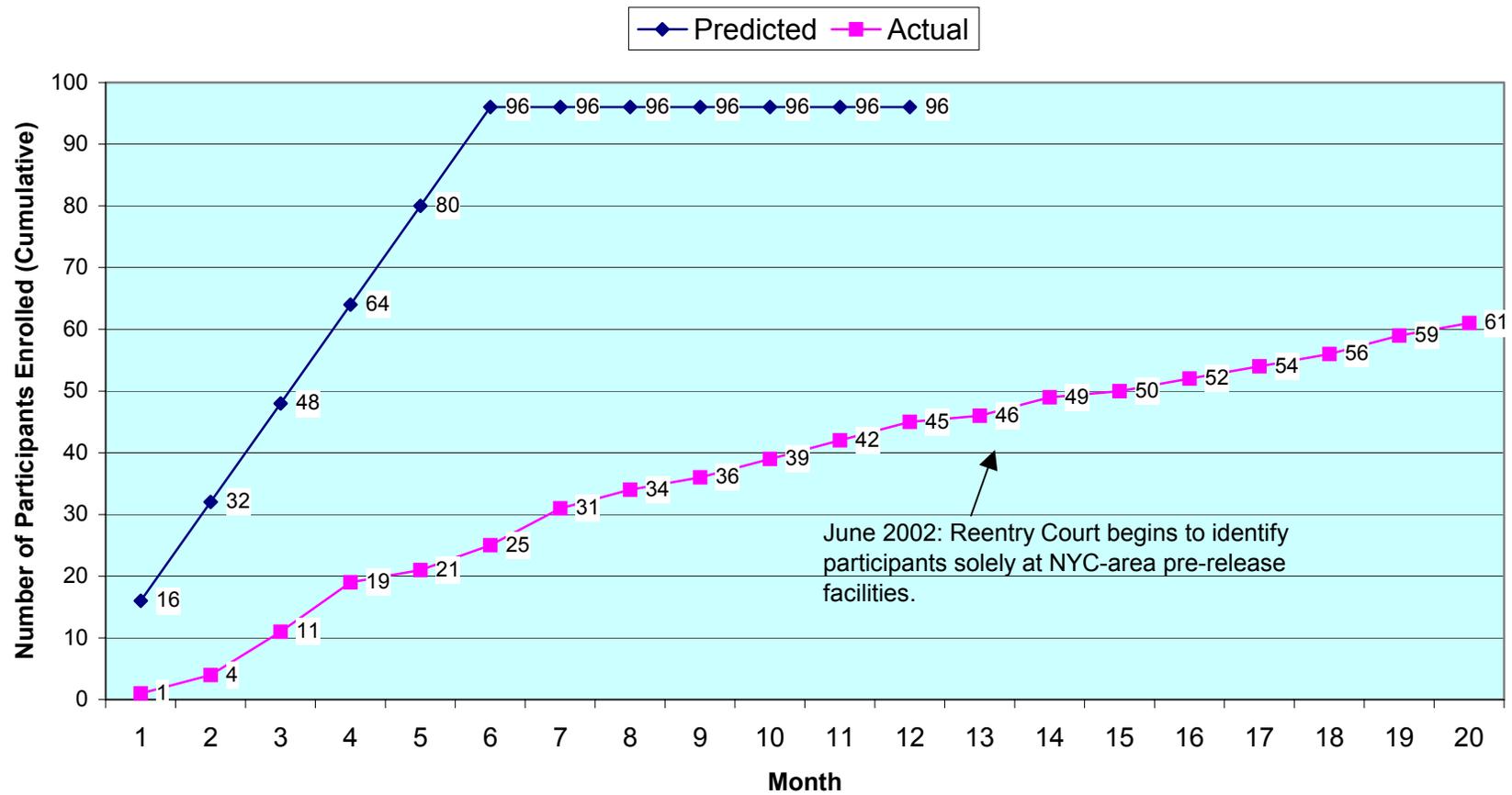
First, the new process eliminated from consideration a substantial minority of the eligible participant population. According to Division of Parole data used during the planning period, 381 parolees meeting the Reentry Court eligibility criteria were released into the court's catchment zone in 1999. Of these releases, 204 were from temporary facilities in the New York City area and 177 were directly from upstate facilities. Upstate releases, which accounted for 46% of the potentially eligible population in 1999, are not identified under the new procedure.<sup>21</sup>

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<sup>20</sup> As will be discussed in greater detail below, caseloads have increased considerably in recent months. At the time of this writing, more than 100 parolees have entered the Reentry Court program.

<sup>21</sup> Policies and practices regarding transfers to New York City-area facilities change from time to time, so this conclusion should be interpreted as suggestive rather than authoritative.

## Exhibit 4.2 Reentry Court Cumulative Caseload (through Jan. 2003)



*Note:* The first twenty months cover June 2001- January 2003. Although the Reentry Court formally opened in May 2001, it did not receive its first case until June. Note that program planners estimated caseload on a monthly basis for the first twelve months only.

Second, it appears to have exacerbated the existing challenge of competition from other programs, especially work release (state law prohibits work release for violent offenders), for non-violent drug offenders. Staff members have suggested that some potential participants are siphoned off to work release prior to being identified by the Reentry Court.<sup>22</sup> In other words, looking for the target population so late in the process gives other programs a “first shot” at this offender population.

Third, eligible parolees arrive at local facilities with less than the anticipated 60 days remaining to their release date and, given the cumbersome screening procedure, are often brought to the Reentry Court’s attention even later. The program’s first senior parole officer reported that some potentially eligible offenders are not identified until a few days prior to their scheduled release date; she was understandably reluctant to enroll these offenders in the program because of limited time to conduct pre-release assessment and programming. It is unclear, however, how many potential participants were lost for this reason.

Collectively, these factors resulted in a lower-than-anticipated caseload during the first twenty months of operations. The program’s difficulties in identifying and enrolling eligible parolees affected the program in a number of ways:

- § ***Less time available for pre-release planning and services.*** Program staff have less time to spend getting to know participants, orient them to the Reentry Court, and prepare them for release into the community. Pre-release time is important in any reentry effort, particularly a mandatory program in which offenders may or may not be committed to a crime and drug-free lifestyle. The time before release can be a valuable opportunity to focus offenders on motivation to change.
- § ***Additional work for parole officers.*** By the time offenders arrive at Queensboro, most have already been assigned a parole officer. Reentry Court parole officers must do the necessary paperwork to transfer them to the Reentry Court’s jurisdiction.
- § ***Possible skewing of program population toward “harder” cases.*** Identifying offenders so close in time to release may result in “reverse creaming” by providing greater opportunity for offenders to be diverted to other programs, particularly work release. These offenders are removed from the pool of potential Reentry Court participants. Work release, in particular, is voluntary for qualified offenders, so those who enter it have taken the initiative to seek out the program. In individual interviews, some Division of Parole staff members noted that they believe Reentry Court parolees are less likely to succeed compared to other nonviolent drug offenders—“bottom of the barrel guys.” They have also commented specifically on parolees’ inability to get and keep a job. These perspectives are consistent with the skewing hypothesis, although the evidence is obviously not conclusive and requires further evaluation.
- § ***Aftercare parolees not transferred.*** Because intake was low, the Reentry Court’s dedicated parole officers continued to supervise program graduates, instead of having the graduates transferred to traditional parole supervision as originally anticipated. This had the advantage of maintaining continuity in supervision for the program’s first graduates. However, it delayed the need for operational staff to develop and refine procedures for successful program exit.

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<sup>22</sup> Work release parolees, per the Reentry Court operational plan, are ineligible for the program.

§ ***Impact on the Reentry Court as a demonstration project.*** During the first twenty months of operations, the parole officer caseload never reached the 25 cases per officer maximum, making it more difficult to evaluate if such a caseload is tolerable for this intensive supervision program. Since reentry programs will ultimately be judged in part based on their cost effectiveness, it is important to determine the maximum possible caseload that does not jeopardize the integrity of supervision and service delivery. The lower-than-anticipated caseload also results in a smaller study population for this evaluation, making it more difficult to measure preliminary program impacts.

Since the end of the study period in January 2003, the Reentry Court has taken a number of steps to increase the program caseload. It has expanded the eligibility criteria to include those with a greater range of current and prior convictions and increased the size of the catchment zone to include an additional upper Manhattan police precinct, the 32<sup>nd</sup> precinct. The program has also begun to accept candidates identified closer in time to their release dates. It appears that these efforts are having an impact: cumulative caseload volume for the Reentry Court currently (as of June 25, 2003) stands at 117.

***Recommendation:*** *The Reentry Court would benefit from a more refined intake process integrated with existing mechanisms already in place in order to avoid duplication of efforts. Since this would require greater institutional support from the Department of Correctional Services, the Division of Parole and Reentry Court should work with the Department to refine case processing and the identification of program candidates in order to maximize caseload and to provide sufficient time to deliver meaningful pre-discharge services.*

## **DEFINING STAFF ROLES AND IMPLEMENTING A TEAM-BASED MODEL**

Among the Harlem Reentry Court's key challenges was to implement a collaborative, team-based model of communications and decision-making that brings parole officers, case managers, and others together to identify gaps in services and solve problems.

Implementing a collaborative, team-based model has seen both successes and challenges. By all accounts the Reentry Court is a significant departure from traditional parole—it represents a more integrated model of communications and decision-making among key players and service providers relevant to offender reentry. Yet interagency cooperation and logistics—working out the key partners' roles and responsibilities and defining the extent of collaboration and shared decision-making—continues to be a challenge. While all agree that progress has been made, there is no such agreement about whether the team-based approach, as implemented during the first twenty months, goes *far enough* toward an integrated model.

### ***Case Conference Meetings***

At an operational level, regular case conference meetings (“micro-team meetings”) are the key programmatic element designed to facilitate the team-based approach.<sup>23</sup> The team includes representatives from the drug treatment programs (residential and outpatient staff from Palladia and Project Greenhope), the Center for Employment Opportunities, two parole officers and the

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<sup>23</sup> Other programmatic elements that facilitate the team decision making model include dedicated parole officers, housing parole officers at the Harlem Community Justice Center where case management staff are also based, and training in team decision-making.

senior parole officer, the administrative law judge, and staff from the Harlem Community Justice Center.<sup>24</sup> These meetings are held every Wednesday, the day before Reentry Court sessions. The meetings offer a chance to share information on the parolees who are scheduled to make court appearances the following day. In addition, any parolee who is having difficulty is discussed. Following the updates, the team then considers next steps, including incentives or sanctions to be imposed at the next day's hearing, the nature and tone of messages to be conveyed to the parolee, and any other steps that may be needed.

Reentry Court staff agree that case conference meetings are a vital forum for information sharing and decision-making. They provide information to the administrative law judge, who maintains her own notes about each case to track its progress. In addition, they help to ensure that the entire treatment and supervision team is "on the same page" so that the information and messages the parolee receives from the judge during court hearings is reinforced by the other team members. One participant, for example, habitually missed or was late to appointments. The case management team spent a great deal of time during the meetings discussing this parolee, and all members agreed to reinforce the importance of timeliness. Indeed, the job coach from CEO sat down with this participant to help him prepare a daily schedule of when to get up, leave the house, etc. so that he could make it to his meetings on time. The case conference meetings were used to update all relevant staff on efforts made with this participant and to consider next steps.

### ***The Reentry Court's Team Model***

The team model provides a significant departure from traditional parole. There is coordination and sharing of information between supervision and service providers that simply cannot occur in traditional parole supervision, which has neither team meetings nor case managers to facilitate communications with service providers. Staff members at community partner organizations report effective communications with Reentry Court parole officers:

*Communications with [Reentry Court parole officers] is definitely better than it is with parole officers for other clients.*

-Job Coach, Center for Employment Opportunities

*I work as a team with [Reentry Court parole officers]. I'm not a team with [parole officers from 40<sup>th</sup> Street].*

-Case Manager, Palladia-Parole Transition Program

*We all work together in a network and all communicate with each other. On regular [traditional] parole, you might have a caseworker for one thing; a supervisor or manager for something else, and you have to go to different agencies that don't communicate. Some of the services might be overlapped or [parolees] might not get the services they need. This doesn't happen here because we focus on the client as one using a team perspective ... You can't get that on regular [traditional] parole.*

-Staff Member, Palladia-Comprehensive Treatment Institute

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<sup>24</sup> The administrative law judge no longer participates in the case conference meetings (although did during the first twenty months of program operations).

This is not to imply that traditional parole is lacking but rather that the Reentry Court model has in place additional supports and requirements for provider participation and team meetings that facilitate communication and coordination.

Communication among Reentry Court staff has generally improved over the first twenty months of operations. Initially, some staff members report, communications were limited to Wednesdays (case management meetings) and Thursdays (case hearings), but team members now contact one another more often on other days as well. Parole officers and staff began to call one another on their cell phones and occasionally at home, not just at the office.

Staff cite numerous advantages to the team model. Most agree that program participants receive a higher level of services and more coordinated services than they would under traditional parole. Enhanced monitoring and enhanced communications, hallmarks of the team approach, help to identify people at the early stage of relapse. Parolees are not only drug tested when they attend substance abuse treatment, they are also tested at each report to the parole officer, using on-site kits. The Reentry Court parole officers and case managers are sensitive to the need to identify relapse as early as possible, so the abuse can be treated most effectively. The goal is proactive intervention, addressing problems before they escalate into more serious, sometimes criminal, behavior.

The team approach helps to facilitate parolee supervision. Participants are aware that their parole officers and service providers are in regular contact with one another. One staff noted that *“the guys [parolees] know there is good communications between the parole officers and me, so they can’t let things slide and not get caught.”* The administrative law judge and others are quick to remind parolees about case conference meetings to reinforce the message that they are under heightened supervision. Indeed, one Wednesday morning a parolee telephoned the resource coordinator and opened the conversation by apologizing for interrupting the micro-team meeting.

Some suggest that the parole officers have become more proactive, with smaller caseloads and enhanced information allowing them to develop supervision strategies that seek to reduce the risk factors that contribute to reoffending behavior. Through their supervision efforts, the parole officers have aggressively engaged program participants in a process of behavior change. Indeed, the parole officers report that the Reentry Court gives them more opportunities to work with parolees—because relevant resources are readily available and they have additional time due to the smaller caseloads—than they would have under traditional parole. One staff member, for example, described a Reentry Court parole officer’s work with one participant:

*His PO worked very diligently with him, calling him in the morning, going by, reinforcing that you have to do x, y, and z. [The parole officer] could have put more restraints on him earlier ... [The parole officer] told him you need to get treatment because “this is what you need for your life,” as opposed to “you need to get the treatment or I’ll lock you up.”*

The general consensus among program participants is that, although there is heightened scrutiny and vigorous accountability, the Reentry Court team model differs from and is preferable to traditional parole. Said one program graduate, *“If you have to do parole, this is the way to do it.”*

Some parolees view the team as demanding but consistent in terms of communicating what is expected—one commenting, *“It’s like a family, everybody talks to everybody else.”* Parolees also view the team as supportive and working together, and those who had been on parole before tend to view their parole officers as more caring than those on traditional parole—one reported that *“my PO’s nicer [than previous parole officers] ... she wants me to do the right thing ... she’s not just there to lock me up.”* To some, it represents a big difference from downtown (i.e., traditional parole), where the message they received was *“you’ll be back ... you’re going back.”*

### ***Continuing Disagreements and Challenges***

The collaborative, team-based model implemented in Harlem undoubtedly improves upon traditional parole in terms of communication and collaboration. Whether it goes far enough is the subject of continued disagreement.

Staff cooperation, generally, has grown during the twenty months of implementation, but the cooperation is by no means complete and significant turf issues remain. The Reentry Court model allows parole officers to share information with case managers and service providers, something parole officers are not traditionally asked to do. Changing attitudes and redefining traditional roles has proven to be a difficult and time-consuming process for everyone involved.

While parole officers believe communications among team members is sufficient (reporting that they speak to treatment staff on a daily, or nearly daily basis), some case management staff feel, at times, that parole officers do not value their participation and do not use the information they bring to bear to help formulate case strategies and decisions. To them, communication and decision-making is not truly collaborative—parole officers continue to be reluctant to rely upon other members of the team. One staff member believes there is a *“one-way flow”* of information—from clinical to parole staff but not vice-versa. One staff person described the court team as *“a lot of individual relationships, but not a team working together.”* Meanwhile, parole officers point to their need to be accountable for supervision of the parolees and therefore for the consequences of decisions made in a collaborative, team-based setting. Bridging these two perspectives—the need for inter-agency collaboration and the need for clear lines of accountability—is an ongoing tension for the Reentry Court.

***Recommendations:*** *Continue to refine the roles of the Reentry Court team and how they relate to one another. Staff roles and responsibilities should be more clearly defined within the context of the team decision-making model, so that the efforts of parole officers and case management staff complement, rather than duplicate, one another. The key is to make it clear how each can benefit from the expertise of the others. Recent programmatic changes have resulted in significantly greater caseloads, placing additional pressures on program resources. Efforts to improve the efficiency and effectiveness of team collaboration are, therefore, timely.*

*A lack of appropriate or sufficient staff training in how to do the “nuts and bolts” of a team-based intensive supervision approach also appears to have contributed to problems. Several program staff cited the need for greater training and team building. Such training has not occurred since the Reentry Court began operations, and during that time several staff positions, including the administrative law judge and senior parole officer, have changed hands. Periodic*

*training in team building and case management techniques can help advance staff cooperation and create an environment conducive to team decision making.*

## **LOCAL LEADERSHIP**

Planning staff from the Division of Parole and Center for Court Innovation are responsible for addressing the Reentry Court's issues and challenges at a programmatic level. These staff members, for example, worked diligently with the Department of Correctional Services in efforts to establish an effective process for identifying participants. Planning ("macro-team") meetings were held on a monthly basis—through December 2002—at the Harlem Community Justice Center. The purpose of these meetings was to bring together planning and operational staff, as well as community partners, to discuss programmatic opportunities and challenges.

Daily operations at the Reentry Court were managed jointly by the senior parole officer and resource coordinator, with input from the administrative law judge and other staff. The senior parole officer oversaw issues related to parole supervision (identifying offenders for the program, issuing warrants for absconders, etc.); the resource coordinator oversaw issues related to case management and community outreach.

Figuring out who has decision-making authority and responsibility are key issues for any inter-agency initiative. As this discussion makes clear, the Reentry Court does not have a single dedicated project manager with the responsibility to make decisions across all programmatic areas. This has exacerbated existing challenges and slowed program implementation. Staff members were not, at times, given the needed operational direction and did not feel empowered to develop new policies and procedures on their own. The lack of a dedicated project manager is particularly problematic because the operational plan left a number of details—e.g., specific mechanisms for program exit, how to incorporate time spent in residential drug treatment into the model—to be worked out during implementation. Staff lacked the time, resources and/or authority to address these and other matters on a programmatic basis, and what resulted was a series of case-by-case responses to issues.

While program planners did respond to implementation challenges, some operational staff felt "out of the loop" and reported a need for improved communications with planners. They do not feel the monthly "macro-team" planning meetings are an appropriate forum in which to raise their programmatic concerns, noting that the broad array of community partners who also attend the meetings restricts their candor. One staff member suggested there be a periodic meeting with just the "core players" (Division of Parole, Center for Court Innovation, Center for Employment Opportunities), in addition to these macro-team meetings.

***Recommendation:*** *A dedicated project director with the authority to present issues to other staff and lead the group to make decisions would enhance the Reentry Court's capacity to address issues unaddressed in the operational plan and to respond to ongoing challenges more effectively. The project director could also act as a liaison between planning and operational staff, facilitating more efficient and effective communications across hierarchical levels and across agencies.*

***Recommendation:** Convene periodic meetings of planning and operational staff among the “core players” dedicated to discussing the program’s successes and challenges. Participants should be encouraged to provide candid feedback about program operations, recognizing that such feedback is necessary in order to respond most effectively to ongoing challenges.*

## **IMPLEMENTATION IN OTHER PROGRAM AREAS**

The previous section addressed the key issues and challenges faced while implementing the Harlem Reentry Court model. The remainder of this chapter provides a more detailed account of challenges and achievements in all other program areas. It begins by examining program areas that provide the context for the Reentry Court intervention and then examines *court-based* and *treatment-based* elements of the Reentry Court model.

### **SETTING THE STAGE**

#### ***Assessment and Pre-Release Planning***

Prior to release from prison, staff members work closely to develop detailed profiles of each participant. The Reentry Court’s pre-release work is conducted by parole officers and the resource coordinator, as well as staff from the outpatient treatment provider (Palladia-Comprehensive Treatment Institute), Center for Employment Opportunities, and the New York City Human Resources Administration. The resource coordinator conducts a needs assessment; drug treatment and employment services staff introduce parolees to their parts of the program; and Department of Correctional Services correctional counselors (under the auspices of HRA) assist parolees in pre-applying for Medicaid. In addition, a pre-release home assessment is conducted by the parole officers. The goal of pre-release work is to orient program participants to the Reentry Court program, so that participants can “hit the ground running” upon release.

During the first twenty months, Reentry Court staff faced and successfully responded to barriers that had delayed service delivery upon release. A persistent problem found many parolees released without Medicaid coverage. Indeed, one parolee, who later absconded, went without outpatient drug treatment for nearly four months after release. Obtaining Medicaid is a challenge for all returning prisoners, but is particularly important for the Reentry Court participants because the drug treatment service provider under contract with the program operates on a fee-for-service basis, so participants need Medicaid or some other health insurance. Staff recognized this as a serious problem and worked with Department of Correctional Services staff at Queensboro to expedite the application process prior to release. One staff member made a site visit to Queensboro to personally review the Medicaid applications process. In addition, the Reentry Court relied on Human Resource Administration staff housed at the Harlem Community Justice Center to enroll those who were not enrolled prior to release from prison. Medicaid applications are now being successfully initiated at Queensboro Correctional prior to the parolees’ release, which has allowed parolees to enter drug treatment upon returning to the community and to obtain medical assistance as soon as necessary.<sup>25</sup>

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<sup>25</sup> The Medicaid problem is not solved completely. While applications have been submitted by the time of release from prison, several participants never received their Medicaid cards. This appears to be a mail routing issue.

In addition, a staff member from the outpatient drug treatment provider began, in fall 2002, to administer a psychosocial assessment during pre-release. After release, participants now need only receive Palladia's physical assessment before entering drug treatment. This represents an important step to help make the transition from prison to the community as seamless as possible.

The program has overcome these barriers to pre-release planning and programming, but others remain. Reentry Court planners initially envisioned substantial pre-release programming to be conducted by the National Trust for the Development of African-American Men, with post-release follow-up using the services of the Exodus Transitional Program. The curriculum was to include workshops and leadership groups, with a focus on teaching accountability, self-reliance, and responsibility. However, this piece of the pre-release programming was never implemented.

Even if the necessary programming had been in place, there might not have been time to administer a full curriculum, or even an abbreviated one. Because of changes in the offender screening process, Reentry Court staff generally had a two- to three-week window to conduct pre-release programming during most of the time period covered in this evaluation, significantly shorter than the 60-day period planners envisioned. Numerous stakeholders identify more enhanced pre-release services as among the key needs for the program.

The shortened pre-release period may exacerbate other challenges, such as the need to "sell" the program to participants. Parole officers report that many soon-to-be-released offenders are less than enthusiastic about learning they have been selected for the program (recall that participation is mandatory for eligible offenders). One participant described his reaction to learning about the program this way: "*At first I was kind of rebelling. I'm not going to lie to you about that ... after 5 ½ years I just wanted to come out and get back. But I know [the program is] for the better.*"

***Observation:*** *A continuing challenge for the Reentry Court is preparing parolees for the program, a particularly thorny challenge since parolees are mandated into the program as a condition of release and given little advance notice of their selection. The Reentry Court regimen is stricter than traditional parole—parolees are held to higher behavioral standards and monitored more closely. And because program participation is mandatory, there is less certainty that offenders will enter the program with the level of motivation and readiness that they might have if participation were voluntary. Many parolees and project staff cite readiness to change as key to success. The program should cultivate readiness as early as possible—ideally prior to release from prison—through interventions designed to build motivation.*

### ***Neighborhood Focus***

Once released from prison, Reentry Court parolees participate in a community-based reentry program. Indeed, compared to other Reentry Court Initiative sites, the Harlem Reentry Court is noteworthy in focusing on a narrowly defined geographic area, covering three police precincts in East and Central Harlem. Project planners, particularly those from the Center for Court Innovation, regard the community focus as a critical programmatic element, on the rationale that locating the court in a neighborhood where parolees live will enable the program to test the efficacy of increased engagement of family members, local police and community institutions in reentry and supervision efforts. The program would also benefit from on-site services available at the Harlem Community Justice Center.

The neighborhood focus facilitates enhanced supervision and treatment of parolees. Parole officers have a relatively limited geographic area to cover when conducting home (though not work site) visits. Program participants generally walk from their residences to the Harlem Community Justice Center and outpatient drug treatment, avoiding transportation costs and logistics.<sup>26</sup> Participants have little excuse for missed appointments or court appearances. The program has also taken advantage of on-site services at the Justice Center, albeit to a limited degree.

Program participants speak favorably about the neighborhood focus. This is particularly true for those with previous parole experience, who clearly do not miss the long waits and perceived inconveniences associated with reporting to the 40<sup>th</sup> Street Office on traditional parole:

*At 40<sup>th</sup> Street, I had to wait hours to see my PO ... I don't have to here.*

*40<sup>th</sup> Street is out of the way [for me]. Takes an hour to get there, then I have to wait. Day's gone by then.*

It is clear that parolees welcome the opportunity to meet their parole officers in the community without having to wait longer periods in large waiting rooms. For example, one parolee was relieved to learn that, upon graduation into aftercare, he would continue to report to his parole officer at the Harlem Community Justice Center: *"I thought I was out of the program. That they would ship me down to 40<sup>th</sup> Street."*

However, along with its benefits, the neighborhood focus exacerbates a number of implementation challenges already facing the program. As will be discussed in greater detail below, the narrowly defined catchment zone restricts parolees' ability to find housing and remain part of the program, since affordable private housing is limited in the Harlem neighborhood. It also limits the pool of potential Reentry Court participants (although that pool appears to remain quite large), contributing to caseload problems. The program has recently expanded its catchment zone to include another northern Manhattan precinct—the 32<sup>nd</sup>—as part of an effort to expand its caseload.

Some participants prefer not to return to neighborhoods where they were previously active in crime. One parolee, for example, used to buy drugs within a block of the Harlem Community Justice Center and was reluctant to spend any time near there—it was a "trigger spot."

Locating the Reentry Court in the Harlem Community Justice Center presents various logistical challenges as well. Parole officers lack access to the Division of Parole computer network and files they are accustomed to having. Some Division of Parole staff spend only part of the week at the Justice Center and have offices elsewhere (the administrative law judge and current senior parole officer have offices at the Riker's Island facility), limiting the time in direct contact with other team members. Concerns have also been raised about limited space and safety—court staff

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<sup>26</sup> The Center for Employment Opportunities (located in Lower Manhattan, approximately four miles south of Harlem) provides participants with subway fare to travel to and from the CEO offices and parolees' job sites, which are located throughout New York City.

members are housed in cubicles inside the courtroom itself. Staff members from the Harlem Community Justice Center are working with the Reentry Court to address these concerns.

## **COURT-BASED JUDICIAL OVERSIGHT**

### ***Reentry Court Hearings and Judicial Monitoring***

The Reentry Court provides active judicial oversight using an administrative law judge to preside over regular court appearances, held every Thursday at a courtroom in the Harlem Community Justice Center. Consistent with best practices, court appearances begin immediately after release from prison. Participants make an initial appearance before the judge the same day (usually within a few hours) of release. Since most are open date parolees, who have been granted release by the Parole Board, Reentry Court parole officers have had some flexibility to adjust the release date by a day or two, when necessary, to ensure a Thursday release.<sup>27</sup> Some participants were, of course, upset to learn their release date had been delayed, even by a day or two.

Case management meetings, held each Wednesday, update the judge and entire micro-team on parolee progress.<sup>28</sup> Case management meetings enhance the efficiency of court sessions by obviating the need for pre-hearing case conferences on Thursdays, unless relevant new information is brought to the team's attention in the meantime.

Prior to appearing before the judge on Thursday, parolees make scheduled reports to their parole officer, who also administers an on-site urine test. The court hearings generally include four participants: the judge, resource coordinator, parole officer, and parolee. From time to time, others such as family members or case managers will take part. The typical hearing begins with the resource coordinator introducing the case and all parties noting their appearances for the record (all hearings are tape recorded). The parole officer then provides the judge with an update on the participant's progress. In most situations, the judge then directly addresses the parolee. Both legal and clinical issues tend to be addressed during the hearings.

### Quantitative Insight into Reentry Court Hearings

To provide greater insight into Reentry Court hearings, Exhibit 4.3 presents selected outcomes from structured court observations conducted for 104 hearings held between August 1 and October 31, 2002.<sup>29</sup> The evaluator observed each Reentry Court hearing from a few feet away and coded the hearings for various factors related to the courtroom context, hearing length, personal interactions, and outcomes.<sup>30</sup>

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<sup>27</sup> By contrast, there is less flexibility in dealing with conditional release parolees—those not granted release by the Parole Board—whose release date is set by law.

<sup>28</sup> As noted earlier, the administrative law judge no longer participates in the case management meetings, though did participate during the time covered in this study.

<sup>29</sup> The Reentry Court conducted additional hearings during this period that are not included in this analysis. The evaluator missed a small number of hearings. In addition, initial appearances are not included in the analysis. Initial appearances are more tightly structured and last longer than other hearings, due primarily to the need to read the parolee's supervision contract into the record. These hearings do not reflect typical Reentry Court hearings designed to provide ongoing judicial oversight.

<sup>30</sup> The four-month period covered here is not necessarily representative of all court hearings during the first twenty months of operation. Program operations changed considerably during the implementation period. Most notably, a new administrative law judge began presiding over the Reentry Court in July 2002, just one month before the structured court observations began. The new judge brought a different supervision style to the bench, one that affected the tenor of court hearings.

The typical hearing during this period lasted eight minutes (median length, rounded to the nearest minute), although there is significant variation, with hearing length ranging from three to forty-two minutes. The Reentry Court's attention, as defined by hearing length, is focused on problem cases—hearings in which sanctions were imposed for noncompliant behavior lasted somewhat longer than those in which no sanctions were imposed (median length of 13 minutes vs. 7 minutes, respectively).<sup>31</sup>

Direct interaction between the judge and participant constitute the majority of the time in 89% of the hearings. The administrative law judge engaged in direct conversation (100% of the hearings) and made eye contact (94%) with participants, strategies that contribute to the belief that the judge cares about their progress. In addition, in 55% of the hearings, the judge engaged in physical contact (most often a handshake, occasionally with a pat on the back) with the parolee after the hearing concluded.<sup>32</sup>

While the judge acknowledges program compliance and issues supportive messages, it is important to note that she is stern and demanding when necessary. The judge clearly communicates to program participants her expectation that they comply with all conditions of their treatment and supervision plan and that non-compliance will not be tolerated. Virtually all staff speak favorably of her “tough love” approach with participants.

Several stakeholders, particularly from the Center for Court Innovation, cite the role of the administrative law judge as critical to promoting parolee compliance. The resource coordinator would like to see greater use made of court calendar “add-ons,” with parolees making more unscheduled appearances before the judge, particularly at early signs of trouble. He believes that “*any gap [between bad behavior and the court knowing about it] is too long.*” He would like it to be the judge in the courtroom setting, in addition to the parole officers in isolation, who reinforces the notion that actions have consequences. Other staff, too, emphasize the importance of two-way communications.

Numerous parolees report that encouragement and positive feedback from the judge are among the most useful components of the program. One noted that seeing the judge “*reassures me.*” Another parolee, however, did not understand why he had to see the judge since it was his parole officer who does the supervision. This participant appeared confused by having multiple authority figures. While it is not clear how many Harlem Reentry Court participants shared this view, similar concerns have been raised in other reentry efforts.

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<sup>31</sup> This conclusion is suggestive rather than conclusive, since the difference is not statistically significant. Because incentives were issued in only six hearings during this period, they were not analyzed separately.

<sup>32</sup> While this particular judging style was not identified upfront as critical, and the administrative law judge was not formally expected or encouraged to engage such tactics, it became clear during the evaluation that the judge's ability to connect with parolees was a powerful tool in the overall Reentry Court intervention. Similar judging styles have been cited as beneficial in drug courts (e.g., Satel 1998).

**Exhibit 4.3**  
**Harlem Reentry Court Hearings\***

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<b><i>Total Hearings Coded</i></b>	104
<b><i>Hearing Length (Minutes)<sup>a</sup></i></b>	
All Hearings	8
Sanction issued	13
No sanction issued	7
<b><i>Principal Interaction<sup>b</sup></i></b>	
Judge-Parolee	89%
Judge-Parole Officer	7%
Other	4%
<b><i>Judge's Tactics vis-à-vis Parolee</i></b>	
Engaged in direct conversation	100%
Made eye contact	94%
Engaged in physical contact (e.g., handshake)	55%

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\*Hearings conducted between August 1 and October 31, 2002.

<sup>a</sup>Median hearing length rounded to nearest minute.

<sup>b</sup>Interaction that constitutes the majority of time in the hearing.

***Sanctions and Incentives***

During the first twenty months of operations, the Reentry Court implemented graduated sanctions and incentives in an effort to promote compliance with the treatment and supervision plan. While extensive information about the use of incentives and sanctions during the entire implementation period is not available, examination of the hearings held between August 1 and October 31, 2002 and coded by the evaluator demonstrates the Court's use of incentives and sanctions.<sup>33</sup> This data is presented in Exhibit 4.4.

The Reentry Court has available to it a wider variety of sanctions than incentives. During the three months examined, the Reentry Court issued sanctions in a greater number of hearings than it issued incentives—22 hearings with sanctions (21% of all hearings) compared to 13 with incentives (13% of the hearings). In addition, the court issued a wider variety of sanction than incentives—ten different sanctions compared to six incentives.

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<sup>33</sup> The first senior parole officer identified sanctions and incentives issued during hearings on the court calendars she maintained. She acknowledges that this often reflects her own judgment about what occurred during the hearings (particularly relevant in the case of judicial congratulations and admonishment) and that she missed some hearings. The calendars do provide significant insight into the use of incentives and sanctions by the Reentry Court, although data quality does not allow for systematic analysis.

**Exhibit 4.4**  
**Use of Sanctions and Incentives**

	<b>% of Hearings</b>
<b>SANCTION ISSUED</b>	<b>21%</b>
<i>Enhanced Supervision</i>	<i>11%</i>
Enhanced curfew	5%
“Lockdown” in residential facility	3%
Electronic monitoring	1%
Enhanced reporting to parole officer	1%
Enhanced reporting to judge	1%
<i>Enhanced Substance Abuse Treatment</i>	<i>6%</i>
Intensive outpatient treatment	4%
Long-term residential treatment	2%
Judicial admonishment	3%
Phase extension	1%
Mandatory anger management program	1%
<b>INCENTIVE ISSUED</b>	<b>13%</b>
Phase Advancement	7%
<i>Restrictions Lifted/Eased</i>	<i>6%</i>
Travel pass	2%
Permission to get driver’s license	1%
Permission to return home	1%
Permission to return to work	1%
Curfew eased	1%
<b>NO SANCTION OR INCENTIVE ISSUED</b>	<b>66%</b>

\* Table based on hearings conducted between August 1 and October 31, 2002 and coded by the evaluator (n=104 hearings). Incentives or sanctions were issued to a total of nineteen participants during this period—thirteen received sanctions and ten received incentives (four participants received both incentives and sanctions). In some hearings, multiple sanctions were issued. This most often occurred when a participant received judicial admonishment in addition to more “tangible” sanctions. When multiple sanctions were issued, only the top (most severe) sanction is included in this table.

In eleven of the twenty-two hearings (50%) in which sanctions were issued, the sanctions were decidedly supervision-oriented, with greater restraints placed on parolees, most often through tightened curfews (five cases) or a more restrictive twenty-one day “lockdown” at Palladia—Parole Transition Program (PTP) (three cases). The PTP facility has been used to “lockdown” participants when it was necessary to remove them from their homes and place them in a more structured environment.

In six of the twenty-two hearings (27%) with sanctions, the sanctions involved enhanced substance abuse treatment in response to dirty urines. In three hearings, the sanction was solely judicial admonishment, although it is important to note that the administrative law judge admonished parolees in other hearings, in addition to issuing more tangible sanctions.

The Reentry Court’s use of incentives during this period was split between phase advancement (seven hearings) and lifting or easing restrictions (six hearings).

In general, most program staff members believe the Reentry Court offers a relatively broad range of sanctions, although some would like greater flexibility to sanction participants for noncompliant behavior. Indeed, during implementation, additional sanctions not written into the operational plan were developed in response to the perceived need for greater flexibility to respond to noncompliant behavior. The use of PTP as a “lockdown” facility is one such example. Incarceration has also been used when there is non-compliance requiring a stern response.

### Incentives

Some stakeholders believe incentives, though limited, help promote compliance. The resource coordinator cites the importance of emotional support (“pat on the back”). Others are less sure. The first senior parole officer questioned whether there is a unique set of incentives, observing that “*what the program calls ‘incentives’ [travel passes, relaxed curfews] are things that are regularly given to parolees at 40<sup>th</sup> Street.*” Nevertheless, she did provide qualitative accounts where the promise of incentives has offered positive inducement. For example, in one instance a parolee requested a travel pass to attend a relative’s wedding. Over the course of several months, the judge reminded the parolee on several occasions that receiving the pass was contingent upon her remaining compliant. Other members of the Reentry Court team reinforced this message. The parolee remained compliant and received the travel pass.

Parolees, for their part, clearly value recognition of their achievements. Program graduation ceremonies have been particularly inspirational for some parolees, who value the formal, public acknowledgment of their success. Program staff strongly encourage all participants to attend graduation ceremonies in the hope that the experience will inspire them to continue toward completion of the program. Participants would like the program to offer other, more tangible incentives as well, such as money or the ability to work off the books. While such options are neither practical nor programmatically desirable, feedback from participants as to the types of incentives that might motivate parolees is useful.

## **TREATMENT-BASED ELEMENTS OF THE REENTRY COURT MODEL**

One of the Reentry Court's highest priorities is to link parolees to substance abuse treatment, employment/job training, housing, and other needed services. The Court seeks to improve service delivery for parolees by coordinating support services using a case management approach.

The Reentry Court has achieved a great deal in moving toward this goal. While there does not appear to have been an *expansion* of services as a result of the Reentry Court (i.e., the services it offers have always been available in the community), by all accounts the court has brought about increased *use* of services. Staff from the Division of Parole and community-based service providers were resourceful and creative in finding ways to link participants to needed services. Several stakeholders believe the coordination of support services at the court provides participants access to a wider range of services than they would receive on traditional parole. They cite the resource coordinator and case managers as critical in obtaining and managing referrals to treatment.

Many parolees agree. Several mention that the program gives them the support and opportunities they need. Some participants welcome the structure that the Reentry Court's range of services (coupled with its enhanced supervision) provides—it keeps them on the straight and narrow. One parolee expressed concern about graduating because “*I need [the program] to keep me structured.*” For others, there may be *too much* structure— they feel over-programmed. Participants complained about busy schedules, desiring more free time: “*I don't have no time for nothing,*” “*once I'm done with work I gotta go straight back [to PTP]. No time for me.*” Program staff are sensitive to the need to give them some free time, but not too much, noting that idle time often leads to problems.

The Reentry Court successfully built upon the Division of Parole's existing contractual relationships to provide access to key services—employment and job training (Center for Employment Opportunities), drug treatment (Palladia-Comprehensive Treatment Institute for outpatient treatment, Palladia-Starhill for long-term residential treatment), and transitional housing (Palladia-Parole Transition Program). On a case-by-case basis, program staff draw on their knowledge of other community resources to fill in the gaps when necessary. In one instance, a participant lost his job at CEO, apparently through no fault of his own. His parole officer successfully referred him to Fortune Society, knowing that a job had recently opened at that organization.

***Lesson:** Preexisting agency relationships facilitated implementation. Instead of building a network of service providers from scratch, the Reentry Court was able to build on existing relationships to secure needed services for program participants and augmented that with additional providers as the program established new relationships.*

### ***Relationships with Service Providers***

Stakeholders generally spoke positively about the level of support they receive from service providers. Service providers worked hard to accommodate the unique supervision and treatment requirements of Reentry Court participants and some providers tailored their procedures to

accommodate those requirements. For example, PTP housed Reentry Court participants when the program needed to find them a bed and/or provide a structured environment. Reentry Court participants were not required to participate in the programming regimen required of other clients, although PTP offered its full range of services to Reentry Court participants on a voluntary basis. PTP also allows Reentry Court participants to come and go from the facility more freely than other clients. For its part, CEO tailored its procedures to have Reentry Court participants begin program orientation on a different day than most other clients, and to have all Reentry Court participants report to a single job coach. The Reentry Court requires more from service providers, and they generally have responded.

Of course, tensions with the service providers have occasionally emerged. Led by the administrative law judge, Reentry Court staff have taken steps to foster and maintain goodwill with service providers. For example, at the judge's behest, operational staff conducted site visits to key partner agencies and service providers (CEO, PTP, CTI, Starhill) during fall 2002. In another instance, when staff members at PTP encountered various problems with Reentry clients, the judge convened a meeting at the Harlem Community Justice Center with all program participants housed at PTP, as well as Reentry Court staff and a representative from PTP. The judge listened to the concerns of all parties and reminded parolees that they are guests at PTP and are expected to abide by their rules. These efforts appear to have been successful in alleviating, if not completely solving, interagency tensions.

***Recommendation:*** *Service providers should be convened on a regular basis to achieve two goals: buy-in from the programs and monitoring of services by the Reentry Court.*

### ***Continuing Challenges***

Parolees returning to the Harlem community have a wide range of service needs, so it is not surprising that although the Reentry Court appears to provide greater access to services than traditional parole, a number of challenges remain. A key logistical challenge is to balance sometimes-competing service needs. For example, on some occasions, the judge has expressed reluctance to pull participants out of their jobs to place them in intensive outpatient treatment (per drug treatment providers' recommendations) after an initial relapse—depending, of course, on the severity of the relapse. While the judge and other program staff are mindful that treatment provider recommendations must be taken seriously, some believe that treatment needs must be balanced against other needs—noting that the program is “treating the whole person.” Given the difficulty participants have faced in getting and keeping jobs, program staff are understandably reluctant to take them from work unless absolutely necessary.

### ***Housing***

Housing has been the single most difficult problem for Reentry Court participants. Many of the first sixty-one program participants did not have approved housing when released from prison. Several others lost housing (for a variety of reasons) shortly after release. Several participants, when asked how to improve the program, said they would like the program to help them find affordable housing in the neighborhood. Of course, Reentry Court participants are confronted with the same barriers faced by most parolees—many lack the resources (money, personal references) needed to secure market-rate housing, are barred by law from public housing and federally-assisted housing programs, and do not have a family home to which to return. The rise

in rental rates and increased desirability of northern Manhattan neighborhoods to which parolees are returning only adds to the challenge.

As noted earlier, most homeless participants were housed at PTP during the first twenty months of operations. Program planners and the staff at PTP were quite resourceful in adapting a modified residential community for short-term housing purposes. Indeed, some have identified this as one of the major unintended benefits of the Reentry Court demonstration—a program that was formerly exclusively for substance abusers developed a component for transitional housing from prison to the community. While planners conceded that this is not an ideal arrangement, it certainly was the best available option to address a difficult problem in a tight housing market. The arrangement met the Reentry Court’s needs during the early implementation period.

In January 2003, Palladia announced that it would transition from a six-month residential substance abuse treatment facility to a three-month community-based residential program. The immediate impact of the transition—specifically the shortened time period—on the Reentry Court is not yet clear, since the program had always adapted its policies for Reentry Court participants. Regardless, program planners are aware that in the near future, PTP will increasingly not be available to homeless participants because of changes to the Reentry Court program that will bring larger participant caseloads. Planners are working to identify alternative housing arrangements.

The Reentry Court’s community-based focus adds an additional barrier by limiting housing options to the Harlem neighborhood. More affordable housing may be available in other neighborhoods, particularly in the Bronx, and some participants have requested to move out of Harlem. However, this removes them from the Reentry Court’s catchment zone. Three participants left the program—and were transferred to traditional parole supervision—when they moved to other areas of the city.

***Recommendation:*** *In light of the serious challenges parolees face in securing independent housing, the Reentry Court should explore the possibility of allowing program participants to reside outside the catchment zone during program participation if an independent housing opportunity arises. This investigation should consider the impact of such a change on the ability of parole officers to conduct intensive supervision effectively and of participants to access needed community services. The Reentry Court should also continue to explore housing opportunities in the community—for example, through joint ventures with other not-for-profits, community- and faith-based organizations.*

### ***Employment Services and the Role of the Center for Employment Opportunities (CEO)***

Employment services are a continuing challenge for the Reentry Court, one heightened by the economic recession in New York City. Most program participants, shortly after release, work at job sites on a day-to-day basis through the program’s employment services provider (CEO), earning approximately \$30 per day. Many parolees express frustration with the salary—it does not give them the money they need to live. Many program staff, including the administrative law judge and parole officers, agree. Said one: “*You can’t live on \$30 a day. You simply can’t.*” Parolees also note that the jobs do not provide health insurance or other benefits, which some see

not only as necessary but also as a sign of respect. Some do not want to take entry-level jobs; one noted “*I’m sick of just getting by.*” Their expectations, of course, may be unrealistically high.

The resource coordinator reports that most participants who have found private employment did so not through a CEO referral but through other means—a job they had before they were in prison, referral from a friend, etc. A few participants were able to get a job through a referral from other Reentry Court parolees, a strategy that program staff have encouraged.

Although CEO has not been the principal source of full-time employment for Reentry Court participants, program staff believe CEO’s role is invaluable in helping participants get their feet wet and orient them to what they will need to do in order to get work. Some participants concede that CEO did push them to get a job. CEO programming has been valuable in providing a focus for program participants—it provides structure and limits idle time.

Helping parolees gain employment is an uphill challenge. Most lack marketable skills; the jobs they do get tend to be low-skill, manual labor. The principal challenge, however, has been recurring substance abuse. Numerous parolees have relapsed and required either intensive outpatient or residential drug treatment. For many of these participants (and in the case of residential treatment, all of them), this has meant being removed from the workforce.

Limited employment opportunities, of course, impact other areas of need such as housing. Several parolees, housed at PTP for residential purposes only, have found it difficult to save the money to secure a room or apartment of their own. Staff at PTP worked with these parolees to help them look for housing, and the Reentry Court’s community resource coordinator helped several participants open a bank account in recent months. These efforts have certainly helped some participants, but they continue to struggle to secure gainful employment. This struggle is certainly not helped by the state of the economy.

### ***Other Services***

The Reentry Court anticipated building extensive partnerships with community organizations, including taking advantage of relationships already developed by the Harlem Community Justice Center, to provide an array of other services to program participants. Community outreach remains underdeveloped, resulting in gaps in anticipated program services. While some contacts have been made with local organizations, program staff would like to see greater outreach. One staff member commented that without greater community outreach to provide a broad range of services, the program “*is just parole with an ALJ.*”

In response to the need to develop ties with community organizations, a community resource coordinator was hired in October 2002. She is responsible for developing additional community ties and enhancing both the range and accessibility of services. Thus far, this staff member has worked primarily on a case-by-case basis with participants. For example, as noted above, she has taken responsibility for helping parolees open bank accounts and tend to other money management concerns.

Some parolees require training in basic life skills such as time and money management. Time management is critical because the Reentry program places demands on parolees to which many

are unaccustomed. The employment services provider has aided a few parolees, but some staff—particularly the administrative law judge—believe life skills should be addressed on a more programmatic basis. Other staff acknowledge that greater use can be made of on-site supportive services at the Harlem Community Justice Center, particularly family mediation and housing services. Some parolees have taken advantage of mediation offered at the Justice Center, primarily to address family disputes.

***Recommendation:*** *Continue efforts to establish and maintain partnerships with community institutions and to maximize referrals to and use of services available at the Harlem Community Justice Center. Community outreach efforts should emphasize partnerships that can help provide needed services such as basic life skills and additional aid in securing stable housing.*

### ***The Role of Families***

Reentry Court staff acknowledge that families and other informal supports can be the first line of defense for parolees, helping to facilitate supervision and treatment efforts during the community reintegration period. Many parolees, however, lack a family able or willing to become involved. Program staff and participants report that many families want to see evidence that the parolee has changed *before* becoming involved. Parolees have disappointed their families many times in the past. Reentry Court or not, some families are not ready to believe things will be different this time.

The Reentry Court has also faced the difficult task of striking a balance between promoting family involvement and encouraging (in some cases, mandating) the parolee to live independently, particularly if the family is a negative or hampering influence. For example, on multiple occasions, participants relapsed because of real or perceived pressures originating from the home—the need to get a job, earn more money, or prove to a spouse/partner that they are willing to adopt a crime-free lifestyle. The Court has generally responded by removing the participant from the home (often a “lockdown” at PTP) for several weeks or months. The resource coordinator notes that the goal is to address the relapse at an early stage and remove the parolee from the “trigger.”

## **FUTURE PLANS FOR THE HARLEM REENTRY COURT**

This chapter has focused primarily on the implementation and operations of the Reentry Court model as laid out in the original operational plan. However, since January 2003, the Harlem Reentry Court has undergone several changes. At the time of this writing, it is expected to see additional changes in the near future. Assuming all changes are fully implemented, the Reentry Court will operate under a significantly different programmatic model than it did during the twenty-month period covered in this report.

Due principally to budgetary difficulties facing all state agencies, the Division of Parole increased the maximum caseload of Reentry Court parole officers from 25 to 40 parolees per officer. In addition, the Reentry Court’s administrative law judge is available to the court only one day per week—Thursday, for court hearings. She is thus no longer able to attend Wednesday case management team meetings. The Reentry Court team is currently refining procedures to communicate needed information and recommendations to the judge in order to keep her informed of participant progress in advance of her appearances in Harlem. The team is also

working out procedures to accommodate the anticipated caseload growth.

As caseloads reach their capacity, the Reentry Court will need to address a number of operational concerns that were unnecessary to address during early implementation due to low caseloads. It will, for example, need to refine procedures to transfer participants after graduation off of the caseloads of Reentry Court parole officers and on to traditional parole supervision for the remainder of their parole terms. Among other things, this will require development of a Transfer Memo for each parolee, prepared by the parole officer and case manager, that will highlight issues that affect parolees' reintegration and provide recommendations for service referrals.

The program is expected to undergo additional modifications in the coming months as it expands to include serious and violent offenders. The Reentry Court has already begun to accept parolees with violent felony convictions and, as it continues to do so, the nature of the participant population will further change. As the next chapter will make clear, the Reentry Court serviced a relatively uniform participant population during its first twenty months. The program will need to be prepared to respond to a broader array of presenting problems as the participants become more varied.

Finally, program participants are likely to spend less overall time under the supervision of the Harlem Reentry Court as planners attempt to develop a cost-effective programmatic model that concentrates services and supervision during the vulnerable early months immediately following release from prison. Such a modification would, of course, represent a significant change in terms of what the program would realistically be able to accomplish. At the time of this writing, however, the nature and scope of these revisions has yet to be fully determined.

Although upcoming changes to the Harlem Reentry Court will be considerable, key innovations—a collaborative, community-based model of treatment and supervision, oversight by an administrative law judge, an emphasis on substance abuse treatment and employment—stay in place.

## **CONCLUSION**

A key goal of the Harlem Reentry Court is to test a community-based, integrated model of supervision and treatment services to facilitate parolee reintegration into the community. The evidence presented in this chapter provides support for the viability of such an approach in New York. During its first twenty months of operations, the Reentry Court put in place a collaborative team-based model that improves communication between parole and treatment agencies. Working relationships now exist where they did not before. The program also built upon the Division of Parole's existing relationships to make significant progress in providing participants with access to an array of support services, coordinated through case managers. Finally, the Harlem Reentry Court has provided judicial oversight by using an administrative law judge to preside at hearings and by issuing graduated sanctions and incentives in response to parolee behavior.

However, the process of implementation has not been easy. The Reentry Court faced significant challenges, due largely to difficulties in locating and enrolling participants during early program operations. The program also continues to struggle to define staff roles and responsibilities, both

across and within agencies, and to further develop ties to community organizations to provide services to program participants who are released from prison with a wide range of needs. Without a dedicated project manager with the time and authority to attend to these and other challenges, implementation was further slowed.

As noted at the beginning of this chapter, new approaches to interagency coordination and decision making can take considerable time to implement. The Harlem Reentry Court has made significant progress in addressing some of the challenges it has faced. The offender identification process, in particular, appears to be working better—since January there has been considerable growth in the number of participants entering the program. While the Harlem Reentry Court may change considerably in the near future, lessons learned from its implementation are important for guiding future program operations and for policy makers and practitioners in New York State and nationwide.

## CHAPTER 5

### THE REENTRY COURT'S FIRST PARTICIPANTS

The Harlem Reentry Court was designed to help parolees reintegrate into the community by linking them to the services and treatment they need, with the ultimate goal of reducing the incidence of parolee reoffending and return to prison. This chapter examines the first sixty-one participants in the Reentry Court, representing those released from prison into Court's jurisdiction as of January 31, 2003. It describes the participant population at intake in terms of demographics, criminal and parole history, and service needs. It then examines participant progress through the Reentry Court program's three phases. Finally, it considers participant outcomes in terms of substance abuse and criminal justice involvement.

Data in this and the next chapter are taken from three sources. Program data for participants relies on information available in the Reentry Court Management Information System (MIS) and evaluation databases. Criminal justice data, including criminal history, prison sentences and recidivism, relies on data obtained from the New York State Division of Criminal Justice Services (DCJS). The DCJS dataset includes comprehensive criminal record information for all participants in the study. The data was obtained as of June 13, 2003. Finally, data related to parole supervision were obtained from the New York State Division of Parole. The Division of Parole dataset includes information on conditions of parole supervision and the outcomes of supervision, including reincarceration for a technical violation of parole or a new felony conviction. The Division of Parole data were obtained as of May 31, 2003.

#### PARTICIPANT STATUS AT TIME OF RELEASE

##### *Demographics*

Intake information on the Harlem Reentry Court's first sixty-one participants is presented in Exhibit 5.1. Given the narrowly defined participant eligibility criteria, it is not surprising that, overall, the participant population is remarkably uniform in terms of demographic characteristics. Virtually all participants are male (93%), all are either African-American (62%) or Hispanic-Latino (38%), and 74% are single or never married. Only 15% of the participants were married or had a life partner at release, providing suggestive evidence for the lack of family ties discussed in Chapter 4.

The only demographic characteristic that varies considerably is age. Participants ranged in age from 19 to 63, though 72% were age 35 or older and 26% were over age 45 when entering the Reentry Court. In interviews, several program staff members contrasted "younger" and "older" participants in terms of criminal history, addiction severity and motivation to succeed (suggesting that older parolees are more highly motivated). To lend greater insight into these differences, Exhibit 5.1 also divides the participant sample at the mean age at entry to examine differences between the younger and older parolees released into the program.

**EXHIBIT 5.1**  
**HARLEM REENTRY COURT PARTICIPANT CHARACTERISTICS**  
**AT INTAKE (AS OF JANUARY 31, 2003)**

	Total (N=61)	Age 39 or Younger (N=31)	Over Age 39 (N=30)
<b>Demographics</b>			
Age at Release			
Under 25	10%	--	--
25-34	18%		
35-45	46%		
Over 45	26%		
<i>Mean Age at Release</i>	39		
Male	93%	94%	93%
Race/Ethnicity			
African-American	62%	68%	57%
Hispanic-Latino	38%	32%	43%
Marital Status			
Married/Life Partner	15%	6%	23% <sup>+</sup>
Divorced/Separated/Widowed	11%	4%	20% <sup>*</sup>
Single/Never Married	74%	90%	57% <sup>**</sup>
<b>Socioeconomic Status</b>			
Have High School Diploma/GED	41%	36%	47%
<b>Substance Abuse</b>			
Primary Drug of Choice			
Marijuana	26%	45%	7% <sup>**</sup>
Heroin	18%	3%	33% <sup>**</sup>
Cocaine	20%	26%	13%
Crack	36%	26%	47%
<i>Cocaine/Crack/Heroin</i>	74%	55%	93% <sup>**</sup>

<sup>+</sup> p < .1, <sup>\*</sup> p < .05, <sup>\*\*</sup> p < .01 (two-tailed t-test for differences between participants age 39 or younger and those over age 39).

**EXHIBIT 5.1**  
**HARLEM REENTRY COURT PARTICIPANT CHARACTERISTICS, cont.**

	<b>Total (n=61)</b>	<b>Age 39 or Younger (n=31)</b>	<b>Over Age 39 (n=30)</b>
<b>Instant Offense</b>			
Crime of Conviction			
Drug Sales	87%	84%	90%
Drug Possession	12%	16%	7%
Non-Drug Charge	2%	0%	3%
Minimum Sentence <sup>a</sup>	33 months	35 months	31 months
<b>Parole Release</b>			
Release Type			
Board Release	100%	100%	100%
First Release on Instant Conviction	80%	74%	87%
Parole Time Not Yet Served (mean) <sup>b</sup>	49 months	50 months	48 months
<b>Criminal and Incarceration History <sup>c</sup></b>			
Prior Drug Convictions (mean)	5.6	4.7	6.5*
Prior Felony Convictions (mean)	5.0	4.8	5.1
Prior Violent Felony Convictions (mean)	0.0	0.0	0.0
Prior Misdemeanor Convictions (mean)	7.9	5.9	10.1 <sup>+</sup>
<b>Incarceration</b>			
Prior Prison Sentences (mean)	2.4	2.4	2.4
Prior Total Minimum Sentences (mean) <sup>d</sup>	79 months	80 months	77 months

<sup>a</sup> Minimum sentence used as an estimate of time served. Calculated as the minimum sentence in days, then converted to months.

<sup>b</sup> Parole term calculated as the number of days from prison release until the maximum expiration of the sentence. The figure was then converted to months.

<sup>c</sup> All criminal and incarceration history data include the instant conviction.

<sup>d</sup> Represents an estimate of total time served based on all state prison and jail sentences. The measure is calculated based on the minimum sentence for state prison sentences and two-thirds time for jail sentences.

<sup>+</sup> p < .1, \* p < .05, \*\* p < .01 (two-tailed t-test for differences between participants age 39 or younger and those over age 39).

### ***Service Needs: Socioeconomic Factors and Substance Abuse***

Since the Reentry Court targets a population of drug-involved offenders, it is not surprising that all admitted prior drug use. Three-quarters (74%) of participants indicate that their drug of choice is either crack (36%, the most prevalent drug of choice), cocaine (20%) or heroin (18%). The remaining participants (26%) cite marijuana as the drug of choice. More severe drug use is especially prevalent among older parolees – 33% cite heroin as their drug of choice (vs. 3% for younger participants) and only 7% cite marijuana (vs. 45% for younger participants).

Harlem Reentry Court participants enter the program with multiple service needs in addition to drug treatment:

- 41% completed high school or GED, and
- All were unemployed (by definition, since they are released from prison).

Needs are somewhat greater among older parolees: 47% have a high school diploma or GED.

### ***Instant Conviction and Incarceration***

Consistent with the Reentry Court operational plan, virtually all participants (98%) had been serving sentences with a top charge of either felony drug sales or possession, most (87%) for drug sales. Parolees were released from prison after having served, on average, an estimated 33 months in prison on the instant conviction (estimate based on the minimum sentence).

### ***Parole Release***

Although the Reentry Court allows both Board- and conditional release parolees to enter the program, in fact all participants had been granted release by the Parole Board. Most (80%) were being released for the first time on the current conviction, while the remaining 20% were re-releases after they had previously failed on parole and were returned to prison. On average, participants had 49 months (just over 4 years) remaining on their sentence at the time of release.

### ***Criminal and Incarceration History***

Reentry Court participants had extensive criminal histories. While no participant had been convicted of a violent felony offense (per the Reentry Court eligibility criteria), *every participant had at least two felony convictions*, including the instant conviction. When released into the program, participants averaged 5.6 drug convictions, 5.0 felony convictions and 7.9 misdemeanor convictions. Older parolees had a somewhat longer record, with a significantly greater number of drug and misdemeanor convictions.

With such long criminal histories, Reentry Court participants also spend considerable time incarcerated outside of their communities. Participants entered the program with an average of 2.4 prison sentences and an estimated 79 months (or 6.6 years) incarcerated in state prison or jail in their lifetime. Interestingly, there were no differences, on average, between younger and older participants in terms of the number of prison sentences. And younger participants appear to actually average *more* total time incarcerated (an estimated 80 months vs. 77 months for older parolees), although this difference is not statistically significant. While the Reentry Court's younger parolees have somewhat shorter rap sheets, they have spent just as much time in prison or jail.

***Finding:*** *The Reentry Court enrolled an ex-offender population at high risk of recidivism. No participants were first-time offenders, all had been removed from the community for considerable time, and most were released from prison with an array of presenting problems.*

***Finding:*** *Although the first Reentry Court participants were similar to one another in many respects, two discernable categories of participants were enrolled during the first 19 months: younger parolees with less severe addictions and a slightly less extensive criminal history, and older parolees further along in their criminal careers who bring with them relatively greater service needs and more severe drug use habits.*

## **PROGRESS IN THE REENTRY COURT PROGRAM**

### ***Status as of January 31, 2003***

As of January 31, 2003, case summaries maintained by program staff indicate that 56% of the Harlem Reentry Court participants were still active and in good standing (Exhibit 5.2):

- 10% in Phase 1,
- 8% in Phase 2,
- 8% in Phase 3, and
- 30% in aftercare.

Participants who were active in good standing—defined as in the first three program phases or graduates in aftercare—as of January 31 had begun the program as recently as January 23 (one week previously) and as long ago as June 28, 2001 (79 weeks previously).

Three percent (two participants) were in absconder status at the time.<sup>34</sup> The remaining participants exited the Reentry Court program via reincarceration (31%), transfer to traditional parole supervision in an area outside the Reentry Court catchment zone (5%), or expiration of the parole term (3%). In addition, one participant had died.

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<sup>34</sup> Since some participants who absconded were later allowed to continue in the program, depending on the circumstances, absconding did not necessarily imply program failure, though certainly absconders are not in good standing.

**EXHIBIT 5.2**  
**PARTICIPANT PROGRAM STATUS AS OF JANUARY 31, 2003**

		<b>N=61</b>
<b>STILL IN PROGRAM</b>		<b>59%</b>
1. <i>Active in Good Standing</i>		56%
Phase 1		10%
Phase 2		8%
Phase 3		8%
Aftercare		30%
2. <i>Absconder</i>		3%
<b>NO LONGER IN PROGRAM</b>		<b>41%</b>
1. Reincarcerated		31%
2. Transferred out of Reentry Court Jurisdiction		5%
3. Parole Term Expired		3%
4. Deceased		2%

***Program Phases***

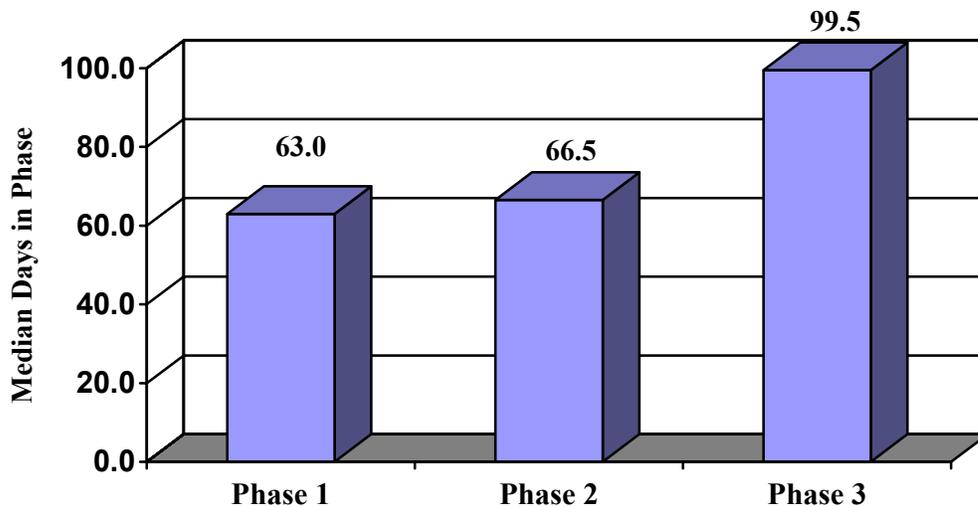
The Reentry Court program was originally envisioned to last approximately six months, with a subsequent aftercare period of 12 months. The program is divided into three phases, each anticipated lasting approximately sixty days, with phase advancement determined on a case-by-case basis and tied to parolee behavior in making continued progress toward community reintegration.

As of January 31, 2003, sixty-one participants had entered the program. Of these:

- 42 successfully completed Phase 1 (median time=63.0 days),
- 32 completed Phase 2 (median time=66.5 days), and
- 22 completed Phase 3 and graduated (median time=99.5 days).<sup>35</sup> (Exhibit 5.3)

<sup>35</sup> The median represents the middle of the distribution, such that half of those completing a phase took more than the median time and half took less time. Because the distribution of phase completion times is highly skewed (a few participants took considerably longer than most), the median is a better measure of central tendency than the mean (average).

**Exhibit 5.3**  
**Median Days in Program Phases**  
**Among Phase Completers (as of 1/31/03)**



Most who successfully completed Phases 1 and 2 did so generally within the anticipated two-month time period. By contrast, Phase 3 lasted longer. The twenty-two graduates completed Phase 3 in a median time of 99.5 days—just less than three and one-half months. While Phase 3 completion time is significantly longer than that of the other program phases, the finding should be interpreted with caution. The date participants completed the first two phases typically coincided with their hearing before the administrative law judge, which occurred either on a bimonthly (if in Phase 1) or monthly (if in Phase 2) basis. By contrast, the date of graduation is synonymous with completion of Phase 3. The Reentry Court, understandably, did not hold graduation ceremonies as frequently as it did court appearances, so some of the “additional” time in Phase 3 appears to be due more to the relatively less frequent scheduling of graduation ceremonies than it does to any intrinsic distinction between Phase 3 and other program phases.<sup>36</sup>

Among the twenty-two program graduates, the median time to graduation was 239.5 days, or about eight months, well within the time frame envisioned by program planners. However, time to graduation varied considerably, ranging from 173 to 460 days.<sup>37</sup> Seven graduates (32%) spent ten or more months in the program before graduating.<sup>38</sup>

Three additional participants spent more than ten months in the program (as of January 31, 2003) without graduating—one spending 540 days, or one-and-a-half years. These experiences—as well as continuing problems faced by program graduates in aftercare, an issue discussed below—

<sup>36</sup> Note too that the parolees examined in this analysis graduated at a time when the Reentry Court had yet to reach its maximum caseload and graduates continued to be supervised by the Reentry Court parole officers.

<sup>37</sup> There is, of course, similar variation in the time needed to complete each of the program phases.

<sup>38</sup> Since the Reentry Court operational plan allowed for phase extensions of up to one month for each of the three program phases, parolees who reach the ten-month mark without graduating progress more slowly than program planners anticipated.

led many staff to believe six months is too short a period to bring about long-term behavioral change.

### ***Graduation and Other Program Milestones***

Graduation represents a key program milestone for the Harlem Reentry Court. While the participants who completed the three phases and entered aftercare did not exit the Reentry Court in any programmatic sense (recall that, as implemented, graduates continued to report to Reentry Court parole officers and to receive services at the Harlem Community Justice Center), these participants did demonstrate substantial compliance with the Reentry Court's treatment and supervision plan.

To identify the characteristics of parolees who successfully progressed through the Reentry Court program, Exhibit 5.4 presents correlations that measure the association between program graduation and various background characteristics among the first 44 participants—i.e., those eligible for graduation based on when they entered the program.<sup>39</sup> Unfortunately, the low number of participants precludes a more refined analysis that would examine the relationships between participant characteristics and successful completion of the program while accounting for alternative explanations. Such analyses will, however, be feasible in subsequent evaluations, as the numbers of program participants are now far more substantial.

The only factor significantly related to program graduation is heroin use. Those reporting heroin as their drug of choice are less likely to have graduated than other participants. This finding can be understood in light of comments made by several staff members (and reported in the previous chapter) that substance abuse/relapse has been the principal problem faced by program participants—heroin is more physically addictive than cocaine, crack or marijuana. However, the finding does not necessarily mean heroin use is the *cause* of unsuccessful program completion (heroin users may differ from non-heroin users on other factors related to success in the program), so it must be interpreted as suggestive rather than conclusive.

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<sup>39</sup> The most recent graduation was held on October 30, 2002. Per the Reentry Court operational plan, the anticipated minimum participation period is six months, which would suggest that the forty-two participants entering the program on or before April 30, 2002 would be included in the analysis. However, two additional participants were released to the program on May 2; one of whom graduated on October 30. Both participants were included in this analysis, bringing the total to 44.

**EXHIBIT 5.4**  
**CORRELATES OF PROGRAM GRADUATION**

	N=44
<b>Demographics</b>	
Age	.122
Gender	.000
Race/Ethnicity (Black)	-.046
<b>Marital Status</b>	
Married/Life Partner	-.072
Divorced/Separated/Widowed	.265
Single/Never Married	-.157
<b>Socioeconomic Status</b>	
Have Diploma/GED	.047
<b>Substance Abuse</b>	
<b>Primary Drug of Choice</b>	
Marijuana	.204
Heroin	-.311*
Cocaine	-.056
Crack	.094
<b>Crime of Conviction</b>	
Drug Sales (vs. drug possession)	.132
<b>Parole Release</b>	
Length of Parole Term	.141
First release parolee	-.056
<b>Prior Criminal History</b>	
Prior Drug Convictions	.096
Prior Felony Convictions	.038
Prior Misdemeanor Convictions	.061
<b>Incarceration</b>	
Estimated Time Served on Instant Conviction	.025
Estimated Total Time Served	.075

*Note:* Table presents Spearman's rho coefficients. Participants who entered the program on or before May 2, 2002 are included in this analysis.

\*p < .05 (two-tailed test).

On balance, however, there is virtually no relationship between program completion and these participant characteristics. The lack of relationships emerging from this analysis should be interpreted in light of earlier findings showing that the Reentry Court enrolled a targeted, uniform participant population, with relatively little variation on factors (gender, race, criminal

history) that often predict criminal justice outcomes. The low number of offenders available for analysis, too, limits the statistical power of tests conducted.

### The Motivation to Succeed

While few factors emerge as significantly associated with success in the statistical analyses, program staff members and participants provide qualitative accounts of success. Many believe that success comes from internal motivation and readiness to give up substance abuse and a criminal lifestyle. Some program staff speculate that older offenders, in particular, having passed the peak of their criminal careers, are more highly motivated to succeed. Many younger parolees lack that orientation. One program graduate commented that, years ago, he would have been “*too young*” to take advantage of the Reentry Court but that he was fortunate now to have the program “*there for me.*” These accounts suggest that the Reentry Court provides parolees the tools they need to make a change, provided they are ready to do so.

In fact, although age is not correlated with *whether* participants successfully completed the Reentry Court program, it is correlated with *how long* participants took to graduate. The nine graduates over age 39 completed the program in an average of just over seven months (220 days), while the 13 graduates age 39 or younger took about three months longer (311 days) to reach graduation. Although the sample sizes are very small, the difference is statistically significant ( $p=.009$ ).

The relatively rapid completion among older graduates might result, in part, from a strong motivation to succeed and make a change. Indeed, while the evidence is far from conclusive, intake assessments conducted by the resource coordinator shortly before release from prison provide suggestive evidence of greater motivation, at least in confronting substance abuse, at the time of program entry. Participants over age 39 were more likely to indicate that they:

- currently have a problem with drugs or alcohol (100% vs. 50% for participants age 39 or younger),<sup>40</sup>
- need substance abuse treatment (100% vs. 73%, respectively)<sup>41</sup>, and
- have ever entered treatment (85% vs. 60%, respectively).<sup>42</sup>

Older participants’ motivation to succeed might, however, be offset somewhat by their more severe substance abuse, more pressing service needs and a longer criminal history (all documented earlier), which might explain why overall graduation rates do not vary by age. While there is, once again, no conclusive statistical evidence to support this explanation, it is consistent with the observations and suggestions of several program staff members.

***Observation:*** *The qualitative evidence suggests the need for additional research to better understand the impact of the Reentry Court on various populations so that resources can be most effectively and efficiently targeted. It also suggests that interventions designed to build offender motivation would increase the likelihood of success. As discussed in the last chapter, such*

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<sup>40</sup> There is 12% missing data for this question.

<sup>41</sup> There is 16% missing data for this question.

<sup>42</sup> There is 12% missing data for this question.

*interventions would ideally occur prior to release in order to facilitate the transition from prison into the community.*

### ***Continuing Challenges After Reaching Milestones***

While systematic data is unavailable, program staff provide qualitative reports of participants stumbling after reaching key milestones (phase advancement and graduation), which bring about less intensive supervision. Newly released offenders are accustomed to a great deal of externally imposed structure in their lives. The Reentry Court provides that structure, particularly during the early phases. Some parolees have difficulty adapting when the reins are lifted and they begin to taste more freedom, and may be particularly vulnerable at these times. Staff members cite several parolees who relapsed shortly after advancing to Phase 2, and two program graduates who entered aftercare were placed in long-term residential care after suffering significant relapses.

For their part, many parolees report that they welcome the structure the Reentry Court provides—it keeps them on the straight and narrow. A number of graduates feared leaving the support and attention. One parolee expressed concern about graduating because “*I need [the program] to keep me structured.*” The administrative law judge believes this parolee is able to articulate a fear of success that other participants share but are unable to express. According to the judge and resource coordinator, other participants have instead acted out by engaging in noncompliant behavior shortly before or after reaching milestones.

In response to these challenges, participants were often required to report to the administrative law judge and their parole officers more frequently than anticipated—thus, supervision remained intense and was not relaxed according to the schedule outlined in the operational plan. For many parolees, there was an effective blurring of program phases, so that they report more frequently to the judge and their parole officers than their phase status would suggest. These experiences, and the longer-than-anticipated time it took many parolees to advance through the program, prompted a general consensus among program staff that the overall length of the Reentry Court program should be extended. Indeed, program planners originally anticipated extending the program length to one year as it expanded to include more serious and violent offenders, although as discussed in the last chapter, recent constraints have forced the Reentry Court to shorten, rather than lengthen, program time.

***Lesson:*** *Program milestones appear to represent both a time of achievement and vulnerability for parolees. The Reentry Court should continue to prepare offenders for the challenges they may face at these junctures and take steps to improve the process of weaning participants from the program’s structured setting in order to make the transition from phase-to-phase, and ultimately from the program back to traditional parole supervision, as seamless as possible.*

### **OTHER PARTICIPANT OUTCOMES**

Unfortunately, systematic data (e.g., service referrals and employment data) about participant outcomes is unavailable. However, drug use and criminal justice involvement are crucial indicators of compliance and serve as basic outcome measures of the Reentry Court’s effectiveness. Given that the program enrolled a high-risk population with substance abuse

problems, it is not surprising that the available data shows that most have resumed drug use and many have had criminal justice involvement.

### ***Substance Abuse***

Program records indicate that 84% of all participants had one or more dirty urines as of January 31, 2003 (of the ten participants without a dirty urine, four were still in Phase 1 or Phase 2). Most participants required intensive outpatient treatment at some point during their time in the Reentry Court program and several were placed in long-term residential treatment, including two graduates who had severe relapses after graduation. Several program staff believe many of the challenges that participants have faced—from the inability to get and keep a job, to difficulty reuniting with their family, to criminal behavior—stem ultimately from substance abuse problems.

Of course, given the experience of drug courts, where relapse is common, the Reentry Court did not expect total abstinence, particularly in the early program phases.<sup>43</sup> Instead of violating or returning participants to prison for a single dirty urine, it has responded to drug use (and other noncompliance that does not rise to a criminal level) with graduated sanctions, administered in a courtroom setting, to teach participants that their actions have real consequences.

### ***Criminal Justice Involvement***

Exhibit 5.5 presents various *in-program* measures of criminal justice involvement among the first 61 Reentry Court participants, as of June 13, 2003. For purposes of this analysis, rearrest and reconviction are defined as “in-program” if they occurred under the supervision of the Reentry Court parole officers. Thus, it includes arrests and convictions occurring both prior to and after graduation into program aftercare, for the time that the graduates remained under the Reentry Court’s jurisdiction. By contrast, some program participants were returned to prison on technical violations and subsequently re-released onto parole supervision. Criminal justice involvement occurring after the reincarceration (i.e., after leaving the program) is not counted in Exhibit 5.5.

A substantial minority of Reentry Court participants had criminal justice involvement while under the program’s supervision. Among those in the program for at least one year, 36% were rearrested in the first year, principally for misdemeanor (20% vs. 16% for felonies) and drug-related charges (24% vs. 11% for non-drug charges). Reentry Court participants average less than one arrest (0.66) per year at risk. Additionally, 22% of Reentry Court participants in the program for at least one year were reconvicted during their first year in the program—again mostly for misdemeanor (13%) and drug-related (20%) convictions. Participants average 0.44 reconvictions per year at risk.

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<sup>43</sup> In a recent evaluation of seven New York State drug courts, a majority of participants had at least one positive drug test during their time in the program. And at least half of all program graduates had one more dirty urines in five of the six courts where data was available (Rempel, Fox, Cissner, Labriola, Farole, Bader, and Magnani 2003).

**EXHIBIT 5.5**  
**IN-PROGRAM REARREST & RECONVICTION**  
**AMONG REENTRY COURT PARTICIPANTS (AS OF JUNE 13, 2003)**

	One-Year Rate* (N=45)	Number Per Year at Risk** (N=61)
<b>New Arrest</b>	36%	0.66
New Felony Arrest	16%	0.36
New Misdemeanor Arrest	20%	0.30
New Drug Arrest	24%	0.36
New Non-Drug Arrest	11%	0.30
<b>New Conviction</b>	22%	0.44
New Felony Conviction	9%	0.14
New Misdemeanor Conviction	13%	0.30
New Drug Conviction	20%	0.25
New Non-Drug Conviction	4%	0.19

\*Indicates the percentage of participants with at least one relevant event during the first year in the Reentry Court program, among those in the program at least one year.

\*\*Indicates the mean number of events per year at risk.

*Note:* Table includes only criminal justice involvement that occurred while under the Reentry Court's supervision.

***Parole Violation, Revocation and Reincarceration***

Records from the Division of Parole indicate that, as of May 31, 2003, parole violator warrants had been issued for 41% of the Reentry Court's first 61 participants. Of these 25 warrants,

- 72% were for absconding,
- 16% for technical violations of parole, and
- 12% for new arrests.

While warrant issuance does represent the formal initiation of the parole revocation process, it *does not* necessarily mean parole will be revoked and the parolee returned to prison. Only cases that have completed the final hearing process will have a final disposition. Of the 45 Reentry Court participants released from prison prior to June 1, 2002, Division of Parole records indicate that 22% were reincarcerated within a year of release, with 15% for a technical violation and 7% for new felony convictions.

## **CONCLUSION**

The Harlem Reentry Court succeeded in enrolling a non-violent drug offending population, one at high risk of recidivism. For these first participants, successful progress in the program does not appear to be correlated with many observed characteristics (although heroin users were somewhat less likely to graduate). Qualitative evidence suggests, however, that the motivation to succeed—perhaps positively correlated with age—may affect participants’ prospects in the Reentry Court regimen.

During their time in the Reentry Court’s supervision, most participants resumed drug use at least one time (many repeatedly) and a substantial minority were rearrested, reconvicted and/or returned to prison on a technical violation or new felony conviction. These outcomes are testament to the difficulty this population faces reintegrating into a community most have been removed from for considerable amounts of time while incarcerated. The outcomes are also testament to a challenge the Reentry Court has faced and will continue to face in the future – to react promptly to technical infractions, through the use of intermediate interventions designed to avoid problems escalating to the point of revocation.

Unfortunately, program data was not available to test the relative efficacy of Reentry Court interventions on participant progress. The next chapter, however, evaluates the Harlem Reentry Court’s preliminary impact on recidivism by examining one-year rates of reconviction and reincarceration compared to a sample of similar parolees on traditional parole supervision.

## CHAPTER 6

### THE PRELIMINARY IMPACT OF THE HARLEM REENTRY COURT ON RECONVICTION AND REINCARCERATION

This chapter presents a preliminary examination of the Harlem Reentry Court's impact on parolee reoffense and return to prison. Specifically, it examines one-year rates of reconviction as well as reincarceration—for either a new felony conviction or technical violation—among program participants compared to a sample of similar parolees released onto parole supervision in northern Manhattan during a contemporaneous time period.

The participant sample currently available for one-year recidivism analysis is small (n=45), and consists of participants enrolled during the Reentry Court's early implementation period. Therefore, findings are necessarily preliminary and limited in scope. While the findings provide insight into program operations and preliminary impacts, they are not intended as a definitive evaluation of program success or failure and should be interpreted with considerable caution.

#### DATA AND METHODS

The preliminary impact evaluation relies on a quasi-experimental design in which Reentry Court participants are compared to a sample of parolees released onto traditional parole supervision in northern Manhattan during the same one-year time period (June 1, 2001—June 1, 2002) as program participants included in the analysis. The Reentry Court participant sample includes all 45 parolees released from prison prior to June 1, 2002.

In defining the comparison group, we began by identifying all ex-offenders released onto parole supervision into northern Manhattan police precincts and identical to Reentry Court participants on key paper eligibility criteria. Specifically, parolees considered for inclusion in the comparison sample were:

- Released from prison between June 1, 2001 and June 1, 2002;
- Supervised in the following Division of Parole Area Offices: Manhattan II, Manhattan III, and Manhattan VII;<sup>44</sup>
- Released on a Penal Law Article 220 or 221 crime of conviction. This includes the attempted or actual criminal possession or criminal sale of controlled substances that rise to the felony level;
- No current violent felony convictions associated with the instant offense;
- Most serious prior offense is not a violent felony offense;
- Have at least six months of parole supervision (i.e., time from release until maximum expiration of sentence); and
- No temporary release parolees.<sup>45</sup>

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<sup>44</sup> These area offices supervise parolees in most of Northern Manhattan, including the three precincts that form the Reentry Court catchment zone.

We then removed from comparison group consideration parolees who meet the Reentry Court's "paper eligibility" criteria, but would be a poor match for the participant sample that is *in fact* available for analysis. This step refined the potential comparison group on two characteristics. First, only releases granted by the Parole Board were retained in the sample. Although the Reentry Court technically allows conditional release parolees to enter the program, the first 45 participants were all Board-released. Conditional release parolees, as well as those released under alternative mechanisms, were thus eliminated from the comparison sample at this point. Second, since all of the first 45 Reentry Court participants were either African-American or Hispanic/Latino, only African-American or Hispanic/Latino releases were retained in the comparison group. Since this accounts for the overwhelming majority of parolees supervised in northern Manhattan, very few cases were removed for race/ethnicity.

After this initial step,<sup>46</sup> 728 potential comparison group cases remained.<sup>47</sup> On balance, this sample was comparable to the 45 Reentry Court participants on demographic and parole status factors as of release, with t-tests indicating no differences significant at the .10 level or higher. However, Reentry Court participants did have a longer criminal history than the potential comparison group sample, with a greater number of prior felony convictions (significant at the .05 level), prior drug convictions and estimated total time incarcerated in prison or jail (both of these are significant at the .10 level).

The next step involved choosing a final comparison group for analysis that: a) is more proportionate in size to the participant sample available for one-year post-release recidivism analysis; and b) matches the Reentry Court participants as closely as possible in terms of key demographic, criminal history and parole factors that may affect outcomes of interest.<sup>48</sup>

The decision was made to adopt an "exact matching on covariates" approach, whereby each participant would be matched to comparison group parolees that are highly alike on a small number of key characteristics. In other words, this approach required that we first identify the key observed factors that predict recidivism among parolees and then, for each Reentry Court participant, select for inclusion in the analysis the potential comparison group members who most closely match the Reentry Court participant on each of those characteristics.

To identify the characteristics upon which to match participants to potential comparison group cases, a logistic regression analysis was conducted using the full sample of 728 potential

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<sup>45</sup> Temporary Release is a program that authorizes temporary releases from prison for specific purposes. During the time in the community, these offenders, although still in inmate status, are supervised by parole officers. Those who have participated in temporary release are ineligible for Reentry Court participation.

<sup>46</sup> In addition, nine cases were eliminated due to an instant case arrest in another state, and four for missing sentence information on the instant case (in the data provided by the Division of Criminal Justice Services).

<sup>47</sup> This figure represents the number of releases into parole supervision, which is not the same as the number of individuals released. Some offenders were released onto parole in northern Manhattan more than once during the time period examined.

<sup>48</sup> Note too that because participation in the Reentry Court is mandatory for eligible offenders, it is unnecessary to match the participant and comparison groups on the basis of psychological factors. Because such data is often unavailable for comparison groups, it can introduce the threat of selection bias in evaluating voluntary programs, but is not an issue in this study, thus strengthening the validity of the comparisons.

comparison group cases, to determine key factors that predict whether a parolee in that sample was removed from traditional parole supervision for either a new felony conviction or technical violation within one year of release into the community. The analysis indicated that three variables were significant at least at the .05 level:

- § *Reparole status* (whether the parole release is the first on the instant conviction)—non-first-release offenders are more likely than first release offenders to be returned to prison within one year of release;
- § *Number of prior arrests*<sup>49</sup>—parolees with longer arrest records are more likely to be returned; and
- § *Age at the time of release*—younger parolees are more likely to be returned.

The full model is presented in Appendix A.

These results guided the matching process. To select a final comparison group for analysis, each Reentry Court participant was matched to *two* comparison cases based on a protocol that involved sequential matching on five criteria. Three criteria were *mandatory* and dictated by the results of the recidivism analysis discussed above. Participant and comparison group cases:

1. Must have an *identical* reparole status,
2. Must differ by no more than *one* prior arrest,
3. Must differ by no more than *three* years in age at release.

In other words, selected comparison cases must be good matches on all factors that significantly predicted recidivism in the larger parolee sample. Criteria 1-3 were applied in order of the relative strength of the predictors (i.e., reparole status was the strongest predictor and thus the first match). After those criteria were met, comparison cases were matched, whenever possible, to participants on the basis of two additional factors that often predict criminal justice outcomes:

4. Gender, and
5. Race.

When a comparison case was one of the best available matches for more than one participant, the case was assigned to the participant for whom it was the closest match. The unmatched participant was then matched to the two closest remaining comparison cases.

Exhibit 6.1 compares the participant and final comparison group samples. The results show that the matching process was highly successful, with the participant and comparison groups comparable in terms of demographics, criminal history and parole status. Note, in particular, that the final samples do not differ on any prior criminal history measure, meaning the matching process improved comparability on this key characteristic. The final samples had only one significant difference at the .10 level—race/ethnicity, with the comparison group disproportionately African-American.

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<sup>49</sup> Prior arrests is a proxy measure for prior criminal history. A number of prior criminal history variables are highly intercorrelated, and prior arrests was included in the model because it had the highest bivariate correlation with the dependent variable of interest.

**EXHIBIT 6.1**  
**BASELINE CHARACTERISTICS OF HARLEM REENTRY COURT PARTICIPANTS**  
**AND COMPARISON GROUP**

	<b>Reentry Court Participants</b>	<b>Comparison Group</b>
	<b>(N=45)</b>	<b>(N=90)</b>
<b>Demographics</b>		
Age at Release (Mean)	37	37
Male	91%	93%
Race/Ethnicity		
African-American	56%	72% <sup>+</sup>
Hispanic-Latino	44%	28% <sup>+</sup>
<b>Instant Conviction</b>		
Drug Sales (vs. drug possession)	87%	78%
Minimum Sentence (mean) <sup>a</sup>	33.3 months	32.5 months
<b>Current Parole Status</b>		
Board Release Parolee	100%	100%
First Release on Instant Conviction	80%	80%
<b>Prior Criminal History</b>		
Prior Arrests (Mean)	14.6	15.0
Prior Convictions (Mean)	12.3	12.5
Prior Drug Convictions (Mean)	5.6	4.7
Prior Felony Convictions (Mean)	5.0	4.7
Prior Misdemeanor Convictions (Mean)	7.3	7.8
<b>Prior Incarceration History</b>		
Prior Sentences to Prison (mean)	2.4	2.1
Prior Total Minimum Sentences (mean) <sup>b</sup>	68 months	77 months

<sup>+</sup>p < .10 (two-tailed t-test).

<sup>a</sup> Minimum sentence used as an estimate of time served. Calculated as the minimum sentence in days, then converted to months.

<sup>b</sup> Measure represents an estimate of prior total time served based on all previous state prison and jail sentences. Note that the measure is calculated as the minimum sentence for state prison sentences and two-thirds time for jail sentences.

## **OUTCOME MEASURES**

This chapter examines the impact of the Harlem Reentry Court on two categories of parolee recidivism measures. The first, and principal, measure is return to state prison, for a new felony conviction or rule violation, within one year of release from prison. Various analyses examine the impact of Reentry Court participation on the *probability* of return to prison within one year, the *reason* for reincarceration (new felony conviction vs. technical violation), and *time* to return. These analyses rely on data obtained from the New York State Division of Parole. The Division of Parole data was obtained as of May 31, 2003 for all participants in the study.

The second category of recidivism measures examined are new convictions that occur within one year of release from prison, whether or not the conviction led to reincarceration and removal from parole supervision. The analysis examines the impact of participation in the Reentry Court on the probability of reconviction within one year, the charges involved, and the time to first reconviction. Reconviction analyses rely on data obtained from the New York State Division of Criminal Justice Services (DCJS). The data was obtained as of June 13, 2003.

## **PROGRAM IMPACT ON POST-RELEASE REINCARCERATION**

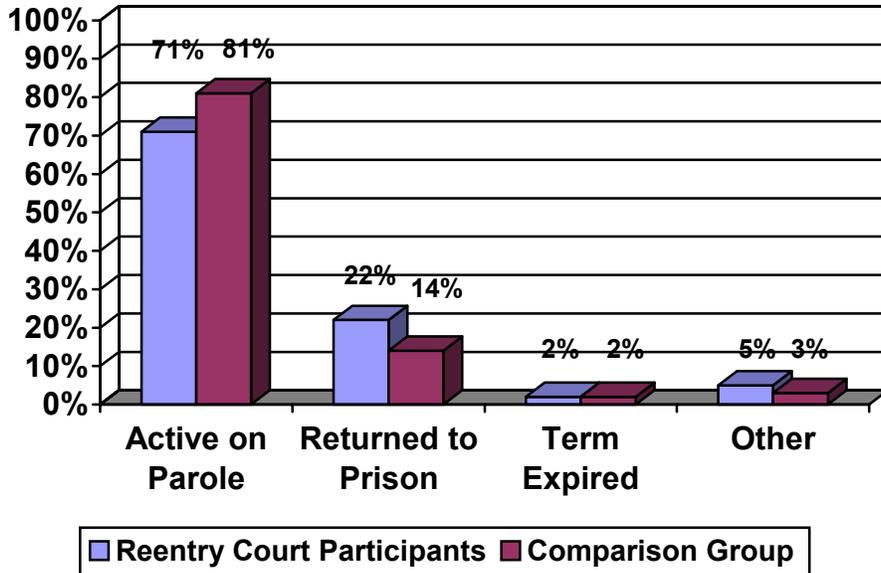
Exhibit 6.2 begins the analysis by showing the parole status one year after release from prison. For both groups, most were still active on parole after one year in the community: 71% of Reentry Court participants and 81% of the comparison group remained active (the difference is not statistically significant). While some were discharged at the maximum expiration of their sentence within one year (2% for each group) or were discharged for other reasons (e.g., death), most parolees not under active supervision after one year had been returned to prison.<sup>50</sup>

Exhibit 6.3 shows one-year reincarceration rates for Reentry Court participants and the comparison sample. No significant differences emerge between the groups, although Reentry Court participants were returned to prison at a higher rate than the comparison group (22% vs. 14%, respectively) within one year of release into the community. Parolees in both groups are more likely to have been returned for a technical violation than a new felony conviction, with no difference emerging between the two groups on this measure either. Note that Reentry Court parolees were slightly (although not significantly) more likely than the comparison group to be returned on a technical violation, possibly a reflection of the more intensive supervision that increases the likelihood of detecting technical violations. Finally, among those reincarcerated within one year, the average time to return is nearly identical between groups—about eight months after release from prison. Note that the case processing time involved in returning offenders to prison, whether for a technical violation or new felony conviction, means that the underlying behavior that prompted return to prison occurred earlier.

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<sup>50</sup> Parolees discharged for the maximum expiration of sentence have not necessarily “successfully” completed parole. Some parolees, when discharged at the time of maximum expiration, have a outstanding parole violator warrant issued against them.

**Exhibit 6.2  
Parole Status One-Year Post-Release**



**EXHIBIT 6.3  
ONE-YEAR REINCARCERATION RATES:  
REENTRY COURT VS. COMPARISON GROUP**

	Reentry Court (N=45)	Comparison Group (N=90)
Reincarcerated within 1 Year Post-Release	22%	14%
New Felony Conviction	7%	3%
Technical Violation	15%	11%
<i>Among those reincarcerated within 1 year:</i>	(N=10)	(N=13)
Days to Reincarceration (mean)	243	237

These findings do not demonstrate a program impact on parolee return to prison within one year of release. Additional analyses, too, fail to detect an independent program effect. Indeed, the bivariate correlation (Spearman's rho) between program participation and return to prison is neither statistically nor substantively significant ( $r=.098$ ,  $p=.260$ ). A multivariate logistic regression analysis measuring the probability of return to prison at one-year post-release also shows no program effect (see Exhibit 6.4). Indeed, no factors in the analysis achieve statistical significance—due in part to the relatively small sample size.

Finally, Exhibit 6.5 presents survival curves for Reentry Court participants and the comparison group, displaying for each month after release from prison the cumulative percentage of parolees not reincarcerated for either a technical violation or new felony conviction. During the first six months, virtually all parolees in both groups survive (avoid reincarceration), which is not surprising considering the processing time needed to return a parolee to prison. During the last six months, the percentage surviving declines more markedly for both groups. By the one-year mark, 86% of the comparison group and 76% of Reentry Court participants had survived. The curves appear to diverge during the last six months, with Reentry Court participants faring less well, although the survival experience *does not* differ significantly between participants and the comparison group.

In sum, among the Reentry Court's first 45 participants, program impact is not detected across a variety of measures of return to prison after one year in the community. Of course, the low number of participants available for analysis makes it difficult to detect program effects even if they do exist. Conclusive evidence about the Reentry Court's impact on return to prison must await future analyses with larger samples of participants, which will be possible given the Reentry Court's growing caseload. Note too that the Reentry Court will shortly expand its participant population to include more serious and violent offenders. Future analyses will examine the Reentry Court's impact on this population, which might be expected to fare better in the program in light of research showing that higher risk offenders do better in intensive supervision programs (e.g., Clear and Hardyman 1990, Erwin 1986).

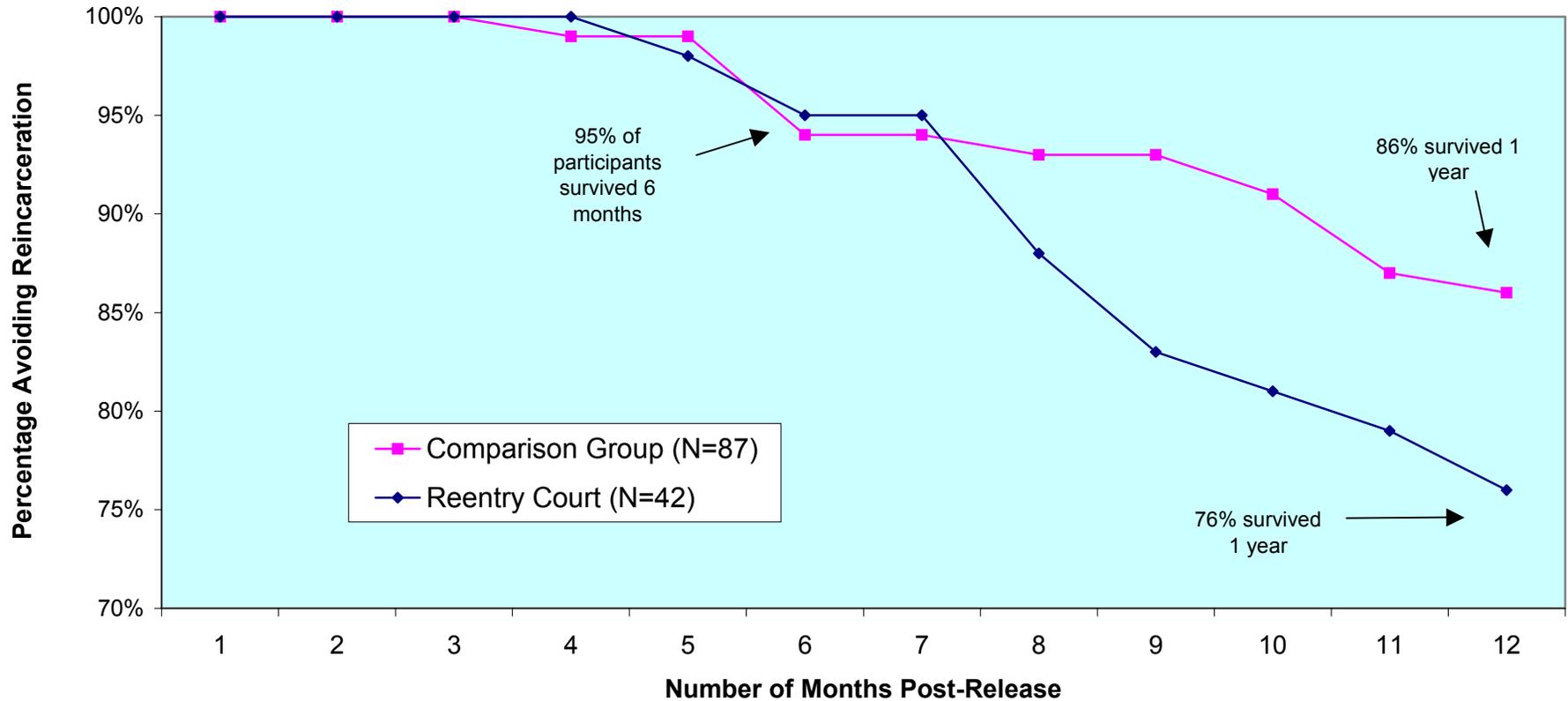
**EXHIBIT 6.4**  
**MULTIVARIATE MODEL MEASURING REENTRY COURT IMPACT ON**  
**PROBABILITY OF REINCARCERATION WITHIN ONE YEAR OF RELEASE<sup>1</sup>**

Variables	Odds Ratios from Logistic Regression Analysis
Reentry Court Participation	1.676
Race/Ethnicity (Black)	.843
Reparole	1.873
Number of prior convictions	1.054
Age (at time of release)	.962

<sup>1</sup>N=134. Sample consists of parolees available for one-year recidivism analysis. One comparison group member was dropped from the analysis due to missing data on race/ethnicity.

*Note:* The dependent variable whether there was a return to prison, on a technical violation or new felony conviction, within one year of release from prison. Since all participants in the analysis are either black or Hispanic/Latino, blacks are compared to the unlisted Hispanic/Latino category.

### Exhibit 6.5: Survival of Harlem Reentry Court versus Comparison Group Return to Prison up to One-Year Post-Release



Note: The survival experience of Reentry Court and comparison group parolees is not significantly different ( $p = .243$  for Wilcoxon statistic).

Note: Offenders discharged from parole within one year for reasons other than reincarceration are not included in this analysis.

**PROGRAM IMPACT ON POST-RELEASE RECONVICTION**

The next analysis examines the impact of participation in the Reentry Court program on reconviction within one year of release from prison. Exhibit 6.6 presents one-year reconviction rates among Reentry Court participants and the comparison sample. A smaller percentage of Reentry Court participants (22%) than comparison group members (30%) had any new conviction—for either a felony or misdemeanor—within a year of release, although this difference is not significant. The two samples also do not differ on felony reconviction, misdemeanor reconvictions, drug reconvictions or the average number of new convictions.

Program impact does appear to emerge, however, on *non-drug convictions* within one year of release. Twenty percent of the comparison group and only 4% of Reentry Court participants were convicted on a non-drug charge within a year of release. Additionally, among those reconvicted (on any charge) within a year of release, the time to first reconviction is significantly longer for Reentry Court participants, although this finding must be interpreted with caution due to a very small sample size.

**EXHIBIT 6.6  
ONE-YEAR RECONVICTION RATES:  
REENTRY COURT PARTICIPANTS VS. COMPARISON GROUP**

	<b>Reentry Court</b>	<b>Comparison Group</b>
	<b>(N=45)</b>	<b>(N=90)</b>
<b>Any New Conviction within 1 Year Post-Release</b>	22%	30%
Any Felony Conviction	9%	13%
Any Misdemeanor Conviction	13%	18%
Any Drug Conviction	20%	16%
Any Non-Drug Conviction	4%	20%*
<b>Average Number of New Convictions with 1 Year Post-Release</b>	0.24	0.38
<i>Among those reconvicted within one year:</i>	(N=10)	(N=27)
Days to First Reconviction (mean)	229	165 <sup>+</sup>

<sup>+</sup> p < .10, \* p < .05, \*\* p < .01 (two-tailed t-test).

Yet the multivariate analysis also confirms a program effect on the probability of a non-drug conviction. Reentry Court participants are significantly less likely (odds ratio=.153,  $p < .05$ ) to be convicted on a new non-drug offense. In fact, Reentry Court participation has a stronger independent impact on the probability of a non-drug conviction than does reparole status,<sup>51</sup> a testament to the strength of the program effect in this area.

**EXHIBIT 6.7**  
**MULTIVARIATE MODEL MEASURING REENTRY COURT IMPACT ON**  
**PROBABILITY OF RECONVICTION WITHIN ONE YEAR OF RELEASE<sup>1</sup>**

<b>Dependent Variable:</b>	<b>Odds Ratios from Logistic Regression Analysis</b>	
	<b>Any Conviction</b>	<b>Non-Drug Conviction</b>
Reentry Court Participation	.604	.153*
Race/Ethnicity (Black)	.727	.555
Reparole	2.550*	3.459*
Number of Prior Convictions	1.085*	1.075
Age (at time of release)	.952*	.986

<sup>1</sup>N=134. Sample consists of parolees available for one-year recidivism analysis. One comparison group member was dropped from the analysis due to missing data.

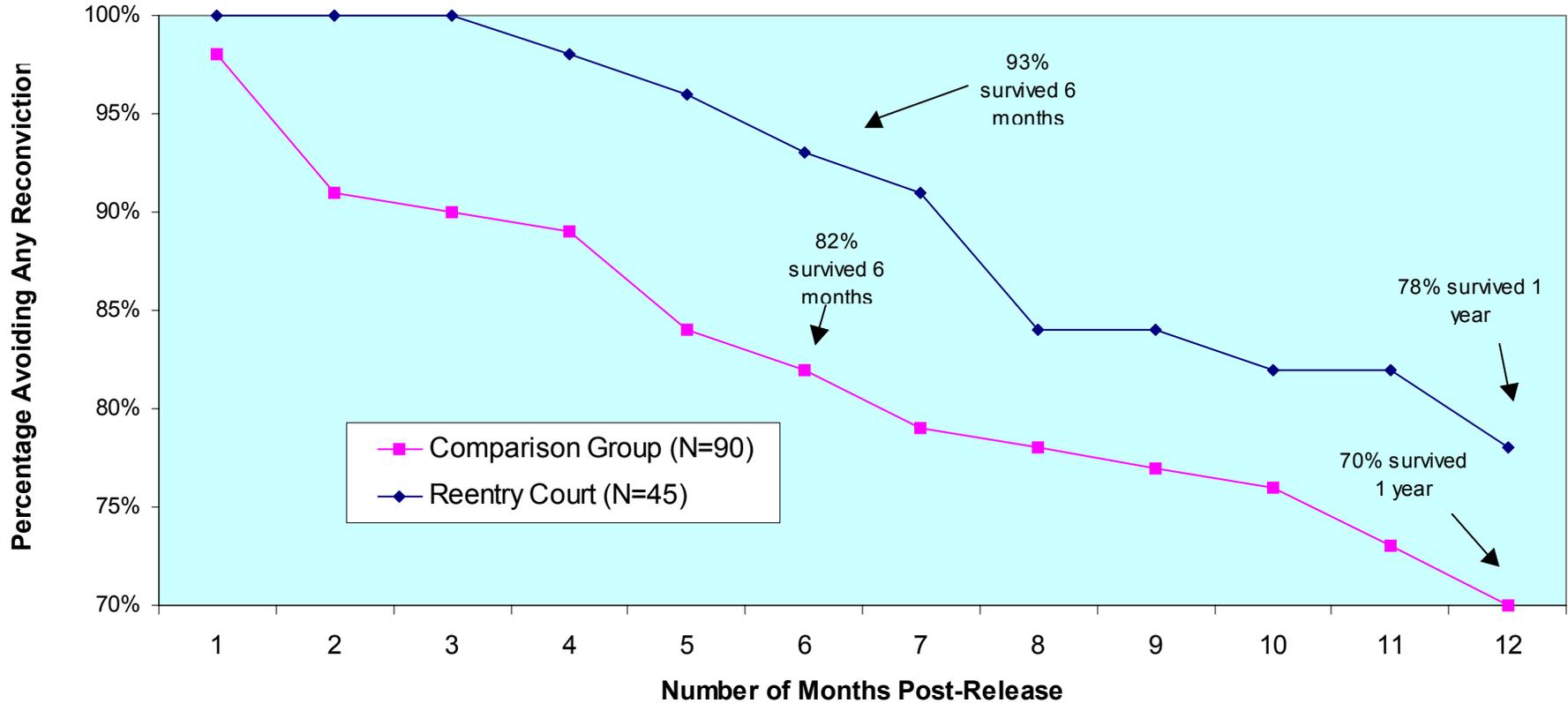
*Note:* The dependent variables measure whether there was at least one conviction on a felony or misdemeanor charge within one year of release from prison. Since all participants in the analysis are either black or Hispanic/Latino, blacks are compared to the unlisted Hispanic/Latino category.

+ $p < .10$ , \* $p < .05$ , \*\* $p < .01$  (two-tailed t-test).

Finally, Exhibit 6.8 presents survival curves for both the participant and comparison samples, showing the cumulative percentage of each group avoiding reconviction over each month of the first year post-release. During the early months, a larger percentage of Reentry Court participants than comparison parolees avoid reconviction (this is consistent with the finding, presented above, demonstrating a longer time to first reconviction among program participants). The early survival of Reentry Court parolees may be a result of the intensive supervision in early program phases. However, in later months, the gap between Reentry Court participants and the comparison sample closes somewhat, such that by one year after release, the survival experience does not differ significantly between participants and the comparison group. By the end of the one-year mark, 78% of Reentry Court participants and 70% of the comparison sample survive.

<sup>51</sup>  $p=.021$  for Reentry Court participation vs.  $p=.036$  for reparole status.

### Exhibit 6.8: Survival of Harlem Reentry Court versus Comparison Group Reconviction up to One-Year Post-Release



Note: The survival experience of Reentry Court and comparison group parolees is not significantly different ( $p = .352$  for Wilcoxon statistic).

Note: Reconviction includes both felony and misdemeanor charges.

## CONCLUSION

Participants in the Harlem Reentry Court were less likely than the comparison group to be convicted of a non-drug related offense within one year of release from prison. The findings also suggest that the program may have had an impact in reducing reoffending in the first few months after release, when supervision is most intensive. However, after one year in the community, Reentry Court participants are not significantly less likely to have been reconvicted and are just as likely to have been returned to prison for either a new felony conviction or technical violation of parole. On balance, the findings from this preliminary analysis do not detect a statistically significant program impact in reducing parolee reoffense and reincarceration.

However, for two key reasons, the program impact analysis presented in this chapter must be considered preliminary at best. First, the small number of Reentry Court participants available for analysis and the relatively short time frame for analysis (one year post-release) considerably limits the ability to draw inferences about program impact. Program impact, if it exists, would be difficult to detect among a sample of only 45 Reentry Court participants.

Second, the program impact findings are best understood in light of the significant implementation challenges outlined in Chapter 4. The participants included in the preliminary impact analysis were enrolled in the Reentry Court during the early program implementation period, when operations were not always extremely faithful to the original model. The Reentry Court has addressed and overcome numerous implementation challenges over the past twenty months, although as documented in Chapter 4, challenges still remain.

The analysis, while limited in scope, provides insight into preliminary program impact during the first twenty months of operations. In particular, it is interesting to note the direction of the findings. After one year in the community, Reentry Court participants are somewhat *less* likely than similar participants on traditional parole supervision to be convicted on a new offense, yet at the same time they are no less likely (indeed, slightly *more* likely) to have been returned to prison. Research suggests that intensive supervision alone will not reduce recidivism, and indeed may increase return to prison on technical violations, but that the integration of treatment with intensive supervision might lead to reduced recidivism (e.g., Gendreau 1996, Petersilia and Turner 1993). The Reentry Court's apparent inability to reduce returns to prison draws attention to the extent and nature of supervision and service delivery as reflected in the day-to-day operations during the early program implementation period.

Future evaluations will provide more conclusive evidence about the longer-term impact of the Harlem Reentry Court model during the post-implementation period, when the model is more fully implemented. As the Reentry Court's participant population expands to include the more serious and violent offenders, future research will test the efficacy of the Reentry Court model among this new participant population. Finally, more conclusive evidence about the longer-term impact of the Harlem Reentry Court requires follow-up analyses among a larger participant sample and over a longer time frame, which will be possible in the future given the expanding numbers of participants.

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## APPENDIX

### PREDICTORS OF RETURN TO PRISON WITHIN ONE YEAR OF RELEASE AMONG POTENTIAL COMPARISON GROUP PAROLEES<sup>1</sup>

Variables	Odds Ratios from Logistic Regression Analysis
Reparole (non-first release parolee)	2.63 <sup>***</sup>
Prior Arrests	1.08 <sup>***</sup>
Age (at release)	0.97 <sup>*</sup>
Drug Sales Instant Conviction	1.36
Day to Maximum Expiration of Sentence	1.00
Race/Ethnicity (Black)	1.44
Male	1.65
Constant	0.99 <sup>**</sup>

<sup>1</sup> N=705. Sample consists of the 728 parolees released into northern Manhattan onto regular parole supervision and who match Reentry Court participants on key characteristics (see Chapter 6 for additional details). Twenty-three cases were dropped from the analysis for missing data.

*Note:* The dependent variable whether there was returned to prison, on a technical violation or new felony conviction, within one year of release from prison. Since all participants in the analysis are either black or Hispanic/Latino, blacks are compared to the unlisted Hispanic/Latino category.

\* p < .05, \*\* p < .01, \*\*\* p < .001 (two-tailed test)