

The 135th International Senior Seminar

(12 January – 16 February 2006)

1. Main Theme of the Seminar

Promoting Public Safety and Controlling Recidivism Using Effective Interventions with Offenders: An Examination of Best Practices

2. Rationale

When society punishes an offender with imprisonment, there is little disagreement that the expected role of such punishment is to prevent the offender from re-offending and to promote public safety. However, there is much discussion concerning the rationale for punishment in general; retribution, incapacitation, deterrence, rehabilitation, and so on.

Currently, many are advocating harsher punishment for offenders partly due to the increasing fear of crime in society. Such calls have been strengthened by “correctional pessimism”: that no correctional treatment program that has been implemented since the 1960s under the rehabilitative ideal, has actually accomplished its purpose i.e., a reduction in recidivism (Nothing Works).

However, the application of various sentencing guidelines, which were first applied in the United States based on the retributive ideal or “Just Desert” model which was to counter the rehabilitative ideal, has resulted in a considerable increase in the prison population in many countries. Also many arguments have been made concerning the deterrent effects (either general or specific) of punishment to suppress recidivism; however, there seems to be no agreement on this issue.

On the other hand, various standards and norms have been established for the institutional treatment of prisoners in the international community, starting from the adoption of “United Nations Standard Minimum Rules for the Treatment of Prisoners”¹ at the first United Nations Congress for the Prevention of Crime and the Treatment of Offenders held in Geneva in 1955. Many countries endeavor to use and apply such standards and norms. For example, the “United Nations Standard Minimum Rules for the Treatment of Prisoners” states that the ultimate purpose of imprisonment is to protect society against crime, at the same time it should also aim at offenders’ reintegration into society.

In view of improving the treatment of offenders, it is not efficient to confine all offenders to penal institutions in order to punish them. It is very difficult to provide offenders with effective treatment if the prisons are overcrowded. To incarcerate offenders for minor infractions stigmatizes them unnecessarily, and thus prevents them from reintegrating into society. Non-custodial measures are more conducive to social integration of offenders and facilitate their rehabilitation by allowing them continuous contact with the community. In 1990 the United Nations adopted “United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules)”² which stipulates guidelines and standards concerning various non-custodial measures.

Since the 1990s, a re-evaluation of programs that aim at the rehabilitation and reintegration of offenders has been made from the point of view of “What Works” not from the pessimistic point of view of “Nothing Works”. Thus now, a consensus is being established concerning the models of effective intervention that aim at the prevention and/or reduction of recidivism.

¹ “World Social Situation”. ECOSOC Resolution 663 (XXIV). (Annex Standard Minimum Rules for the Treatment of Prisoners.) 31 July 1957.

² “United Nations Standard and Minimum Rules for Non-Custodial Measures (Tokyo Rules).” General Assembly Resolution 45/110. 14 December 1990.

According to the consensus, effective interventions that aim at the prevention and/or reduction of recidivism should be based on empirically tested and appropriate assessments of the risk and need factors of individual offenders, and the interventions should address their needs. More precisely, the interventions should: (1) be used primarily with higher risk offenders; (2) target the known criminogenic predictors of crime and recidivism; and (3) be based on the behavioral and learning theory. Upon their implementation, it is important that the interventions should: (4) meet “responsivity” of offenders; (5) be carried out in the community rather than in institutions, and if it is necessary to carry them out in an institution they should be community-oriented; (6) be implemented by well trained staff; and (7) follow offenders after they have completed the program and give structured relapse prevention and aftercare.

Such effective intervention models have already been implemented in institutions, such as prisons, and in the community, such as while on probation, in many countries in the form of cognitive behavioral therapy, social skills training and motivational interviewing. Empirical evaluations of their outcomes have been, and continue to be, carried out.

Moreover, such interventions that aim at preventing and/or reducing recidivism can be carried out not only in traditional treatment settings, such as in institutions or in the community, but also at various stages in the criminal justice process, such as the police, prosecution and trial stage, in conjunction with non-custodial measures. Such interventions are actually carried out in some countries and jurisdictions in the form of a “Prolific and other Priority Offender (PPO) Scheme” that prioritize the police’s attention to known offenders who are responsible for committing a disproportionately large number of offences and introduces them to treatment programs in order to solve their problems. Another example is a “re-entry court” where a judge actively participates in the re-entry process of released offenders into society. It is very important that such interventions that aim at preventing and reducing recidivism should be carried out seamlessly and in a coordinated manner not only by criminal justice agencies but also through collaboration with other relevant agencies.

Reflecting such insights, the United Nations adopted the Bangkok Declaration on the occasion of the 11th United Nations Congress on Crime Prevention and Criminal Justice held in Bangkok, Thailand in 2005. The Declaration urges Member States to “recognize that comprehensive and effective crime prevention strategies can significantly reduce crime and victimization ... [, and] ... urge that such strategies address the root causes and risk factors of crime ...”³ Member States are also urged to “endeavor to use and apply the United Nations standards and norms in [their] national programs for crime prevention and criminal justice [and] to facilitate appropriate training for law enforcement officials, including prison officials, prosecutors, the judiciary and other relevant professional groups, taking into account those norms and standards and best practices at the international level”⁴. Therefore, it is very important to discuss and examine the experiences and practices that aim at the prevention and reduction of recidivism and evaluate their adaptability, sustainability and cost-effectiveness in order to incorporate such ideas into improving future treatment of offenders in respective countries.

Based on the above, this seminar aims to study best practices of the effective interventions that aim at the prevention and/or reduction of recidivism of offenders in the participating countries and provide an opportunity to examine necessary and effective measures to promote offenders’ reintegration into society through the provision of effective programs at each stage of the criminal justice process.

3. Objectives

³ Bangkok Declaration: Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, Item. 10. <http://www.unodc.org/pdf/crime/congress11/BangkokDeclaration.pdf>

⁴ Bangkok Declaration: Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, Item. 29.

The objectives of this Seminar and its subtopics are as follows:

- (1) Examination and analysis of policies that aim at the prevention and/or reduction of recidivism in the respective countries
 - (a) The current situation of crime
 - (b) The current situation of recidivism
 - (c) The current policies to protect society from recidivists
 - (d) Extent to which diversion is used
 - (e) The current situation of treatment programs in institutions and the community

- (2) Problems faced by implementing policies that aim at the prevention and/or reduction of recidivism in respective countries and possible future challenges
 - (a) Problems and challenges facing legal systems that aim to prevent and/or reduce recidivism and at protecting society from recidivists
 - (b) Problems and challenges of treatment programs in institutions
 - (c) Problems and challenges of treatment programs and supervision of offenders in the community
 - (d) Problems and challenges of collaboration between related agencies

- (3) Examination of more effective treatment models for the prevention of recidivism and policies to reduce recidivism
 - (a) Identification of effective policies and treatment models in the respective stages of the criminal justice process that reduce recidivism
 - (b) Appropriate coordination among agencies responsible for implementing policies that aim at the reduction of recidivism
 - (c) Ways in which to utilize research to identify effective policy
 - (d) Identification of effective policy and models and an examination of the adoptability of those in the respective countries
 - (e) Possibility of international cooperation