

Welcome Home? Examining the “Reentry Court” Concept from a Strengths-based Perspective

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ABSTRACT

The idea of a reentry court for ex-convicts returning to the community is an important new idea, but the premise behind it is rather familiar. Most of the models developed for reentry courts are based on what former Attorney General Janet Reno referred to as a “carrot and stick” philosophy, mixing heightened surveillance with additional treatment and other resources. In this paper, we briefly review the empirical and theoretical evidence in favor of this approach. We argue that an emerging policy narrative -- which we refer to as “strengths-based” -- holds considerable promise as an alternative or an addition to traditional talk of carrots and sticks. We describe a variety of strengths-based practices in corrections and drug addiction treatment and consider the psychological theory and research in support of this new narrative. Finally, we describe how a strengths-based reentry court would differ from more traditional models.

KEYWORDS: reentry court; strengths-based; restorative justice; therapeutic jurisprudence; ex-prisoners; new careers

In the book *After Prison – What?* Maud Booth writes, “When one thinks that this prejudice and marking of discharged prisoners robs them of any chance of gaining a living, and in many instances forces them back against their will into a dishonest career, one can realize how truly tragic the situation is” (119). That was written in 1903. According to Verne McArthur, in his book *Coming Out Cold: Community Reentry from a State Reformatory*, “The released offender confronts a situation at release that virtually ensures his failure” (1). That was written in 1974.

Unfortunately, the conditions faced by ex-convicts today have not improved much and may have even deteriorated since these conclusions were reached. Fast forwarding to the present, Jeremy Travis and Joan Petersilia (2001:301) write, “Prisoners moving through the high-volume, poorly designed assembly line (of corrections)...are less well prepared individually for their return to the community and are returning to communities that are not well prepared to accept them.” Additionally, there has been a radical change in the scale of the reentry problem over the last 100 years. Nearly 600,000 individuals will be released from US prisons this year (that is over 1,600 per day) compared to 170,000 in 1980 and only a few thousand at the turn of the century when Booth was writing.

In addition, largely due to new “tough on crime” approaches in paroling practice, re-entering society has been made a more difficult and precarious

transition than ever before. Of the 459,000 US parolees who were discharged from community supervision in 2000, 42 percent were returned to incarceration – 11 percent with a new sentence and 31 percent in some other way (Bureau of Justice Statistics 2001). In a recent study of 272,111 prisoners released in 15 states in 1994, 67.5 percent were rearrested within three years, as compared to an estimated 62.5 percent in a similar study of 1983 releases (Langan and Levin 2002). Because of the enormous growth of the prison population since the early 1980s, this small change translates into huge numbers. In 1980, 27,177 paroled ex-convicts were returned to state prisons. In 1999, this number was 197,606. As a percentage of all admissions to state prisons, parole violators more than doubled from 17 percent in 1980 to 35 percent in 1999. In California, a staggering 67 percent of prison admissions were parole failures (Hughes, Wilson, and Beck 2001). These figures indicate that the reentry problem is not only a product of the 1990’s incarceration boom, but is actually a leading *cause* of the boom as well. It is no wonder then that former Attorney General Janet Reno (2000:1) referred to ex-convict reentry as “one of the most pressing problems we face as a nation.”

As such, the broad new proposals for revamping reentry policy through a “jurisprudential lens” (Travis and Petersilia 2001:291) that have emerged in recent years (e.g., Office of Justice Programs 1999; Travis 2000) could not be more welcome or better timed. Before leaving office, the Clinton Administration

developed a series of relatively large-scale initiatives intended to address the reentry crisis through a scattering of experimental pilot programs. The Clinton Administration's reentry proposals (OJP 2001) were never fully implemented, but the Bush Administration has developed its own reentry project (OJP 2002), which borrows much of the content of its predecessor's plan.

Among the most significant of the new proposals¹ is the "reentry court" experiment, based on the drug court model, which would cast judges as "reentry managers" (Travis 2000:8). Whereas, the role of the judiciary typically ends after sentencing, the reentry court model would move the court system into a "sentence management" role, overseeing the convicted person's eventual return to the community.

A reentry court is a court that manages the return to the community of individuals being released from prison, using the authority of the court to apply graduated sanctions and positive reinforcement and to marshal resources to support the prisoner's reintegration, much as drug courts do, to promote positive behavior by the returning prisoner (OJP 1999:2).

The concept of the reentry court is very much still under development, and the pilot sites in California, Colorado, Delaware, Florida, Iowa, Kentucky, New York, Ohio, and West Virginia all differ significantly in their emphases and approaches. Still, the underlying premises are largely borrowed from drug treatment courts and other problem-solving courts. According to the Office of Justice Programs (1999:7-9), these core elements include:

- *Assessment and strategic reentry planning* involving the ex-offender, the judiciary, and other key partners – this sometimes involves the development of a contract or treatment plan.
- *Regular status assessment meetings* involving both the ex-offender and his circle of supporters or representatives from his family and community.
- *Coordination of multiple support services* including substance abuse treatment, job training programs, faith institutions, and housing services.
- *Accountability to community* through the involvement of citizen advisory boards, crime victims' organizations, and neighborhood groups.
- *Graduated and parsimonious sanctions* for violations of the conditions of release that can be swiftly, predictably, and universally applied.
- *Rewards for success*, especially by negotiating early release from parole after established goals are achieved or by conducting graduation ceremonies similar to those used in drug courts.

The working assumption is that "offenders respond positively to the fact that a judge is taking an interest in their success" (OJP 1999:6). In addition, "The frequent appearances before the court with the offer of assistance, coupled with the knowledge of predictable and parsimonious consequences for failure, assist the offender in taking the steps necessary to get his life back on track" (6). With the explicit intention of reducing recidivism and assisting ex-offenders, reentry courts clearly have the potential to embody the principles of therapeutic jurisprudence (Wexler 2001) in the same way that drug treatment courts often do (see Hora, Schma and Rosenthal 1999). Reentry court advocates also hope that these courts will achieve the level of popular and political support that drug courts have enjoyed.

As with any transplantation of a model from one context to the next, however, one must be cautious about applying the drug court model to the reentry process. After all, the success of the drug court movement in many ways might be attributable to features unique to addiction recovery or to the population of clients participating in the programs (i.e. non-violent, drug-involved offenders). Pioneering drug court judge, Hon. Richard Gebelein (2000), makes a case to this effect in trying to explain the popularity of drug courts in an era in which there is allegedly little support for the rehabilitative ideal. Gebelein argues that drug courts have succeeded because, unlike previous failed rehabilitative efforts, the drug court movement has been able to provide a clear narrative of what is causing the criminal behavior of the drug court clients and what they need to get better. Drug court's "advantage over 'plain old' rehabilitation," Gebelein (2000:3) suggests, is "the focus on one problem (addiction) that is causally related to crime committed by one group of offenders (addicts)." He argues that the narrative that addiction is a disease and, as such, needs to be treated by professionals, is one that makes sense to the public and to policy makers at this point in history.

The critical question, then, is: *Is there a similar narrative for how and why reentry should work?* In this paper, we will argue that a new narrative, which we refer to as a strengths-based or "restorative" narrative, is emerging in multiple fields that would fit nicely with the reentry court concept. Unfortunately, the current reentry proposals do not seem to reflect an explicitly restorative agenda and therefore may suffer the same fate as previous efforts to improve offender reentry processes.

REENTRY: AN INITIATIVE IN NEED OF A NARRATIVE

Bullets kill and bars constrain, but the practice of supervision inevitably involves the construction of a set of narratives which allows the kept, the keepers, and the public to believe in a capacity to control (crime) that cannot afford to be tested too frequently.

-- Jonathan Simon (1993) *Poor Discipline: Parole and the Social Control of the Underclass*

In his tremendous history of parole in the United States, Simon (1993:9) writes, "One of the primary tasks of an institution that exercises the power to punish is to provide a plausible account of what it does and how it does what it does." This might be particularly important for community corrections, which, as Fogel (1984:85) notes, lacks the "forceful imagery that other occupations in criminal justice can claim: police catch criminals, prosecutors try to get them locked up, judges put them in prisons, wardens keep them locked up, but what do probation officers do?" Simon argues that a good correctional narrative needs some rather obvious components. It needs, first, a plausible theory of criminogenesis (what causes people to commit crime?) and, second, a set of practices that appear capable of reversing this process.

Unlike the drug court model described by Gebelein, today's reentry system seems to have no such compelling narrative for what it does or how it works. In fact, Rhine (1997:74) concludes that the lack of a "plausible narrative of community-based supervision" is "the most pressing and vexing problem facing probation and parole administrators today." The "growing conviction that the system no longer represents a credible response to the problem of crime" (Rhine 1997:71) has led to several new proposals to severely curtail or even abandon parole supervision² entirely (e.g., Austin 2001). One of the participants at a recent expert panel on the future of community corrections stated this matter quite bluntly: "Public regard for probation is dangerously low, and for the most part in most places, what passes for probation supervision is a joke. It's conceptually bankrupt and it's politically not viable. ... We have to realize that we don't have broad public legitimacy" (Dickey and Smith 1998:3). Another participant described the public mood toward community corrections as a "malaise." He continued, "Even more importantly, there is a malaise in our own house [among probation professionals]" (Dickey and Smith 1998:5).

It is in this climate that the reentry court initiative has emerged with the promise of breathing new life into a much-maligned system of parole and community supervision. If instituted on a broad scale, the reentry court would represent a significant change in the structure of how the process of prison release works. It is not clear, however, that this important new policy initiative is being accompanied by a new policy *narrative*. In fact, the discourse around these new reentry initiatives may sound eerily familiar to those who have followed the history of parole in the US. According to Reno (2000:3):

The reentry court is modeled on the...theory of a carrot and stick approach, in using the strength of the court and the wisdom of the court to really

push the issue... The message works with us: stay clean, stay out of trouble, and we'll help you get a job, we'll help you prepare in terms of a skill. But if you come back testing positive for drugs, if you commit a further crime, if you violate the conditions of your release, you're going to pay.

This description unfortunately makes the new reentry court initiative sound suspiciously like "simply another word for parole supervision, which many have tried to discredit and dismantle" (Austin 2001:314).

Indeed, Reno's stick and carrot are key symbols of the two reigning paradigms in parole practice over the last 100 years, which can be broken down into the familiar dichotomy of punishment and welfare (Garland 1985), monitor and mentor, or cop and social worker. We refer to these as "risk-based" and "need-based" narratives, respectively. Both are deficit models – that is, they emphasize convicts' problems – but they require very different technologies and connote different meanings.

Below, we briefly outline both narratives, discussing their plausibility as explanatory accounts and their internal coherence. In addition, using a therapeutic jurisprudence lens, we will also evaluate each narrative in terms of its fit with established psychological principles regarding sustained behavior change (see Wexler 2001), and the empirical evaluation research referred to as "what works" (Gendreau, Cullen, and Bonta 1994). Finally, whenever possible, we will try to present the convicted person's own interpretation of these narratives, as these subjective perceptions are also crucial in understanding the success or failure of correctional practice.

Control Narratives (Risk-based)

The February 2000 press release from U.S. Senator Joseph Biden's office announcing the "first-ever" reentry court in Delaware began with the macho headline "Biden Introduces Tough New Court Program for Released Inmates." Getting "tough" on those who have already "paid their debt" to society has become a standard, if not always coherent reentry narrative. The basic story, here, seems to be that ex-prisoners are dangerous, and they need to be watched carefully at all times. Indeed, this implication is clear in the new name given to the Reentry Initiative in the United States. Originally titled "Young Offender Reentry Initiative" (OJP 2001) under the Clinton Administration, the Bush Administration transformed the project into the "Serious and Violent Offender Reentry Initiative" (OJP 2002) and have toughened up the language of control substantially in their version of the proposal. Whereas the Clinton Administration's call for proposals emphasized the problems of substance abuse, mental illness, and stigmatization, the Bush Administration's reworking focuses on

minimizing the risks posed by the “most predatory” ex-convicts.

This points out another important difference between drug courts and the reentry courts. Whereas drug courts explicitly exclude violent offenders, the reentry court plan would focus almost exclusively on persons thought to be at risk for violence. Peyton and Gossweiler (2001) found that of 212 reporting drug courts in their study, only seven of them include persons with violence in their criminal histories. Indeed, drug courts that receive federal funding are prohibited from admitting offenders with current violent charges or with prior convictions of violent felony crimes. Because of the different public and professional assumptions about the differences between persons convicted of violent versus non-violent crime (and in particular, drug-related non-violent crime), treatment of these two populations probably require different narratives.

Underlying the “risk management” approach to violence is the assumption that returning ex-convicts will respond best to the constant threat of sanctions (or, at any rate, if they do not, then they are too dangerous to be out of prison). In terms of policy prescriptions, this narrative suggests the need for an “electronic panopticon” (Gordon 1991) or “pee ’em and see ’em” (Cullen 2002) approach to reentry involving electronic monitoring, intensive supervision (i.e., additional home and office visits), random drug testing, home confinement, extensive behavior restrictions, strict curfews, and expanded lengths of supervision. The basic idea is that these forms of tough community controls can reduce recidivism by thwarting an offender’s criminal instincts.

Empirically, these prototypically “tough” community sanctions – intensive community supervision in particular – have failed to live up to the promise of the control narrative. Petersilia and Turner’s (1993) nine-state random-assignment evaluation found no evidence that the increased surveillance in the community deterred offenders from committing crimes. At the same time, their research quite conclusively showed that this additional control increased the probability that technical violations would be detected, leading to greater use of incarceration (and hence much higher costs).

Further, the control narrative has little support from the psychological literature on behavioral change. Specific deterrence in general has long been pronounced “dead” as a social scientific concept (see esp. McGuire 1995), and the literature is especially critical of the notion that prisons could serve as an effective deterrent. For instance, psychological research on effective punishment suggests that, to be effective, punishing stimuli must be immediate, predictable, and as intense as possible – none of which is possible in even the most Draconian correctional intervention (Gendreau, Goggin and Cullen 1999).

Research on effective planned change similarly suggests that power-coercive strategies are the least likely to promote internalization and long-term change (Chin and Benne 1976). Kelman (1958), for instance, discusses three means of changing behavior: change via compliance, change via identification, and change via internalization. The first strategy, utilizing power-coercive means, may achieve instrumental compliance, Kelman says, but is the least likely of the three to promote “normative re-education” and long-term transformation once the “change agent” has been removed (see also Bottoms 2000). This hypothesis is empirically supported in MacKenzie and De Li’s (2001) rigorous study of intensive supervision probation. They write:

The disappointing factor is the possibility that the offenders may be influenced only as long as they are being supervised. ...When probation is over, these offenders may return to their previous levels of criminal activity because the deterrent effect of arrest may wear off when they are no longer under supervision (37-38).

Heavy-handed control tactics can undermine the perceived legitimacy in paroling authorities among clients (see Tyler, Boeckmann, Smith and Huo 1997). For instance, parole conditions that include prohibitions against associating with fellow ex-convicts or entering drinking establishments (both of which are nearly impossible to enforce) are often viewed as evidence that the entire parole process is a joke. Persons returning from the trauma of prison with few resources and little hope are likely to become “defiant” (Sherman 1993) at the “piling up of sanctions” (Blomberg and Lucken 1994) involved in such risk-based supervision. And constant threats that are not backed up can lead to a form of psychological inoculation. Colvin, Cullen and Vander Ven (2002:22) write:

Coercive interpersonal relations constitute the most aversive and negative forces individuals encounter. These are most likely to produce a strong sense of anger. The anger is only intensified if the individual perceives the coercive treatment as unjust or arbitrary. Instead of producing conformity, such coercive treatment creates greater defiance of authority.

Ex-convicts often feel they have paid their debt to society already and should therefore be left alone after release. Far from endorsing a “seamless” transition from prison control to community control, ex-convict academics Alan Mobley and Chuck Terry (2002) write, “No one wants the separation of prison and parole more urgently than do prisoners. When people ‘get out,’ they want to *be out*. Any compromise or half-measure, any ‘hoops’ or hassles placed in their path, breeds resentment.” The extent of this

resentment is apparent in the fascinating, and apparently somewhat widespread, phenomenon of convicts choosing to “max out” their sentences inside a prison rather than be released early and face high levels of supervision (see also Petersilia and Deschenes 1994).

Most importantly, however, the control narrative suffers from the “deeply entrenched view” that “equates punishment and control with incarceration, and that accepts alternatives as suitable only in cases where neither punishment nor control is thought necessary” (Smith 1984:171). Essentially, if parolees are such dangerous men and need so much supervision, then why aren’t they still in prison? The average US parole officer – who has a caseload of 69 parolees each averaging 1.6 face-to-face contacts per month (Camp and Camp 1997) – simply cannot compete with the iron bars, high walls and razor wire of the prison when it comes to securing constraint-based compliance (see Bottoms 2000:92-93). Colvin and his colleagues (2002:23) write, “Although in theory consistent coercion can prevent crime, it is highly difficult to maintain consistent coercion in interpersonal relations, which requires nearly constant monitoring to detect noncompliance.” As a result, of course, those who truly support a risk-centered narrative traditionally oppose parole release altogether, supporting instead maximum use of incapacitation.

Support Narratives (Need-based)

The traditional counter to a risk-based parole system is a program of aftercare based on needs. Here the story is that ex-convicts are people with multiple deficits: some resulting from their incarceration (e.g., post-traumatic stress, disconnection from family, unfamiliarity with the world of work); some existing prior to incarceration (e.g., poor educational history, psychological problems, anger issues); and some attributable to societal forces outside of their control (e.g., discrimination, abuse, poverty, isolation). The most significant of these deficits, in the support narrative, are those deemed “criminogenic needs” or those problems that seem to be empirically related to offending (cognitive deficits are especially important here). In order to reduce crime, these needs must be “met” or at least “addressed.” Specifically, released prisoners are thought to need access to programs in addiction counseling, cognitive therapy, life skills training, anger management, and the like.

Like the control narrative, this account has intuitive appeal. Yet, unlike in the case of coercive strategies of control, there is a well-known body of research (the so-called “What Works” literature) that supports the notion that rehabilitative interventions can marginally reduce recidivism rates when treatment is correctly matched to a client’s criminogenic needs (see Gendreau et al. 1994). Moreover, in the few studies that ask returning prisoners themselves what would help to keep them

“straight,” basic “survival” needs (i.e., concerns like housing and employment) are almost always mentioned prominently (e.g., Erickson, Crow, Zurcher, and Connet 1973).

The support narrative, however, is a difficult sell politically. As everyone has needs, can it make sense for the state to prioritize the needs of persons who have recently been punished by the criminal justice system? As Bazemore (forthcoming) argues, “The notion of someone who has hurt another citizen...getting help or service without making amends for what has been damaged flies in the face of virtually universal norms of fairness.” This was recently illustrated vividly in New York State, where gubernatorial candidate Carl McCall suggested that ex-convicts should receive help getting into college programs. During a discussion with homeless shelter residents who complained of difficulties receiving federal assistance for education because of their criminal records, McCall stated, “Just because you’re an ex-offender, you should not be denied education aid. In fact, if you’re an exoffender I think you ought to get a preference.” This simple statement of the support position set off an eruption of protest from his gubernatorial opponents, both Democratic and Republican, one of whom said, “Now he wants ex-convicts to get preference over hard-working students. No wonder Carl McCall was such a failure as president of the N.Y.C. Board of Education” (Nagourney 2002:B1).

Indeed, if the State ever really tried to meet all of the needs of ex-convicts (including financial, esteem, and self-actualization needs) and not just those needs deemed “criminogenic,” the outpouring of generosity would surely contradict all principles of justice – let alone the controversial notion of “less eligibility.” Who would not want to go to prison if the reward awaiting them upon release was that all their needs would be met? Of course, the needs of ex-convicts are rarely met in the 1.6 monthly meetings with a parole officer, referral or placement orders, and social service access that are at the heart of the casework model. “Needs” in correctional terms have come to connote something quite different than the way the word was defined by Maslow (1970), who left “pro-criminal attitudes” or “criminal associates” off his hierarchy. In their powerful essay contrasting criminogenic needs to human needs, Tony Ward and Claire Stewart (forthcoming:4) point out: “Even when the focus has been on offenders’ needs, policy makers tend to be concerned with reducing further crimes or the incidence of disruptive behavior within prisons rather than the enhancement of their well being³ and capabilities.” In fact, needs have become synonymous with risk factors, and “meeting needs” can often equate to expanding the net of social control. So, for example, random mandatory drug testing for marijuana use gets framed as meeting a person’s need to stop risky behaviors. It is unclear what is meant to represent the carrot in such treatment.

Combining Carrots and Sticks: An Odd Couple?

The traditional, middle-ground position, which appeals to Reno and many of the contemporary reentry reformers is to resolve the pendulous mentor-monitor debate by trying to do both. Basically, the idea is that if one combines a control approach (which does not really work, but is assumed to have public support) with a treatment approach (that works a little, but is thought to lack widespread support), the end result will be a program that is both popular and effective.

Instead, more often than not, the result of mixing such disparate goals is a “muddle” (Dickey and Smith 1998). David Fogel (1978:10-11) once quipped, “A parole officer can be seen going off to his/her appointed rounds with Freud in one hand and a .38 Smith and Wesson in the other.... Is Freud a backup to the .38? Or is the .38 carried to ‘support’ Freud?” The history of crime control in the 20th Century suggests that when both tools (the therapeutic and the punitive) are available, the latter will almost always win out or at least undermine the former (Garland 1985). Although parents and parental guardians are comfortable combining a disciplinary role with a social support role, this cop-and-counselor combination may not be possible in the much more limited relationship between the reentry court judge and the ex-convict or the parole officer and parolee. Indeed, more often than not, interventions premised on a combination-deficit model end up becoming “almost all stick and no carrot” (Prison Reform Trust 1999).

Theoretically, control strategies are intended to encourage instrumental compliance during the supervisory period, while the treatment strategies are designed to help participants internalize new, moral values. That is, the therapy or the job training is what is really going to work, but without the heavy coercion, the ex-prisoners will not show up for the treatment. And this hypothesis has some empirical support (MacKenzie and Brame 2001; Petersilia and Turner 1993). In particular, it has been well established that persons coerced into drug treatment programs fare equally as well as those who enter voluntarily (Farabee, Prendergast, and Anglin 1998).

Nonetheless, coercing compliance is one thing, but coercing good behavior is quite another. Consistent coercion may produce minimal levels of criminal behavior but it also produces very low levels of prosocial behavior (Colvin, Cullen and Vander Ven 2002:28). Paul Gendreau and his colleagues (1999:8-9) argue this forcefully:

Punishment only trains a person what not to do. If one punishes a behaviour what is left to replace it? In the case of high-risk offenders, simply other antisocial skills! This is why punishment scholars state that the most effective way to produce behavioural change is not to suppress “bad” behaviour, but to shape “good” behavior.

Carrot and stick models of reentry assign a largely passive role to the ex-prisoner and hence are unlikely to inspire intrinsically motivated self-initiative (Bazemore 1999). As such, critics argue that the operant conditioning implied in the carrot and stick metaphor confounds blind conformity with responsible behavior. Clark (2000:42) writes: “Compliance makes a poor final goal for drug courts. Obedience is not a lofty goal. We can teach animals to obey.”

Moreover, coerced treatment is often resented by correctional consumers, who prefer self-help groups to state-sponsored reform programs (Irwin 1974; Mobley and Terry 2002). The eminent social psychologist George H. Mead (1918) explained the reason why combination control-support efforts are doomed to failure, almost a century ago:

The two attitudes, that of control of crime by the hostile procedure of the law and that of control through comprehension of social and psychological conditions, cannot be combined. To understand is to forgive, and the social procedure seems to deny the very responsibility which the law affirms. On the other hand the pursuit by criminal justice inevitably awakens the hostile attitude in the offender and renders the attitude of mutual comprehension practically impossible (592).

In a process evaluation of the experimental Reentry Partnership Initiative, Faye Taxman and colleagues (2002:8) found telling evidence in support for this view. They write: “Program designers assumed offenders would be willing to be under additional community supervision in exchange for access to free community-based services on demand. They were surprised when almost no one took them up on the offer.” The authors conclude that the offenders’ past experiences with law enforcement, supervision agencies, and treatment providers had “left them dubious about the real intentions of these agencies and staff.” Therefore, the authors decide that any further “efforts to find fault, increase revocations, or speed a return to the justice system will only undermine the reentry goals” (8; see also Tyler et al. 1997).

Finally, the carrot and stick model of reentry fails to assign a meaningful role to the community. Although the process of reintegration has always had as much to do with the community as it has with the individual, carrot and stick reintegration models focus almost exclusively on the individual ex-prisoner. If reentry is to be a meaningful concept, presumably it implies more than physically reentering society, but also includes some sort of “relational reintegration” back into the moral community. Braithwaite and Braithwaite (2001:49) list four facets of what they call “reintegration”:

- *Approval of the person – praise*
- *Respectfulness*
- *Rituals to terminate disapproval with forgiveness*
- *Sustaining pride in having the offender included as a member of communities of care (families, the school, the law abiding community at large).*

Reintegration, then, means full inclusion in and of a wider moral community. Social dependency and intensive supervision (or so-called carrots and sticks) seem to be the opposite of this sort of moral and social inclusion.

STRENGTHS-BASED REENTRY: AN EMERGING NARRATIVE?

Nobody makes the critical point: We need these people. The country is missing something because a huge bulk of its population is not a part of it. They have talents we need.

-- Mimi Silbert, co-founder of Delancey Street (cited in Mieszkowski 1998).

An alternative paradigm is emerging (actually re-emerging) in social service areas related to corrections that may be useful in re-imagining reentry. For the sake of consistency (and not just to invent another new term), we will refer to this as a “strengths-based” paradigm⁴ (see also Bazemore 1999; Nissen and Clark forthcoming; van Wormer 2001) – or else “restorative reentry.”⁵ Strengths-based or restorative approaches ask not what a person’s deficits are, but rather what positive contribution the person can make. Nissen and Clark (forthcoming) caution that strengths (of youths, families, and communities) are believed to be the most commonly wasted resources in the justice system. Strengths need to be assessed and “targeted” in the same way that risks and needs traditionally have been. To do so, one simply asks “How can this person make a useful and purposeful contribution to society?” In Jeremy Travis’s (2000:7) words: “Offenders are seen as assets to be managed rather than merely liabilities to be supervised.” This shift represents a move away from the notion of entitlement to the principle of “social exchange” (Levrant, Cullen, Fulton, and Wozniak 1999:22) or to what Bazemore (1999) calls “earned redemption.”

Importantly, we make no pretension to “discovering” (and most certainly not inventing) this paradigm. Strengths-based themes have been a staple of progressive criminal justice reforms at least since the time of Maconochie’s Mark System. After a recent rejuvenation in the 1960’s and 1970’s under the guise of the “New Careers Movement” (Cressey, 1965; Grant 1968), however, this theme largely disappeared from correctional practice and rhetoric. The case being made in this section is only that there are signs that a strengths narrative seems to be coming back in multiple guises in the social services, and that this theme may be an appropriate one to introduce into the reentry debate.

In the reentry context, the strengths *narrative* begins with the assumption that ex-convicts are stigmatized persons, and implicitly that this stigma (and not some internal dangerousness or deficit) is at the core of what makes ex-convicts likely to re-offend. The “narrative of criminogenesis” that Simon (1993) calls for, then, is clearly based on a labeling/social exclusion story – on which, of course, the very idea of “reintegration” is also premised (Duffee and McGarrell 1990). Johnson (2002:319) writes, “released prisoners find themselves ‘in’ but not ‘of’ the larger society” and “suffer from a presumption of moral contamination.” To combat this social exclusion, the strengths paradigm calls for opportunities for ex-convicts to make amends, demonstrate their value and potential, and make positive contributions to their communities. In the language of the New Careers movement, the goal is to “devise ways of creating more helpers” (Pearl and Riessman 1965:88). Strengths-based practice, like the New Careers movement before it would seek “to transform receivers of help (such as welfare recipients) into dispensers of help; to structure the situation so that receivers of help will be placed in roles requiring the giving of assistance” (Pearl and Riessman 1965:88-89).

These accomplishments are thought to lead to “a sense of hope, an orientation toward the future, and the willingness to take responsibility” (Richie 2001:385). Moreover, such demonstrations send a message to the community that the offender is worthy of further support and investment in their reintegration (Bazemore 1999). Ideally, these contributions can be recognized and publicly “certified” in order to symbolically “de-label” the stigmatized person (see Maruna 2001: chapter eight). Although this sort of reentry is always a challenge, it is far more likely to occur in a reciprocal situation: one needs “to do something to get something” (Toch 1994:71). A participant in the Rethinking Probation conference discussed the intuitive appeal of such a narrative:

Let me put it this way, if the public knew that when you commit some wrongdoing, you’re held accountable in constructive ways and you’ve got to earn your way back through these kinds of good works, ...(probation) wouldn’t be in the rut we’re in right now with the public (Dickey and Smith 1998:36).

This symbolic appeal of transforming the probationer into a “giver rather than a consumer of help” is also evidenced by the enthusiasm around community service as a sanction in the 1970s, especially in Europe.

Strengths-based practices: A growing trend

Indeed, the narrative seems to have become somewhat contagious, at least among academics, over

the last half-decade or so. Variations of strengths-based practice can now be found in every form of social work practice in the United States (Saleebey 1997) and are slowly making their way into traditional criminal justice practice (Clark 2000, 2001; Nissen and Clark forthcoming; van Wormer 2001). Identical paradigm shifts seem to be taking place across a variety of other disciplines including the focus on “positive psychology,” developmental resilience, appreciative inquiry, wellness research, solution-focused therapy, assets-based community development, and narrative therapy. All of these new paradigms share an anti-pathologizing approach that focuses on building on strengths rather than correcting deficits.

In a criminal justice framework, strength approaches would ask not what needs to be done to a person in response to an offence, but rather what the person can accomplish to make amends for his or her actions (e.g., in the form of community service contributions). In the last 30 years, virtually every US probation department has had some experience with community service as a sanction, and it has been widely viewed as a rare penal success story. Yet despite its origins as a rehabilitative panacea, community service is no longer uniformly justified using a strengths narrative. According to Bazemore and Maloney (1994:24), “punishment now appears to have become the dominant objective of service sanctions in many jurisdictions.” Indeed, in the United Kingdom this shift has been made explicit by the relabeling of community service as a “community punishment order.” When it is strengths-based, community service work is voluntarily agreed upon and involves challenging tasks that could utilize the talents of the offender in useful, visible roles (McIvor 1998).

Probation and parole projects in which offenders visibly and directly produce things the larger community wants, such as gardens, graffiti-free neighborhoods, less dangerous alleys, habitable housing for the homeless...have also helped build stronger communities, and have carved channels into the labor market for the offenders engaged in them (Dickey and Smith 1998:35).

These volunteer activities could take place both inside as well as outside the prison. In a partnership program with Habitat for Humanity, convicts from 75 prisons (working alongside volunteers from the community) built over 250 homes for low-income Americans in 1999 (Ta 2000). Prisoners in New York State have been involved in the crucial work of providing respite care to fellow inmates dying of AIDS and other illnesses in the prison system. In the year 2000, as part of a service learning curricula focused on “personal responsibility and reparation,” prisoners in the state of Ohio performed more than 5 million hours of community service work, including rehabbing low-income homes, training pilot and companion dogs, and repairing computers to be

donated to schools (Wilkinson 2001). Perhaps most impressive among the contributions made by prisoners is the little publicized but essential work that teams of prisoners have voluntarily undertaken in fighting the forest fires ravaging America’s national parks. Prisoners are routinely sent into areas struck by flooding or other natural disasters to provide support to relief efforts.

Prisoners also have initiated parenting programs – like the Eastern Fathers’ Group (EFG) that was created “by” and “for” incarcerated fathers at a maximum-security New York State prison (Lanier and Fisher 1990). Consisting of mutual support meetings, monthly educational seminars, and a certified parenting education course, the EFG served to heighten participants’ sense of accomplishment and responsibility. At the same time it helped fathers work through the grief they experienced over the loss or deterioration of family bonds. Surveys of prisoners in the United States show that 55 percent of State and 63 percent of Federal prisoners have children under the age of eighteen, and almost half of those parents were living with their children at the time they were incarcerated (Bureau of Justice Statistics 2000). Active engagement in parenting while incarcerated is thought to provide a “stability zone” for offenders that “softens the psychological impact of confinement” (Toch 1975) and may help reduce recidivism and “transmit prosocial attitudes to a future generation” (Lanier and Fisher 1990:164).

Another characteristically strengths-based role is that of the “wounded healer” or “professional ex” (Brown 1991:219), defined as a person who desists from a “deviant career” by “replacing it” with an occupation as a paraprofessional, lay therapist, or counselor. Although it is impossible to measure the true extent of the “professional ex-” phenomenon, Brown (1991:219) estimated that around three-quarters of the counselors working in the over ten thousand substance abuse treatment centers in the United States are former substance abusers themselves. Describing female “wounded healers,” Richie (2001:385) writes:

Most services that are successful in helping women reintegrate into the community have hired (or are otherwise influenced by) women who have been similarly situated. The extent to which women have a peer and/or mentoring relationship with someone whom they perceive is ‘like them’ is critical.

In addition to such professional work, thousands of former prisoners and addicts freely volunteer their time helping others in mutual aid groups like Bill Sands’ Seventh Step organization. Indeed, the “twelve steps” of Alcoholics Anonymous (AA) and Narcotics Anonymous (NA), are premised around an explicit service orientation, codified in the Twelfth Step and the Fifth Tradition, which encourages those who find

sobriety to assist others in taking this journey. According to O'Reilly (1997:128), "next to avoiding intoxicants," the therapeutic power of *helping* is "the major premise upon which (AA) is built." AA and NA members, who have been sober for many years often remain with the organization, not so much because they need to *receive* any more counseling, but because the act of counseling *others* can itself be empowering and therapeutic. Members who stay connected to the program eventually take on the role of sponsors and become the mentors and teachers of the next generation of recovering addicts. AA's co-founder Bill Wilson said that he felt that his own sobriety was dependent upon his acting as a mentor in this way.

With little doubt, the best existing model for a strengths-based, mutual aid society for ex-convicts outside prison is the Delancey Street program based in San Francisco. Founded in 1971 by Mimi Silbert and ex-convict John Maher, Delancey Street has grown from an organization consisting of ten recovering addicts (and one criminal psychologist) living in an apartment to a thriving organization with 1,500 full-time residents in five self-run facilities, more than 20 businesses that double as training schools, and an annual operating budget of close to \$24 million (Boschee and Jones 2000; Mieszkowski 1998). The program is self-supporting and has no professional staff. Instead, taking an "each one teach one" approach, older residents teach and train newer arrivals then utilize these new skills to sustain the organization once the more senior residents "graduate" into private housing and independent careers. Silbert says residents "learn a fundamental lesson...that they have something to offer. These are people who have always been passive.... But strength and power come from being on the giving end" (Boschee and Jones 2000:11).

Finally, in recent years there have been several attempts to coordinate the efforts and energies of a variety of such mutual aid groups in the name of creating lasting social change. In what is being called the "New Recovery Movement" (White 2001:16), wounded healers are also beginning to become "recovery activists," turning their "personal stories into social action" (19), and turning "recovery outwards" (19). Instead of working solely on their own addiction problems, recovering persons and their supporters would mobilize their strengths in order to change "the ecology of addiction and recovery" (White 2001:19). These and other mutual aid efforts are thought to help transform individuals from being part of the problem into being part of the solution as they give their time in the service of helping others.

Theoretical and empirical support for the "helper principle"

Although these activities can be justified on many grounds, one of the central theoretical premises all of these strengths-based practices share is some faith in the "helper principle" (Pearl and Riessman 1965).

Promoted in the 1960's New Careers Movement, the helper principle simply says that it may be better (that is, more reintegrative) to give help than to receive it (see also Cullen 1994:543-544). The alleged benefits of assuming the role of helper include a sense of accomplishment, grounded increments in self-esteem, meaningful purposiveness, and a cognitive restructuring toward responsibility (Toch 2000). Rather than coercing obedience, strengths-based practices are thought to develop intrinsic motivations toward helping behaviors -- what Nissen and Clark (forthcoming:70) call the "difference between compliance and growth." Clients are supposedly "turned on" to prosocial behavior through involvement with activities that utilize their strengths. In the words of Alexis de Tocqueville (1835/1956:197), "By dint of working for one's fellow-citizens, the habit and the taste for serving them is at length acquired." In addition, as part of a helping collective, the "wounded healer" or community volunteer is thought to obtain "a sense of belonging and an esprit de corps" (Pearl and Riessman 1965:83). According to the helper principle, all these experiences should be related to successful reintegration and social inclusion.

Recent research on desistance from crime might provide some indirect empirical support for this claim. For instance, as is well known, Sampson and Laub (1993) found that one-time offenders who were employed and took responsibility for providing for their spouses and children were significantly more likely to desist from crime than those who made no such bonds. A less well known finding of their research was that desistance was strongly correlated with assuming financial responsibility for one's aging parents or siblings in need as well (Sampson and Laub 1993:219-220). One way to interpret these findings might be to hypothesize that nurturing behaviors may be inconsistent with a criminal lifestyle. Indeed, Lynne Goodstein speculates that women's traditional responsibility for other family and community members may be one reason that females are so dramatically under-represented in criminal statistics (cited in Cullen 1994).

Moreover, quasi-experimental evaluations of community service sentencing consistently show that it outperforms standard probation and other sanctions in reducing recidivism (Rex 2001; Schneider 1986). Further, McIvor (1998) found that people who viewed their experience of community service as "rewarding" had lower rates of recidivism than those who found it a chore, indicating that this impact is less about deterrence and more likely something to do with prosocial modeling or moral development (Van Voorhis 1985). McIvor (1998) writes, "In many instances, it seems, contact with the beneficiaries gave offenders an insight into other people, and an increased insight into themselves; ...greater confidence and self-esteem; ...and the confidence and appreciation of other people" (McIvor 1998:55-56; cite in Rex 2001).

More recently, longitudinal studies have tried to assess the long-term impact of volunteer work on life course trajectories. Uggen and Janikula (1999) investigated the question of whether involvement in volunteer work can induce a change in a person's likelihood of antisocial conduct. They found a robust negative relationship between volunteer work and arrest even after statistically controlling for the effects of antisocial propensities, prosocial attitudes, and commitments to conventional behavior. Uggen and Janikula (1999:355) conclude:

What is it about the volunteer experience that inhibits antisocial behavior? We suggest that the informal social controls emphasized in social bond, social learning, and reintegrative theories are the mechanism linking volunteer work and antisocial behavior. Informal social controls are consonant with Tocquevillian conceptions of "self-interest, rightly understood," in which volunteers are gradually socialized or "disciplined by habit rather than will."

Finally, Maruna's (2001) research on the psychology of desistance from crime offers further evidence of a link between a "generative" identity and criminal reform. In a clinical comparison of successfully and unsuccessfully reformed ex-convicts, Maruna found that those who were able to "go straight" were significantly more care-oriented, other-centered and focused on promoting the next generation. They tried to find some meaning in their shameful life histories by turning their experiences into cautionary or hopeful stories of redemption, which they shared with younger offenders in similar situations. Whereas active offenders characterized themselves as being doomed or predestined to failure, reformed offenders had an almost overly optimistic sense of control over their future and strong internal beliefs about their own self-worth. In short, their personal narratives (the stories they told about how they were able to "go straight") resembled "strength narratives" far more than control or support narratives. Indeed, the latter seemed to characterize the narratives of active offenders.

None of this research is firm evidence in favor of the "helper principle." In particular, although these studies may suggest a basic incompatibility between helping activities and criminal lifestyles, they tell us little about how to "create more helpers." Indeed, the lack of research on mutual aid organizations, self-help groups, and informal mentoring and parenting among convicts and ex-convicts is rather startling considering how much research is funded each year to examine the impact of greater controls and, less frequently, treatment programming (see Uggen and Piliavin 1998:1421-1422). Still, as a narrative – that is, a theoretical premise – the restorative idea of "earned redemption" seems to have at least some plausibility from the limited research that exists.

A STRENGTHS-BASED REENTRY COURT

Become future focused: the past, and the focus on past failures, can open the door to demoralization and resignation—hope is future based.

--Michael D. Clark (2001:23)

Strengths-based practices and principles may be uniquely suited to the new reentry court idea. First, unlike traditional jurisprudence, reentry courts would presumably be future-oriented rather than focused on the past. Determining guilt and devising a fair response to a criminal act are responsibilities that belong to other courts. The reentry court's role might more reasonably be understood as dispensing "reintegration" – not release from prison or supervision (as is the traditional role of the parole board), but rather a release from the stigma of the original conviction. The work of re-entry, then, would be the facilitation of opportunities to make amends for what one has done and the recognition of these contributions and accomplishments. True to its name, then, the reentry court could become a "court of redemption," through which a stigmatized person has the opportunity to formally "make good."

Rewarding positive achievements, rather than punishing violations, is an unusual role for the courts. Parole as it is currently practiced focuses almost entirely on detecting and punishing failure – even though the "what works" principles suggest that positive reinforcement should outweigh punishment by a 4:1 ratio (Gendreau et al. 1994). As conformity is all that is required of deficit-based parole, it makes little sense to commend or acknowledge persons simply for doing what they are supposed to and following the rules. Indeed, the primary "reward" available in parole today is to "get off" parole early, a particularly strange and unceremonious process.⁷

Alternatively, a strengths-based reentry court might be modeled on Braithwaite's (2001:11) notion of "active responsibility": "Passive responsibility means holding someone responsible for something they have done in the past. Active responsibility means the virtue of taking responsibility for putting things right for the future." The court would not be concerned with past offenses, misbehavior in prison or even violations of parole. All of these crimes and misdemeanors are properly punished by other authorities. The focus, instead, would be on monitoring, recording, and judging what the individual has done to redeem him or herself through victim reparation, community service, volunteer work, mentoring, and parenting.⁸ Witnesses would be called, testimony would be offered, tangible evidence would be produced – not in the name of establishing guilt or innocence, but rather in order to assess the contribution being made by the returning prisoner both in prison and afterwards. The reentry court could then be the setting for a "public recognition ceremony" acknowledging these contributions and

accomplishments as “a milestone in repaying (one’s) debt to society” (Travis 2000:9).

With no powers to punish, a strengths court, then, would be more a challenge to returning ex-convicts than a threat. That is, the ex-offender would be given an opportunity to be publicly and formally reintegrated if they were willing to pay a debt to society in terms of their service and contribution. Winick (1991:246) refers to this as “harnessing the power of the bet”:

Many people do not respond well when told to do so. Unless they themselves see merit in achieving the goal, sometimes even when the costs of non-compliance are high, they may well resent pressure imposed by others and refuse to comply or may act perversely in ways calculated to frustrate achievement of the goal. By contrast, the offer to wager can be accepted or rejected. The choice is up to the individual. The law strongly favors allowing such choice, rather than attempting to achieve public or private goals through compulsion.

Winick (1991:247) argues that, unlike coerced compliance, this challenge model is likely to mobilize “the self-evaluative and self-reinforcing mechanisms of intrinsic motivation” and effect “lasting attitudinal and behavioral change in the individual.”

The notion of rewarding success, of course, is a key component of the reentry court idea. In drug treatment courts⁹, “applause is common” and “even judicial hugs are by no means a rare occurrence” (Wexler 2001:21). Travis (1999:133) asserts that “the court should use positive judicial reinforcement by serving as a public forum for encouraging pro-social behavior and for affirming the value of individual effort in earning the privilege of successful reintegration.” In the experimental Reentry Partnership Initiatives, successful “reentry graduates” may eventually move from being “recipients of services” to acting as role models and “guardians” for newly released offenders just entering the structured reentry phase of the process (Taxman, et al. 2002:18; similar recommendations were proposed by Erickson et al. 1973:103-105). Among other program requirements, each participant in Richland County, Ohio’s new reentry court is required to complete 300 hours of community service work that commences upon incarceration (Wilkinson 2001). Finally, all reentry courts are *required* to outline milestones in the reentry process (such as the completion of this sort of volunteer work) that would trigger recognition and an appropriate reward (Office of Justice Programs 1999).

A strengths approach would probably take this further, and following Johnson (2002:328) would recast the reentry court process as “a mutual effort at reconciliation, where offender and society work together to make amends—for hurtful crimes and hurtful punishments—and move forward.”

Braithwaite and Braithwaite (2001:16) have argued that praise may work in the exact opposite form that shaming does. That is, while it is better to shame an individual act and not the whole person, it may be better to praise the whole person than the specific act.

So when a child shows a kindness to his sister, better to say ‘you are a kind brother’ than ‘that was a kind thing you did’. ... (P)raise that is tied to specific acts risks counter productivity if it is seen as an extrinsic reward, if it nurtures a calculative approach to performances that cannot be constantly monitored. ... Praising virtues of the person rather than just their acts... nourishes a positive identity (Braithwaite and Braithwaite 2001:16).

According to Makkai and Braithwaite (1993:74), such praise can have “cognitive effects on individuals through nurturing law-abiding identities, building cognitive commitments to try harder, encouraging individuals who face adversity not to give up... and nurturing belief in oneself.”

As such, the strengths-based reentry court would need to go beyond the occasional rewarding of specific acts of service and instead build gradually to a more holistic “earned redemption” of the participant’s character and reputation. This might take the shape of a “status elevation ceremony” that could “serve publicly and formally to announce, sell, and spread the fact of the Actor’s new kind of being” (Lofland 1969:227). In such rituals, “Some recognized member(s) of the conventional community must publicly announce and certify that the offender has changed and that he is now to be considered essentially noncriminal” (Meisenhelder 1977:329). These need not be once-off occasions. Just as Braithwaite and Braithwaite (2001) propose that reintegration ceremonies may need to occur more than once, multiple certification rituals may be needed in multiple domains in order to counteract the stigma faced by former prisoners. If endorsed and supported by the same social control establishment involved in the “status degradation” process of conviction and sentencing, this public redemption might carry considerable social and psychological weight for participants and observers (Maruna 2001:chapter eight).

Most importantly, the reward would also involve the “expiration” of the individual’s criminal history -- allowing the person freedom from having to declare previous convictions to potential employers, licensing bodies, or other authorities and to resume full citizenship rights and responsibilities¹⁰. The ultimate prize, then, for (proactive) “good behavior” would be permission to legally move on from the past and wipe the slate clean. This, it seems, may better represent the definition of “reintegration.”

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¹ The original Clinton agenda also involved a substantial new project referred to as the Reentry Partnership Initiative (RPI), which is beyond the scope of this paper, although similar in many ways to the reentry court. For instance, the stated goal of the RPI initiative is to "improve risk management of released offenders...by enhancing surveillance, risk and needs assessments, and pre-release planning" (RPI Report 2000: 1; see also Taxman, Young, Byrne, Holsinger, and Anspach 2002).

² These should be seen as distinct from previous efforts to abolish parole *release* structures, which largely left post-incarceration supervision in tact.

³ Even in the most progressive versions of the support narrative, this level of need-fulfilment is difficult to achieve. For instance, Sullivan and Tiftt (2001) point out that although there is much talk in restorative justice circles about "meeting the needs" of offenders as well as victims, the two are seen as significantly different. While crime victims are thought to need understanding, support and love from those around them, offenders are said to need a job, clothing, and shelter. Sullivan and Tiftt (2001:83) write, "By focusing on this level of needs alone, we do not show the same level of concern for them as we do for those who have been harmed."

⁴ This of course is an umbrella term that encompasses approaches that go by many other names (most notably Restorative Justice, the New Careers movement, relational rehabilitation, and the New Recovery Movement).

⁵ "Restorative Reentry" is the preferred phrase of the Open Society Institute's remarkable array of strengths-based, advocacy projects sponsored as part of the After Prison Initiative (see <http://www.soros.org/crime/CJIGuidelines.htm#tapi>)

⁶ Interestingly, the Clinton Administration's original Young Offender Initiative (OJP 2001:12) stated: "Applicants are encouraged to use ex-offenders as staff and those with a history of substance abuse or mental illness. Having some staff with these backgrounds helps the therapeutic process and builds the community's capacity to continue services after the grant ends." There is no mention of utilizing the strengths of ex-offenders in this way in the Bush Administration's initiative.

⁷ When one of this paper's authors earned his freedom after 56 months of parole supervision, he was offered not so much as a "congratulations" or a "good luck" from the officer who had such power over his life. In fact, he only found out that he had been released from parole supervision when he called his PO to get a travel pass to visit family out of state. The memorable dialog proceeded something as follows: "So, does that mean I'm free?" "Yes, you don't need to report anymore." "Do I have all of my rights back?" "I don't know anything about that." "Thanks."

⁸ Research in the substance abuse field by Petry, Tedford, and Martin (2001:34) suggests that prosocial activity reinforcement (that is, rewarding positive behaviors) is more effective than reinforcement that is purely directed toward the absence of negative behaviors (e.g., drug abstinence). For instance, they found that prosocial activity reinforcement may result in improvements in psychosocial functioning (employment, medical, family problems) that are not apparent when drug abstinence alone is reinforced.

⁹ At their best, drug courts can epitomize the ideals of therapeutic jurisprudence, a clearly strengths based approach (see Hora, Schma and Rosenthal 1999). Still, these ideals are not always realized in practice and one should be careful about exaggerating the role of praise in the actual practice of problem-solving courts. Ethnographers report that participants who successfully complete one large-scale drug court program, for instance, receive only “a congratulatory remark from the judge along with a T-shirt and key chain, claiming they are now ‘2 smart 4 drugs’” (Miethe, Lu and Reese 2000:536). Burdon and colleagues (2001:78) write: “Descriptions of actual drug court operations reveal that most drug courts emphasize sanctions for noncompliance and few routinely use reinforcement of positive, desired behavior. (When used) rewards tend to be intermittent and, in contrast to sanctions, less specific, not immediately experienced, and based on a subjective evaluation of a defendant’s progress in treatment.”

¹⁰ Like many other observers, we would argue that ex-convicts should retain their full civil rights (voting, jury membership, etc) regardless of reentry court participation. These rights are entitlements and should not be used as “rewards” even in a reciprocity based reentry program.

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