

# The National Institute of Justice's Evaluation of Second Chance Act Adult Reentry Courts: Staff and Client Perspectives on Reentry Courts from Year 2

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## The National Institute of Justice's Evaluation of Second Chance Act Adult Reentry Courts: Staff and Client Perspectives on Reentry Courts from Year 2

### Introduction

This report presents findings from the second year of the National Institute of Justice's (NIJ's) *Evaluation of Second Chance Act Adult Reentry Courts* (NESCAARC). The NESCAARC 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 in FY2009 under the Second Chance Act 2007 (Pub. L. 110-199).

Reentry courts are “specialized courts that help reduce recidivism and improve public safety through the use of judicial oversight to apply graduated sanctions and positive reinforcement, to marshal resources to support the prisoner’s reintegration, and to promote positive behavior by the returning prisoners” (BJA, 2010<sup>1</sup>). These courts are intended to address the critical needs of returning prisoners—particularly in the period immediately following release—through the combination of judicial oversight and a collaborative case management process.

The reentry courts included in the NESCAARC emphasize post-release service delivery, provide a variety of services relevant to the needs of the target population, use a case management approach to coordinate and monitor services, convene court hearings for the purpose of monitoring participants’ progress in the program, conduct drug testing, and use a team approach to decision-making regarding sanctions and incentives. The

#### NESCAARC Reentry Courts

The report is based on the experiences of the following Second Chance Act reentry court grantees during the second year of their grant:

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

<sup>1</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.

target populations are highly variable among the NESCAARC courts, with most programs enrolling offenders at multiple stages of the criminal justice process. Detailed, site-specific characteristics and cross-site themes identified from the year 1 site visits are documented in Lindquist, Hardison Walters, Rempel, and Carey (2013).<sup>2</sup>

This report, which is the second report based on the NESCAARC process evaluation, highlights information collected during year 2 on: organizational partnerships; interagency collaboration and communication; participant attitudes (concerning motivation to enroll, reentry court staff, program decision-making, and recommendations for program improvement); and implementation challenges and solutions. Data sources for the current report include:

- Semi-structured interviews conducted during the second round of site visits (January 2012–April 2013) with program staff and representatives from partnering agencies in all eight reentry courts;
- Closed-ended assessments on communication and collaboration completed by reentry court staff and partners in seven reentry courts during the second round of site visits;
- Focus groups conducted during the second round of site visits with 67 participants in seven reentry courts;
- Closed-ended, in-person baseline interviews conducted with 165 reentry court participants in four sites as part of the prospective outcome evaluation study; and
- Structured observations of court proceedings at seven sites and pre-court staff meetings at six sites conducted during the second round of site visits.

## Organizational Partnerships

Implementing an intensive, structured program with a high need population has required each NESCAARC site to build and maintain strong partnerships across a variety of agencies and organizations. Relevant agencies include the 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), and community-based or faith-based organizations.

**Organizational partners and their functions.** In general, reentry court programs are composed of team members who serve the following functions: judicial, program coordination, case management,

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<sup>2</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)

correctional supervision, and treatment/service provision. There are similarities among the NESCAARC sites with respect to which organizations carry out these functions.

- In seven of the eight sites, **the judicial function** is carried out by a judge within the local court system; in one site this function is assigned to a hearing examiner with the Parole Board.
- **Correctional supervision** is the responsibility of local probation or parole officers employed by the state correctional agency in seven of the eight sites; in one site probation officers are employed by the local court system.
- Uniformly across sites, the **provision of treatment and other reentry services** is carried out by a variety of community-based or faith-based organizations.
- The organizations responsible for **program coordination and case management** vary among the sites: in two sites these functions are performed by court-based staff; in another two sites these functions are performed by staff from community-based organizations; in one site they are performed by corrections-based staff; in one site the functions are split between court-based and corrections-based staff; and one site operates without a coordinator, and a community-based organization performs case management. In the last site the program was not fully implemented and no coordination or case management occurred.

**The Influence of Existing Problem-Solving Courts on Reentry Court Partnerships**

Most NESCAARC grantees have previous experience implementing drug courts or other problem-solving courts. This experience, as well as grantees' involvement in existing state or local reentry initiatives in several sites, may have facilitated partnership development and ongoing collaboration.

Despite the diversity in organizations whose representatives comprise the reentry court teams, potential challenges in developing effective coordination and communication across partners, and staff turnover, programs experienced relatively few changes in their overall organizational structures or partnerships, and few stakeholders reported coordination or communication barriers in Year 2.

- Five sites experienced substantial turnover in key staff (e.g., the judge, program coordinator, probation officer, service provider), which may have made it challenging for them to implement all components of their programs.

- With respect to changes in partnerships, one site developed a new partnership with the local mental health center; one site developed a new partnership with a community-based

#### **Changes in Program Components**

New partnerships expanded the services available through the reentry courts. Other changes to program components made in Year 2 include:

- Establishing a mentoring group in which participants in later phases mentor those who are new to the program;
- Planning for a “maintenance” phase after formal program participation ends;
- Revising incentives and sanctions schedules to strive for more consistency;
- Implementing a telephonic check-in system; and
- Implementing in-house drug testing.

organization that provides transitional housing; one site developed new partnerships with two faith-based organizations (housing assistance, financial planning, and acquisition of identification cards) and one community-based organization (emergency shelter); one site developed a partnership with the community college to enable participants to complete a welding program and expanded an existing partnership’s scope of work to include family stabilization services; and one site developed new partnerships with four community-based organizations (shelter, clothing, employment assistance, workforce readiness, parenting class for fathers, and documentation). Two sites ended their partnerships with employment services agencies,

opting to offer those services in-house.

**Types of services delivered by community-based or faith-based organizations.** All NESCAARC reentry courts continue to offer access to substance abuse treatment, mental health treatment, and employment services (e.g., job readiness, placement); however, the range of services offered varies by site. For example, in addition to behavioral health care, six of the eight sites offer linkages to physical health care. Seven sites also offer housing assistance and life skills services. To a lesser extent, sites focus on offering education services (e.g., GED, adult basic education), transportation assistance, and human services (e.g., family reintegration, peer support services, mentoring, and help with public assistance applications).

Stakeholders in all sites recognized gaps in available services. For example, five sites reported gaps in mental health treatment (e.g., long waitlists, accessing medication, treatment for co-occurring disorders). Three sites identified the need for additional housing resources (e.g., transitional and long-term housing). The need for additional employment placement services was reported in three sites. Further, one site reported needs for accessing affordable health care and public transportation, while

another site noted a gap in services for acquiring documentation (e.g., government issued identification cards).

**Collaboration and Communication Among Stakeholders at the Reentry Courts.** During the site visits, reentry court stakeholders, including staff and partners, were asked to complete a Communication and Collaboration Assessment. The assessment included questions on the respondent's role and responsibilities in the reentry court, frequency of communication with other stakeholders, satisfaction with reentry court processes and collaboration, and suggestions for improvement of communication and collaboration. Respondents rated their satisfaction with the overall frequency and quality of their communication with other stakeholders, including identifying how frequently they communicated with or contacted each specific stakeholder. Across seven sites<sup>3</sup>, there were a total of 58 respondents, including community service providers (n=15), reentry court case managers (n=9), probation and parole officers (n=9), reentry court coordinators (n=7), judges (n=4),<sup>4</sup> prosecutors (n=2), a defense attorney (n=1), and other staff in a variety of roles (n=9). As documented in the Year 1 report, prosecutors and defense attorneys do not play a major role in most of the reentry courts included in the NESCAARC, which explains the small number of attorneys who completed the assessment. Examples of individuals who fit into the "other" category vary by reentry court and their practices, but include class instructors, employment specialists, senior staff such as executive directors, and/or senior probation staff. Although not every reentry court stakeholder completed the assessment in every site, all of the Reentry Court coordinators did complete the assessment, along with a majority of case managers, service providers, and supervision officers.

Satisfaction with Communication and Collaboration. Generally, according to assessment responses, stakeholders were satisfied with the frequency and quality of communication and collaboration at the reentry courts. Respondents were asked specifically about aspects of the reentry court, including discussion about individual participants, discussion about policies and procedures, and identifying and enrolling eligible participants. They were also asked to rate their satisfaction with the frequency and quality of communication between reentry court partners as well as the use of evidence-based practices by community-based providers (CBPs) and the current process and instruments used by the reentry court to conduct clinical assessments.

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<sup>3</sup> In one site, the assessment was not administered because the reentry court had not been fully implemented.

<sup>4</sup> Although all seven reentry courts in which the assessment was administered had a judge on the team, three judges did not return an assessment for logistical reasons.

**Figure 1. Reentry Court Stakeholder Satisfaction with Reentry Court Practices**

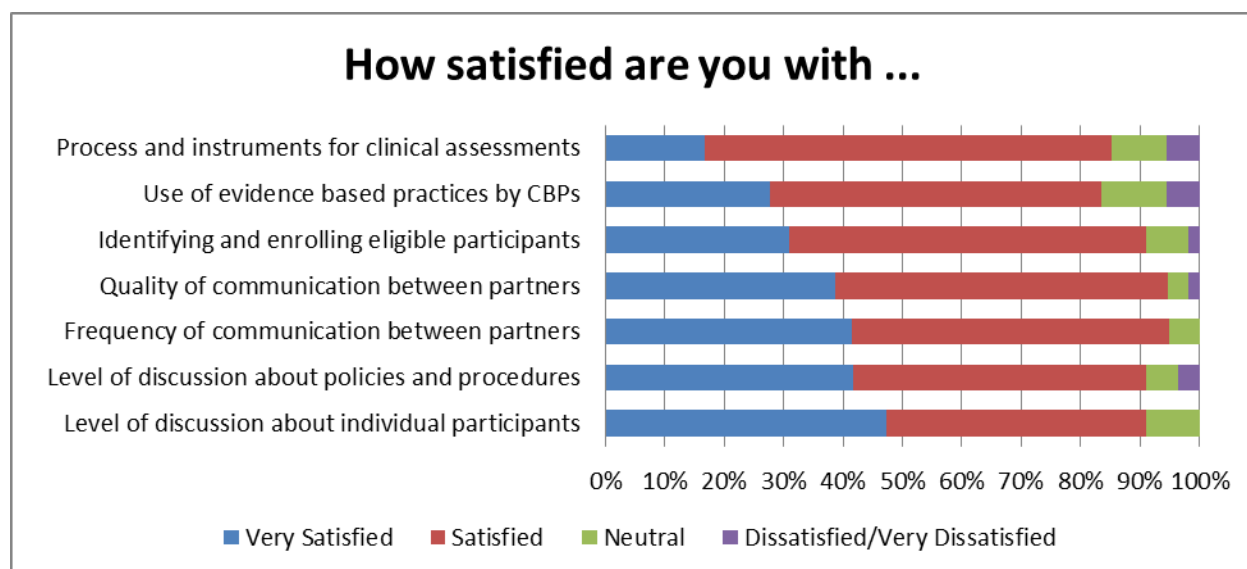


Figure 1 provides a summary of the responses on satisfaction. Whereas the vast majority of participants indicated that they were satisfied or very satisfied on all of the questions, respondents indicated that they were most satisfied with the frequency of communication and the quality of communication between reentry court partners. This was also reflected in the open-ended assessment question, with one stakeholder elaborating:

*“Communication and collaboration is very, very good. I would like to see greater collaboration in streamlining data systems and assessment tools, but overall can't complain as we have a tremendous network of partners that communicate and collaborate very well and generally consistently.”*

Many respondents further emphasized their satisfaction with the levels of communication and collaboration in the open-ended question.

*“I think the best thing is we all have an open door and can call each other at any time to discuss a participant. Communication has been very good from our view.”*

Respondents expressed the most dissatisfaction (although the percentage of dissatisfied respondents was very low, about 5%) with the use of evidence-based practices by community-based service providers and the current process and instruments used by the reentry court to conduct clinical assessments.



Frequency of Communication. Assessment participants were asked to identify specifically how often they communicated with other individual reentry court stakeholders. They were asked about their level of communication on matters pertaining to the reentry court with the following stakeholders, as applicable: reentry court coordinator, reentry court judge, administrative judge, other court administrators, prosecutor, defense attorneys, reentry court staff or case managers, community-based service providers, probation/parole, local jail, state prison, Department of Corrections, law enforcement, and other relevant individuals. Participants indicated how often they spoke with fellow stakeholders, choosing only one option amongst daily, three to four times per week, one to two times per week, one to three times per month, less than once a month or not at all. Each response was scored and scores were averaged across reentry courts for each category of stakeholder (e.g. average response of reentry court coordinators across all seven courts). Their responses were analyzed across two dimensions of communication: breadth and depth.

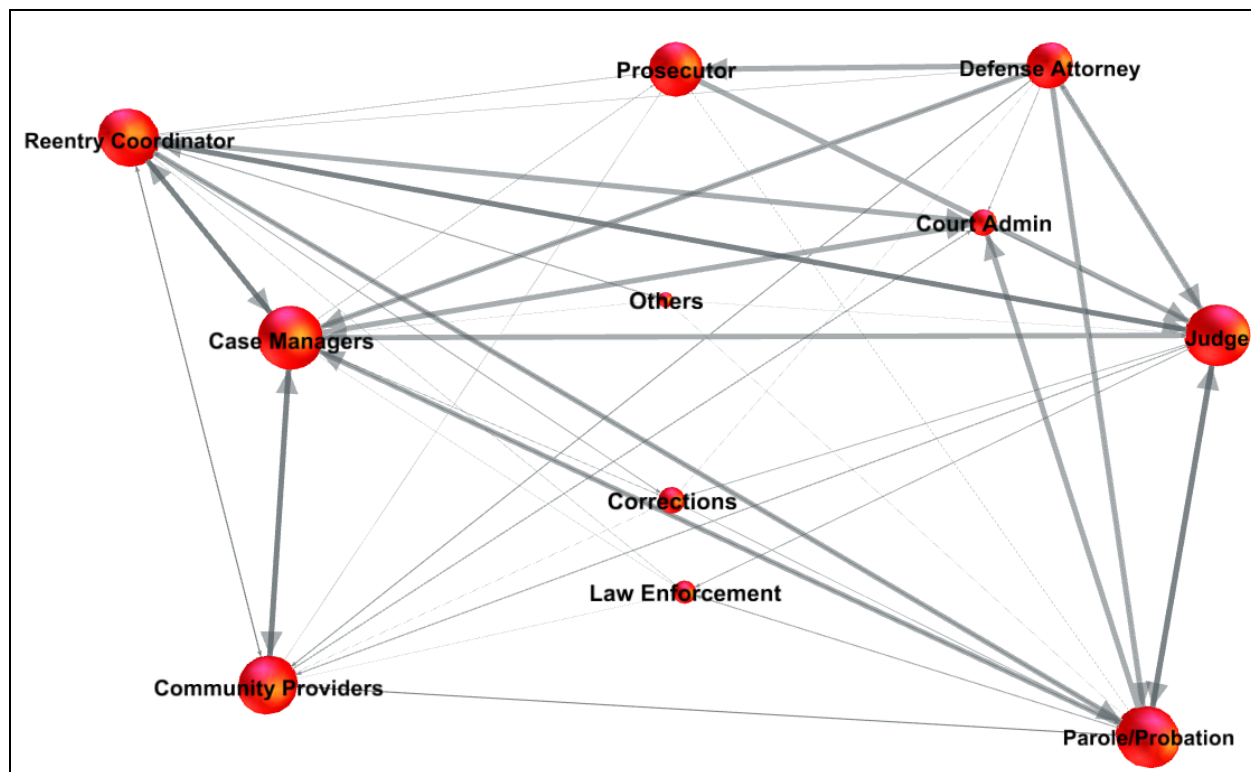
- The breadth of communication for each stakeholder, which is the number of other stakeholders with whom a particular stakeholder has any communication.
- The depth of communication among stakeholders, which is the frequency of communication among stakeholders who have any communication.

The results were then mapped using Gephi 0.8.2, which is a software program expressly designed to organize assessment data of this nature, with the results shown in Figure 2. Stakeholders who are not present in every reentry court, such as prosecutors and defense attorneys, were still scored and averaged across those courts where they were present.

#### **The Use of Evidence-Based Practices**

The use of evidence-based practices was assessed during the site visits. Some NESCAARC sites used evidence-based assessment tools such as the Level of Service Inventory – Revised (LSI-R). However, other evidence-based practices were less common. Cognitive-behavioral approaches and research-based curricula, such as Thinking For a Change (T4C), were cited as evidence-based approaches in just four sites.

Figure 2. Communication Between Stakeholders



As can be seen in Figure 2, the level of communication between stakeholders is frequent and no central hubs are evident. The thickness of the lines represents frequency (depth) of communication; that is, the thickest lines represent communication between two stakeholders that is occurring daily or nearly every day. The thin lines represent communication between two stakeholders that is happening once a month or less. No lines are present between stakeholders who indicated that they did not communicate with one another. The size of the circles reflect, for each stakeholder, the number of other stakeholders who indicated any communication with him/her, with the largest size reflecting the most “breadth” of communication. Since many of the circles are similar in size, this indicates that there is no central hub of communication; rather, stakeholders are communicating with all or many of the other stakeholders in the reentry court.

As expected, the participants indicated that they communicate most with the judge, reentry court coordinator, case managers, community-based providers, and probation/parole. Some communication occurred with prosecutors, defense attorneys, and others. Reentry court coordinators appear to speak frequently with the case managers, the judge, and probation/parole. Community service providers may be communicated with less frequently (in terms of number of times per week or month), but most stakeholders indicated that they do communicate with them. Not surprisingly, court-based stakeholders,

specifically the judges, prosecutors, defense attorneys, and court administrators, indicated high frequencies of communication amongst each other (see top right corner of Figure 2).

In addition to examining which stakeholders communicated, it is important to highlight those who do not communicate at all or who communicate very infrequently.<sup>5</sup> Many stakeholders indicated that they did not communicate, or communicated very infrequently, with corrections, law enforcement, court administration, and others. This finding highlights a potential disconnect between reentry courts and the local agencies that are responsible for arrest and incarceration. The stakeholders that communicated (though infrequently) with law enforcement and corrections were the judges and probation/parole. Note one caveat to this analysis is that information was not collected from every stakeholder type per site; that is, the information included in Figure 2 is based on a defense attorney in one site, prosecutors in two sites, and judges in four sites.

## Participant Perspectives on Reentry Court Functioning

In addition to the perspective provided by staff and organizational partners on partnerships, the NESCAARC evaluation also solicited the perspective of reentry court participants on a variety of dimensions of reentry court functioning.

**Participant Motivation for Enrolling in Reentry Court.** Focus groups conducted with program participants in seven sites (see sidebar) provide an important perspective on participant opinions about reentry courts, beginning with the enrollment process. As noted in the Year 1 report, in about half of the courts, participation is mandatory based on the decision of a judge or supervision officer. In the other half, participation is

### NESCAARC Participant Focus Groups

Focus groups were conducted in 7 sites with a total of 67 reentry court participants; one site did not have a high enough case load to support focus groups.

The groups were arranged through coordination between the evaluation team and the reentry court staff in each site, who assisted with recruiting participants and facilitating logistics in terms of date, time, and location. Participants were recruited from all stages of the reentry court process, including individuals who have graduated.

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.

<sup>5</sup> Although most of the lines appear as though they are bilateral, some of them are not. This does not indicate that the communication is not going both ways. Instead, because of the nature of the questions and the individuals assessed, participants were asked about their communication with stakeholders who were not necessarily reentry court partners. For example, many arrows point to law enforcement, but there are no arrows pointing from law enforcement to other stakeholders. No law enforcement officials were assessed since no reentry courts have them as key stakeholders.

voluntary, although the decision can be heavily influenced by a plea bargain or a deal with probation/parole to reduce their time under supervision. At least one of the reentry courts has both mandatory and voluntary participants, with a few other reentry courts reporting that some participants came to the court voluntarily after hearing about it.

During the focus groups, participants were asked how they became involved in the reentry court. They discussed a wide range of factors that influenced their decision to take part in the court, including “needing help,” agreeing to a plea bargain, and attempting to avoid jail or prison time. Participants also discussed reductions in probation sentence, numerous probation violations, and being “forced into it.” Participants were often unclear about what they were getting involved in before they began participation.

*“I was frustrated with it because I was forced into it but when they explained the benefits, I was more inclined to take part.”*

At least a few individuals in every reentry court focus group discussed the benefits of the program and hearing about the program in advance as a motivating factor in their decision to participate. Many participants stated that the benefits of their involvement with the reentry court outweighed the initial frustrations and confusion about participation. Some participants stated that their motivation changed after participating in the program for some time.

*“It started off not wanting to go to jail or prison. Over and over again I tried to stop using drugs on my own and it never worked out. For me, I need the structure and consequences. I figured the court would be one way to get that to help me straighten out my life.”*

For these participants, the reentry court experience seems to have had a major impact on their readiness to change over time, even if their initial motivation was more about avoiding jail or simply doing what they were ordered to do.

**Participant Perceptions of Reentry Court Staff.** Focus group discussions about reentry court staff included general impressions of all staff as well as specific references to certain staff members such as the judge or the case managers.<sup>6</sup> In most of the reentry courts, participants expressed generally positive attitudes towards reentry court staff members. Participants stated that staff genuinely cared for them and their success and that they found reliable support in the reentry court staff members. The top three

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<sup>6</sup> When referring to case managers, participants often included other similar staff members, depending on the reentry court. For example, in some sites, employment specialists or reentry clinicians were part of the reentry court team and may have served as a case manager, worked closely with the case managers, or handled some case management functions.

most frequent words used in the focus groups when discussing the reentry court case managers and staff members were “helpful,” “caring,” and “fair.”

Participants acknowledged how well the staff members connected them with services and supported them in times of need. Participants in most focus groups also stated that their honesty was an important part of succeeding and building a positive relationship with the reentry court.

*“Very resourceful, there was a point where I actually had a relapse and I called my counselor [reentry court case manager] and was truthful and he helped me and walked me through it and I was right back in here.”*

In a few instances, participants expressed some dissatisfaction with the reentry court and its staff. The dissatisfaction appears to stem from situations where participants felt that the program was too demanding or where the reentry court staff members were perceived as not “coming through.”

*“They mislead you saying that they’ve got jobs lined up. But they don’t have jobs lined up – they just give you a number for a lady to call at the Department of Labor.”*

*“That’s another thing – it’s taxing. We’re pushed every which way – expected to do all these programs, go to job, go to school, when really they are doing the same progress report all from one area.”*

Perceptions of the Judges. At most sites, focus group participants had positive attitudes about the judge(s) they saw in reentry court.<sup>7</sup> The top three most frequent words used to describe the judge across sites were “caring,” “knowledge” and “help.” When asked specifically to describe the judge, participants commonly discussed characteristics such as being fair, helpful, supportive, and caring. In multiple instances, participants described the judge as similar to a father figure or stated that s/he goes beyond his/her duties.

*“Very fair and very caring. When I saw the love that he has for people he doesn’t know. From little things like giving birthday cards on your birthday. He really thinks about what he is going to say... I noticed that he always has the best interest in mind for me. He’s like another dad that I didn’t have.”*

<sup>7</sup> In some reentry courts, there is more than one judge or the judge has changed over time. In these sites, participants provided feedback on all judges.

Participants also expressed that the judge remembered them from hearing to hearing, was knowledgeable about their situation, listened to them closely and was interested in their success. They often compared the reentry court judge to other judges they've seen in the past.

*"He'll sincerely listen to what you tell him. I've never seen a judge that will go to bat for you like that there (agreement from group). I've never seen a judge that I can be frank with and get positive feedback from him."*

*"I like the fact that he knows you personally. And he doesn't forget. He remembers me. Other judges don't remember you, but he remembers me by name and gets to know you real personally. He knows you're going through some stuff. He doesn't look down on you like you're another drug addict."*

The participants also discussed that the judge would be tough on them when needed, but most expressed that this was reasonable and expected.

*"He's going to treat you based on your behavior. He's not going to be as hard on you as if you were screwing up the whole time."*

In three sites, participants had opposite reactions. Generally, they felt that they did not have a strong relationship with the judge, that the judge relied too heavily on the reentry court staff, or that the judge was inconsistent or unfair. It is possible that participants perceived the judge as unfair as a consequence of inconsistency.

*"I think that as far as the Judge is concerned, I think there are too many variables as to what is going to be someone's punishment. I don't know if he is biased to certain people or if it the mood he is in that day. There is too much variability for me. It is so inconsistent."*

These more negative perceptions were almost always related to the general decision-making process regarding incentives and sanctions of the reentry court, as described in more detail in below.

Perceptions of the Supervision Officers (Probation/Parole). The involvement of supervision staff is considered an important component of reentry courts. Participants across the reentry courts had mixed feelings about their supervision officers and different impressions about the role of the officers in the reentry court.

In most reentry courts, participants were split in terms of their relationships with their supervision officers. Some participants expressed positive relationships with their supervision officers, while others expressed no relationship or poor relationships with the officers.

Even for participants who had positive relationships, most supervision officers were perceived as tough and participants knew that, although they could be flexible, they had to enforce the law. Supervision officers were often described as “by the book” or “tough.”

*“If you’re not doing the right thing, he’ll throw you to the wolves. That’s how he is. But if you are doing the right things he’ll back you 100%. That’s exactly what a probation officer is supposed to do – it’s not a game.”*

In several sites, participants believed that their involvement with the reentry court changed the way their parole/probation supervision occurred. Most expressed that there was less intensive supervision from their supervision officer, because the reentry court team was also involved and aware of the participant’s activities.

*“I think the structure of court makes them feel better and takes the pressure off of them because they know we are being supervised by the reentry court. I know they have a lot on their plate. If we are being supervised by the reentry court, it takes the weight off their shoulders. It is one less thing they have to worry about. Until you get a dirty urine or screw up; then they start monitoring you more.”*

However, many participants described situations where the supervision officer was at odds with the rest of the reentry court team or where the decision-making process was unclear. During the focus groups, in several cases, participants perceived tensions that existed among reentry court team members in the decision-making process. Supervision officers were often perceived as powerful decision-makers.

*“The question was about probation, not our team. They are two separate things to me. When I relapsed my drug court team didn’t want to incarcerate me that day until a decision was made by the judge. Only probation demanded that I be incarcerated. There is a gap between the two.”*

Perceptions of Treatment- and Community-Based Providers. In about half of the reentry courts, the community-based providers and treatment providers played a large enough role on the reentry court team that they were discussed extensively in the focus groups. In others, the providers were discussed very little. In general, participants had mixed responses regarding treatment and community-based providers, and the responses often varied based on the specific provider. Some providers were seen very positively, while others were not. In a few instances, participants described miscommunication between service providers and the reentry court team that had ramifications for the participants. For example, participants could be sanctioned for arriving late or missing appointments, when the reason for their late arrival was related to a service provider.

Positive attitudes regarding treatment and service providers were often connected to whether participants felt comfortable and safe speaking honestly during their treatment or program. When treatment staff members were perceived as “running back to the PO,” participants expressed that they had more distrust and worse relationships.

*“It’s like [omitted] is like a second PO. I think they are too tied into the reentry court; it causes me to hold back. They take lots of notes and it makes you feel like you might get in trouble. It just feels too closely tied in to be an effective source of treatment. The groups should be a safe space; I’ve been through treatment before.”*

*“I don’t look at the case managers any differently than my one-on-one counselor at [omitted]. Because I see them as a unit instead of separate, that helps me. Helps keep me accountable.”*

**Participant Perceptions of the Decision-Making Process.** Participants generally perceived the decision-making process as a team function.

In two reentry courts, inconsistent decision-making appeared to have a great impact on participants, leading to frustration and dominating the conversation throughout the focus group. Participants believed that decisions were made on an individual basis and that the response of the reentry court would vary depending on their situation. Participants also described situations where the different players of the reentry court, such as the judge, case managers, and supervision officers, were sending them different messages and where the predicted outcome of their actions was not clear.

*“I talked to all of my counselors and they each told me something completely different than what the judge’s ultimate decision was.”*



*“It is very irregular, like you were saying. There is no specific thing. For relapse, you may not go to jail or you may go to jail for a week or a month and then get sent to [omitted] or [omitted] and get set back. It is never the same for two people. It is very inconsistent.”*

*“He [the judge] relies pretty much on our case manager, treatment counselor or one-on-one counselor to tell him about each of us. I think that is where the variability comes in. It is the influence they put on the judge on each case. On what they experience with you. He doesn’t know us on a personal level, has no day to day interaction with us like they do. So I think his decisions are based on his faith in the professionals who are working with him who are working with us. That is where a lot of the variables come in. I think that is what decides everyone’s fate in this program.”*

Sanctions and Incentives. Participants across the reentry courts reported that the courts used a wide range of sanctions. One of the most common words used when discussing sanctions was “jail,” indicating that it may be the sanction that was used the most.

Participants described a variety of other sanctions, including sitting in the jury box, essays, community service, increased treatment or counseling, increased meetings with the judge, case manager, or supervision officer, ankle bracelets, program phase demotion, and probation violations. The different sanctions occurred in response to a variety of actions, including tardiness, missing appointments, missing treatment or counseling, violating curfew, violating travel restrictions, failing drug testing or reporting drug use to staff.

Participants described receiving sanctions in all of the reentry courts and, in many cases, believed that the sanctions served a purpose and helped them to succeed.

*“Last Monday I was sanctioned to 3 days in jail and 90 meetings in 90 days, a meeting a day. It was for dirty urine. It actually was the best thing they could do to me. I had not been using that part of our therapy to my benefit.”*

Participants had very little to say about incentives for positive behavior. Most of the reentry courts have graduation ceremonies, accompanied by small gifts for program completion; however, the vast majority of focus group participants was currently in the program and had not yet experienced such a ceremony. Many focus group participants indicated that there were no positive incentives at all or very small rewards, such as candy or cookies. Other incentives mentioned were gift cards and bus passes.

Many participants described the reentry court itself as a rewarding experience or that certain services in the reentry court were rewarding. For example, case managers have assisted participants with family court custody issues and financial problems, actions that were often seen as very rewarding.

*“My biggest reward is being able to be successful in life – to live every day and knowing that I’m doing the right thing and know that I’m being successful and productive and help other people.”*

**Participant Recommendations for Program Improvement.** Finally, focus group participants were asked what components of reentry court were most helpful and least helpful. They were also asked how they would improve the court. In describing what was most helpful, participants focused on the reentry court case managers and services. They highlighted the one-on-one case management and service referrals as particularly helpful. In several focus groups, participants mentioned specific programs that they thought were effective such as a drug treatment or counseling program in their county. Numerous participants also mentioned the structure, discipline and lessons learned as important and helpful components of the program.

In most cases, the least helpful parts of the program were the barriers that the participants encountered. For example, discussion in many of the focus groups focused on transportation and lack of transportation assistance as a barrier and thus a very unhelpful component of the program. The location of the reentry court and treatment providers was often not very accessible, and not all participants had their own reliable transportation. In many cases, participants were depending on local public transportation, which often made them late or led to missed appointments.

In addition, one of the least helpful aspects of the reentry court was the multitude of commitments mandated to participants. Participants complained that case management meetings, treatment meetings, counseling, other provider meetings, appointments for drug testing, and reentry court sessions had to be balanced with an employment schedule and personal obligations such as child care.

In terms of suggestions for improvement, participants focused on the aspects of the program that were least helpful, suggesting bus vouchers, transportation assistance, and fewer required obligations as important measures for improvement. A few participants suggested partnerships with the local public transportation companies, increased funding for transportation assistance, or relocating the reentry court to a more accessible location. Participants also suggested transitional housing as a possible program improvement.

Another dominant theme across focus groups was employment. Participants stated that finding employment was challenging because of their criminal records, but also that reentry court phase advancement and graduation was often contingent on employment. Participants recommended that reentry courts develop more relationships with local businesses that could effectively assist participants in finding jobs or providing referrals to a consistent and reliable employment assistance organization.

#### **A Preliminary Snapshot of Reentry Court Participants.**

In addition to the focus group findings, preliminary data from the prospective outcome study interviews (see sidebar) can provide a basic understanding of the characteristics of reentry court participants in four of the NESCAARC sites.

Participants at most sites were primarily male (80%), although the proportions varied somewhat. All (100%) of the participants in Delaware were male while the ratio of males to females was more even in Texas. Participants ranged in age from 19 to 66 years (average age was 33 years) and ethnicity varied across sites. The majority of participants in Delaware identified as African American (82%), whereas the majority of participants in Texas identified as Hispanic, Latino, or Spanish (77%). Participants in Missouri and Ohio identified primarily as either white (about 60%) or African American (about 37%).

Almost all participants across the four sites were born in the United States (97%). Six percent reported serving in the Armed Forces. Overall, two-thirds of participants (67%) reported having graduated from high school or having a GED. However, when examined by site, Delaware (63%), Missouri (76%), and Ohio (73%) participants followed this general educational pattern, while just under half (46%) of the participants in Texas reported that they had graduated from high school or received a GED.

Although there was a range of time incarcerated across participants, in three of the sites participants had similar time in prison or jail prior to entering the program (a median<sup>8</sup> of between 113 and 149 days). Participants in the Delaware program, which targets those with extensive criminal

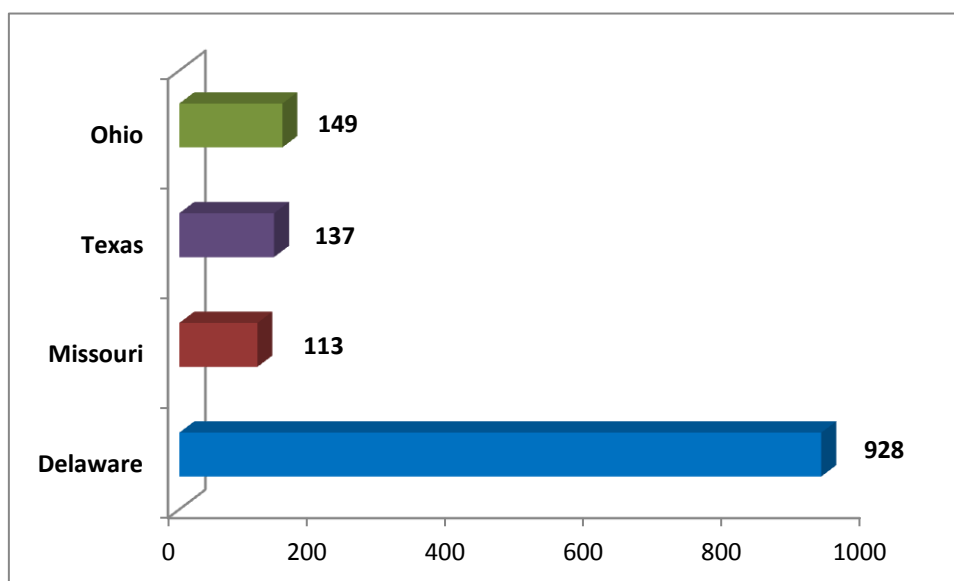
#### **The NESCAARC Prospective Outcome Study**

The NESCAARC evaluation includes a prospective study featuring in-depth interviews with reentry court participants at baseline (within approximately 1 month of program start, which was after respondents had been released from incarceration in all sites) and at 1 year after baseline in a subset of four sites. As of October 2013, baseline interviews were conducted with 165 reentry court participants from four sites (49 in Delaware, 42 in Missouri, 52 in Ohio, and 22 in Texas). This section presents preliminary data on demographics and service needs among the initial sample of 165.

<sup>8</sup> The median time incarcerated was used instead of the mean, due to a small number of outlying individuals with extremely lengthy time incarcerated.

histories, had been incarcerated longer (928 days, or approximately 30 months). Figure 3 shows the median duration of incarceration by site. As documented in the Year 1 report, not all of the NESCAARC programs serve a population that has recently been released from a lengthy state prison sentence. In some cases, reentry court participation follows short-term jail stays and/or serves as a community-based alternative to what would otherwise have been a longer stay in custody. Nearly all participants (99%) at every site were on community supervision at the time of the baseline interview.

**Figure 3. Number of Days Incarcerated Prior to Entry**



In terms of criminal history, the majority of participants in Delaware and Missouri reported being a minor at their first arrest (an average of 16 years old) with over 60% at both sites being age 17 or under. In contrast, participants in Ohio and Texas were more likely to be legally adults at the time of their first arrest (an average of just over 19 years) with less than 40% being 17 or younger.

Family risk factors were remarkably similar among respondents across sites. Between 20% and 30% of the participants reported that the people who raised them had been arrested in the past, and between 30% and 40% of participants said the people who raised them had a drug or alcohol problem. Approximately 75% of participants reported that other family members had been arrested in the past, had spent time incarcerated, and had a drug or alcohol problem.

The majority of participants reported risk factors related to anti-social peers. Over 80% of participants reported that at least some of the people they spend time with had been arrested in the past; 75% reported that their peers had spent time in a correctional facility, while 66% reported that

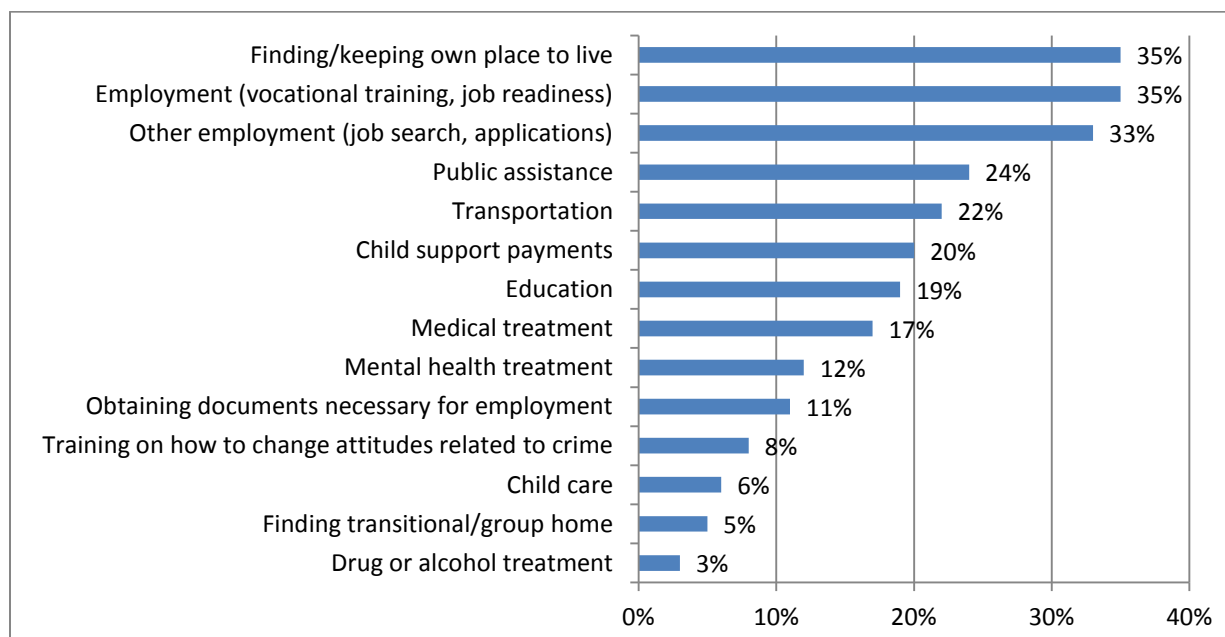
they had peers who were regularly using illegal substances. In contrast, only 11% reported possessing illegal substances themselves since their release.

When questioned about their attitudes regarding their criminal behavior, less than one quarter of participants (22%) blamed their environment for “making them a criminal” and only 14% blamed society or other external factors for their crimes. Over 90% of the participants said they were tired of the problems caused by the crimes they committed.

About half (52%) of the participants reported holding a job since their release from incarceration. The most common sources of financial support were family (76%), job (50%), government program (44%), and friends (36%). Over half of participants reported having no health insurance (58%), while 25% had Medicare or Medicaid, and 9% had private health insurance. Most respondents reported currently living in a house or apartment (80%), frequently stating they lived with their parents. A relatively small percentage of participants (6%) had been homeless since their release (with the range across sites from 0% to 12%). The majority of participants had never been married (71%), although almost half reported being in a steady, intimate relationship at the time of the baseline interview (41%).

Finally, participants were asked to indicate what types of services they felt they needed *that were not being met*. As shown in Figure 4, although the majority of programs focused on employment services and housing, the most frequently reported services needed that were not being met were housing (35%) and employment (35%). Other notable needs that participants felt were not being met included public assistance (24%) and transportation (22%). These findings support what is commonly needed in this population and it is not surprising that, even with program assistance, participants are still struggling with these issues. The least reported need that was not being met was drug and alcohol treatment (4%), indicating either that the programs are consistently meeting this need, or that participants do not see a need for treatment, or both.

**Figure 4. Perceived Unmet Service Needs**



## Implementation Challenges and Solutions

The reentry courts included in the NESCAARC experienced a variety of implementation challenges during year 2. This section summarizes issues that were identified by stakeholders in more than one site, which included challenges involving staffing and communication, eligibility and referral processes, and resources. Site-specific issues also plagued some sites, with one site not becoming fully operational and another deciding not to pursue Year 3 continuation funding.

**Staffing and communication.** Staffing challenges across sites included the time and difficulty required to hire or recruit experienced staff, unexpected staff turnover (at times coupled with the inability to replace the vacated positions), and limited or disjointed communication between staff.

In the sites for which Second Chance Act funds were used to start a brand 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. Challenges were exacerbated by the hiring process (such as delays due to waiting for background clearance in some sites) or in identifying staff (attorneys, judges, coordinators, case managers, treatment providers) who can work as a cohesive team. Staff further 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. Indeed, staff loss and communication challenges, in conjunction with other obstacles, appeared to contribute to the discontinuation of two of the reentry court programs participating in this study.

Communication among team members was considered to be an important element in creating and maintaining connections among the team and with participants. Despite the positive overall communication reported among stakeholders in the Communication and Collaboration assessment, some program staff identified the need for regular updates among the team on the status of participants. Some staff noted the particular importance of the supervision and treatment team members keeping the team up to date on participant status, either between court hearings or in a comprehensive staffing meeting attended by all key players immediately prior to the court hearings.

**Effective eligibility and referral processes.** One of the greatest challenges reported in implementing reentry courts was the establishment of eligibility criteria and a referral process that stakeholders could agree upon and could operate efficiently and consistently. For example, a lack of a clear referral process to identify clients who met established eligibility criteria appears to have contributed to the difficulties experienced by one of the programs that shut down. Another site experienced challenges in identifying eligible respondents, concerns about unintended filtering out of eligible individuals, and delays in having referrals reviewed and approved in a timely manner in the early stages of the program. These issues were addressed, resulting in modifications to both the program eligibility criteria and referral process, which led to increased referrals. In contrast, other sites appear to have established and implemented eligibility criteria and a referral process quite successfully.

#### Enrollment and Eligibility

Enrollment continued to vary widely among the NESCAARC sites, with total cumulative program enrollment ranging from 4 to 472 clients. At the time of the Year 2 site visits, 3 sites had served fewer than 100 clients and 5 had served 100 or more. A few programs made minor changes to their target populations in Year 2. One site stopped accepting referrals from a facility for mentally impaired offenders (who are now served on a dual-diagnosis docket) and another changed from automatically excluding offenders with charges of “possession with intent to distribute” to case-by-case review. A third site increased its efforts to identify more high-risk, high-need participants.

It was common for NESCAARC sites to revise their eligibility requirements and referral processes during program implementation (see sidebar) as unforeseen challenges emerged.

**Limited resources.** A common set of challenges among the NESCAARC sites was how to best utilize existing resources and expand the existing resource pool. Interviews with stakeholders in several sites revealed that the prior establishment of other specialized courts often offered a foundation for

organizing the policies and procedures of the reentry court as well as a set of established agency relationships and resources. However, stakeholders also observed a downside to sharing resources with other programs: such resources may already be at or close to capacity. Existing agreements between service agencies and similar criminal justice or substance abuse programs may also result in limiting services to those that are available through the preexisting agreements, which may exclude certain desired treatment modalities or specialties, such as cognitive behavioral therapy or treating victims of trauma.

The challenge of providing adequate resources for employment, transportation, and housing, in particular, was reported at several sites. In particular, sites struggled with identifying employers and subsidized housing options willing to take individuals with a felony and prison record. In addition, several courts explicitly exclude those with mental health issues from program participation, some because there is an alternative mental health court track already using the available services but others because of the long wait times for necessary treatment due to lack of trained staff available to provide appropriate treatment in the community. Although all study sites made some progress through sustained coordination efforts and outreach to new organizational partners, the need for a larger pool of available resources was clearly articulated by stakeholders.

#### **Staff Recommendations for Improvement**

Although some stakeholder felt that the needs of the participants were being met by the reentry court program, staff and partners highlighted the extremely challenging needs of the participants and the overwhelming level of effort required to identify resources that were necessary to meet those needs. Additional resources that were identified as necessary included employment resources (such as training opportunities and relationships with more employers, including private sector partnerships), housing (transitional and longer term), education, residential treatment, treatment for prescription drug abuse, and treatment for severe mental health issues.

## **Conclusions and Next Steps**

Approximately 2 years after the grantees received their BJA funding, most of the NESCAARC reentry courts were functioning positively on a variety of dimensions. Organizational partnerships were critical to the success of the reentry courts, given the collaborative nature of problem-solving courts and the diverse service needs of the target populations. In general, partnerships were stable across the first 2 years, with several additional partners brought on board to address emerging service needs of participants served. Reentry court staff and stakeholders believed that communication and



collaboration among their partners were very high. Most were satisfied with the frequency and quality of communication among the team.

The participant feedback gained through focus groups provided further insight on reentry court operations and areas for improvement. In general, although participants were often unclear about what they were getting involved in before they began participation in reentry court, most felt very positively about the program. In most courts, participants expressed positive attitudes toward reentry court staff members, particularly the judge. Participants believed that one-on-one case management and service referrals were particularly helpful. Suggestions for improvement focused on addressing transportation and employment barriers and reducing the multitude of commitments mandated to participants.

Consistent with staff reports of the overwhelming needs of program participants, interviews conducted with reentry court participants for the prospective outcome study revealed multiple risk factors including family members and peers who had been incarcerated and who were involved with alcohol and drugs. The majority of participants also used drugs and was involved in the criminal justice system as a teenager. The most common needs that were not being met described during participant interviews were housing, employment and transportation. Interestingly, the majority of participants did not blame their criminal activities on factors outside themselves and reported being tired of the problems caused by their criminal behaviors.

Not surprisingly, several implementation challenges were common across more than one site, including staffing, determining effective eligibility criteria and a referral process, and coping with limited resources. The NESCAARC process evaluation will continue to document the implementation of the evolving programs through a final round of site visits, including a focus on lessons learned and strategies to promote sustainability after federal funding expires.

The outcome evaluation, 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 data with outcome data, will elicit an understanding of program policies and practices that explain any impact of reentry court on recidivism.