

## Utilizing Faith-Based Programs for Reentry Courts: Issues and Recommendations

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## Presidential Initiative

- In December 2002, the Bush Administration issued Executive Order 13279 directing federal agencies to include Faith-Based Organizations (FBOs) in their funding of social service programs.
- The Department of Justice was instructed to include FBOs in its distribution of funds targeting the prevention and treatment of juvenile delinquency and substance abuse.
- Reentry court programs are among most likely to be affected.

## History of Faith-Based Programming

- FBOs have historically comprised a significant part of the social welfare network
- FBOs coupled spiritual outreach with distribution of goods and charitable services
- FBOs emphasized spiritual training of juveniles, but also provided education and job training
- FBOs were funded with public and private monies

## Public Policy Changes

- Progressive Era: Government began to assume responsibility for juvenile social services
- New Deal: Government began to fund juvenile and other social services programs
- FBOs continued to assist in the delivery of social services until 1947

## U.S. Supreme Court Intervenes

- *Everson v. Board of Education* (1947): The Court ruled that the First Amendment Establishment Clause prohibits *all* government financial aid to religion or FBOs
- Since that time, the Court has retreated from this bright line rule.
- The Court has recently allowed some public funding of religion and FBOs, but has yet to articulate a new First Amendment standard

## Recent Establishment Clause Cases

- *Zelman v. Simmons-Harris* (2002): The Court upheld an Ohio voucher program because it was neutral toward religion and it was parent-directed.
- *Freedom From Religion Fnd. v. McCallum* (2003): Seventh Circuit Ct of Appeals ruled that a faith-based halfway house program was constitutional despite its religious programming. It based its approval on the program's secular features.
- *Locke v. Davey* (2004): The Supreme Court stated that the First Amendment permits funding for religious programs, but does not mandate it.

## Application of Recent Rulings

- Executive Order 13279 allows FBOs to participate fully in social service programs without impairing their independent, autonomy, expression, or religious character
- Public monies may be used to fund programming that is faith-based
- Only religious worship, instruction, or proselytization is prohibited

## FBOs as Effective Program Providers

- Granting FBOs permission to participate does not assess their effectiveness as program providers
- While historically FBOs were effective in providing goods and services to impoverished and delinquent youth, the nature of juvenile justice has changed significantly over past 50 years
- Must examine needs of reentry courts to determine if FBOs can be effective partners

## Offender Reentry

- Reentry refers to the transfer of offenders from an institutional setting to a community setting.
- High rates of recidivism among offenders illustrates the shortcomings of simply "transferring" offenders across settings.
- Offender success ultimately depends on his/her ability to reintegrate into and function as part of the community.

## Offender Reintegration

- Requires a shift in thinking—from offender transfer to offender transition (Altschuler & Brash, 2004; Altschuler, Armstrong, & MacKenzie, 1999).
- Reintegration requires bridging the disconnect between institutional corrections & community corrections.
- Intensive Aftercare Programming (IAP) becomes critical in restoring the relationships between the offender, his/her family, and the community.
- Success depends on:
  - Consistent & standard risk assessment
  - Individual case planning that incorporates the family & the community; and
  - Making appropriate linkages with private and public sector organizations within the community

## Reentry Courts

- Specialty court program designed to facilitate aftercare programming as outlined in the IAP
- Key element—Creating a continuum of supervision and treatment services that help offenders successfully transition back into the community
- Community organizations are essential in this process, bringing attention to how faith-based organizations can play a role in this process

## Faith-Based Organizations

- Faith-based organizations often have long-standing credibility as community resources and protective factors in many communities
- Including faith-based programming within the reentry continuum of care arguably offers the opportunity to:
  - Address the individual needs of the offender
  - Connect the offender to a dominant social institution
  - Develop trust and acceptance within the wider community
- Successful inclusion depends on clear definitions and expectations, particularly with regard to the role of faith in programming

## Purpose of the Current Study

- The National Council of Juvenile and Family Court Judges was commissioned to draft a guide to developing reentry courts by OJJDP
- The advisory group for this effort recognized faith-based organizations as a resource and decided to include a special section on this topic
- Held a workgroup meeting with five representatives from faith-based organizations and one judge in May 2003
- The current study is a summary of the issues and recommendations discussed at this meeting

## Defining the Role of Faith

- Primary distinction between secular and faith-based programming is the role that faith or the expression of faith plays within services
- The role of faith is not consistent across programs
- Thus, the use of faith-based programming requires:
  - A clear idea of the program's definition and the ways in which faith is incorporated into programming
  - Court acceptance of faith as a credible component of service provision

## Building Effective Relationships

- Clear lines of responsibility and expectations
  - Courts need to clearly outline the types and levels of service they are seeking as well as the agency responsibilities in the partnership
  - Faith-based organizations must document their credibility and ability to meet the expectations of the court in these areas
- Consistent communication
  - Faith-based programs must be a part of the reentry court rather than simply a contracted provider
  - Formal agreement on how and when reentry court and faith-based programming share information

## Incorporating Faith-Based Services

- Making appropriate placements
  - Appropriate levels of supervision & treatment depend on knowing the risks and needs present in the offender's life
  - Courts need to use consistent and standardized risk assessment
  - Convey this information to faith-based programming
  - Faith-based organizations must recognize the different levels of risk, clearly define their target population, and adequately train their staff
- Funding for services
  - Faith-based organizations are often underutilized but they are not a "magical" source of funding
  - Subject to the same fiscal constraints as secular programming and sometimes more
  - Requires using creative funding structuring

## Lessons Learned

- Evaluation of faith-based programming with juvenile offenders reinforces the need to pay attention to these issues.
- Public/Private Ventures conducted several evaluation studies of the National Faith-Based Initiative
- In sum, evaluation reports found:
  - When the role of faith was clearly defined, there was substantial court support for utilizing faith-based programming as an option for juvenile offenders
  - Consistent communication resulted in positive partnerships whereas a disconnect in communication resulted in a loss of program credibility
  - Application of clear selection criteria and use of a selection process was essential to building strong partnerships and making appropriate matches for youths and their mentors

## Wrapping Up: Cautions for FBOs

- The U.S. Supreme Court has yet to explicitly approve service programming that has faith-based content
- Juveniles are considered by the Court to be especially vulnerable to religious indoctrination
- FBOs must be sure to avoid using public funds to engage in explicit religious activities
- All programs must advance a secular purpose
- Participation must be voluntary

## Wrapping Up: Cautions for Reentry Courts

- **Accountability**
  - Juvenile justice must require and monitor
  - Same standards for all programming
  - Attention to both outcomes and process
- **Collaborations with other community-based organizations—creating networks**
  - Multiple need youths
  - Knowing a program's limitations
  - Creating relationships for referrals and comprehensive programming