

# **TAKING IT PERSONALLY: HOW MAKING CONNECTIONS MAKES A DIFFERENCE IN THE SUCCESS OF REENTRY COURTS**

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## **I. INTRODUCTION**

The Southern District of Indiana began its first reentry court in 2007. The program is known by the acronym REACH, which stands for Reentry and Community Help. The REACH program demands accountability from its participants while simultaneously providing a supportive environment that offers a variety of resources to help with the difficult transition from incarceration to freedom. REACH graduates consistently credit the program as a crucial component in their successful reentry, and REACH has reduced recidivism rates in the district.

This article is based on my first-hand experiences with the Southern District's REACH program for more than a dozen years. While the article mentions some of the many reasons why the program has succeeded, the focus of this article is singular: the importance of the presiding judge making personal connections with REACH participants. As this article discusses, I have made these personal connections in many different and sometimes unusual ways. To be sure, there is no single way to operate a reentry court, and the success, or failure, of such courts is multi-dimensional. The experiences catalogued in this article, however, demonstrate that making personal connections is a cornerstone of successful reentry.

## **II. BRIEF OVERVIEW OF PROBLEM-SOLVING COURTS**

Since their inception, drug and other problem-solving courts have spread rapidly across the country.<sup>1</sup> At the federal level, “[t]he reentry court model began in 2001 when the Department of Justice started the Reentry Court Initiative by launching nine pilot Reentry Court Programs with a common goal, to establish a seamless system of offender accountability and support services throughout the reentry process.”<sup>2</sup>

The Federal Judicial Center's National Problem-Solving Court Directory

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1. See Timothy D. DeGiusti, *Innovative Justice: Federal Reentry Drug Courts—How Should We Measure Success?*, 82 FED. PROB., Dec. 2018, at 11 (identifying Miami, Florida, as the place where the first drug court was born of necessity in the midst of the cocaine epidemic in 1989).

2. Jamil A. Favors, *Deconstructing Re-entry: Identifying Issues, Best Practices and Solutions*, 21 U. PA. J.L. & SOC. CHANGE 53, 55 (2018) (citation and internal quotation marks omitted); cf. Katie Sreenan, Note, *Finding Their Feet: How Reentry Court Changes the Path of Returning Citizens in the District of Minnesota*, 37 LAW & INEQ. 189, 196 (2019) (agreeing that the federal reentry court movement was modeled after state drug courts but tracing the origin back to 1999).

identifies 137 problem-solving courts, located in 62 of the 94 federal districts and spanning all 11 circuits.<sup>3</sup> According to Christina Ruffino, Senior Education Specialist with the Federal Judicial Center (FJC),<sup>4</sup> 60% of these courts are reentry (post-conviction) models and 40% are front end (diversion or deferred sentencing) models.<sup>5</sup> More than 90% of these programs began after 2008, and 2015 had the largest number of new programs with a total of twenty-one.<sup>6</sup>

Despite the increased number of problem-solving courts at the federal and state levels, numerous studies of these courts have been unable to reach a consensus on their effectiveness. The National Drug Court Institute issued a report in 2016 supportive of such courts, stating, “The Verdict Is In: Drug Courts Work.”<sup>7</sup> A study of the reentry court in the District of Minnesota concluded that, as of November 2017, two years into that court’s reentry program, the recidivism rate for reentry court participants was 27%—roughly a 40% decrease from recidivism rates for high-risk non-participants.<sup>8</sup>

Other studies have questioned the effectiveness, as well as the costs, of reentry courts. In May 2016, the FJC studied several reentry programs and found no reduction in felony arrests after release from prison as a result of participation in those programs, and concluded the programs were not cost effective.<sup>9</sup> In 2014, the Drug Policy Alliance stated that the available data shows drug courts were not

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3. National Problem-Solving Court Directory, FED. JUD. CTR., <https://fjc.dcn/education/national-problem-solving-court-directory-resources> (last visited June 29, 2021) (available on district court network only) (on file with author).

4. The FJC is the research and education agency of the judicial branch of the U.S. government. *See* FED. JUD. CTR., <https://www.fjc.gov> (last visited June 16, 2021) [<https://perma.cc/KN8B-PMMS>].

5. Interview with Christina Ruffino, Senior Educ. Specialist, Fed. Judicial Ctr. (Nov. 17, 2020) (Nov. 23, 2020) (stating that two additional reentry courts are being planned).

6. *Id.*

7. DOUGLAS B. MARLOWE ET AL., NAT’L DRUG COURT INST., *PAINTING THE CURRENT PICTURE: A NATIONAL REPORT ON DRUG COURTS AND OTHER PROBLEM-SOLVING COURTS IN THE UNITED STATES* 14 (2016), <https://www.ndci.org/wp-content/uploads/2016/05/Painting-the-Current-Picture-2016.pdf> [<https://perma.cc/UEU3-XYSM>].

8. *See* Sreenan, *supra* note 2, at 200; *see also* Caitlin J. Taylor, *Beyond Recidivism: An Outcome Evaluation of a Federal Reentry Court and a Critical Discussion of Outcomes That Matter*, 3 JUST. EVALUATION J., no. 2, 2020, at 134, 148 (noting a program’s effect on recidivism has traditionally been viewed as the “gold standard” of program effectiveness but arguing reentry programs should be evaluated more broadly).

9. *See* DAVID RAUMA, FED. JUDICIAL CTR., *EVALUATION OF A FEDERAL REENTRY PROGRAM MODEL 48-49* (2016). The FJC study was limited to five districts initially: The Central District of California, the Middle District of Florida, the Southern District of Iowa, the Southern District of New York, and the Eastern District of Wisconsin. *Id.* at 8. One of the districts was not included in the report “because of issues the district had implementing the reentry program in Davenport and Des Moines.” *Id.* at 9. Moreover, the report concluded the program in the Central District of California “is not a true reentry program,” and therefore the report did not include outcome analyses for that district, but did include the district in assessing the costs of such programs. *Id.*

more effective than voluntary treatment, and do not demonstrate cost savings, reduce criminal justice involvement, or improve public safety.<sup>10</sup>

I will leave it to the social scientists and others to determine the extent to which statistical and related evidence can conclusively determine whether such courts positively impact individuals returning to society after incarceration. Having been involved in the reentry court in the Southern District of Indiana since its inception in 2007, I can attest that, despite some setbacks, the program is a success. I have watched REACH participants transform their lives during the course of the program and listened as one REACH graduate after the next has credited the program as an important ingredient in their successful reentry.

### III. REACH: THE SOUTHERN DISTRICT OF INDIANA

The REACH program began in the Southern District of Indiana in 2007 under the vision and leadership of U.S. District Judge Larry J. McKinney.<sup>11</sup> The Southern District's U.S. Probation Office was interested in starting a reentry court and quickly garnered McKinney's enthusiastic support.<sup>12</sup> The Federal Community Defender's Office and the U.S. Attorney's Office also supported starting the program.<sup>13</sup> The original "REACH Team" consisted of McKinney, myself, U.S. Probation Officer Mike Burris, Federal Defender Jim McKinley, Assistant U.S. Attorney Doris L. Pryor,<sup>14</sup> and Amy Holtz, who then held the position of chambers Courtroom Deputy. Since then, team members have shuffled. Several public defenders and prosecutors have been involved in the program, and Senior U.S. Probation Officer Ryan Sharp ably assumed the responsibility of running the program for his office.

Another notable, and significantly positive change, occurred in 2015 with the addition of Indiana University Robert H. McKinney School of Law Professor Lahny Silva.<sup>15</sup> Professor Silva gave a significant boost to the program by creating an innovative course through which law students receive academic credit for mentoring REACH participants and participating in REACH hearings, which occur on the first Thursday of each month at the Birch Bayh Federal Building and

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10. See Matthew G. Rowland, *Assessing the Case for Formal Recognition and Expansion of Federal Problem-Solving Courts*, 80 FED. PROB., Dec. 2016, at 3, 10. For a good discussion of these conflicting studies, see DeGiusti, *supra* note 1, at 13-15.

11. Marilyn Odendahl, *IU McKinney Students Bring Energy, Enthusiasm to Re-entry Program*, IND. LAW. (May 14, 2019), <https://www.theindianalawyer.com/articles/50271-iu-mckinney-students-bring-energy-enthusiasm-to-re-entry-program> [<https://perma.cc/MKL4-4C6Q>].

12. *Id.*

13. Launching and continuing a federal reentry program is not possible without the support of the court, the U.S. Probation Office, the Federal Community Defender's Office, and the U.S. Attorney's Office. Indiana is divided into the Southern and Northern Districts. The Northern District of Indiana does not have a reentry program.

14. Pryor subsequently was appointed to be a U.S. Magistrate Judge in the Southern District.

15. See Odendahl, *supra* note 11.

U.S. Courthouse in downtown Indianapolis.<sup>16</sup> With the success of the Southern District's REACH program established, the district added a second REACH court in February 2017, presided over by U.S. District Chief Judge Tanya Walton Pratt.<sup>17</sup>

Unfortunately, Judge McKinney died unexpectedly in September 2017.<sup>18</sup> However, the REACH court he helped create has carried on and flourished.<sup>19</sup>

#### *A. Overview of the REACH Program*

The U.S. Probation Office, which is charged with supervising individuals upon their release from federal prison, identifies individuals for inclusion in the REACH program. The probation office targets moderate to high-risk offenders for the program. Sex offenders are not eligible for the program,<sup>20</sup> and violent offenders typically are likewise not included as participants. REACH strives to maintain about six to eight individuals in each of the two REACH courts at any one time. Targeting program participation at this level promotes individualized attention and fosters personal connections that are a REACH hallmark.<sup>21</sup> Limiting the number of REACH participants also helps ensure monthly REACH meetings can be completed in less than one hour.

About forty-five minutes before REACH hearings begin, the REACH Team assembles to discuss the program generally, and each REACH participant specifically. In addition to receiving a report from the probation office summarizing what each participant has done over the past month, the law school advocate for each participant also provides the REACH Team with a helpful oral

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16. The valuable contributions Professor Silva and her law students have made to the REACH program cannot be overstated. For more details on that aspect of the program, see Professor Silva's article in this issue of the *Indiana Law Review*: Lahny R. Silva, *Reaching for Reentry: Indiana University Robert H. McKinney School of Law's Contribution to the Reentry Movement*, 54 IND. LAW REV. 527 (2021).

17. See Odendahl, *supra* note 11. Within the district, the programs are referred to as REACH 1.0 and REACH 2.0.

18. *Id.* at 3.

19. Prior to McKinney's death, I attended all REACH hearings as a REACH Team member and presided over REACH hearings when McKinney was not available or when other circumstances so dictated. Since September 2017, I have presided over all monthly REACH 1.0 hearings.

20. There are multiple reasons for excluding sex offenders from REACH. For one, their supervision contains additional levels of scrutiny to which other offenders may not be subjected (such as having internet access monitored). Additionally, sex offenders typically are subjected to more lengthy terms of supervised release, which often may continue for the remainder of the offenders' lives.

21. Given that REACH participants are expected to be employed, participants attending these monthly hearings often must take time away from work. Many participants rely on public transportation. These circumstances contributed to holding REACH hearings only once per month for no more than an hour, though practices among other districts vary.

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Armed with this information, the REACH court convenes in the courtroom, which always begins with someone (usually a REACH participant) leading everyone in reciting the Pledge of Allegiance. Then, the judge calls each REACH participant individually up to the podium, largely at random, and asks each of them about employment, family relationships, and other issues of significance in their lives.<sup>23</sup> Participants' goals are reviewed.<sup>24</sup> Successes, such as getting a driver's license, securing and maintaining employment, or earning a raise, are celebrated.<sup>25</sup> Setbacks, such as a positive drug screen or a missed mental health appointment, are discussed candidly. If, in the REACH Team's judgment, a participant has met the monthly expectations, the judge personally awards each participant a signed certificate of acknowledgement<sup>26</sup> as the courtroom erupts in applause.

Upon earning twelve certificates, participants graduate from Phase I of the REACH program and are celebrated during a small graduation ceremony. Graduation ceremonies occur in the courtroom at the end of the monthly REACH meetings. While largely informal, these occasions carry great meaning. REACH participants typically have had significant interaction in the criminal justice system, and most participants have served lengthy terms of incarceration. As such, their courtroom experiences have been overwhelmingly negative and depressing. In contrast to these experiences, REACH graduations are uplifting and inspiring. REACH graduations transform the courtroom into a place for celebration rather than for sentencing.

Graduations also allow REACH Team members to openly comment on the graduates' growth and progress and offer meaningful, heartfelt words of encouragement. Moreover, graduations present an opportunity for graduates to give speeches, reflect on their progress and on the REACH experience, and provide encouragement to other participants watching and hoping to graduate themselves. Graduations typically end with everyone in the courtroom sharing cake or other goodies, taking photographs, and individually wishing the graduates (and their family and friends who often are in attendance) continued success on the next phase of their reentry journey.

The next REACH phase, Phase II, lasts twelve months and continues to involve supervision by the probation officer. However, supervision is more passive. Phase II participants are not required to attend REACH hearings, though

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22. IU McKinney law students, under Professor Silva's watchful direction, provide participants with a variety of assistance, such as sorting out child support obligations, addressing a suspended driver's license or outstanding traffic citations, and securing housing. Odendahl, *supra* note 11.

23. Richard L. Young, *Federal Re-entry Programs Continue to Benefit Community*, IND. LAW. (Jan. 12, 2016), <https://www.theindianlawyer.com/articles/39193-federal-re-entry-programs-continue-to-benefit-community> [<https://perma.cc/5ESJ-3SVX>].

24. *Id.*

25. *Id.*

26. *Id.*

they frequently do. Doing so helps REACH participants continue to foster relationships established during Phase I of the program, assists others on their quest to successful reentry, and allows REACH participants to share the energy, positivity, and community that often accompanies these monthly gatherings. Upon successfully completing Phase II,<sup>27</sup> the REACH participant returns for one final REACH hearing to receive from the judge an order fully discharging them from supervision. This is typically associated with a standing ovation from everyone in the courtroom, followed by the REACH participant symbolically leaving the courtroom and, hopefully, the criminal justice system.<sup>28</sup>

### *B. The Success of the REACH Program*

“The REACH program has produced significant success stories,”<sup>29</sup> said U.S. District Judge Richard L. Young, former Chief Judge of the Southern District of Indiana. While the program has not been the subject of a formal scientific study, Ryan Sharp, the probation officer who runs the program for his Indianapolis office, keeps a careful eye on the program’s recidivism rates, and he prepared a report in October 2020 evaluating these numbers.<sup>30</sup>

The report defines the recidivism rate “as any arrest or technical violations while on supervision resulting in revocation” of supervised release.<sup>31</sup> According to the report, “[i]n the national U.S. Probation system, 72% of high-risk offenders and 56% of moderate-risk offenders are revoked. In the Southern District of Indiana, the revocation rates [outside of the REACH program] are 71.8% [for] high-risk offenders and 54% [for] moderate-risk offenders.”<sup>32</sup> Thus, the report concludes that “the national recidivism rate and the local recidivism rate are almost identical.”<sup>33</sup>

REACH participants are either moderate or high-risk as assessed using the Post Conviction Risk Assessment (PCRA).<sup>34</sup> Sharp’s sample size consisted of

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27. To successfully complete Phase II, participants must remain in compliance with the terms of their court-ordered supervised release.

28. Upon completion of Phase II of REACH, participants have any remaining supervised release reporting requirements extinguished and thus are no longer supervised by the probation office. Typically, this results in at least one year of supervised release being extinguished. Sometimes, several years of supervised release are extinguished. Thus, in addition to the resources the REACH program provides participants, another highly motivating factor for individuals to participate in and succeed in the REACH program is the opportunity to be removed from supervised release one or more years early.

29. See Young, *supra* note 23.

30. See Ryan Sharp, REACH Recidivism Report (Oct. 2020) (unpublished report) (on file with author).

31. *Id.* at 1.

32. *Id.*

33. *Id.* Sharp’s report states, “This recidivism data was gathered from January 1, 2008[,] through September 30, 2018.” *Id.*

34. “The federal Post Conviction Risk Assessment (PCRA) is a scientifically based

seventy-five participants and did not include twenty-three REACH participants who were still on supervision when Sharp prepared his report in October 2020.<sup>35</sup>

Of the 75 participants, 27 had their supervision revoked. The other 48 completed supervision successfully. The recidivism rate of the REACH program is 36%. This is 36% lower than the 72% recidivism rate for high-risk offenders in the national federal system and 18% lower than the 54% recidivism rate for moderate-risk offenders in the national federal system.<sup>36</sup>

“Therefore,” Sharp’s report concludes, “the recidivism rate for REACH participants is significantly lower than non-REACH, moderate[- to high-]risk offenders.”<sup>37</sup>

#### IV. THE IMPORTANCE OF MAKING PERSONAL CONNECTIONS

A successful reentry court has many ingredients. In the case of the Southern District of Indiana’s REACH program, these ingredients include the skilled and dedicated work of the probation office, the never-ending support from the federal defender, the unbridled commitment from the federal prosecutor to help REACH participants succeed, and the innovative and essential assistance from Professor Silva and her impressive group of law students.<sup>38</sup> There is at least one additional ingredient, however, that simply cannot be overlooked: the importance of the presiding judge making a personal connection with each REACH participant. These connections come in a variety of forms, and some of the most significant of these that I have observed in the Southern District of Indiana’s REACH program are discussed below.<sup>39</sup>

I first observed the positive effects of making personal connections with

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instrument developed by the Administrative Office of the U.S. Courts (AO) to improve the effectiveness and efficiency of post-conviction supervision.” *Post Conviction Risk Assessment*, U.S. CTS., <https://www.uscourts.gov/services-forms/probation-and-pretrial-services/supervision/post-conviction-risk-assessment> (last visited Mar. 7, 2021) [<https://perma.cc/FJC2-A279>].

35. Sharp, *supra* note 30, at 1.

36. *Id.*

37. *Id.* For additional information regarding recidivism rates in both state and federal courts, see Rowland, *supra* note 10, at 3-12. As previously noted, however, reentry programs should be evaluated more broadly than just by examining recidivism rates. See Taylor, *supra* note 8.

38. See, e.g., Favors, *supra* note 2, at 70 (“Although few districts focused on mentorship as a critical piece of reentry, individuals who have successfully reintegrated back into society have identified mentorship as the most important aspect of reentry.”); Andrew S. Denney et al., *Beyond Basic Needs: Social Support and Structure for Successful Offender Reentry*, 2 J. QUALITATIVE CRIM. JUST. & CRIMINOLOGY 39, 48 (2014) (“[T]he programming must go beyond securing employment, education, housing, and transportation to meet the need for expanded social support in the form of a community environment providing *accountability* to all participants.” (emphasis added)).

39. These observations all come from the REACH 1.0 Court over which I preside.

Thomas Ridley, a now successful graduate of the REACH program. The word “success” was not often associated with Ridley in his earlier years, except perhaps in the context of previously running a successful, large-scale, illegal drug-dealing operation. On September 27, 1994, a jury found Ridley guilty of two counts: (1) conspiracy to possess with intent to distribute and to distribute cocaine and cocaine base; and (2) possession with intent to distribute and to distribute cocaine and cocaine base.<sup>40</sup> On January 13, 1995, Judge McKinney sentenced Ridley to life in prison.<sup>41</sup> The U.S. Sentencing Commission subsequently lowered the guideline range under which Ridley was sentenced. As a result of this retroactive change, on May 24, 2012, McKinney reduced Ridley’s life sentence to 360 months.<sup>42</sup> On November 1, 2014, the Sentencing Commission again retroactively lowered the applicable guideline range.<sup>43</sup> As a result, and upon stipulation of the parties,<sup>44</sup> on October 15, 2015, McKinney reduced Ridley’s sentence to 300 months.<sup>45</sup> Shortly thereafter, the Bureau of Prisons released Ridley from incarceration.

Ridley joined the REACH program and quickly bonded with Judge McKinney—the person who had once ordered Ridley to spend the rest of his life behind bars. With the benefit of changes in sentencing laws, McKinney gave Ridley a new lease on life. McKinney warmly welcomed Ridley to the REACH program and reinforced his efforts to mentor other REACH participants. For his part, Ridley had no intention of disappointing McKinney’s high expectations. Ridley excelled in the REACH program, mentored REACH participants who sometimes struggled, and successfully graduated. Ridley went on to start his own foundation, 1 Like Me, and with help from Professor Silva, obtained grants that he has used to help others in reentry with struggles such as securing housing.<sup>46</sup> “I feel without this program, a lot of dudes would be in a lot of trouble,” Ridley said.<sup>47</sup>

The unusual friendship between McKinney and Ridley was on display shortly after Judge McKinney’s unexpected death. The well-known and highly respected Southern District jurist had a small, private funeral service in his hometown of Edinburgh, Indiana. One of the guests at that intimate service was Ridley. On that

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40. JAMS Docket Sheet at 7, *United States v. Ridley*, No. 1:93-00148-LJM-KPF-1 (S.D. Ind. Nov. 9, 1993), ECF No. 223-1; Judgment at 1, *Ridley*, No. 1:93-cr-00148-LJM-KPF-1, ECF No. 223-3.

41. Stipulation Regarding Modification of Sentence at 1, *Ridley*, No. 1:93-cr-00148-LJM-KPF-1 (S.D. Ind. Sept. 4, 2015), ECF No. 485.

42. *Id.*

43. *Materials on 2014 Drug Guidelines Amendment: Reducing the Drug Quantity Table by Two Levels*, U.S. SENT’G COMMISSION, <https://www.ussc.gov/policymaking/amendments/materials-2014-drug-guidelines-amendment> (last visited June 17, 2021) [<https://perma.cc/LP3P-MCBW>].

44. See Stipulation Regarding Modification of Sentence, *supra* note 41.

45. Order Reducing Sentence at 1, *Ridley*, No. 1:93-cr-148-LJM-KPF-1 (S.D. Ind. Oct. 15, 2015), ECF No. 498.

46. Odendahl, *supra* note 11.

47. *Id.*



day, I watched tears roll down Ridley's face as he listened to the funeral service of the man who had once sentenced him to life in prison, but then proudly traveled with him on the road to reentry.<sup>48</sup> Looking back, I may have stumbled upon some "secret sauce" to successful reentry.

Lovoyne Drain was the first REACH participant with whom I made a strong personal connection. Drain pleaded guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g) and was sentenced to a fifty-seven-month prison term.<sup>49</sup> After becoming a REACH participant upon his release from prison, one of Drain's goals was to provide for his four children, including a son who was then in high school. Drain had a criminal history that included firearms and drug convictions. He was a big man, but rather quiet at REACH hearings. At one hearing, Drain mentioned that his son had an upcoming high school wrestling meet. I told Drain, in open court, that I would like to attend the meet.

I attended that wrestling meet after work along with Courtroom Deputy and REACH Team member Amy Holtz.<sup>50</sup> When we arrived at the wrestling meet, Holtz and I did not initially see Drain, but then we spotted him sitting in the stands. He smiled when he saw us, and he was genuinely pleased we were there. We sat next to Drain and watched his son compete. After the wrestling match concluded, Drain introduced us to his son. His son seemed to recognize that it was unusual for a judge and courtroom deputy associated with his father's court proceedings to have been in attendance, even if he did not quite grasp the greater significance of the moment.

When Drain appeared for his next REACH hearing, we had a noticeably more palpable bond, prompted by our shared experience. Drain was more open, and, at my request, he talked about the wrestling match. Drain also stated that it was meaningful to him that Holtz and I had taken the time to attend. The other REACH participants—who sometimes are not completely focused when hearings last upwards of an hour—listened with great interest. Drain went on to successfully graduate from the REACH program, and his son attended his father's graduation ceremony. I knew then that making this personal connection with Drain was an important ingredient in the recipe for successful reentry. This belief has been reinforced many times by other REACH participants who mentioned my personal connection with Drain as one of the reasons why they felt REACH was

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48. Since McKinney's death, I have continued to nurture my relationship with Ridley and his involvement in the REACH program. He continues to assist REACH participants, and occasionally returns for REACH hearings. When he does return, I always acknowledge his presence during the hearing, and ask him to update me, the REACH Team, and the participants on his life, which he is always happy to do.

49. Judgment at 1, *United States v. Drain*, No. 1:11-cr-00096-SEB-TAB (S.D. Ind. Nov. 21, 2012), ECF No. 68.

50. Like other members of the REACH Team, Holtz was dedicated to helping REACH participants succeed, as demonstrated by her accompanying me to this wrestling meet and by the countless other acts of kindness Holtz demonstrated to the men and women in the program. In fact, despite retiring in early 2020, Holtz has returned to many REACH hearings to show ongoing support for the program and its participants.

so supportive and helpful in their own reentry efforts.

The next REACH participant with whom I made a strong and notable personal connection was Damien Brodie. Brodie was convicted of possession with intent to distribute 50 grams or more of cocaine base (crack) and possession with intent to distribute less than 40 kilograms of marijuana.<sup>51</sup> The court sentenced Brodie to 240 months in prison.<sup>52</sup> As a result of the Fair Sentencing Act of 2010,<sup>53</sup> and its retroactive application by way of the First Step Act of 2018,<sup>54</sup> Brodie was eligible for a sentence reduction that made him eligible for release.<sup>55</sup> On February 21, 2019, after serving approximately 153 months in prison, the court reduced Brodie's sentence upon the joint motion and stipulation of Brodie and the government and released him from prison.<sup>56</sup>

Brodie joined the REACH program in March of 2019. Brodie was an extremely muscular body builder who wanted to become a personal trainer. Despite his imposing stature, Brodie was a quiet man. And although he generally did well in the REACH program, the REACH Team sanctioned Brodie for a positive drug screen for using marijuana. This sanction caused Brodie to lose a monthly certificate and thus spend an extra month in the program and on supervision. Brodie and I had a frank discussion about his reasons for violating his release conditions and the need for a sanction. Despite this productive exchange, I recognized I was struggling to find a way to get Brodie to open up to me and the REACH Team. So, I decided to take a chance on making a personal connection with him.

At the REACH hearing the following month, I asked Brodie where he typically lifted weights. He told me it was on the east side of Indianapolis, not too far of a drive from the courthouse where the REACH hearings are held. I said that I would like to work out with him some time, and Brodie agreed to meet me at his gym.

On the day I arrived at the gym, I did not immediately see Brodie. A few minutes later, I spotted Brodie's massive frame and walked up to say hello. He looked at me a moment and said, in a somewhat surprised tone, "You showed up." I replied, "I told you I would." Then Brodie led me through a series of demanding upper body exercises. We discussed his workout routines and his desire to be a personal trainer. We talked, exercised, sweated, and bonded. The workout lasted about as long as a typical REACH hearing. The soreness I felt after that workout only lasted a few days, but the experience forever strengthened my relationship with Brodie. At the next REACH hearing, Brodie and I discussed the workout and joked about his weightlifting prowess as compared to mine.

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51. Joint Motion and Stipulation at 1, *United States v. Brodie*, No. 1:06-cr-00047-LJM-TAB (S.D. Ind. Feb. 15, 2019), ECF No. 19.

52. *Id.*

53. Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372.

54. First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194.

55. Joint Motion and Stipulation, *supra* note 51, at 2.

56. *Id.*; see also Order for Sentence Reduction at 1, *United States v. Brodie*, No. 1:06-cr-00047-LJM-TAB (S.D. Ind. Feb. 21, 2019), ECF No. 21.

Once again, the other REACH participants seemed genuinely interested in the fact that I had taken the time to visit Brodie at his gym to work out with him. Brodie, other REACH participants, and I sometimes mentioned this experience during future REACH hearings. I encouraged Brodie to pursue his dream of being a personal trainer. Brodie went on to successfully graduate from the REACH program, pass his CPR exam, and become a certified personal trainer.

Not all outreach efforts need to be so unusual or even complicated. Case in point: Vernon York. York was only twenty years old when he appeared for his first REACH hearing in March 2018, following an eighteen-month sentence he received after pleading guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).<sup>57</sup> Probation Officer Sharp selected York in large part due to York's youth, given the correlation between crime and youth. York was a challenge from the outset in the REACH program. One of the first goals I set for him was to obtain employment, but York failed to do so and even failed to attend a job fair as instructed. York also smoked marijuana while in the REACH program, showed up late for hearings, and committed other infractions that resulted in sanctions and put him on the verge of being dismissed from the program.

York's behavior disappointed and frustrated me. No matter how much I tried during the monthly REACH hearings, I simply was not able to connect with this young man. York seemed oblivious to the help and opportunities REACH offered him. When I tried to hold York accountable for his shortcomings, he felt I was purposely picking on him.<sup>58</sup>

Ultimately, York obtained employment as a short order cook in an Indianapolis restaurant. By this point, I knew that, to make an impression on York, I would have to do so outside of the comfortable confines of the courthouse, and in a way that would show him I really cared about his success. I hatched a plan to go with a friend to visit York at his workplace and have lunch at the restaurant. After being seated, I asked the server to please let York know that if he had a moment, he had visitors. A few minutes later York emerged from the kitchen. He looked shocked to see me and exclaimed, "You're the judge!" I said, "Yes I am!" We both laughed and smiled. He didn't really know why I was there. I told him I just stopped in for a visit to say hello, to let him know I was thinking about him, and to sample his culinary talents. We chatted a few minutes about his job and how he was doing. York said that when he was told he had visitors, he first thought his probation officer must have stopped in to see him. We had a good conversation, and then he went back to work in the kitchen.

At the REACH hearing the next month, York showed up early, had a smile on his face, and was very positive and engaging. It was as though a switch had been flipped. York had no further remarkable issues in the REACH program, and successfully graduated. There are a myriad of factors that helped push York

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57. Entry & Order at 1, *United States v. York*, No. 1:16-cr-00238-JMS-DML (S.D. Ind. Dec. 19, 2017), ECF No. 34; Judgment at 1, *York*, No. 1:16-cr-00238-JMS-DML (S.D. Ind. Dec. 21, 2017), ECF No. 38.

58. Odendahl, *supra* note 11.

toward success.<sup>59</sup> I know, however, that my visiting York at his workplace was an important ingredient in helping him turn the corner. In fact, York acknowledged that my visit made a big impression on him and that seeing that I cared about him helped him to change his attitude.<sup>60</sup>

Another such example, if significantly more elaborate, involved REACH participant Adam Collins. On February 23, 2014, a jury convicted Collins of armed bank robbery in violation of 18 U.S.C. § 2113(a) and (d), and use of a firearm during that robbery in violation of 18 U.S.C. § 924(c).<sup>61</sup> The Court sentenced Collins to 223 months in prison followed by five years of supervised release.<sup>62</sup> Collins was released from prison in May of 2019 and appeared for his first REACH hearing in June of 2019.<sup>63</sup> I got to know Collins and his fiancée quite well during his time as a REACH participant. Collins enjoyed producing rap music and videos and brought some of his work to REACH hearings for everyone to see and hear. We share a love of music, if perhaps of different genres. At Collins' request, I even sent him MP3s with lead and backing guitar parts I played for possible inclusion in his songs.<sup>64</sup> While music gave us our first connection, it was merely a bridge to a much bigger breakthrough.

One day, Collins asked me if I would be willing to perform the marriage ceremony for him and his fiancée. I told him I would be honored to do so. With the gracious assistance of my chambers co-workers, we decorated the courtroom for the occasion. Collins and his fiancée invited several friends and family to attend the ceremony, and they wrote their own wedding vows. It was a beautiful ceremony, followed by a reception in the courtroom with wedding cake and lemonade. It meant a great deal to Collins that I agreed to preside over his

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59. The factors include: (1) another, older, REACH participant who served as a mentor to York; (2) the contributions from York's law school advocate and Professor Silva, which included getting York's traffic fines reduced so he could secure driving privileges; (3) the outstanding supervision from Probation Officer Sharp; and (4) the overall efforts of the other REACH Team members.

60. Odendahl, *supra* note 11. There is an important epilogue to this story. When Courtroom Deputy Holtz retired in 2020, she gave me a parting gift: a framed "before and after" picture of York. The "before" picture (taken before he began in the REACH program) depicts a scowling, rather defiant York. The "after" picture is of a happy, smiling, confident-looking York. Holtz added the following words to the pictures: "Mentoring . . . this is why you do what you do." I cherish this keepsake and proudly display it on a shelf in my chambers, near my desk.

61. Order at 1, *United States v. Collins*, No. 1:02-cr-00123-SEB-TAB (S.D. Ind. Sept. 23, 2014), ECF No. 54.

62. *Id.*

63. Courtroom Minutes, *Collins*, No. 1:02-cr-00123-SEB-TAB (S.D. Ind. June 6, 2019), ECF No. 112.

64. To my knowledge, Collins never utilized these guitar parts in his music. He told me he experienced some technological difficulties in trying to download and import my music offerings, which I believe to be true. However, I've always wondered whether perhaps my limited musical skills were another possible reason why my guitar solos never made it into Collins' very impressive work.

wedding ceremony. It likewise was significant to me that he asked me to officiate this important event in his life. Collins went on to successfully graduate from the REACH program, and of course, his new bride was present to help him celebrate.<sup>65</sup>

Most recently, I made a personal connection with REACH participant Eric Gude. Gude was indicted in the Southern District of Indiana for his role in a significant drug trafficking operation.<sup>66</sup> Gude pleaded guilty to four felonies: conspiracy to distribute controlled substances, possession with intent to distribute methamphetamine, possession with intent to distribute heroin, and possession of marijuana.<sup>67</sup> As a result, on December 14, 2016, the Court sentenced Gude to 72 months in prison followed by four years of supervised release.<sup>68</sup> Gude was released from prison on February 25, 2021, and appeared before me for his first REACH hearing on March 4, 2021.<sup>69</sup> It quickly became apparent that Gude was serious about reentry and turning his life around. Tellingly, Gude brought two of his adult children with him to that first hearing, expressed his love and support for them, and pledged to be a better father.<sup>70</sup> Since REACH began in 2007,<sup>71</sup> I have never witnessed such an emotional soul-bearing from a new REACH participant, and many tears were shed in the courtroom that day, including from the bench.

Something else about Gude also became apparent: he was an avid golfer. Gude mentioned his golf game at every REACH hearing. Gude's effort to improve his golf game seemed like a type of holistic approach to improving other facets of his life. I sensed that if Gude continued to succeed on his road to reentry, he could be an advocate for the REACH program and an inspiration to and role model for other REACH participants, like Thomas Ridley and others have been.<sup>72</sup> To encourage Gude's progress, I promised him that if he continued to meet all the goals I set for him, I would arrange for us to play golf together.<sup>73</sup> Gude met every

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65. The Southern District of Indiana is not the only court in which judges involved in reentry programs take an extremely personal approach to helping program participants. *See, e.g.,* Christopher Salvatore et al., *Reentry Court Judges: The Key to the Court*, 59 J. OFFENDER REHABILITATION 198, 209 (2020) (discussing a study of the District of New Jersey's Newark Reentry Court and a judge who took a participant to get glasses at LensCrafters).

66. Indictment, *United States v. Gude*, No. 1:16-cr-225-SEB-MJD (S.D. Ind. Feb. 3, 2016), ECF No. 1.

67. Judgment at 1, *Gude*, No. 1:16-cr-00025-SEB-MJD (S.D. Ind. Dec. 14, 2016), ECF No. 420.

68. *Id.* at 2.

69. Text Only Entry, *Gude*, No. 1:16-cr-00025-004-SEB-MJD (S.D. Ind. Mar. 4, 2021), ECF No. 590.

70. In contrast, many REACH participants are rather quiet and somewhat introverted at their first several REACH hearings.

71. *See* Odendahl, *supra* note 11.

72. *See supra* note 48.

73. I cautioned Gude, however, that I am not a very good golfer. This did not dissuade his interest in joining me for a round.

goal I set, such as having negative drug screens, remaining employed, building better relationships with his children, and making payments on his court-ordered fine.<sup>74</sup>

Accordingly, at the June 2021 REACH hearing, I announced that based upon Gude's success in meeting his goals, I would schedule a golf game with him. At the end of the REACH hearing, I invited Gude to accompany me from the courtroom to my chambers. Then I asked him to select a golf course, and I called and made us a tee time for later that month. On the day of our golf game, a beaming Eric Gude arrived on time and ready to play. Although he beat me soundly, the true victory of the day was the personal connection we made. We didn't just share a golf cart and a game; we shared our time and our trust. I fully expect this experience will pay dividends going forward not just to Gude and to me, but to the entire REACH program.

It does not take a wedding ceremony, a personal training session, or a golf game to establish personal connections with REACH participants. More elaborate opportunities such as these are somewhat limited, yet every REACH hearing offers at least some opportunity to make personal connections with participants. Judge McKinney's outreach to Thomas Ridley is a perfect example of how making a personal connection does not require an elaborate plan as much as simply a genuine effort and concern for others' wellbeing. I try to make these types of connections with everyone when they earn their monthly certificates. I step off the bench to personally hand these certificates to each REACH participant. This allows me to have a conversation, out of earshot of the others in the courtroom, with each participant who receives a REACH certificate. Sometimes I take this opportunity to quietly and personally offer words of encouragement for matters such as taking an upcoming test for a driver's license. Other times I ask a question about a personal matter, such as seeking more details on an ill parent, or a child who is struggling in school. Other times I simply ask them if they have a thought or concern about something that perhaps they did not want to share in open court.<sup>75</sup> These brief, impromptu exchanges can be surprisingly candid and personal, though not always. Regardless of the substance of each exchange, utilizing this genuine, caring approach has helped further develop personal connections that are one of the foundations of a successful reentry program.<sup>76</sup>

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74. In addition to a term of imprisonment, the Court also fined Gude \$2,500 and ordered him to pay a \$400 special assessment. *See* Judgment, *Gude*, *supra* note 67, at 5.

75. REACH hearings in general, and graduation ceremonies in particular, offer a similar opportunity. As REACH participants, REACH Team members, and friends and family are milling about the courtroom, I use this opportunity to speak more privately, directly, and personally to REACH participants. Other times, I use this opportunity to make inroads with participants' family members who sometimes attend.

76. Despite the REACH program's notable successes, it must be acknowledged that graduates of the program have experienced setbacks as well. *See, e.g.*, Indictment, *United States v. Sheppard*, No. 1:20-cr-233-JMS-TAB (S.D. Ind. Sept. 23, 2020), ECF No. 13 (REACH graduate subsequently indicted on a charge of possession of a firearm by a convicted felon, in violation of 18 U.S.C. §

## V. CONCLUSION

Since its inception in 2007, the REACH program in the Southern District of Indiana has helped individuals successfully navigate the difficult transition from incarceration to freedom. There are many reasons for the success of this program, and for other reentry programs throughout the country. Indeed, operating a successful reentry court demands a multi-dimensional, creative approach.

If there is a “secret sauce” to reentry, a key ingredient involves the presiding judge (and, ideally, the entire reentry team) making personal connections with reentry participants. This author’s experiences, combined with the Southern District’s REACH program for more than a dozen years, strongly support this conclusion. Some of these experiences are discussed in this article. Making such connections is not easy, though it does not necessarily require radical measures. At bottom, making personal connections requires judges to take a genuine interest in reentry participants, their lives, and their families. Sometimes, this can be accomplished simply by asking participants personalized, heartfelt questions about their hopes, their disappointments, or their struggles. On the other hand, reentry programs provide judges a powerful opportunity to forge personal connections by stepping outside of their comfort zones. Doing so might literally require judges to venture outside of the courthouse—a relatively minor step compared to the giant strides judges expect of reentry participants. Whatever approach is taken, personal connections are an integral component, and can make a difference between successful reentry and failure.

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922(g)(1)). Following a hearing, the court detained Sheppard pending trial, finding he was both a risk of flight and a danger to the community. Detention Order at 1-3, *Sheppard*, No. 1:20-cr-233-JMS-TAB (S.D. Ind. Sept. 10, 2020), ECF No. 12. Sadly, Sheppard is not the only REACH participant that has returned to incarceration. I have often thought that making more personal connections with Sheppard and others who have stumbled would have aided them in their reentry efforts.