

Reentry Court

Reentry courts are specialized courts that help reduce recidivism and improve public safety through the use of judicial oversight. Considered problem-solving courts, they are designed to help youths transition from out-of-home, residential placement back into the community. The responsibilities generally assigned to reentry courts include

1. Reviewing offenders' reentry progress and problems
2. Ordering offenders to participate in various treatment and reintegration programs
3. Using drug and alcohol testing and other checks to monitor compliance
4. Applying graduated sanctions to offenders who do not comply with treatment requirements
5. Providing modest incentive rewards for sustained clean drug tests and other positive behaviors

Traditionally, the responsibility of the court to an offender ends when a defendant is sentenced by a judge. Judges typically have no role in the broad array of activities that carry out the terms of the sentence, the preparation of the offender for release, or the transition of the offender back into the community. A combination of trends in sentencing, incarceration, and postrelease supervision, however, is affording the opportunity for courts to become the principal force behind these activities. For instance, widely recognized increases in incarceration rates, including the detention of juvenile offenders, over the past 20 years have led to record numbers of prisoners. Accompanying the increases in incarceration are increases in the amount of time served, primarily because of truth-in-sentencing laws and the shift away from discretionary release. The increase in incarceration rates has also led to an increase in offenders who are released back into the community every year. In 2006, for example, more than 92,000 juvenile offenders were released from some type of residential placement, including postadjudicatory secure facilities and preadjudicatory detention (Nellis and Wayman 2009).

Theoretical Foundation

Despite more prisoners being incarcerated and serving longer sentences, the availability of treatment programs in prisons is questionable, and program participation among prisoners has been declining over the past decade (Lynch and Sabol 2001). The emphasis on supervision over treatment is also evident outside of correctional institutions, with postrelease supervision officers facing increasingly higher caseloads despite lower per-capita spending (Petersilia 1999). These factors have given rise to a new form of jurisprudence in which the judge is actively involved in overseeing the transition of the offender. The most mature example of this new form of court is the drug court, where the judge manages a caseload of drug-involved offenders. The drug court model includes key components, such as the integration of alcohol and other drug-treatment services into case processing, the use of a

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nonadversarial approach, frequent monitoring and evaluation of offenders' progress on their treatment plan, and use of graduated sanctions in response to any violations (Knollenberg and Martin 2008). This approach to adjudication has been extended to domestic violence, family treatment, guns, driving while intoxicated, and reentry. A key component in this type of court is that the court holds continued authority over the case, to which offenders respond positively. In addition, the frequent appearances before the court and the offer of assistance, coupled with the knowledge of predictable and parsimonious consequences for failure, assist the offender in the reentry process.

Types of Reentry Courts

A reentry court can take various forms. Two examples are case-defined and standalone reentry courts. In a case-defined reentry court, a sentencing judge retains jurisdiction over a case during the entire life of the sentence. Alternatively, a reentry court can be established as a standalone court, where it maintains an exclusive docket of reentry cases. In either model, it is expected that the judge would actively engage correctional administrators overseeing the period of imprisonment.

In 2003 the National Council of Juvenile and Family Court Judges released a guide for jurisdictions looking to plan, implement, and operate a juvenile reentry court. The guide noted that there are several fundamental principles that should form the foundation of an effective reentry court; many are taken from the drug court model. Some of the guiding principles are

- Reentry planning should follow a restorative justice approach, designed to protect the community, hold youths accountable for their actions, and consider the interests and needs of the victims.
- Planning for a youth's reentry into the community should begin immediately on arrival at the residential placement.
- The reentry court judge should continually monitor progress, both during placement and while youths are transitioning back into the community.
- A reentry plan should be comprehensive and individualized to the specific risks and needs of youth.
- Graduated sanctions should be developed to respond to any violations of the reentry plan.

Outcome Evidence

Because the emergence of reentry courts is a relatively new phenomenon, little research exists to demonstrate its effectiveness with adult or juvenile populations returning to the community. One study of adult prisoners in the Harlem Parole Reentry Court (HPRC) produced mixed findings (Farole 2003). HPRC was established in 2001 in New York City as a pilot demonstration project in East Harlem. The program's purpose was to test the feasibility and effectiveness of a collaborative, community-based approach to managing prisoner reentry. The preliminary evaluation of the reentry court covering the first 20 months of operations (June 2001 through January 2003) found that overall reconviction rates were not significantly reduced after 1 year. Results, however, do indicate a significant reduction in convictions on non-drug related offenses.

Few juvenile reentry courts have been evaluated to determine the effectiveness of reducing recidivism and reintegrating youth back into the community. As part of the Serious and Violent Offender Reentry

Initiative, Winterfield and Brumbaugh (2005) surveyed reentry programs that specifically target juveniles to acquire the basic characteristics of these programs. They found that only about 30 percent of the programs were reentry courts. Most reentry programs use a continuum-of-care model that involves working with juveniles before and after release. The vast majority of program components involved employing wraparound services as well as elements of restorative justice, including restitution, community services, and victim awareness/education.

The dearth of research on reentry courts prompted the Office of Justice Programs (OJP) to announce a “call for concept papers” from jurisdictions “willing to test the concept of a reentry court.” Of the 21 proposals received from states throughout the country, OJP selected nine from California, Colorado, Delaware, Florida, Iowa, Kentucky, New York, Ohio, and West Virginia. One of the sites (West Virginia) targets juvenile offenders. The sites were responsible for developing strategies to improve the tracking and supervision of offenders upon release, prepare communities to address public safety concerns, and provide the services necessary to help offenders reconnect with their families and the community. Of the nine sites, all but one was able to reach operational status. Of the eight sites that implemented programs, seven are still operational. Most offer comprehensive services to their program participants, with case management provided either through a specialized case manager or the supervision officer. Commonly provided services include mental health counseling, physical health care, substance abuse treatment, family counseling, employment and vocational assistance, educational assistance, and housing assistance (Lindquist, Hardison and Lattimore 2003). Research on the sites is ongoing.

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