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## Reentry Court Judges: The Key to the Court

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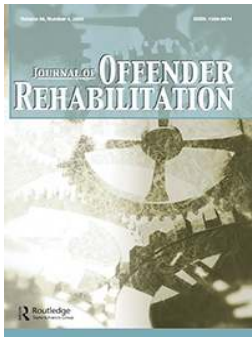
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## Reentry court judges: the key to the court

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### ABSTRACT

Over the last few decades, treatment-oriented court judges have moved away from being neutral arbitrators in an adversarial court process to treatment facilitators. In the problem-solving court model, judges are part of a more therapeutic treatment process with program participants and a courtroom work group. The shift from the use of the traditional criminal justice process toward the use of more treatment-oriented models for some populations highlights the need to systematically document key elements of treatment court models. In particular, it is important to clearly document the role of Reentry Court Judges because they are a key component of the Reentry Court model. The current study used interviews with members of the courtroom work group, as well as a focus group interview of former participants in the program, to help identify the role of the judge and activities the judge engages. Findings revealed that the judges played a supportive, informal role, balanced with a more formal, authoritarian role, and the judges engaged participants in pre-court meetings, as well as courtroom sessions. Further, the judges facilitated interactions with program participants outside the courtroom, demonstrating that the judge is a core component of success for participants in Reentry Court.

### KEYWORDS

judges; probationers; reentry; reintegration; treatment

## Introduction

Over the last three decades, treatment, also known as problem-oriented courts have become an increasingly common method to process offenders. Problem-oriented courts typically utilize therapeutic jurisprudence as the theoretical foundation. This involves using judicial actors as agencies of therapeutic change (Redlich & Han, 2014). Researchers have argued the validity of therapeutic jurisprudence as the theoretical basis for predicting success of participants in treatment court programs (e.g., Fay-Ramirez, 2015). The therapeutic jurisprudence model utilizes a series of practices such as involvement of actors and agencies across multiple life domains

(e.g., education, employment, mental health services, and drug treatment), judicial intervention, monitoring of behavior, and engaging participants in a dialogue with the members of the courtroom work group to facilitate a treatment plan that addresses their needs and promotes their success (Redlich & Han, 2014). The benefits of these programs are numerous and well documented. For example, a 2003 study by the National Institute of Justice examined a sample of 17,000 drug court graduates from across the United States and found only 16.4% of the sample had been arrested and charged with a felony within 1 year of graduating the program (Roman, Townsend, & Bhati, 2003). This is dramatically better than the overall recidivism rate in the United States, which the Bureau of Justice Statistics (BJS) recently reported at 83% within 9 years for people released from state prison (Alper, DuRose, & Markman, 2018), or Grattet, Petersilia, Lin, & Beckman's (2009) study which found 66% of people on parole return to prison within 3 years of release. Other problem-oriented courts include mental health courts, juvenile drug courts, prostitution courts, and a fairly recent innovation, reentry courts.

Reentry courts were created in response to high rates of recidivism among people returning to the community after incarceration (Taylor, 2013a). While the number of individuals released from state and federal prisons has decreased somewhat in recent years (Kaeble & Cowhig, 2018), there were still 626,000 people released from state and federal prisons in 2016 (Carson, 2018). Estimates indicate that over three quarters of releasees will be re-arrested within 5 years of their release (Durose, Cooper, & Snyder, 2014). As such, a core need is for comprehensive strategies to assist formerly incarcerated people with reintegration back into communities (Bureau of Justice Statistics, 2008; Taylor, 2013a). While it is a relatively new area of research, evidence is still mixed on whether reentry courts are an effective strategy to reduce recidivism. Some research has found no significant effects of reentry court on recidivism (Farole, 2003; Taylor, 2013b), while other research has found that reentry courts are associated with a reduction in new convictions (Hamilton, 2010). Similarly, some research has revealed that reentry court increases the likelihood of supervision revocation<sup>1</sup> (Hamilton, 2010), while other research suggests it decreases revocations (Taylor, 2013b). Considering these disparate results, there is a need to identify key components of these programs so that they may lead to more consistent positive outcomes.

Another issue key to any exploration of treatment courts is the role of net-widening as it relates to program expansion. Defined by Gross (2010), net-widening involves an increase in how many people are arrested after a (drug) court begins, due to police officers and prosecutors arresting people operating under the belief that there is the potential to assist offenders

when they are in the system by offering treatment court strategies in lieu of incarceration. Gross (2010) argued that treatment courts may have a net-widening impact of bringing a greater number of lower income offenders into the system for treatment relative to those majority groups from more affluent backgrounds (Gross, 2010). While net-widening potentially influences supervision revocation, future studies will need to consider the criticisms of net-widening applied to other treatment-oriented courts are applicable to reentry courts.

To help fill the gaps regarding reentry courts, this study explored one of the core components of a reentry court program: the role of the judge in a federal reentry court program in Newark, New Jersey. The District of New Jersey's Newark Reentry Court (ReNew) was founded to address the gap in services for recently-released federal offenders with the highest risk of reoffending. Participants in the program have little to no work history, limited education, a lack of stable housing, extensive criminal histories usually starting in their teens and including multiple convictions for drug distribution or violent crimes, and have been incarcerated in federal prisons for at least 5 years. Because they are not drug or alcohol addicted, they are ineligible for other intensive reentry support. Nevertheless, they require significant and individualized services to reshape their lives and diminish the risk that they will re-offend. Based on nine months of systematic observations, interviews with courtroom work group members, and an in-depth focus group interview with former program participants, the present study examined the role of two judges in the ReNew Reentry court program.

In this paper, we first describe the reentry court program itself. We then review the relevant literature on judges in drug courts and then the limited research on the judge's role in reentry courts. This is followed by a discussion of our methods, findings, limitations of this study and recommendations for future research, and finally the implications of this study for theory, policy, and practice.

### **The ReNew reentry court program**

A general description of the ReNew program will help provide context key to the present study. Based on the work of the Supervision to Aid Reentry (STAR) program in Philadelphia, the ReNew Reentry Court program was launched in 2013. Program participants were recruited from a pool of medium-to high risk individuals who served time in federal prison and were recently released on probation (or supervised release) to Essex County, NJ either as a residents before their term of incarceration or as a new resident of Essex County post release. In order to be eligible for the program potential participants must be recently released from federal

custody or the Bureau of Prisons with significant risk of recidivism (moderate- to high-risk offenders). Level of risk was assessed using Risk Prediction Index (RPI) score, a quantitative risk prediction measure (Muller, 2009). The program is voluntary and most participants who are chosen need employment, training/assistance, and support in other areas such as mental health, parenting, life skills, and housing, and are likely to benefit from the program's resources across multiple life domains.

All referrals for ReNew are screened by the Chief of U.S. Probation and supervised by a Senior U.S. Probation Officer. Participants appear as a group every two weeks before a federal district judge or federal magistrate judge to report their progress. Participants are intensely supervised by the U.S. Probation Officer assigned to ReNew court. Intensive supervision involves utilizes alternative, intermediate forms of community based correctional supervision that gives some offenders the ability to serve their sentences outside of prison. Intensive supervision plans often involve following curfews, getting treatment for drug and alcohol problems, seeking, obtaining, and maintaining employment, and community service (State of New Jersey, n.d.a). The ReNew Team is comprised of a District Court Judge and Magistrate Judge, members of the U.S. Attorney's Office, the Federal Public Defender's Office, the Federal Probation Office, and a series of volunteer attorneys. After participants successfully complete 52 weeks, they are eligible for a reduction of their supervised release period of up to 1 year.

The ReNew program members appear before the reentry court every two weeks. Before each court session, the courtroom workgroup meets together in a pre-court work meeting. The courtroom workgroup was conceptualized by Eisenstein and Jacob (1977) to help explain how courts come to decisions. Courtroom work groups consist of professional courtroom actors, such as the prosecution and defense attorneys, judge, and courtroom reporters who are paid for their services (Eisenstein & Jacob, 1977). Like any other organization, courts rely not only on formal procedural and ethical guidelines, but also a sense of shared goals and cooperation in order to accomplish goals (Clynch & Neubauer, 1981). This sense of shared goals and cooperation allow the courtroom work group to accomplish procedural goals, despite the inherently adversarial framework of many courts such as criminal courts (American Bar Association, 2000). The ReNew program workgroup is comprised of the federal judge, the probation officer, the reentry program coordinator, a representative of the Federal Public Defender's Office, whose duties include coordinating outreach to employers, training, and education partners, and scheduling program sessions, and an Assistant U.S. Attorney.<sup>2</sup> In this meeting, the program of each participant is discussed so that the judge is typically aware of any significant challenges or accomplishments of the participants. The judge is then prepared

on an individual level for discussions with participants about their lives, and about associated awards and sanctions. A system of graduated sanctions is employed in the program, typically starting with verbal reprimands, and gradually escalating in seriousness to sanctions such as community service or confinement in a halfway house, with the most serious sanction being removal from the program and reincarceration.

Later that day, at each court session, all current participants in the reentry court program are in attendance, as well as the reentry court workgroup. Volunteer attorneys are also there to work with the reentry court program to provide legal assistance outside the bounds of the program (e.g., assistance with renewing driver's licenses, divorces, child custody, and warrants/fines out of county/state). Relatives, friends, and former participants of the program are also permitted to be present during the court sessions. During the session, the judge may address participants as a group if there were challenges/issues occurring across several program participants (e.g., challenges with finding employment or enrolling in college courses), then individually in front of the court, and provides them an opportunity to discuss reentry successes and challenges, which may include areas such as employment, education, health, housing, job training, and private life challenges (e.g., romantic relationships, parenting, issues with parents, siblings, and other family matters). If a participant expresses the desire to meet individually with the judge and member(s) of the treatment team, this occurs in chambers.

The judge provides praise to participants where appropriate, such as when a participant gets a job or enrolled in college courses, and provides encouragement to participants for continued success. If an individual faces a specific obstacle, such as struggles with finding employment, the judge may provide a referral to a service provider or ask the reentry coordinator for potential strategies to move through this challenge. Due to the pre-court workgroup meeting where the program of each participant is discussed, the judge is typically aware of any significant challenges and is prepared to discuss the challenge with the participant during the court meeting. During the graduation ceremonies the judge provides a motion to the original sentencing judge to reduce supervision sentences for up to 12 months. Title 18, United States Code, Sections 3583(e) allows judges in the ReNew program to reduce the defendant's term of supervised release upon successful completion of the ReNew Program.

## **Literature review**

### ***The role of judges in drug courts***

Reentry courts are grounded in the drug court programs which have become commonplace across the United States over the last two decades



(Salvatore, Henderson, Hiller, White, & Samuelson, 2010; Vance, 2011). The first drug court was located in Miami, Florida and started hearing cases in 1989 and was considered an innovative approach to processing drug offenders, utilizing teaming and cooperation between the courtroom workgroup and program participants (Lurgio, 2008). These specialized courts were developed as diversion programs for nonviolent, substance abusing offenders through a program involving treatment services (Vance, 2011). Drug courts have served as a template for other specialized problem-solving courts including family courts, teen courts, mental health courts, and homeless courts (Becker & Corrigan, 2002). Taylor (2012) noted that few studies have examined the role of the judge in reentry courts; however, ample studies explored the role of the judge in drug courts. As such, a brief examination of the role of the judge in drug courts serves as a natural entry point in our look at the role of judges in reentry courts. Scholars have highlighted the role of the judge as essential to the success of drug court clients. For example, Belenko (1998) stated, (the judge is a) “reinforcer of positive client behavior” (p. 80). Taylor (2012) stated that a large portion of the scholarship in the area has concentrated on three components of the role judges play in drug courts: (1) the nature of the interactions between the judge and participants, (2) the judicial status hearing, and (3) how participants in programs view the judge. The following sections will examine each of these areas.

First, a core predictor of participants’ success in a drug court program is the nature of the interactions between the program participant and the judge. For example, in a study of a Las Vegas drug court, Miethé, Lu, and Reese (2000) felt the program’s lack of successful outcome was due to the insufficient quality of the relationship between the judge and participants. While the program was designed to be treatment-oriented and reintegrative in focus, observations in the field found the court has a negative impact on participants, with interactions between the judge and participants that were confrontational in nature, rather than supportive and treatment-oriented. It is possible these negative interactions can explain the 10% higher recidivism rate of participants relative to non-court participants. In another study, Senjo and Leip (2001) looked at four key aspects of the drug court model: (1) court monitoring comments from the judge (these were coded as adversarial, supportive, or indifferent); (2) Treatment (the type of services provided); (3) Court Procedure Variable (e.g., the drug charge, how long the participant has been in the program; and (4) Demographic factors of the offenders. Results of the study found, when controlling for all other factors, participants who had been given more supportive comments out of all components, had a higher likelihood of finishing the program, relative to participants who



had been given fewer supportive comments. Outside of a few individual characteristics (e.g., age and race) the supportive comments from the judge were the *only* statistically significant predictor of successfully completing the program.

Next, prior studies have found that, for some high-risk participants, just being before a judge may be related to positive outcomes relative to those at a similar risk level who have treatment services, but who do not interact with a judge (Festinger et al., 2002; Marlowe, Festinger, & Lee, 2003). For example, in a series of studies examining several programs, Marlowe and his team utilized random assignment to place high-risk participants in a drug court program in a treatment group with judicial status hearings on a regular basis or provided them supervision by treatment case managers. The higher risk participants who appeared before the judge on a consistent basis had a greater likelihood of completing the program and avoiding relapse into drug use, relative to those who worked with treatment case managers. Marlowe and his associates logically argued increased supervision via judicial status hearings was the likely cause of the positive outcomes. As Taylor (2012) pointed out, without a qualitative component to these studies, researchers could not identify what may have caused the benefits for higher risk participants relative to other groups.

### ***Theorized role of the reentry court judge***

Maruna and LeBel (2003) offered an early vision for the role of reentry court judges. Since probation and parole departments largely function to provide support and supervision, under the rubric of the corrections system, Maruna and LeBel (2003) argued reentry court judges should be primarily concerned with acting as a support system for participants. Maruna and LeBel stated reentry courts can serve as “court(s) of redemption” where participants are assisted in disavowing crime and attain recognition for their steps toward desistance (p. 100). Reentry courts may provide an opportunity to integrate a redemptive mindset in participants, rather than continue the patterns that kept them involved in criminal behavior. Probation and parole are by nature, “deficit-based” as they concentrate on the needs and risks of those under correctional supervision. Conversely, the focus of a reentry court may be “strength-based” by concentrating on how participants may redeem themselves for past crimes and in such a program, judges, can assist participants in finding community service programs or strategies for restoring relationships with family as a road to redemption and reintegration.

Maruna and LeBel’s ideas are grounded in the work of Braithwaite’s (2001) concept of active responsibility. Braithwaite defined active

responsibility as the process of taking ownership for correcting the future, whereas conversely, passive responsibility is holding a person responsible for past actions (p. 11). If a program is based on active responsibility, it would not be focused on the participants' previous acts. Programs grounded in active responsibility would be interested in what the individual is doing in the present to ameliorate their circumstances, reconnecting with family and finding worthwhile employment. As such, Maruna and LeBel stated, a reentry court program could be focused on "monitoring, recording, and judging what the individual had done to redeem him or herself" (2003, p. 100). Maruna and LeBel also expressed that a strengths-based reentry court program could have more utility in reducing recidivism. A court program built upon a "strengths-based" perspective could be viewed as a "challenge" in lieu of a "treatment" by those under correctional supervision (Maruna & LeBel, 2003, p. 101).

In addition to Maruna and LeBel's outline of the potential for a strength-based reentry court judge, some scholarship in the area of reentry courts has begun to examine the role of judges in reentry courts. For example, Lindquist, Hardison, and Lattimore (2003) conducted a process evaluation of the Reentry Court Initiative (RCI) and identified the nature of the judge and participant interaction as a key aspect of the reentry court. Further, their evaluation of the Ohio court site revealed the importance of the judicial-participant interaction was rooted in the engagement between the judge and participants, forcing the judge "off the bench" (Lindquist, Hardison, & Lattimore, 2003, p. 30).

In another study, Farole (2003) conducted an outcome evaluation of the Harlem Parole Reentry Court. Using structured observations Farole had over 100 observations of court hearings which support the key role of the judge in the reentry court process. For example, Farole's study revealed that the judge spoke directly with participants in 100% of observed court hearings, with eye contact being made slightly less frequently, occurring during 94% of the court observed interactions between participants and the judge. Studies like Beebe (1974) have found the amount of eye contact is a key factor in speaker credibility, in this case we expect that the more the judge looks participants in the eye, the higher the judge's credibility in the eyes of the client. Physical contact was less frequent, occurring only in 50% of the observed hearings. Farole (2003) also documented the judges' "tough love" approach, finding that when necessary, she was stern with participants, even though she was generally supportive (p. 36).

More recently, Taylor (2012) examined the adaptive nature of the judicial role in reentry courts. Conducting an evaluation of the STAR Reentry Court program located in Philadelphia, PA, Taylor's study utilized interviews with participants and the courtroom workgroup, court observations,

as well as document analysis. Taylor's (2012) findings revealed judges in the STAR court program had to balance the traditional, authoritarian role of the judge, with the more supportive, treatment-oriented role of the reentry court judge. Only one respondent indicated that some program participants had negative views of the judge and may question the ability of the judge to have a positive impact. However, this respondent also said that interactions with the judge could have a positive influence on program participants' thinking and behaviors (p. 364). Taylor (2012) also found that while several interview subjects identified past experience with judges and the justice system in general that were negative, many stated the STAR program helped change these negative views. In particular, informal relationships with the judge and the social/emotional support of the judge were identified as key factors in program success by both participants and the courtroom workgroup (Taylor, 2012, p. 364). These findings suggest that participants are acutely aware of the role of the judge in the program. As a fairly recent innovation, research regarding the roles of reentry courts is still an emerging area, relative to scholarship conducted in corresponding areas such as adult and juvenile drug courts. This study will help add to the understanding of the role of the judge in reentry courts and provide valuable insight into how the judge can be a key factor in participant success.

## Methods

### *Focus groups/interviews*

A focus group interview (see [Appendix 1](#): Sample of Interview/Focus Group Questions) was conducted with three former participants of the ReNew court program in the summer of 2017.<sup>3</sup> All members of the focus group were asked to provide open and honest assessments, and were advised verbally and in writing of informed consent procedures, including confidentiality of their responses. Participants were excited to share their experiences with the ReNew program themselves; additional probing questions were provided regarding the utility of certain services, their perceptions about the judges in the program, their relationship with the probation officer (and probation office in general), as well as other program participants; their reason for voluntarily joining the ReNew program, their general experiences with the program and its impact on their lives, and their perspective on other factors related to successful reintegration. The focus group meeting lasted two hours.

Interviews were also conducted with members of the ReNew reentry court program workgroup, including the federal probation officer, the chief of federal probation, the ReNew program coordinator, an Assistant U.S.

Attorney, and a representative from the Federal Public Defender's Office. These interviews were conducted in the Spring of 2018 and ran between 25 and 60 min. Respondents were asked a series of questions and to describe and evaluate key components of the ReNew reentry courts, including the role and functions of the judges.

### **Observations**

From August 9, 2016 through April 18, 2017, researchers attended each prehearing conference as well as the court review hearings during which data was collected on 26 program participants (see [Appendix 2](#) Court Observation Sheet). This component of the evaluation was to describe the interactions between the judge and participants during the judicial review hearing, qualitative and quantitative data were systematically coded using a structured observation protocol.

### **Data analysis**

The observations and interview data were entered into qualitative analysis software Atlas Ti 7.5. This software allows the organization and sorting of qualitative data, as well as the identification and analysis of themes in the data. Thematic labels (or "codes") can be attached to text, memos can also be attached to text. To study themes within and between different data sources, different groupings (or "families") were created for interviews with participants, interviews with members of the workgroup, observations of pre-court meetings, observations of regular court sessions, and observations of special sessions (e.g., holiday parties).

The analysis of the ReNew program evaluation utilized the same approach as Taylor (2012) which included inductive and deductive analytic approaches (see Denzin & Lincoln, 2000; Holloway, 1997). Two waves of coding were used. The first, an open coding technique was utilized where key themes identified in the data were given thematic codes. For the second wave of coding, ReNew program characteristics or goals detailed in program documents or discussed by members of the workgroup were identified. Observations and participant and workgroup team interviews were then coded for discussion of these court characteristics and program goals.

After the common themes were identified, an additional layer of analysis was conducted to identify inter-connections between the themes. This method is "co-occurring codes," an Atlas-Ti tool that detects passages where multiple codes were repeatedly attached to the same statement. The passages are then juxtaposed with similar passages with

multiple codes to provide a better understanding of the relationship between and among the themes. A second tool, “network view” was also used. This tool provides an opportunity for the researcher to visually make themes and have a visual representation of the connections between them. If a relationship was found between the themes, the passages were given a “super code”, a primary code, used to describe data that has been coding with other codes reflective of the larger theme or relationship (Gibson & Brown, 2009).

## Results

In the first wave of inductive coding, three themes were found that were reflective of the nature of the interactions between judges and the participants. As identified in Table 1, these themes were labeled as, “Informal relationships with the judge,” “social/emotional support from the judge,” and “traditional/authoritarian judicial roles,” the same terms used by Taylor (2012). In addition, the first wave of analysis identified several sub codes within each of the main themes (a full listing of sub codes is available upon request).

**Table 1.** Codes of interactions between judge’s and program participants.

Code name	Subcodes	Example observations
Informal relationship with the judge	Friendly exchanges	Judge to participant: “I like your new haircut.” Judge to participant: “What are you doing to relax?” Judge to graduating participant: “Let’s go out to lunch to celebrate.”
Social/emotional support from judge	Supportive, encourage comment from judge Judge encourages support among participants	Judge to participant: “I know you can do well at this job.” Judge to participant: “You need to make new friends, create a new social network of good influences.” Judge directs participants to support each other by asking a participant to contact a graduate of the program about a CDL (commercial driver’s license) training program.
Traditional/authoritative judicial roles	Sanctioning Firm demands/requirements	Judge announces that a participant who is failing to meet criteria will be placed halfway house for 30days. Judge announces a participant who failed to come to session will have a warrant placed for the participant’s arrest. Judge orders participant to submit job applications by next court session. Judge orders participant to apply for education program by next course session.

### ***Informal relationships with judges***

Based on courtroom observations, both of the reentry court judges were relatively friendly and informal with participants in the ReNew Program, this was reflected in verbal exchanges as well as the body language of each judge. Judge One (pseudonyms are used for the judges) tended to ask participants about their fitness, hobbies, interest in sports, and childhood toys (especially participants who was especially fit). Judge One would often joke with participants about their physical appearance including style of dress, hair style, and ask about their non-working activities such as going to sporting events. Judge One frequently shared personal experiences with participants, such as financial and career struggles in what seemed to be an attempt to illustrate the common nature of many of the life challenges participants were facing. It should be noted, both judges did adopt a much more rigid, traditional, demeanor when appropriate, such as giving a participant a sanction.

Emphasizing the role of each judge's personality in court, several members of the courtroom workgroup, as well as members of the participant focus groups stated (each) judge's level of interest and care was key to the court. For example, one member of the courtroom workgroup stated, "(the judge) has gone above and beyond ... taking (a participant) to receive medical care for his eye condition ... expressing a level of care and dedication to participant(s) health and well-being many (in the program) have probably never experienced." The level of dedication the judges had to participants and their willingness to step outside of judicial roles was demonstrated in the following quote from a program workgroup member:

... (the) judge's use their own resources and time to help participants, that is life changing for someone when a federal judge is taking them to LensCrafters. (The) judge's will call up their own family members (to utilize their networks to find assistance/opportunities for participants), taking chances on people.

Participants in the focus group also commented on how the judges were extremely dedicated to their success and would go above and beyond to provide them support. One such example demonstrates the difference the judge's engagement can make for a participant:

Judge (One) actually called a friend of theirs from Essex County College when I was really adamant about not getting a job, but (instead) continuing my education. I was probably like the first guy whose like, "I want to go to school." ... I was so exhausted with the transition from the halfway house and then trying to get employment (and) then education, (this) was like my final, my final straw. So, (the judge) called on an acquaintance ... (a) personal acquaintance of (the judge's) and then recommended that I sit down with this person. The judge said (to their acquaintance), "Hey, I need you to give one of the (people) from my program as much assistance as you can with getting enrolled in school, or getting employment with the school, (even something like) like (a) work-study or whatever (you can offer)."

Focus group participants all spoke about the role of the judge in their own success in the program. Most of the discussion centered on the fact that someone with as much social status as a judge had gone out of their way to, for example, make calls to get someone a job. One participant spoke specifically about how one of the judges contacted a personal acquaintance to help him get into a Master's program instead of getting a job. This type of experience was common among focus group participants, and was seen as instrumental to participants' success because they felt humanized or, as they put it, "seen." Participants also spoke about the importance of being praised by the judge in front of loved ones.

Another participant recounted that the judge had married him to his spouse in the ReNew courtroom. This focus on the personal involvement of the judge was mostly on the ways in which the judges' personal investment encouraged participants to achieve more than they would have otherwise. However, though not unanimous, there was also some focus on the perception that the judge's personal investment meant that sanctions were either more lenient or were less likely to be applied. Another related how the judges' engagement gave participants a sense of value they had lost:

(The judges) gives them back their trust in humanity. The system is very dehumanizing and stripping. Interaction with the judge's gives them back something they have lost. Judges have a power dynamic, (they) sit on the bench, make decisions, talk during sessions, decide about sanctions. (The) guys create close relationships with (the) judges. (The participants) have ambivalent opinions about (program) office, (they are) cautious and ambivalent with the program, but not with the judges, (those relationships) are very different and (the) bonds that gets formed.

The level of dedication the judges had toward participants, as well as the level of interest and support they offer was reflected in additional statements from member of the participant focus group who stated, "(I) never had someone like a judge express interest in me ... care about me, what has happened in my life, and wanting me to succeed ... (judges) in the past only wanted to lecture and punish ..." Another member of the workgroup, stated, "the (judges) have genuine interest in participants, asking about their children, families, hopes and dreams, joking about with them and building a real rapport," "the judge even challenges the participants to take part in a marathon race with him to earn extra credit in the program (in a joking manner)." The judge's focus on building a bond with the program and participants was reflected in the statement of a team member who said:

(There were) times when the judge gave someone a break, or listened when team members were talking, or absorbed a complement they were given. Things the team did that built up a trust and confidence. Judge (One) takes risks with the guys, and



reveals (themselves). (Judge One) tells them (the participants) things, gives compliments, gives personal advice, asks disarming and personal questions.

Another comment from a focus group participant supports the idea that the environment and relationship fostered by the judges creates an environment where participants feel supported, encouraged, and valued:

So, for us, it's more or so, like, a definite family vibe that they always give us because it's like, when I graduated with my associates, and (several of the team members and one of the judges) were on vacation and came (to the graduation ceremony) - these guys all got together and took me out for lunch and then Judge One was saying, ... was talking to my aunt and all of the things they were talking about, they're talking about fish. How they both love the fish, Judge One telling us fishing stories, she's telling Judge One fish stories and Judge One is like, "Hey, we should go fishing sometimes." I'm not looking to go. Like, I don't fish (laughs).

This demonstrates how the judicial style in the program was supportive and informal, focusing on forging a bond between the program work groups and participants helped foster a sense of community in the program, where the judges lead both the members of the program treatment team and participants down a path that facilitated a supportive, environment where participants could succeed. These supportive and informal roles were reflective of the nontraditional roles judges often play in treatment courts.

### ***Judicial leniency***

Conversely, members of the workgroup also reported that the judges could be too lenient with participants and perhaps too informal at times. For example, one participant stated that the judges tend to talk tough, but do not always have the follow through with harsher punishments when participants are not doing as well as they could and perhaps some participants should be removed from the program, but the judges seem reluctant to dismiss participants. Interestingly, there was a co-occurring relationship between Judges' firm demands/requirements and several punishments including community service and verbal reprimands, but not the harsher punishments such as incarceration. During the course of interviewing members of the workgroup several commented the judges tend to be lenient in sanctions, even when more serious sanctions were discussed in pre-session meetings. Many felt the judges tended to lighten their sanctions once they heard from the participants themselves and heard their reasons for violating program directives. Some in the workgroup felt the lack of more serious sanctions is potentially detrimental to participants:

... I fear that we've lost some predictability and I believe that it actually is more empowering to the participants if they know what a consequence for (negative)

conduct is because then they're at least in control of their own lives. If in fact no matter what they do there's still a chance they can come to a court session and convince the judge not to impose it, then it gives all the power to the judge. It also encourages a behavior that I don't like, which is not taking responsibility . . . instead of watch(ing) out ahead (for future behavior) and say(ing) look I messed up, I did it. I know there's a consequence I'm totally . . . I'll deal with it. I'll take it (the consequence) and I'm going to learn from it, move on, that's what you really like to see.

The leniency of the judges was reflected in a comment from a former program participant during the focus group meeting, "The judge(s) never wanted to send me back (to prison)." However, one focus group participant suggested the leniency of the judges may ultimately benefit participants and the program:

I've seen these guys give leeway, I've seen a gentlemen who - while during the course of this program before he graduated, and he incurred another offense and in this situation, the judge actually asks us what our input and our opinion was about this man's character since he's been home. How actively has he been attempting to change? It was a simple misunderstanding because of the input that we had about him and his character, his assertiveness on being productive that actually kept him from being violated which is something that I've never seen anything else (like this).

We found when participants were performing well in the program, as indicated by meeting goals such as finding and maintaining employment, pursuing their education, and not being rearrested/relapsing, interactions with the judges were more informal and typically were lighter in tone, filled with praise and supporting comments. For example, when a participant reported accomplishing a goal, such as getting a job or promotion, the judges would deliver praise and supportive comments such as "you're doing amazing, you are an example of what we want [our participants] to accomplish." Holiday celebrations and extracurricular events further revealed the close, supportive bonds between the judges and participants (as well as the courtroom workgroup as a whole). For example, the judges hosted participants and their families at a basketball game, where the judges (and courtroom workgroup) socialized with participants and their families. Both participants and members of the courtroom workgroup stated these interactions facilitated a strong bonding between the judges and participants, and fostered the connections necessary to make a reentry program work.

On the other hand, when a participant was facing challenges in the reentry process, the judges served as a resource, providing emotional and social support, by making statements such as, "I know this is hard, but if you power through and stick with it, you can make it . . . I've seen many [former participants] face the same obstacles and overcome them . . . don't be afraid to ask us for help." These type of statements demonstrate the level of

support the judges offered participants across a variety of domains. The judges frequently offered support and encouragement in finding employment. For example, Judge One frequently offered their assistants help to participants in putting their resumes together and conducting online job searches. The judges often shared personal history and struggles to express empathy with participants challenges. Judge One emphatically shared this story:

I am from (city name redacted) so I know the type of environment you are living and challenges you face. I wasn't always on this bench. I know what it's like to have to work hard ... to struggle and face obstacles, but I know you can do this (meet these challenges).

### ***Social capital***

As well as providing supportive, encouraging comments when facing challenges, the judges also encouraged participants to seek support from other members of the courtroom workgroup, and to utilize family and friends as sources of support and guidance. Participants were encouraged to bring children, spouses/romantic partners, and parents to reentry court sessions, holiday celebrations, graduation ceremonies, and extracurricular events. Recognizing the role of a supportive family, both judges frequently asked about participants' family lives, such as the birth of children, ongoing pregnancies, health of parents, and status of romantic relationships. When judges were advised during pre-court meetings or court sessions that a participant was experiencing challenges in their domestic life, the judges advised the participant to engage in treatment and support services in this area to minimize conflicts and foster positive growth.

Another interesting aspect of the reentry court judges was that both encouraged participants to help and support each other. During one session when a participant was discussing the positive experience they were having with an employer (including the competitive salary, flexible hours, and ability to move up in the organization relatively quickly), Judge One asked, "can you give the contact information for the hiring person to other members of the program seeking jobs?" The participant stated they would forward the contact information to the program coordinator and parole officer. Court observations also revealed several occasions where the judges would refer participants seeking employment in a field to another participant who is working in that field. There were similar interactions facilitated by the judges in the area of education and training as well, such as for CDL licenses or open houses at the local community college. Focus group participants underscored the value of social capital:

[One of the biggest benefits of the program]...I think (is) the networking. (The) networking aspect, and as far as the class, I believe from all of the second class (participants) and being around a lot of like-minded individuals is one way to stay informed (about job opportunities and) ... to get job opportunities for others. As a matter of fact, one participant is supposed to come with me (on a job). We both drive - we have different routes. So, he's a little late. So, he's on his way... but he recommend his job, there was another guy in their group of program, (the) job he had before that. He recommended that job, so the networking aspect... if anything happens, people pick you up and help you along. It goes a long way to success (in) the program.

### **Administrative challenges**

Every court is dramatically influenced by the individual personalities that make up the workgroup. Interviews revealed that relatively simple administrative issues impact the effectiveness of the court. For example, one program team member stated, “[We] don’t have structured rules on the court; [we’d be more effective] if we became more organized.” This comment was reflected in another statement by a program team member:

[The] judge isn’t as organized ... sessions start late, (we) bounce around discussing participants during meetings, have to switch judges from morning to night session at the last minute, (we are) not as organized or using time as effectively [as the program could be].

Another program team member echoed the concern regarding effective use of time:

[There needs to be] better use of time. Time is a commodity. The resource we have the most and waste the most. (The judges) don’t plan enough to use time effectively and efficiently. (The judges are) unprepared for meetings, don’t stay focused, so it takes forever.

### **Conclusions**

The present study adds to the limited literature on reentry courts, as well as the literature focusing on the roles of judges in those courts. The analysis presented here highlighted the key roles played by reentry court judges, including the engagement of participants in informal, supportive relationships, including the use of social capital, while simultaneously playing a more traditional judicial role, holding participants accountable.

While the efforts of all members of the reentry court team are vital to program success, studies have found the judge’s role is especially vital in the success of specialized/treatment court program participants (Marlowe, Festinger, & Lee, 2003; Rossman, Roman, Zweig, Rempel, & Lindquist, 2011; Taylor, 2012). Supporting the findings of prior research, this study

also demonstrates that from both the workgroup and participant perspective, the judge can be a core component of success for participants in reentry courts. Reentry court judges therefore have a significant opportunity to positively affect the lives of formerly incarcerated people who would have been previously abandoned to the criminal justice system with significant personal, community and taxpayer cost.

This study also has some limitations. First, the ReNew program targets people with federal offenses, which may distinguish them from people incarcerated in state prisons. Most ReNew participants have extensive gang histories, and have engaged in serious drug crimes. The second limitation is the small sample size which may limit the generalizability of findings, a common challenge in qualitative research. Further, the program has consisted almost exclusively of African American males, so that there may be limitations regarding the generalizability of these findings to other programs and populations. Further, as studies such as Senjo and Leip (2001) have found race to be an important control variable, it is possible that race may influence judicial interactions with participants, something that future studies should explore (in the present study, both judges were Caucasian). In addition, our focus group was not only small, but it was comprised of the participants who were ready to make the decision to stay out of trouble and away from problematic people, places and things that are criminogenic, which likely affected their perspectives on the court and court staff.

Since the ReNew program is relatively new and the number of participants still fairly small, the dynamic and bond between judges and participants may be different than that of other programs. As it appears, the success of the ReNew program is grounded in the personality and style of the judges, and their ability to play multiple roles in the court process; other judges may not have the same personalities or styles which were conducive to success in the ReNew Program. In addition, in programs with more participants, judges may not have the time to devote to individual participants and provide them assistance in areas outside the traditional bounds of treatment court judges (such as taking participants to doctors' appointments or providing personal references). Some programs may not allow judges to have the level of discretion to personalize the guidance and sanctioning of participants as seen in the ReNew court. Also, as a relatively new program, there do not yet exist data to track the long term impact of the program on participant's success, a major area of need in general with reentry programs.

As found in Taylor's (2012) evaluation of the STAR program, the balancing of judicial roles in the ReNew Court may not be compatible with other specialized court programs. However, the results of the current study may still have implications for other specialized courts. The descriptive account of the ReNew judges in the courtroom supports the idea that in the right

environment, judges can play both their traditional judicial roles, as well as a more informal, supportive role, giving program participants the support they need to succeed. In the opinion of the authors, when appropriately balanced, these roles can have a significant, positive impact on participants and be a key component of their success.

In summary, The ReNew Court program provides a dynamic alternative for treatment of formerly incarcerated individuals in the criminal justice system. Many formerly incarcerated people have described the fear, hostility, and mistrust they experience when attempting to reenter society, as well as the challenges these pose in areas such as housing, employment, and education. The reentry court model provides social support and a variety of opportunities to succeed for participants. As this study has found, the reentry court judge plays a potentially significant role in helping participants reach goals and find success in life.

## Notes

1. In the state of New Jersey supervision revocation refers to an offense committed by an individual on parole deemed serious enough such as an arrest for a violent crime, for the individual to be returned to custody while they await a revocation hearing (State of New Jersey, n.d.b) (<https://www.nj.gov/parole/revocation.html>).
2. If the program participant hired a private attorney for the original case, it is likely that attorney would this person be included in the workgroup instead of/in addition to the Federal Defense Attorney. During the course of data collection, none of the program participants had private attorneys.
3. It should be noted that all current and former participants of the ReNew Court program were invited to participate in the focus group. However, as a relatively new program the number of potential participants was small, also many responded that due to work, education, and family commitments they were not able to participate in the focus groups. Alternative dates were provided, but not additional participants attended.

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## Appendix

### Appendix 1: Sample of Interview/Focus Group Questions

#### Sample Interview Questions

- Question 1. What is your role in the courtroom workgroup?
- Question 2. Describe how your program is implemented.
- Question 3. What are the best aspects of the program? How do those things impact participants' experiences in the program?
- Question 4. What would you consider the biggest weakness of the ReNew Program? How would you suggest this weakness be fixed?
- Question 5. Whom do you wish you could serve that you currently aren't?
- Question 6. What influences the success or failure of participants?
- Question 7. Explain what might be improved about your workgroup.
- Question 8. Explain what works well about your workgroup.

**Sample Focus Group Questions**

- Question 1. Can you tell us if you feel working with the ReNew program has helped you transition back to the community? If so, how?
- Question 2. What was the best aspect of the program? How did it impact your participation in the program?
- Question 3. What would you consider the biggest weakness of the ReNew Program? How would you suggest this weakness be fixed?
- Question 4. What was your experience like with the Judge? Do you feel he/she was supportive? Why or why not?
- Question 5. What was your experience with the rest of the courtroom workgroup? Do you feel he/she was supportive? Why or why not?
- Question 6. We you given ample praise when you reached program goals? If so how was this praise expressed?
- Question 7. Were you sanctioned/punished at any time by the Judge/Court? If so, do you think this sanction/punishment was fair? Why or why not?
- Question 8. How has your experience with the court impacted your relationships with your family members?
- Question 9. How has your experience with the court impacted your relationships with your family members?
- Question 10. Can you recommend any areas to add or improve about the ReNew Program?

**Appendix 2: Court Observation Sheet**

Pre-Hearing Conference/Court Observation Sheet:

Subject:

Gender:

Age:

Date:

Program Participants Present (e.g., prosecutor, defense attorney, probation officer):

Pre-Hearing Topic Check List

Topic	Discussed: Yes/No	Notes/Comments (e.g., progress, attendance)
Job training		
Job placement		
Housing		
Drug or alcohol treatment		
Education		
Mental health services		
Healthcare		
Mentoring		
Legal assistance		
Other		

Participant Violate Conditions of ReNew/Probation

Drugs or alcohol offense  
 Violent offense  
 Property offense  
 Firearms offense  
 Domestic violence  
 Financial or fraud  
 Absconding  
 Other Program criteria/conditions  
 Other Areas of concern noted

Recommended Sanctions (if required)

Type of Sanction	Recommended: Yes/No	Comments/Notes
Verbal reprimand		
Increased drug testing		
Curfew		
Home detention		
Community service		
Administrative hearing		
Restricted travel		
Increased reporting		
Confinement		
Other		

Recommended Rewards

Reward	Recommended: Yes/No	Notes/Comments
Verbal praise		
Extra weeks of credit		
Certificate/Plaque		
Challenge coin		
Milestone celebration		

Other Pre-Session Notes/Comments:

Court Session Observation Sheet

Judge \_\_\_\_\_

Attendance

Subject	Present: Yes/No
Program participant	
Assistant federal defender	
Assistant U.S. Attorney	
Paralegal (U.S. Attorney's office)	
U.S. Probation officer	
Reentry Coordinator/Staff	
Program Participant family Member/Spouse	
Court intern	
Paralegal (federal defenders)	

Social Worker  
 Law Clerk  
 Courtroom Deputy  
 Notes

Areas Discussed w/Judge

Topic	Discussed: Yes/No	Notes/Comments (e.g., progress, attendance)
Job training		
Job placement		
Housing		
Drug or alcohol treatment		
Education		
Mental health services		
Healthcare		
Mentoring		
Legal assistance		
Participate Violations/Offense*		
None of the above		
Other		

\*Judge Discussed Participant Violate Conditions of ReNew/Probation

Children/Family

Drugs or alcohol offense
Violent offense
Property offense
Firearms offense
DUI
Financial or fraud
Absconding
Other program Criteria/Conditions
Other areas of concern noted

Loss of Job/Failure to Report Loss of Job Actual Sanction (imposed by Judge if any)

Type of Sanction	Recommended: Yes/No	Comments/Notes
Verbal reprimand		
Increased drug testing		
Curfew		
Home detention		
Community service		
Administrative hearing		
Restricted travel		
Increased reporting		
Confinement		
Other		
No sanction		

Actual Reward (imposed by Judge/Courtroom/Program WorkGroup)

Reward	Recommended: Yes/No	Notes/Comments
Verbal praise		
Extra weeks of credit		
Certificate/Plaque		
Milestone celebration		

Tense.....						Relaxed
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Stern.....						Friendly
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Closed.....						Open
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Scolding.....						Supportive
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Dismissive.....						Attentive
(1)	(2)	(3)	(4)	(5)	(6)	(7)

\*Based on Salvatore, Hiller, Samuelson, Henderson, & White, 2011

Code	Subcode	Observations
Informal relationships w/judge	Personal friendship	
Informal relationships w/judge	Physical contact	
Informal relationships w/judge		
Informal relationships w/judge		
Traditional/authoritarian judicial role		
Traditional/authoritarian judicial role	Sanctioning	
Traditional/authoritarian judicial role	Firm demands/requirements	
Traditional/authoritarian judicial role		
Other:		