Probation Officer Perceptions in Federal Reentry Courts

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MOST RESEARCH INTO the effectiveness of reentry courts, and other problem-solving courts, focuses on whether program participants have lower rates of subsequent rearrest and reconviction. While this is clearly an important outcome, there are other aspects to the functioning of problem-solving courts that are relevant to appraising the functioning of such courts.

There have been limited studies assessing effectiveness of federal reentry courts in terms of reduced recidivism, and most have produced mixed results.[1] The Federal Judicial Center conducted a process-descriptive study of judge-involved programs in the federal system in 2013 and found inconsistent results on rates of recidivism (Meierhoefer & Breen, 2013; Vance, 2011; Vance, 2017). Another prominent study of the Supervision To Aid Reentry (STAR) program in the Eastern District of Pennsylvania found reduced probation violations among reentry court participants when compared to individuals under the condition of supervision as usual (Taylor, 2018). The same study found that rearrest rates were not significantly different for reentry court participants and the comparison group; however, those who graduated from the STAR program

had significantly lower rates of rearrest compared to those who had not participated in or completed the program. More recent research showed no relationship between reentry court participation and recidivism or supervision revocation (Crow & Smykla, 2021).

Most of the other research on reentry courts has been performed at the state level, including the U.S. Department of Justice's study of eight sites with Second Chance Act-funded reentry courts (Lindquist et al., 2018). Another prominent study used a randomized controlled trial—the gold standard for research—to re-evaluate the Harlem Parole Reentry Court after it implemented program changes based on an earlier evaluation (Ayoub & Pooler, 2015). Researchers found that while there were no differences in rearrests between program participants and control group individuals, program participants had significantly fewer total reconvictions than the control group, as well as fewer supervision revocations.

Other research has focused more on the process of the reentry court (see Wolf, 2011, for a comprehensive list of reentry court components). One study catalogued reentry courts in six federal districts and described the different structures and procedures, as well as qualitative outcome measures (Newman & Moschella, 2017). The authors (one of whom is a federal judge) detailed the strengths of the various programs. A repeated finding

was the importance of changing the returning citizen's view of the justice system. The authors describe one goal of the Dayton reentry court in the Southern District of Ohio being to "build a relationship between participants and the court, prosecutors, and supervising probation officers, to ensure individuals that the justice system is invested in seeing them succeed post-release" (Newman & Moschella, 2017, p. 27). Another program strength was the opportunity for participants to help one another ("Without exception and with extraordinary generosity, the participants offer what resources they have available to them . . . to help each other"; Newman & Moschella, 2017, p. 35).

Other researchers have considered the opinions of staff and participants in the reentry courts. Federal District Court Judge Timothy Degiusti argues for greater inquiry into the perceptions of court stakeholders rather than the predominant focus on participant outcomes (2018). He asserts that "the perceptions and beliefs about the success and effectiveness of these programs held by those on the front lines should be among the metrics used to measure their worth" (Degiusti, 2018, p. 20). Reentry court staff and reentry court participants from six federal districts responded to qualitative survey questions asking them to rate their agreement with several statements. Overall, the feedback was positive from both participants and staff. Participants

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[1] It has been suggested that the lack of consistent reductions in recidivism among federal reentry court participants is at least partly due to the already-low recidivism rate in the federal system (Rowland, 2016).

noted that the program had a positive impact on their view of the justice system.

Another study examined different stakeholders' subjective views of reentry challenges (Ward, Stallings, & Hawkins, 2021). Participants included incarcerated individuals, judges, and probation officers, and they were asked to complete a survey describing the greatest challenges to reentry after incarceration. Probation officers and judges were more likely to cite personal factors such as the individual's internal motivation as most challenging for reentry, while incarcerated individuals were more likely to cite external factors such as low wages and employment as most challenging. The researchers explain that the judge and probation officer responses related to the "agency of the inmate, placing much of the blame of reoffending as an internal challenge that the offender must overcome" (Ward et al., 2021, p. 97).

We recently conducted a national survey of federal reentry courts as part of the doctoral dissertation of the first author. Among the important questions we asked were the size and composition of the court, the emphasis on programmatic elements such as graduation and employment, and the primary reasons for dismissal and dropout among participants. Another important question concerned adherence to different criminological models. The two primary contemporary models for effective correctional treatment are the Risk-Need-Responsivity (RNR) model and the Good Lives Matter (GLM) model. The RNR model emerged in the 1990s as an alternative to the punishment-dominant mindset that had been promulgated since the 1970s (Andrews & Bonta, 2010). RNR prioritizes which offenders are targeted for treatment and specifies what kind of treatment they should receive based on their needs and capabilities. This individualized, social learning perspective was highly influential for researchers and practitioners alike, and it was used in the development of risk assessment tools and treatment planning measures in correctional and community supervision settings (Looman & Abracen, 2013; Polaschek, 2012). In the early years of this century, some researchers who believed that RNR disproportionately relied on criminogenic risk factors created the GLM model, which emphasizes human potential and growth (Ward & Stewart, 2003). Rather than focusing on criminogenic needs, GLM broadens the scope to include the exploration of what is important to the individual. Although the RNR model has much more

empirical support and is more prominent than the GLM model in the field of criminal justice, some researchers argue that RNR could be further improved by putting more emphasis on human potential (Polaschek, 2012).

Because of the emphasis on the Risk-Need-Responsivity (RNR) model in federal probation, we hypothesized that RNR principles would be more highly endorsed in the reentry courts than the values-based principles associated with the Good Lives Model (GLM) (see Table 1). We also hypothesized that the importance placed on external variables such as employment and family would be inversely related to the importance placed on internal variables such as motivation: The lower a participant's motivation, the more important it would be for that participant to have external support through their job or family. Finally, we anticipated that a focus on participant retention would be positively correlated with a focus on successful completion of the program.

Method

To limit the number of confounding variables in the study, we chose to target one group for this research: probation officers. Probation officers are ideally situated at the junction of the court and the community, and thus we believed they could provide a unique perspective. Federal probation offices in districts with federal reentry courts were contacted by telephone or email and asked to participate in a 33-question, 20-minute survey regarding their reentry court. Most questions were multiple-choice, although respondents had the additional option of providing a narrative response in elaboration. Surveys were completed anonymously and did not provide identifying information, including geographic location, to maintain respondents' confidentiality. A total of 64 surveys were completed by 40 districts in 31 states and the District of Columbia. Respondents who requested a summary of the results were provided with one after findings were analyzed.

TABLE 1
RNR-Derived Program Goals and Corresponding GLM-Derived Program Goals

RNR	GLM
Reducing the risk of reoffending	Improving overall quality of life
Providing treatment intensity consistent with the individual's risk of reoffending	Providing treatment that supports the individual's self-identified life goals
Providing interventions that reduce risk factors	Promoting self-regulation and agency
Providing interventions consistent with the individual's learning style	Providing interventions that build upon the individual's strengths

FIGURE 1
Demographic Information: Reentry Court Staff and Participants[a]
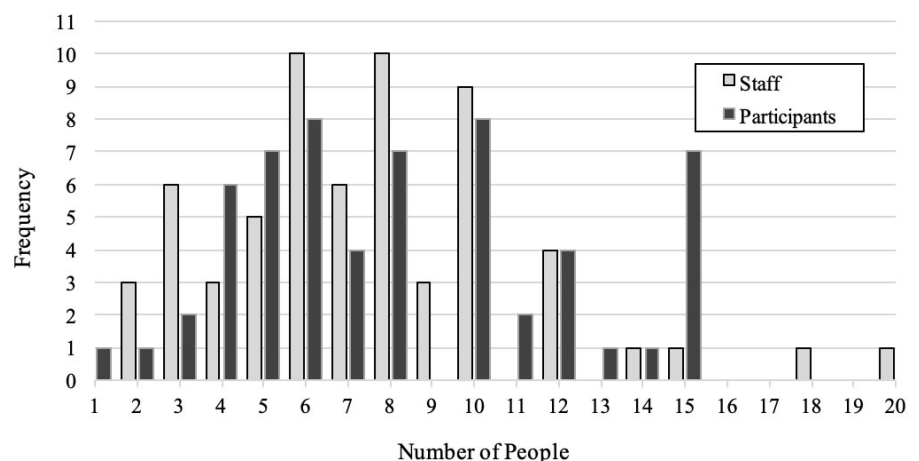
[a] Three courts with an unusually high number of participants (25, 28, and 34, respectively) were not included in the graph due to space constraints.

Results

All respondents (with one exception) were federal probation officers. Reentry courts included between 1 and 20 staff and between 1 and 34 participants (see Figure 1). Half of courts (N=32) met twice monthly; another 23 courts (36 percent) met monthly. Respondents had been involved in the reentry court for an average of 4.5 years. Ten courts (16 percent) were established in 2010, with all courts established between 2005 and 2021.

Criteria for including participants were similar across programs, with slight variations. For example, almost 90 percent of programs excluded those convicted of sexual offenses, and approximately three-quarters of programs excluded individuals with severe mental illness. Thirteen programs did not allow individuals convicted of violent offenses to enter the program, and about half of programs excluded those at low risk of recidivism from participating.

Most programs (N=42, or 71 percent) contacted potential participants within one month of the individuals' release from prison; about one-fifth of programs contacted potential participants around 6 months after their release from prison; and a few waited up to a year after release to contact potential participants. Additional assessments were used by 50 percent of programs to assess participants before they began. These included mental health assessments, risk assessments, interviews, and personality tests.

Program duration ranged between 9 and 27 months, with an average length of about 14.5 months. Most programs were designed to be completed in 12 months. All courts celebrated participant graduation with some sort of recognition, and all but one court reduced the time on supervised release as a result of the participant's successful completion of the program. The majority of courts reduced supervised release by 12 months; some enhanced this reduction for graduating individuals who subsequently served as mentors for other participants.

Concerning internal review, many reentry courts reported conducting program evaluation to identify areas of strength and need. Usually this involved informal reviews, but some programs engaged in formal evaluation research in collaboration with local universities.

Retention and expulsion are important in reentry courts. Because a primary goal involves successful completion of a program, it is important to identify the factors that contribute to participant retention. Respondents rated staff training and program orientation as most important in participant retention. In response to a question about the likelihood of a participant's termination following various events, many respondents (N=45, or 70 percent) indicated that participants were sometimes (but not always) expelled if they violated their probation conditions. Participants were more likely to be dismissed from the program if they accrued multiple absences (28 percent of respondents said dismissal was very likely and 41 percent said dismissal was likely). Interestingly, less than half of respondents indicated that participants were very likely to be terminated following a reconviction; 22 percent said termination was likely, and 17 percent indicated that it sometimes happened.

Reentry courts were unlikely to terminate a participant based on excessive time in the program or for mental health problems. In addition, drug use was cited as an occasional reason for dismissal from the program. Health concerns were the least common reason for dismissal. Most participants who had not completed the program had been terminated rather than dropping out. The most common reason for participants to withdraw from the program was described as lack of commitment or motivation. Some respondents mentioned work obligations as reasons for voluntary withdrawal, but the more common explanation involved participant characteristics rather than external demands.

Indeed, respondents rated the participant's internal motivation as significantly more important than either the participant's relationship with the probation officer or the participant's relationship with the judge. Although all three were rated as important, the importance ratings for internal motivation were significantly higher than those for relationships with staff or other participants in the court. A related question asked respondents to rate the importance of participant behaviors such as honesty, consistent attendance, problem solving ability, graduation/program completion, and sobriety. Honesty ($M = 1.06$, $SD = .246$) and sobriety ($M = 1.06$, $SD = .244$) were rated as more important than either program completion ($M = 1.55$, $SD = .665$) or employment ($M = 1.77$, $SD = .792$).

Respondents showed similar levels of endorsement for more traditional RNR principles and for values-based GLM principles. Related-Samples Wilcoxon Signed Ranks Tests were conducted to compare the importance ratings of the two sets of principles. Means and standard deviations appear in Table 2. Respondents rated reducing the risk of reoffending as significantly more important

TABLE 2
Question 18: How important is each of these outcomes to reentry court generally?[a]

		Pair 1		Pair 2		Pair 3		Pair 4	
		Reduce risk of reoffending	**Improve quality of life**	Treatment intensity consistent with risk	Treatment supports overall life goals	**Interventions reduce risk factors**	**Promotion of self-regulation and agency**	Aligned with learning style	Interventions build on individual strengths
N	Valid	64	64	64	64	64	64	64	64
	Missing	0	0	0	0	0	0	0	0
Min.		1	1	1	1	1	1	1	1
Max.		2	3	4	3	3	3	3	3
Mean		1.10	1.30	1.30	1.20	1.20	1.50	1.30	1.40
SD		.31	.49	.54	.45	.44	.64	.56	.52

[a] Rated on a Likert scale from 1 (Very Important) to 5 (Not at all important).

RNR-based components are shaded and GLM-based components are unshaded. Four Wilcoxon Signed Rank analyses were conducted, one for each RNR/GLM pair. Bolded text indicates significant differences between items within the pair.

than improving the participant's overall quality of life, $Z = 3.05$, $p < .01$, $r = 0.38$. However, the importance ratings did not differ between the traditional RNR principle of providing treatment intensity consistent with the individual's risk of reoffending and the GLM principle of providing treatment that promotes the individual's self-identified life goals, $Z = .47$, $p = .637$. In addition, interventions that reduce risk factors were rated as significantly more important than those promoting the participant's self-regulation and agency, $Z = 3.80$, $p < .001$, $r = 0.48$. Finally, the RNR principle of providing interventions consistent with the participant's learning style was seen as equally important as providing interventions that build upon the individual's strengths, $Z = .78$, $p = .439$.

The importance attributed to a participant's internal motivation for success was not significantly correlated with the importance attributed to family support, $r(62) = .12$, $p = .165$; or to employment, $r(61) = .12$, $p = .179$. As predicted, respondents who rated program completion as highly important were more likely to rate preventing attrition as highly important, $r(62) = .57$, $p < .001$.

Respondents rated internal motivation ($M = 1.22$, $SD = .42$) as more important than either the participant's relationship with the probation officer ($M = 1.58$, $SD = .71$) or the participant's relationship with the judge ($M = 2.14$, $SD = .99$) (see Figure 2). Importance ratings were significantly higher for internal motivation than for (1) the participant's relationship with the probation officer, $Z = 3.58$, $p < .001$, $r = 0.45$; and (2) the participant's relationship with the judge, $Z = 5.42$, $p < .001$, $r = 0.68$.

The importance of mentors and treatment providers was cited more often than family support as a critical component of successful participation. One respondent noted that "not all participants have a relationship with family . . . or have pro-social family relationships. We hope for this and it is important if it is present; however, [the participant's] success or failure in the program is not determined by this factor."

A recurring theme involved the balance between support and accountability. One respondent indicated that the court offered "positive reinforcement for reaching goals and completing tasks balanced against constructive accountability for non-compliance or poor conduct." While respondents noted the necessity of sanctions following slip-ups, they also endorsed the power of a supportive

environment: "[We promote] an environment and a change in beliefs where the participants learn that asking for help is a positive and necessary skill to learn in managing life."

When asked about the greatest strength of their program, many respondents described the team environment and the benefits of collaboration. They also commented on the voluntary nature of the program, both for participants and for staff. Respondents cited the intimacy associated with small, focused programs as another strength, as well as the genuineness of the team. One respondent indicated that "we truly want to see people do well and succeed and we will do whatever it takes to make that happen."

Discussion

Survey respondents, almost all probation officers, rated both RNR-influenced principles and GLM-influenced principles as important to participant outcome. Some differences were seen, however, between RNR and GLM influence: respondents' importance ratings for reducing the risk of reoffending were significantly higher than that for improving the overall quality of life. Moreover, interventions that reduce risk factors were rated as significantly more important than those promoting self-regulation and agency. The importance rating for internal motivation was not related to the importance rating for family support or employment. On the other hand, preventing program attrition was directly correlated with prioritizing participant retention.

Although some of the statistical comparisons were significant, it is equally important to consider real-world significance. For instance, the importance ratings given to RNR-based principles and GLM-based principles mostly

reflected the perceived value of both. It appears that probation officers were consistent in assigning high value to court components regardless of whether the components were more closely aligned with RNR or GLM.

Respondents were more likely to cite reasons for non-completion of reentry court as related to the participant's internal characteristics (e.g., motivation) than to external obstacles (for example, employment). This may reflect a fairly common tendency to attribute the causes of human behavior to personal characteristics rather than situational influences—but also identifies an area that could be studied further to yield information about the accuracy of this perception.

There were several limitations to this research. Rating scales may have been insufficiently sensitive to raters' perceptions. Others associated with reentry courts may have held views somewhat different than the responding probation officers. The study did not obtain the perceptions of participants, which may also have differed and would be important under any circumstances.

It may be useful to inform federal jurisdictions of the current landscape of post-conviction courts so that they may share resources and learn from one another. Robert Wolf, director of communications at the Center for Court Innovation, advocates the sharing of information across problem-solving courts, arguing that there are "advantages to breaking down the conceptual and in some cases practical barriers that separate specialized courts from each other" (Wolf, 2007, p. 3). He describes the first step in breaking down barriers as finding out what courts are currently in existence. This advice applies equally across and within different problem-solving

FIGURE 2
Importance Ratings for Relationship with Judge, Relationship with Probation Officer, and Internal Motivation
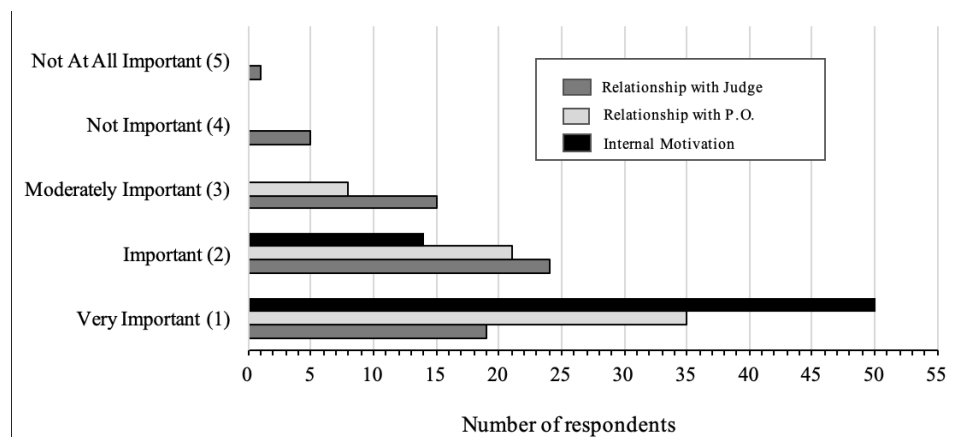
courts. The federal system would benefit from having a database of federal reentry courts, similar to those maintained in some states. Despite inevitable differences based on population, geographic location, resources, and the like, such a database would provide a valuable tool for the exchange of information across federal post-conviction courts. This would in turn support more consistent and effective post-incarceration interventions, an important goal in the development of effective community-based interventions for justice-involved individuals.

Conclusion

Research on stakeholder perceptions of reentry court is equally important to informing the reentry landscape as the more standard recidivism studies. The present research contributed to this field by surveying probation officers in 64 federal reentry courts around the country. More research is needed into the perceptions of individuals involved in the federal reentry courts, including judges, probation officers, attorneys, and participants. The continued refinement of reentry courts depends not only on quantitative outcome data but also on the perceptions and values described by the key participants in such courts.

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