Key Elements for Model Strategies on Reducing Reoffending

In response to the request for input from the Institutes of the UN Crime Prevention and Criminal Justice Programme Network (PNI) to the Zero Draft of Model Strategies for Reducing Reoffending, the Raoul Wallenberg Institute proposes the following key elements for incorporation, with reference as relevant to existing international standards:

• Move beyond social enquiry reports to require risk/needs assessments for decision-making at each stage of the criminal justice process (pre-trial release, sentencing, classification, conditional release etc).
  The Tokyo Rules focus on social inquiry reports for sentencing, while indirectly referencing risk/needs assessments in relation to treatment only. Risk/needs assessments have always been required by the Standard Minimum Rules for the Treatment of Prisoners and should be equally applicable to community clients.

• Emphasise the need for individualised approaches – including for allocation, supervision, conditions and treatment as relevant – for all offenders, whether serving community or custodial sentences, and including the requirement that the nature and delivery of rehabilitation programmes is reflective of the rehabilitative needs of the individual offender as determined through a structured assessment process, whether undertaken by the concerned agency or another.
  The Standard Minimum Rules for the Treatment of Prisoners have always required individualisation while the Tokyo Rules imply the same but are not explicit in this respect. Inter-agency cooperation mechanisms, as highlighted below, may be required to efficiently operationalise the same.

• Require structured systems of reassessment, reclassification or other relevant review.
  The Nelson Mandela Rules do not address crucial aspect, although it is recognised to an extent in the Tokyo Rules requirement that supervision, treatment and conditions be periodically reviewed.

• Emphasise the informed consent and participation of the offender at all stages, including the recognition of their right to access their own individual files and all other relevant information.
  Research indicates that treatment which offenders understand and to which they have agreed is more likely to succeed.

• Prioritise females, juveniles, clients with mental health issues and other vulnerable and marginalised groups in the provision of assessment and programming.
  In many jurisdictions, provision of such services for all correctional service clients is unlikely to be possible, in which case groups whose vulnerability may be central to their offending, and whose chances of reintegration are greatest, should be prioritised.

• Move away from a focus on vocational skills training for rehabilitation and reintegration.
  Traditional assumptions on criminality stemming primarily from unemployment and skills training as the solution to reoffending continue to be promoted in many jurisdictions, given also the potential economic gain for correctional services. While skills training has its place, it should never be emphasised at the expense of addressing criminogenic needs as identified through risk/needs assessments.
• Emphasise the obligation of services to actively promote strong positive family relationships for all offenders, whether serving community or custodial sentences or involved in informal justice processes.

This has always been required by the Standard Minimum Rules for the Treatment of Prisoners and the Bangkok Rules but is largely absent from the Tokyo Rules; simply because clients are in the community does not mean that services should not actively work to promote family ties. Relevant provisions of the Bangkok Rules regarding family contact should be considered for expansion to cover all prisoners and more specific mechanisms proposed to operationalise the same, especially in challenging contexts, and ranging from financial support for family transport to relevant technological solutions.

• Emphasise the potential role of victims in reducing reoffending and the possibility of restorative justice initiatives at all stages of the criminal justice process, including through the provision of specialised training for facilitators and inter-agency agreement for their engagement throughout. The Basic Principles on the use of Restorative Justice Programmes in Criminal Matters and materials such as the UNODC Handbook on Restorative Justice Programmes provide invaluable guidance in this respect, while it should be recognised that in many jurisdictions it may be challenging to establish relevant facilitation capacity within all agencies and resources could be pooled accordingly.

• Extend the requirement for internal and external inspection regimes from custodial to also encompass community corrections. The Nelson Mandela Rules significantly improve requirements for prison inspection regimes, but the same should be equally applicable to community corrections, with a focus on compliance with national and international law and standards and the effectiveness of interventions in reducing reoffending.

• Formalise coordination between criminal justice agencies. Efforts to address reoffending will only succeed with clearly defined coordination mechanisms, whether at the basic level of written agreements and procedures to share information on clients, through to more complex approaches such as shared computer databases. This is of particular importance in coordination and cooperation between community and custodial corrections services.

• Elaborate within the model strategies on the specific training needs for all justice sector stakeholders to address reoffending. The Nelson Mandela Rules significantly expanded the requirements for initial training of prison officers, but could have gone still further in terms of approaches to reduce reoffending, as found to an extent in the Bangkok Rules. The Tokyo Rules, while emphasising the importance of training, are not otherwise specific as to the content. The strategies should include guidelines for training not just for correctional services, but also other justice sector agencies as well as relevant community actors.

• In advocacy and public awareness initiatives, avoid a focus on the promotion of non-custodial measures solely as a means to reduce prison overcrowding. While saleable to prison authorities, the purpose of non-custodial measures should not be primarily to relieve pressure on the prison population but as the most effective way to address reoffending as well as the rights of the offender. This message is also likely to resonate more effectively with the public, rather than suggesting that communities will be flooded with criminals due to constraints on prison places and hence that more prisons are the solution.

• In advocacy and public awareness initiatives, instead seek to include cost benefit analyses of community vs custodial corrections. Research-based economic arguments can be persuasive at many levels, and can if sophisticated move beyond the cost of prison placements to examine the reduced levels of reoffending expected from those receiving treatment in the community.