

ROUNDTABLE



A Conversation about Strategies for Offender Reintegration



BJA

Bureau of Justice Assistance
U.S. Department of Justice

author

year

acknowledgements

Robert V. Wolf
Director of Communications
Center for Court Innovation

2011

This publication was supported by Grant No. 2009-DC-BX-K018 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, the Community Capacity Development Office, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document do not necessarily represent the official positions or policies of the U.S. Department of Justice. Special thanks is extended to Jacquelyn L. Rivers, special assistant to the director of the Bureau of Justice Assistance, for help conceiving, planning, and implementing the focus group and report.

REENTRY COURTS: LOOKING AHEAD

A CONVERSATION ABOUT STRATEGIES FOR OFFENDER REINTEGRATION

INTRODUCTION

Reentry courts provide close supervision, links to social services, and intensive case management to offenders returning home after incarceration. The challenges reentry courts grapple with are many. Former inmates—there were 819,308 people under parole or other post-custody supervision in the United States at the end of 2009¹—suffer disproportionately from high rates of drug addiction and mental illness, and frequently lack adequate schooling, skills or job experience.

Not surprisingly, recidivism rates are high among ex-offenders; some estimate that one-third of the prison population is currently serving time following a violation of parole.² In California, about 60,000 parolees head back to prison every year, accounting for nearly 50 percent of the prison population, according to focus group participant Mike Brady, California parole manager.

In an effort to promote law-abiding behavior among parolees, more than two dozen reentry courts are currently in operation in the United States, with more in the planning phase. While some are run on the federal level most are state-based. Some are administrative courts, others criminal courts. And some work with probationers rather than parolees (some call these “pre-entry courts”). For all their diversity, these projects are united by a common vision: to use problem-solving principles and strategies to keep participants out of prison.

In June 2010, the U.S. Department of Justice’s Bureau of Justice Assistance sponsored a focus group of policymakers, court practitioners, parole and probation administrators, and researchers to take stock of reentry courts. The conversation focused on reentry courts’ achievements, challenges, and future prospects. It was facilitated by Judge Jeffrey Tauber, director of Reentry Court Solutions, and Alfred Siegel, deputy director of the Center for Court Innovation. This report summarizes the discussion.

PARTICIPANTS

Cathy Banks, Correctional Program Specialist, National Institute of Corrections

Mike Brady, State Parole Manager, California

Associate Circuit Judge Christine Carpenter, Columbia/Boone County (Missouri) Reintegration Court

Elaine Dougan, Probation Manager, Harrisburg, Pennsylvania

Zachary Hamilton, Researcher, Center for Court Innovation

Mary Kay Hudson, Problem-Solving Court Administrator, Indiana Judicial Center

Scott Johnston, Chief State Supervisor, Missouri Board of Probation and Parole

Melissa Knopp, Manager, Specialized Dockets Section, Supreme Court of Ohio

Andrew Laudate, Probation Officer, Boston Federal Court

David Leitenberger, Chief Probation Officer and Program Director at Richland County (Ohio) Court Services

Judge Stephen Manley, Santa Clara County (California) Superior Court

Douglas B. Marlowe, Chief of Science, Law, and Policy, National Association of Drug Court Professionals

Carolyn Hardin, Executive Director, National Drug Court Institute

Teresa May-Williams, Deputy Director, Dallas (Texas) County Community Supervision and Correction Department

Michael Princivalli, Drug Court Administrator, Columbia Boone County, Missouri

Superior Court Judge John F Surbeck Jr., Allen County (Indiana) Reentry Court

Terry J. Saunders, Chief Administrative Law Judge of the New York State Division of Parole

Alfred Siegel, Deputy Director, Center for Court Innovation (Co-facilitator)

Judge Jeff Tauber (ret.), Director, Reentry Court Solutions; President Emeritus, National Association of Drug Court Professionals (Co-facilitator)

Nancy Taylor, Manager, Collaborative Justice Project, California Administrative Office of the Courts

United States District Court Magistrate Judge Leo T. Sorokin, Court Assisted Recovery Effort, District of Massachusetts

Chris Watler, Director, Harlem Community Justice Center

CURRENT RESEARCH

The focus group included presentations by Douglas B. Marlowe, chief of science, law, and policy at the National Association of Drug Court Professionals, who summarized recent research on reentry populations and reentry initiatives, and Zachary Hamilton, researcher at the Center for Court Innovation, who discussed the results of an evaluation of the Harlem Parole Reentry Court.

Among the findings that Marlowe emphasized:

Dosage: Practitioners have encountered failure when they dilute evidence-based interventions (for instance, by shortening the length of a program). “With reentry offenders, you don’t water down your intervention; you build up your intervention,” Marlowe said. Based on research findings, Marlowe recommended that services for reentering offenders need to last a minimum of six months and fill 40 to 70 percent of their time. “In other words, 40 to 70 percent of their time, they’re getting their reintegration, treatment-oriented job training services ... [The] worst thing you do is give them ... a referral card when they leave prison and tell them they really should get some service,” Marlowe said.

Community-based Services: In-prison interventions need to be supported by community-based aftercare. “If you give services behind bars without aftercare, you get no effect of the intervention, no effect whatsoever,” Marlowe said.

Sanctions: It’s not enough to offer ex-offenders extensive services because, left to their own devices, many will not show up (although women tend to avail themselves of services more than men do). “They have to be closely supervised; there have to be consequences when they don’t go to treatment; otherwise, they do not go,” Marlowe said.

Supervision Effect: Post-release supervision can sometimes lead to a higher rate of revocations. Marlowe said it would be better for reentry initiatives to institute “graduated consequences in lieu of revocations,” adding, “there needs to be a consequence for every infraction, but that consequence should be low magnitude and should build up progressively.”³

Addiction: The most effective reentry response to drug-addicted offenders consists of three phases: it begins with treatment in prison; it transitions to work release; and it concludes with aftercare in the community, Marlowe said. Preliminary findings from a study of the Court-Assisted Recovery Effort, a federal reentry court in Massachusetts, found that participants were more likely to satisfy parole conditions than a comparison sample and also had a lower re-arrest rate post

supervision. These early results suggest that the federal model's closer adherence to the 10 key components of drug courts is having a positive impact on outcomes, Marlowe said.

Hamilton's presentation, which followed Marlowe's, summarized the results of an evaluation of the Harlem Parole Reentry Court.⁴ The Harlem Reentry Court was established in June of 2001 in response to the high concentration of parolees returning to the East Harlem neighborhood of Manhattan. The evaluation, which Hamilton wrote, involved a quasi-experimental design that retrospectively compared reentry court participants with otherwise similar parolees placed in traditional supervision. Impact findings included:

Rearrests: Reentry Court parolees (including both graduates and failures) were less likely to be rearrested, although only some effects approached statistical significance (misdemeanor rearrests over the first year and drug-related rearrests over the first two years).

Reconvictions: Reentry Court parolees were less likely to be reconvicted, and the effects were significant at one, two, and three years (43 percent versus 53 percent at three years).

Revocations: Reentry Court parolees were more likely to be revoked and returned to prison. Revocations for technical violations were significantly higher at one, two, and three years (15 percent versus 8 percent at three years). Revocations (for any reason) were significantly higher after two and three years (56 percent versus 36 percent at three years). Hamilton said that supervision effects are probably partially responsible for the higher rate of technical violations.

Role of Program Completion: Additional analyses indicated that parolees who completed the program experienced lower odds of rearrest and revocation. Preintervention characteristics that were associated with a greater likelihood of program completion included prior parole term, marriage/cohabitation, high school diploma or general equivalency degree, and prior drug treatment.

KEY PROGRAM ELEMENTS

An area of immediate agreement among participants was that reentry courts continue to hold promise as a strategy for responding to the challenge of ex-offenders returning to communities. As co-facilitator, Judge Tauber challenged participants to make the case for reentry courts by asking, "Why do we need a court to do reentry work?"

Among the reasons participants offered:

- **Ex-offenders need a powerful intervention to help them change their behavior.** “Ex-offenders ... don’t deal in the community any better when they come back than when they went in unless you do something for them, unless you support them somehow,” said Superior Court Judge John F. Surbeck Jr. of the Allen County (Indiana) Reentry Court.
- **Ex-offenders need the kind of structure that reentry courts provide.** Ex-prisoners “are coming out of a really regimented, structured environment ... where they’re being told what time to get up, how long they can eat, what to do, when to go to the bathroom, what to do all day. They need to come out in some structure,” said Teresa May-Williams, deputy director of the Dallas (Texas) County Community Supervision and Correction Department.
- **The judge, an influential authority figure, can serve as a powerful agent of change.** “In the one-on-one that you have with the participants ... it’s very important to them that they are speaking to a judge,” said Associate Circuit Judge Christine Carpenter, of the Columbia/Boone County (Missouri) Reintegration Court. Added United States District Court Magistrate Judge Leo T. Sorokin, who presides over the District of Massachusetts’s Court Assisted Recovery Effort: Having a judge “encourage them and be interested in them, I think, can be helpful in changing their relationship to the system and the world.”
- **A reentry court, through rigorous monitoring, can hold both collaborating agencies and offenders to a higher level of accountability than other interventions can.** “The court actually makes the treatment provider, probation officers, the community resources that we’re using more accountable,” said Michael Princivalli, the drug court administrator from Columbia/Boone County, Missouri.

ELIGIBILITY REQUIREMENTS

While a number of focus group participants said working with high-risk offenders, including those with drug addictions or mental illness, offers the greatest potential benefits, Mike Brady, California state parole manager, pointed out that “high risk” can be thought of two ways: posing the greatest risk to public safety and posing the greatest risk of returning to prison.

While safer streets may result when a reentry court accepts those who are most prone to acts of violence or serious crime, government budgets benefit most when programs work with those most likely to re-offend—generally low-level drug offenders and the mentally ill, Brady said.

“The largest population that we have of returnees is actually low-level drug users who are churners. They come back three times a year for 90 days or two months,” Brady said.

Scott Johnston, chief supervisor of the Missouri Board of Probation and Parole, and Teresa May-Williams, of the Dallas (Texas) County Community Supervision and Correction Department, said reentry courts in Missouri and Texas focus on exactly that population: offenders whom they feel are most likely to return to jail without the support and structure of reentry court. May-Williams elaborated:

A lot of these folks that are circling in and out aren't 'high risk' [in terms of severity of offense] and are costing the community and the state hundreds of thousands of dollars. By actually measuring risks and targeting the factors that are keeping that person circling in and out of the system, regardless of [the severity of their offenses], has shown to be very effective in Texas.

While roundtable participants from a number of states—such as California, Texas, and Pennsylvania—said their reentry courts generally target “high-risk” populations, Melissa Knopp, manager of the specialized dockets section of the Supreme Court of Ohio, said reentry courts in her state accept everyone. “The way we define reentry court in Ohio is that if you’re going to state prison and you come back out, you’ll be in reentry court,” she said.

Judge Carpenter, of Missouri, said her reentry court also accepts a broad population, assessing participants only after they arrive. “We have everything,” Carpenter said. “Some of them didn’t need much; some of them needed a whole lot.... Instead of trying to sort them out by assessing them at the beginning—do they need reentry? do they not need it?—we’re going to continue to take everybody and then, as we go through, we’re going to decide who needs to stay there for a longer period of time.”

Several said reentry courts need to be flexible when setting eligibility criteria. After all, “arguably everybody coming out of the Department of Correction needs something,” said Mary Kay Hudson, the statewide problem-solving court administrator with the Indiana Judicial Center. “It’s a matter of figuring out what that is and then putting them into intervention services that are appropriate with their level of need.”

Judge Manley, of Santa Clara County (California) Superior Court, said politics sometimes dictates criteria:

If a legislature decides to release a whole group of state prisoners with nothing, no safety net ... they will expect us to provide the intervention for that group, which may not be the group that we identify in some abstract philosophical way or even one that we all agree on is the most needy of these services. In other words, you have to be flexible to meet what the need is and what the direction is given you by those who set policy.

Hudson said that as long as a particular category of offenders isn’t specifically excluded from participation by state legislation, then “anyone” in Indiana is potentially eligible. “It could be a sex offender; it could be someone

connected to murder.... There's absolutely no reason why you shouldn't take someone in a reentry court. We haven't yet seen the development of reentry court services for sex offenders, but I'm sure that we will soon," she said.

California's reentry courts have been mandated by the legislature to focus on the formerly incarcerated who have drug addiction or mental health issues. In the guidelines attached to funding "[the legislature was] very clear: They want [reentry courts in California] to be drug and mental health focused, and that's what it will be," said Nancy Taylor, manager of the Collaborative Justice Project in the California Administrative Office of the Courts.

There was general agreement that reentry courts should use validated instruments for screening and assessment whenever possible. "We really are working very hard ... to have assessment drive what we do," May-Williams, of Dallas, said. "There's a robust amount of research out there that says, clearly, you need to use an empirically validated instrument to determine who you're going to target."

MANAGING THE TRANSITION FROM PRISON TO REENTRY COURT

Roundtable participants touched on several themes related to the transition of inmates from prison to the community. David Leitenberger, chief probation officer and program director at Richland County (Ohio) Court Services, said that his team starts to think about reentry at sentencing. "We pretty much identify who's going to be probably sent to prison, which ones will probably be eligible to come out earlier if they follow certain guidelines that we give them ahead of time. We do a pre-entry plan when that individual is sent to the institution," he said.

Missouri uses a "transition accountability plan," Johnston said. Part of that plan includes spending the last six months of a sentence in transitional housing units, which most prisons in the state have established. While living in the transitional units, inmates work on developing "connections with the community," Johnston said.

In Columbia, Missouri, court participants are released directly to a locked facility called Reality House, where they meet with the court coordinator who preps them for court, Judge Carpenter said. "They're always released on Tuesday; they always are interviewed and given all the information on Wednesday; they come to court on Thursday," the judge explained.

May-Williams said the transition in Texas is "seamless":

Once they're released from the residential facility, they're driven directly to the reentry court. They don't even drop them off anywhere. That's where their case manager is waiting for them. They meet the judge, and we go through everything with them, and we know where they're living right at that point.

In some states, the sentencing judge is beginning to play a greater role in the lives of offenders post-sentence and post-incarceration. Indiana's Department of Correction has developed an initiative called "purposeful incarceration" that allows the sentencing judge to not only dictate where a person is incarcerated but also the pro-

grams the inmate has access to while in jail or prison. In addition, the judge receives regular updates about the inmate's progress. The initiative has "really gotten the judges very engaged at the time of sentencing and thinking about what's going to happen when this person is in DOC and what is going to happen when they come out," Hudson said.

EVIDENCE-BASED PRACTICES

A number of participants affirmed that using evidence-based practices was crucial to success. "From the National Institute of Corrections' perspective ... the models work if they're consistently applied. I think it's all in the implementation piece where it falls short," said Cathy Banks, correctional program specialist for the National Institute of Corrections. She said Canada has adopted a national model for training probation officers that uses evidence-based practices. Carolyn Hardin, executive director of the National Drug Court Institute, said the U.S. federal probation system has also developed evidence-based training modules.

Brady, the California parole manager, said court planners need to develop a strong model at the outset. "If you do it based on political pull rather than good evidence-based practices, then it fails.... You only get one shot at this," Brady said.

Co-facilitator Alfred Siegel, of the Center for Court Innovation, pointed out that parole and probation officers are more accustomed to brokering resources than applying evidence-based practices. "Evidence-based practices are not something that everybody can deliver. How is that issue being addressed?" he asked.

Johnston, chief supervisor of the Missouri Board of Probation and Parole, said Missouri is experimenting with a new mental health training, which was developed with the support of the Department of Mental Health and outside consultants. "If we survey probation and parole officers, it's always the number one issue: ... managing mentally ill offenders and getting access to treatment," Johnston said.

Without a standardized curriculum to train staff in the effective administration of evidence-based practices, training is inevitably "piecemeal," Hudson said. One participant called for the greater use of on-line tools, such as webinars, to ensure staff is kept up-to-date on effective strategies.

Participants noted that changing the nature of parole and probation officers' work takes time. "There's still a heavy law enforcement side to [most officers' work]," Johnston said. "But I would say we're over the halfway point of officers understanding their role in terms of ... reducing crime in the community through effecting change" in the offender.

In Texas, parole officers rotate through problem-solving courts to gain first-hand knowledge of the courts' principles and policies. "That's been a very, very powerful tool," May-Williams said.

Judge Carpenter said that the parole and probation officers she works with are eager to learn new tools. They "want to be there because they've spent too many years" using strategies "that didn't work," Carpenter said.

Terry J. Saunders, chief administrative law judge of the New York State Division of Parole, said administrators need to create incentives to encourage parole officers to change how they work. At an annual ceremony in New York, officers are recognized for traditional achievements like making "the big arrests." What's missing from the

annual event is an award “for the parole officers who show success by having people successfully complete parole,” Saunders said.

Judge Manley agreed that it’s important to send parole officers the right message. “To me, it’s much more important that the parole agent see that you care about them doing a good job and the right thing than that they just follow a bunch of written rules and roll people out,” he said.

ADAPTING THE DRUG COURT MODEL

While participants agreed that reentry courts have been inspired by drug courts, they also agreed that reentry courts are different.

According to Judge Manley, of California, “You’re getting funded to keep people out of prison. It’s as simple as that. And to get there, you have to ... tolerate things you would never tolerate” in a drug court.

Judge Carpenter expressed a similar view, noting succinctly, “It’s not drug court”:

We wanted to establish credibility with the community and with the participants, and so we took probably too hard a line on technical violations, and now we’ve learned that that’s not really what it’s about. And we treat dirty tests differently than we do in drug court, and we realize that our goals are much different and that our population is much different, and our techniques have to change, and it took us a while to figure that out.... And I look back at some calls that I made that were just wrong ... because I was still treating it like drug court, and I wasn’t realizing that my goal was really—my goal was to keep people out of prison, not to make sure that they were model citizens.

Of course, drug and reentry courts still have a lot in common. Perhaps the most common shared characteristic is their use of incentives and sanctions to change behavior. Several participants agreed that incentives are an important, although sometimes overlooked, tool for changing behavior.

“Incentives are far more powerful than the sanctions, so you need to incentivize,” Judge Manley said.

Asked to offer examples of incentives, participants mentioned things like giving participants candy bars, movie tickets, or letters of congratulation from the judge, but May-Williams said that in her view the most powerful incentive was “subtracting something negative.” In other words, a judge can reward good behavior or a key achievement by reducing a participant’s community service requirement or the frequency with which they must report to court, she said.

DEVELOPING SUPPORT FOR REENTRY INITIATIVES

To succeed, reentry courts need the support of various constituencies. Chris Watler, of the Harlem Parole Reentry Court, helped create the Upper Manhattan Reentry Task Force, a collaboration of city and state agencies, community-based organizations, and academic partners.

Watler pointed out that reentry courts can use their authority to serve as conveners, bringing together community members to tackle the often difficult issues—like race and class—that accompany reentry work. Reentry courts can bring together representatives of diverse groups to “have difficult conversations before there are crises, and that can be part of the whole process of educating the community,” Watler said.

Al Siegel, from the Center for Court Innovation, noted that less conventional partners can be an asset as well. A key supporter of the Parole Reentry Court in Harlem, for example, is the elected district attorney of Manhattan. According to Siegel:

Having the district attorney be a proponent of reentry is ... a powerful statement. [In Manhattan] he doesn't have a direct role in the reentry court; he doesn't prosecute folks for violations. But for him to be out there leading the charge saying, 'We need to invest resources, time, and attention to folks coming back, that that's a public safety issue, that it's not an issue of coddling offenders, but that it's a way to promote public safety,' is a lot more powerful than coming from without, frankly. He can bring people to the table that other folks can't.

STATEWIDE COORDINATION OF REENTRY COURTS

Judge Tauber, noting that “some folks would say that state involvement ... is important for a reentry court in a way that it simply isn't for other problem-solving courts,” asked participants if and how their states have developed statewide infrastructure to support or monitor reentry courts.

In Indiana, reentry court oversight, which began statewide in 2006, was patterned after drug court oversight, which started in 2002, said Mary Kay Hudson, the problem-solving court administrator with the Indiana Judicial Center. Hudson's office certifies problem-solving court initiatives, including reentry courts, thereby ensuring that they're in compliance with state rules and statutes. Her office also provides technical assistance, including training, to help courts get off the ground.

Nancy Taylor, manager of the Collaborative Justice Project, said the California Administrative Office of the Courts has taken a similar approach: using its statewide oversight of other problem-solving courts as a template. As a result, the office helps implement new reentry courts, train staff and evaluate outcomes, just as it does with other types of problem-solving courts.

OVERCOMING INSTITUTIONAL DIVISIONS

Reentry work is rife with institutional divisions, particularly those that separate parole from probation. In New York, for example, when an offender is sentenced to probation, he or she is still under the supervision of the court; parole, on the other hand, falls under the executive branch. This means that probationers in a drug or mental health court can access certain services that parolees in reentry court can't.

Judge Manley said reentry court legislation is helping to break down similar barriers in California, allowing probationers and parolees access to the same services. “It has never made any sense for the state to try and run a reentry program ... [because] resources are community driven; they’re local,” Judge Manley said.

However, the system in California is still bifurcated, Brady said, in the sense that the judiciary oversees parolees until the revocation process, while the revocation process itself is handled by the Department of Corrections. This can lead to inconsistent sentencing. For example, someone might get only 48 hours in custody for a driving-under-the-influence sentence in conventional court but a parolee in a Department of Corrections hearing can return to prison for another five to nine months, Brady said.

FUNDING

Given the current economic climate, there was a good deal of conversation at the roundtable about sustainability. Judge Manley said the reentry court model ultimately saved money when it dealt with high volumes:

If you're not prepared to work with a large number of offenders in a reentry court, you will have no impact.... The way we get this reputation of being far too expensive is because we have such small client groups.... I supervise 1,700 offenders, one judge. I mean, this is not impossible to do if you work at it. If you dedicate a judge or two judges a number of days per week, you can do large numbers. You'll never get anywhere, particularly in a state like California, working with parolees, if you don't take on the numbers.... You do not need 27 people on your team because you're doing 2,700 offenders. It's the same eight [team members].

The logic that reentry courts save correction dollars in the long run has proven persuasive in a number of jurisdictions. Corrections departments in Ohio, Indiana, and California, for example, are sharing money with reentry courts, guided by the rationale that reentry courts are helping keep offenders out of prison.

Siegel said the cost-savings argument was persuasive to non-government funders as well: “It’s incredibly useful to be able to tell a story by pointing to the dollars you save.... Foundations respond to that.”

COMPOSITION OF THE REENTRY COURT TEAM

Like drug courts and mental health courts, reentry courts bring together key collaborators to make recommendations as a team.

Asked by co-facilitator Judge Tauber, of Reentry Court Solutions, whether the composition of teams varies from court to court, participants identified the most likely potential members as the judge, case managers, parole/probation agents, and representatives of social service providers.

At least two jurisdictions—Harrisburg, Pennsylvania, and Mansfield, Ohio—have courts with co-leaders: a judge and a representative of the parole board.

Watler said that in Harlem, the team consists of the overall court coordinator, two case managers, a counselor who runs cognitive behavioral therapy groups, two parole officers, and the administrative law judge who oversees court proceedings.

Judge Tauber asked participants if they thought it was “a significant issue” that prosecutors and defense attorneys don’t participate in many reentry courts. Judge Manley said all reentry courts should seek the defense and prosecutorial participation: “The terrible outcomes [under the current system] are due to a system that is ... not transparent.... If you’re going to bring it into the courts, then you ... have to get the defense in there and prosecution, because otherwise the judge is too arbitrary.”

Brady said that he included attorneys in the design of California’s reentry courts and one of the results has been greater efficiency: “We’ve gone down from about 60 percent parole revocation hearings to 20 percent parole revocation hearings because we’ve worked out dispositions with the attorney present.”

Hudson said that in Indiana practices vary by jurisdiction but that she actively solicits defense and prosecution input at the statewide level. “Our office feels we need to have the support of these agencies to continue to promote the problem-solving court model,” said Hudson. To date, the input she’s gathered from representatives of the defense bar is that “you can waive your right to counsel as long as your waiver is knowing and voluntary; it cannot be coercive,” Hudson said.

Even though reentry court in New York is not part of the judicial branch, Judge Saunders said: “The idea that you might have a D.A. and a defense counsel as part of the team, I think, would be an enhancement to the program.” Watler noted that the Harlem Parole Reentry Court doesn’t hold revocation hearings. At those hearings, which are conducted by the New York State Division of Parole in the New York City jail, participants retain the right to counsel.

Dougan, of Pennsylvania, noted that because participants have “already served their time” there’s no appropriate role for a district attorney or public defender in a reentry court.

Judge Surbeck agreed, saying that lawyers can “confuse the process.” In addition, he pointed out that participation in his reentry court is voluntary. “They’re not making any formal waivers to come in,” he said. If he terminates a participant, he sends the participant to parole (and/or probation, depending on whether the sentence is split) for a revocation determination. “In the probation hearing they, of course, have a right to counsel, and they have a public defender. Parole never has had a counsel,” Judge Surbeck said.

CONCLUSION

While all participants spoke positively about the results they’ve seen in their states, there was general agreement that more rigorous evaluations were needed to prove the efficacy of reentry courts to policymakers, legislators, and others.

One key question for reentry courts is how to define success.

Johnston said that in order to show that the model works, “you’ve got to be able to show the impact on the public safety and on the cost to the state.” Judge Sorokin said it was important to set realistic goals. For instance,

he considers it the goal of the District of Massachusetts's Court Assisted Recovery Effort to foster change not perfection. "To expect people to 'change' either on a dime or in a matter of months and then to sustain that change forever, given 20, 30, 40 years of very different behavior, is unrealistic." Rather, the Massachusetts reentry court's aim is to "promote sober, employed, and law-abiding lives while offenders are under supervision and to ensure that when offenders are released from supervision they have the tools to continue to sustain sober, employed, and law abiding lives," Sorokin said.

Participants identified several other major issues that they believe reentry court policymakers and practitioners should focus on going forward. They include:

- Identifying and incorporating more evidence-based practices into their work;
- Improving the use of sanctions and incentives;
- Strengthening recruitment and training of parole/probation officers who work with reentry courts; and
- Cultivating greater community and system support, including more community-based resources.

NOTES

1. Glaze, Lauren, “Correctional Populations in the United States,” 2009, Bureau of Justice Statistics, December 21, 2010, 2, available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/cpus09.pdf>.
2. Hamilton, Zachary, “Do Reentry Courts Reduce Recidivism: Results from the Harlem Parole Reentry Court,” New York: Center for Court Innovation, 2010, 3, available at http://www.courtinnovation.org/_uploads/documents/Reentry_Evaluation.pdf.
3. To illustrate the supervision effect, Marlowe highlighted the evaluation of the Serious and Violent Offender Reentry Initiative (SVORI), which was launched in 2003 and provided over \$100 million to 69 grantees to develop programming, training, and reentry strategies at the community level. The SVORI evaluation reported, among numerous findings, that 41 percent of female SVORI participants were re-incarcerated compared to 22 percent of non-SVORI women. While a number of factors may have contributed to this result (including the fact that female participants were not evenly distributed across the 11 evaluation sites and that, in general, SVORI participants were more likely to be under supervision or subject to more conditions of supervision) Marlowe emphasized one particular explanation: that closer scrutiny of participants may have led to greater revocations for technical violations. A summary of the Multi-Site Evaluation of SVORI can be found at <http://www.ncjrs.gov/pdffiles1/nij/grants/230421.pdf>. A complete set of final reports is available at http://svori.rti.org/index.cfm?fuseaction=dsp_reports.
4. Hamilton, *supra* note 2.

FOR MORE INFORMATION

Office of Justice Programs

www.ojp.usdoj.gov/reentry/learn.html

Reentry Court Solutions

www.reentrycourtsolutions.com

Center for Court Innovation

www.courtinnovation.org/Reentry.html

The Council of State Governments

www.justicecenter.csg.org/resources/reentry

Center for Court Innovation

The winner of the Peter F. Drucker Award for Non-profit Innovation, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how the justice system can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. The Center functions as the New York State court system's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's problem-solving courts include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, mental health courts, reentry courts and others.

Nationally, the Center disseminates the lessons learned from its experiments in New York, helping court reformers across the country launch their own problem-solving innovations. The Center contributes to the national conversation about justice through original research, books, monographs, and roundtable conversations that bring together leading academics and practitioners. The Center also provides hands-on technical assistance, advising innovators across the country and around the world about program and technology design.

For more information, call 646 386 4462 or e-mail info@courtinnovation.org.

CENTER
FOR
COURT
INNOVATION

Center for Court Innovation

520 Eighth Avenue, 18th Floor
New York, New York 10018
646 386 4462 Fax 212 397 0985
www.courtinnovation.org



BJA
Bureau of Justice Assistance
U.S. Department of Justice

U.S. Bureau of Justice Assistance

Office of Justice Programs
Bureau of Justice Assistance
810 Seventh Street N.W.
Washington, D.C. 20531
202 616 6500 Fax 202 305 1367
www.ojp.usdoj.gov/BJA