Best Practices on Rehabilitation and Reintegration in the U.S.

On behalf of the United States, the following summary of best practices and corresponding background information including, but not limited to, national strategies, action plans, legislation, and evidence-based approaches and programs aimed at reducing reoffending are provided in support of the resolution Reducing Reoffending Through Rehabilitation and Reintegration, recently adopted by the Commission on Crime Prevention and Criminal Justice at its thirty-first session.

Key highlights from the summary include:

- Developing best practices for rehabilitation and reintegration in the U.S. is challenging in part because of the number of individuals involved with the criminal justice system, and their individual risks and needs.
- Housing, employment, family support and reunification, mental and physical health and substance use treatment, and other critical needs are important to successful reintegration.
- Adherence to certain treatment principles when developing reentry programs will help achieve meaningful reductions in recidivism.
- Programs that target individuals who are most likely to reoffend, use practices rooted in research on what works to reduce recidivism, and evaluate how closely their program adheres to established principles are more likely to reduce the likelihood of reoffending.
- Assessing an individual’s risks and needs is critical to identifying and assigning appropriate programs and services. This also allows criminal justice agencies to better manage individuals in the community.
- Federally initiated strategies and legislation provide resources to jurisdictions across the U.S. to assist in efforts to reduce reoffending and increase public safety.
Background

Every year, millions of adults in the U.S. engage with the criminal justice system. At year-end 2020, approximately 5.5 million persons were under the supervision of adult correctional systems in the United States. An additional 3,890,400 adults in the U.S. were under community supervision (probation or parole). Understanding what works to reduce reoffending among this population is complicated. There is significant discretion afforded to justice system agencies at the state, local, and federal levels across the U.S. to implement programs, policies, and practices that may be most suitable for the populations of individuals in their jurisdictions and under their supervision.

For decades, the question of what works to reduce reoffending has remained a key focus of empirical interest for criminal justice practitioners and scholars. Responses to this question vary for many reasons, for example individual needs, resource availability, and program and service options. Pathways to the criminal justice system vary significantly for men and women. For example, women involved with the criminal justice system are more likely to experience physical abuse, suffer from mental health and substance use issues, experience homelessness and low rates of employment, and be the primary caretaker of their families. To address the needs of women it is critical to implement programs tailored specifically to the needs of women and consider the principles of gender responsivity and trauma-informed care. In general, housing, employment, family support and reunification, mental and physical health and substance use treatment, and other critical needs are important to post-release success. Even when a reentry program addresses these needs, it may not be adequate for success. Programs need to be

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3 The National Institute of Justice’s CrimeSolutions uses rigorous research to inform practitioners and policy makers about the programs and practices that work to address the needs of their communities. See CrimeSolutions.ojp.gov.
delivered at the right time on the individual’s trajectory of change to promote successful reentry.\(^7\)

This summary focuses on the programmatic elements and principles that have been shown to reduce reoffending.\(^8\) A high-level overview of ongoing federal strategies that aim to support rehabilitation and reintegration also is provided.

Effective Correctional Practices

As the number of empirical examinations of reentry programs continues to increase, programs that adhere to certain treatment principles have been found to achieve meaningful reductions in recidivism.\(^9\) Latessa and colleagues\(^10\) identified eight principles of correctional practices that promote successful rehabilitation. When incorporated into reentry programs, they increase the chance of successful intervention.

- Organizational culture. Effective organizations are those with well-defined goals, ethical principles, and a history of efficiently responding to issues that have an impact on the treatment facilities. Staff cohesion, support for service training, self-evaluation, and use of outside resources also characterize the organization.
- Program implementation and maintenance. The implementation and maintenance of programs are based on empirically defined needs and are consistent with the organization’s values. The program is fiscally responsible and congruent with stakeholders’ values. Effective programs also are based on thorough reviews of the literature, undergo pilot trials, and maintain staff’s professional credentials.
- Management and staff characteristics. Program staff are professionally trained and have previous experience working in offender treatment programs. Staff selection is based on their holding beliefs supportive of rehabilitation and relationship styles and therapeutic skill factors typical of effective therapies.
- Client risk-need practices. The risk of an individual to re-offend is assessed by psychometric instruments with predictive validity that include a diverse set of dynamic risk factors or criminogenic needs (e.g., anti-social attitudes and values). The assessment

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also accounts for the responsivity of the individual to different styles and modes of service. Changes in risk level over time (e.g., 3 to 6 months) are routinely assessed to measure intermediate changes in risk and need levels that may occur because of planned interventions.

- **Program characteristics.** Programs should target a wide variety of criminogenic needs (factors that predict recidivism) and use empirically valid behavioral, social learning, or cognitive behavioral therapies that are directed to those at higher risk of offending.
- **Core correctional practices.** Program staff should engage in a variety of therapeutic practices such as anti-criminal modeling, effective reinforcement and disapproval, problem-solving techniques, structured learning procedures for skill-building, effective use of authority, cognitive self-change, relationship practices, and motivational interviewing.
- **Inter-agency communication.** The agency should make referrals and advocates for individuals in their case so that they receive high quality services in the community.
- **Evaluation.** Program audits, satisfaction surveys, process evaluations of changes in criminogenic need, and follow-ups of recidivism rates should be conducted regularly.

Programs that are effective at reducing reoffending typically have three core elements in common: they target individuals who are most likely to reoffend (who), they use practices rooted in research on what works to reduce recidivism (what), and they review program quality and assess how closely the program adheres to its established model (how well).

**Who**

To be effective, programs must target people who have a medium to high risk of reoffending. Actuarial risk assessment instruments gauge the likelihood of future contact with the criminal justice system. Providing the most intensive supervision and treatment for people at a high risk of reoffending results in the greatest reductions in recidivism. Requiring intensive supervision and programming for individuals predicted to be at a low risk of reoffending may waste resources and often increases their likelihood of reoffending.

**What**

Programs that adhere to the principles of risk, need, and responsivity and use a cognitive behavioral approach are the most effective at reducing recidivism. In addition to targeting the most intensive supervision and services for people who are most likely to reoffend (risk principle), programs should also focus treatment on criminogenic needs (dynamic factors that contribute to the likelihood of reoffending), such as criminal thinking or attitude. Programs that focus on dynamic factors that are not associated with recidivism, such as self-esteem or relationships, do little to lower recidivism. Finally, programs should promote active participation
(e.g., making accommodations for language or literacy issues) and rely on methods that are effective with people in the criminal justice system, such as cognitive behavioral programs.

One type of evidence-based programming is cognitive behavioral therapy, or CBT. These programs help people who have committed crimes identify how their thinking patterns influence their feelings, which in turn influence their actions. These programs include structured social learning components where new skills, behaviors, and attitudes are consistently reinforced. Cognitive behavioral therapy programs that target areas such as attitudes, values, and beliefs have a high likelihood of positively influencing future behavior, including a person’s choice of peers, whether he or she abuses substances, and his or her interactions with family. Most effective cognitive behavioral therapy programs are action-oriented and often include components for people to practice skills through role-play with a trained instructor.

**How well**

Monitoring the quality of program delivery is essential. Well-run programs that closely follow a proven model for reducing recidivism are essential to achieving desired outcomes. Programs that receive high scores on assessments, such as the [Correctional Program Checklist](#), that evaluate the quality of programs are likely to reduce recidivism. These tools evaluate whether the program has the capability to deliver evidence-based interventions and services with fidelity by observing programming, assessing staff training and leadership, reviewing the curriculum, and interviewing staff and participants.

Investments in programs meant to reduce recidivism will not be effective if the programs funded do not incorporate all three core elements. Traditionally, policymakers and program administrators have relied on formal evaluations to determine the effectiveness of program investments, but this approach is simply too expensive to conduct on every program and usually does not provide timely results for annual funding decisions.

Program administrators undertaking an informal examination of program adherence to the three core elements could help to identify programs that are most ready for a formal evaluation and inform future funding decisions to ensure that policymakers are investing in programs that are most effective at reducing recidivism.
Risk-Needs-Responsivity (RNR) Model

Any intervention works best when it is specifically tailored to meet the unique needs of the individual. Developed more than 30 years ago, many correctional practices in the U.S. adopt a risk-needs-responsivity model. This model focuses on demographic, sociological, and psychological risk factors.\(^{11}\)

**Risk**
The risk principle states that an individual’s risk of recidivism may be reduced if the level of treatment services provided is proportional to their risk to reoffend. The principle has two key elements: level of treatment and the risk to re-offend. An individual’s level of service should be matched to their risk of reoffending, based on static factors (e.g., age at first arrest, history of arrest, current age) and dynamic factors (e.g., substance abuse, antisocial attitudes). Higher-risk individuals should receive more intensive intervention.

**Needs**
The need principle states the focus of correctional treatment should be on criminogenic needs. Criminogenic needs are dynamic risk factors that are directly linked to criminal behavior. Criminogenic needs are amenable to change over time. An individual may have many needs but not all will be associated with recidivism.\(^{12}\)

**Responsivity**
Responsivity refers to how well individuals receive a type of intervention and the corresponding potential for positive results. Programs, such as CBT, will be most effective when they are responsive to changing behaviors and factors known to impact recidivism.\(^{13}\)

**Risk and Needs Assessments**

One key component of the risk, needs, responsivity model is the assessment of an individual’s criminogenic needs and thus their risk for misconduct and reoffending. Risk and needs assessments use actuarial evaluation to guide decision making at various points in the criminal justice system, including, but not limited to, during pretrial to inform decisions about release, while an individual is incarcerated to determine appropriate programs and services, and while an

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individual is under community supervision to determine level and intensity of supervision. These assessments evaluate an individual’s likelihood of reoffending and determine their specific needs that if addressed appropriately can reduce their likelihood of reoffending. Once an individual’s risks and needs are identified, criminal justice agencies can be more effective in ensuring public safety through the appropriate management and rehabilitative programming of justice-involved individuals.\textsuperscript{14}

Like the diversity and number of reentry programs available throughout the criminal justice system, there is similar diversity in the number and type of risk and needs assessment. While a comprehensive review of available risk and needs assessments is outside the scope of this summary, there are guidelines in the field of criminal justice for their use. A risk and needs assessment tool must be as accurate as possible in its ability to predict an individual’s recidivism risk. It is also important to ensure that the risk assessment tool is legally and practically sound and does not exacerbate existing disparities in criminal justice outcomes.

Bucken, Duwe, and Taxman, Duwe\textsuperscript{15} detail four principles critical to the design and implementation of risk and needs assessment tools: fairness, efficiency, effectiveness, and communication.

- **Fairness.** Risk assessment tools should be equitable and not exacerbate potential sources of bias. Disparities also can be reduced through delivery of programming and services to those who pose a higher public safety risk.
- **Efficiency.** Risk assessment tools “should rely on processes that promote reliability, expand assessment capacity, and do not burden staff resources.” Efficiency can be improved through automation and computer-assisted scoring to increase reliability, validity, and the number of assessments that can be completed.
- **Effective.** The effectiveness of a risk assessment tool depends on the predictive validity — or performance — of a risk assessment tool and how it is used within a criminal justice agency. Risk assessment tools that are customized to the correctional population on which they are used may deliver better predictive performance.
- **Communication.** It’s critical to focus on the implementation and use of risk assessment tools so that individuals are aware of their risk factors and the programs that can be used to address them.

These principles improve the transparency of risk assessment tools and provide fundamental guidelines to govern their development and implementation.

\textsuperscript{14} See Bureau of Justice Assistance, Public Safety Risk Assessment Clearinghouse: \url{https://bja.ojp.gov/program/psrac}

Strategies and Legislation Aimed at Improving Reentry

Strategies to improve the success of individuals returning to their communities vary across the U.S. because each jurisdiction addresses their specific challenges in their own way. The federal government has initiated comprehensive programs to assist jurisdictions in addressing the needs of individuals returning from incarceration. Though the following list is not meant to be exhaustive, several federally initiated efforts are highlighted below.

- On December 21, 2018, the First Step Act of 2018 was signed into law.\(^\text{16}\) Title I of the First Step Act of 2018 (FSA) is focused on reforms to reduce recidivism among the federal prison population. While Title I focuses on individuals in federal custody, it can serve as a model strategy for reducing recidivism across the U.S.

- Title V of the FSA reauthorized the Second Chance Act (SCA). Originally signed into law on April 9, 2008, the SCA supports state, local, and tribal governments, and nonprofit organizations in their work to reduce recidivism and improve outcomes for people returning from state and federal prisons, local jails, and juvenile facilities.\(^\text{17}\)

- Supported by the Bureau of Justice Assistance and in partnership with Pew Charitable Trusts, the Justice Reinvestment Initiative\(^\text{18}\) is a data-driven process to improve public safety by helping jurisdictions make more effective and efficient use of criminal justice resources to address the complex factors that drive crime and recidivism. The Bureau of Justice Assistance funds site-based projects as well as state-level efforts.

In addition, there are ongoing efforts throughout the U.S. to expand Medicaid coverage, specifically health and long-term coverage for low-income people, to eligible individuals prior to their release from prison or jail.\(^\text{19}\)

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\(^{18}\) See Justice Reinvestment Initiative (JRI): [https://bja.ojp.gov/program/justice-reinvestment-initiative/overview](https://bja.ojp.gov/program/justice-reinvestment-initiative/overview)