

# The National Institute of Justice's Evaluation of Second Chance Act Adult Reentry Courts: Lessons Learned about Reentry Court Program Implementation and Sustainability

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# Lessons Learned about Reentry Court Program Implementation and Sustainability

## Introduction

This report presents final implementation findings based on three years of process evaluation site visits for the National Institute of Justice's (NIJ's) Evaluation of Second Chance Act Adult Reentry Courts (NESCAARC). The NESCAARC study was funded by NIJ in 2010 and includes a process evaluation, impact evaluation, and cost-effectiveness study of eight adult reentry courts, seven of which were funded by the Bureau of Justice Assistance (BJA) in FY 2010 and one of which was funded in 2009 under the Second Chance Act (SCA) 2007 (Pub. L. 110-199).

In this report, we describe the NESCAARC sites at the time of their final year of federal funding, highlighting the context in which the programs were operating and key modifications over time. In addition, we outline lessons learned in developing organizational partnerships needed to operate reentry courts, staffing considerations, selecting and recruiting the target population, designing and implementing program components, and coordinating service delivery for reentry court populations. The report also presents findings on sustainability strategies undertaken by the NESCAARC sites and highlights systems-level changes attributed to the grant.

The primary data source for the current report is semi-structured interviews conducted during three rounds of site visits (2011-2014) with program staff and representatives from partnering agencies in seven reentry courts.<sup>1</sup> Across the sites, interviews were held with all staff and organizational partners

### Second Chance Act Reentry Courts

Reentry courts are one of several strategies supported by the Second Chance Act to facilitate the transition from incarceration to the community in response to high post-release failure rates and the overwhelming needs of offenders returning from jail and prison sentences to the community. They are specialized courts intended to reduce recidivism and improve public safety through the use of judicial oversight to apply graduated sanctions and incentives, to marshal resources to support the prisoner's reintegration, and to promote positive behavior (BJA, 2010).<sup>2</sup> Reentry courts take a therapeutic jurisprudence approach using partnerships among courts, corrections, and communities to leverage resources that support planning, case management, and other recidivism prevention measures.

<sup>1</sup> One program was removed from the evaluation after BJA determined that the grantee could not fully implement a reentry court. This site's experiences are not reflected in the current report.

<sup>2</sup> Bureau of Justice Assistance (2010). Second Chance Act State, Local, and Tribal Reentry Courts FY2010 Competitive Grant Announcement. U.S. Department of Justice, Office of Justice Programs. Washington, DC: OMB No. 1121-0329.

who were involved in the reentry court program; including program directors and coordinators, judges, court administrators, case managers, service providers (counselors, other line staff, and agency heads), data specialists or local evaluators, supervision officers (and supervisors), and, in some sites, defense attorneys and prosecutors. The interviews, conducted by the evaluation team in person during site visits, were approximately 1 hour each. Topics included program operations (e.g., screening, eligibility, and enrollment; program requirements and components delivered, including court hearings, drug testing, case management, supervision, services; responses to compliance and noncompliance), “treatment as usual” for reentering individuals in the jurisdictions, implementation challenges and solutions, lessons learned, and sustainability.

## The NESCAARC Sites

The reentry courts participating in NESCAARC include:

- Union County, Arkansas (Arkansas Administrative Office of the Courts)
- New Castle County, Delaware (Delaware Criminal Justice Council)
- Pinellas County, Florida (Pinellas County Board of County Commissioners)
- Boone County, Missouri (Missouri Office of State Courts Administrator)
- Strafford County, New Hampshire (Strafford County Commissioners)
- Stark County, Ohio (Stark County Court of Common Pleas)
- Bexar County, Texas (Bexar County)
- Norfolk County, Virginia (Supreme Court of Virginia)

Detailed, site-specific characteristics from the first year of the NESCAARC are documented in Lindquist, Hardison Walters, Rempel, and Carey (2013).<sup>3</sup>

Several programmatic characteristics were common across most NESCAARC sites, including an **emphasis on post-release service delivery**, the provision of a **breadth of services** relevant to the target population (with substance abuse treatment and employment services offered in all sites), the use of a **case management approach to coordinate and monitor services**, the use of **judicial status hearings** for the purposes of monitoring participants’ progress in the program, the use of **drug testing**, and a **team approach to decision-making** regarding **incentives and sanctions**. Reentry court participation was typically used as a condition of supervision, with the sentencing judge retaining jurisdiction over the

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<sup>3</sup> Lindquist, C., Hardison Walters, J. Rempel, M., Carey, S.M. (2013). *The National Institute of Justice’s Evaluation of Second Chance Act Adult Reentry Courts: Program Characteristics and Preliminary Themes from Year 1*. Available at [http://www.npcresearch.com/Files/NIJ\\_Evaluation\\_of\\_Second\\_Chance\\_Act\\_Adult\\_Reentry\\_Courts\\_0213.pdf](http://www.npcresearch.com/Files/NIJ_Evaluation_of_Second_Chance_Act_Adult_Reentry_Courts_0213.pdf)

participants in most sites. In the seven programs, the judicial function was carried out by a judge within the local court system (with the split sentence the most common mechanism for allowing the judicial branch to retain authority over participants).

The major sources of cross-site variability were **program size**, with total cumulative enrollment ranging from 61 to 564 per site; **whether participation was voluntary or mandatory**, with participation voluntary in three sites, mandatory in three, and the remaining site having both voluntary and mandatory populations; and the **population targeted**, particularly pertaining to criminal justice status with most programs enrolling offenders at multiple stages of the criminal justice process and some programs enrolling participants who had not immediately served a jail or prison sentence.

Basic characteristics of each NESCAARC site—including program goals, target population and cumulative enrollment (as of the final site visit), and program components and services—are shown in **Exhibit 1**. As evident from the exhibit, the programs employed a combination of judicial monitoring and the provision of a variety of services that sought to address the needs of their target populations.

#### **Requirements for Second Chance Act-Funded Reentry Courts**

The framework for establishing a reentry court under The Second Chance Act of 2007 (SCA) (Pub. L. 110-199) built on earlier federal initiatives. An emphasis on the use of validated assessment tools, evidence-based treatment practices, and rigorous tracking of services delivered and received distinguished the new BJA requirements from previous efforts. As with all SCA funding, grantees are subject to several mandatory requirements, including reentry strategic planning, the use of a Reentry Task Force, and other strategies for interagency collaboration. Technical assistance is provided to SCA grantees by the National Reentry Resource Center, which is overseen by the Council of State Governments (CSG).

**Exhibit 1: NESCAARC Site Characteristics**

Site	Program Goals	Target Population and Enrollment	Program Components and Services
New Castle County, DE	To provide an enhanced level of supervision to offenders who present a serious risk of reoffending. To create an environment for the offender where he can learn to identify how to make the right choices.	Moderate-high to high-risk men who are returning to the city of Wilmington after serving at least 1 year in a state prison and who will have 12-18 months of probation supervision after release.  <i>Cumulative enrollment: 233</i>	Enhanced pre-release planning and service coordination. Post-release, participants receive regular judicial oversight through court hearings and enhanced supervision provided by a dedicated team of probation officers. Participants also receive enhanced case management for substance abuse treatment provided by a dedicated case manager from the state Treatment Access Center and enhanced access to post-release employment, housing, and education services provided through a contract with a community-based service provider.
Pinellas County, FL	To reduce recidivism by 50%.	Moderate- to high-risk men and women who are residents of Pinellas County and are either released (usually unconditionally) from the DOC or released from the county jail (and under supervision) following a felony violation of probation.  <i>Cumulative enrollment: 435</i>	Through a case management approach entailing assessment and individualized treatment plans, the program connects participants to needed services, including substance abuse treatment, mental health treatment, housing, and job placement. Participants also have regular contact with their supervision officers and are required to participate in court hearings.

Site	Program Goals	Target Population and Enrollment	Program Components and Services
Boone County, MO	To facilitate the transition of participants sentenced under RsMO 559.115 <sup>4</sup> and support their reentry into the community upon release from the DOC. To reduce recidivism, lower victimization, and improve public safety.	Men and women who are returning to Boone County after successfully completing a 120-day program in a state prison, consisting of either residential substance abuse treatment or “shock incarceration” (i.e., the individual receives life skills and other programming but lives with the general prison population).  <i>Cumulative enrollment: 157</i>	A 120-day MO DOC program that includes substance abuse treatment, followed by transfer to a transitional home upon release. Participants attend regular court appearances, receive supervision, and complete individualized goals and objectives regarding housing, employment, education, and drug and alcohol and mental health services.
Strafford County, NH	To provide a seamless transition from discharge (at the county House of Corrections) into drug court and community reintegration.	Men and women who are residents of Strafford County, meet the DSM IV criteria for chemical dependency, and are misdemeanor, felony, or parole offenders.  <i>Cumulative enrollment: 330</i>	An Intensive Outpatient Treatment substance abuse program, regular court hearings, case management and drug testing by Strafford County Community Corrections, supervision by state probation/parole, and reentry assistance from reentry specialists.

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<sup>4</sup> This statute provides for the imposition of an alternative sentence of 120 days of incarceration in the DOC, followed by a 5-year term of probation, in lieu of the term of incarceration recommended by Missouri’s sentencing guidelines. The guideline sentence is suspended but may be activated by the sentencing judge upon unsatisfactory conduct during the 120-day prison term. The sentencing judge may sentence any offender under this statute but in Boone County, judges tend to exclude offenders with lengthy criminal histories, including chronic DWI convictions, and those convicted of homicide.

Site	Program Goals	Target Population and Enrollment	Program Components and Services
Stark County, OH	To reduce recidivism by providing transitional support with judicial oversight.	<p>Men and women who are felony offenders, returning to Stark County after incarceration (jail or prison), and who have at least 1 year of community supervision to serve. Individuals classified as high risk are eligible for an intensive reentry court program and those classified as low/medium risk and who lack employment or stable housing are eligible for a less intensive reentry court program.</p> <p><i>Cumulative enrollment: 564</i></p>	<p>Court monitoring and reentry assistance to support individuals in finding a job and housing. Employment is a major emphasis, and the program has contractual relationships with several employment and other service providers who offer a range of services including substance abuse treatment, mentoring, and family services. Other services include Individual Community Plans, transportation assistance, security deposits/first month's rent, and post-secondary education in welding.</p>
Bexar County, TX	To reduce criminal recidivism by offering assistance to participants with abstinence from alcohol and illicit drugs, improved mental health, job placement/employment readiness, housing stability, and benefits enrollment.	<p>High-risk, high-need men and women with a substance abuse diagnosis who are returning to Bexar County after serving a sentence in the local jail or county probation department's Substance Abuse Treatment Facilities, who were sentenced for non-violent felony offenses related to their substance abuse, and who have a minimum of 18 months on supervised probation.</p> <p><i>Cumulative enrollment: 110</i></p>	<p>The program offers assistance to participants transitioning from a structured inpatient treatment program. Participants receive pre-release contact with a reentry court case manager and are released to transitional housing for 30 days. Post-release, participants continue to receive case management, community supervision, and participate in court hearings and community supervision. Services include substance abuse treatment, mental health treatment, individual and group counseling, job placement/employment readiness assistance, housing assistance, and benefits enrollment.</p>



Site	Program Goals	Target Population and Enrollment	Program Components and Services
Norfolk County, VA	To reduce recidivism, increase public safety, and increase participation in targeted services that meet offender needs.	<p>Moderate- to high-risk and need men and women with no history of violent offenses (within the past 10 years), no certified gang affiliations, no predatory sex offenses, and no possession of a firearm or deadly weapon, who are released from the city jail.</p> <p><i>Cumulative enrollment: 61</i></p>	Individualized supervision plans, with services matched to offender needs. Pre-release assistance from a reentry case manager and court hearings. Upon release, participants are connected to needed social services--such as substance abuse treatment, counseling, anger management, and parenting skills—through the case manager. They also receive probation supervision and continue to participate in court hearings.

## Program Context

Among the NESCAARC sites, two (DE, OH) used their SCA funding to expand an existing reentry court program and two (NH and TX) added reentry services to an established drug court. The remaining sites, used SCA funding to develop a brand new reentry court, although several jurisdictions were able to leverage their experience with existing problem solving courts when newly developing their reentry court.

In some sites, the reentry court program operated within the context of broader efforts to address reentry issues. For example, the reentry court in Delaware was able to leverage some of the processes already in place under a statewide initiative that a task force had developed for individuals reentering from incarceration with the intention of creating more coordination between agencies that work with formerly incarcerated individuals. Similarly, Florida had created a task force in Pinellas County with a goal of creating more coordination between these agencies in 2009.

To better understand the context in which the NESCAARC reentry courts were operating, as part of the process evaluation site visits, justice system staff in each jurisdiction were asked about the main differences between the experiences of reentry court participants and those receiving traditional court and probation processing. The most common sources of variation across sites pertained to access to services, accountability and supervision, and assessment practices.

**Access to services.** Stakeholders in all sites reported that reentry court participants have speedier and more direct access to services. Staff highlighted the fact that while many services are available to anyone, reentry court participants are directly referred to those services, whereas individuals on standard supervision must take the initiative to request them. In addition, the relationships that exist between the reentry court and service providers have resulted in some services *only being accessible through the reentry court*.

**Accountability/Supervision.** In all sites with judicial oversight it was reported that reentry court participants see the judge regularly whereas individuals on standard post-release supervision see a judge only if they commit a violation. In addition, when a violation occurs, the judge is available quickly for reentry court participants, while individuals on standard supervision may not see the judge for several weeks. Furthermore, reentry court participant behavior is generally responded to with both incentives and sanctions, while most individuals on standard supervision receive no regular incentives and are sanctioned for formal violations only. Case managers for reentry court participants provide regular reports on client progress in services to the reentry court staff while case managers for individuals on standard supervision do not regularly share progress information with the court.

Community supervision staff in most sites reported using graduated sanctions and treating reentry court and individuals on standard supervision the same in terms of probation related sanctions for formal violations but had a greater focus on incentives for reentry court participants. Finally, most sites reported that reentry court participants received more frequent drug testing than individuals on standard supervision.

**Assessment.** In general across the jurisdictions, both reentry court participants and individuals on standard supervision are assessed for risk and needs when starting parole or probation but reentry court participants in most sites receive additional assessment after starting the program to determine the type and level of service need. Furthermore, staff in most sites reported that reentry court participants were more likely to receive supervision and services tailored to their risk and need assessment results.

### **Program Evolution**

The evaluation was designed to document the evolution of each NESCAARC site throughout the course of their SCA grants. While the programs generally experienced few changes in their overall organizational structures and employed stable program models in terms of target population and service delivery approach, several types of modifications took place including changes in partnerships, program structure, target population, participant monitoring, mental health services, and peer mentoring.

**Partnerships.** The most common cross-site theme with regard to program evolution over the course of the grants was the development of new partnerships to expand the services available through the reentry courts. Most frequently these new partnerships were developed to increase access to transitional housing, employment/workforce readiness services (including one site's partnership with a community college to allow participants access to a welding certification program), and family services (including parenting classes and family stabilization/unification services). In addition to adding new partners, two sites ended their partnerships with outside employment services agencies, opting to offer those services in-house to increase efficiency and cost-effectiveness.

**Program Structure.** Some site-specific modifications to program structure were made among the NESCAARC sites throughout the course of the evaluation, including:

- The pre-release component in one site was discontinued due to limited staff resources and the fact that some respondents who agreed to enter the program at sentencing ended up not enrolling in the program.
- Reducing the frequency of required court sessions from monthly to as needed for some participants due to the volume of participants attending court, and adding a "maintenance" phase to facilitate a step down transition and avoid early discharge in one site.

- Adding team staffing in one site to discuss recommendations in advance of court, to make the process more formal, and to allow the full picture to be discerned from all relevant providers. Another site expanded the team members who attended the team staffings to include treatment and the supervision officer.
- Adding an advisory committee for the program in one site with the intention of regularly reviewing program policies and garner more buy-in and support from agencies contributing resources to the program.

**Target Population.** Although none of the programs altered their goals about the intended target population, some made minor changes to their eligibility criteria over time. One site stopped accepting referrals from a facility for mentally impaired offenders because these individuals became eligible for a newly implemented dual-diagnosis docket that was separate from the reentry court program.<sup>5</sup> Another site implemented a requirement that prospective participants who entered the program directly from prison must pass a drug test immediately prior to release to be eligible. Finally, in an effort to meet enrollment targets, one site implemented case-by-case review of prospective participants with charges of “possession with intent to distribute” rather than automatically excluding them. This site also increased outreach efforts and streamlined the referral process to identify more eligible participants.

**Monitoring and Program Response.** A few sites updated their sanctions and incentives guidelines over the course of their grants in order to align more closely to research based best practices. One site established new guidelines in an attempt to ensure more consistency; another implemented a progressive sanctioning policy to address failure to attend reentry court hearings. One site began giving a handbook containing the program contract and sanctions and incentives schedule to participants, and another newly put into place a client contract. Two sites observed that over time, they had modified the court response to encourage honesty, such that clients might be given a less harsh sanction if they were honest about a violation. Several programs expanded the incentives used, increased their emphasis on incentives, or implemented procedures to allow incentives to be given closer in time to the client’s behavior. Other modifications related to monitoring client’s behavior were implemented to increase efficiency and to more closely align with best practices including implementing a telephonic check-in system in one site, implementing in-house drug testing (in addition to other drug testing) in two sites, and partnering with a drug testing lab that provided more comprehensive testing in a third.

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<sup>5</sup> This change led to another modification, which was changing Phase 4 to focus on relapse prevention rather than aftercare for the mentally ill.

***Mental Health Services.*** A final set of program modifications pertained to expanding the services that were available to reentry court participants. Four sites implemented efforts to improve or expand their mental health services, which included co-locating mental health treatment providers with the main location where clients access services, having mental health staff work immediately with clients with co-occurring disorders who are ordered to residential substance abuse treatment, additional screening efforts, and an increased emphasis on trauma. Two sites began assessing for trauma, another increasingly emphasized trauma in the gender-responsive groups provided to participants, and one site began interviewing female graduates to learn what worked for them to address trauma.

***Peer Mentoring.*** One site opened up its existing drug court alumni association to reentry court graduates, and two sites added a group mentoring component in which participants in the later phases mentor those who are new to the program. One site contemplated but did not implement a mentoring component; program staff were unable to agree upon mentor requirements and found the program too short to allow time for a participant to transition into a mentor role.

## Lessons Learned

This section documents the key lessons learned from the experiences of the seven fully implemented reentry courts and the cross-site themes that emerged during this process evaluation including staffing and team members, staff turnover, communication and team decision-making, organizational partnership, treatment access and court partnerships with community-based providers.

**Staffing and Team Members.** Among the NESCAARC sites, the reentry courts and associated processes were managed by a core team composed of professionals who serve different functions. Throughout the course of the process evaluation, challenges regarding the role and characteristics of each team member emerged along with lessons learned on how the position might best contribute to the success of the reentry court. The key positions discussed here and documented in previous reports are: judge, program coordinator, supervision officer, case manager, and treatment provider.

The role of the judge was reported to be one of the most instrumental in ensuring the goals of the reentry court were met. In some sites, there was a change in judge, which staff members often perceived as detrimental to the experiences of participants. The retirement, or impending retirement, of a dedicated judge led to expressions of concern about the nature of the court and its sustainability by reentry court staff. New judges were reported to change the entire dynamic of the reentry court due to the manner in which their attitudes and commitment to the process were reflected in their interactions

with participants and staff members. There was apprehension that, if the new judge was not dedicated to the success of the program, this change would be detrimental to its success.

Just as the perspective and commitment of the judge was perceived to impact the atmosphere of the reentry court, program directors and coordinators believed that their staff must also be committed to the reentry court model and believe in its ability to impact the lives of participants and to help them to succeed. This was reflected in their goals when hiring staff, where they thought it was essential to hire those who were willing to apply the approach needed to make the program succeed. Stakeholders identified the willingness to put in additional time (such as staying beyond the end of a shift), the ability to negotiate with a variety of decision-makers, and the availability to attend court when needed as important requirements of good staff members. Another staff attribute reported to be important was the ability to interact with participants consistent with the program model, providing support when needed but also requiring that participants are truthful and administering sanctions when necessary. Stakeholders emphasized the need to take a participant-centered approach: identifying a participant's unique needs, listening and supporting them, and treating them with respect. Following through on participant requests and not making false promises were reported to be essential to enhancing trust and credibility.

Supervision officers were important partners in the NESCAARC sites and clearly had decision-making power when it came to issuing violations and sanctions to individuals under their supervision. It was reported that, depending on the context, the supervision officer's decisions could supersede those of the judge. Supervision officers who were invested in the reentry court model and who had good relationships with the core team were perceived to be more likely to work collaboratively to ensure participant success. In at least two sites, supervision officers were not part of the core team, and team members indicated that there was little they could do once an officer made a decision to violate or revoke a participant in these programs. They attempted to establish working relationships with those supervision officers, but absent the formal involvement of the officers in weekly meetings and discussion about participants, it was difficult for the staff to influence their decisions.

**Staff Turnover.** Five sites experienced substantial turnover in key staff (e.g., the judge, program coordinator, probation officer, service provider), which made it challenging for them to implement all components of their programs. In the sites for which SCA funds were used to start a new program, staffing was considered to be generally challenging, with stakeholders noting that identifying qualified and enthusiastic people was important in establishing a strong program.

One stakeholder noted that employee turnover and quality are an inherent challenge with grant-funded positions. These positions may not offer good benefits or a competitive salary, making it challenging to attract high quality applicants. In multiple sites, stakeholders reported that because of the relationship that is established and built between a case manager and a participant, turnover in this position may impact participant outcomes. It also increases the workload of other team members until a replacement is hired.

In all sites, challenges were exacerbated by the hiring process (such as delays due to waiting for background clearances in some sites) or in identifying staff (e.g., attorneys, judges, coordinators, case managers, treatment providers) who can work as a cohesive team. Staff also observed that losing even a single staff member can have a profound impact on the functioning of the program and noted that this impact is compounded if a replacement hire is delayed or indefinitely postponed. This loss can greatly diminish communication and have deleterious effects on program processes.

**Communication and Team Decision-Making.** Communication among team members was considered to be an important element in creating and maintaining connections among the team and with participants. While few stakeholders reported significant coordination or communication barriers, some strategies emerged that contributed to improved communication and decision-making.

Program staff identified the need for regular updates among the team on the status of participants. Holding weekly team meetings involving all key stakeholders, including treatment and service providers, the judge, case managers, attorneys and supervision officers, allowed the team to discuss client progress, share ideas, and make decisions as a group.

In addition to regular meetings, improved communication was reported when reentry court team members were co-located, or located within accessible distances. Stakeholders indicated that this made navigation from one service provider to another much easier for participants, and helped address participant transportation challenges. It also allowed for more streamlined communication and, in at least one site, eliminated the potential for manipulation by participants. In programs for which services were not co-located and in which participants often had to travel to other locations to obtain services, stakeholders reported that program staff had to ensure that participants had adequate transportation and arrived and completed services on time, as well as address communication challenges associated with participants reporting different information to the different service agencies.

**Organizational Partnerships.** Reentry courts may have several partnering agencies and organizations, including local courts, probation/parole agencies at the local or state level, government agencies at the local or state level (e.g., administrative offices of the courts, human services

departments), law enforcement, substance abuse and mental health treatment providers, and community-based or faith-based organizations. The organizational partnerships of the reentry courts in this study were examined in depth in previous reports.<sup>6</sup>

Early involvement of all major agencies and organizations in the planning stage of the reentry court was perceived to facilitate long-term commitment. Additionally, accessing high-level staff, or staff with decision-making power, at these organizations was reported to be an important factor in developing a commitment and securing the partnership. In fact, a top-down approach, where the motivation and commitment for the reentry court came from the highest levels of government was perceived to help ensure the establishment and long-term sustainability of a few of the reentry courts in this study.

**Treatment Access and Court Partnerships with Community-Based Providers.** The provision of treatment and other reentry services was carried out by a variety of community-based or faith-based organizations who served as partners and team members in the NESCAARC sites. Reentry court staff quickly learned that they not only had to find partners who were willing and able to serve this role, but also had to assess the quality of their work, their use of evidence-based practices, and their willingness to participate in the reentry court model. Drug treatment partners who were unwilling to share drug test outcomes were perceived to be less helpful partners than those who worked with reentry court staff transparently, with the goal of helping clients overcome both their drug use and reentry challenges.

A common challenge in some jurisdictions was that partners in needed service areas did not exist. The challenge of providing adequate services or referrals for employment, transportation, and housing, in particular, was reported at several sites. The NESCAARC sites struggled with identifying employers and transitional or affordable housing providers willing to take individuals with a criminal history. Another challenge in one site was having available agencies to take participants with mental health issues (the two organizations in the area were constantly at or above capacity). This problem often led to the exclusion of individuals with mental health issues or their diversion to other court programs. Family reintegration services were also difficult for most programs to identify. Only one reentry court was able to partner with an organization to assist in the area of family reintegration, and the gradual reintegration of reentry participants back into their families was a major concern at the other reentry courts. This all points to the need to build additional supports for community services across the U.S.

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<sup>6</sup> Lindquist, C., Hassoun Ayoub, L., Dawes, D., Harrison, P., Malsch, A., Hardison Walters, J., Rempel, M., and Carey, S. (2014). *The National Institute of Justice's Evaluation of Second Chance Act Adult Reentry Courts: Staff and Client Perspectives on Reentry Courts from Year 2*. Available at [http://www.npcresearch.com/Files/NIJ\\_Second\\_Chance\\_Act\\_Year\\_2\\_summary\\_report\\_0814.pdf](http://www.npcresearch.com/Files/NIJ_Second_Chance_Act_Year_2_summary_report_0814.pdf)



**Reentry Court Components.** The NESCAARC stakeholders identified several lessons learned from some of the program components they implemented.

*Pre-release services.* The majority of the sites focused on post-release services. At two of the reentry courts, staff indicated that they did not have the necessary relationships to provide pre-release services inside corrections facilities. Stakeholders from those sites who did provide pre-release services reported this component was uniquely beneficial. According to these stakeholders, pre-release meetings allowed reentry court staff to build relationships based on trust and consistency, ensured a smooth transition and continuation of appropriate service provision, and provided an opportunity to hold participants accountable based on their expressed desires and plans during the incarceration.

*Case Management:* Establishing a “one-stop shop” was identified by stakeholders in several sites as an important approach to providing wraparound services to participants whether that location was in probation or treatment, or someplace where treatment, supervision and other services could be co-located. The more services that could be provided at one location was perceived to be better, since participants could accomplish many goals with one visit.

*Continuing Care:* Some of the reentry courts had aftercare/continuing care components and others did not. Many of the aftercare components involved alumni groups or peer mentoring groups that focused on participants holding each other accountable and supporting each other beyond the reentry court.

#### **The Use of Incentives in Reentry Courts**

All but one of the programs reported using material incentives (i.e., those other than praise or the natural consequences of compliance, such as advancing through the program faster) for complying with program requirements or achieving specific milestones or goals. A few programs developed a greater understanding of the role of incentives over time and added incentives, including a waiver of community service requirements (once a client becomes employed), supervised day trips, and ice cream coupons. In its desire to follow best practices related to providing incentives immediately following the positive behavior, one site began allowing treatment counselors to provide tokens to clients (immediately after the behavior) that could later be traded in for incentives (given in court by the judge).

**Incentives and Sanctions.** All of the reentry courts used some form of graduated incentives and sanctions as part of their program. Although some sites increasingly emphasized incentives over the course of their grants, the programs were generally limited in their use of incentives and established more options when it came to sanctions, such as phase regression (or lack of advancement)<sup>7</sup>, jail time, more intensive treatment, increased meetings with case managers or supervision officers, increased court sessions, increased restrictions on freedom, and community service. The few incentives that were implemented included verbal praise, decreased supervision, decreased court sessions, decreased meetings with case managers, and decreased restrictions on freedom. A few of the courts used other incentives such as gift cards (ranging from \$2 to \$20) for a variety of goods and services from coffee shops to beauty salons.

However, many of the reentry courts did not establish *written* graduated incentives and sanctions, relying on their memories for the incentive and sanction options available. In addition, teams typically leaned more heavily toward sanctions than on incentives. Some of the reentry court staff members highlighted a lack of funding for appropriate incentives as a challenge (for example transportation passes or

movie tickets as incentives) and in many cases, the only incentive that clients received were praise from the judge or supervision officer and phase advancement.

Another challenge cited by stakeholders was the reentry courts' inconsistency in the application of sanctions, which occurs frequently when there are no formal written incentive and sanction guidelines. In focus groups conducted with reentry court participants<sup>8</sup>, participants in several sites indicated that they did not have clear expectations regarding how negative behavior would be punished; that is,

#### **Client Perspectives on Reentry Court Advancement**

In Year Two, the research team conducted focus groups with reentry court clients. Regarding phase advancement, they expressed their frustration with the use of phase demotion as a sanction, which essentially extended the time of their participation in reentry court. In sites where participants had to agree to participate in reentry court, either through a plea deal or a condition on a shortened sentence, clients reported they had not received sufficient information regarding the time commitment to the reentry court. Participants suggested that if phase demotion is used as a sanction by reentry courts, the phase advancement process, as well as incentives and graduated sanctions in general, should be explained to potential participants prior to their decision on whether to enroll.

<sup>7</sup> All of the reentry courts used an informal or formal process for participant advancement, usually through phases or stages, and eventual graduation from the reentry court.

<sup>8</sup> Focus groups were conducted during the second round of site visits with 67 participants in seven reentry courts. Participants were recruited from all stages of the reentry court process, including graduates. Focus group data were analyzed across all sites, using NVivo 10, with no site-specific results reported in order to ensure the confidentiality of the participants.

sometimes negative behavior was punished, and sometimes it was not, or it was punished in different ways at different times with different people.

**Noncompliance and Termination.** In general, all of the reentry courts responded to consistent noncompliance of participants with program termination. Even when using a graduated sanctions approach, participants who remained noncompliant were eventually terminated, which was often accompanied by a formal violation or arrest. Participants were also terminated for other reasons, such as a new arrest, new conviction, consistent drug use, or absconding.

Maintaining effective communication and balance between key decision-makers responsible for addressing participant compliance was a challenge for some of the reentry courts. In some jurisdictions, the supervision officer had the power to violate or arrest a participant without consulting with the reentry court or judge, leading to their effective termination from reentry court. To address this barrier, the NESCAARC reentry court staff members attempted to work closely with the supervision officers, build trusting relationships, and assist them in addressing the needs of the participants. Program coordinators had to be fully aware of the decision-making power of all the key players and acknowledged challenges to balancing the goals of the reentry court with the goals of corrections and supervision agencies.

## Sustainability and Systems-Level Change

Over the course of the evaluation site visits, stakeholder perspectives about program sustainability and systems-level changes that could be attributed to the SCA grants were documented in each site.

**Sustainability.** Sustaining the reentry court model in full absent continued federal funding represented a major challenge at many sites, underlining the importance for federal funders, technical assistance providers, and funded demonstration sites to plan for sustainability from the outset.

Not surprisingly, reentry court sustainability after the discontinuation of federal funding was most certain for the three pre-existing programs that used the SCA funds to expand their services. Administrators from these programs believed that the infrastructure in place and longstanding support from relevant stakeholders would allow for the continued implementation of their program. These programs had used grant funding to fund ancillary services or additional positions, but the key administrative positions were funded by the county and not dependent on the grant. Although these

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<sup>9</sup> Wodahl E, Garland B, Culhane S, and McCarty W. 2011. Utilizing Behavioral Interventions to Improve Supervision and Outcomes in Community-Based Corrections. *Criminal Justice and Behavior* 38:386-405.

sites may seek new grants or county funding to absorb the cost of grant-funded positions or services, the basic program structure and components are likely to be sustained.

However, in two of the previously-established programs, some concern was raised about the degree of individual case management that would be available after the SCA grant ended. In addition, work stipends for employers who hire participants would not be available in the site that used SCA funding for this purpose, but program staff hoped that tax credits and bonding would be effective hiring incentives.

Three of the four sites in which SCA funding was used to implement a brand-new program also hoped to continue the programs. All three sites were exploring additional grant funding to support the programs, and one was also attempting to persuade the county board of commissioners to fund the program—a prospect that seemed unlikely due to constraints on the county budget. At the time of the final site visit, one of the sites had received a federal grant to expand specialized court services within the city and stakeholders there believed that the reentry court docket could be absorbed into the existing specialized courts. The sustainability of the remaining program was unclear.

Finally, one of the new reentry courts included in the NESCAARC study had already discontinued their programs before the final evaluation site visit due to staff turnover and a move toward a statewide reentry process implemented by the DOC. In this site, reentry court participants who had already been enrolled in the program and had not yet completed were folded into the existing drug court program.

**Systems-Level Change.** Stakeholders did not identify any systems-level changes that directly resulted from, or could be definitively linked to, the reentry court. However, stakeholders identified a few such changes that they believed might possibly be attributed to the SCA funding and/or a few forthcoming changes that, if they take place, might be due to SCA funding.

In general, although difficult to link to a specific set of reforms or policy developments, staff in several sites highlighted improved collaboration and support among the courts, probation, and outside agencies, with several stakeholders reporting that support from probation had increased over time such that the program came to be viewed as a necessity for the target population. Similarly, staff in one site believed that the program had improved awareness among law enforcement and corrections partners about the importance of treatment in addressing drug-related criminal behavior. Stakeholders in several sites also believed that community awareness of the reentry population had increased due to the program and that access to employment for participants had improved as a result of having built a positive reputation among local employers.

In three sites, stakeholders identified ways in which the reentry court program (or specific features of the program), according to these stakeholders, had served as a model within the jurisdiction for

potential adaptation to other programs. Specifically, the mandatory nature and provision of individual case management in one site's reentry court were being considered for application to a statewide reentry model. In another site, stakeholders believed that the reentry court model developed with the SCA grant had served as a catalyst in developing a local comprehensive service network for the offender population and as a model for the implementation of other drug courts in the state. Similarly, staff in another site reported that due to the perceived success of existing specialized courts, which include a local drug court as well as the reentry court, the county would be implementing a veteran's court.

Other specific systems-level successes that staff attributed in full or in part to the reentry court program in individual sites included an enhanced management information system, improved staff expertise with screening tools, and an expedited mental health intake process. Finally, stakeholders in one site believed that a greater awareness within the state of the need to implement promising new approaches with high risk offenders had resulted from the program's focus on this target population.

## Conclusions and Next Steps

Of the eight NESCAARC reentry courts that originally received BJA funding under the SCA, all but one became fully operational and, at the conclusion of the final round of evaluation site visits, six appeared to have positive prospects for sustaining their programs after the grant funding, at least in part. Many of the programs achieved the specific objectives for reentry courts envisioned under the SCA, including court monitoring and responses, supervision, drug testing, case management, family involvement, post-release services, and community involvement and aftercare. Most programs were robust and fairly stable once they had become operational, with the most common modifications being expansions of the organizational partner network to offer additional needed services to program participants identified over time. Many programs benefitted from an infrastructure for problem-solving courts within their jurisdictions and/or statewide reentry initiatives.

Despite existing resources available in the jurisdiction through such initiatives, the reentry court model offered several enhancements above "business as usual" in the jurisdictions such that reentry court participants were generally perceived to have greater access to services, higher accountability and supervision, and receive more effective assessment practices than comparable individuals under criminal justice supervision within the jurisdiction.

A key factor that appeared to be strongly associated with both implementation success and the likelihood of continued program operations was having built upon an existing program and/or leveraging an infrastructure for problem-solving courts within the jurisdiction. Four of the reentry courts

included in this study were able to build on existing efforts and generally faced fewer challenges when compared with the sites that attempted to start a reentry court with little existing foundation. Sites without that foundation found the need to build and maintain new working relationships with the relevant agencies and organizations challenging and time-consuming.

Other factors associated with implementation success were support for the program from high level personnel within relevant justice system agencies, shared vision among reentry court team members (particularly the supervision officers), stability among reentry court team members, and an extensive network of organizational partners to meet the extensive and varied needs of the target populations.

A key lesson learned based on the experiences of the NESCAARC grantees was the importance of having team members who were committed to the success of clients and who believed in the reentry court model. When asked about lessons learned regarding reentry court staff, numerous stakeholders across the NESCAARC sites identified commitment to the reentry court philosophy and its participants as central to the success of the program, especially among decision-makers such as judges and supervision officers. In addition, programs that brought in committed individuals with a shared vision during the planning stages seemed to be more likely to reach full implementation and sustainability. Based on the experiences of the grantees, it is clear that the success of a particular program should not depend on a single individual and that continuous training and relationship-building are important for ensuring that new team members are also committed.

When it came to team member stability, the roles of the judge, program coordinator, and case managers stood out as particularly important. While the long-term assignment of a judge to reentry court can rarely be guaranteed, the role of the judge and that judge's commitment to the reentry court process is an important consideration for other jurisdictions. Notably, this observation falls in line with much of the literature around problem-solving courts, especially drug courts.<sup>10,11</sup>

Challenges with staff turnover are not unique to reentry courts and have been documented in many fields, including in other problem-solving courts and other fields not directly related to the criminal justice system, such as medicine and mental health.<sup>12</sup> While turnover may be difficult to avoid, reentry courts can plan and prepare for team member transitions. These preparations include building a

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<sup>10</sup> Rossman S.B., J. Roman, J.M. Zweig, M. Rempel, C. Lindquist. 2011. *The Multi-site Adult Drug Court Evaluation: The Impact of Drug Courts — Volume 4*. Washington, DC: Urban Institute.

<sup>11</sup> Berman G., Rempel M. 2011. *Judges Matter: How Courts Reduce Crime and Save Money*. New York Law Journal.

<sup>12</sup> Woltmann EM, Witley R, McHugo GJ, Brunette M, Torrey WC, Coots L, Lynde D, and Drake, RE. 2008. The role of staff turnover in the implementation of evidence-based practices in mental health care. *Psychiatric Services* 59(7):732-737.

coordinated case management support team around a client. By involving the supervision officer, case manager, treatment provider, and possibly the court coordinator or a senior case manager, the impact of staff turnover can be minimized. Reentry courts can also plan upfront for additional funding dedicated to continuous training of new employees in recognition of the likelihood that some staff members may not remain for the full duration of the grant or the life of the reentry court. Finally, the establishment of clear and concise written policies and procedures can facilitate staff transition, including the transition of judges.

The NESCAARC reentry courts were perceived to be responsible for facilitating improved collaboration and support within their jurisdictions among the courts, probation, and outside agencies. In addition, several stakeholders reported that the program had served as a model for potential adaptation to other programs. However, while many of the programs implemented evidence-based practices, particularly with regard to assessment practices, there was room for improvement with regard to consistent application of sanctions and incentives, and the use of sanctions and incentives in concert. Balancing incentives and sanctions may be a challenge for reentry courts. In accordance with deterrence theory, punishment must be certain, proportionate, and swift in order to be effective. While balancing individualized incentives and sanctions with certainty and swiftness is difficult, it is important for reentry courts to review their policies and practices to ensure consistency in delivering sanctions and incentives. Additionally, research indicates that incentives may be more effective than sanctions at changing behavior and that they are best when used in concert with one another. Because of this, reentry courts should strive to use incentives and ensure that they are a part of the participants' experience. Due to the nature of supervision and corrections, this may require a shift in the way the reentry court staff and partners think of supervision: moving from a sole focus on supervision and control to the incorporation of rehabilitation and positive reinforcement.

The impact evaluation of NESCAARC, which is currently underway, will determine the effectiveness of the NESCAARC reentry courts at reducing recidivism and re-incarceration and improving other reentry outcomes. It will also explore "for whom" reentry courts are effective and, through combining process and outcome data, will elicit an understanding of program policies and practices that explain any impact of reentry court on recidivism.