

Social Bonds in Treatment Courts: The Secret to Success

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Abstract

Client experiences in the criminal justice system, including successful treatment and prevention strategies, are often characterized by pro and anti-social bonds built with those around them. We encourage clients of the criminal justice system to build prosocial lives around work, family, and religion to become invested in family, community, and mainstream society. However, practitioners often need to pay more attention to building bonds with clients that can provide the mentoring and support needed to prevent reoffending. Drawing upon research from evaluations of several treatment court programs, the role of social bonds and the mentoring and support they provide are discussed as critical elements of successful outcomes in treatment courts.

Keywords: Treatment Courts, Social Bonds, Criminological Theory, Therapeutic Jurisprudence

Since the first drug court opened in Miami Dade County, Florida in 1989, research has found that drug courts and other treatment courts, such as reentry courts, can assist justice-involved individuals with changing their behaviors; this can include reductions in offending behaviors and substance use (GOA, 2005; Wilson et al., 2006), and increased chances of beneficial outcomes like finding employment (Taylor, 2020). Studies have also found evidence of the cost-effectiveness of these programs relative to more traditional processing in the criminal justice system. For example, Chessman et al. (2016) examined the cost efficiency of Virginia’s drug courts and found that compared to the alternatives, drug courts saved taxpayers an average of \$20,000 per participant. In another study, Kubiak et al. (2015) found that for participants in an urban mental health court who completed the program, total outcome costs were less (\$16,964) compared to those who did not complete the program (\$32,258), and other comparison groups (\$39,870). There are studies that find limitations of the treatment court model, such as those that have examined outcomes of juvenile drug court programs and have found minimal or no difference between juvenile drug court participants and youth in comparison groups (e.g., Wilson et al., 2006; Hiller et al., 2021). However, we have generally seen the popularity of treatment courts and the use of these programs expand. We have evidence of the effectiveness of the treatment court model, but what is it about treatment courts that makes them work? What is the “secret to their success?”

The criminal justice system faces an endless list of challenges ranging from limited resources, ever-changing public opinion, and the need to provide effective treatment and prevention services. Two of the biggest challenges in the criminal justice system are finding alternatives to incarceration that can provide safety and cost savings to the community, and what can be done to help those leaving jails and prisons succeed once released back into the community. Without successful strategies in these areas, the ‘revolving door’ of offending, incarceration, then release, followed by the same cycle, will repeat itself generation to generation, and in communities worldwide. The criminal justice system needs solutions not only to lighten the load of practitioners such as police, prosecutors, judges, and probation and parole officers but also to alleviate criticisms of its ineffectiveness in dealing with repeat offending and to provide opportunities for long term success for clients of the criminal justice system; this ultimately saves time and money for both society and the criminal justice system and may also spare potential victims. Practitioners, policymakers, and the public need to know that solutions to these challenges exist in the form of treatment courts. In order to utilize the treatment court model effectively, there needs to be an understanding of the underlying factors that promote participants’ success. In the case of treatment courts, it is often the use of a non-adversarial, treatment-oriented approach grounded in therapeutic jurisprudence that builds social bonds. The bonds built through these programs act as social controls and supports that help promote success across multiple life domains, including education, employment, housing, as well as reductions in substance use and criminal offending behaviors.

Literature Review

Therapeutic jurisprudence utilizes judicial actors as agents of therapeutic change in clients' lives (Redlich & Hans, 2014). The therapeutic jurisprudence model incorporates a variety of practices, such as involving members of the courtroom workgroup to provide supervision, devise a treatment plan, and provide support across multiple life domains like education, housing, employment, and mental health services (Redlich & Hans, 2014). Scholars such as Fay-Ramirez (2015) have argued for employing therapeutic jurisprudence as a theoretical foundation for the success of treatment court program participants. In practice, one aspect of therapeutic jurisprudence that may influence clients' success is the social bonds and mentoring from the courtroom workgroup. A variety of domestic evaluation-based studies of treatment court programs grounded in therapeutic jurisprudence, such as Salvatore et al. (2011) and Salvatore et al. (2010), and Taylor (2020), as well as international studies, such as McIvor (2009) and Toki (2017), have found treatment-oriented courts may provide the services a client needs such as drug treatment, educational support, employment services, and mental health counseling. These studies have reflected the successes and failures in all treatment and prevention strategies, focusing specifically on drug courts; ample evidence suggests their benefits. For example, a multisite evaluation study conducted by the U.S. National Institute of Justice in 2011 examined 23 drug courts and six comparison sites. The results yielded several promising findings: those who participated in drug courts were less likely to relapse relative to those in the comparison group, had fewer positive drug tests, and had reductions in criminal behaviors (such as being less likely to commit crimes close to those in comparison groups; Rossman et al., 2011). In another meta-analytic study, Mitchell et al. (2012) found that drug court programs have lower recidivism rates. Turning attention to cost-effectiveness, a 2016 report from the Washington State Institute for Public Policy found that drug courts for adult and juvenile populations were more cost-effective than traditional processing. In sum, while evidence regarding the effectiveness of drug courts continues to be an ongoing area of inquiry, there is significant evidence to support their utility. This commentary hypothesizes that the underlying construct that drives drug courts and other treatment courts may be the social bonds built through the treatment process.

According to Hirschi's (1969) social bond theory, social bonds connect individuals to mainstream society through attachment, and bonds are built through education, employment, family, prosocial peers, and in this case, the potential attachments made through participating in a treatment court program. Hirschi's (1969) core idea is to adopt a stake in conformity or mainstream society to prevent delinquency and crime; individuals are less likely to engage in crime if they have stronger attachments and bonds. The strength of social bonds may help connect individuals to mainstream society, as fear of losing these bonds prevents engaging in behaviors that endanger them. In other words, the stronger the bond, the less likely there will be behaviors like delinquency to threaten it. As scholars like Mears and Stafford have pointed out, Hirschi's (1969) conceptualization has its limits, such as not considering the role of bidirectional change effects and how offending behaviors might lower the strength of a social bond (Mears & Stafford, 2022). Other theories have examined the role of social bonds, such as Thornberry's interaction theory which highlighted how bonds may influence delinquency and conversely, how delinquency can influence bonds

(Thornberry, 1987). Similarly, Sampson and Laub's (1993) age-graded theory of informal social control considers the role of life events and changes (e.g., getting married, having a child) in bringing about changes to bonds and, in turn, offending behaviors. Other theories have examined the relationship between social bonds and offending over time, resulting in a recent reconceptualization of social bond theory.

One of the main challenges with Hirschi's (1969) conceptualization of social bonding theory is the limited view of agency and change (Mears & Stafford, 2022, p. 3). In Hirschi's (1969) original conceptualization, the interaction with others was considered a potential factor that influences social bonds, potentially getting stronger or weaker depending on the level of the interaction, but it did not factor into how alterations in the bond or the role of dual agency (how individuals may influence each other) may actually bring about change (Mears & Stafford, 2022, p. 3). In their reformulation of social bond theory, Mears and Stafford state that other theories, like social learning theory and general strain theory, may connect to social bond theory and together provide a more complete understanding of the elements of social bonds.

Mears and Stafford (2022) reconceptualized social bond theory to include the roles of change and dual agency. The reformulation provided by Mears and Stafford allows social bond theory to provide a more accurate understanding of the potential role of social bonds in treatment courts. Applying the lens of Mears and Stafford's (2022) reformulated social bonding theory, we can see that treatment courts involve not only the participant but also other individuals (e.g., members of the treatment court workgroup, family members engaged in the treatment process), who may form social bonds that influence participants; both parties affect the social bonds being built. Finally, change processes involve specific processes and sequences that will vary based on the type of interactions between the participant in the treatment court and those with whom they are bonding. For example, as treatment court participants' social bonds with judges increase, their prosocial behaviors increase (such as attaining and maintaining employment), and yield successful programmatic outcomes.

What We Know: Social Bonds Matter

As mentioned above, social bonds and mentoring can be crucial to client success in treatment courts. Numerous studies provide examples of meaningful bonds that are associated with successful treatment court outcomes. For instance, in a study by Salvatore et al. (2020), a participant described the role of the judges as a critical factor in their success. One participant described the judge's level of interest in participants' lives and engagement with participants in the reentry court program beyond the program's confines as a life-changing experience. One subject discussed how the judge took them to Lens Crafters and utilized their own social network to help the program participants. This level of dedication and interest builds a connection between the program participant and the judge—a prosocial model—not only accomplishing a practical goal but also fostering a social bond and relationship between the justice system and the client in a manner that many may not have experienced. In an example from Taylor's (2010) examination of the STAR reentry court in Philadelphia, Pennsylvania, Taylor discussed the importance of the family bond in the court sessions,

noting in one session that the judge asked a participant, “Now, am I gonna get to meet your girlfriend sometime?” (pp. 15–16). Taylor (2010) further stated the judge explained he “just want[s] to thank her for all she has done to help the participant stay on the right track” (p. 16). During the STAR court evaluation, the reentry court judges frequently asked about participants’ family lives, including children’s birth, child custody issues, sick parents, and new romantic partnerships. Taylor’s (2010) work further demonstrates judges’ interest in participants, humanizing them beyond their current or previous justice-involved role.

Kuehn and Ridener (2016) conducted a qualitative evaluation of the participant experience in a drug court in Pennsylvania, providing a look at how social bonds or connections with the treatment workgroup and judge made a difference. The following quote illustrates how the desire to not let down the judge or get in trouble helped keep a participant accountable:

I think every week is a bit much, you know what I mean? But I’m about to phase up so it will only be every other week. But, like, what do I have to tell you every single week? But, I mean it *keeps you accountable* (emphasis in original), Like I don’t want to get into trouble because I don’t want to go in front of that judge and get in trouble in front of everybody. (Kuehn & Ridener, 2016, p. 2252)

In addition to the judge, other members of the treatment court workgroup have roles that may be key to participant successes. In the below examples, participants discuss their relationships with treatment court parole officers as being a critical factor in program success:

She goes above and beyond her job (emphasis in original)...They do their jobs really well. I can’t say enough about the team, they’re phenomenal. (Kuehn & Ridener, 2016, p. 2253)

It’s more of a *bond* (emphasis in original) with the PO. We are closer than with other POs because of regular visits. I have her personal number, which I have called, she is right there. (Kuehn & Ridener, 2016, p. 2253)

Yeah, it just takes time. When you’re an addict and you do that manipulating and lying and all that, especially to your family... that’s what I did to my probation officer but it takes time and they learn to trust you and that’s what happened with my PO. *It’s just, she’s like family to me and I love her* (emphasis in original). And I tell her everything that goes on with me and I call her. (Kuehn & Ridener, 2016, p. 2253)

As the above quotes demonstrate, the potential bond between members of the treatment court workgroup, such as a parole officer, may act to help provide support and guidance for a program participant. As participants bond with their parole officer, an attachment is built, one they can rely on for support and understanding through their treatment process, and also one they may not want to risk by failing to meet programmatic goals.

What We Still Need to Know

Since drug courts started in 1989, we have seen a steady stream of research articles, evaluations, presentations, and articles in the general media discussing the benefits of treatment courts like drug courts. Many have found them beneficial, arguing for the cost benefits relative to traditional criminal justice processing and the lower recidivism rates relative to incarceration. As discussed above, the secret to the success of treatment courts may be the bonds and attachments built between participants, judges, and other members of the treatment court team and former participants in the program who return as peer mentors.

While drug courts have ample evidence to support their utility, we still need to know their applicability to special populations. For example, in the mid-1990s, Arnett (1994) identified a new developmental stage of the life course, emerging adulthood. In subsequent studies, the “new” stage ranges from 18 to 25, later amended to 29 (or beyond). Emerging adulthood is not the traditional young adulthood of the past but rather a new developmental stage, reflective of the delays in marriage, parenthood, finishing education, and establishing oneself in a profession that has come about due to social and economic changes that occurred since the 1960s. One of the key characteristics of emerging adulthood is identity exploration, which is frequently expressed through substance use and experimentation. For most emerging adults who commit drug and alcohol-related crimes, incarceration is not always warranted, and diversion into drug court programs may be an appropriate venue for processing and promoting engagement in treatment. However, many drug courts may not be prepared to deal with the unique developmental needs of emerging adults and may need to modify their existing programming. Further, there is a need for evaluation studies (e.g., process, outcome evaluations) to study whether and how these programs work for emerging adult populations.

There is ample research exploring the cost-effectiveness of drug courts and their ability to reduce recidivism, however, we have yet to determine the long-term impact of drug court participation. Retrospective research, exploring former participants past the years of offending identified in the age-crime curve, could provide a look back at their offending careers and lives after drug court. This approach could provide insights into how drug courts provide long-term changes in their lives, such as helping them find and keep jobs and repairing relationships with friends and family members.

Conclusion

Treatment courts may work by creating bonds and connections between the participant and the treatment workgroup. Many may be unaware of the treatment court approach, grounded in jurisprudence and teamwork that aims to help justice-involved people meet goals and enhance public safety. Most envision the court process as a mostly adversarial one, with a stern judge admonishing a defendant, an aggressive prosecutor, and a diligent defense attorney, all working towards the goal of justice. The ultimate goal is to be a prosocial member of society, not involved in the criminal justice system.

Disrupting common notions of the court and criminal justice process, treatment courts utilize therapeutic jurisprudence to foster bonds and connections that help participants reach goals like obtaining education, employment, and housing. Building bonds between the judge and other treatment courtroom group members also creates a connection that gives the participant a sense that the system treats them as human beings, perhaps for the first time. Studies such as Taylor's (2010) found that this type of treatment, especially by judges, can connect to positive programmatic outcomes.

Through treatment courts, we see that therapeutic jurisprudence is a theoretical orientation that may help resolve underlying challenges and issues for criminal justice system clients. By working with justice-involved people as clients rather than as "offenders" or "prisoners," these programs integrate a personal, human touch, allowing participants to not only be viewed as individuals but also for the participants to see members of the courtroom workgroup as mentors and build bonds that can help foster success rather than resentment or frustration.

The commentary here hypothesizes that social bonds may be one of the main drivers in treatment court programs. The above evidence supports this hypothesis but raises other questions including: 1) Which bonds are most important? The bond with the probation officer? The judge? Program administrator? Other members of the treatment court workgroup? 2) How does social bonding interact with other treatment court components to produce outcomes? 3) If social bonding is the driving force of behavioral change, will this be true in other criminal justice interventions such as probation? These questions provide a framework for future studies to explore the role of social bonds in bringing about lasting change for people involved in the criminal justice system.

While research on treatment courts is ongoing, social bonds' utility in preventing and treating offending is supported. It will likely continue to be a vital part of each for those involved in the criminal justice system for years to come. Programs like Renew in Newark, NJ, and STAR Courts in Philadelphia, PA provide a model through which other treatment courts can utilize social bonds and prosocial mentoring to steer participants in these programs toward success in employment, education, housing, parenting-- all critical aspects of long-term prosocial behavior, that prevent reoffending. In other words, the success of treatment courts may be rooted in their ability to build bonds and attachments as part of the treatment process; this could be part of the "secret to success" of treatment courts.

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