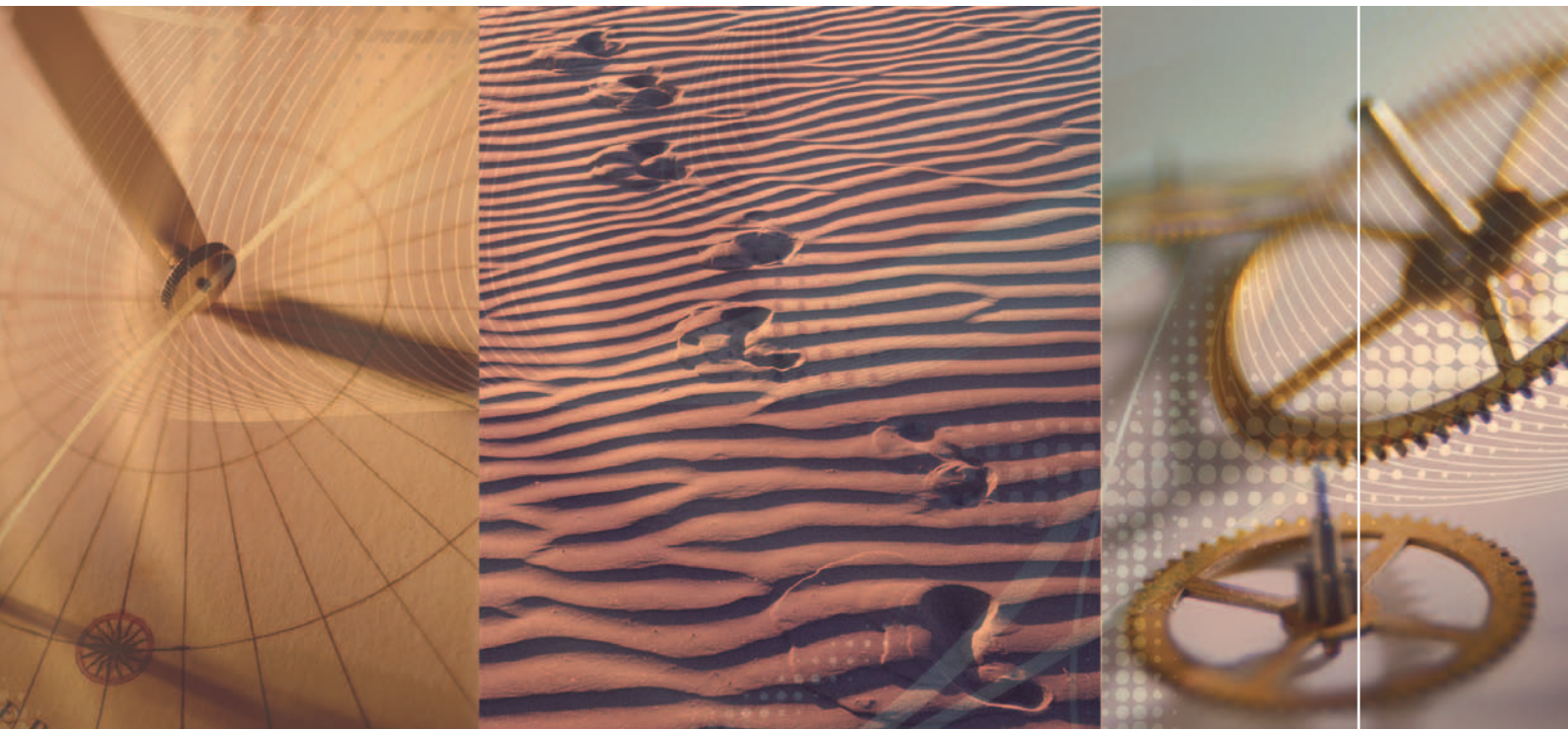




**UNODC**

United Nations Office on Drugs and Crime



Introductory Handbook on  
**the Prevention of Recidivism  
and the Social Reintegration  
of Offenders**

**CRIMINAL JUSTICE HANDBOOK SERIES**



UNITED NATIONS OFFICE ON DRUGS AND CRIME  
Vienna

# **Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders**

CRIMINAL JUSTICE HANDBOOK SERIES



UNITED NATIONS  
New York, 2012

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Publishing production: English, Publishing and Library Section, United Nations Office at Vienna.

## Acknowledgements

The *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders* has been prepared for the United Nations Office on Drugs and Crime (UNODC) by Vivienne Chin, Associate of the International Centre for Criminal Law Reform and Criminal Justice Policy, Canada, and Yvon Dandurand, criminologist at the University of the Fraser Valley, Canada.

A first draft of the *Introductory Handbook* was reviewed and discussed during an expert group meeting held in Vienna on 16 and 17 November 2011. UNODC wishes to acknowledge the valuable suggestions and contributions of the following experts who participated in that meeting: Charles Robert Allen, Ibrahim Hasan Almarooqi, Sultan Mohamed Alniyadi, Tomris Atabay, Karin Bruckmüller, Elias Carranza, Elinor Wanyama Chemonges, Kimmett Edgar, Aida Escobar, Angela Evans, José Filho, Isabel Hight, Andrea King-Wessels, Rita Susana Maxera, Marina Menezes, Hugo Morales, Omar Nashabe, Michael Platzer, Roberto Santana, Guy Schmit, Victoria Sergeyeva, Zhang Xiaohua and Zhao Linna.

The following UNODC staff also contributed to the development of the *Introductory Handbook*: Piera Barzano, Estela Máris Deon, Fabienne Hariga, Valérie Lebaux, Alexandra Martins, Philipp Meissner, Anna Giudice Saget and Miri Sharon.

UNODC gratefully acknowledges the funding provided by the Department of Foreign Affairs and International Trade, Canada, for the development, printing and dissemination of the *Introductory Handbook* and its translation into French and Spanish.



*This Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders is dedicated to prison and probation staff as well as service providers and volunteers working with prisoners and ex-prisoners around the world.*





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# I. Introduction

The present *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders* is part of a series of practical tools developed by the United Nations Office on Drugs and Crime (UNODC) to support countries in preventing crime, implementing criminal justice reforms and strengthening the rule of law. These tools are meant to assist them in implementing United Nations standards and norms in crime prevention and criminal justice.<sup>1</sup> The *Introductory Handbook* emphasizes the crucial importance of effective programmes and measures to supervise and assist offenders and support their social reintegration for the prevention of recidivism. Incarcerated offenders face some very real challenges at the time of their release, and communities become unsafe when offenders with high risk and needs are released without adequate preparation, supervision or support.

No crime prevention strategy is complete without effective measures to address the problem of recidivism. A comprehensive strategy must obviously take into account the fact that public safety is affected by the large number of crimes committed by individuals who have already faced criminal sanctions but have not yet desisted from crime. Without effective interventions, reoffending remains likely. Many offenders, even after a term of imprisonment, fail to reintegrate into the community as law-abiding citizens. This is why effective social integration or reintegration programmes are urgently required. They are essential means of preventing recidivism and increasing public safety, two very important social policy objectives in all countries.

International standards and norms reaffirm that the rehabilitation of offenders and their successful reintegration into the community are among the basic objectives of the criminal justice process. In so doing, they emphasize the importance of interventions to support the reintegration of offenders as a means to prevent further crime and protect society. In fact, adopting measures to ensure the effective reintegration of prisoners into the community is arguably one of the best and most cost-effective ways of preventing their reoffending.

Where prison and community resources exist and can be mobilized, the offender re-entry process can be more effectively managed so as to reduce the likelihood of recidivism. Programmes can be developed to link criminal justice or correctional

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<sup>1</sup>These tools are available from [www.unodc.org/unodc/en/justice-and-prison-reform/tools.html?ref=%20menuaside](http://www.unodc.org/unodc/en/justice-and-prison-reform/tools.html?ref=%20menuaside).

interventions with community-based interventions by various governmental or non-governmental agencies. The main goal of such interventions is to help offenders overcome the stigma of a criminal conviction, the detrimental effects of incarceration and the numerous obstacles they face in trying to reintegrate into the community.

Several countries now specifically acknowledge the importance of this fundamental aspect of crime prevention and have proceeded to develop and institutionalize an offender reintegration function as part of their criminal justice system.<sup>2</sup> Where resources are scarce, it is still possible to realign existing sentencing and correctional policies with the overall goal of offender reintegration and to adopt relatively simple measures that can produce significant crime prevention outcomes. However, in most low- and medium-income countries, social reintegration programmes are still poorly understood and generally underdeveloped.

The *Introductory Handbook* introduces readers to promising practices and programmes for reducing criminal recidivism by addressing the social reintegration challenges faced by all offenders and in particular by those who are or have been incarcerated. The tool can be used in a variety of contexts, including as part of technical assistance and capacity-building projects. It is meant, however, to be particularly helpful in supporting reforms and programme development in low- and middle-income countries.<sup>3</sup>

The emphasis placed in the *Introductory Handbook* on programmes to assist prisoners during and after their incarceration is in no way meant to suggest that incarceration is either a necessary or a necessarily useful means of reforming offenders and integrating them in society. Successful social reintegration programmes for offenders do not necessarily require their incarceration. In fact, alternative sanctions, such as community-based treatment, community supervision or community service, are often just as effective, if not more so, than any programme that can be offered in prison. Having said this, it must be acknowledged that social reintegration programmes are particularly important for any individual whose life, self-confidence, self-efficacy, social relationships and place in the community have been profoundly disturbed by a period of imprisonment. The longer individuals are detained, the stronger their association with criminal elements and their identification with criminal values, the worse the deterioration in their family and social relationships, and the greater the difficulties they invariably encounter when they return to the community.

The *Introductory Handbook* is designed for use by anyone involved in the criminal justice process, including policymakers, legislators, judges, law enforcement officials,

<sup>2</sup>For example, in the United Kingdom of Great Britain and Northern Ireland, offender resettlement is taken seriously and involves numerous government agencies and other stakeholders. In the United States of America, the federal “second chance” programme aims to empower local authorities and communities to address the problem of offender reintegration. In China, the Bureau of Offender Reintegration was created in parallel to the development of a community corrections capacity at various levels. In Canada, community corrections services at the provincial and national levels have been in place for many years and have engaged communities and other government agencies in efforts to prevent recidivism by facilitating the reintegration of offenders. In Australia, offender re-entry management programmes have been part of the correctional landscape for many years. In Singapore, a new function of “reintegration officer” is being developed within the prison service itself with a mandate to work closely with community-based organizations.

<sup>3</sup>This refers to gross national income (GNI) per capita, the World Bank’s main criterion for classifying economies for analytical and operational purposes. Based on the Bank’s operational lending categories, every economy is classified as low-income, middle-income (subdivided into lower-middle and upper-middle) or high-income. In general discussions, the term “developing economies” is typically used to denote the set of low- and middle-income economies.

prison managers and staff, probation and parole officers, service providers, members of non-governmental organizations (NGOs) and anyone else who is interested in crime prevention and the treatment of offenders. Depending on their own role or interest, readers will likely find some chapters more relevant and useful than others. While trying to avoid unnecessary repetition, each chapter is as self-contained as possible so as to allow readers to focus on issues of a more immediate interest to them. As a result, each chapter may also serve as a basis for a specific training module.

The *Introductory Handbook* is not prescriptive, but it is informed by available evidence on successful social reintegration practices and, where appropriate, it provides advice on programme design and delivery. It offers, in a quick reference format, an overview of key considerations in implementing social reintegration programmes with frequent references to applicable international standards and norms. It covers programmes that can be delivered during and after imprisonment and, to a lesser extent, programmes that can be offered as an alternative to imprisonment. It pays special attention to programmes that focus on the re-entry of offenders into the community after a stay in detention and that help them cope with the challenges they face upon their return to the community.

The *Introductory Handbook* focuses mainly on interventions to address the needs and circumstances of individual offenders and to increase the likelihood that they will desist from crime. As a result, it does not focus on the broader structural, social and economic issues that are properly described as the root causes of crime. It does not refer to the pressing need for primary crime prevention, social inclusion measures, peacebuilding, access to education and employment, economic development or any of the other broad social interventions needed to prevent crime in the first place. This is simply because the scope of the *Introductory Handbook* is purposely limited to “tertiary prevention” measures aimed at preventing reoffending.

The *Introductory Handbook* contains chapters introducing a discussion on the special needs and circumstances of women, children and young offenders, and various other specific groups. There are further groups of prisoners facing specific reintegration challenges that are not discussed here: political prisoners, prisoners who were detained illegally or as a preventive measure, prisoners who were tortured or subjected to cruel punishment during their incarceration, prisoners who were involved in armed conflict, such as soldiers or combatants (including child soldiers), or convicted justice or police officials. Little is in fact known about effective programmes to address the special circumstances and needs of these groups. Similarly, the *Introductory Handbook* does not cover some of the specific challenges that exist when attempting to develop social reintegration programmes in post-conflict countries.

Chapter II is a short chapter on the importance for countries and communities to invest in social reintegration programmes. It introduces certain key concepts and refers to the relevant international standards and norms. Chapter III reviews some useful lessons about how to implement successful reintegration programmes. It offers some guidance on programme development and management based on the experience of existing programmes and related research. The next two chapters focus on reintegration programmes delivered in prisons, including pre-release programmes (chapter IV), and on reintegration and aftercare programmes offered after the offenders’ release or during a supervised release (chapter V). Chapter VI introduces

community-based non-custodial measures that can be used either in addition to or instead of a sentence of incarceration. Chapter VII presents some specialized interventions and reintegration programmes for child offenders, while chapter VIII is concerned with gender-sensitive programming and programmes to address the unique needs and circumstances of women offenders and their children.

Chapter IX acknowledges that programming must fit the circumstances and specific challenges faced by different groups of offenders. For example, sexual offenders or violent gang members both face issues that are quite specific to their type of criminality. Older offenders, mentally ill offenders or prisoners living with HIV and/or other chronic health conditions have specific needs that require specialized attention. Other groups of prisoners face particular difficulties in accessing existing programmes; this is the case for example of foreign prisoners, high-security prisoners and prisoners with a learning disability. The chapter summarizes some of the most promising approaches to meeting these different types of challenge.

The *Introductory Handbook* concludes with a glossary of terms (annex I) and a bibliography (annex II).

## II. Why invest in the social reintegration of offenders

Chapter II addresses the importance of investing in offender social reintegration programmes and, in particular, of managing the return of prisoners to the community in order to prevent recidivism and contribute to public safety. This must obviously be part of any comprehensive crime prevention strategy. It is consistent with international standards that consider the rehabilitation of offenders and their successful reintegration into the community as being basic objectives of the criminal justice process. The chapter explains what is meant by “social reintegration” and introduces other important concepts such as those of “risk factors”, “desistance from crime”, “recidivism” and “offender re-entry”.

Interventions to support the social integration of offenders do not necessarily require their detention. On the contrary, many of these interventions can be delivered more effectively in the community as opposed to in an institution. In fact, imprisonment can often seriously hinder an offender’s social reintegration. When offenders must be imprisoned to protect society, the period of imprisonment must be used constructively to ensure, as far as possible, that upon their return to the community they are not only willing but also able to lead a law-abiding life. At that point, additional support can be offered to assist them in effecting that difficult transition and to ensure that the community is willing and able to receive them.

Most offenders face significant social adaptation issues, which can include family and community stigmatization and ostracism, and the ensuing negative impact on their ability to find jobs or housing, return to formal education or build or re-build individual and social capital. Unless they receive help to face these issues, they frequently become caught up in a cycle of failed social integration, reoffending, reconviction and social rejection. Unless communities understand and accept the importance of ensuring the successful reintegration of offenders, they will remain unwilling or unable to facilitate that process or to play an active role in the rehabilitation of offenders.

### A. What is social (re)integration?

Social integration refers to the process of integrating socially and psychologically into one’s social environment. However, in the fields of crime prevention and criminal

justice, where it is frequently used, the term refers more specifically to various forms of intervention and programme targeting individuals to prevent them from becoming involved in criminal behaviour or, for those who are already in conflict with the law, to reduce the likelihood that they will reoffend. Social integration interventions are therefore attempts by various components of the justice system, in partnership with social agencies, NGOs, educational institutions, communities and the offenders' family, to support the successful social integration of individuals at risk of offending or reoffending.

Programmes can be developed for various groups of individuals at risk of offending or reoffending, including children and youth whose socialization is still “in progress”, as well as for individuals from groups who tend to face some particular social integration challenges, such as minority groups, immigrants or individuals suffering from mental illness or a substance abuse problem. Some of these groups may indeed be facing situations of outright social exclusion and may need assistance in dealing with nearly insurmountable social integration obstacles.

In this *Introductory Handbook*, the term “social reintegration programmes” is used to refer specifically to interventions designed to help offenders who have been placed in an institution, such as a reform school, a detention centre or a prison, a mental health institution or a residential drug treatment centre.<sup>4</sup> They include rehabilitation, education and pre-release programmes offered in prison, as well as conditional release, post-release and aftercare interventions. The primary objective of social reintegration programmes is to provide offenders with the assistance and supervision they need to learn to lead crime-free lives and to avoid reoffending. Their purpose is to help offenders desist from crime, successfully reintegrate into the community and avoid a relapse into crime.

In general, there are two main categories of social reintegration programme: (a) programmes and interventions offered in the institutional setting itself, in advance of the offenders' release, to help them resolve issues, address risk factors associated with their criminal behaviour and acquire the necessary skills to lead law-abiding and self-supporting lives, as well as to prepare them for their release and re-entry into society; and (b) community-based programmes, sometimes part of a conditional release scheme, to facilitate the social reintegration of offenders after their release from custody. Many of the programmes that belong to the second category rest on the provision of some form of community supervision as well as various forms of support and assistance to offenders and sometimes also to their family.

In recent years, post-release interventions, including community-based interventions, have been variously referred to as “aftercare”, “transitional services” or “social reintegration” or “resettlement” programmes.<sup>5</sup> Some of these post-release interventions do in fact begin while offenders are still incarcerated with the intent of facilitating their post-release adjustment. In many countries, a renewed emphasis is placed on managing the re-entry of offenders into society. Re-entry typically occurs at the end

<sup>4</sup>The concepts used here are subject to varying definitions and are translated in various ways in other languages. Even the language used in applicable international norms and standards has itself evolved and changed over the years. For example, in 1955, the Standard Minimum Rules for the Treatment of Prisoners (*Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34) referred to the “social rehabilitation” of prisoners instead of “social reintegration”.

<sup>5</sup>See annex I for a glossary of terms.



of a custodial sentence or other form of detention, but it can also occur earlier as part of a conditional release programme, sometimes under formal supervision and sometimes without any supervision or assistance at all.

In some countries, these programmes are known as “offender resettlement programmes”. The Association of Chief Officers of Probation of the United Kingdom of Great Britain and Northern Ireland has adopted the following definition of “resettlement programme”:

“A systematic and evidence-based process by which actions are taken to work with the offender, in custody and on release, so that communities are better protected from harm and reoffending is significantly reduced. It encompasses the totality of work with prisoners, their families and significant others in partnership with statutory and voluntary organizations.”

The vast majority of incarcerated individuals are eventually released from prison. The re-entry process is a transition full of emotional significance and practical difficulties for the offenders. It may further pose challenges for the offenders’ families and the wider community. Efforts to assist their successful return to the community must therefore consider both the needs of the offenders as well as the risk they present in terms of community safety. Successful programmes are usually those which have raised public awareness of the issue and worked with local communities to make the reintegration of offenders possible.

## B. The importance of reintegration programmes

Criminal recidivism rates remain very high among certain groups of offenders. Although global statistics are not available, data from individual countries confirm high rates of reoffending, reaching some 70 per cent or more. In Brazil, which has 500,000 inmates, a study of rates of recidivism in seven federal states was commissioned by the National Council of Justice in early 2012.<sup>6</sup> In the United Kingdom, reoffending rates also topped 70 per cent in some prisons, according to statistics from the Ministry of Justice.<sup>7</sup> Many offenders, even after severe sentences of imprisonment, repeatedly fail to desist from crime and reintegrate into the community as law-abiding citizens. Imprisonment, in itself, is incapable of addressing the offenders’ social integration issues. Even when solid prison programmes have helped offenders to achieve some progress during detention, that progress is often lost as a result of the lack of follow-up supervision and assistance after release. It therefore also stands to reason that effective crime prevention strategies at both the local and the national levels must pay special attention to the social integration of offenders and the reintegration of ex-prisoners into the community.<sup>8</sup>

<sup>6</sup>See [www.cnj.jus.br/noticias/cnj/18527-ipea-pesquisara-reincidencia-criminal-no-brasil](http://www.cnj.jus.br/noticias/cnj/18527-ipea-pesquisara-reincidencia-criminal-no-brasil).

<sup>7</sup>Alan Travis, “Reoffending rates top 70% in some prisons, figures reveal”, *The Guardian*, 4 November 2010. Available from [www.guardian.co.uk/uk/2010/nov/04/jail-less-effective-community-service](http://www.guardian.co.uk/uk/2010/nov/04/jail-less-effective-community-service).

<sup>8</sup>The guidelines for cooperation and technical assistance in the field of urban crime prevention (Economic and Social Council resolution 1995/9, annex) mention that a comprehensive and integrated crime prevention plan should include, among others, measures to prevent recidivism by providing “socio-educational support within the framework of the sentence, in prison and as preparation for release from prison” and “giving an active role to the community in the rehabilitation of offenders” (para. 3 (d) (ii)).

Criminal justice systems must design and deliver effective social reintegration interventions to prevent recidivism and to stop the cycle of failed social integration. Such interventions do not necessarily require the incarceration of offenders. On the contrary, many of them can be delivered more effectively in the community than in an institution. In fact, it is arguably easier to learn how to behave in a socially acceptable manner while in the community rather than in the isolated and difficult environment of a prison. When it is necessary to imprison offenders in order to protect society, their social reintegration usually depends on whether the period of imprisonment is used to ensure, as far as possible, that upon their return to the community they are not only willing, but also able, to lead law-abiding lives.

Societies cannot afford not to invest in social integration and reintegration programmes for offenders. Such programmes are an essential part of any comprehensive crime prevention strategy. Investments in prisons, without a complementary investment in rehabilitation and reintegration programmes, do not produce a significant reduction in recidivism. They may in fact compound the problem. A period of incarceration, while offenders are under strict control, can be used to stabilize and rehabilitate them, but those gains are often short-lived without supported prisoner reintegration programmes. Such programmes can be delivered at a fraction of the cost of detention and can produce some very cost-effective results. Reducing the number of offenders who reoffend means fewer victims, greater community safety and less pressure on law enforcement agencies. The successful reintegration of offenders means that fewer of them will appear again before criminal courts, come back to prison and contribute to prison overcrowding, and generally increase the costs of the criminal justice system.

Every crime has social costs, which can be substantial. In addition to the costs of law enforcement and investigating and prosecuting crimes, there are the costs of imprisonment, as well as the costs to the victims and the community. The social and economic costs of the offenders' failed reintegration are a major concern for policy-makers around the world:<sup>9</sup>

“If an ex-prisoner does not successfully reintegrate there are direct and indirect costs to the community. If prisoners reoffend after release, community safety is compromised through increased crime. There are the costs associated with policing and adjudicating these new offences plus the costs of administering new sanctions. There are far less easily quantifiable or indirect costs to society, such as those borne by the victims of these crimes, those associated with lost economic and community capacity, or through ex-prisoners relying on social services rather than contributing to society.”

Further, prison overcrowding is a major problem in many countries.<sup>10</sup> Although prison overcrowding represents a complex challenge, prison populations are increasing and one of the main reasons for that increase is the large number of offenders who reoffend or breach the conditions of their probation order or conditional release. Although prison overcrowding is a complex problem, there is no doubt that it is due in part to the large number of repeat offenders who populate the prisons and for whom

<sup>9</sup>M. Borzycki and T. Makkai, *Prisoner Reintegration Post-release* (Canberra, Australian Institute of Criminology, 2007), p. 25.

<sup>10</sup>United Nations Office on Drugs and Crime, *Introductory Handbook on Prison Overcrowding* (forthcoming).

imprisonment has had little or no effect in terms of their desisting from crime. One key strategy in reducing the number of persons in prison is to provide effective rehabilitation programmes for prisoners and assist their social reintegration upon release.<sup>11</sup> Unfortunately, prison overcrowding itself affects the ability of prisons to offer meaningful rehabilitation programmes and tends to limit prisoners' access to existing programmes.

The problem of repeat offenders is another major concern. A large proportion of offenders go through the prison system often for relatively minor crimes, serving successive and relatively short terms of imprisonment. Although the crimes involved are relatively less serious, primarily small property crimes, the impact of these repeat offenders on communities and public safety, as well as public confidence in the justice system, is substantial. Much of these offenders' behaviour can be linked to substance abuse and addictions, mental disorders, lack of job skills and other issues. Because they tend to serve short-term sentences, their access to treatment and other programmes while in detention is quite limited and they remain at high risk of reoffending. Unfortunately, few such offenders participate meaningfully in programmes while in prison and even fewer of them receive support or supervision after their release. They not only constitute a real public safety concern, but also overpopulate prisons and have scant opportunities to integrate into mainstream society. It is therefore important to provide repeat offenders with priority access to rehabilitation and reintegration programmes and to submit them to effective community supervision—and offender management—upon their release.<sup>12</sup>

In low- and middle-income countries, policymakers are sometimes hesitant to propose offering offenders assistance and services that are not even readily available to ordinary citizens. This is indeed a complicated issue and often a difficult decision. However, in the end decision makers must remember that reintegration assistance is not only necessary for the sake of the offenders, but even more importantly for the safety of the community, the benefit of potential future victims and ultimately for the socioeconomic development of countries.

### C. Desistance from crime and the prevention of recidivism

Facilitating offender reintegration is a complex task and the impact of specific interventions is often difficult to measure.<sup>13</sup> Reduced criminal recidivism remains the ultimate indicator of a successful social reintegration programme. "Recidivism" ("reoffending") refers to whether or not a person who is the object of a criminal justice intervention (punishment) reoffends later. At the level of the individual, recidivism is prevented when an offender desists from crime.

An obvious goal of reintegration programmes is to encourage the offender to desist from crime, to stop reoffending. "Desistance" refers to the process by which, with or without the intervention of criminal justice agencies, offenders terminate their offending activities and maintain crime-free lives. It is usually achieved over a period of time.

<sup>11</sup>F. Lösel, "Counterblast: the prison overcrowding crisis and some constructive perspectives for crime policy", *Howard Journal of Criminal Justice*, vol. 46, No. 5 (2007), pp. 512-519.

<sup>12</sup>P. Dawson and L. Cuppleditch, "An impact assessment of the Prolific and other Priority Offender Programme", Home Office Online Report 08/07 (London, Home Office, 2007).

<sup>13</sup>C. T. Griffiths, Y. Dandurand and D. Murdoch, *The Social Reintegration of Offenders and Crime Prevention* (Ottawa, Public Safety Canada, National Crime Prevention Centre, 2007).

A number of factors are associated with desistance from crime. Examples of such factors are acquisition of new skills, full-time employment, significant life-partnership or starting a family (in particular for women). Changes in family and employment circumstances are key factors in accounting for desistance. The causal relationship between these factors and the absence of criminal behaviour in an individual, however, is difficult to specify. According to a study of probationers in the United Kingdom, it would seem that desistance becomes less likely as the total number of “problem” social circumstances facing the probationer increases.<sup>14</sup> Achieving desistance is often very difficult. For offenders who have developed repeat offending patterns, desistance is typically characterized by ambivalence and vacillation.

Programmes based on desistance theory emphasize long-term change over short-term control, recognizing that that progress is unlikely to be direct or continuous. The focus is on supporting offenders to see themselves in a new and more positive light, with hope for the future. The approach assumes that the successful social reintegration of an offender rests on a combination of motivation and human and social capital. “Human capital” refers in part to the capacity of the individual to make changes and achieve goals. “Social capital” includes factors such as employment and supportive family or other relationships.<sup>15</sup>

#### D. Addressing risk factors

Preventing recidivism requires effective interventions based on an understanding of the factors that place offenders at risk and make it difficult for them to successfully reintegrate into society (e.g. early victimization, learning disabilities, substance abuse, unsupportive families, mental and physical illness, and so on). Some risk factors are dynamic—meaning that they are amenable to change—whereas other risk factors are not.<sup>16</sup> Dynamic risk factors can be addressed by programmes within or outside the criminal justice system.

Reintegration programmes are typically developed on the basis of the current understanding of the dynamic risk factors associated with recidivism, the needs of offenders and the challenges they encounter upon their release from prison. Programmes vary according to the risk factors and the type of social integration challenge they are designed to address. Many programmes focus on specific challenges confronting offenders, such as drug use, drug dependence or unemployment. Many reintegration programmes have been designed to deal with specific categories of offender, such as repeat offenders, drug-dependent offenders, young offenders, mentally ill offenders or dangerous sexual offenders.<sup>17</sup>

<sup>14</sup>S. Farrall, *Rethinking What Works with Offenders: Probation, Social Context and Distance from Crime* (Cullompton, Devon, Willan Publishing, 2002), p. 212.

<sup>15</sup>*Resource Material Series No. 82* (Tokyo, Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, 2010), Work Product of the 145th International Training Course, “The Effective Resettlement of Offenders by Strengthening ‘Community Reintegration Factors’”, Visiting Experts’ Papers, S. Pitts, pp. 3 ff.

<sup>16</sup>G. Harper and C. Chitty, eds., *The Impact of Corrections on Re-offending: A Review of ‘What Works’*, 3rd ed., Home Office Research Study 291 (London, Home Office, Research, Development and Statistics Directorate, 2005).

<sup>17</sup>See Y. Dandurand and others, *Conditional Release Violations, Suspensions and Revocations: A Comparative Analysis* (Vancouver, International Centre for Criminal Law Reform and Criminal Justice Policy, 2008), p. 8; and Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 4.

Most offenders are confronted by a range of social, economic and personal challenges that tend to become obstacles to their social integration. Some of those challenges are a result of the offender's social environment, family, peer group, substance abuse or low education and skill levels. Offenders may have a history of social isolation and marginalization, physical or emotional abuse, poor employment or unemployment, and involvement in a criminal lifestyle that began at an early age. Offenders may also be challenged by physical and mental disabilities and health issues, including problems related to substance abuse and drug addiction. Many offenders suffer from serious skill deficits that make it difficult for them to compete and succeed in the community: poor interpersonal skills, low levels of formal education, illiteracy or innumeracy, poor cognitive or emotional functioning, or a lack of planning and financial management skills.<sup>18</sup>

Institutional and community-based reintegration programmes can address dynamic risk factors by focusing on motivation, education, development of skills, employment, accommodation, interpersonal relationships, drugs and alcohol treatment, mental health care and cognitive-behavioural interventions. In that regard, positive outcomes are more likely to be achieved when interventions and services are inspired by a "strength-based" approach to make use of personal and community assets in order to help offenders face personal challenges and successfully reintegrate into the community.<sup>19</sup> Research has also identified a number of early preventive interventions that can reduce risk factors. These include pre-school education, family literacy, parenting information and support, training in reasoning and social skills, organizational change in schools and reading schemes.<sup>20</sup>

All interventions, regardless of their method, are best delivered as part of an integrated programme designed to address an individual offender's specific issues and challenges.<sup>21</sup> Positive reintegration outcomes are more likely to be generated when factors predisposing offenders to criminal behaviour are confronted and their physical and social needs are addressed in a continuous and holistic manner both during and after imprisonment.<sup>22</sup> This is why it is important to emphasize comprehensive interventions, based on a continuity of care, to provide consistent assistance to offenders within and beyond prison. Re-entry preparation should obviously commence before an offender is released. After release, interventions should facilitate a smooth transition from the prison to the community, reinforce the gains achieved in prisons through treatment and education programmes, and continue until a successful reintegration is completed.<sup>23</sup> This approach is often referred to as "throughcare", a system-wide mode of intervention.<sup>24</sup>

Unfortunately, these types of programme are rarely available to the majority of offenders, who tend to have few if any social and economic opportunities. In low- and

<sup>18</sup>Ibid.

<sup>19</sup>S. Maruna and T. LeBel, "Revisiting ex-prisoner re-entry: a buzzword in search of a narrative", in *Reform and Punishment: The Future of Sentencing*, S. Rex and M. Tonry, eds. (Cullompton, Devon, Willan Publishing, 2002), pp. 158-180.

<sup>20</sup>Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 4.

<sup>21</sup>Ibid.

<sup>22</sup>J. Travis, A. L. Solomon and M. Waul, *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry* (Washington, D.C., Urban Institute, Justice Policy Center, 2001).

<sup>23</sup>A. Fox, "Aftercare for drug-using prisoners: lessons from an international study", *Probation Journal*, vol. 49, No. 2 (2002), pp. 120-129.

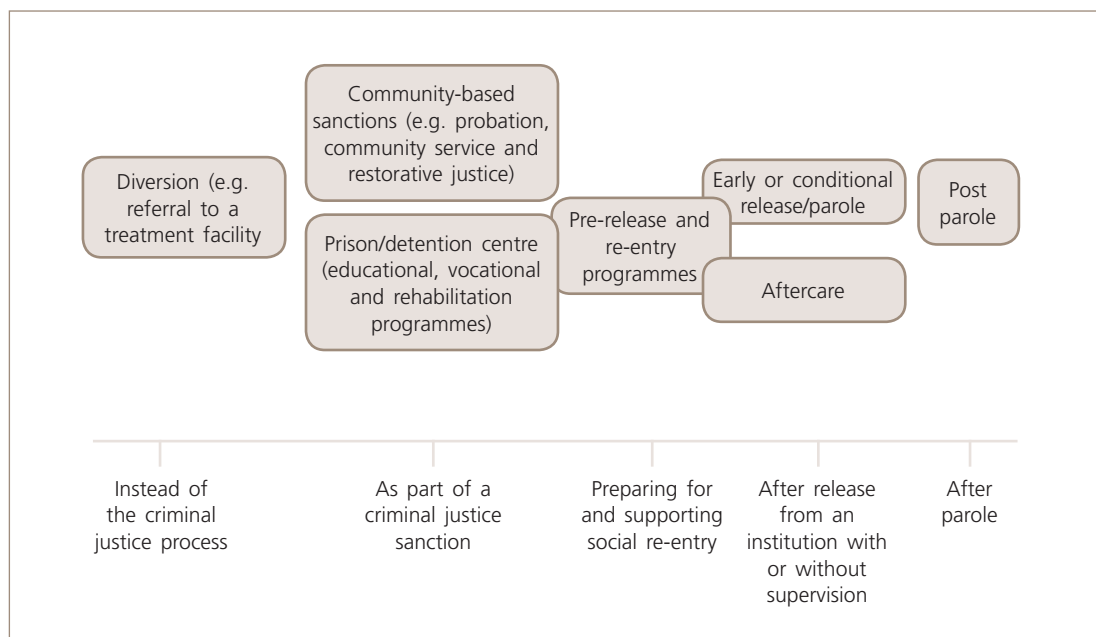
<sup>24</sup>See M. Borzycki, *Interventions for Prisoners Returning to the Community* (Canberra, Australian Government Attorney-General's Department, 2005).

middle-income countries, in particular, their situation may be aggravated by extreme poverty, social exclusion and no access to any form of health care, education or assistance. In such cases, imprisonment only compounds the problems offenders already face.

## E. Reintegration programmes and the criminal justice system

Social reintegration programmes also encompass interventions made following an arrest to divert offenders away from the criminal justice system to an alternative measure, including a restorative justice process or a suitable treatment programme. Reintegration interventions can also take place within the context of a community-based sanction—for example probation or community service—to help offenders integrate into the community, possibly under some supervision, and repair the relationships that were affected by their criminal behaviour. Compared with imprisonment, such community-based sanctions are often seen as a much more effective way of supporting the social integration of offenders because they avoid subjecting offenders to the marginalizing and harmful effects of imprisonment. The use of community-based sanctions avoids removing offenders from the community and putting offenders in a situation in which they must eventually face challenging re-entry issues upon release. In fact the overriding aim of community sanctions is the integration of offenders into the community so as to reduce the risk of future harm and reoffending.

Figure I. Social (re)integration programmes and the criminal justice process



As figure I shows, social reintegration interventions can take place at various stages of the criminal justice process and even outside of that process when offenders are

diverted to alternative services and programmes. Reintegration programmes cover a wide array of services and initiatives sponsored or supported by the criminal justice system, often in collaboration with community agencies and NGOs. Successful programmes usually target the dynamic risk factors associated with recidivism. Several programmes focus on specific challenges facing offenders, such as substance abuse or unemployment, or on specific groups of offenders, such as sex offenders or high-risk young offenders. There are obviously also some offenders with special needs, special circumstances or even special cultural backgrounds who have to be accommodated by specialized programmes.<sup>25</sup>

In some jurisdictions, this includes measures to bring some finality to a successful social reintegration process by “erasing” or setting aside the record of the offender’s criminal conviction. In Canada, for example, sealing the criminal record of an offender who has desisted from crime and has completed a crime-free period in the community is a significant step in the social reintegration and an official acknowledgement of his or her success.<sup>26</sup>

## F. International standards

The rehabilitation of offenders and their successful reintegration into the community are among the basic objectives of criminal justice systems. This is clearly acknowledged in both international human rights law as well as the United Nations standards and norms,<sup>27</sup> many of which are directly relevant to the rehabilitation and social reintegration of offenders. They include standards relating to interventions in prison, including education, vocational training and other programmes, and the need to ensure that offenders maintain contact with the outside world; standards that apply to the early release of offenders from imprisonment; standards that call for the provision of assistance and support to offenders after their release; standards promoting community involvement in the reintegration process; as well as standards encouraging diversion and the use of community-based programmes instead of incarceration.

The International Covenant on Civil and Political Rights<sup>28</sup> states that “the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation” (article 10, paragraph 3). The Standard Minimum Rules for the Treatment of Prisoners<sup>29</sup> provide:

“58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.”

<sup>25</sup>W. Willis and J.-P. Moore, *Reintegration of Indigenous Prisoners*, Research and Public Policy Series, No. 90 (Canberra, Australian Institute of Criminology, 2008).

<sup>26</sup>R. Ruddell and L. T. Winfree, “Setting aside criminal convictions in Canada: a successful approach to offender reintegration”, *The Prison Journal*, vol. 86, No. 4 (2006), pp. 452-469.

<sup>27</sup>For quick access to most of the United Nations standards referred to in this *Introductory Handbook*, see *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*, published by the United Nations Office on Drugs and Crime in 2006. Available from [www.unodc.org/pdf/compendium/compendium\\_2006.pdf](http://www.unodc.org/pdf/compendium/compendium_2006.pdf).

<sup>28</sup>General Assembly resolution 2200 A (XXI), annex.

<sup>29</sup>*Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

The Rules also elaborate on the purpose of that treatment:

“65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.”

The distinct considerations that should apply to women prisoners are now acknowledged by the recently adopted United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).<sup>30</sup> In its resolution adopting these Rules, the General Assembly recognizes that a number of female offenders do not pose a risk to society and, as with all offenders, their imprisonment may render their social reintegration more difficult. Furthermore, rule 46 requires prison authorities, in cooperation with probation and/or social welfare services, local community groups and NGOs, to design and implement comprehensive pre- and post-release reintegration programmes that take into account the gender-specific needs of women.

With respect to child offenders (under the age of 18), article 40, paragraph 1, of the Convention on the Rights of the Child<sup>31</sup> states that States parties should recognize “the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society”. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)<sup>32</sup> emphasize the importance of providing requisite facilities, services and other necessary assistance as may further the best interests of the juvenile throughout the rehabilitation process. They require that efforts be made “to provide juveniles, at all stages of the proceedings, with necessary assistance such as lodging, education or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative process” (rule 24.1). The promotion of the well-being of the juvenile offender being of paramount importance, the Rules emphasize the importance of providing services and assistance to further the best interests of the juvenile throughout the rehabilitative process. According to the Rules, the objective of the training and treatment offered to young offenders placed in institutions is “to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society” (rule 26.1).

The emphasis on “law-abiding behaviour” and “socially constructive roles” as objectives of treatment obviously refers to the prevention of recidivism (reoffending) as an overarching objective of the criminal justice intervention. The Guidelines for the Prevention of Crime<sup>33</sup> acknowledge that crime prevention encompasses a wide range of approaches, including measures to “prevent recidivism by assisting in the social reintegration of offenders and other preventive mechanisms (reintegration programmes)” (guideline 6 (d)). The United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)<sup>34</sup> also refer to the importance of measures to facilitate the socialization and integration of all children and young persons

<sup>30</sup>General Assembly resolution 65/229, annex.

<sup>31</sup>United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>32</sup>General Assembly resolution 40/33, annex.

<sup>33</sup>Economic and Social Council resolution 2002/13, annex.

<sup>34</sup>General Assembly resolution 45/112, annex.



(guideline 10). The measures advocated by these standards to facilitate the social integration of juvenile offenders are also relevant to their social reintegration after a period of detention or while they are serving a community-based sentence.

More detailed references to relevant international standards are made in the following chapters.



### III. Implementing successful reintegration programmes

It is not uncommon to find situations where laws and policies assume that reintegration programmes exist in prisons and in the community even if, in reality, such programmes barely exist, are very rudimentary or are accessible only to a very small percentage of offenders. It is quite clear that, in the absence of clear and effective strategies to develop, implement and support such programmes, the latter will remain entirely inadequate to assist offenders and to protect the community.

Chapter III examines how police, prison officials, government agencies and community-based organizations can work together to address some of the challenges associated with the development and management of successful reintegration programmes. It emphasizes collaboration among those agencies with a shared focus on the prevention of recidivism. It underlines the need for throughcare and considers how programmes can be designed and delivered to address the multiple and varying needs of various groups of offenders. It attempts to draw some lessons from past initiatives and current practices. The chapter concludes by reviewing the issue of measuring the impact of reintegration initiatives on community safety and the prevention of recidivism.

#### A. Developing a reintegration strategy

A strategic approach to the development of comprehensive recidivism prevention and offender reintegration is clearly called for. However, there are a few unavoidable facts that should be kept in mind in conceiving and implementing interventions to prevent recidivism by supervising and assisting offenders and ensuring their successful reintegration into the community. These are:

- The crime prevention priorities of each community vary and so do their priorities for intervention and for recidivism prevention programmes.
- Ex-offenders are confronted by a myriad of challenges that predispose them to reoffend after their release. In order to prevent reoffending, the factors that precipitated it in the past need to be dealt with.
- Many ex-offenders have multiple needs that must be addressed in a holistic manner, including limited skill sets, substance abuse issues and an absence

of family and community support. Many interwoven, long-term problems require long-term solutions and significant interventions.

- It is imperative that institutional and community-based reintegration services develop cooperative partnerships with other government agencies and community-based organizations to develop seamless interventions that mobilize all available resources to assist and, when necessary, supervise offenders.
- It usually is more effective to work with rather than manage offenders.
- Gender makes a difference, and it is important to address the specific needs and circumstances of women in developing reintegration interventions.
- Reintegration intervention for juvenile offenders must take into account developmental and educational factors.
- There is often a need to address the specific and, perhaps, unique needs of offenders belonging to minority groups. There is considerable potential to further develop and enhance the involvement of ethnic minority communities in assisting ex-offenders to reintegrate into the community.
- Specific attention is often needed to address the unique challenges posed in assisting offenders to returning to rural and remote communities.<sup>35</sup>

### United States of America

#### *Community strategies*

In the United States of America, the National Institute of Corrections, the Urban Institute and the United States Department of Justice have developed online resources for communities to develop their own strategies to increase public safety by planning the transition of offenders from jail to community. This is meant to mobilize local communities and encourage local strategies and ownership. Many states are establishing re-entry policy councils to develop policies, coordinate programming across state agencies, mobilize community resources and improve the re-entry process.

A toolkit is available from [www.urban.org/projects/tjc/toolkit/](http://www.urban.org/projects/tjc/toolkit/).

Comprehensive strategies typically involve multiple levels of government, coordination across agencies (health, education, prison administration, law enforcement, etc.) and mobilization of community resources.

## 1. Characteristics of successful reintegration interventions

Based on the available evidence, it seems that the most successful offender reintegration interventions are those which:

- Reflect the public safety priorities of the community in which they are developed

<sup>35</sup>This list is adapted from Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 41.

- Engage the community in both the planning and the delivery of the intervention and foster strong community ownership
- Focus on a specific target group of offenders and their specific challenges
- Are gender-sensitive
- Rely on sound methods for assessing the needs and risk factors of offenders
- Hold the offenders accountable and responsible for their own choices and actions
- Begin, if the offender is imprisoned, as early as possible while the offender is in custody and continue throughout the offender's transition to, and stabilization in, the community (throughcare)
- Strike a balance between surveillance and control, on the one hand, and support and assistance on the other
- Offer assistance in an integrated and comprehensive manner, and address the many interrelated challenges faced by offenders
- Are offered as a coordinated effort of all the agencies involved and supported by strong agency cooperation (supported by partnerships and inter-agency cooperation and information protocols, a clear definition of respective roles and responsibilities, and a clear articulation of the services to be provided, including relevant time frames)
- Are supported by sound case management practices and adequate information management systems; offenders need a single point of contact and support in accessing services
- Include a well thought-out communications and media relations strategy
- Have a robust evaluation component that allows the interventions to evolve, self-improve and remain accountable to the community for crime reduction results<sup>36</sup>

## 2. Reviewing the legal and regulatory framework

It is frequently necessary to improve the existing legal and regulatory framework for rehabilitation and reintegration programmes. At the very least, a strategic approach to the development of offender reintegration policies and programmes requires a thorough review of existing laws and policies and an attempt to identify any legal or regulatory obstacles that may prevent inter-agency cooperation and the provision of effective supervision and assistance to offenders in the community. Various aspects of existing legislation may require attention, including:

- *Sentencing laws and policies.* Criminal (penal) law and its sentencing dispositions have an impact on who is sentenced to imprisonment, for how long and for what purpose. This dictates the nature and importance of reintegration programmes in prison and requires attention.

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<sup>36</sup>Based on Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 41.

- *Sentencing laws and community-based alternatives.* Existing laws will determine whether non-custodial sentences are possible and how frequently they can be used for various categories of offender and types of crime.
- *Legal provisions relating to diversion.* Diversion programmes are crucial to the social reintegration of offenders and can facilitate their early access to proper interventions. Existing laws concerning the use of discretionary authority at various levels of the criminal justice system and the possibility of diverting offenders to non-criminal justice interventions often need to be reviewed, clarified or strengthened.
- *Laws relating to probation.* These are laws and policies governing the objectives, availability of probation as a sentencing option, the conditions that are attached to a probation order and the nature of the supervision that is offered to offenders placed on probation, as well as laws establishing a probation service and its responsibilities.
- *Laws concerning the administration of sentences.* Sentence calculation, remission and execution have an impact on the offender's progress and eventual return to the community.
- *Prison laws.* The laws and regulations governing the administration of prisons will determine in part the kind of reintegration programmes and interventions that are possible in prison.
- *Conditional release laws.* Laws and policies establishing various conditional release and early release programmes, including eligibility, process, the decision-making process, conditions, supervision and programme management, will determine how often conditional or early release programmes are used and to what extent they are designed to contribute to the social reintegration of offenders. Where such laws do not exist, they should be developed as a matter of priority.
- *Police laws.* Laws and policies regulating police agencies, setting their authority and mandate, defining their governance structure and setting the overall parameters within which the police function is exercised should also be scrutinized. These laws can be made more relevant to the social reintegration of offenders by directing and enabling police officers and agencies to collaborate with correctional agencies and community organizations in order to facilitate the supervision and reintegration of offenders.
- *Privacy laws.* Privacy protection (and access to information) laws and how they are applied can facilitate or hinder information exchanges among the various agencies that need to work together to support the reintegration of offenders.
- *Child protection and education laws.* Child protection and education laws are often relevant to the reintegration of juvenile offenders, including the protection of children incarcerated with their mothers.
- *Juvenile justice laws.* The reintegration of juvenile offenders deserves to be treated as a priority. Existing juvenile justice laws must therefore be reviewed from the point of view of whether, inter alia, they provide for alternatives to

imprisonment, allow for diversion, ensure that adequate programmes and education are provided to juveniles deprived of their liberty and facilitate the early release and social reintegration of juvenile offenders.

- *Eligibility to services laws.* Various laws and regulations governing the provision of various treatment, services and support schemes can affect offenders' access to those services. Obstacles to access to services must be identified and removed. Laws and policies regulating access to medical services and medication are often particularly relevant to the situation of offenders upon their return to the community, in particular offenders with major illnesses, a mental illness or a substance abuse problem, as well as pregnant women and children.
- *Laws and treaties relating to the international transfer of offenders.* Existing laws and treaties may or may not facilitate the voluntary return of foreign offenders to their country of nationality.
- *Drug laws.* Laws and regulations setting the provisions for drug treatment courts may have a positive impact in reducing recidivism and underlying addiction problems of drug-abusing offenders.<sup>37</sup>

### 3. Essential steps in implementing a reintegration strategy

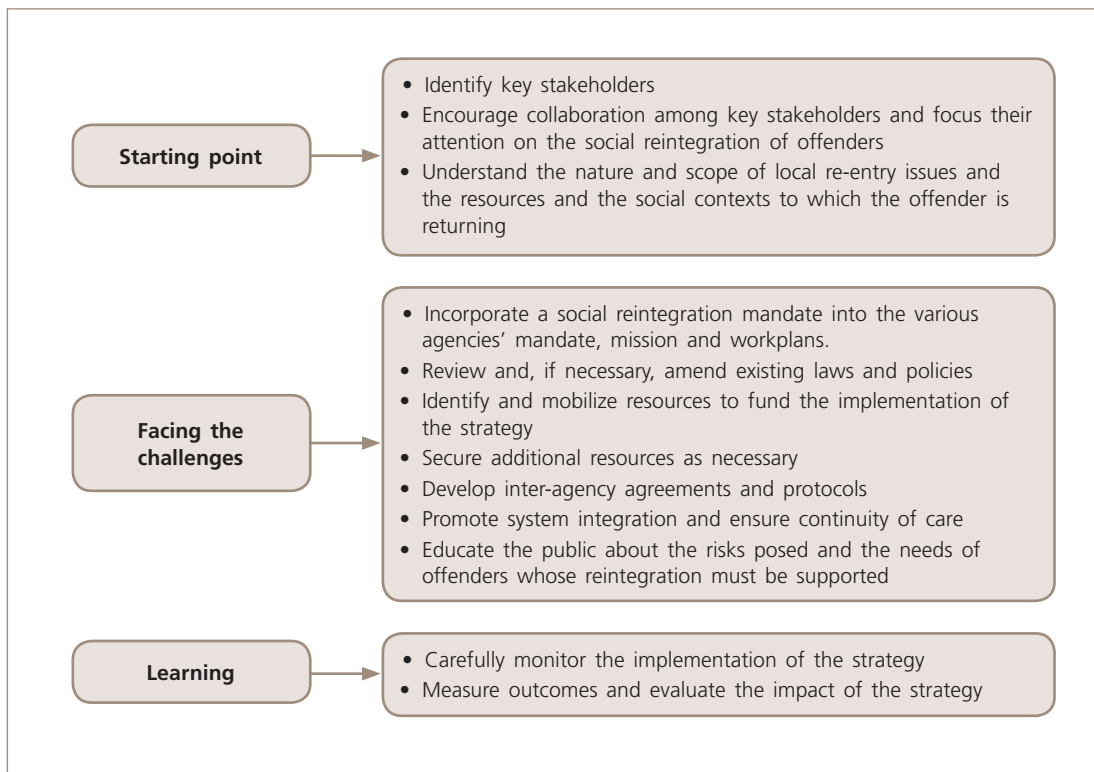
Understandably, there is no simple recipe for developing an effective and comprehensive strategy to prevent recidivism and support the social reintegration of offenders. It may be possible to start the process by adopting new legislation. In other instances, the emphasis may be on creating new functions or responsibility centres with a clear mandate for supporting the reintegration of offenders.

China, for example, has recently created the Office of Resettlement Assistance and Education of Released Persons, concurrently with the development of aftercare and transition facilities for released offenders and experimentation with various forms of community sentencing and conditional release alternatives. The Singapore Prison Service has created the function of "reintegration officer" with a clear mandate to work closely with community-based organizations. Obviously, the approach taken in each country is determined to a large extent by existing laws, the often limited resources that are available in the justice system as well as in the community, and the receptiveness of the population to progressive recidivism prevention and social reintegration initiatives. However, some of the essential steps involved in planning and implementing a social reintegration strategy for offenders are quite similar. Figure II, overleaf, identifies some of those essential steps.

It is normally necessary to precede the development of a comprehensive strategy with a detailed review of existing services, policies and practices, as well as broad consultation on the specific crime prevention and social reintegration issues faced by the community. In Viet Nam, for example, the implementation of a national strategy for the social reintegration of juvenile offenders was preceded by a fairly extensive study, conducted with the help of the United Nations Children's Fund (UNICEF), of the issues encountered and existing local practices in five provinces.

<sup>37</sup>Drug treatment courts aim to stop drug abuse and related criminal activity of offenders through court-directed treatment and rehabilitation programmes (see United Nations Office on Drugs and Crime, "Drug treatment courts work!" 2005. Available from [www.unodc.org/pdf/drug\\_treatment\\_courts\\_flyer.pdf](http://www.unodc.org/pdf/drug_treatment_courts_flyer.pdf)).

Figure II. Elements of a strategy



The United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)<sup>38</sup> have the following useful advice to offer in terms of seeking community cooperation for community-based reintegration programmes:

*“18. Public understanding and cooperation*

“18.1 Government agencies, the private sector and the general public should be encouraged to support voluntary organizations that promote non-custodial measures.

“18.2 Conferences, seminars, symposiums and other activities should be regularly organized to stimulate awareness of the need for public participation in the application of non-custodial measures.

“18.3 All forms of the mass media should be utilized to help to create a constructive public attitude, leading to activities conducive to a broader application of non-custodial treatment and the social integration of offenders.

“18.4 Every effort should be made to inform the public of the importance of its role in the implementation of non-custodial measures.”

<sup>38</sup> General Assembly resolution 45/110, annex.



## B. Programme development

At the outset, one of the most difficult tasks involved in designing reintegration programmes is determining their objectives, scope and methods. It is all about making choices and possibly aligning such choices with the community's crime prevention priorities. The target offender population must be defined quite clearly and the risk factors, needs and particular circumstances of the target group must be well understood. Some of the main steps necessary to develop a successful reintegration programme are described below.

### 1. Understanding who is being released from prison

In order to develop social reintegration programmes that meet the needs of returning prisoners, as well as the public safety concerns of the community, one must identify both the concerns of the community and the characteristics and reintegration challenges of the respective offenders. Some initiatives may eventually focus mainly on young offenders, while others may focus on offenders with substance abuse problems. For example, knowledge of gang affiliation and participation patterns among the offenders reintegrating into a given community may help identify those who are at greater risk of recidivism and suggest a different kind of reintegration intervention. This kind of planning information about the offender population may already be available from correctional institutions.

### 2. Understanding the community capacity

#### Mapping prisoner re-entry

"The purpose of obtaining, analysing, and mapping data on prisoner reentry is to provide information to the public, government officials, policymakers, service providers, former prisoners, and others on the local dynamics of prisoner reentry. These stakeholders can then draw on this information to improve and refine local policy, service delivery, and community responses to reentry. A reentry mapping initiative should form a partnership of local stakeholders, to guide this process of disseminating reentry mapping to improve communities."

Source: N. G. La Vigne, J. Cowan and D. Brazzell, *Mapping Prisoner Reentry: An Action Research Guidebook*, 2nd ed. (Washington, D.C., Urban Institute, Justice Policy Center, 2006). Available from [www.urban.org/UploadedPDF/411383\\_reentry\\_guidebook.pdf](http://www.urban.org/UploadedPDF/411383_reentry_guidebook.pdf).

The goal is to develop appropriate programmes that respond to community concerns, build on community strengths and allow a community to manage the risks to which it may be exposed. It is therefore important to have access to data on the communities in which offenders are living or are planning to return to. The capacity of those communities to receive ex-prisoners depends on their capacity to offer services and supervision.

Some methods have been developed to help map out offender re-entry data using geographical information system and city planning data. Maps depicting the concentration of released prisoners in the local area provide the basis for a re-entry planning

initiative. Mapping can provide valuable information on how prisoner re-entry may affect local communities and to what extent existing resources and services can address the needs of the re-entering population. The results of such mapping exercises often lead to the identification of communities to which offenders are returning in disproportionately large numbers and thus to a decision to concentrate services and supervision in the areas to which offenders are released. This can serve to increase access to services and promote the ability of service providers to understand the community in which the offenders are living.

Analysis and mapping of local-level re-entry data can inform and improve community efforts to address re-entry and reintegration issues. When the data are disseminated carefully and presented strategically to create a foundation for positive community action, the mapping exercise can contribute significantly to a community engagement strategy by enlisting the support and involvement of community stakeholders.<sup>39</sup>

### 3. Programme design

The following lessons have found to be key in developing successful programmes:

- Set achievable and realistic goals and expectations
- Have a clear theoretical model and articulation of the programme logic
- Set precise criteria for eligibility to the programme (targets)
- Pay attention to implementation and delivery difficulties (e.g. keeping a balance between supervision and assistance, ensuring inter-agency cooperation, etc.)
- Ensure that the necessary human and financial resources are available
- Monitor and evaluate
- Maintain the confidence of practitioners, police, judges and local communities
- Involve the community
- Consult with the beneficiaries

### 4. Programme funding

#### Integrated programmes

“There is increasing recognition that all interventions, regardless of content, are best delivered as part of an integrated programme designed to address an individual prisoner’s specific issues, disadvantages and problems.”

*Source: M. Borzycki and E. Baldry, “Promoting integration: the provision of prisoner post-release services”, Trends and Issues in Crime and Criminal Justice (Canberra, Australian Institute of Criminology, September 2003).*

Ensuring the ongoing funding of reintegration programmes is often challenging, in particular when different agencies have to provide resources for different aspects of

<sup>39</sup>D. Brazzell, “Informing and engaging communities through reentry mapping”, Reentry Mapping Brief (Washington, D.C., Urban Institute, 2007).

the programme. Reintegration programmes are not necessarily costly, but because they must rely on the contribution of various agencies funded through different mechanisms, it is often very important to address the issue of funding early in the programme development process and to ensure that each agency is clear about what it is required to contribute to the programme, including a commitment to make that contribution. Funding for in-prison programmes must be budgeted for and recognized as at least as important as any other aspect of prison management.

### 5. Inter-agency cooperation

New models of service delivery to provide throughcare from prison to community require the provision of services through integrated, multi-agency partnerships involving correctional authorities as well as government and non-governmental agencies responsible for the delivery of treatment and welfare services. These models require the implementation of sound case management practices, usually placing a case manager as a central point for the delivery or brokerage of treatment, support and even supervision. Typically, it is recommended that a single agency assume the lead role in the partnership and be responsible for coordinating the intervention. In part, it is often also a matter of helping the various partners and other stakeholders develop a shared vision of what is to be achieved and a common language to better communicate about the objectives of the programme and the process.

Inter-agency cooperation, in practice, often needs to be supported by detailed cooperation agreements and protocols that articulate clearly the respective responsibilities of all agencies, the resources that they will engage and their service commitment.

#### **Viet Nam**

##### *Working with shared definitions*

To eliminate the confusion that may exist with respect to some of the concepts that are involved in a particular correctional reform programme, it is sometimes useful to design a communication tool that can help participants develop a common language.

For example, in Viet Nam, the Ministry of Justice and the local UNICEF office have developed a bilingual (English/Vietnamese) juvenile justice lexicon that defines key terms in a manner that is locally relevant and consistent with national laws. The communication tool was developed over a period of time, based on emerging consensus. It helped all the concerned parties to agree on a common language. It is useful also in ensuring consistent translation of the new concepts from one language to the other.

*Source:* United Nations Children's Fund and Ministry of Justice of Viet Nam, *Juvenile Justice Lexicon* (Hanoi, 2009).

Ideally, the partner agencies should be able to count on some kind of information management system, while offering due protection to confidential information and protecting individuals against the possible misuse of that information.

### Characteristics of successful inter-agency approaches to reintegration

- Clarity of objectives
- Specific allocation of resources
- Clarity of respective staff (and agency) roles
- Leadership and ownership in order to drive things forward
- Procedures for making joint decisions
- Appreciation of the importance of the role of families
- Good communications and procedures for solving communication problems
- Good staff supervision and investment in development and training
- Elements of reflection and evaluation of progress towards stated objectives and revision of procedures if they are ineffective or prove to be a stumbling block

*Source:* A. Haggel, "Key elements of effective practice: resettlement" (London, Youth Justice Board, 2004).

Inter-agency cooperation is usually well served by being formalized and accompanied by clear protocols for resource-sharing, information-sharing and problem-solving. The respective roles and responsibilities of each agency must be clearly defined and understood, and personnel from each agency can benefit from an understanding of the respective—and often differing—policies and practices of other agencies. Collaborative service delivery can be enhanced with appropriate inter-agency cooperation protocols and information-sharing agreements. When possible, the organizations involved may consider linking information systems so that data from criminal justice, health, labour and social services can be shared and analysed effectively as appropriate.

Understanding the importance of information-sharing while adhering to the confidential nature of certain information is an important first step. It is important to identify a realistic sub-set of information that can be shared and made available to decision makers. Devising procedures whereby individuals can provide an informed consent to allow inter-agency access to their personal information usually represents part of the solution.

Close collaboration among the various agencies involved helps them publicly communicate their focus on community safety and the prevention of recidivism. It is normally useful to create and maintain mechanisms for service oversight, information-sharing communication and problem-solving across agencies and organizations. It is often necessary to establish a committee of high-ranking officials and community leaders to provide a central coordination mechanism and to guide the overall community strategy. The work of such a committee needs to be well supported by a staff that can facilitate routine communications among agencies, prepare for and facilitate meetings and prepare materials.

## 6. The role of the police

Offender reintegration and recidivism prevention initiatives fit very well into the model of community policing and its emphasis on solving the underlying cause of a crime problem through collaboration with other agencies and local stakeholders.

Police have an important role to play in prisoner reintegration initiatives. In many instances, they are known to provide the leadership necessary to ensure the success of the initiatives. For this, the police need to expand their traditional understanding of law enforcement to include crime prevention, problem-solving, community engagement and strategic partnerships. Those involved in supporting the reintegration of offenders have much to gain from police participation. Police involvement can also support both the offender supervision and assistance functions in the community, as well as encourage offenders' compliance with release or probation conditions.

#### **Police and offender reintegration**

"As a primary stakeholder in reducing recidivism among released prisoners, the police can respond by:

- "Partnering with probation and parole to enhance supervision
- "Facilitating sessions that notify returning prisoners of the expectations and support of the community
- "Gathering and sharing intelligence on behavior indicating trouble reintegrating with the community (e.g. hanging out with the old gang, violating curfew restrictions)
- "Building upon existing partnerships (and engaging new partners) to strengthen the collaborative action of reentry initiatives
- "Connecting ex-offenders to services and community resources
- "Communicating with the residents to overcome barriers caused by prior harms"

Source: N. G. La Vigne and others, *Prisoner Reentry and Community Policing: Strategies for Enhancing Public Safety* (Washington, D.C., Urban Institute, Justice Policy Center, 2006). Available from [www.urban.org/UploadedPDF/411061\\_COPS\\_reentry\\_monograph.pdf](http://www.urban.org/UploadedPDF/411061_COPS_reentry_monograph.pdf).

## **C. Programme monitoring and evaluation**

This section is intended as a general introduction to key elements of programme monitoring and evaluation that are also applicable to social reintegration programmes. UNODC hopes to be able to publish additional guidance and more targeted material on this important subject in the near future.

### **1. The need for programme monitoring and evaluation**

Evidence-based programming assumes that programme outcomes are monitored and evaluated in order to determine whether the programme's objectives and goals are achieved. Evidence-based programming also assumes that evaluation findings are reviewed and integrated into future programming. It further assumes that the lessons learned through previous programmes and good practices are identified and taken into account in designing future interventions. This is all predicated on the use of clear criteria against which programme outcomes can be measured and the use of sound measuring techniques and processes.

In very general terms, evaluating a programme involves determining whether or not the goals of the programmes were appropriate and whether the activities were efficiently

implemented and the goals met. Evaluation helps us understand why and to what extent the intended results are achieved by a particular programme or intervention. It informs us also about the broader impact of those interventions on stakeholders and institutions.

In addition to supporting accountability mechanisms, a proper evaluation is an important source of evidence about the results achieved and, as such, it is a lesson-learning tool that contributes to building knowledge about how best to achieve certain programme goals and objectives. When the findings of the evaluations of various programmes aimed at the same objectives are compared and contrasted, good practices can be identified and lessons can be learned and broadly communicated so as to improve the general quality of programming in the sector as a whole.<sup>40</sup>

According to the *Norms for evaluation in the UN system*:<sup>41</sup>

“An evaluation is an assessment, as systematic and impartial as possible, of an activity, project, programme, strategy, policy, topic, theme, sector, operational area, institutional performance, etc. It focuses on expected and achieved accomplishments, examining the results chain, processes, contextual factors and causality, in order to understand achievements or the lack thereof. It aims at determining the relevance, impact, effectiveness, efficiency and sustainability of the interventions and contributions of the organizations of the UN system. An evaluation should provide evidence-based information that is credible, reliable and useful, enabling the timely incorporation of findings, recommendations and lessons into the decision-making processes of the organizations of the UN system and its members.”

The essence of a programme evaluation is to measure the outcomes of a programme (intended and unintended) and relate that to its goals and objectives. The definition of “evaluation” of the Development Assistance Committee of the Organization for Economic Cooperation and Development has been adopted by all major development agencies internationally. The definition refers to five evaluation criteria that should be used in assessing interventions. They can be summarized as follows:

- The *relevance* of a project or programme is the extent to which its objectives are consistent with the beneficiaries’ requirements, country needs and priorities, relevant international standards, global priorities and partners’ and donors’ policies.
- *Efficiency* is a measure of how well inputs (funds, expertise, time, etc.) are converted into outputs.
- *Effectiveness* is the extent to which a project or programme attains its objectives and expected accomplishments and delivers the planned outcomes.
- *Impact* is the positive or negative, primary and secondary long-term effects produced by an intervention, directly or indirectly, intended or unintended.

<sup>40</sup> See also Inter-agency Panel on Juvenile Justice, *Criteria for the Design and Evaluation of Juvenile Justice Reform Programmes* (United Nations Office on Drugs and Crime, 2010). Available from [www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Criteria\\_E\\_book.pdf](http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Criteria_E_book.pdf).

<sup>41</sup> United Nations Evaluation Group, “Norms for evaluation in the UN system” (2005), para. 1.2. Available from [www.escwa.un.org/divisions/pptcd/upload/uneg.pdf](http://www.escwa.un.org/divisions/pptcd/upload/uneg.pdf).

Impact is a measure of all significant effects of the programme, positive or negative, expected or unforeseen, on its beneficiaries and other affected parties.

- *Sustainability* is the extent to which the benefits of the project or programme will last after its termination and the probability of continued long-term benefits.

These criteria are interdependent and not mutually exclusive. They do not necessarily exclude other criteria that might also be used to better focus an evaluation on the specific characteristics of an intervention or its context.<sup>42</sup>

## 2. Measuring the impact of social reintegration programmes

One reason why it is difficult to identify good practices with respect to reintegration programmes stems from the fact that many agencies are satisfied to simply measure programme outputs and are not paying sufficient attention to the more controversial and difficult task of measuring programme outcomes.

Evaluating the effectiveness of a programme intervention involves at least three main steps:

- Measuring for change in the observed outcomes
- Attributing the change in the observed outcomes to the programme (i.e. did the change result from the programme or one of its activities?)
- Judging the value of the change by reference to or comparison with standards, targets, benchmarks or other programmes

An evaluation presupposes that the objectives and goals of the programme being evaluated have been clearly specified and defined in terms of measurable outcomes. Unfortunately, this is not always the case (e.g. intended outcomes are not stated as measurable changes over time; objectives are unrealistic or conflicting; and targets or measures of success are not specified).

Furthermore, the question of how certain observed outcomes can logically and legitimately be attributed to a programme is a complex one. The task of “attribution”, as this question is often referred to, is often made difficult by the poor internal validity of the programme. When a programme’s internal validity is not well established, attribution usually becomes a significant challenge. Attribution is also complicated by the presence of the effects of multiple programmes and of various social and institutional changes that are in themselves quite difficult to isolate from the outcomes of the programme being evaluated. Assessing the effectiveness of a programme obviously becomes very tricky when there is only a tenuous logical basis upon which to determine to what extent observed changes in outcomes can be attributed validly to the programme itself.

## 3. Measuring recidivism

As researchers have noted, “people commit crime for many reasons and they also stop committing crime for many reasons”.<sup>43</sup> The criminal justice intervention is not

<sup>42</sup>Inter-agency Panel on Juvenile Justice, *Criteria for the Design and Evaluation of Juvenile Justice Reform Programmes*, pp. 11-14.

<sup>43</sup>A. Worrall and C. Hoy, *Punishment in the Community: Managing Offenders, Making Choices* (Cullompton, Devon, Willan Publishing, 2005), p. 11.

necessarily the most significant factor influencing desistance from crime. Nevertheless, desistance (absence of recidivism) is the desired outcome of reintegration interventions and it is usually measured by an indicator such as reoffending, reconviction or reimprisonment.

Rates of recidivism, however, are difficult to establish. Estimates of recidivism rates are influenced by how and when reoffending is measured. In addition, recidivism may be measured at different points of a known offender's contacts with the criminal justice system.<sup>44</sup> Measuring recidivism (whether relying on official data or on self-reported surveys) is always difficult. The use of reconviction rates (as a proxy for reoffending) is full of shortcomings: it is an undercount of actual offending, as well as an all-or-nothing measure; it does not account for changes in the nature, severity or frequency of the offences committed. Thus, even if recidivism is an unavoidable performance indicator for reintegration programmes, it needs to be supplemented by other more discerning indicators.

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<sup>44</sup>Inter-agency Panel on Juvenile Justice, *Criteria for the Design and Evaluation of Juvenile Justice Reform Programmes*, p. 2.



## IV. Reintegration programmes in prisons

This core chapter of the *Introductory Handbook* begins with a review of some of the international standards and norms that apply to prison-based programmes. It emphasizes the importance of treatment, education and rehabilitation programmes in prisons to prepare prisoners for a successful return to the community and prevent recidivism. It reviews some cognitive-behavioural and other treatment programmes, as well as more specialized programmes that address the offenders' risk factors and needs and help offenders prepare themselves for the challenges they will face after their release. This includes pre-release planning programmes and transition facilities that are often crucial to the offenders' successful re-entry into the community and their desistance from crime.

Offenders who find themselves in prisons are confronted by a range of social, economic and personal challenges that tend to significantly complicate their social reintegration. Some of those challenges result from the offenders' own circumstances and past experiences. Other challenges are the direct consequence of incarceration and the community's typical attitude and disposition towards ex-offenders.

Offenders may have a history of social isolation and marginalization, physical or emotional abuse, poor employment or unemployment, and involvement in a criminal lifestyle that began at an early age. They are frequently challenged by physical and mental disabilities and health issues that may be related to substance abuse and drug addiction. Many of them are challenged by skill deficits that make it difficult for them to compete and succeed in the community: poor interpersonal skills, low levels of formal education, illiteracy or innumeracy, poor cognitive or emotional functioning and/or a lack of planning and financial management skills.

Incarceration can itself have several "collateral effects"<sup>45</sup> upon offenders: they may have lost their livelihood, their personal belongings, their ability to maintain housing for themselves and their family; they may have contracted a serious disease while in custody; they may have lost important personal relationships and incarceration may have damaged their social networks; and they may have experienced mental health difficulties or acquired self-defeating habits and attitudes.<sup>46</sup> The conditions of imprisonment and the prison regime are known to contribute to the institutionalization of

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<sup>45</sup>Borzycki and Makkai, *Prisoner Reintegration Post-release*, p. 10.

<sup>46</sup>See Dandurand and others, *Conditional Release Violations, Suspensions and Revocations*, p. 9.

offenders, which tends to hamper their ability to reintegrate into society upon release. Without effective programmes to help offenders face these multiple challenges, the likelihood of their successful social reintegration is very poor.

Institutional programmes designed to prepare offenders for their re-entry into society include various cognitive-behavioural and skill development programmes, mental health care, drug dependence treatment, education, job training, counselling and mentoring. These programmes are most effective when they are based on a full diagnostic and assessment of the offenders and their situation. Such assessments need to occur as soon as possible after the offenders' admission to an institution and, if at all possible, serve as the basis for a comprehensive and individualized intervention plan. Effective interventions depend on sound methods of programme delivery and good case management practices, as well as the presence of well-trained staff with the necessary skills and expertise to manage and deliver the interventions.

Effective institutional programmes tend to focus on a number of dynamic risk factors and other challenges requiring attention in order to prepare offenders for their release and successful social reintegration. However, many prisoners are serving fairly short sentences that do not make it possible for them to participate in programmes. As access to those programmes is usually limited and participation in them normally voluntary, a large number of prisoners cannot or do not participate in appropriate programmes and are subsequently released into the community without any pre-release preparation. There is therefore a need for appropriate programmes to be offered in the community.

Some specialized programmes can also be offered at a time close to the offender's release, usually in collaboration with community-based agencies equipped to provide aftercare services and follow-up with the offenders after their release from custody. The treatment and support received by offenders during their incarceration must often continue after their release in order to ensure their successful re-entry into the community. It is important therefore to plan the release of offenders such that they will receive uninterrupted services and support upon their return to the community. This is achieved by prison officials establishing the necessary linkages and collaborating with health agencies and various community-based service providers.

All programmes must be designed in a gender-sensitive manner and address, when relevant, the special needs and circumstances of women. Programmes must also be culturally sensitive and the professionals delivering them should be culturally competent. Cultural knowledge must be institutionalized and programmes delivered, as required, in a manner that reflects and respects cultural diversity. This includes delivering the programmes in the languages in which the offenders are most comfortable.

## A. International standards

The Standard Minimum Rules for the Treatment of Prisoners have much to say about the conditions of detention and the management of prisons. The prevailing conditions within prisons, the resources available to prison authorities and the quality and competence of prison staff all have a lot to do with whether the experience of imprisonment assists or possibly prevents the offenders' successful social reintegration

upon release. The Standard Minimum Rules also refer to the nature and purpose of the treatment to be provided to prisoners as follows (rule 65):

“65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.”

Rule 80 refers specifically to the importance of preparing prisoners for their release and reintegration:

“80. From the beginning of a prisoner’s sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.”

One of the rules concerns prison industry and the need to provide offenders with work that, as far as possible, will “be such as will maintain or increase the prisoners’ ability to earn an honest living after release” [rule 71, paragraph (4)] and that resembles work outside of prisons [rule 72, paragraph (1)]. Further, rule 76, paragraph (1), provides that “there shall be a system of equitable *remuneration* of the work of prisoners”.<sup>47</sup>

International standards promote individualized treatment of prisoners and for that purpose they place much emphasis on the need to conduct proper assessments of offenders as soon as possible after their admission to prison and regularly after that. In addition, there are several international standards relating to the offenders’ contact with the family and community, education and vocational training, which deserve some attention here.

### 1. Assessment and individualized treatment

The Standard Minimum Rules for the Treatment of Prisoners recognize the need to individualize treatment according to the individual needs of offenders (rules 59-63). In order to do so, there is a need to properly assess prisoners and to prepare a programme of treatment suitable to their needs, capacities and dispositions (rule 69).

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty<sup>48</sup> emphasize both the importance of assessing the young offenders placed in institutions and understanding their needs, as well as the obligation to offer them adequate programmes that address their needs and the challenges they face. In fact, existing norms recommend an assessment of young offenders and their needs before they are sentenced to any form of detention and the preparation of pre-sentence or social inquiry reports.<sup>49</sup> More details on the standards relating to reintegration of juvenile offenders are presented in chapter VII of the *Introductory Handbook*.

<sup>47</sup>See also principle 8 of the Basic Principles for the Treatment of Prisoners (General Assembly resolution 45/111, annex), which states: “Conditions shall be created enabling prisoners to undertake meaningful *remunerated* employment which will facilitate their reintegration into the country’s labour market and permit them to contribute to their own financial support and to that of their families.”

<sup>48</sup>General Assembly resolution 45/113, annex.

<sup>49</sup>United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), rule 16.

For women, the Bangkok Rules call for assessment and classification methods addressing the gender-specific needs and circumstances of women prisoners “to ensure appropriate and individualized planning and implementation towards those prisoners’ early rehabilitation, treatment, and reintegration into society” (rule 40). Rule 41 actually specifies what must be accomplished through such a gender-sensitive approach:

“41. The gender-sensitive risk assessment and classification of prisoners shall:

“(a) Take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high-security measures and increased levels of isolation can have on women prisoners;

“(b) Enable essential information about women’s backgrounds, such as violence they may have experienced, history of mental disability and substance abuse, as well as parental and other caretaking responsibilities, to be taken into account in the allocation and sentence planning process;

“(c) Ensure that women’s sentence plans include rehabilitative programmes and services that match their gender-specific needs;

“(d) Ensure that those with mental health-care needs are housed in accommodation which is not restrictive, and at the lowest possible security level, and receive appropriate treatment, rather than being placed in higher security level facilities solely due to their mental health problems.”

## 2. Contacts with family and community

The right of prisoners to maintain contact and to be visited by members of their family is also emphasized in the Standard Minimum Rules for the Treatment of Prisoners, in part, as a means for offenders to prepare for their return to the community (rule 79):

“79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.”<sup>50</sup>

Contact with family is especially important for juvenile offenders. Maintaining or re-establishing contacts and relationships are often a prerequisite to successful reintegration. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty emphasize the need for detained juvenile offenders to maintain communication with the outside world in order to prepare for their return to the community (rule 59):

“59. Every means should be provided to ensure that juveniles have adequate communication with the outside world, which is an integral part of the right to fair and humane treatment and is essential to the preparation of juveniles for their return to society. Juveniles should be allowed to communicate with their

<sup>50</sup>See also principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex) and the Kampala Declaration on Prison Conditions in Africa (Economic and Social Council resolution 1997/36, annex), para. 6.

families, friends and other persons or representatives of reputable outside organizations, to leave detention facilities for a visit to their home and family and to receive special permission to leave the detention facility for educational, vocational or other important reasons.”

The Rules also refer to “the right of every juvenile deprived of liberty to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel” (rule 60), as well as the right to communicate in writing or by telephone at least twice a week with the person of his or her choice and to receive correspondence (rule 61). The European rules for juvenile offenders subject to sanctions and measures go further and stipulate that institutional authorities have a duty to assist juveniles in maintaining adequate contact with the outside world and provide them with the appropriate means to do so.<sup>51</sup>

For women prisoners, the Bangkok Rules encourage contacts between these women and their children (or children’s guardian) and call for measures to counterbalance disadvantages faced by women detained in institutions located far from their homes (rule 26). They add that the visits involving children, preferably for extended periods, must take place in an environment that is conducive to a positive visiting experience, including with regard to staff attitudes, and allow open contact between mother and child (rule 28). Finally, they call for efforts to facilitate visits to women prisoners as an important prerequisite to ensuring their mental well-being and social reintegration, but also stipulate that, because of possible past experience of domestic violence, women must be consulted about who should be allowed to visit them (rules 43-44).

### 3. Education and vocational training

International standards also refer to the need to provide prisoners with education (and make it mandatory for young or illiterate prisoners) and to integrate those programmes with the country’s educational system to ensure that prisoners can continue their education after their release without too much difficulty (Standard Minimum Rules for the Treatment of Prisoners, rule 77). Paragraph 7 of the Kampala Declaration on Prison Conditions in Africa<sup>52</sup> specifically links the provision of education and skills training to the need to facilitate the reintegration of prisoners into society after their release.

Principle 8 of the Basic Principles for the Treatment of Prisoners<sup>53</sup> refers to the need to enable prisoners “to undertake meaningful employment which will facilitate their reintegration into the country’s labour market and permit them to contribute to their own financial support and that of their families”.

For young offenders, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty refer to education and vocational training as two of the main means of preparing a juvenile for a successful reintegration into the community.

<sup>51</sup>See rules 84 and 85, of the European rules for juvenile offenders subject to sanctions or measures (recommendation CM/Rec (2008) 11, adopted by the Committee of Ministers of the Council of Europe on 5 November 2008).

<sup>52</sup>Economic and Social Council resolution 1997/36, annex.

<sup>53</sup>General Assembly resolution 45/111, annex.

## B. Offender assessments

Next to the need to individualize treatment according to the individual needs and strengths of offenders, the objective of preventing recidivism and protecting society against future crimes also requires an assessment of the risks presented by each offender.

Offenders typically present a wide range of risk factors and needs, the full range of which must be addressed to prevent recidivism. However, the successful identification, targeting and tackling of these factors, needs and strengths depend on an effective assessment system to identify those needs and to measure change in the degree to which they are present.

Assessments can and should take place at various stages of the criminal justice and rehabilitation process. In fact, the assessment process should be a continuing one and its accuracy and relevance should be periodically reviewed. Offenders should be informed about the process and enabled to participate actively in it.

In addition to any assessment that may be conducted during an offender's stay in prison, an assessment is also recommended: (a) at the time of determining the appropriate sanction or measure or when diversion from formal criminal proceedings is being considered; (b) at the beginning of a period of supervision; (c) whenever there are significant changes in the offenders' life; (d) when consideration is being given to a change in the nature or the level of supervision; or (e) at the end of the supervision measure.<sup>54</sup>

However, an assessment is not complete without a corollary assessment of protective (or resiliency) factors. These are factors that reduce the risks for the onset and repeat offending behaviour associated with the risk factors.<sup>55</sup> It is also important to assess the offender's basic skills and education to plan future interventions, keeping in mind that a lack of basic skills is not necessarily related to recidivism, but that the lack is related to other factors that are known to be associated with offending: poor school experience or adaptation; unemployment; social exclusion; and various psychological or cognitive factors linked to self-concept and attitudes to offending.<sup>56</sup>

The assessment process typically includes several steps, such as:

- Preparing for the assessment and identifying sources of information
- Gathering and recording of information on needs, risks, responsivity and circumstances, sometimes using available tests and assessment tools
- Developing and understanding (interpretation)
- Making judgements
- Making decisions/recommendations in consultation with the offender
- Planning an intervention (preparing an intervention plan)
- Information management/communication

<sup>54</sup>See rules 69 and 70, of the Council of Europe probation rules (Recommendation CM/Rec (2010) 1, adopted by the Committee of Ministers of the Council of Europe on 20 January 2010).

<sup>55</sup>F. Lösel and D. Bender, "Protective factors and resilience", in *Early Prevention of Adult Antisocial Behaviour*, D. P. Farrington and J. W. Coid, eds. (Cambridge, Cambridge University Press, 2003), pp. 130-204.

<sup>56</sup>Harper and Chitty, *The Impact of Corrections on Re-offending*.

## 1. Evaluating an offender's risk of reoffending

There are methods and instruments to evaluate the key factors that may have an impact on the likelihood that an offender will reoffend. These risk factors are defined as prior factors that increase the probability (risk) of reoffending and the potential danger an offender may thus represent for the victim and the community. A number of tools have been developed and validated for different types of offender in order to proceed as systematically as possible to the identification of risk factors in individual offenders.

Knowledge about risk factors associated with recidivism can be used to develop profiles of high-risk offenders (forensic profiles) to help practitioners and decision makers identify candidates for various forms of intervention. For example, a study of risk factors associated not only with recidivism, but also with severe recidivism, allowed researchers in the Netherlands to offer a forensic profile for young offenders. The profile identifies a number of factors grouped in seven categories: (a) family environment; (b) offence-related risk factors and substance use; (c) history of criminal behaviour; (d) psychological-cognitive factors; (e) psychopathy; (f) social behaviour and interpersonal relationships; and (g) behaviour during stay in an institution, when relevant.<sup>57</sup>

## 2. Risk-needs-responsivity framework

Evidence suggests that an accumulation of risk factors in an individual's life is associated with a higher likelihood of involvement in criminal behaviour.<sup>58</sup> A lot of work has been done to try to identify an empirical framework capable of supporting decisions concerning the treatment of offenders and their successful reintegration into the community. The risk-needs-responsivity (RNR) framework<sup>59</sup> is one of those frameworks, initially based on research to identify the risk factors associated with recidivism (see figure III, overleaf). These risk factors are not necessarily causal, but their identification led to the formulation of the notion of "criminogenic needs" associated with the factors and are therefore related in a more "causal way" to reoffending.

These criminogenic needs can be understood as issues that must be addressed by treatment, including various cognitive-behavioural intervention techniques. However, given that the effectiveness of such treatment is likely to be affected by how it is delivered and in what context (therapeutic elements, focus on cognitive processes, relevance to individual offenders and structured supervision) as much as by the motivation, characteristics and situation of the offenders themselves, the model framework came to include a third dimension: responsivity.

The RNR framework is quite influential, but it has also been criticized for placing too much emphasis on risk and not enough on the wider social context and circumstance. The framework may not sufficiently specify the responsivity factors, the role of motivation and the offender's self-identity.<sup>60</sup>

<sup>57</sup>E. Mulder and others, "Risk factors for overall recidivism in serious juvenile offenders", *International Journal of Offender Therapy and Comparative Criminology*, vol. 55, No. 1 (2011), pp. 118-135.

<sup>58</sup>D. P. Farrington, "Childhood risk factors and risk-focused prevention", in *The Oxford Handbook of Criminology*, 4th ed., M. Maguire, R. Morgan and R. Reiner, eds. (Oxford, Oxford University Press, 2007), pp. 602-640.

<sup>59</sup>For example, see D. A. Andrews and J. Bonta, *The Psychology of Criminal Conduct*, 5th ed. (Albany, New York, Lexis Nexis/Anderson Publishing, 2010).

<sup>60</sup>T. Ward and S. Maruna, *Rehabilitation: Beyond the Risk Paradigm* (London, Routledge, 2007).

Figure III. The risk-needs-responsivity (RNR) framework

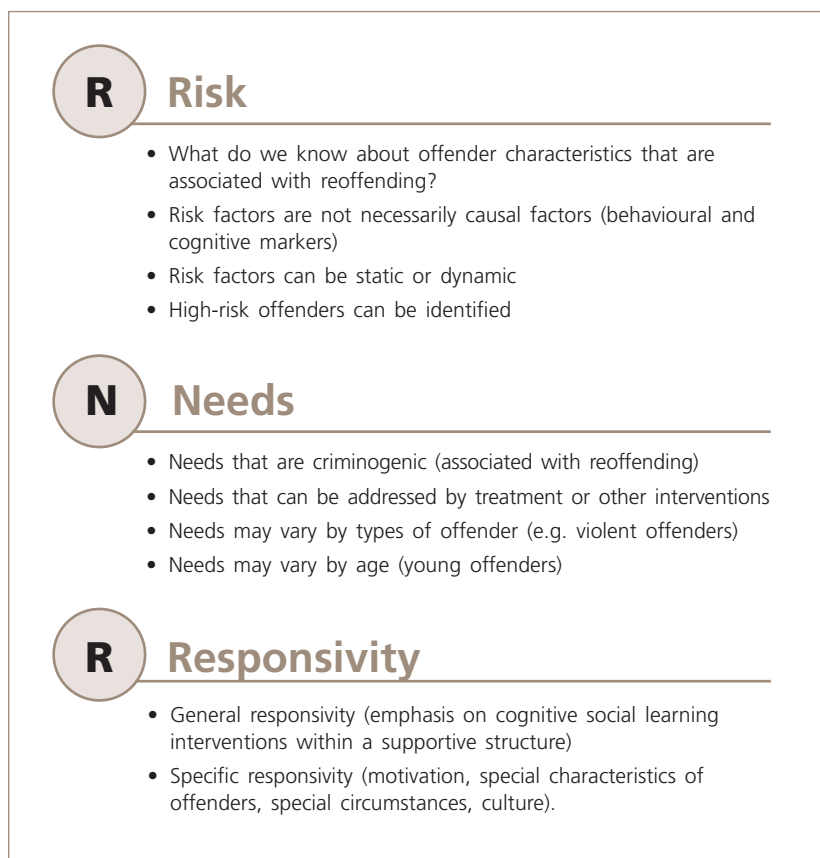


Figure IV describes the general factors related to recidivism and the associated criminogenic needs. Treatment to help offenders deal with those needs can be offered either in an institution or in the community, usually under some form of supervision. The challenge, of course, continues to lie in the difficulty of translating the abstract model upon which the framework is based into specific interventions adapted to different groups of offenders.

Figure IV. Factors associated with recidivism and criminogenic needs

History of anti Social behavior	Anti-social personality	Anti-social cognitions	Anti-social attitudes	Substance abuse	Family issues	School/work	Pro-social recreation
<i>Indicators</i> Early and continuing involvement in anti-social acts in a variety of settings	<i>Indicators</i> Impulsive, adventurous, pleasure seeking, aggressive, irritable, lying	<i>Indicators</i> Values, beliefs and rationalization	<i>Indicators</i> Criminal friends, isolation from pro-social others	<i>Indicators</i> Substance abuse and addiction	<i>Indicators</i> Conflicted relationships with family, spouse	<i>Indicators</i> Low school attachment and performance; unemployment, inability to function at work	<i>Indicators</i> Poor attachment to community and pro-social activities
<i>Needs</i> Develop non-criminal alternative behavior in risky situations	<i>Needs</i> Develop problem-solving skills, emotion management and coping skills	<i>Needs</i> Reduce antisocial cognitions, reduce risky thinking, build alternatives to risky thinking	<i>Needs</i> Reduce association with criminals and enhance associations with others	<i>Needs</i> Reduce substance abuse and deal with addiction	<i>Needs</i> Develop positive relationships and learn to deal with conflict	<i>Needs</i> Enhance performance, work/school satisfaction	<i>Needs</i> Rewarding prosocial activities, pro-social relationships, social acceptance



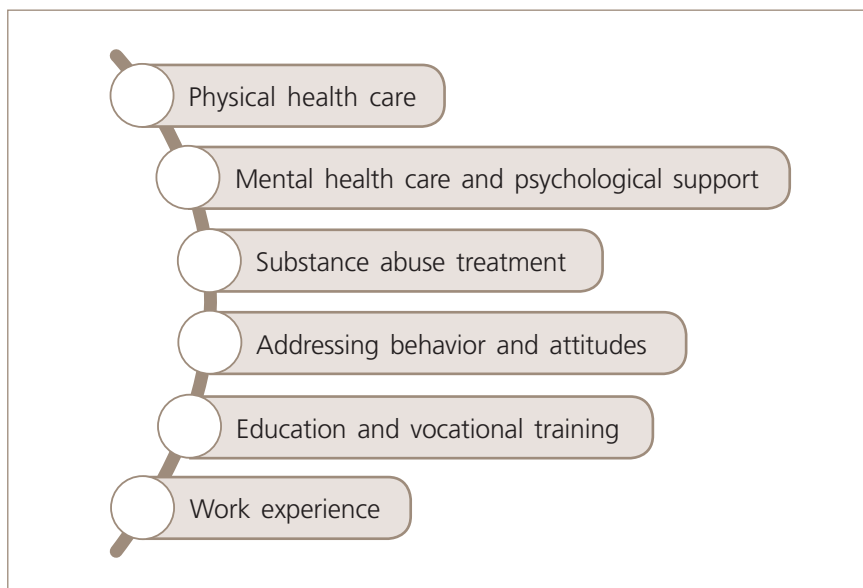
### 3. The good lives model

The “good lives model” is based on the assumption that people inevitably seek certain goals or primary human goods such as knowledge, autonomy, friendship, social recognition or happiness. Secondary goods such as relationships, employment or education provide means of obtaining the primary goods. From that perspective, interventions should not only manage or reduce the risk of recidivism, but also help individuals achieve their primary goals without harming others. The model directs the attention of assessment methods to the offenders’ goals, motivation and legitimate frustrations.

### C. Programming in prison

This section groups various types of prison-based programme into six general categories (figure V), not counting re-entry preparation or pre-release programmes, which will be discussed separately. The categories are physical health care; mental health care and psychological support; substance abuse treatment; programmes to address behaviour and attitudes (including cognitive-behavioural therapy); education and vocational training; and work experience.

Figure V. Types of prison-based programme



Prisons rarely have the possibility of offering all these programmes to all the prisoners who need them. Prisoners usually have to wait, sometimes for years, before they can access a programme. This clearly affects their motivation as well as the likelihood of their completing the programme and succeeding. It is known that low engagement in or the non-completion of a programme, as well as the rejection of programme norms and protocols, usually signals a failed engagement and poor likelihood of a successful reintegration.

## 1. Physical health care

People entering prisons usually come predominantly from poorly educated and socio-economically deprived sectors of society. Prior to imprisonment, many of them may not have been in contact with health services for many years, if at all, while at the same time having led lifestyles risky for their health. For these reasons, prisoners tend to have poorer physical and mental health compared with the general population. Mental illness, drug dependence, dental problems, skin diseases and communicable diseases are frequent health problems among prisoners. At the same time, some offenders may already have been under treatment for a disease in the community and the continuity of their treatment is essential for both the offender's and for public health.

Ensuring that prisoners' health needs are met in prison will not only contribute to the prisoner's successful reintegration into the community, but also takes into account the mobility between prisons and the community via offenders, staff and visitors. Therefore, and in order to prevent a spread of communicable diseases contracted in prisons to the community, health services in prisons should be consistent with community standards and the need to protect public health.<sup>61</sup> Ideally, they should be integrated into the public health system or, at the very least, have very strong linkages with respective services. Finally, health care should not be limited to curative care, but further encompass prevention, health promotion, reproductive health, maternal and child health and palliative health care.

In the majority of countries, prevention, treatment and care services in prisons are rarely sufficient, in particular in low- or middle-income countries. Health, nutrition and sanitation conditions are generally well below standard, underfunded and affected by a shortage of medication, medical staff and medical equipment, a situation that has a particularly negative impact in overcrowded prisons.

### (a) *HIV, hepatitis and tuberculosis*

Together with HIV, tuberculosis is one of the main causes of deaths in prisons. These diseases are preventable, as are hepatitis B and C. Hepatitis and tuberculosis are curable diseases. In reality, however, rates of HIV, tuberculosis and hepatitis B and C tend to be significantly higher in prisons than in the general population. When people living with HIV are released from prison and return to their communities, they may spread their disease to their sexual or needle-sharing partners who may not know that they are at risk of contracting the disease.<sup>62</sup>

One of the key elements of preventive interventions in prisons is to ensure that prisoners and prison staff have good and useful information about HIV and AIDS, tuberculosis and hepatitis, including on how the diseases are transmitted, what

<sup>61</sup>The principle of equivalence of care is a fundamental principle of various international instruments, including article 12 of the International Covenant on Economic, Social and Cultural Rights (General Assembly resolution 2200 A (XXI), annex); principle 9 of the Basic Principles for the Treatment of Prisoners; principle 1 of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment (General Assembly resolution 37/194, annex); and principle 1 of the World Health Organization (WHO) guidelines on HIV infection and AIDS in prisons (Joint United Nations Programme on HIV/AIDS, document UNAIDS/99.47/E).

<sup>62</sup>United Nations Office on Drugs and Crime, *HIV and AIDS in Places of Detention: A Toolkit for Policymakers, Programme Managers, Prison Officers and Health-care Providers in Prison Settings* (2008); *HIV in Prisons: Situation and Needs Assessment Toolkit* (2010).

behaviours can spread the diseases, how to prevent transmission and how to plan treatment and care both in prison and upon release. All prisoners should receive HIV/AIDS education on admission to prison, during their detention and after they have been released. As early as 1993, the World Health Organization (WHO), in its guidelines on HIV infection and AIDS in prisons (see footnote 61 above), recommended that condoms be made available to prisoners “throughout their period of detention” and “prior to any form of leave or release”. HIV testing should be confidential, accessible on a voluntary basis, accompanied by pre- and post-counselling, and linked to access to treatment. Access to safe injection and safe tattooing equipment further reduce the risk of transmission of HIV and hepatitis between prisoners and, in case of accidental punctures, to prison staff.

It is further important to carefully plan the release of prisoners infected with HIV and AIDS, hepatitis and tuberculosis so as to ensure that they will receive uninterrupted services and support upon their return to the community. Continuity of care can be achieved through close linkages and collaboration between correctional personnel and community-based service providers. The lack of such planning and collaboration may have public health implications, as the interruption or premature cessation of treatment for people with infectious diseases increases the risk of both transmission upon the offenders’ release and the risk of resistance to treatment. Interruption in medication that is critical to the management of an individual’s mental and physical condition may have further serious consequences for the offender (substance abuse, recurrence of mental distress and symptoms).

Finally, AIDS or other terminally ill prisoners should be considered for palliative care and compassionate release.

### *(b) Oral health*

Many prisoners enter prison with poor oral health. This may be due to limited access to dentists, limited knowledge about oral hygiene or the effects of alcohol, tobacco and drugs on the gums and teeth. Opiate users, for example, are likely to report severe toothache soon after admission to prison if their access to opiates has decreased and they will therefore need urgent dental care. Loss of teeth and poor hygiene not only have aesthetic consequences, but also an impact on speech ability, eating ability and halitosis, thus being also of overall relevance for the social reintegration of offenders. A dental service provided by a qualified dental team should therefore be available in all prisons. Emergency and chronic problems should be addressed and information on oral hygiene be provided to all prisoners.

## **2. Mental health care and psychological support**

Incarceration itself has a negative impact on mental health. The prevalence of mental disorders is typically much more severe among prisoners than it is in the general population and female offenders seem to be generally more likely than male prisoners to be diagnosed as suffering from a mental disease. Prisoners suffering from mental disorders often have longer criminal histories and are more likely to experience substance abuse problems. These individuals are not necessarily more likely to be violent offenders, but it is very clear that an untreated mental illness and the frequently co-occurring substance abuse and/or dependence are among the strongest

predictors of recidivism. Offering effective treatment to prisoners suffering from a mental illness and taking special measures to help them prepare for their release is a prerequisite to their successful social reintegration. It is therefore very important to find ways to facilitate access to prisons by community-based mental health-care providers and to promote the delivery of services consistent with community standards.

It should be recognized that imprisonment often has a particularly harmful effect on persons with mental disabilities. Mental health care should be provided in accordance with the principle of the least restrictive environment and, wherever possible, individuals with mental disabilities or illnesses should be diverted from the criminal justice system at the earliest point of contact with that system. The lack of public mental health services alone should never justify in any way the imprisonment of people suffering from a mental health disorder. The Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care<sup>63</sup> make it clear that persons with mental disabilities have the right to be treated and cared for, as far as possible, in the community (principle 7).

Treatment should not be undertaken without the free and informed consent of the person concerned and it should be individualized, including a balanced combination of psychosocial, medical and other support interventions. Exclusive reliance on medication to manage symptoms of mental distress should be avoided. Each intervention should be periodically monitored for adherence and expected results, as well as for adverse effects. Continuity of care must be ensured. When prisoners who are already under treatment are transferred to a different institution, or when they are released into the community, measures must be taken to ensure the continuity of the medical care and the individual's uninterrupted access to the appropriate medication. This is not only necessary to prevent the extreme adverse effects that treatment interruption may have for the offenders, including the rapid deterioration of their mental well-being, but also to prevent problematic behaviour and reoffending. To promote public safety and increase the likelihood of a successful social reintegration, these offenders must continue to receive treatment after their release and the provision of such treatment needs to be well coordinated between prison and health authorities on an individual basis. The transition to post-release community-based treatment requires some careful planning. Ensuring continuity of care after the release of these prisoners is obviously crucial to their successful social reintegration.

Measures must be taken to support the psychological well-being of prisoners and prevent mental health risk factors from arising. Psychosocial interventions such as counselling and psychotherapy should be offered as early as possible to those in need or at risk. Prison officials must be aware of occasions when prisoners are at risk of particular distress and anxiety. Situations that are particularly stressful or distressing for offenders need to be monitored and interventions offered as required. For example, such situations arise at the time of intake, or when offenders are advised of an adverse court decision, some bad news from their family, a cancelled family visit or an adverse decision concerning an application for early release. Other precarious situations also occur at the time of a transfer to a different prison facility, when disciplinary measures are taken against one of the offenders or another prisoner he or she has befriended, or when another prisoner is hurt, dies or commits suicide.

<sup>63</sup>General Assembly resolution 46/119, annex.

### 3. Drug dependence treatment

It is very important for drug-dependent persons in general, and in particular those in contact with the law, to have access to evidence-based drug dependence treatment. In most countries, a significant percentage of prisoners suffer from a substance abuse problem. Offenders with co-occurring drug abuse and mental health disorders require an integrated treatment approach.

Complete recovery from drug dependence takes time and requires effective treatment followed by effective management of the problem over time. Post-release continuum of care is particularly important for drug-dependent offenders receiving pharmacological treatment. Access to appropriate drug dependence treatment is essential for ensuring the successful social reintegration of drug-abusing offenders.

Treatment participation and completion should be encouraged, but the individual's motivation to conquer addiction tends to remain an issue. When offenders are being considered for early release, that prospect can offer them a motivation for participating in treatment for an appropriate length of time. Continuity of care and support following the prisoners' release must be planned for and ensured through close collaboration between correctional authorities and community-based service providers.

### 4. Programmes to change behaviours and attitudes

Numerous forms of programmes have been developed over the years to change the attitudes and behaviour of offenders by motivating them to change, changing their cognitive process, addressing their emotions or providing good role models. The goals of those programmes are usually defined in terms of desistance from crime and social pre-adaptation. A few examples are described below.

#### (a) Cognitive-behavioural programmes

A frequent characteristic of offenders is distorted cognition (self-justificatory thinking, misinterpretation of social clues, displacement of blame, deficient moral reasoning, schemas of dominance and entitlement, etc.). Cognitive-behavioural therapy can address these cognitive deficits and distortions by teaching offenders to understand the thinking process and choices associated with their criminal behaviour. Offenders can learn to self-correct their thinking and identify and correct biased, risky or deficient thinking patterns. These interventions often involve cognitive skill training, anger management (to address patterns of automatic thoughts leading to violent reactions) and other techniques related to the development of social skills and interpersonal maturity, moral development and relapse prevention. This type of intervention can have a significant impact on reducing recidivism.<sup>64</sup>

Some professionals have argued that the most effective types of treatment for offenders are based on cognitive-behavioural and social learning approaches, in particular when they take into account the offender's personal characteristics such as, for example, interpersonal sensitivity, interpersonal anxiety and verbal intelligence.<sup>65</sup> Cognitive-

<sup>64</sup>M. W. Lipsey, N. A. Landenberger and S. J. Wilson, "Effects of cognitive-behavioral programs for criminal offenders", *Campbell Systematic Reviews*, vol. 3, No. 6 (2007).

<sup>65</sup>See, for example, D. A. Andrews, J. Bonta and R. D. Hoge, "Classification for effective rehabilitation: rediscovering psychology", *Criminal Justice and Behavior*, vol. 17, No. 1 (1990), pp. 19-52.

behavioural therapy is clearly among the more promising rehabilitative treatments for criminal offenders. Its effectiveness as compared with other treatment approaches is generally ranked in the top tier in terms of its effects on recidivism. The therapy has a well-developed theoretical basis that explicitly targets “criminal thinking” as a contributing factor to deviant behaviour and it can be adapted to a range of offenders. Like most other prison-based programmes, it can also be offered successfully in the community either as part of a comprehensive set of interventions or as a stand-alone intervention.<sup>66</sup>

### *(b) Anger management and emotional control programmes*

Anger management is used to help offenders, in particular violent offenders, control their anger responses. Individuals who commit crimes out of uncontrollable anger are often assigned to such programmes, which consist of specific interventions and classes that are designed to teach people how to recognize their own anger symptoms, how to understand what triggered their anger, how to control it, how to be more in control of their emotions, how to develop positive relationships, how to express themselves assertively rather than angrily and how to deal with difficult people and situations.

These programmes can be delivered in prison or in the community. Controlling Anger and Learning to Manage it (CALM), for example, is a group programme tool used by the National Probation Service of the United Kingdom to teach clients new skills to manage their anger and other emotions. The court may have ordered the offender to follow the programme as part or condition of his or her sentence. CALM teaches participants how to speak to others, how to express feelings and how to solve problems without becoming aggressive. Participants have to attend all sessions, arrive on time and stay to the end, take an active part and do work between sessions if asked, arrive with a clear head, not under the influence of drugs, alcohol or solvents, and treat tutors and other group members with respect.

Participants have to be ready and motivated before taking any anger management courses. Low motivation will mean that they are less inclined to learn anything from the classes. The interventions must be adapted to individual needs or at least to certain categories of offender. Participants must also have opportunities to put what they have learned into practice.

### *(c) Relapse prevention therapy*

Relapse prevention therapy is often used in cases involving addictions and teaches coping strategies for maintaining the changed behaviour. Sometimes these strategies involve changing attitudes, social environments, physical environments and avoidance of certain “triggers” of addictive behaviour.<sup>67</sup> Relapse prevention generally involves a self-control programme designed to teach offenders skills to help them recognize the warning signs that their symptoms may be worsening or that they may be going back to an unwanted and unhealthy behaviour or habit.

Relapse prevention does not cure or remove the urge to behave in a certain way. However, extensive education and awareness of the pattern of the behaviour is often

<sup>66</sup>Lipsey, Landenberger and Wilson, “Effects of cognitive-behavioral programs for criminal offenders”.

<sup>67</sup>The Centre for Addiction and Mental Health, Canada ([www.camh.ca](http://www.camh.ca)) provides detailed mental health and addiction information, as well as processes of recovery and effective relapse prevention.

needed to help the offenders understand their own behavioural pattern. It involves helping these individuals identify specific pre-offence thoughts, feelings and behaviours so that they may understand that their behaviour is a product of a series of predictable thoughts, feelings and behaviours. The individuals are also made aware of more healthy ways of dealing with their urges whether they are sexual or drug-, anger- or violence-related. Once all these factors are understood and analysed, an individual relapse prevention plan can be developed for each offender.

#### (d) *Basic life and relationship skills*

During imprisonment, offenders do not have control over everyday aspects of their lives and are required to conform to the restricted environment of prisons. Therefore, prisoners, and in particular those who have been held in custody for an extended period of time, tend to experience diminished independence, self-sufficiency, self-esteem and initiative. Upon release, offenders will suddenly be required to organize their lives independently and outside of the closed system that used to structure their everyday lives. Some of them, including younger offenders, may have never had a full opportunity to acquire the basic skills required to manage everyday life routines. Others present clear deficits in terms of interpersonal maturity and interpersonal skills, and may need help in developing a repertoire of socially acceptable responses, conflict management and resolution skills, and an ability to engage more successfully in social interactions. Some of the social interaction patterns they may have learned during imprisonment may need to be unlearned.

Basic life and relationship skill programmes can help offenders to acquire problem-solving, communication and conflict-resolution skills, as well as to receive some instruction in how to develop self-advocacy, patience, impulse control, anger management and constructive assertiveness, all of which can prepare an offender for easier adaptation to life in the community.

#### (e) *Motivation*

Recruitment, attendance and compliance with any prison programme are almost always problematic, in particular with offenders with low motivation to change their behaviour or lifestyle. Punishment by itself is not always enough to motivate an offender to change and to desist from crime. In fact, it should be quite obvious that “people do not respond warmly to being shamed, coerced, berated, or deprived of choice”.<sup>68</sup> Offenders cannot be expected to respond differently and to avoid resentment, resistance and confrontational responses. The question is how offenders can be motivated to change and to participate meaningfully in programmes that are offered to them.

It may be helpful here to note that most offenders are essentially motivated by the same internal factors (intrinsic, arising from within the person, such as achievement of valued goals, avoidance of pain, escape from aversive emotions and social recognition) and interpersonal factors (encouragements, gaining social acceptance, positive reinforcement from one’s reference group, etc.) as every other human being. The dynamics are essentially the same.

<sup>68</sup>V. López Viets, D. Walker and W. R. Miller, “What is motivation to change? A scientific analysis”, in *Motivating Offenders to Change: A Guide to Enhancing Engagement in Therapy*, M. McMurrin, ed. (Chichester, West Sussex, and New York, Wiley, 2002), pp. 15-30.

A related question is whether it is possible to assess the motivation of offenders or whether it is possible to increase their motivation to change.<sup>69</sup> Valid measures of offender's motivation, sometimes referred to as measures of "readiness to change" or "readiness to participate in a helpful programme", are still rare. Counsellors are sometimes left to use their own professional skills to assess offenders' willingness to engage in treatment programmes or their interpersonal skills and ability to form relationships of trust with those who are trying to help them. There is obviously also the question of whether the offenders' motivation to change is a prerequisite to a successful intervention and whether treatment can be imposed and still be effective in the absence of such motivation.

Treatment interventions can inspire offenders to change and support them through the change process. Interventions to reduce the offenders' ambivalence towards change or to enhance an offender's self-esteem and self-confidence can help. Low self-confidence may preclude hope or generate negative self-fulfilling prophecies and ambivalence, which can defeat the offenders' attempts to change. People who are motivated to change may nevertheless resist change when they do not believe that they have the ability to do so. Interventions are sometimes necessary to increase their confidence in their ability to carry out a specific task (self-efficacy). Finally, interventions to help offenders confront their own inability to tolerate the feelings associated with change (distress, interpersonal vulnerability, fear of the unknown, fear of failure, etc.) may be helpful.<sup>70</sup>

#### (f) *Opportunities to become active citizens*

Positive mental health includes a sense of confidence and self-respect. It involves being and feeling responsible for oneself and for others. Some prison programmes involve offering prisoners work opportunities; others offer prisoners the chance to volunteer for projects that help others. Whether it involves growing vegetables and donating the produce to a women's shelter or else making baby clothes for those in need, there is a growing body of research on re-establishing prisoners as active citizens. Prisoners are active citizens when they exercise responsibility by making positive contributions to prison life or the wider community.

#### **India**

##### *Music therapy, dance and theatre*

Music therapy has been widely used by the Department of Prisons in India. According to the Department, "music has a profound positive effect on our body and mind". The prison administration has established a music room in each jail in which various types of musical instrument, such as tablas, bongo drums, harmoniums, guitars, sitars, sarangis or flutes, are played by the prisoners. Inter-jail music competitions are also organized to create a competitive spirit in the musical performances.

Indian prisons also use theatre and dance therapy to increase the self-respect and self-confidence of prisoners as well as to show the public the human and creative side of prisoners. In Midnapore Central Jail, a group of prisoners were selected for an intensive dance workshop. They recorded their own voices for the music and made their own costumes. They then performed during a dance festival and recorded an audio CD, all of which had a very positive impact on the participants.

<sup>69</sup>See M. McMurran, "Motivation to change: selection criterion or treatment need?", in *Motivating Offenders to Change: A Guide to Enhancing Engagement in Therapy*, M. McMurran, ed., pp. 3-14.

<sup>70</sup>L. Jones, "An individual case formulation approach to the assessment of motivation", in *Motivating Offenders to Change: A Guide to Enhancing Engagement in Therapy*, M. McMurran, ed., pp. 31-54.



A report prepared for the NGO Prison Reform Trust suggests different categories of active citizenship in prisons: (a) schemes in which prisoners help and support their fellow prisoners; (b) community support schemes involving work with or on behalf of people outside the prison; (c) restorative justice programmes, whereby prisoners are encouraged to acknowledge the harm they have caused and to make amends; (d) democratic participation in prison life, for example involving membership of prisoner councils or other forums; and (e) arts and media projects such as prison-based radio stations, newspapers or performing arts programmes.<sup>71</sup>

The report found that prisoners who volunteered in the various schemes had a chance to acquire new skills and earn the trust of others, had an increased capacity for responsibility, found purpose in their time in prison, felt they had a chance to give something back and experienced a change from being a passive recipient (of the system) to a contributor to society. The report concludes with practical steps that prisons can take to develop and promote opportunities for active citizenship.<sup>72</sup>

*(g) Peer support and music and art programmes*

Many programmes that feature peer support, mentoring or the help of volunteers focus on attitude, spirituality and other factors underlying some more specific steps that offenders may take to prepare themselves for a successful social reintegration. Many prisoners' art, cultural or music programmes, meditation, healing and motivation programmes fall into this category.

Recent reforms introduced in civil prisons administered by the Palestinian Authority allow prisoners to participate in art therapy in prisons and to paint the dull cement walls of the prison. Beautifying their environment gave prisoners a sense of well-being and achievement, energizing them to want to increase their activity.

**United Kingdom (Northern Ireland)**

*Art appreciation*

The Prison Arts Foundation was founded by the Northern Ireland Prison Service, the Probation Board for Northern Ireland, the Arts Council of Northern Ireland, the Community Relations Council and the Community Arts Forum. Its aim is to create access to the arts for all prisoners, ex-prisoners, young offenders and ex-young offenders in Northern Ireland. Through "artist-in-residence" programmes the Foundation promotes and widens the practice and appreciation of the arts to all those serving custodial sentences. Workshops are organized on a variety of art forms, including writing, drama, fine art, craft, music, circus/physical theatre and dance. These workshops allow prisoners to explore their more creative side and to bolster their self-confidence. Prisoners who enrol in the Prison Arts Foundation are sometimes supported in their artistic endeavours after release as a way to help them reintegrate.

Source: [www.prisonartsfoundation.com/about/](http://www.prisonartsfoundation.com/about/).

<sup>71</sup>K. Edgar, J. Jacobson and K. Biggar, *Time Well Spent: A Practical Guide to Active Citizenship and Volunteering in Prisons* (London, Prison Reform Trust, 2011).

<sup>72</sup>Ibid.

### (h) *Animal care programmes*

Prisoners who have contact with animals while in prison, or better still are responsible for their care, tend to be better prepared for their return to the community. Programmes lead them to assume responsibility for an animal, something that can teach them respect and appreciation for other forms of life. At the same time, the programmes can provide educational opportunities and an occasion for offenders to learn new skills and, while doing so, develop their self-confidence and self-efficacy.

#### **United States**

##### *A trained dog programme*

In the United States, the Colorado State Prison Trained Dog Program is a programme that provides the outside community with pre-trained dogs. This programme, part of the Colorado Correctional Industries, allows offenders to learn new skills, improve self-esteem and earn a salary that is based on their work performance. Inmates from the programme are eligible to earn vocational certification in canine behaviour modification.

Source: [www.coloradoci.com/serviceproviders/puppy/index.html?intro](http://www.coloradoci.com/serviceproviders/puppy/index.html?intro).

Some prison programmes are based on the principles of animal-assisted therapy. Animal-assisted activities have been incorporated into an increasing range of prison programmes. Prisoners with various physical and emotional needs can interact with (train, groom or pet) animals, such as dogs, horses and llamas. According to one study, “the responsibilities and care-giving activities associated with a pet are ties to a reality that can otherwise be absent for an institutionalized person. Companion animals also provide the person with an outlet to demonstrate his ability to commit, not only to the tasks required in animal care, but also to the living creature that relies on him”.<sup>73</sup>

#### **Canada**

##### *Pet-facilitated therapy programme for women*

Examples of these programmes include that of the Correctional Service of Canada, which started a pet-facilitated therapy programme in women’s institutions in 1998.

Source: [www.lapsbc.ca/](http://www.lapsbc.ca/).

A reform school for young offenders in Dong Nai, Viet Nam, maintains a very small zoo with exotic animals for which the residents are collectively responsible.

<sup>73</sup>G. A. Furst, *Animal Programs in Prison: A Comprehensive Assessment* (Boulder, Colorado, First Forum Press, 2011).

## 5. Faith-based programmes and activities

Faith-based groups can offer crucial support to prisoners. They also tend to be very capable of raising community-based resources to assist offenders. In many poor countries, faith-based groups are essentially providing the only prison programmes that are accessible to offenders.

### Fiji

#### *Spirit of offenders*

The concept of respect and allegiance to land (people), faith and government is central to indigenous Fijians. The Fiji Prisons and Corrections Service places the spirit of offenders at the core of its work. Prior even to behavioural counselling and other approaches utilizing cognitive means, offenders are put in touch with the faith of their upbringing and mentored and counselled by spiritual mentors from the denomination of their choice.

Matters of the soul are dealt with as this helps “soften” most offenders for placement in other stages. The Fiji Prisons and Corrections Service utilizes spiritual mentors in conjunction with behavioural counsellors so as to allow for a more objective monitoring and evaluation process of offender changes.

*Source:* I. Naivalurua, “Community social reintegration: the Fiji approach”, in *Survey of United Nations and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System*, K. Aromaa and T. Viljanen, eds., HEUNI Publication Series, No. 65 (Helsinki, European Institute for Crime Prevention and Control, affiliated with the United Nations, 2010), p. 40.

In addition to the spiritual and mental support they provide, faith-based activities can help engage and motivate offenders to change and take responsibility for their own lives. Faith-based groups can help prisoners develop informal contacts with the community and offer critical support at the time of re-entry. Many such groups offer pre-release and post-release mentors from the community. In many instances, they have established and managed facilities and resources—such as halfway houses or substance abuse recovery centres—that would otherwise not be available to released offenders.

### Singapore

#### *Breakthrough Missions*

Breakthrough Missions in Singapore is a non-profit, faith-based drug rehabilitation centre offering clients training in woodwork, reflexology, car maintenance, landscaping and gardening, copper tooling, bookbinding, framing (for art), computer skills and catering and food preparation. Breakthrough Missions has opened a very popular restaurant near the law courts, employing former prisoners as servers and cooks and also offering information and help to those who have come into conflict with the law. There is much public support for the restaurant as people can see former inmates trying to live better lives.

The Center for Faith-Based and Community Initiatives in the United States Department of Labor has developed a Prisoner Reentry Toolkit for Faith-Based and Community

Organizations, which includes guidelines on how to design an effective re-entry programme structure, how to form partnerships, case management, removing barriers to employment through supportive services, mentoring adult ex-prisoners and monitoring programme success.<sup>74</sup>

## 6. Education and vocational training

Social reintegration is more difficult for offenders with poor basic education and unmarketable skills. Insufficient opportunities for prisoners to participate in vocational and educational training make it hard for them to plan for a successful and law-abiding return to the community.

### Ukraine

#### *Use of webinars*

Some convicted women in prisons in Ukraine are participating in distance learning via online seminars, or “webinars”. Webinars have all the advantages of a seminar except for live communication between the presenter and the participants.

Several programmes can teach inmates functional, educational and vocational skills based on employment market demand and public safety requirements. Access to the job market requires a level of functional literacy and numeracy, as well as other basic working skills, which many prisoners have simply not achieved. Functional literacy and a basic school certificate (or better still a high-school equivalent degree) facilitate entry-level employment. Entry-level jobs may have limited pay, benefits and advancement opportunities and they may not be particularly rewarding socially and psychologically, but they nevertheless offer a practical entry point into the job market.

The EQUAL initiative of the European Commission’s Directorate-General for Employment, Social Affairs and Inclusion has taken steps to improve access to education and training for prisoners to facilitate their reintegration into the labour market. Austria, Germany, France, the Netherlands, Portugal, Sweden and the United Kingdom have been cooperating successfully to introduce distance learning in their prisons.

Austria’s Telfi project involves e-learning in order to prepare prisoners for a new life outside of prison. With the use of computers, the Internet and modern training methods, prisoners may volunteer for these programmes, which are tailored to current labour market needs. The Austrian Prison Service Department has developed a central prison education server, which complies with the security requirements of each institution. Learning software has also been developed and adapted for use in prisons. Telfi focuses on individual support and programmes that match the person’s capabilities. It includes literacy, numeracy, as well as stock management, metalwork, woodwork and other vocational skills. Other members of the European Union have similar programmes and there is a transnational cooperation element to the scheme that may benefit prisoners serving sentences outside their home countries.

<sup>74</sup>The toolkit is available from [www.doleta.gov/PRI/PDF/Pritoolkit.pdf](http://www.doleta.gov/PRI/PDF/Pritoolkit.pdf).

In the United Arab Emirates, the General Police Command in Abu Dhabi and the Ministry of Higher Education together designed a comprehensive vocational programme for prisoners, which takes into account both the individual profiles of inmates and local labour market needs. The programme's goals are to provide vocational training in professions in demand on the local labour market; to provide purposeful and constructive activities to prisoners; to help prisoners find a job upon release; and to reduce reoffending and unemployment rates. Enrolment requirements include an assessment of prisoners' discipline and commitment, age, education, personal skills and criminal record. The programme has a duration of two years and also allows prisoners to complete the training following release. By 2011, 61 prisoners had successfully completed the first phase.

### 7. Work experience

International standards require that prisoners be provided with work in prison but, in accordance with rule 71, paragraph (2), of the Standard Minimum Rules for the Treatment of Prisoners, only sentenced prisoners are required to work. A similar requirement does not apply to pretrial detainees. Rule 71, paragraph (6), encourages prison administrations to take into account the personal preferences of the prisoners in what kind of work they wish to perform. Rule 76, paragraph (1), as well as the Basic Principles for the Treatment of Prisoners (principle 8), provide that work in prison should be paid and that work should be such that it will maintain or increase the prisoners' ability to earn an honest living after release. They also stipulate that "the organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life".<sup>75</sup>

#### Occupied Palestinian Territory

UNODC has implemented a project in the Occupied Palestinian Territory to strengthen the management, operation and oversight of civil prisons administered by the Palestinian Authority. The main objective of the project was to ensure that corrections and rehabilitation centres complied with the Standard Minimum Rules for the Treatment of Prisoners. Through the project, a bakery and a sewing workshop were established in two prisons, and there are plans to expand vocational training initiatives to further corrections and rehabilitation centres.

The fact that there are few if any job opportunities for people without proper work experience becomes a problem for many offenders. Prison authorities need to place considerable emphasis on developing the vocational and employability skills that offenders need to find and keep jobs after their release. Without such skills, the offenders' social reintegration remains problematic.

Many prison industries are successful at creating work for inmates as part of the rehabilitative process. One such example is Tihar Prison in India, which operates a bakery, a handloom textile workshop, apparel production, furniture-making and mustard oil extraction, as well as painting and paper product workshops. Women prisoners make lace products, which earns them a relatively high salary.

<sup>75</sup>Rule 72, paragraph (1), of the Standard Minimum Rules for the Treatment of Prisoners; also rule 26.7 of the revised European Prison Rules (Recommendation Rec (2006) 2, adopted by the Committee of Ministers of the Council of Europe on 11 January 2006).

Regrettably, however, many prisons perpetrate abuses as part of so-called “work programmes” in contravention of international standards and norms. Such prisons put prisoners to work to keep them occupied, as a form of punishment or simply because they provide a cheap form of labour. Prisoners perform janitorial work, make prison uniforms, work on prison farms to produce food, cook prison meals, cut wood for fuel, collect water from rivers or do the laundry for prisoners and prison officers. Work is mandatory in many prisons all over the world. However, mandatory work for all inmates, including pretrial detainees, is not in accordance with the Standard Minimum Rules for the Treatment of Prisoners. In these prisons, prisoners do not have a choice whether they wish to work or not and can be punished for refusing to work. Other prisons are similar to labour camps, involving punishing physical work, often for the hardened high-security prisoners. Private prison industries in certain countries are creating some controversy because some see them as creating a kind of slave labour; moreover, private prisons may be motivated to keep prisoners in prison longer in order to sustain the labour supply.

With greater importance given to the process of social reintegration, there needs to be more emphasis on helping offenders learn and acquire marketable skills. Putting prisoners to work may have its merits, in particular if it allows prisoners to earn and save some money. However, allowing prisoners to build their professional skills is crucial if they are to find employment upon release from prison. Employment is key to offenders’ ability to secure housing, establish financial stability, support family members, gain self-confidence, make friends and ultimately desist from crime.

#### D. Pre-release programmes

The period of transition from any form of detention to living in the community is difficult for offenders, including the stress associated with being monitored or supervised in the community upon release. As was mentioned earlier, incarceration may itself have had several negative effects on the offenders’ ability to lead law-abiding and self-supporting lives. Offenders may have fallen behind in their formal education; they may have lost their livelihood, their personal belongings, their accommodation; they may have lost important personal relationships and incarceration may have damaged their social and family networks; and they may have experienced mental health difficulties or acquired self-defeating habits and attitudes. Homelessness, in particular, may place offenders at risk of reoffending. Finally, without the prospect of gainful employment and the capacity to earn a living in the community, offenders will often drift back towards criminal activities.

Given the above, reintegration support interventions should start in the institution and carefully link institutional services with community-based services. This involves a lot more than a simple referral to community-based services at the time of a prisoner’s release. In fact, there is little evidence that interventions that merely refer offenders to community-based services effectively assist in the reintegration process. Providing referrals rather than substantive aftercare is generally ineffective. Rather, there must be linkages between institutional programming and community-based interventions to ensure continuity of support.<sup>76</sup>

<sup>76</sup>Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 6.

### South Africa

#### *National Institute for Crime Prevention and the Reintegration of Offenders*

The National Institute for Crime Prevention and the Reintegration of Offenders, an NGO in Cape Town, South Africa, offers programmes to assist with offender reintegration and assistance in resolving complex problems relating to returning and resettling into society. Individuals choose to contract with the Institute, thereby requiring a full commitment to completing the programme. The Institute also works within prisons to offer offenders the chance to study with the support of a bursary. Bursaries can also be awarded to the children of offenders.

Source: [www.nicro.org.za/](http://www.nicro.org.za/).

There is a real need for interventions to alleviate the potential distress associated with reintegration and to address the long-term emotional needs of offenders. Ex-prisoners experience levels of depression or anxiety beyond the normal range.<sup>77</sup> A study has showed that, in the United Kingdom, prisoners are less likely to reoffend and therefore more likely to successfully reintegrate into the community if they receive visits during their incarceration, have participated in prison job clubs, have contact with a probation officer and/or attend victim awareness courses.<sup>78</sup>

Prisoners can benefit from pre-release support, including the provision of lists of available support services and referrals to mental health services where they exist. Some programmes simply provide an opportunity for prisoners to verbalize and discuss their feelings about leaving the prison environment and re-entering the community. Some organizations are able to work with the offenders both before and after their release, thus supporting them throughout that critical period.

A number of interventions can be designed to prepare offenders for their release and re-entry. Most such interventions are better delivered in partnership with community-based agencies so as to ensure some continuity of intervention after the offenders are released. The weeks immediately preceding and following the release of an offender from custody are particularly important. What happens during those few weeks often determines whether the offender's reintegration will be successful or not. Unfortunately, re-entry planning is an aspect of the rehabilitation process that does not always receive sufficient attention.

### 1. Contact with family

It is important to help offenders maintain or re-establish contact with their family. This, of course, is particularly important for young offenders and for adult offenders who are primary caregivers for children.

<sup>77</sup>A. J. Shinkfield and J. Graffam, "The relationship between emotional state and success in community reintegration for ex-prisoners", *International Journal of Offender Therapy and Comparative Criminology*, vol. 54, No. 3 (2010), pp. 346-360.

<sup>78</sup>C. May, N. Sharma and D. Stewart, "Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004", Research Summary 5 (United Kingdom, Ministry of Justice, 2008).

The impact of family and friends' visits on the psychological health of prisoners, their motivation to desist from crime, future offending, prospects of finding accommodation and employment after release is often underestimated. Most prison administrations restrict the number of visits, limit the time that prisoners can spend with their family members and do not pay sufficient attention to the conditions of the visit and the positive emotional impact they have. Prison visits are often treated as a privilege that can easily be withdrawn as opposed to an opportunity for prisoners to re-engage with the community and to prepare for their return. A clearer focus on the social reintegration of offenders has redirected the attention of practitioners and policymakers to the importance of family contacts. Small changes in existing policies and regulations and some simple staff training can turn prison visits into structured opportunities to help offenders prepare for their return to the community.

Prisons isolate offenders from their families. Further, prisoners are often transferred to prisons according to their security risk and this may involve moving them far from their homes and family. Female prisoners, because they are fewer in number, are particularly likely to be placed in facilities that are even further from home than their male counterparts. A family visit, close to the time of release, can provide an opportunity for helping the offender and the family make some realistic plans for the transition period.

### Singapore

Singapore's Community Action for the Rehabilitation of Ex-offenders (CARE) Network has developed a palm-size pull-out brochure called "Community resources and support for offenders and their families", with a list of organizations dealing with employment, general and pre-release support, community family programmes, mental health and education, help against family violence, religious needs, shelter and halfway houses, addiction treatment and support groups, and other social service agencies.

Available from [www.carenetwork.org.sg/index.php?option=com\\_content&view=article&id=5&Itemid=12](http://www.carenetwork.org.sg/index.php?option=com_content&view=article&id=5&Itemid=12).

The Singapore Prison Service has introduced teleconferencing and videoconference facilities to enable family members to see and talk to incarcerated relatives and therefore not have to make the long journey to the prison. Also based on good behaviour and low risk, offenders may serve the tail-end of their sentence at home. This facilitates the gradual reintegration of the offender back into the family environment and the community.

Several prison systems are developing programmes to facilitate meaningful family visits. The Korea Correctional Service has built detached family meeting houses within prison facilities to allow inmates to stay for one night and two days with family members in order to maintain family relationships. These family meeting houses now operate in 41 facilities in 40 regions across the Republic of Korea. Aside from using family meeting houses, inmates are also allowed family meeting days and are allowed to have meals with their family members in pleasant surroundings such as gardens.



### **Russian Federation**

#### *Electronic contact with the family*

In the Krasnoyarsk Region of the Russian Federation, electronic applications for family visits, such as e-mailed letters from family members and video phone calls, are now being permitted in order to increase family contact and communications. Family members can also buy electronic products for use by their relatives in prison.

In addition to facilitating contacts between offenders and their families, it is sometimes important to offer services and support to family members and children of prisoners. Released offenders frequently rely on their families for help with several immediate needs, including housing, employment and financial support. Many families, however, are already struggling with various issues and may not be able to offer the support the offender is expecting. Prisoners often draw on family finances with a negative impact on the family's financial stability.

Family members may have experienced significant distress over the period of imprisonment. Some of them may have relocated or formed new relationships. Family members should receive timely notification and information concerning the offender's release. Social service agencies can be mobilized to offer assistance to family members and help them cope with the emotional, financial and interpersonal issues relating to the offender's return to his family and community.

## **2. Preparing the community**

There are a variety of ways in which prisons may help offenders connect with the community while managing any potential safety or security risks. The use of volunteers is one of them. Working with community groups and faith-based organizations can also help create such opportunities for offenders. In some instances, prisoners will be allowed to volunteer their services or time in support of community initiatives or to participate in religious services in the community. Some day-parole, temporary furlough, *semi-détention* (open custody) programmes can help offenders maintain or re-establish contacts with the outside community, including with potential employers and service providers.

### **Uganda**

#### *From Prison Back Home project*

Also known as the Social Rehabilitation and Reintegration of Offenders project, the From Prison Back Home project of the Uganda Prisons Service is based on a restorative justice approach that emphasizes mediation and healing between offenders, victims and local communities for the purpose of repairing the harm caused by crime. The programme has consistently involved local council leaders, clan leaders, religious leaders, police, individual members of the community and civil society organizations doing work in the rehabilitation and reintegration of offenders. One such organization is the Uganda Discharged Prisoners' Aid Society, specializing in aftercare. Communities have been sensitized and informed about the project and have been willing to participate in it. The Prisons Service has partnered with the police through the community policing programme, community liaison offices and child and family protection units.

In France, prisoners may be granted *semi-détention* by the court or the judge responsible for administration of the sanction. This allows them to leave the prison during the day to attend courses, work, receive medical treatment or take care of their family.

### Singapore

#### *Yellow Ribbon Project*

The Yellow Ribbon Project involves public, private and non-governmental bodies all working together to help ex-offenders find employment and housing, reconnect with families and friends, learn new skills and feel welcomed back into society. While in prison, inmates engage in work that connects them to the outside world, for instance, they are trained in website development and work on real projects for businesses; and they also work in a prison-based bakery that produces bread and all kinds of baked goods for various retail outlets in Singapore. As part of the Project, once they are released from prison, prisoners are offered vocational training and work programmes through an agency called the Singapore Corporation of Rehabilitative Enterprises (SCORE) to help them find jobs.

Other initiatives are more ambitious. The Singapore Prison Service's Yellow Ribbon Project, which started in 2004, is about engaging the community in accepting ex-offenders and their families and giving them another chance of becoming productive members of society.

In planning the release of offenders, it is also very important to understand who may be at risk when the offenders are released. To assess that risk and take it into account in planning the return of the offenders to the community, it is important to make the best use possible of all the information available about any history of conflict, violence or threats by or against the individuals.

### 3. Preparing the victims

#### United States

##### *Huikahi restorative circles*

Huikahi restorative circles in Hawaii are a group process for re-entry planning that involves the incarcerated individual, his or her family and friends, and at least one prison representative. The process was developed by the Waiawa Correctional Facility on Oahu in collaboration with two community-based organizations, the Hawaii Friends of Civic and Law-Related Education and the Community Alliance on Prisons.

Children with incarcerated parents experience serious emotional and physical consequences, such as increased drug use, sleep disturbances, stress, depression and feelings of guilt and shame. Huikahi circles provide a process for incarcerated individuals and their loved ones to find ways to heal from the harm created by crime and punishment.

Reconnecting with the victims and others who have been affected by the offenders' behaviour is a difficult process. In many instances, relationships have been seriously damaged and cannot be repaired easily or immediately. Restorative justice processes

and other mediated interventions, starting while the offenders are still in prison, can help them find their place in the community. This is sometimes referred to as a “restorative reintegration process”. There is in fact a growing movement to use restorative practices to facilitate the social reintegration of incarcerated persons returning to the community.

Interventions can be planned to notify and prepare victims and relevant community members of the offender’s return to the community and to provide them with protection, counselling services and support. The decisions and plans of prisoners following release, including those related to housing, may have implications for the safety of their former victims or even members of their own family, for example where there is a risk of family violence.

A victim may choose not to participate in any decision concerning the offender, but may nevertheless need to be kept informed at the time of the offender’s release. For a crime victim, it may be important to be notified about the timing and circumstances of the offender’s release and return to the community. Ideally, the correctional institution releasing the offender will have a record of the victim’s wish to be notified (or not). When possible, counselling and support must be made available to victims of crimes, as required, to prepare them for the return of the offender to the community.

#### 4. Addressing the financial consequences of imprisonment

The financial consequences of imprisonment on offenders and their families cannot be ignored when considering their social reintegration plan. Loss of income and perhaps bank accounts are commonplace once an individual has a criminal record. The impact is further felt by family members and often also by members of the extended family. Imprisonment can result in high personal debt. If it was caused by such debt, the situation is likely to have worsened upon release, especially if interest rates are high. Imprisonment may also mean a loss of contact with creditors and financial contacts that can be of assistance to offenders. Prison administrations rarely offer services for inmates on how to manage their finances, nor do they tend to offer much in terms of opportunities to earn money or save those earnings. Financial exclusion resulting from incarceration is an obstacle to social reintegration upon release.

The Prison Reform Trust and the National Association of Reformed Offenders (UNLOCK) in the United Kingdom, have produced a study called “Time is Money”,<sup>79</sup> which concludes that:

“A substantial proportion of people sent to prison were already experiencing extreme and persistent financial exclusion. However, having a criminal conviction further exacerbates their lack of access to financial services. Changes to the system could promote financial inclusion, which in turn would support effective resettlement and a reduction in the rate of reoffending.”

Assessing the financial status of the offender on admission to the prison system may well be the best time to ascertain the financial impact of imprisonment on the

<sup>79</sup>C. Bath and K. Edgar, *Time is Money: Financial Responsibility after Prison* (London, Prison Reform Trust and UNLOCK, 2010), p. 8.

individual. Information about prisoners' financial situations should be included in their personal files and should be carefully considered when developing their release plan.

Another important aspect of social reintegration is financial security in the sense that ex-prisoners will require, in most societies, a bank account and in all cases a basic knowledge of how to manage their finances and how to assume responsibility for their finances. Programmes that help prisoners learn these skills can go a long way towards easing the difficulties of social reintegration and in particular the difficulties of acquiring accommodation and employment.

## 5. Re-entry planning

Ideally, institutional programmes should include interventions by professionals who can meet and work with the offenders and help them plan and prepare for their return to the community. An individual plan (release plan) should be developed that identifies the offender's needs and circumstances and determines the type of educational or employment programmes that the offender should access in order to maximize his or her chances for a successful reintegration. Subject to applicable laws, it is desirable to facilitate the progressive re-entry into society by permitting the offender to leave the institution—for a day or a few days—in order to prepare his or her eventual return to the community.<sup>80</sup>

### Norway

In order to create a "safe and predictable release" the Government of Norway declared in 2005 that it would establish a "reintegration guarantee". This involves ensuring that, upon release, a former prisoner is offered a range of services, including a place to live, work or education opportunities, debt counselling and so on. Despite being faced with capacity constraints in both the correctional service and the municipalities, the criminal justice system, supported by the Government, hopes to return the responsibility for social problems back where it belongs—within the social welfare system. The efforts of the Correctional Services Department have so far resulted in the social, health and labour authorities acknowledging that, except for those limitations which are demonstrably necessitated by the fact of incarceration, prisoners have the same rights as all other citizens.

*Source:* Norwegian Ministry of Justice and Public Security, Correctional Services Department, February 2012.

Efforts to find suitable accommodation and employment for offenders confined in institutions should begin prior to their release. This should include an assessment of the offender's existing skill sets and the identification of possible employment opportunities. Most young offenders also need appropriate education, as well as literacy and vocational training, to enhance their employability upon release. It is important that employment-related services be provided on a continuum from the time an offender enters a reform school (or other institution) until his or her release into the community.

<sup>80</sup>In many countries, institutions employ case managers, who are trained counsellors and social workers, to conduct a comprehensive risk and needs assessment of each offender when they are admitted to the institution. Based on that assessment, the case manager develops, monitors and refines an individual reintegration plan for each offender. The plan identifies the offender's strengths, risk factors and major needs—education, vocational training, housing, family care, behavioural and life-skill problems, drug or alcohol abuse and professional skills—and develops strategies the offender can use to begin addressing some of those problems while in the institution.

### United Kingdom

#### *Pathways to employment*

Northern Ireland has introduced what is called the Personal Progression System (PPS) with the aim of providing pathways to employment for prisoners and support mechanisms after their release. The PPS workers carry out employability assessments of individual prisoners and help to develop resettlement plans to ensure reintegration after release. PPS workers also develop strong ties to private and public agencies, voluntary and community agencies that can provide different kinds of support to prisoners upon release from prison. PPS workers also make contact with prospective employers who might be able to provide jobs for prisoners after their sentence.

The progress made by prisoners must continue to be reinforced after their release. It is important therefore to plan the release of offenders so as to ensure that they will receive uninterrupted services and support upon their return to the community. Continuity of care can be achieved through close linkages and collaboration between prison staff and community-based service providers.

### 6. Applying for conditional release

In the case of prisoners who are eligible to be considered for early or conditional release, arrangements must be made to conduct a risk assessment and a release plan to inform the decision of conditional release authorities (e.g. parole boards). Offenders should be provided with information on the application and decision-making process and their potential eligibility under existing law. Offenders may need assistance in preparing their submission or application for conditional release and may need the assistance of paralegals to put their case forward. They may also need assistance in formulating a workable release plan.

Parole and other conditional release decisions are often based on whether offenders have participated in programmes designed to address some of their risk factors and other challenges. These decisions can also be based on whether the offender's release plan is realistic. Effective readiness for release, however, is difficult to assess.

### 7. Assistance in securing housing and work

A number of interventions can be delivered as part of a pre-release programme to help offenders prepare for reintegrating into the employment market. These may include services helping prisoners to develop job search and presentation and interview skills, joint discussions about expectations, addressing anxiety associated with the job search process, provision of information about the job market, preparation of a curriculum vitae and applications, information and contacts with public and private employment agencies, and contacts with individuals or previous employers who may be able to offer assistance in seeking employment.

The lack of suitable housing is one of the major challenges that ex-prisoners face at the time of re-entry and there is some evidence that it may be related to the risk of recidivism.<sup>81</sup> Many offenders coming out of prison are homeless. Living with a family

<sup>81</sup>S. Metraux and D. P. Culhane, "Homeless shelter use and reincarceration following prison release", *Criminology and Public Policy*, vol. 3, No. 2 (2004), pp. 139-160.

member or a friend is not always a possibility and, when it is, it may come with its own problems. The rate of homelessness among recently released prisoners is even higher for those suffering from a mental illness.

### Housing challenges

- A large majority of people being released from prison do not have access to suitable accommodation.
- Pre-release information and support in securing accommodation are grossly inadequate.
- Ex-prisoners and recidivists who are reincarcerated point to the lack of suitable housing as a key factor in their unsuccessful transition to outside life.
- There is an almost total lack of coordination and integration among appropriate governmental and non-governmental agencies in this area.
- There are particular subgroups among ex-prisoners, such as those with a mental illness, young unattached males serving short sentences and single women with children, who are more vulnerable and more likely to end up without adequate housing.
- Social isolation is a core experience for many ex-prisoners who end up homeless or with unstable, unsuitable housing.
- Sending ex-prisoners to ex-prisoner hostels may be a continuation of the labelling practices of the prison and, although 24-hour-supported hostels are necessary for some ex-prisoners as a transition to the community, a greater variety of accommodation, especially self-contained units, with support being available in situ, should be provided.

*Source:* E. Baldry and others, "Ex-prisoners and accommodation: what bearing do different forms of housing have on social reintegration of ex-prisoners?", paper presented at the Housing, Crime and Stronger Communities Conference, Melbourne, NSW, Australia, 6-7 May 2002.

Pre-release planning and assistance programmes must include a plan for securing appropriate housing. Individual circumstances (e.g. age, experience of independent living, place and type of work, whether the person is responsible for the care of children or others, history of shelter use or homelessness, family history, cultural and ethnic background and health) must be taken into account as much as special needs (e.g. a physically handicapped person may need housing with wheelchair access). A pre-release plan must also consider how the individual can be expected to be received by the community. Another factor to be taken into account is whether reuniting a prisoner with family members will have a negative impact on the family or whether the family may have a negative impact on the individual and increase his or her risk of reoffending. Prisoners must understand the benefits, risks and restrictions associated with each type of housing. Ideally, every individual should be released directly to the appropriate housing. Working with community-based organizations is often the best way to gain access to the full range of housing options available in the community.

However, providing offenders with assistance in securing suitable housing, albeit necessary, is not always sufficient. In many communities, there simply is not enough affordable housing for people who need it, and former prisoners are rarely given priority in accessing the limited supply of affordable housing. In some situations, people with a criminal record may even be officially excluded from subsidized

housing. A comprehensive community strategy to address this challenge may require the development of affordable housing, maximizing the use of existing housing resources and eliminating barriers to access affordable and suitable housing by offenders and their families. A comprehensive strategy also requires proactive measures by community organizations to offer more supportive transition housing for people released from custody. Community development organizations, housing authorities and non-profit and faith-based organizations, in cooperation with prison authorities, can all work together to create specialized resources to facilitate the reintegration of prisoners.

The offender release plan may include any of the following types of housing, including:

- Rental housing (usually private market, possibly subsidized or partly paid for by public sources)
- Living with family members or friends
- Public or subsidized housing
- Halfway houses or transition centres
- Specialized re-entry housing for ex-prisoners (usually operated by non-profit organizations and offering peer support and other forms of assistance)

It is also important to ensure that prisoners preparing for their release have adequate identification and other civil documents. The lack of such documents at the time of their release will impede the individual's access to services, housing and employment. Prisoners should also be provided with information on how they may access various forms of service and support in the community; in some instances, planning for their release may involve applying for such services in advance of their release.

## **E. Halfway houses and transition centres**

Transition houses or pre-release centres offer supervised residential settings to help offenders go through a planned transition from custody to community living. They allow offenders substantial interactions with the outside world, as well as contacts with their families and (potential) employers.

Some prison administrations offer opportunities for prisoners to work outside of the prison. In 2009, the Korea Correctional Service opened a rehabilitation centre where inmates are provided with assistance in social adaptation, including on how to adjust to an open environment and how to adapt to a labour or work programme. The centre is linked to a business start programme, which helps inmates find jobs after their release. In 2009, a halfway house called House of Hope was built for 10 inmates. They normally spend between three and six months at the house before being released on parole. There are specific pre-release programmes for inmates in areas of job placement and business start-up, renewal of driving licences; and provision of funds to cover basic living needs, including those related to accommodation, education and medical services.

## India

### *Open Air Correctional Home*

The West Bengal Correctional Services run the Open Air Correctional Home, reserved for prisoners who have completed two thirds of their sentence and have demonstrated good behaviour. Prisoners are allowed to leave the Home at 6 a.m. as long as they return by 8 p.m., allowing them to work in the community and thus gain work experience prior to the end of their sentence. They are free to find jobs anywhere in the community; there are NGOs to assist in the process. In some cases, prisoners have saved enough money to buy goats and cows. They are then permitted to sell the milk from these animals to the public and are allowed to keep their earnings.

## China

### *Sunshine Halfway House*

The Sunshine Halfway House in the Chaoyang District of China was established a few years ago as the first community correctional institution in China. The 200-bed facility helps prisoners prepare for their return to society. They can receive vocational training, legal education, psychological support and counselling, and assistance in preparing for their return. The House's labour, education and assistance department helps offenders acquire the skills they need to find work, thanks to partnerships with professional skill training schools. Throughout the training and rehabilitation programme, corrections officers at the halfway house live alongside the offenders and help them with their day-to-day development. The model is being replicated in many other parts of China.

The Safer Foundation in the United States of America offers a range of programmes and services to help formerly incarcerated individuals to find employment and lead crime-free lives in the community. The Foundation operates adult transition centres on behalf of the Illinois Department of Corrections, such as the Crossroads Adult Transition Center, which houses about 350 male residents, and the North Lawndale Adult Transition Center, which houses 200 residents. The Safer Foundation believes that four elements are necessary if an adult transition centre is to facilitate the successful transition of an individual with a criminal record: a secure and structured environment; a well-trained and caring staff; a motivated client; and a comprehensive range of quality programmes and services designed to meet client needs. Services and programmes are offered in the following areas: case management, family support, fatherhood, substance abuse treatment, basic skills, life skills, mental health, cognitive therapies, community service, health care and recreation.

The Canadian Association of Elizabeth Fry Societies operates several successful programmes addressing the needs of at-risk women who are making the transition from prison back to independent living in society, but who may be homeless or jobless and lack coping skills. It offers transitional housing, crime prevention and addiction counselling, goal planning, structured relapse support as well as financial assistance.



## V. Post-release reintegration and aftercare programmes

There are different approaches to supporting the re-entry and social reintegration of offenders after a stay in custody. Some re-entry management interventions submit offenders to a period of supervision in the community, often as part of a conditional release or parole programme. For such interventions, the criteria and process for making decisions that may lead to a conditional release need to be well defined. The conditions attached to the conditional release need to be clear in order to facilitate the supervision of the offender and to address his or her individual needs and risk factors. Other aftercare and re-entry interventions are focused on the provision of assistance to facilitate the offender's transition from the institution to the community.

Chapter V reviews various aftercare and re-entry assistance services that can be provided to facilitate the reintegration of offenders. It also reviews some of the factors that can ensure a more effective supervision of offenders in the community. Experience shows that some of the most effective programmes are often those which find the right balance between supervision and assistance. The chapter also reviews some good practices in relation to early release and conditional release programmes that have the successful social reintegration of offenders as one of their main objectives. This is concluded by a section on the role of the community in relation to these various post-release and aftercare programmes.

In most countries, the percentage of convicted offenders who have at least one prior conviction or who have multiple prior convictions is disturbingly high. These high recidivism rates carry significant costs for society, both financially and in terms of public safety. Community safety makes it necessary for Governments and communities to develop effective interventions to assist ex-prisoners in reintegrating into the community and desisting from crime.<sup>82</sup> Managed offender re-entry processes and resettlement programmes are gaining wider acceptance and can offer a cost-effective way of preventing crime. There is therefore an increasing focus among policymakers and practitioners on identifying programmes and strategies that will prevent recidivism by helping prisoners successfully reintegrate into their communities.

In the absence of material, psychological and social support at the time of their release, offenders may have a very difficult time breaking the cycle of release and re-arrest. Short

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<sup>82</sup>See Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 2.

prison terms and extended terms of remand in custody provide limited opportunities for successful treatment and interventions to prevent future recidivism.<sup>83</sup>

Former prisoners are not a homogeneous group. They do not have identical experiences in their transition from prison to the community.<sup>84</sup> Many have extensive criminal careers, but others do not. Some have served long sentences and have lost contact with their family and community, while others are serving short sentences. Some of them suffer from substance abuse, mental illness or both, hence the importance of developing individualized case management approaches.

The period of transition from custody to the community can be particularly difficult for offenders and may be enhanced by the stress that is associated with being supervised in the community and the stigma former prisoners often face upon release. In addition, there are also several practical challenges that must be faced by offenders at the time of their release. These include finding suitable accommodation with very limited means, managing financially with little or no savings until they begin to earn wages, accessing a range of everyday necessities and accessing services and support for their specific needs.<sup>85</sup> Research on the variables that influence successful reintegration reveals the interdependence of employment, housing, addiction treatment and social network support.<sup>86</sup> This must be taken into account when designing and delivering support programmes.

The weeks immediately preceding and following the release of prisoners have been found to be crucial in determining their prospects for successful reintegration into the community, which necessitates the development of programmes focusing on this particular transition point. A study of prisoners in Australia (Queensland)<sup>87</sup> reported that about half of the sample of inmates interviewed reported at least moderate psychological distress in the weeks prior to their release. Many reported impaired mental health prior to release. Social support can mitigate the offenders' feelings of hostility and the effects of potential psychological problems.<sup>88</sup>

Ideally, aftercare and re-entry assistance programmes should be based on a case management approach and cover a range of interventions (see figure VI). Those interventions should be designed to assist offenders in preparing for their release from confinement by helping them acquire the skill sets required to succeed in the community, addressing personal challenges and the factors associated with their criminal behaviour, helping to resolve practical issues related to employment, transportation or accommodation, and establishing the necessary contacts and relationships in the community. Many, if not most, of these interventions include some form of supervision.<sup>89</sup>

<sup>83</sup>See Dandurand and others, *Conditional Release Violations, Suspensions and Revocations*, p. 5.

<sup>84</sup>See A. J. Shinkfield and J. Graffam, "Community reintegration of ex-prisoners: type and degree of change in variables influencing successful reintegration", *International Journal of Offender Therapy and Comparative Criminology*, vol. 53, No. 1 (2009), pp. 29-42.

<sup>85</sup>See Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 4.

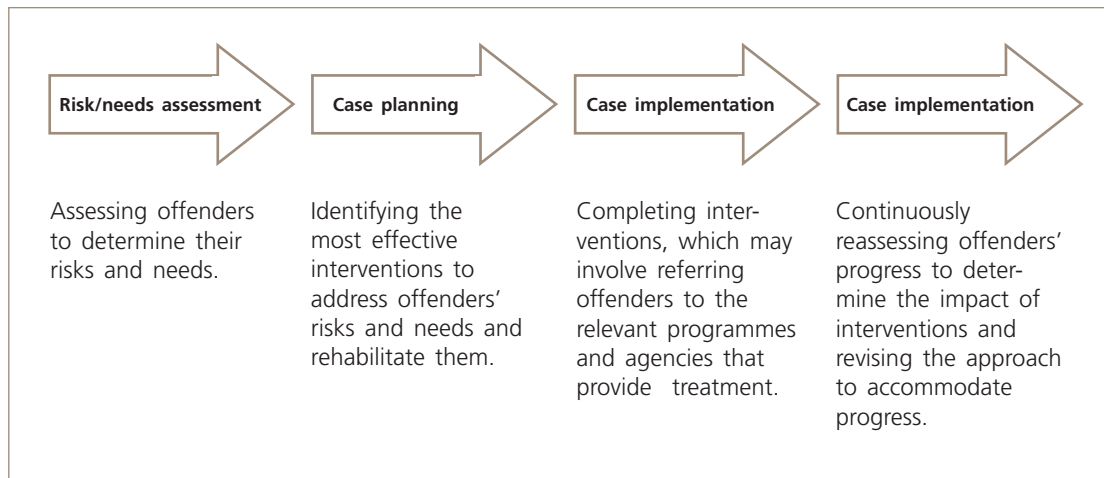
<sup>86</sup>C. A. Visher, "Returning home: emerging findings and policy lessons about prisoner reentry", *Federal Sentencing Reporter*, vol. 20, No. 2 (2007), p. 95.

<sup>87</sup>S. A. Kinner, *The Post-Release Experience of Prisoners in Queensland* (Brisbane, University of Queensland, Queensland Alcohol and Drug Research and Education Centre, March 2006).

<sup>88</sup>A. Hochstetler, M. DeLisi and T. C. Pratt, "Social support and feelings of hostility among released inmates", *Crime and Delinquency*, vol. 56, No. 4 (2010), pp. 588-607; see also S. J. Bahr and others, "Successful reentry: what differentiates successful and unsuccessful parolees?", *International Journal of Offender Therapy and Comparative Criminology*, vol. 54, No. 5 (2010), pp. 667-692.

<sup>89</sup>See Dandurand and others, *Conditional Release Violations, Suspensions and Revocations*, p. 5.

Figure VI. A case management model



Source: Canada, British Columbia, Community Corrections and Corporate Programs Division, May 2009.

A good way to facilitate the reintegration of offenders following imprisonment is to minimize the length of their stay in the institution and to make use of mechanisms for their early release as soon as they can demonstrate their ability and readiness to lead crime-free lives. Once in the community, offenders can benefit from various forms of supervision, assistance and treatment to ease their re-entry and facilitate their social reintegration.

Irrespective of whether offenders are released at the end of their sentence or earlier under early or conditional release programmes, there is always a need for programmes to facilitate their re-entry and to provide various forms of aftercare support or supervision. In recent years, much of the discussion concerning the reintegration of offenders has centred on the development of better means to manage offenders' re-entry into the community by providing an effective and balanced mix of supervision and assistance and finding ways to do so through effective collaboration between prison administrations, law enforcement agencies and community-based organizations.

Some programmes actively seek community participation and help communities become more responsive to the offenders' situation. The aim of such interventions is to create favourable conditions for the integration of ex-prisoners into society under the best possible conditions. In that regard, some restorative justice approaches are particularly promising.

## A. International standards

Various international standards and norms are of immediate relevance to post-release reintegration interventions, including provisions related to: (a) the delivery of aftercare services to ex-prisoners; (b) early release from prison and community supervision of offenders; and (c) the crucial role of the community in the social reintegration of offenders.

## 1. Aftercare services

The importance of care following a period of imprisonment should not be underestimated. The Standard Minimum Rules for the Treatment of Prisoners make it clear that the duty of society does not end with a prisoner's release (rule 64):

“There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient aftercare directed towards lessening of prejudice against him and towards his social rehabilitation.”

The Rules include norms relating to aftercare, which state (rule 81):

“81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.”

These agencies, the activities of which should be centralized and coordinated, should have access to prisoners and be consulted in preparing offenders for their release (rule 81, paragraphs (2) and (3)).

For women prisoners, the Bangkok Rules specifically require authorities to make as much use as possible of options such as home leave, open prisons, halfway houses and community-based programmes and services, so as to ease their transition from prison to the community, to reduce stigma and to re-establish their contact with their families at the earliest possible stage (rule 45). The Rules further call for comprehensive programmes designed to offer pre- and post-release reintegration interventions and services that take into account the gender-specific needs of women and such programmes should be implemented by prison authorities in cooperation with probation and/or social welfare services, local community groups and NGOs (rule 46); and should also include additional support following release for women who may need psychological, medical, legal and practical help (rule 47).

With respect to young offenders, the Beijing Rules emphasize the need for a range of services and facilities designed to meet the different needs of young offenders re-entering the community and to provide them with guidance and support as an important step towards their successful reintegration into society. More specifically, they call for efforts to “provide semi-institutional arrangements, such as halfway houses, educational homes, day-time training centres and other such appropriate arrangements that may assist juveniles in their proper reintegration into society” (rule 29.1).

Finally, and acknowledging the special vulnerabilities of drug-dependent offenders, the Commission on Narcotic Drugs adopted resolution 55/2 in 2012 with the specific purpose of promoting programmes aimed at the treatment, rehabilitation and reintegration of drug-dependent persons released from prison settings.

## 2. Early release from institutions

The Tokyo Rules call for countries to develop and operate a wide range of post-sentencing alternatives in order to avoid institutionalization and to assist offenders in their early reintegration into society. Such measures may include furlough and halfway houses, work or educational release, various forms of early or conditional release programmes (parole), remission and pardon. They should be considered at the earliest possible stage after an offender has been sentenced and decisions concerning the use of these measures should be subject to review by a judicial or other competent independent authority (rules 9.1-9.4).

For women prisoners, the Bangkok Rules stipulate that decisions concerning early conditional release of women offenders should favourably take into account their caretaking responsibilities, as well as their specific social reintegration needs (rule 63).

The Beijing Rules also encourage the frequent and early recourse to conditional release. They state that conditional release from an institution shall be used by the appropriate authority to the greatest possible extent, and shall be granted at the earliest possible time (rule 28.1). They add that juveniles released conditionally from an institution shall be assisted and supervised by an appropriate authority and shall receive full support by the community (rule 28.2).

## 3. Community involvement in the social reintegration of offenders

Principle 10 of the Basic Principles for the Treatment of Prisoners states that “with the participation and help of the community and social institution, and with due regard to the interests of victims, favourable conditions shall be created for the integration of the ex-prisoner into society under the best possible conditions”.

The Tokyo Rules encourage public participation in community-based interventions and provide that “public participation should be regarded as an opportunity for members of the community to contribute to the protection of their society” (rule 17.2). They also stress the importance of the role of volunteers, in particular when they are properly trained and supervised. Finally, the Rules encourage the development of suitable mechanisms “to facilitate the establishment of linkages between services responsible for non-custodial measures, other branches of the criminal justice system, social development and welfare agencies, both governmental and non-governmental, in such fields as health, housing, education and labour, and the mass media” (rule 22.1).<sup>90</sup>

The Beijing Rules similarly emphasize the importance of the cooperation of the community in the rehabilitation of young offenders. They promote the mobilization of volunteers, local institutions and other community resources “to contribute effectively to the rehabilitation of the juvenile in a community setting and, as far as possible, within the family unit” (rule 25.1).

<sup>90</sup>See R. E. Brown and Y. Dandurand, “Successful strategies that contribute to safer communities”, paper prepared for the workshop entitled “Successful Crime Reduction and Prevention Strategies in the Urban Context”, held at the sixteenth session of the Commission on Crime Prevention and Criminal Justice, Vienna, 23-27 April 2007, pp. 4-5.

## Kenya

### *Aftercare support: probation and aftercare services*

In Kenya, the Department of Probation and Aftercare Services implements an aftercare support programme that provides supervision and support to ex-offenders as a programme for re-entry into society. The programme views ex-offenders as disadvantaged and needing welfare assistance, but also as having a responsibility of desistance. The Department supervises ex-offenders—apart from ex-borstal inmates who are released on licence and complete their sentence under the supervision of probation officers—on a voluntary basis. The aftercare support programme combines an opportunity deficit model and offender responsibility model. The ex-offenders mainly supervised under the programme include former long-term offenders, psychiatric offenders and borstal inmates. The programme is built on the premise that offenders deserve not only punishment but also an opportunity to build a crime-free life upon release from the penal system. Aftercare is therefore seen as a continuation of the rehabilitation efforts started while in prison.

*Source:* Kenya, Office of the Vice-President and Ministry of Home Affairs, Department of Probation and Aftercare Services, *Research Report on the Impediments to Offender Reintegration and Resettlement* (Nairobi, 2007).

The Guidelines for the Prevention of Crime, adopted in 2002 by the Economic and Social Council, also emphasize that “the active participation of communities and other segments of civil society is an essential part of effective crime prevention” (guideline 16). They state that “cooperation/partnerships should be an integral part of effective crime prevention, given the wide-ranging nature of the causes of crime and the skills and responsibilities required to address them” (guideline 9). This includes partnerships working across ministries and between authorities, community organizations, NGOs, the business sector and private citizens (guidelines 9 and 19).

The guidelines for cooperation and technical assistance in the field of urban crime prevention mention that a comprehensive and integrated crime prevention plan should include, among others, measures to prevent recidivism by providing “socio-educational support within the framework of the sentence, in prison and as preparation for release from prison” and giving an “active role to the community in the rehabilitation of offenders”.<sup>91</sup>

## B. Aftercare and re-entry assistance

Several countries have specialized agencies to provide aftercare assistance and supervision to recently released offenders. In some instances, aftercare programmes are offered by probation services. In others, they are offered by NGOs. To date, there have been few evaluations of existing offender re-entry support programmes and there is no consensus as to their relative effectiveness.<sup>92</sup> The majority of re-entry programmes have not been subjected to controlled evaluations and the most successful approaches are yet to be identified and articulated. However, much is known about factors affecting programme retention and/or completion, including education

<sup>91</sup>Economic and Social Council resolution 1995/9, annex, para. 3 (d) (ii).

<sup>92</sup>See C. A. Visher, “Effective reentry programs”, *Criminology and Public Policy*, vol. 5, No. 2 (2006), pp. 299-302.

level, marital status, race, age, living circumstances and employment.<sup>93</sup> Improving employment, housing and education can improve programme retention and have a positive impact on the successful social reintegration of offenders.

### 1. Job market re-entry assistance

Employment is most obviously a key factor in the successful reintegration of ex-prisoners. Employment is more than simply a source of income. It provides structure, routine and opportunities to contribute to the work and lives of others while facilitating valuable social contacts. It helps ex-prisoners reconnect with elements of the community and contributes to their enhanced self-esteem, self-confidence and self-efficacy.<sup>94</sup>

Obtaining lawful employment is one of the best predictors of the post-release success of ex-prisoners. In addition, ex-offenders typically return to the community with very little money, if any—most often restricted to their meagre earnings from prison industry participation. Limited financial means affect an offender's ability to both obtain and maintain employment by their negative effect on interview attendance, ability to travel to work or the purchase of clothing or tools necessary to perform the job.

"Employment provides more than the income necessary to support adequate material conditions. It also provides structure and routine, while filling time. It provides opportunities to expand one's social network to include other productive members of society. In addition to all this, employment can contribute to enhanced self-esteem and other psychological health."

Source: J. Graffam and others, "Variables affecting reintegration as perceived by offenders and professionals", *Journal of Offender Rehabilitation*, vol. 40, Nos. 1 and 2 (2005), pp. 147-171.

Offenders recently released from custody encounter numerous challenges with respect to securing employment. These may include personal factors (e.g. low self-esteem, low motivation, a lack of skills, lack of training, mental illness and substance abuse), a lack of stable accommodation and social factors (e.g. negative peer influence, absence of family support and a poor employment record).<sup>95</sup> Most offenders return to disadvantaged communities with limited employment opportunities. Peer groups in those communities tend to offer few contacts to the world of legitimate work, and weak contacts make it difficult for individuals to identify and take advantage of the few employment opportunities available in their community. The state of the economy also affects prisoner re-entry. Poor economic conditions make it particularly difficult for offenders to find suitable employment. Labour economists note that a scarcity of jobs disproportionately affects the most disadvantaged job seekers and that offenders are near the bottom of the list of employers' preference.<sup>96</sup>

<sup>93</sup>S. J. Listwan, "Reentry for serious and violent offenders: an analysis of program attrition", *Criminal Justice Policy Review*, vol. 20, No. 2 (2009), pp. 154-169.

<sup>94</sup>See J. Graffam and others, *Attitudes of Employers, Corrective Services Workers, Employment Support Workers, and Prisoners and Offenders towards Employing Ex-Prisoners and Ex-Offenders* (Burwood, Victoria, Deakin University, School of Health and Social Development, 2004), p. 4.

<sup>95</sup>C. A. Visher, L. Winterfield and M. B. Coggeshall, "Ex-offender employment programs and recidivism: a meta-analysis", *Journal of Experimental Criminology*, vol. 1, No. 3 (2005), pp. 295-315; see also J. Rakis, "Improving the employment rates of ex-prisoners under parole", *Federal Probation*, vol. 69, No. 1 (2005), pp. 7-12; J. Graffam and others, "Variables affecting successful reintegration as perceived by offenders and professionals", *Journal of Offender Rehabilitation*, vol. 40, Nos. 1 and 2 (2005), pp. 147-171.

<sup>96</sup>L. Hannson and R. DeFina, "The state of the economy and the relationship between prisoner reentry and crime", *Social Problems*, vol. 57, No. 4 (2010), p. 612.

Employers are often reluctant to hire ex-offenders, especially if they have yet to prove themselves after their release from custody. The stigma associated with imprisonment is clearly a factor, but so is the fact that few of these individuals have the skills, expertise or experience that employers are looking for. Many employers perceive ex-prisoners as having very low employability.

Research has found that ex-prisoners who are able to secure a legitimate job, in particular higher-quality positions with higher wages, may be less likely to reoffend than those ex-prisoners without legitimate job opportunities, but the link between employment and reoffending is not that clear.<sup>97</sup> It has been suggested, however, that the gains of employment with respect to reducing reoffending may be linked to the quality of the job, rather than merely being employed.<sup>98</sup> Furthermore, the relationship between lawful employment and reduced recidivism may be strongly influenced by the interaction of the following factors: stable accommodation, having employment-related qualifications, not having substance abuse-related problems and being proactive in asking for help with job searches.<sup>99</sup> Most importantly, the individual needs of ex-prisoners must be identified and matched with specific services. Among the more important employment interventions are job readiness classes, vocational education, high-school certification, job training, job placement and job monitoring by a case manager.<sup>100</sup>

It is important that employment-related services be provided on an intervention continuum from the time an offender enters prison until their release into the community. A vocational assessment should occur early in an offender's sentence and should guide the future employment-related services that are provided to the offender. It should include a series of benchmarks to assess the progress of an offender's employment-readiness plan. The success of this intervention continuum may be contingent upon the development of policies and procedures by prison administrations, parole agencies, other relevant governmental agencies (ze.g. a job employment agency), the private sector and community organizations. Of further importance is that community-based correctional agencies and other agencies should be given the opportunity to provide input to institutional corrections officials with respect to vocational and pre-employment services that are offered to prisoners. This can help to ensure that pre-release measures will address the prisoner's post-release needs.<sup>101</sup>

## 2. Lodging and financial assistance

As mentioned above, accommodation is a critical factor in an offender's transition into the community and may determine if his or her social reintegration is successful or not. It also has direct implications for employment. In general, offenders released from prison receive little pre-release support in securing accommodation and are often unable to find suitable living arrangements in the community. Social isolation is a core experience of many ex-prisoners who may end up homeless or with unstable,

<sup>97</sup>R. Webster and others, *Building Bridges to Employment for Prisoners*, Home Office Research Study No. 226 (London, Home Office, Research, Development and Statistics Directorate, 2001).

<sup>98</sup>Ibid.; C. Uggen, "Ex-offenders and the conformist alternative: a job quality model of work and crime", *Social Problems*, vol. 46, No. 1 (1999), pp. 127-151.

<sup>99</sup>S. Niven and J. Olagundoye, "Jobs and homes: a survey of prisoners nearing release", *Findings*, No. 173 (London, Home Office, Research, Development and Statistics Directorate, 2002).

<sup>100</sup>Visher, Winterfield and Coggeshall, "Ex-offender employment programs and recidivism: a meta-analysis".

<sup>101</sup>Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 22.



unsuitable housing. Offenders who are reconvicted often point to lack of suitable housing as a key factor in their unsuccessful transition to life in the community. An indirect link has been found between accommodation and recidivism,<sup>102</sup> with offenders who experienced difficulties with respect to accommodation appearing more likely to be reconvicted than offenders who did not have accommodation problems.<sup>103</sup>

Homelessness is often a direct consequence of incarceration. The absence of suitable accommodation for released offenders in the community can result in ex-prisoners being concentrated in the most problematic parts of the community where there are high rates of crime and disorder and an absence of support services. Crisis accommodation, such as transient hotels, are difficult environments and may limit the individual's social contacts to those he or she may have with other people with similar backgrounds or problems. Unstable or unsafe housing tends to exacerbate the difficulties encountered by offenders with substance abuse or mental health issues. There is a serious issue in most countries with the limited programmes available to address homelessness in general. Even when a public housing system exists, it is often inaccessible or inappropriate to the needs of ex-prisoners.

### 3. Access to health care and social security

As mentioned above, it is of highest importance for both individual and public health to ensure continuity of treatment. Released prisoners face many barriers in accessing health services, including barriers of financial and psychological nature.

In some countries, released prisoners are not covered by any type of health insurance and therefore experience severe difficulties in accessing health services in the community. Furthermore, it may be difficult for a released offender to present himself to a clinic and explain his or her past history. It therefore has to be ensured that released prisoners are covered by a social security scheme where it exists or receive some kind of assistance with health and social security issues in the absence of such a scheme. Linkages with the health services in the community need to be established prior to release, including HIV or tuberculosis clinics and drug dependence services.

### 4. Family support

The families of offenders are a potential source of support and assistance upon re-entry into the community. There is some evidence that offenders with greater family support do better in terms of obtaining employment and having greater stability in employment than those with less or no support.<sup>104</sup> It should be acknowledged, however, that a very common attribute of offenders is the absence of family support. The challenge of family support, or a lack thereof, is particularly important with women ex-prisoners, who tend to be stigmatized even more than men, to the extent that they may not be able to return to their family and community.

There have been few evaluation studies on the role and impact of offenders' families as a source of support and assistance in the reintegration process and it is therefore

<sup>102</sup>Ibid.

<sup>103</sup>A. Nilsson, "Living conditions, social exclusion and recidivism among prison inmates", *Journal of Scandinavian Studies in Criminology and Crime Prevention*, vol. 4, No. 1 (2003), pp. 57-83.

<sup>104</sup>Graffam and others, *Attitudes of Employers, Corrective Services Workers, Employment Support Workers, and Prisoners*, p. 4.

not possible to reach any conclusions about the factors that facilitate, or hinder, an offender's family in playing a supportive role.<sup>105</sup>

Various programmes can be designed to work with families. As was seen earlier, interventions should begin while prisoners are still in custody and measures can be taken to help prepare the family for the forthcoming transition. In the United States, the Greenlight Family Reintegration Program included activities for participants with their family because of the crucial role family was likely to play in the offenders' experience of re-entry. The programme focused on both exploring ways family members can support the person coming home and on helping them anticipate and, if possible, resolve family issues.<sup>106</sup> Some organizations have developed resources for offenders' families to help them through the offender's reintegration process.<sup>107</sup> In Viet Nam, a demonstration project on reintegration of juvenile offenders managed by Plan Viet Nam offers families specific support by facilitating visits to the institution, helping them prepare for the return of the offender and facilitating access to support within the community.

## 5. Substance abuse interventions

There is often a very high rate of drug and alcohol use among prisoners both prior to and during incarceration. The high rates of alcohol and drug use among ex-prisoners can obviously hinder their ability to secure lawful employment and stable accommodation. There is also evidence suggesting that drug-dependent offenders are the most likely to reoffend and that they also present the greatest risk of failing on parole and probation.<sup>108</sup> Severely drug-addicted persons are often repeat offenders.

Community-based drug dependence abuse treatment interventions can be delivered to offenders through a variety of evidence-informed programmes, including detoxification services, residential programmes (including therapeutic communities) and outpatient treatment programmes. One of the most important recommendations from the literature describing the link between substance abuse and criminal behaviour is that the gains made during in-prison treatment programmes can only be maintained if an offender is provided with sufficient aftercare support upon release.<sup>109</sup> Further, absence of recidivism for incarcerated offenders is more likely among those who participate in both an in-prison treatment programme as well as an aftercare programme.<sup>110</sup>

"Drug-dependent offenders are caught in a vicious circle. Unless the treatment they receive in prison for their addiction is maintained on their return to the community, the chances are that they will relapse and begin offending again to support their drug use. Failure to access appropriate support services in the community can result in offenders returning to prison time and time again, as the cycle of offending is perpetuated."

Source: J. Burrows and others, *Research into the Nature and Effectiveness of Drugs Throughcare*, RDS Occasional paper, No. 68 (London, Home Office, Research, Development and Statistics Directorate, 2001).

<sup>105</sup>Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 22.

<sup>106</sup>M. Bobbitt and M. Nelson, "The front line: building programs that recognize families' role in reentry", *Issues in Brief* (New York, Vera Institute of Justice, September 2004), p. 3.

<sup>107</sup>Canadian Families and Corrections Network, "Time's up: a reintegration toolkit for families" (2008).

<sup>108</sup>Harper and Chitty, *The Impact of Corrections on Re-offending*.

<sup>109</sup>Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 23.

<sup>110</sup>H. K. Wexler and others, "Three-year reincarceration outcomes for Amity in-prison therapeutic community and aftercare in California", *The Prison Journal*, vol. 79, No. 3 (1999), pp. 321-336.

## C. Offender supervision

Post-release supervision matters in determining the success of the offenders' re-entry and community reintegration.<sup>111</sup> However, supervision is more than simply monitoring the offenders' compliance with the conditions attached to their release. It involves managing the risk presented by the offender, acquiring and/or arranging resources to meet the needs of the offender and developing and maintaining a human relationship with the offender that engenders trust with appropriate boundaries. It includes acts of surveillance, teaching, support, reinforcing positive behaviour and enforcing consequences for negative behaviour. Carried out professionally, it includes at its core supporting the social reintegration of the offender while never forgetting the risk that the offender may reoffend. It is a complex undertaking.<sup>112</sup>

### 1. Models of offender supervision

One can distinguish between different models of offender supervision, in particular between the risk-based and the need-based models. Risk-based strategies operate on the premise that offenders are dangerous and need to be controlled and closely monitored. Need-based supervision strategies focus on offenders' criminogenic needs and support their involvement in appropriate treatment in programmes such as cognitive skill training and addiction counselling. Recidivism rates have been found to decrease slightly when offenders and treatment programmes are correctly matched.<sup>113,114</sup>

#### United States

##### *Re-entry courts*

In the United States, some states have experimented with the concept of "re-entry courts". The Harlem Parole Reentry Court was established in 2001 in response to the high concentration of parolees returning to the East Harlem neighbourhood of Manhattan. The Reentry Court provides intensive judicial oversight, supervision and services to new parolees during the first six months following their release from state prison. The goal of the programme is to stabilize returning parolees in the initial phase of their reintegration by helping them to find jobs, secure housing, remain drug-free and assume family and personal responsibilities. After that period, participants are transferred to traditional parole supervision, where they may continue to receive case management services voluntarily through the Reentry Court. The programme is reported to have had a positive effect in preventing reoffending.

Parole officers often feel challenged in trying to achieve their dual goals of helping offenders successfully reintegrate into the community and protecting society from at-risk individuals. This is partly the result of the tension between the two main aspects of their role as supervisors—the helping agent and policing agent aspects of their function.<sup>115</sup> The "supervisory style" of parole supervisors, including how they

<sup>111</sup>H. L. Chung, C. A. Schubert and E. P. Mulvey, "An empirical portrait of community reentry among serious juvenile offenders in two metropolitan cities", *Criminal Justice and Behavior*, vol. 34, No. 11 (2007), pp. 1402-1426.

<sup>112</sup>See Dandurand and others, *Conditional Release Violations, Suspensions and Revocations*.

<sup>113</sup>Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, pp. 12-13.

<sup>114</sup>Maruna and LeBel, "Revisiting ex-prisoner re-entry".

<sup>115</sup>R. P. Seiter, "Prisoner reentry and the role of parole officers", *Federal Probation*, vol. 66, No. 3 (2002), pp. 50-54; also R. P. Seiter and A. D. West, "Supervision styles in probation and parole: an analysis of activities", *Journal of Offender Rehabilitation*, vol. 38, No. 2 (2003), pp. 57-75.

define their role on some kind of continuum between control and assistance, most likely has an impact on the quality of the supervision and perhaps also on the successful reintegration of the offender.<sup>116</sup>

A surveillance-based approach without a treatment and skill development component is not an effective intervention strategy.<sup>117</sup> It is important therefore for supervision to be accompanied by treatment opportunities for offenders, especially substance abuse treatment. It is also important to commit to a community-based approach to supervision whereby partnerships are formed among police, public service providers, community members, victim advocates and offenders and their families. The goal of such partnerships is to manage offenders' risks and increase their likelihood of success on parole supervision through the process of informal control.

The process of offender supervision must be informed by an understanding of the process of "desistance". The latter refers to age and maturity, to social ties or bonds, and to changing personal identities. It is often argued that desistance is not an event, but a process. It is an individual process because of the subjectivities and issues of identity involved. Hope plays a role in the process and, as for hope, desistance is often characterized by ambivalence and vacillation. Supervision must therefore focus on developing offenders' motivation and capacities for change. Supervision, based on an adequate assessment of the offender's needs, motivation and situation and on a sound case management approach can be an effective support to the desistance process.

## 2. Conditional release

Every conditional release system applies some conditions to the release of prisoners prior to the expiration of their sentence, regardless of whether the offender will actually be supervised following his or her release. Sometimes those conditions are minimal. However, most conditional release systems impose both mandatory/standard and special conditions on the offender. Mandatory conditions are usually those stipulated by law and imposed on all parolees. Special conditions are added, usually on a case-by-case basis. In some cases, the paroling authority enjoys considerable discretion in determining such special conditions.<sup>118</sup>

Standard conditions of release are most frequently defined in the legislation or regulations governing conditional release and typically include the following:

- Initial contact with a supervisor
- Ongoing contact with a parole supervisor
- Notification to the parole officer of any change in living or employment circumstances
- Limitations on travel
- To be "of good behaviour" and/or to be lawful at all times<sup>119</sup>

<sup>116</sup>J. F. Quinn and L. A. Gould, "The prioritization of treatment among Texas parole officers", *The Prison Journal*, vol. 83, No. 3 (2003), pp. 323-336.

<sup>117</sup>Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 18.

<sup>118</sup>Dandurand and others, *Conditional Release Violations, Suspensions and Revocations*, pp. 18-19.

<sup>119</sup>Ibid., pp. 19-20.

Special or additional conditions can also be imposed in case decision makers consider them necessary to manage the risk or meet the needs of the offender in the community. Those conditions are meant to offer a more specific response to the unique risk presented by the offender or a more detailed response to his or her reintegration needs. Such conditions usually fall into two general categories: (a) conditions directly and explicitly related to the crime pattern of the offender; and (b) conditions that enable supervisors to acquire verifiable information about the offender.

Examples of conditions to facilitate the supervision of offenders include requiring them to submit themselves to urinalysis, electronic monitoring or regular reporting to the police. Through the use of special conditions, decision makers are encouraged to tailor the conditions of release to the perceived challenges presented by the offender. The use of special conditions should be related to the degree of risk that is presented by an offender.

For example, the conditions related to the offender's criminal pattern may include various requirements, including a requirement:

- To avoid certain geographical areas
- To abstain from the use of intoxicants and/or drugs
- Not to approach or communicate with named people
- To reside at a particular location
- To remain in contact with a volunteer or other person on a regular basis
- To participate in a particular treatment programme
- To obey a curfew
- To undertake psychological counselling and to participate in recommended care or treatment (including completing a treatment plan)
- To address problems of alcohol, drug, sexual, gambling and/or solvent abuse, anger management and debt and offending behaviour problems at a specified centre
- Not to work or participate in organized activities with people under a certain age
- Not to reside in the same household as children under a specific age

### 3. Compliance and the enforcement of release conditions

The high percentage of conditionally released offenders who violate the conditions attached to their early release is a serious problem in many jurisdictions. However, there is no conclusive evidence demonstrating that non-compliance with technical conditions signals an offender's likelihood of engaging in further criminal behaviour or that returning conditionally released offenders to prison actually prevents them from engaging in further criminal behaviour.<sup>120</sup> If revocation does not help to reduce offender recidivism, it is important to question its use and the increasing reliance on such a costly approach. A suspension can be very disruptive in terms of an offender's reintegration process, not to mention costly in terms of the costs of imprisonment. It is sometimes suggested that a more strategic approach is required, based

<sup>120</sup>N. Padfield, and S. Maruna, "The revolving door at the prison gate: exploring the dramatic increase in recalls to prison", *Criminology and Criminal Justice*, vol. 6, No. 3 (2006), pp. 329-352.

on systematic attempts to enhance the likelihood of successful completion of supervision, with violations being used as opportunities to intervene with offenders and redirect their behaviour.<sup>121</sup> In order to do so, it is often necessary to implement intermediate sanctions for non-compliance with the conditions of release. In the United States, a number of states have developed intermediate sanctions for technical violations of release conditions. These sanctions are both custodial and therapeutic, but do not involve a return to prison.

The Council of Europe probation rules<sup>122</sup> remind practitioners of the need to ensure that offenders are made fully aware of what is required of them, of the duties and responsibilities of probation staff and of the consequences of non-compliance (rules 85-87). The control of the offender should not rely solely on the prospect of sanctions for non-compliance, but also on his or her active cooperation. In case of non-compliance, the response must take full account of the circumstances of the failure to comply.

#### 4. Intensive supervision programmes

In an intensive supervision programme, probationers (or early released offenders) are supervised very closely, with requirements for frequent face-to-face meetings with probation officers, a set curfew, monitoring of contacts with police or arrests, frequent random testing for alcohol or drugs and in some cases electronic monitoring. The exact nature of the intensive supervision may vary from programme to programme.

Intensive supervision is often advocated to deal with recidivists, but the available empirical evidence suggests that intensive supervision programmes do not necessarily reduce rates of reoffending. This is due in part to the fact that these programmes often tend to target low-risk offender populations, contrary to the research literature, which suggests that high-risk offenders are most likely to benefit from intensive institutional and community-based interventions.<sup>123,124</sup>

In Canada, an evaluation of the application of intensive supervision practices to high-risk offenders found that the intensive supervision group had lower rates of readmission to incarceration for revocation of conditional release.<sup>125</sup> Other investigators have also concluded that intensive supervision of high-risk offenders can be an effective means of producing positive outcomes with respect to decreased offender recidivism.<sup>126,127</sup>

<sup>121</sup>P. Burke, A. Gelb and J. Horowitz, "When offenders break the rules: smart responses to parole and probation violations", *Public Safety Policy Brief*, No. 3, November 2007 (Washington, D.C., Pew Center on the States, 2007).

<sup>122</sup>See recommendation CM/Rec (2010) 1, adopted by the Committee of Ministers of the Council of Europe on 20 January 2010 (rules 85-87).

<sup>123</sup>See D. A. Andrews and J. Bonta, *The Psychology of Criminal Conduct*, 3rd ed. (Cincinnati, Ohio, Anderson, 2003); also M. A. Paparozzi and P. Gendreau, "An intensive supervision program that worked: service delivery, professional orientation, and organizational supportiveness", *The Prison Journal*, vol. 85, No. 4 (2005), pp. 445-466.

<sup>124</sup>See Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 13.

<sup>125</sup>R. Serin, B. Young and S. Briggs, "Intensive supervision practices: a preliminary examination", Research Brief No. B-31 (Ottawa, Correctional Service of Canada, 2003).

<sup>126</sup>Paparozzi and Gendreau, "An intensive supervision program that worked".

<sup>127</sup>Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 22.

## 5. Electronic monitoring

Electronic monitoring is often used as a component of intensive supervision. The effectiveness of such programmes is typically measured in terms of the frequency of revocations, recorded infractions and recidivism. A meta-analysis of studies examining the impact of electronic monitoring on the criminal behaviour of moderate- to high-risk offenders did not find any evidence demonstrating the effectiveness of electronic monitoring in reducing recidivism. The study did not uncover evidence that could demonstrate the greater effectiveness of electronic monitoring compared with other diversion programmes. It suggested that electronic monitoring was most effectively applied when it was used in conjunction with treatment interventions that had been shown to be effective.<sup>128</sup>

An evaluation of the Learning Resources Program in Canada produced some interesting insights. The programme provided electronically monitored probationers with access to individual and group counselling and skill development. As a result, it was observed that high-risk offenders who were given electronic monitoring and intensive treatment had lower recidivism rates than those high-risk offenders who were not. The findings also provided support for the previous research finding that low-risk offenders did not benefit from intensive treatment initiatives and that treatment might actually increase the recidivism rates of low-risk offenders.<sup>129</sup> The importance of this evaluation is that it demonstrated the effectiveness of intensive rehabilitation services for high-risk offenders that involved a combination of supervision and treatment.

## D. Early release programmes

Conditional release<sup>130</sup> refers to the release of an offender from an institution on conditions that are set prior to release and that remain in force, unless altered, until the full term of the court sentence has expired. The release can be mandatory when it takes place automatically after a minimum period of time or when a fixed proportion of the sentence has been served, or it can be discretionary when a decision has to be made to release a prisoner conditionally (e.g. on parole).<sup>131</sup> In some countries, there is a mixed system that affords both possibilities.

Discretionary parole release is a conditional release that is granted by a paroling authority and is usually governed by a number of conditions. Discretionary releases are used to different extents in different countries, and sometimes not at all. In a conditional release programme, there are usually two types of release condition (obligation), namely standard and special conditions. “Conditions” refer to any requirement that is attached to the decision of the releasing authority to conditionally release an offender. Standard conditions are established by law or regulation and apply to all conditionally released offenders within a jurisdiction. Special conditions are meant to address any condition or risk factor associated with the offender’s risk of

<sup>128</sup>M. Renzema and E. Mayo-Wilson, “Can electronic monitoring reduce crime for moderate to high-risk offenders?”, *Journal of Experimental Criminology*, vol. 1, No. 2 (2005), pp. 215-237.

<sup>129</sup>P. Gendreau, *A Review of the Learning Resources Program*, John Howard Society of Newfoundland (Ottawa, Solicitor General of Canada, 1996).

<sup>130</sup>The expression “conditional release” is used here instead of the word “parole” because the latter is not found in all criminal justice systems. Conditional release, however, has various meanings depending on the jurisdiction.

<sup>131</sup>See *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.07.XI.2), p. 49.

reoffending and may include participation in treatment, personal development or rehabilitation programmes. Unfortunately, far too little is known about the impact of such conditions in terms of either public safety or offender rehabilitation and more related research is needed.

Clearly, there are many factors at play in determining whether an offender will successfully complete a period of conditional release and, more importantly, successfully reintegrate into society. Individual factors and the nature and extent of the individual's criminal involvement are important, as is the availability of treatment and rehabilitation programmes for the offenders both before and after their release and the availability and accessibility of support services to help offenders deal with the difficult challenges they face at the time of social re-entry. Finally, one cannot underestimate the importance of a number of factors related to the supervision of conditionally released offenders, including supervision policies and procedures, the style of supervision, the nature of the conditions imposed and the manner in which those conditions are enforced.<sup>132</sup>

Offenders' attempts to reintegrate into the community are sometimes interrupted by either a new offence or a violation of the conditions of their release. This will cause a suspension of their release, the offender's recall to the prison or a revocation of the parole licence. In fact, in many countries, a large proportion of the prison population represent offenders who fail to function under community supervision.<sup>133</sup>

In many countries there seems to be an increase in the proportion of offenders who fail to complete a period of supervision after an early conditional release from custody. This level of failed re-entry is not necessarily due to an increase in reoffending among offenders on conditional release, but possibly also to the strict enforcement of other release conditions by supervisors.<sup>134</sup> A significant proportion of the offenders returned to institutions are indeed returned solely for violations of parole conditions as opposed to having committed a new offence, for example, for missing treatment sessions, breaking a curfew or breaching no-go/exclusion zones.<sup>135</sup>

## 1. Discretionary release decisions

Discretionary release decisions are usually made by a paroling authority. The nature, role, powers and functions of those authorities vary from country to country. Their primary role is to decide whether to grant or deny conditional releases (parole). In some cases, strict guidelines are provided for making such decisions (e.g. guidelines related to time served, the seriousness of the offence and the risk of recidivism). In other instances, parole decisions are informed by risk assessment instruments designed to systematically evaluate the risk that an offender may reoffend. In some jurisdictions, such as in Ethiopia, the paroling authority is a politician acting on the recommendations on correctional authorities or an advisory body created for that purpose.

Pardons and amnesties are other mechanisms used to release offenders before the end of their sentence. A pardon, which refers to a release following the setting aside

<sup>132</sup>Dandurand and others, *Conditional Release Violations, Suspensions and Revocations*, pp. 6-8.

<sup>133</sup>Ibid.

<sup>134</sup>N. Padfield, ed., *Who to Release? Parole, Fairness and Criminal Justice* (Portland, Oregon, Willan Publishing, 2007).

<sup>135</sup>J. W. Stickels, "A study of probation revocations for technical violations in Hays County, Texas, USA", *Probation Journal*, vol. 54, No. 1 (2007), pp. 52-61.



of the conviction or sentence, is a form of unconditional release. It is usually an act of grace and favour granted by the Head of State. An amnesty, on the other hand, which is also ordered by a Head of State, moves forward the release date of an offender or class of offenders. This terminology is not fixed, however, and “pardon” and “amnesty” are often used interchangeably.<sup>136</sup> Some countries have put into effect broad-scale early release programmes: some of them may include hundreds if not thousands of prisoners released at once. Such large-scale releases of offenders obviously create additional challenges for all concerned, including the communities to which the offenders are returning. On that scale, it is virtually impossible to offer effective re-entry assistance services and to work effectively with the community.

## 2. Basis of information for release decisions

In most jurisdictions, the prison service holding the offender or the prospective supervising community agency prepares the information for review by the paroling authority. The scope and quality of that information can be very limited owing to the absence of an adequate inmate information management system in many prisons. At the same time, proper release decisions require the conduct of an initial assessment at the time of the offender’s admission to prison, followed up by a more detailed assessment where the nature of the offence or the behaviour of the offender so dictates.

The initial assessment is sometimes followed by a plan to prepare the offender for his or her release and participation in appropriate programmes. In preparation for a conditional release decision, a further assessment should be conducted to consider: (a) the progress of the offender; (b) his or her social and criminal history; (c) risk instrument results; (d) specialized risk assessments, where necessary (i.e. psychiatric assessment); (e) community resources; (f) outstanding or continuing needs of the offender; (g) the risk that the offender may reoffend; and (h) the capacity of the community to respond to and safely address those risks and needs.<sup>137</sup>

## 3. Decision criteria

There is much variation in the criteria used in different justice systems to decide whether to release offenders from confinement. However, there are two general criteria that are commonly used—public safety and whether the rehabilitation of the offender is progressing.

- *Public safety.* This notion is explicit in all submissions, as a principle in conditional release decision-making and in defining the conditions that will be imposed: “Can the offender be managed safely in the community with the right set of conditions?”
- *Rehabilitation/reintegration.* This is second only to the notion of public safety. The focus here is generally on the “needs” side of the coin: “Are the resources that are needed going to be available for the offender when he or she is released into the community?”<sup>138</sup>

<sup>136</sup>In yet other contexts, as in Canada, a “pardon” may refer to the process of “erasing” the criminal record of offenders after a long period of law-abiding behaviour; this can reinforce and complete the long-term reintegration of offenders.

<sup>137</sup>Dandurand and others, *Conditional Release Violations, Suspensions and Revocations*, p. 16.

<sup>138</sup>*Ibid.*, p. 18.

Effective readiness for release is difficult to assess. As mentioned before, conditional release decisions are often based on whether an offender has participated in programmes designed to address some of his or her risk factors or other challenges, and on whether the offender's release plan is realistic.

Here again, the importance of proceeding with a proper assessment should be emphasized. The Council of Europe probation rules, reflecting current best practices, require that an assessment of offenders be made involving a systematic and thorough consideration of the individual case, including risks, positive factors and needs, the interventions required to address those needs and the offenders' responsiveness to the interventions. Offenders should not only be made aware of the process and outcomes of the assessment, but they should also be enabled to make an active contribution to it, including by giving due weight to their views and personal aspirations, as well as their own personal strengths and responsibility for avoiding further offending (rules 66-68).

#### 4. Offender and victim participation in release decisions

Practices with respect to offender participation in release decisions vary greatly. In some countries, the offender is not even aware of the fact that he or she is being considered for early release, and does not have an opportunity to present a request. In many countries, however, offenders participate in parole hearings. In Australia (Queensland), for example, an offender can make an application to appear or have an agent appear on his or her behalf. In the United Kingdom (England and Wales), decisions related to conditional release and re-release following revocation are conducted mainly on paper. The offender can make written representations (generally assisted by his or her legal representative), but will not be present at the hearing. The Parole Board can opt for offender participation (and always does so in cases involving juveniles), and offenders can request an oral hearing at which they will be present. When offenders participate, they most often have legal representation at the hearing.<sup>139</sup>

In some cases, the paroling authority is also able to consider submissions made by the crime victims (or representative) and the victims can be notified of the decision and the anticipated release of the offender.

## E. The role of the community

### Community involvement

"Community involvement has become an essential ingredient of crime prevention in all kinds of partnerships involving municipalities, the police, schools, health and social services, and the private sector."

*Source:* M. Shaw, "Communities in action for crime prevention", background paper prepared for the Sixth Annual Colloquium of the International Centre for the Prevention of Crime, Canberra, 14-15 September 2006.

<sup>139</sup>Ibid.

## Fiji

### *Community engagement*

The Fiji Prisons and Corrections Service used branding as a means of marketing and promoting its work. It has customized the Yellow Ribbon Project from Singapore in order to alter public mindsets, encourage dialogue and build relationships.

Founded on the themes of awareness, acceptance and action (community action), it targets schools, villages, urban and peri-urban settlements and neighbourhoods, churches and the private sector. It uses all forms of media to disseminate its message that every offender needs a second chance.

*Source:* I. Naivalurua, "Community social reintegration: the Fiji approach", in *Survey of United Nations and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System*, K. Aromaa and T. Viljanen, eds., HEUNI Publication Series, No. 65 (Helsinki, European Institute for Crime Prevention and Control, affiliated with the United Nations, 2010), p. 42.

The primary objective of social reintegration efforts is to provide offenders with the support, assistance and supervision that will help them to lead crime-free lives upon release. However, for programmes to have a positive impact, the community must obviously also be responsive.

Both the removal of offenders from the community and their return to it pose challenges for their families and the broader community. Four things help some communities deal with the cycle of removal and re-entry of repeat offenders: human capital (personal resources brought by members of the community); social capital (capacity of persons to call upon personal ties within the community); social networks; and collective efficacy.<sup>140</sup> Communities tend to overrely on the criminal justice system to provide supervision and support the offenders, but they in fact have a key role to play in the successful reintegration of ex-prisoners. Specific strategies are required to mobilize and sustain community interest and involvement in assistance and supervision programmes.

Communities are not always very responsive to the idea of community-based initiatives for the social reintegration of ex-offenders. The population is often caught in a punitive mood that does not leave much room for operating community-based corrections programmes. NGOs can help ensure that this issue is kept on the political agenda and advocate for change. Some programmes, in particular those offering offenders an opportunity to perform some community services or to volunteer for the benefit of the community, are often very successful in rehabilitating certain types of offender. However, they simply cannot operate without the support of the community and their success usually depends on the active participation of community members.

At a broad level, one can identify many factors that affect the likelihood of community involvement in the treatment of offenders. Firstly, the level of community involvement is often a function of the relative openness and transparency of a criminal

<sup>140</sup>T. C. Clear, E. Waring and K. Scully, "Communities and reentry: concentrated reentry cycling", in *Prisoner Reentry and Crime in America*, J. Travis and C. A. Visher, eds. (Cambridge, Cambridge University Press, 2005), p. 186.

justice system. A criminal justice system that is committed to high standards of transparency, accountability, integrity and openness is usually much more open to various forms of community involvement. Repressive systems, on the contrary, are far more reluctant to carve out a suitable place for community participation or, for that matter, for any kind of meaningful civil society involvement. Secondly, the level of development achieved by a country is also often a factor as this has a direct impact on the ability of the community to get actively involved. Finally, there are also cultural and political factors that affect the extent to which the non-governmental and volunteer services sectors are able to develop. In some countries, the non-governmental sector has been actively dissuaded by the authorities from getting involved. In some instances, the authorities may still perceive any form of community mobilization or organization as a potential threat to existing political arrangements.

### India

#### *Offender engagement in humanitarian work*

In the State of Orissa, India, the Biju Patnaik Open-Air Ashram has engaged prisoners in important humanitarian work; prisoners have aided in distributing relief materials to flooded villages. This kind of community involvement can help the community recognize the potential for successful reintegration, especially as they may see prisoners as stakeholders in the community who are willing to participate in positive ways.

All these factors must obviously be kept in mind. Above all, one must remember that countries tend to approach both the treatment of offenders and the involvement of the community in that process very differently. As they discover the merits of community involvement in the criminal justice process, they find different paths to progress and different ways to facilitate such involvement. This should encourage practitioners to be creative in their attempts to involve the community in the reintegration of offenders.

There are three very practical aspects of community involvement in offender treatment, namely: (a) community involvement in the treatment, rehabilitation and reintegration of offenders; (b) community involvement in diversion programmes; and (c) community involvement in community corrections, conditional release, aftercare and offender re-entry programmes. From the point of view of the community and potential volunteers, these distinctions are not particularly relevant. Most community organizations working with offenders in the community are willing to work in the context of any of these situations.

It is imperative for institutions to develop cooperative partnerships with community-based organizations, volunteer groups and NGOs to offer seamless interventions that mobilize all available resources to assist and, when necessary, supervise offenders. Among the core interventions that can be made available to assist offenders with respect to employment are job-readiness classes, vocational education, certification, job training, job placement and employment monitoring by a case manager. In all of these areas, community organizations and the private sector are uniquely positioned to offer effective assistance. In Canada, for example, community-based services and

programmes for offenders on conditional release have been developing in Aboriginal communities across the country. These programmes reflect traditional Aboriginal culture and spirituality and are typically rooted in restorative and community justice ideals.<sup>141</sup>

### 1. Use of volunteers

The use of volunteers is an efficient way to involve the community and to provide much-needed support to offenders. The Tokyo Rules also stress the importance of the role of volunteers, in particular when they are properly trained and supervised,<sup>142</sup> and the importance of supporting their work in various practical ways (rule 19):

“19.1 Volunteers shall be carefully screened and recruited on the basis of their aptitude for and interest in the work involved. They shall be properly trained for the specific responsibilities to be discharged by them and shall have access to support and counselling from, and the opportunity to consult with, the competent authority.

“19.2 Volunteers should encourage offenders and their families to develop meaningful ties with the community and a broader sphere of contact by providing counselling and other appropriate forms of assistance according to their capacity and the offenders’ needs.

“19.3 Volunteers shall be insured against accident, injury and public liability when carrying out their duties. They shall be reimbursed for authorized expenditures incurred in the course of their work. Public recognition should be extended to them for the services they render for the well-being of the community.”

In Japan, volunteer probation officers assist professional probation officers in the rehabilitation process based on cases referred to them by the chief probation officer. The major rehabilitation aid activities are: (a) to supervise and assist the probationers and parolees; (b) to undertake inquiries related to the environment in which an inmate will live after being released from prison; and (c) to conduct a preliminary assessment of individuals who may eventually be pardoned. In Kenya, community volunteers play an important role in providing probation and aftercare supervision and assistance to offenders in remote areas of the country.

### 2. Circles of support and accountability

A circle of support and accountability is a form of community reintegration programme that seeks to reduce the risk of reoffending by sex offenders who are re-entering the community without supervision at their sentence expiry date. Based in the religious community, the circle aims to enhance public safety by working in cooperation with the police, neighbourhood groups, victims and treatment professionals.

<sup>141</sup>Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 32.

<sup>142</sup>In this regard, it is important to adhere to the principle that volunteers or other members of the community should *never* be involved in disciplinary or enforcement functions, including the final decision on whether an offender has failed to adhere to the conditions set by the court (see commentary to rule 19 in *Commentary on the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)* (ST/CSDHA/22)).

This type of programme was originally conceived in Canada as a means to fill a gap in services left by government policy regarding those individuals who had served their entire court sentence in prison and were released at the expiration of their sentence. These individuals were being released without a formal process of aftercare and without any assistance or supervision. The programme was initiated out of necessity to work with released offenders who were most likely to fail to reintegrate into society successfully, presumably because of a lack of community support or other resources. Many of these individuals were untreated sex offenders and their return to the community was very likely to attract significant media attention.

The programme is a good example of community participation and of successful partnerships between the community and the justice system. The volunteers involved in the programme are carefully selected from the community, professionally trained and aptly supported. An agreement is established between the core member (the offender) and up to seven circle volunteers. Participation is voluntary on both sides. However, once the agreement is made, it becomes the road map for both the support and the accountability that can be expected by all participants. The outer “professional” circle refers to the support, guidance and interventions that are provided by professionally trained participants and representatives of official law enforcement or correctional agencies.<sup>143</sup>

### 3. Restorative community justice

It may be a mistake to focus social reintegration programmes too narrowly on managing the offenders’ risk factors and responding to their needs. In so doing, the primary role for communities in the reintegration process is sometimes forgotten. Reintegration programmes must also focus on the key objective of building relationships of social support and control around the offender.

Assisting the social integration of offenders has implications for the safety and welfare of the community. Efforts to assist their social integration must consider both the needs of the offenders as well as the risk they present in terms of the safety of the community. Some jurisdictions have developed partnerships with the community based on a coalition of service providers to coordinate comprehensive re-entry services.<sup>144</sup>

Community-based restorative processes can build social capital and make the community more receptive and engaged in supporting the offenders’ reintegration. It has frequently been observed that the application of the restorative justice framework to re-entry provides an opportunity to define programmes not just in terms of individual interventions, but also in terms of helping communities build their own resiliency, capacity and collective efficacy to exercise informal social control over offenders and enforce their own values. The community can indeed be a source not only of informal social support, but also a source of informal social control. It has the resources to promote healing and reintegration.<sup>145</sup>

<sup>143</sup>R. E. Brown and Y. Dandurand “Successful strategies that contribute to safer communities”, in *Selected Papers on Successful Reduction and Prevention Strategies in the Urban Context*, S. Maio, ed. (Riyadh, Naif Arab University for Security Sciences, 2007).

<sup>144</sup>For example, see J. Roman and others, “Impact and cost-benefit analysis of the Maryland Reentry Partnership Initiative” (Washington, D.C., Urban Institute, Justice Policy Center, 2007).

<sup>145</sup>G. Bazemore and C. Erbe, “Operationalizing the community variable in offender reintegration: theory and practice for developing intervention social capital”, *Youth Violence and Juvenile Justice*, vol. 1, No. 3 (2003), p. 254.

“The importance given to social relationships in restorative processes, and in the context of reintegration, is grounded in a sense of community as interconnected networks of relationships between citizens and community groups who collectively have tools and resources that can be mobilized to promote healing and reintegration.”

#### 4. Communities at risk

Many poor and disadvantaged communities face a much greater crime rate than other communities, as well as a much larger percentage of persons incarcerated and released each year. The number of returning prisoners is not evenly distributed within a city or region. A large percentage of prisoners are therefore returning to disadvantaged and vulnerable communities, and this creates special challenges for both the offenders and the community.

##### **Offender re-entry mapping**

Offender re-entry mapping is a strategy that is designed to facilitate community engagement in assisting ex-prisoners who are returning to the community. It is focused on the needs of the offender, their family and neighbourhoods. The key elements of this approach are:

- (a) Enlisting the support and involvement of community stakeholders;
- (b) Developing a diverse and complementary set of dissemination methods;
- (c) Presenting research findings strategically to create a foundation for positive community action.

Source: D. Brazzell, “Informing and engaging communities through reentry mapping”, Reentry Mapping Brief (Washington, D.C., Urban Institute, Justice Policy Center, 2007); and N. G. La Vigne, J. Cowan and D. Brazzell, *Mapping Prisoner Reentry: An Action Research Guidebook*, 2nd ed. (Washington, D.C., Urban Institute, Justice Policy Center, 2006).

Some communities or elements of a community may be particularly vulnerable, a fact that must be taken into consideration. The method of re-entry mapping allows officials to collaborate with communities to identify where offenders are locating after their release so as to mitigate any potential impact on those sectors and to help plan for offender access to services.

##### **Canada**

##### *Communities at risk: Aboriginal offenders*

In Canada, Aboriginal offenders continue to be disproportionately represented at all levels of the criminal justice system. A little over 10 years ago, the Correctional Service of Canada and the National Parole Board of Canada developed a framework for enhancing the role of Aboriginal communities. Research had demonstrated that reconnecting offenders with families and communities improved outcomes and reduced recidivism. Additional funding was therefore offered to develop additional Aboriginal healing lodges with Aboriginal communities. Healing lodges are minimum-security Aboriginal community facilities that offer culturally appropriate services and programmes to offenders in an environment that incorporates Aboriginal peoples’ values, traditions and beliefs.

**Canada (continued)**

This was to be the beginning of greater involvement of Aboriginal communities in the reintegration of offenders. Initially, while many Aboriginal communities were interested in developing healing lodges, they often lacked the capacity and/or expertise to engage in the planning, development and implementation of community-based alternatives.

Aboriginal communities are also involved through the work of elders. First Nations, Métis and Inuit elders contribute throughout the sentence to meeting the cultural and spiritual needs of diverse Aboriginal offenders. They provide guidance and leadership in correctional planning and intervention for those who wish to follow a traditional healing path.

Finally, community involvement is also fostered through the work of Aboriginal liaison officers who help to ensure that the unique histories and needs of individual Aboriginal offenders in institutions and of their communities are understood and met. They also facilitate interactions between offenders and non-Aboriginal staff members to ensure that the offenders' spiritual and cultural needs are addressed.



## VI. Non-custodial social integration interventions

Chapter VI reviews non-custodial social integration interventions. Its main emphasis is on the use of community-based sanctions (community corrections) to support the social integration of offenders. It explains how community-based sentences, such as probation or community service orders, can often offer more efficient ways to facilitate the social integration of offenders once they have formally been found guilty of an offence. However, proceeding with the formal accusation, conviction and punishment of offenders is not always the best way to ensure that they will mend their ways and lead a law-abiding life in the community. This chapter therefore also refers to “diversion” measures. In appropriate cases, and in particular for young offenders, it is often more effective to divert the offenders away from the criminal justice process and design alternative responses to their behaviour and individual circumstances.

For many offenders, imprisonment is a poor way of encouraging them to desist from crime and of preventing reoffending. Rather than exposing offenders to the impact of imprisonment, non-custodial sanctions can be served in the community and under supervision, allowing offenders to make different choices, change their lives and repair the harm they have caused or contribute back to society. Offenders may also attend community-based therapeutic services and programmes that may help them to change their behaviour and to address addiction or mental health issues.

As opposed to imprisonment, non-custodial sanctions seek to create, wherever possible, relationships between offenders and members of the community. They aim to strengthen rather than sever those relationships. Offenders who have strong connections to their community and who care about the people around them are less likely to reoffend. Those who support a family can continue to do so, including the possibility to remain gainfully employed or otherwise engaged in their own community.

In suitable cases, non-custodial sanctions thus facilitate community safety, accountability and the successful social integration of offenders, offering them a genuine opportunity to be responsible for their actions, to make amends and to change their behaviour. They can also give offenders a chance to learn new skills, new attitudes and new ways of coping with problems, thus helping them to avoid relapse and any further criminal activity.

Not only have non-custodial measures proved to be very effective in preventing recidivism, but they are also cheaper to administer than custodial programmes. In this way their consistent use can cut back on prison costs and alleviate prison overcrowding.

**Strategies for promoting accountability**

- Focus on repairing the harm to the victim
- Provide a process for making amends to the community
- Provide a process for greater understanding of how the incident affected others
- Offer a meaningful way for the offender to take responsibility for his or her actions
- Encourage apology or expression of remorse
- Involve the victim(s) and the community in determining the accountability measures

**Elements of accountability on the part of the offender**

- Acknowledging the harm caused
- Understanding the harm from the other person's viewpoint
- Recognizing that a choice existed
- Taking steps to make amends (apology, repair of harm)
- Taking action to make changes in one's life so that it is unlikely to happen again

*Source:* United States of America, Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Guide for Implementing the Balanced and Restorative Justice Model* (Washington, D.C., 1998). Available from [www.ojdp.gov/pubs/implementing/accountability.html](http://www.ojdp.gov/pubs/implementing/accountability.html).

Diversion programmes also deserve some attention. For some offenders, a formal criminal sanction is neither necessary nor useful to facilitate their social integration and to prevent recidivism. Other more effective and less stigmatizing interventions are possible in the community, including diversion programmes that “reroute” offenders from the criminal justice process to other, more appropriate, interventions. Diversion programmes are based on the discretionary authority of criminal justice officials, such as the police and prosecution, to refer offenders to suitable programmes as an alternative to the criminal justice process. In appropriate circumstances, and in particular for young offenders or people suffering from mental illness or drug addiction, diversion programmes can ensure that offenders receive the most suitable and effective interventions while avoiding unnecessary exposure to a prison environment.

**A. International standards: non-custodial interventions**

The Tokyo Rules, which were intended to encourage the creation of community-based alternatives to imprisonment, state that “the development of new non-custodial measures should be encouraged and closely monitored” (rule 2.4). They also state that, in accordance with legal safeguards and the rule of law, “consideration should be given to dealing with offenders in the community, avoiding as far as possible resort to formal proceedings or trial by a court” (rule 2.5).

The Tokyo Rules emphasize that a wide range of non-custodial measures should be available “in order to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment” (rule 2.3). In implementing non-custodial measures, a proper balance needs to be achieved “between

the rights of individual offenders, the rights of victims, and the concern of society for public safety and crime prevention” (rule 1.4).

The Bangkok Rules stipulate that women offenders should not be separated from their families and communities without due consideration being given to their backgrounds and family ties (rule 58):

“Alternative ways of managing women who commit offences, such as diversionary measures and pretrial and sentencing alternatives, shall be implemented wherever appropriate and possible.”

When sentencing or deciding on pretrial measures for pregnant women or a child’s sole or primary caretaker, non-custodial measures should be preferred wherever possible and appropriate.

With respect to juvenile offenders, the Convention on the Rights of the Child and other international standards provide that imprisonment should be used only as a measure of last resort (article 37, subparagraph (b), of the Convention). Diversion may be used at any point in the decision-making process. The police, the prosecution or other agencies dealing with juvenile offenders can be empowered to dispose of such cases, at their discretion, without recourse to formal hearings. In order to facilitate the discretionary disposition of juvenile cases, community programmes must be provided, such as temporary supervision and guidance, restitution and compensation of victims. In the case of juvenile offenders, the use of diversion does not necessarily need to be limited to petty cases, thus rendering diversion an important strategy for responding to the needs of young offenders even where a more serious offence has been committed. Further details on relevant international standards will be provided in chapter VII of this *Introductory Handbook*.

## **B. Non-custodial sanctions and the social integration of offenders**

### **1. Sentencing policies**

The use of imprisonment or non-custodial sanctions is governed by penal law and, ideally, is informed by a clear and explicit sentencing policy, although not all countries have adopted such policies. In some countries, sentencing policies do not go much beyond reaffirming the principles of equity and proportionality and acknowledging the relevance of considering potential aggravating or mitigating circumstances in determining a sentence. The rehabilitation of offenders and the protection of the community are sometimes mentioned as formal objectives, but often without stipulating how they are to be achieved. The need to individualize the sanction in order to take into account not only the seriousness of the crime and the degree of culpability of the offender, but also the offender’s own needs, circumstances and characteristics, is not always fully recognized. Finally, there are many instances where sentencing policies are in fact silent about exactly how and when non-custodial sentences are to be used as a means to rehabilitate the offender.

International standards provide a general framework in which a national sentencing policy should be articulated and, if necessary, legislated. However, it is the

responsibility of national authorities to formulate and implement such policies so as to prevent an excessive use of imprisonment. Policies need to ensure that sentencing practices reflect an optimal use of the range of possible sanctions provided for in modern penal laws, facilitate the rehabilitation and social integration of offenders and contribute to public safety.

## 2. Types of non-custodial sanction

There exists a wide range of criminal sanctions or dispositions other than imprisonment that have an acceptable punitive element and can serve to hold offenders accountable for their crimes, while at the same time contributing directly to their rehabilitation and social integration. More specifically, they include:

- Probation and judicial supervision
- Community service orders
- Verbal sanctions, such as admonitions, reprimands and warnings
- Conditional discharge
- Status penalties denying the offender some specified rights in the community
- Economic sanctions and monetary penalties, such as fines and day-fines
- Confiscation or expropriation orders
- Restitution to the victim or compensation orders
- Suspended or deferred sentences, where a sentence of imprisonment is pronounced, but its implementation is suspended for a period of time on a condition set by the court
- Referrals to an attendance centre, a facility where the offender spends the day, returning home in the evening
- House arrest
- Any other mode of non-institutional treatment
- Some combination of the measures listed above<sup>146</sup>

Some but not all of these non-custodial sentences require an administrative structure in order to be used as realistic sentencing alternatives to imprisonment.

## 3. Pre-sentence assessment and the sentencing process

In order to determine whether a specific case is suitable for community-based sanctions, an assessment of the offender's needs, circumstances, risk profile and receptiveness to therapeutic interventions needs to be conducted. For courts to consider alternative sanctions to imprisonment, they must have at their disposal information on such sanctions and programmes as well as on the individual offender and his or her circumstances. The probation service or another similar agency should facilitate this process, for instance through verbal presentations or by submitting a social inquiry (or pre-sentence) report to the court.

<sup>146</sup>For definitions and a more detailed explanation, see *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*.

### Sample contents of a pre-sentence or social inquiry report

- Sources of information used in the report
- Personal information on the offender
- Personal history of the offender
- Family information (in particular for children)
- Details about the current criminal charge
- Information about the circumstances of the offence and the offender's criminal history, peer association and criminal involvement
- Offender's general attitude, motivation and attitude concerning the crime and the victim(s)
- Physical and mental health information
- School and/or employment history, including current school enrolment or employment
- Victim impact
- Potential drug or alcohol dependency issues
- Sentence recommendation and rationale

The Tokyo Rules acknowledge the value of social inquiry reports (rule 7.1), which describe the background of offenders and the circumstances of their lives relevant to understanding why they committed the offence, identify potential strengths and risk factors, and make recommendations about potential interventions in custodial or non-custodial settings. When a community-based sanction is recommended, the report is expected to include information about how the offender is likely to cope in the community and comply with any conditions or restrictions the court might consider imposing. The pre-sentence investigation report is critical to improving the offender's prospects of a successful community re-entry.

## C. Probation and community supervision

### The United Republic of Tanzania

In 2008, the Probation and Community Service Department was established in the Ministry of Home Affairs of the United Republic of Tanzania. The objectives of the Department are:

- To decongest prisons in the country
- To reduce the costs of running prisons in the country
- To protect the human rights of offenders
- To prevent petty offenders from coming into contact with more serious or repeat offenders
- To involve the community in the supervision process as well as in the process of rehabilitating offenders in the community
- To ensure that the community benefits directly from the work undertaken by offenders
- To enable offenders to continue taking care of their families
- To combat prison stigma by sensitizing the public to accept offenders under non-custodial programmes
- To reintegrate offenders back into society

Probation has been described as an “untapped resource” to facilitate the social reintegration of offenders.<sup>147</sup> This being said, probation and community supervision under judicial authority are not defined in the Tokyo Rules and there are different understandings of the concept of probation. In many jurisdictions, the historical function of probation was almost exclusively related to welfare. Placing an offender “on probation” meant only that a social service would pay particular attention to an offender’s welfare and other needs. While this is still the case in many countries, in others, the probation service has evolved into an agency that is primarily responsible for ensuring that offenders carry out orders of the court, including what they must or must not do to remain in the community instead of being imprisoned. In 2010, the Council of Europe probation rules were adopted to achieve greater unity in the practices of Council members. The rules propose both the “social inclusion of offenders” and “community safety” as the main objectives of probation, and define the term as follows:

“‘Probation’ relates to the implementation in the community of sanctions and measures, defined by law and imposed on an offender. It includes a range of activities and interventions, which involve supervision, guidance and assistance aiming at the social inclusion of an offender, as well as at contributing to community safety.”

Whatever the model of probation in a given jurisdiction, it is hardly a viable sentencing option without an adequate service infrastructure. A probation service must be able to implement the probation order of the court by providing the service support and the supervision of conditions imposed by the court. This may include the implementation of other community sanctions and measures such as restitution to a victim, conditionally suspended and deferred sentences, and even community service orders and house arrest. The courts may be able to involve community organizations in this function.

### **Ten-step guide to transforming probation departments to reduce recidivism**

#### *Setting the agenda for change*

- Step 1. Engage and inform key stakeholders
- Step 2. Review and evaluate current departmental policies and practices
- Step 3. Analyse the evaluation and develop a mechanism for overseeing change

#### *Redesigning departmental policies and practices*

- Step 4. Improve probationer screening and assessment processes
- Step 5. Align supervision plans with screening and assessment results
- Step 6. Redesign incentive and sanctioning strategies
- Step 7. Develop recidivism-reduction training

#### *Implementing procedures to ensure quality and monitor progress*

- Step 8. Develop and implement a process- and outcome-accountability system
- Step 9. Retool the personnel evaluation system to reinforce agency-wide recidivism-reduction efforts
- Step 10. Review progress and set goals for continuous improvement

Source: Council of State Governments Justice Center, *A Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism* (New York, 2011). Available from [http://knowledgecenter.csg.org/drupal/system/files/A\\_Ten-Step\\_Guide\\_to\\_Transforming\\_Probation\\_Departments\\_to\\_Reduce\\_Recidivism.pdf](http://knowledgecenter.csg.org/drupal/system/files/A_Ten-Step_Guide_to_Transforming_Probation_Departments_to_Reduce_Recidivism.pdf).

<sup>147</sup>D. L. MacKenzie, “Probation: an untapped resource in U.S. corrections”, in *Rethinking Corrections: Rehabilitation, Reentry, and Reintegration*, L. Gideon and H.-E. Sung, eds. (Thousand Oaks, California, Sage, 2010), pp. 97-125.

Several probation agencies also perform other related community-based criminal justice functions: they are responsible for supervising offenders after their release from prison and for managing some transitional facilities and aftercare services. In many countries, they also manage community service orders. It often makes sense locally to combine several community-based correctional programme management functions and make them the responsibility of a single agency. In Kenya, for example, the Department of Probation and Aftercare Services, of the Ministry of Home Affairs is responsible for the supervision of non-custodial court orders, that is, probation and community service orders. Other key functions of the Department include the preparation of reports (including those at the pre-bail, pre-sentence and pre-release stages, and victim impact reports), the reintegration of ex-offenders, participation in crime prevention initiatives and facilitating activities with victims, including reconciliation.

In 2011, the Council of State Governments Justice Center, a national non-profit organization in the United States, released a guide for policymakers entitled *A Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism*,<sup>148</sup> which offers probation services guidelines on how to reorganize their agencies to improve probationers' compliance rates. Through enhanced assessments of probationers' risk factors, needs and strengths (protective factors), individualized supervision strategies can be more effectively designed for each probationer.

### 1. Conditions attached to a probation order

The conditions attached to a probation order are meant, in part, to protect the community and the victim(s). They should, however, also aim at reducing the likelihood of the offender relapsing into criminal behaviour and at increasing the offender's chances of social integration. Such conditions must be simple and well understood by the offender. The Tokyo Rules state the following on the purpose and the nature of conditions that can be attached to a probation order (rule 12):

#### “12. Conditions

“12.1 If the competent authority shall determine the conditions to be observed by the offender, it should take into account both the needs of society and the needs and rights of the offender and the victim.

“12.2 The conditions to be observed shall be practical, precise and as few as possible, and shall be aimed at reducing the likelihood of an offender relapsing into criminal behaviour and at increasing the offender's chances of social integration, taking into account the needs of the victim.

“12.3 At the beginning of the application of a non-custodial measure, the offender shall receive an explanation, orally and in writing, of the conditions governing the application of the measure, including the offender's obligations and rights.

<sup>148</sup> Council of State Governments Justice Center, *A Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism* (New York, 2011).

“12.4 The conditions may be modified by the competent authority under the established statutory provisions, in accordance with the progress made by the offender.”

## 2. Supervision of offenders

The supervision of offenders in the community is at the core of a probation order, but there are many ways to define and understand what effective supervision consists of. According to the Council of Europe probation rules, probation agencies aim “to reduce reoffending by establishing positive relationships with offenders in order to supervise (including control where necessary), guide and assist them and to promote their successful inclusion” (basic principle 1). The supervision of offenders is generally the responsibility of professionals, although some countries involve volunteers in doing so.

### Japan

#### *Volunteer probation officers*

In Japan, volunteer probation officers assist professional probation officers in the rehabilitation process based on cases referred to them by the chief probation officer. The major rehabilitation activities are: (a) to supervise and assist the probationers and parolees; (b) to undertake inquiries related to the environment in which an inmate will live following release; and (c) to conduct a preliminary assessment of individuals who may be pardoned.

While the professional probation officer is involved in the case as a specialist, the volunteer probation officer works as a neighbour of the offender, assisting him or her on behalf of the community, and may make use of their community network to secure employment for offenders. Volunteer probation officers also submit monthly progress reports to the probation office in which they can recommend a discharge from supervision or revocation of probation.

A volunteer probation officer normally serves for a two-year term with the possibility of reappointment. Volunteer probation officers are required to be highly respected individuals, enthusiastic about their work, financially stable as well as healthy and active. They attend five types of training course, including an initial basic training for new recruits. Volunteer probation officers provide offenders with useful information about the community and, because of their position in society, can help mobilize social resources and change the public's attitude towards the offender.

### Kenya

#### *Assistant probation officers*

Probation offices in Kenya are assisted in their work by volunteer probation officers also known as “assistant probation officers”. These are people of good character and integrity identified from within the community to support the work of probation staff by offering close supervision of offenders. The assistant probation officers are also used to assist in the preparation of reports of the courts in busy urban areas, for example by verifying information such as the addresses and other circumstances of offenders.



To be fully effective, community supervision must be accompanied by some form of assistance or, at the very least, proper referrals to suitable services. According to rule 10 of the Tokyo Rules, the purpose, modalities and responsibilities of supervision and assistance can be summarized as follows:

**“10. Supervision**

“10.1 The purpose of supervision is to reduce reoffending and to assist the offender’s integration into society in a way which minimizes the likelihood of a return to crime.

“10.2 If a non-custodial measure entails supervision, the latter shall be carried out by a competent authority under the specific conditions prescribed by law.

“10.3 Within the framework of a given non-custodial measure, the most suitable type of supervision and treatment should be determined for each individual case aimed at assisting the offender to work on his or her offending. Supervision and treatment should be periodically reviewed and adjusted as necessary.

“10.4 Offenders should, when needed, be provided with psychological, social and material assistance and with opportunities to strengthen links with the community and facilitate their reintegration into society.”

The supervision of offenders can involve various agencies and vary in intensity. Different levels of supervision in the community can be provided, including regular supervision, supervision with community service, intensive supervision, day reporting centres, home confinement with electronic monitoring, residential aftercare/treatment homes or halfway houses. In Kenya, for example, the Department of Probation and Aftercare Services manages five probation hostels with a capacity of approximately 200.<sup>149</sup> As a general principle, it is important to match intervention intensity to the offender’s risks, needs and responsivity levels.

Re-entry courts have also been used in the United States to provide effective probation supervision. They are part of a trend to establish “problem-solving courts”. For example, the Probation Accountability Court has been established in San Francisco to deal with individuals who break their probation and to supervise their access to “wrap-around” services, which are individually designed to serve adults with complex health and social issues through inter-agency collaboration. Instead of going back to jail, the offender is offered another chance to access critical services and support.

Programmes providing some form of intensive supervision are often seen as more politically palatable alternatives to prisons because of their greater focus on surveillance. This being said, it is important to acknowledge that intensive supervision and surveillance programmes have been developed primarily for repeat offenders. Assignment to such a programme is usually based on an assessment of certain specific risk factors. What makes the supervision “intensive” is not always defined very precisely. In general, probationers involved in these programmes are supervised very closely, with requirements for frequent face-to-face meetings with their probation officers, a set curfew, monitoring of contacts with police or arrests, frequent random testing for

<sup>149</sup>See R. Allen, “Alternatives to imprisonment in East Africa: trends and challenges” (London, Penal Reform International, 2012).

alcohol or drugs, and in some cases electronic monitoring. However, it is not yet clear whether the level of supervision intensity, in itself, affects recidivism outcomes, in particular when it is not accompanied by some other form of intervention, such as cognitive-behavioural training or counselling.<sup>150</sup>

One of the main purposes of community supervision is to prevent reoffending and to ensure that the offender complies with the conditions that have been imposed by the court as part of the probation order. Proper procedures must therefore be in place for dealing fairly and effectively with new offences and any breach of court-imposed conditions. A breach of those conditions will usually lead to a modification or revocation of the probation order and may result in the incarceration of the offender. The Tokyo Rules offer the following guidance on the issue of discipline and breach of conditions:

**“14. Discipline and breach of conditions**

“14.1 A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure.

“14.2 The modification or revocation of the non-custodial measure shall be made by the competent authority; this shall be done only after a careful examination of the facts adduced by both the supervising officer and the offender.

“14.3 The failure of a non-custodial measure should not automatically lead to the imposition of a custodial measure.

“14.4 In the event of a modification or revocation of the non-custodial measure, the competent authority shall attempt to establish a suitable alternative non-custodial measure. A sentence of imprisonment may be imposed only in the absence of other suitable alternatives.

“14.5 The power to arrest and detain the offender under supervision in cases where there is a breach of the conditions shall be prescribed by law.

“14.6 Upon modification or revocation of the non-custodial measure, the offender shall have the right to appeal to a judicial or other competent independent authority.”

**3. Access to treatment during a term of probation**

A probation order, in addition to offering the possibility of actively supervising offenders in the community, offers some very real opportunities to enrol them in beneficial treatment and assistance programmes. The following guidance for providing such treatment is offered in the Tokyo Rules:

**“13. Treatment process**

“13.1 Within the framework of a given non-custodial measure, in appropriate cases, various schemes, such as casework, group therapy, residential programmes and the specialized treatment of various categories of offenders, should be developed to meet the needs of offenders more effectively.

<sup>150</sup>R. Moore and others, *Managing Persistent and Serious Offenders in the Community: Intensive Community Programmes in Theory and Practice* (Cullompton, Devon, Willan Publishing, 2006), p. 64.

“13.2 Treatment should be conducted by professionals who have suitable training and practical experience.

“13.3 When it is decided that treatment is necessary, efforts should be made to understand the offender’s background, personality, aptitude, intelligence, values and, especially, the circumstances leading to the commission of the offence.

“13.4 The competent authority may involve the community and social support systems in the application of non-custodial measures.

“13.5 Caseload assignments shall be maintained as far as practicable at a manageable level to ensure the effective implementation of treatment programmes.

“13.6 For each offender, a case record shall be established and maintained by the competent authority.”

#### **Key strategies for effective recovery and competency development**

- Offenders are given the opportunity to learn and practice competency through active, experiential programmes and activities.
- Programmes are designed to increase interaction with positive peers or adults from the community, rather than simply with service providers.
- Cognitive learning and decision-making are integrated with active, experiential and productive activities.
- The offenders work and interact with law-abiding individuals in the community.
- Delinquent and non-delinquent individuals are mixed whenever possible to avoid negative labelling and stigmatization.

Further, work opportunities or community service that allow the offender to learn new skills and work habits are often beneficial. In fact, any intervention focusing on competency development is a very important addition to community supervision. Training in cognitive and decision-making skills can be offered to address specific problems in the offenders’ development that may be interfering with their ability to make reasonable decisions about their behaviour. Generally, the focus is on improving the offenders’ moral reasoning, decision-making and anger management through experiential techniques that allow them to learn through practice.

### **D. Community service**

A community service order requires an offender to do unpaid work for a specified number of hours or to perform a specific task. As its name suggests, the work should provide a service to the community. As the offenders perform the community service, they may be rebuilding some much needed social capital. The sanction is particularly appropriate in allowing offenders to regain status in their own community and to demonstrate their intent to change their behaviour. In some cases, this may be all that is required for an offender to reintegrate into his or her community.

## Uganda

### *Role of a prison service in facilitating community service*

Measures to promote and encourage the consideration of alternative sentences by the courts should be taken and prison authorities can play a role in facilitating that process, as was recently demonstrated by a community service order programme in Uganda.

In the absence of a functioning probation service, the Uganda Prisons Service has been collaborating with an NGO to screen cases of accused remanded in custody in order to identify those who may be eligible for a community service sentence and may be prepared to enter a guilty plea. They then bring these cases, as a group, to the attention of the courts for an early decision. Other similar initiatives are certainly conceivable and worth exploring.

*Source: United Nations Office on Drugs and Crime, *Persisting Challenges and Emerging Strengths: Findings and Recommendations—Report of the UNODC Prisons Assessment Mission to Uganda, 2009.**

Before imposing a community service order, the court needs reliable information and confirmation that such work is available under appropriate supervision. In many jurisdictions, the probation agency or officials performing an equivalent function bear primary responsibility for ensuring that the requirements are met. In others, for example in Uganda, the prison authorities who are holding an individual awaiting trial may play a role in identifying those detainees who may be eligible for a community service sentence in case they are found guilty.

As for the administration of community service programmes, most of the principles guiding probation also apply to the management of community service orders. Many NGOs are quite capable of supervising offenders performing community service. In Uganda, the Department of Community Service, headed by a commissioner, has been created to spearhead the implementation of the programme. The country's Community Service Act of 2000 allows judges to order community service in the cases of offenders guilty of a minor offence instead of sentencing them to prison.

## Uganda

### *Objectives of the Department of Community Service*

The objectives of the Ugandan Department of Community Service include:

- The rehabilitation of petty offenders
- The decongestion of prisons
- The reduction of recidivism
- The promotion of the rights and dignity of petty offenders
- The reduction of government expenditure on petty offenders in prisons
- The promotion of social cohesion through the reconciliation of petty offenders, victims and the community

## E. Social reintegration through diversion programmes

Diversion is an alternative process for dealing with offenders in an informal way, that is, outside of the formal justice system and in the context of a community-based process. It offers a way to respond to criminal offences without resorting to criminal sanctions. With the agreement of the offender, this process refers him or her to educational, mentoring, assistance or supervision programmes without going through formal proceedings. Some such programmes involve a restorative process, often in the form of mediation between the offender, victim(s) and community members.

A primary objective of diversion programmes is to minimize the extent of contact between offenders and the formal justice process, thus precluding the stigmatizing effects of involvement with the criminal justice system. The widespread use of diversion in justice systems throughout the world is due to the many advantages that diversion has from the point of view of facilitating the social integration of the offenders as well as protecting the victims and the community. Among these advantages are the following:

- (a) The use of diversion may result in a quicker disposition for the offender and a more expedient means of addressing the needs of the offender, the victim(s) and the community;
- (b) Diversion can reduce the workload of justice agencies, allowing resources to be allocated to programmes and activities designed for the most serious offenders;
- (c) The use of diversion provides an opportunity for the offender's family, the victim(s) and their family, and, where appropriate, community residents, to participate in the processing of cases and in assisting the offender to reintegrate into the community.

Diversion programmes vary considerably and are often designed to meet the needs of offenders, resolve conflicts, increase citizen participation, address the concerns of the community and provide restitution to victims. Some of these interventions are *therapeutic* in nature and offer behavioural therapy, drug dependence treatment or counselling, sometimes with restrictive conditions.<sup>151</sup> This is frequently the case for treatment referrals made by specialized drug courts. For example, the Drug Treatment Alternative to Prison programme in Brooklyn, New York, targets felons arrested for drug sales who have entered a guilty plea and can be diverted to 18-24-month residential treatment.<sup>152</sup> It is important to state that drug dependence should be considered a disease and that the related treatment should always be voluntary and with informed consent. In the case of drug dependence treatment as an alternative to incarceration, the person involved should be able to make a choice.<sup>153</sup> Other interventions are of a more *restorative nature* and give the offender an opportunity to repair the harm caused by his or her behaviour. Further categories of diversion

<sup>151</sup>Note that discussions of re-entry programmes often exclude those offenders who are diverted to a community-based treatment facility and who also must face re-entry challenges of their own. Their need for re-entry support programmes are often the same as for former prisoners.

<sup>152</sup>H.-E. Sung, "From diversion to reentry: recidivism risks among graduates of an alternative to incarceration program", *Criminal Justice Policy Review*, vol. 22, No. 2 (2011), p. 221.

<sup>153</sup>See United Nations Office on Drugs and Crime, "From coercion to cohesion: treating drug dependence through health care, not punishment", discussion paper based on a scientific workshop, Vienna, 28-30 October 2009. Available from [www.unodc.org/documents/hiv-aids/publications/Coercion\\_Ebook.pdf](http://www.unodc.org/documents/hiv-aids/publications/Coercion_Ebook.pdf).

programmes focus on *development of skills* intended to facilitate the offender's adaptation (e.g. life skills, vocational skills or education) or on providing a *formative experience* that may bring about a change of the offender's attitude (e.g. mentoring or outdoor adventure programmes).

A number of procedural mechanisms can be used to create opportunities for the referral of offenders to diversion programmes. In some countries, the options of "staying proceedings", "postponing proceedings" or "suspending a sentence" are used by prosecutors and judges to temporarily suspend formal proceedings against an offender who is accused of committing a crime.

Conditions can be attached to diversion measures. If offenders successfully comply with the conditions, they are exempt from further processing in the formal justice system. If they fail to comply with the conditions, the original criminal proceedings are reinstated or reopened. For example, under a diversion programme in South Africa, where the prosecutor or a juvenile court judge issues a diversion order, the proceedings are postponed pending the young offender's compliance with the diversion condition in question. If the young offender fails to comply with the diversion order, the court may issue a warrant for his or her arrest or a written notice to the juvenile to appear before the court. After inquiring into the reasons for the juvenile's failure to comply with the diversion order, the court may decide to continue the application of the diversion measure with appropriate modifications, or the prosecutor may decide to proceed with a formal prosecution of the juvenile offender.

Police-based diversion programmes provide an opportunity for police officers to exercise discretion and develop creative interventions to prevent future recidivism. Diversion allows law enforcement officials to deal with cases expeditiously and to ensure that offenders are held accountable for their behaviour through informal responses such as warnings, restitution, apologies and community service work. This reduces the number of minor offences clogging up the formal justice system. Diversion can also serve as a means to promote more restorative approaches by involving families, victims and community members in supporting the offender's accountability, recovery and reintegration. Front-line police officers have at least three important roles to play in pre-charge diversion programmes: (a) serving as referral agents by screening cases that can be referred onward to the programme; (b) providing information on the juvenile's attitudes, needs, behaviour and family and life circumstances; and (c) providing expert advice to the diversion committee and to service providers.

In most countries, police and prosecutors are the main sources of referrals to diversion programmes. However, the level of discretionary powers they enjoy with respect to a decision whether or not to prosecute offenders varies significantly between legal systems. In large part, the scope of discretion will depend on whether such decisions are to be guided by the *principle of legality* (mandatory prosecution), which creates an obligation for the prosecutor to prosecute, or the *principle of opportunity*, which traditionally allows for some discretionary decision-making. The principle of legality does not, in itself, hinder the diversion of cases, such as those involving juvenile offenders. However, it may make it difficult to divert a case to a restorative justice programme before the case has reached the court. The Tokyo Rules (rule 3.3) encourage the use of discretion by the judicial or other competent independent authority "at all stages of the criminal proceedings by ensuring full accountability and only in accordance with the rule of law".

## F. Restorative justice and social reintegration

Restorative justice interventions can be particularly effective in the process of offenders' social integration by helping them to mend their relationships with others in the community, including their victims. Restorative justice approaches have proved highly successful at reducing recidivism by helping offenders to truly understand the consequences of their actions and to take responsibility for their behaviour.<sup>154</sup> More specifically, a restorative justice intervention helps offenders:

- To take responsibility for their harmful behaviour in a meaningful way
- To gain insight into the causes of their behaviour and its effects on others
- To change their behaviour and desist from crime
- To be accepted back into their community

Restorative justice is based on the principle that the most effective responses to crime are those which hold offenders accountable for their behaviour in ways that reintegrate them into society rather than increase their sense of isolation and stigma. The objective is to help offenders understand the consequences of their actions and to make amends to the community. By showing offenders the full impact of their behaviour on all those around them, restorative justice can encourage real and lasting change. At the same time, the participation of victims of crime and community members may serve to strengthen ties in the community and to facilitate the development of community-based capacities to assist offenders.

Restorative justice requires that responses to criminal behaviour strike a balance between the needs of victims, offenders and the community. This is achieved through a focus on three interrelated goals: (a) accountability; (b) recovery and competency development; and (c) community safety. Face-to-face meetings with community members or victims, in which an offender takes responsibility for and hears about the impact of his or her behaviour on others, constitute significant forms of accountability. Fully and honestly acknowledging responsibility for the harm done to others is a powerful process, and may reduce the likelihood of repeated harmful behaviour. The full and honest recognition of damages done to the community and to victims is of great importance to the successful reintegration of an offender.

Generally speaking, there are four main entry points into a criminal justice system at which restorative justice processes can be successfully initiated: (a) at the police level (pre-charge); (b) at the prosecution level (post-charge, but usually before the trial); (c) at the court level (either at the pretrial or the pre-sentencing stage); and (d) at the prison level (as an alternative to incarceration, as part of or in addition to a non-custodial sentence, during incarceration or upon release from prison). In some countries, for example in Belgium, restorative justice interventions and prosecutions can be initiated in parallel.

Restorative principles can also be applied to probation. In a "restorative probation" model, a judge sentences the offender to probation with a suspended sentence, while a volunteer reparative board meets with the offender and the victim to agree on a

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<sup>154</sup> *Handbook on Restorative Justice Programmes*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.06.V.15).

contract that the offender agrees to carry out. Fulfilment of the contract is the only condition of probation and the contract is based on restorative goals, namely that the offender understands the effects of the crime and learns how to avoid reoffending, that the victim is restored and healed, and that the community is reassured and offers reintegration to the offender.<sup>155</sup> Reparative boards are possibly more effective than standard probation.<sup>156</sup>

The basic principles on the use of restorative justice programmes in criminal matters<sup>157</sup> were adopted in 2002 to encourage Member States to adopt and standardize restorative justice measures in the context of their legal systems. The core part of the principles deals with setting the parameters for the use of restorative justice and the measures that should be adopted by Member States to ensure that participants in restorative processes are protected by appropriate legal safeguards. More specifically, parts II and III of the basic principles define the appropriate use of restorative justice (e.g. when there is sufficient evidence against the offender to justify an intervention and when the offender and the victim consent) and the nature of the legal safeguards that should be put in place.

There are three basic requirements that must be met before victim-offender mediation can be used:

- The offender must accept or not deny responsibility for the crime
- Both the victim and the offender must be willing to participate
- Both the victim and the offender must consider it safe to be involved in the process<sup>158</sup>

The basic principles make it clear that it is often necessary to adopt policies and clear guidelines to guide the new programmes and to establish the necessary normative framework. They stipulate (paragraph 12) that such guidelines should address, inter alia:

“(a) The conditions for the referral of cases to restorative justice programmes;

“(b) The handling of cases following a restorative process;

“(c) The qualifications, training and assessment of facilitators;

“(d) The administration of restorative justice programmes;

“(e) Standards of competence and rules of conduct governing the operation of restorative justice programmes.”

UNODC has published a *Handbook on Restorative Justice Programmes* to facilitate the development of restorative programmes.<sup>159</sup>

<sup>155</sup>L. Kurki, “Restorative and community justice in the United States”, *Crime and Justice: A Review of Research*, vol. 27, 2000, p. 283.

<sup>156</sup>K. J. Fox, “Second chances: a comparison of civic engagement in offender reentry programs”, *Criminal Justice Review*, vol. 35, No. 3 (2010), pp. 335-353.

<sup>157</sup>Economic and Social Council resolution 2002/12, annex.

<sup>158</sup>*Handbook on Restorative Justice Programmes*, p. 18.

<sup>159</sup>United Nations publication, Sales No. E.06.V.15.



## VII. Reintegration programmes for child offenders

Reintegration programmes for child offenders must take into account their particular needs and the circumstances they face. The respective roles of the family, the school and the community in facilitating the reintegration of child offenders are particularly important. All interventions must be designed from a developmental perspective. They must be fundamentally educational in nature and capable of addressing the specific challenges confronting the young offenders. Because detention should be used only as a measure of last resort and only for the shortest appropriate period of time, alternative measures and early release programmes should be favoured. Whenever possible, interventions should take place outside of the criminal justice system altogether by means of diversion mechanisms.

According to international standards, States should deprive a child<sup>160</sup> of his or her liberty only as a measure of last resort and for the shortest appropriate period of time. When sentencing a child for an offence, the response should be based not only on the gravity of the criminal offence and the respective harm caused, but also on individual circumstances, such as social status and family situation. International standards further place a specific obligation on States to develop a range of non-custodial measures and to promote diversion by dealing with children alleged as, accused of, or recognized as having infringed the penal law without resorting to judicial proceedings, whenever appropriate and desirable. In order to facilitate the discretionary disposition of cases, efforts should be made to provide for community programmes and to establish and apply programmes aimed at strengthening social assistance.

When children are deprived of their liberty, they should receive the maximum support possible for their social reintegration. This includes the care, protection and individual assistance—social, educational, vocational, psychological, medical and physical—that they may require in view of their age, sex and personality. Each child offender should be assessed, and interventions should be tailored to his or her individual needs and circumstances. These interventions are very likely to affect both whether the child offender makes a successful transition to adulthood and whether he or she will successfully reintegrate into the community.<sup>161</sup>

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<sup>160</sup>According to article 1 of the Convention on the Rights of the Child (United Nations, *Treaty Series*, vol. 1577, No. 27531), “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”. See also paragraph 11 (a) of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113, annex).

<sup>161</sup>E. S. Scott and L. Steinberg, *Rethinking Juvenile Justice* (Cambridge, Massachusetts, Harvard University Press, 2008).

## A. International standards

International law in the area of juvenile justice is substantial and detailed. The most important instruments for the administration of juvenile justice are the Convention of the Rights of the Child and the International Covenant on Civil and Political Rights. Apart from these international instruments, the United Nations standards and norms in crime prevention and criminal justice include four main instruments related to juvenile justice, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the Guidelines for Action on Children in the Criminal Justice System.<sup>162</sup>

Article 37, subparagraph (b), of the Convention of the Rights of the Child requires that States should deprive a child of his or her liberty only as a measure of last resort and for the shortest appropriate period of time. The primary purpose of detention, as any action taken against children in the juvenile justice system, must be the rehabilitation and reintegration of the child.<sup>163</sup> Therefore, where a child is deprived of his or her liberty, rule 28 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty stipulates:

“The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations.”

While juveniles are in custody, the Beijing Rules provide that they “shall receive care, protection and all necessary individual assistance—social, educational, vocational, psychological, medical and physical—that they may require in view of their age, sex, and personality” (rule 13.5) and in the “interest of their wholesome development” (rule 26.2). In addition, rule 38 of the Bangkok Rules provides:

“Juvenile female prisoners shall have access to age- and gender-specific programmes and services, such as counselling for sexual abuse or violence. They shall receive education on women’s health care and have regular access to gynaecologists, similar to adult female prisoners.”

### 1. Assessment and individualized treatment

With respect to assessing the needs of child offenders and planning interventions to assist them, rule 27 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty states:

“As soon as possible after the moment of admission, each juvenile should be interviewed, and a psychological and social report identifying any factors relevant to the specific type and level of care and programme required by the juvenile

<sup>162</sup>Economic and Social Council resolution 1997/30, annex.

<sup>163</sup>According to rule 26.1 of the Beijing Rules, for example, “the objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society”.

should be prepared. This report, together with the report prepared by a medical officer who has examined the juvenile upon admission, should be forwarded to the director for purposes of determining the most appropriate placement for the juvenile within the facility and the specific type and level of care and programme required and to be pursued.”

Specific reference is also made in rule 27 to the importance of developing individualized treatment plans for child offenders in order to facilitate their reintegration:

“When special rehabilitative treatment is required, and the length of stay in the facility permits, trained personnel of the facility should prepare a written, individualized treatment plan specifying treatment objectives and time frame and the means, stages and delays with which the objectives should be approached.”

## 2. Diversion

Article 40, paragraph 3 (*b*), of the Convention on the Rights of the Child requires States parties to promote measures for dealing with children alleged as, accused of, or recognized as having infringed the penal law “without resorting to judicial proceedings”, whenever appropriate and desirable, provided that human rights and legal safeguards are fully respected.<sup>164</sup> In paragraph 26 of its General Comment No. 10 (2007) on children’s rights in juvenile justice, the Committee on the Rights of the Child expressed the opinion that States parties should make diversion measures an integral part of the juvenile justice system and ensure that children’s rights and legal safeguards are thereby fully respected and protected. Rule 6.1 of the Beijing Rules states:

“In view of the varying special needs of juveniles as well as the variety of measures available, appropriate scope for discretion shall be allowed at all stages of proceedings and at the different levels of juvenile justice administration, including investigation, prosecution, adjudication and the follow-up of dispositions.”

This provision is designed to encourage the exercise of discretionary power at all significant levels of the system so that relevant criminal justice officials can take actions deemed most appropriate in each individual case. Rule 11.2 refers specifically to the need to empower the police, the prosecution and other agencies dealing with juvenile offenders “to dispose of such cases, at their discretion, without recourse to formal hearings, in accordance with the criteria laid down for that purpose in their respective legal system” and in accordance with human rights principles and standards.<sup>165</sup> Efforts should also be made to establish and apply community programmes, including those aimed at strengthening social assistance, which would allow for the diversion of children from the justice system. In this context, the Guidelines for Action on Children in the Criminal Justice System call for close cooperation between the child justice sectors, different services in charge of law enforcement and the social welfare and education sectors.

<sup>164</sup>Diversionary measures are also referred to in the Beijing Rules (rule 11), the Guidelines for Action on Children in the Criminal Justice System (Economic and Social Council resolution 1997/30, annex) (guidelines 15 and 42) and the Tokyo Rules (rule 2.5).

<sup>165</sup>However, rules 6.2 and 6.3 also require that checks and balances be put in place in order to safeguard the rights of juvenile offenders and curb any abuse of discretionary power.

### 3. Alternatives to institutional care

The Convention on the Rights of the Child places a specific obligation on States to develop a range of alternatives to imprisonment in order “to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence” (article 40, paragraph 4). More specifically, reference is made to guidance and supervision orders, counselling, probation, foster care, education and vocational training programmes, and other alternatives to institutional care. Examples of disposition measures are also set out in rule 18.1 of the Beijing Rules. All measures should be adjusted to the different stages of development of child offenders.

### 4. Interventions during detention

According to international standards, the primary purpose of detention, as any action taken against children in the juvenile justice system, must be the rehabilitation and reintegration of the child.<sup>163</sup> The placement of child offenders in institutions should therefore be guided by the provision of the type of care best suited to their particular needs and the protection of their physical and mental integrity and well-being. When deprived of their liberty, children must be separated from adults, unless it is not in the child’s best interest to do so, as “there is abundant evidence that the placement of children in adult prisons or jails compromises their basic safety, well-being, and their future ability to remain free of crime and to reintegrate”.<sup>166</sup> The United Nations Rules for the Protection of Juveniles Deprived of their Liberty also draw attention to the conditions of detention facilities for juveniles, which should reflect the rehabilitative aim of residential treatment “with due regard to the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities” (rule 32).

Further, and given the adverse effects of detention on children, rule 13.5 of the Beijing Rules states that, while in custody, children must receive “care, protection and all necessary individual assistance—social, education, vocational, psychological, medical and physical—that they may require in view of their age, sex and personality”.

Education and skill development, in particular, are vital to a child’s rehabilitation and reintegration into society upon release. In this regard, article 28 of the Convention on the Rights of the Child enshrines the right to education for all children, including those deprived of liberty. Detailed standards for education, vocational training and work to be provided to children in detention can further be found in section E of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. More specifically, every juvenile of school age has the right to receive education suited to his or her needs and abilities (rule 38), as well as vocational training in occupations likely to prepare him or her for future employment (rule 42). Access to education and vocational training among juvenile male and female prisoners should be equal, as stipulated in the Bangkok Rules (rule 37).

Article 24, paragraph 1, of the Convention on the Rights of the Child obliges States parties to ensure that no child, including those deprived of their liberty, is deprived

<sup>166</sup>Committee on the Rights of the Child, General Comment No. 10 (2007) on children’s rights in juvenile justice (CRC/C/GC/10), para. 85; see, inter alia, article 37, subparagraph (c), of the Convention on the Rights of the Child, rule 8 (d) of the Standard Minimum Rules for the Treatment of Prisoners and rule 29 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

of his or her right to the enjoyment of the highest attainable standards of health and to facilities for the treatment of illness and rehabilitation of health. Further detailed standards with regard to medical care for juveniles are included in rules 49-55 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Rule 51 provides:

“The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of the juvenile into society. Every detention facility for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive healthcare and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties should be examined promptly by a medical officer.”

As regards contact with the outside world, article 37, subparagraph (c), of the Convention on the Rights of the Child provides that “every child deprived of liberty ... shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances”. Similarly, other international instruments refer to adequate communication with the outside world as both an essential part of fair and humane treatment and as instrumental in preparing juveniles for their return to society.<sup>167</sup>

## 5. Aftercare and early release

The Beijing Rules emphasize the need for a diverse range of services and facilities designed to meet the different needs of young offenders re-entering the community, and to provide them with guidance and support as an important step towards their successful reintegration into society. They call for efforts to “provide semi-institutional arrangements, such as halfway houses, educational homes, daytime training centres and other such appropriate arrangements that may assist juveniles in their proper reintegration into society” (rule 29.1). The Beijing Rules further encourage the frequent and early recourse to conditional release of juvenile offenders. They state that “conditional release from an institution shall be used by the appropriate authority to the greatest possible extent, and shall be granted at the earliest possible time” (rule 28.1), adding that “juveniles released conditionally from an institution shall be assisted and supervised by an appropriate authority and shall receive full support by the community” (rule 28.2).

Similarly, the Riyadh Guidelines stipulate that “community-based services and programmes which respond to the special needs, problems, interests and concerns of young persons and which offer appropriate counselling and guidance to young persons and their families should be developed, or strengthened where they exist” (rule 32). To that end, “a range of services and helping measures should be provided to deal with the difficulties experienced by young persons in the transition to adulthood. Such services should include special programmes for young drug abusers which emphasize care, counselling, assistance and therapy-oriented interventions” (rule 35). According to the United Nations Rules for the Protection of Juveniles Deprived of

<sup>167</sup>See, for example, rule 59 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

their Liberty, “all juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end” (rule 79). Specifically, they require competent authorities to provide or ensure services to assist juvenile offenders in re-establishing themselves in society and to lessen prejudice against them and stipulate (rule 80):

“These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community.”

The Beijing Rules stress the importance of the cooperation of the community in the rehabilitation of child offenders. They promote the mobilization of volunteers, local institutions and other community resources “to contribute effectively to the rehabilitation of the juvenile in a community setting and, as far as possible, within the family unit” (rule 25.1).

## B. Assessment

As a general rule, an adequate assessment of an offender’s situation, risk factors and needs is the proper basis for effective and individualized interventions to support his or her social reintegration. The same is true for child offenders, with the added requirement of taking into account their educational and developmental needs and circumstances. Ideally, each assessment should lead to the development of an individual intervention or treatment plan, which should be reviewed and updated on a regular basis.

It is important to ensure that any specialized assessment tools are made available to all those who are responsible for assessing juvenile offenders and assisting in their social reintegration. In Paraguay, for example, and as part of the Programme for the Care of Juvenile Offenders, an assessment of the situation and condition of each adolescent is made to identify and monitor appropriate measures for their social reintegration.<sup>168</sup>

## C. Diversion

By removing child offenders from the criminal justice process and either disposing of such cases or redirecting them to community-based programmes, diversion can help to hinder the negative effects of subsequent formal proceedings in the juvenile justice system. Diversion programmes can take a number of forms, but generally they include elements of mediation, supervision or restorative justice. Diversion is typically based on the use of the structured discretionary authority of the police, the

<sup>168</sup>Human Rights Council, report of the High Commissioner for Human Rights on human rights in the administration of justice, including juvenile justice (A/HRC/C/14/35), para. 10.

prosecution or other agencies dealing with juvenile cases. In Thailand, for example, the introduction of diversion through the use of restorative justice practices in the juvenile justice system was made possible by a provision in the Juvenile Procedure Act, which allows prosecutors to drop a charge upon the recommendation of the director of a juvenile training centre.

#### **Guidance on the use of diversion objectives**

Acknowledging the need to protect children's rights and to have legal safeguards in place when implementing diversion programmes, the Committee on the Rights of the Child has emphasized the following with reference to article 40 of the Convention on the Rights of the Child:

- "Diversion (i.e. measures for dealing with children, alleged as, accused of, or recognized as having infringed the penal law without resorting to judicial proceedings) should be used only when there is compelling evidence that the child committed the alleged offence, that he/she freely and voluntarily admits responsibility, and that no intimidation or pressure has been used to get that admission and, finally, that the admission will not be used against him/her in any subsequent legal proceeding;
- "The child must freely and voluntarily give consent in writing to the diversion, a consent that should be based on adequate and specific information on the nature, content and duration of the measure, and on the consequences of a failure to cooperate, carry out and complete the measure. With a view to strengthening parental involvement, States parties may also consider requiring the consent of parents, in particular when the child is below the age of 16 years;
- "The law has to contain specific provisions indicating in which cases diversion is possible, and the powers of the police, prosecutors and/or other agencies to make decisions in this regard should be regulated and reviewed, in particular to protect the child from discrimination;
- "The child must be given the opportunity to seek legal or other appropriate assistance on the appropriateness and desirability of the diversion offered by the competent authorities, and on the possibility of review of the measure;
- "The completion of the diversion by the child should result in a definite and final closure of the case. Although confidential records can be kept of diversion for administrative and review purposes, they should not be viewed as 'criminal records' and a child who has been previously diverted must not be seen as having a previous conviction. If any registration takes place of this event, access to that information should be given exclusively and for a limited period of time, e.g. for a maximum of one year, to the competent authorities authorized to deal with children in conflict with the law."

*Source:* Committee on the Rights of the Child, General Comment No. 10 (2007) on children's rights in juvenile justice (CRC/C/GC/10), para. 27.

#### **South Sudan**

In cooperation with the United Nations Mission in South Sudan and the International Centre for Criminal Law Reform and Criminal Justice Policy, UNODC is assisting the National Prisons Service of South Sudan in establishing a juvenile probation unit as part of the Service. The unit is responsible for the preparation of pre-sentence reports, the administration of probation orders, the supervision of offenders and an aftercare service for child offenders released from custody. Part of the impetus for developing the unit and establishing the probation and aftercare functions derived from the fact that there are currently no specialized institutions or services for child offenders, a state of affairs that is quite common in post-conflict situations.

## D. Community-based measures

Community-based measures may offer very reasonable and effective alternatives to the deprivation of liberty. As previously mentioned, international standards encourage their use whenever possible, and in particular for children in conflict with the law. The fact that some children may be in need of housing does not justify the use of detention. Rather, other alternatives should be in place, such as “group homes”, residential schools or foster care placement.

One of the most effective alternative measures to the deprivation of liberty is community supervision (juvenile probation or youth probation). In many countries where it exists, for example, in Kenya, juvenile probation and aftercare services are offered by the same agency.

### Viet Nam

#### *Juvenile Crime Prevention and Reintegration Project*

This Plan Viet Nam project included several community-based activities designed specifically to assist juvenile offenders in successfully reintegrating into the community. Project activities included the training of volunteers, the provision of direct assistance to children released from a reform school (including transportation back to the community), workshops with parents, job placements, assistance in starting a business and individualized legal assistance. Although none of these services have so far been offered on a very large scale, the project has demonstrated their usefulness in supporting children’s reintegration. Legal assistance, for example, was instrumental for many children in dealing with legal complications concerning their registration, in obtaining their birth certificates and other necessary official documents, and in addressing some administrative issues related to their situation.

One of the distinct achievements of the project at the community level was its ability to encourage coordination and cooperation among a number of relevant stakeholders. The close cooperation that grew as a result of the project between community groups and the local police, for example, augurs well for the future, as such cooperation is essential to both effective crime prevention and the social reintegration of offenders.

*Source:* Y. Dandurand, “Final review and development assessment of the Juvenile Crime Prevention and Reintegration Project” (Hanoi, Plan Viet Nam, February 2011).

## E. Custodial programmes for child offenders

Children must be separated from adults when deprived of their liberty. While in institutional care, they need access to individually tailored educational, cognitive-behavioural and skill development interventions and programmes based on a proper assessment of their risk factors, needs and learning abilities. They also require access to adequate health care and psychological and emotional support. A multi-model approach focusing on the individual as well as his or her family and peer group is recommended.



## Egypt

### *Youth Council and capacity-building*

With the assistance of UNODC, the Government of Egypt has strengthened its legislative and institutional capacity to deal with child offenders. More specifically, Egypt has established a Youth Council, attached to the Ministry of Justice, that offers training on juvenile crime legislation. It also seeks to improve the conditions of detention of child offenders in order to facilitate their reintegration and resocialization. Juveniles are offered vocational workshops, including in shoemaking, welding, plumbing and computer and electrical skills, as well as literacy classes.

A second part of the UNODC project in Egypt focused on training and capacity-building for NGOs that assist child offenders following release in the cities of Cairo, Giza and Al-Qalyubiyah. The project expanded pre- and post-release reintegration programmes to areas such as employment, social and mental health, and education. For example, youth were coached to develop a “life plan” in the last few months of their detention to follow through on programmes offered upon release. Upon release, many were able to secure jobs in carpentry workshops, garment factories and marble production.

How children experience incarceration will depend largely on their developmental level, while at the same time affecting their future development. The personal impact of being deprived of liberty can in turn affect the ability of child offenders to benefit from various interventions during or after imprisonment, as well as their ability to overcome the social stigma and reintegration challenges after their release.<sup>169</sup> Interventions must therefore be designed to promote the development of the child. Accordingly, the regime of activities within the institution must aim at educational, personal and social development, vocational training, rehabilitation and preparation for release. In many countries, such as Paraguay, strategies for the rehabilitation and reintegration of young offenders include compulsory schooling in the detention centre, with a focus on skills that enable personal development and maximize opportunities for post-release employment.<sup>170</sup>

There is growing evidence that a high percentage of young offenders in juvenile justice systems throughout the world have symptoms of mental disorders, which poses significant challenges to both national juvenile justice and mental health systems. Reliable research in several European countries has shown that one half to two thirds of youth entering pretrial detention centres meet the criteria for one or more mental disorders, including substance abuse.<sup>171</sup> In the United States, a comprehensive, multi-state study covering data on 1,400 youth in different juvenile justice settings (community-based programmes, detention centres and secure residential facilities) in 2006 found that 70.4 per cent met the criteria for at least one mental health disorder, with over 60 per cent of youth meeting the criteria for three or more diagnoses. Girls were found to be at significantly higher risk (80 per cent) than boys (67 per cent).<sup>172</sup>

<sup>169</sup>D. P. Mears and J. Travis, “Youth development and reentry”, *Youth Violence and Juvenile Justice*, vol. 2, No. 1 (2004), pp. 3-20.

<sup>170</sup>A/HRC/C/14/35, para. 10.

<sup>171</sup>International Juvenile Justice Observatory, *Mental Health Resources for Young Offenders: European Comparative Analysis and Transfer of Knowledge—MHYO Manual for Improving Professional Knowledge, Skills and Developing Advocacy Programme*, vol. II (Brussels, 2011).

<sup>172</sup>J. Shufelt and J. Cocozza, “Youth with mental health disorders in the juvenile justice system: results from a multi-state prevalence study”, Research and Program Brief (Delmar, New York, National Center for Mental Health and Juvenile Justice, 2006).

In many jurisdictions, a large number of children are still being detained without access to education. For example, the report of the Workshop on Education of Minors Deprived of Liberty in Africa, held in Brussels in January 2011,<sup>173</sup> found that the rights of minors in prison in Africa, including their right to quality education, was “widely overlooked, if not neglected or negated”, that interventions at the national and regional levels were not well coordinated and that other basic needs took priority over education.

In Albania, the European Union has funded the country’s first juvenile reintegration centre in Kavaja, which incorporates the concepts of restorative justice and social reintegration into its programming. Apart from detention facilities, the centre also has classrooms, workshops and leisure and medical facilities.

## F. Early or conditional release

Early release programmes allow authorities to release child offenders as soon as they are ready to return to society. They provide an important mechanism for juvenile justice authorities to ensure that child offenders are detained only for as long as is absolutely necessary. For early release programmes to function properly, the progress of child offenders during imprisonment must be periodically assessed so as to determine their prospects of successful reintegration.

There is a connection between the transition that child offenders undergo as they develop into adulthood and the transitions they face when returning to their community. The challenges that arise from this dual transition are significant and multifaceted.<sup>174</sup> Child offenders face many of the same reintegration difficulties as adults. In addition, however, they are in the midst of moving from dependence on family to independence, from school to work, and from immersion in the adolescent peer group to intimate partnership and parenthood. Their successful reintegration is therefore closely tied to their success along these other development trajectories.<sup>175</sup> Early release based on proper assessments of each child offers the possibility of taking both developmental and reintegration issues into account. If accompanied by proper supervision and assistance, early or conditional release can thus present a powerful tool for ensuring the successful social reintegration of child offenders.

## G. Post-release interventions and aftercare

The first few months after child offenders are released from institutional care have been found to be critical. At that point in time, they find themselves without the structure, supervision or support that the institution provided. Too many of them are in fact returning to the community with serious risks and needs that have remained unaddressed, thus compromising their chances of successful re-entry. Released child

<sup>173</sup>Available from [www.iday.org/EN/02whatwedo/docs/sections/vulnerablechildren/WorkshopConclusionsRecommendations\\_EN.pdf](http://www.iday.org/EN/02whatwedo/docs/sections/vulnerablechildren/WorkshopConclusionsRecommendations_EN.pdf).

<sup>174</sup>D. M. Altschuler and R. Brash, “Adolescent and teenage offenders confronting the challenges and opportunities of reentry”, *Youth Violence and Juvenile Justice*, vol. 2, No. 1 (2004), pp. 72-87.

<sup>175</sup>M. L. Sullivan, “Youth perspectives on the experience of reentry”, *Youth Violence and Juvenile Justice*, vol. 2, No. 1 (2004), pp. 56-71.

offenders are often returning to families and communities that cannot accommodate them even under the best of circumstances. Therefore, supportive interventions during that period are particularly important.

As part of an aftercare strategy, a number of interventions can be delivered to assist juvenile offenders in reintegrating into their families and the community. The interventions must fit the needs and circumstances of the child, and the choice of an intervention should be based on a realistic assessment of the individual's challenges and needs. It is usually a matter of assessing the public safety risk posed by each offender, developing a post-release plan prior to the release that will reduce the risk of reoffending and providing concentric circles of support by working with families, employers and community organizations.

Effective post-release interventions usually involve three phases related to: (a) institutional or pre-release planning and services; (b) re-entry preparation; and (c) community-based services upon release from the institution. In jurisdictions where an extensive range of services exist, intensive aftercare programmes have been developed, which include individual case planning, a mix of surveillance and services, a balance of incentives and graduated sanctions, and service brokerage with community resources. Experience suggests that such programmes can be successful when:

- Preparing youth for progressively increased responsibility and freedom in the community
- Facilitating youth-community interaction and involvement
- Working with both the child offender and targeted community support systems (family, peers, schools and employers) on qualities needed for constructive interactions
- Developing new resources and supports where needed
- Monitoring and testing the youth and the community on their ability to deal with each other productively<sup>176</sup>

Many practitioners in the field of social reintegration acknowledge that support interventions should link institutional services with community-based services. There is, however, little evidence that interventions that merely refer offenders to community-based services effectively assist in the reintegration process. Providing referrals rather than substantive aftercare is generally ineffective. Rather, there must be linkages between institutional programming and community-based interventions to ensure continuity of support.

Aftercare services for child offenders are effective to the extent that they can balance the supervision with the developmental needs of children, considering both the risk and protective factors that hinder or contribute to social adjustment.<sup>177</sup> Programming with a focus on punitive or surveillance elements is not as effective as an approach that incorporates interventions to help youth overcome problems, including factors that may have contributed to their criminal behaviour.

<sup>176</sup>D. M. Altschuler and T. L. Armstrong, *Intensive Aftercare for High-Risk Juveniles: Policies and Procedures* (Washington, D.C., United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1994).

<sup>177</sup>H. L. Chung, M. Little and L. Steinberg, "The transition to adulthood for adolescents in the juvenile justice system: a developmental perspective", in *On Your Own Without a Net: The Transition to Adulthood for Vulnerable Populations*, D. W. Osgood and others, eds. (Chicago, University of Chicago Press, 2005), pp. 68-91.

The examples below describe specific measures that can be taken as part of both early release schemes and post-release interventions.

## 1. Supervision and attendance centres

Supportive supervision, together with effective case management methods, is usually at the heart of effective aftercare intervention for child offenders. It often involves a stay in a transition facility, a foster care placement or a halfway house. In some cases, the intervention consists of placing the child offender under the supervision and guidance of a responsible adult in the community (e.g. a school teacher, social worker, community member, parent or other relative) in order to monitor and guide his or her behaviour. In other instances, the supervision of the young offender is the responsibility of a specialized criminal justice agency (e.g. a probation and aftercare agency) or a child protection and welfare agency.

### Chile

#### *Training*

Since 2008, Chile has trained qualified social workers to work with juvenile offenders and to measure, monitor and evaluate the results of support interventions. The agency in charge, the National Service of Minors (SENAME), coordinates its activities with civil society organizations to ensure that a comprehensive, cross-cutting approach is taken with respect to the reintegration process for juvenile offenders.

In a day reporting or attendance centre, offenders are required to report to a non-residential community centre for a specified number of hours per week. Such centres, which are usually run by local agencies or an NGO, provide a closely supervised environment where offenders can participate in education, recovery and recreation programmes (employment and training assistance, education and literacy classes, alcohol and drug abuse counselling, life skill courses and sporting activities).

Attendance centres provide structure and supervision to offenders, a constructive way to spend their free time and positive association with adults and peers. Programmes that are located in existing community or recreation centres and that integrate offenders with non-delinquent peers have been found to be particularly effective for suitable groups of child offenders.

## 2. School attendance and vocational skill training

Child offenders may be encouraged to make a commitment to attend school regularly or to enrol in a vocational or skill training programme upon release. In some cases, support from local authorities or other agencies may be required to allow the offender to return to school or gain access to skill training (e.g. fee reduction or exemption). The development of employable skills is obviously a priority for many child offenders. The most effective vocational training programmes have found to be those which provide the youth with both marketable skills and assistance in finding employment.

### 3. Community service work

Community service work requires the offender to do unpaid work for a specified number of hours in some way that benefits the community. The purpose is to give the offender the opportunity to make amends for his or her crime by contributing something of value to either the victim or the community at large. It allows offenders to demonstrate, both to themselves and to the victim(s), that they can be productive members of society.

For child offenders, the most effective community service work placements are often those which require them to work alongside positive adult or peer role models and give them an opportunity to practice and demonstrate competent and responsible behaviour. For example, small community construction or clean-up projects that require children to work in a team environment with law-abiding peers or adults help them to build work and social skills. The community gets the benefit of the offender's labour and the offender is given a sense of accomplishment and improved self-esteem.

### 4. Reparation

Reparation (and restitution) is often part of settlements negotiated with the victim through mediation or a group conference. It may also be ordered by the court. Reparation requires offenders to take specific action to right the material or emotional harm they have caused to their victims or to the wider community. Reparation can be either directly related to the offence (e.g. replacing stolen goods or repairing the damage done) or more symbolic (e.g. unpaid community work or providing some service to the victim as a way of expressing remorse). Unlike fines or compensation, reparation does not necessarily require cash payments.

### 5. Competency development programmes

Competency development programmes are specialized programmes designed to help child offenders address the underlying problems in their cognitive development that may have contributed to the offending behaviour. Topics commonly covered include responsible decision-making, communication skills, problem-solving, conflict resolution, self-esteem or anger management.

Most competency development programmes are “experiential” or active learning programmes. Studies have repeatedly shown that active learning programmes that provide children with an opportunity to practice or model positive behaviours are preferable to and far more effective than lecturing offenders about laws and appropriate behaviour.

For some children, such interventions following release are also necessary to help them consolidate the progress they achieved through participation in institutional programmes.

### 6. Treatment for drug or alcohol dependence

An individual's criminal behaviour may be directly linked to an underlying problem such as drug or alcohol abuse or domestic violence. In such cases, the child may be

referred to a specialized counselling or therapeutic treatment programme. Early intervention and treatment, when applied as soon as the underlying problem is identified, can help prevent the escalation of destructive habits and/or alleviate family problems. Post-release interventions of this nature may further build on treatment programmes in which the young offenders may already have participated in the custodial setting.

### United Kingdom

#### *Trailblazers: mentoring for young offenders*

In the United Kingdom, the NGO Trailblazers works in close partnership with youth offender institutions, prison staff and other stakeholders to prevent reoffending by child offenders. In order to assist in their successful resettlement, volunteers work with young people for up to six months prior to release, including through intensive mentoring and signposting to specialist agencies. This support extends to a period of up to nine months of support in the community after release. According to the organization, the average over the two years was a reoffending rate of 9 per cent, compared with government figures of over 70 per cent. What is required of mentors, who come from a wide variety of professional and ethnic backgrounds, are a mature outlook on life, enthusiasm, groundedness, a non-judgemental and empathetic attitude towards young people (including their issues, problems and failings) and a commitment for at least 12 months. Mentors commit to weekly visits of one hour to the mentee in prison, undertaking research into training, education and housing opportunities, as required, making links with other relevant agencies and supporting the mentee upon his or her release. This support includes keeping in touch with him or her in the community by phone on a weekly basis, with fortnightly meetings where possible. In addition, the mentor attends training courses, regular supervisions and a quarterly group meeting.

Source: [www.trailblazersmentoring.org.uk/](http://www.trailblazersmentoring.org.uk/).

## 7. Mentoring programmes

Mentoring is one of the most commonly used interventions for young people at risk and child offenders. There are comprehensive aftercare programmes that include life-skill training and service provision, as well as the establishment of mentoring relationships between youth released from an institutional facility and mentors. Mentoring is one important kind of programme used to help steer youth away from risky and delinquent behaviour. Ideally, mentoring juvenile offenders should not only involve the relationship with the mentor, but also several other forms of assistance and support system.

Typically, the mentoring process relies on a partnership or relationship between a non-parent adult and an at-risk youth for the purpose of promoting positive behaviour in the youth through what he or she learns from the mentor or through the relationship itself. Mentoring involves a process whereby the adult teaches by example and shows the youth how to resolve difficult situations and how to navigate life's problems and obstacles, in particular as far as decisions are concerned that could put the youth back into a risky environment. It is generally agreed that the value and success of mentoring programmes depends on the strength of the personal relationship between the mentor and the mentee, including the degree of mutual respect and trust.

Research suggests that mentoring may be of particular value for youths at risk or already involved in delinquency, and the impact of community-based mentoring on

risk factors associated with delinquency is fairly well established.<sup>178</sup> The effectiveness of mentoring, integrated into criminal justice intervention either as a form of diversion or as part of aftercare intervention, is less well known. The impact of community-based mentoring on risk factors associated with delinquency is fairly well established; less is known about the effects of mentoring on delinquency and reoffending.<sup>179</sup>

Ultimately, programme delivery differs in content, consistency and complexity. Thus, defining, maintaining and possessing a clear grasp of those components is necessary to the success of any programme. Additionally, the quality, intensity and duration of the mentoring itself are key factors influencing a mentoring programme's success. Essentially, the effects of mentoring programmes are rooted in the quality of the mentoring delivery process, the context of interactions and the subjective nature of the relationship between participants. Different types and intensities of relationship can yield different results and certain juvenile offenders will benefit more than others under different circumstances.

## 8. Gang desistance

For certain young offenders, membership in a delinquent gang presents a special social reintegration challenge. Young people are often drawn into criminal gangs by the sense of belonging and protection that group membership may promise, which may lead to a situation where young people cannot see any opportunities outside of gang life. Those who are drawn to criminal groups very early, for instance at around 11 or 12 years of age, are much more likely to become repeat offenders as adults.<sup>180</sup> When child offenders return to the community, many of them also become reinvolved with their old gangs and are in need of support to avoid such reinvolved membership. Gang membership has a highly negative effect on the ability of child offenders to successfully reintegrate into the community upon release and increases the likelihood of (early) recidivism.<sup>181</sup> Gang affiliates also tend to reoffend earlier than non-affiliates.<sup>182</sup>

### United Kingdom (Scotland)

#### *Community Initiative to Reduce Violence*

According to the Scottish police, the Community Initiative to Reduce Violence, set up to combat gang culture in Glasgow, has significantly reduced violence in parts of the city. Those who have taken part in the most intensive programmes have cut their offending by 73 per cent. Knife-carrying among participants has dropped by almost 60 per cent, and there has even been a 25 per cent drop in violent offending among gang members in areas of the city where the Initiative does not yet operate.

<sup>178</sup>P. Tolan and others, *Mentoring Interventions to Affect Juvenile Delinquency and Associated Problems*, Campbell Systematic Reviews, No. 16 (Campbell Collaboration, 2008); J. A. Bouffard and K. J. Bergseth, "The impact of reentry services on juvenile offenders' recidivism", *Youth Violence and Juvenile Justice*, vol. 6, No. 3 (2008), pp. 295-318.

<sup>179</sup>Bouffard and Bergseth, "The impact of reentry services on juvenile offenders' recidivism".

<sup>180</sup>R. L. Mullis and others, "Young chronic offenders: a case study of contextual and intervention characteristics", *Youth Violence and Juvenile Justice*, vol. 3, No. 2 (2005), pp. 133-150.

<sup>181</sup>A. Braga, A. M. Piehl and D. Hureau, "Controlling violent offenders released to the community: an evaluation of the Boston Reentry Initiative", *Journal of Research in Crime and Delinquency*, vol. 46, No. 4 (2009), pp. 411-436; J. W. Caudill, "Back on the swagger: institutional release and recidivism timing among gang affiliates", *Youth Violence and Juvenile Justice*, vol. 8, No. 1 (2010), pp. 58-70.

<sup>182</sup>Caudill, "Back on the swagger: institutional release and recidivism timing among gang affiliates".

**United Kingdom (Scotland) (continued)**

At the core of the programme are “call-ins”, where known gang members are invited to attend a session at the Glasgow Sheriff Court. Family members, police and medical personnel describe the human cost of gang culture and the participants are invited to sign a pledge to put down their weapons and work with the programme.

Those who sign up are supported by a variety of agencies who work on their employability and physical and emotional well-being. They are then encouraged to take the message back to other gang members.

Source: K. Scott, “Glasgow gang project leads to cut in violent crime”, *The Guardian*, 4 July 2011. Available from [www.guardian.co.uk/society/2011/jul/04/glasgow-gang-project-cuts-violence](http://www.guardian.co.uk/society/2011/jul/04/glasgow-gang-project-cuts-violence).

Programmes can be developed to help child offenders sever the links with gangs or criminal associates and support specific exit strategies for young offenders trying to leave a gang.<sup>183</sup> The Singapore Prison Service, for example, offers a “gang renunciation” programme, including counselling, removal of tattoos and ceremonial events.

<sup>183</sup>S. Decker, *Strategies to Address Gang Crime: A Guidebook for Local Law Enforcement* (Washington, D.C., United States Department of Justice, Office of Community Oriented Policing Services, 2008).



## VIII. Reintegration programmes for women offenders

Chapter VIII is about gender-sensitive reintegration programmes and, in particular, the need to develop interventions and services that address the specific needs and circumstances of women. The chapter reviews some examples of gender-specific reintegration programmes as well as programmes designed for women with a history of previous victimization. Because female prisoners are more likely than male offenders to have caregiver and parental responsibilities, the chapter also considers interventions for mothers—pregnant women and women with children. Gender-specific programmes assist women in reintegrating more successfully into society.

Compared with the number of male prisoners, the number of women prisoners is relatively small. As a result, most prison systems and programmes tend to be planned, designed and managed for male offenders, leaving the particular needs of women unaddressed. Women in prison are more likely to have a history of sexual and physical abuse. They suffer from mental illness at a higher rate than male prisoners and their history of drug abuse tends to be different from that of male prisoners. Most women, because of the nature of the offences they have committed, can be detained safely under far less strict security levels than men and this has implications for the restrictions that can impede reintegration.

Programmes for women prisoners can be meaningless unless the prison itself is managed in a gender-sensitive way and an understanding of women's specific needs is incorporated into the overall prison regime, including organizational planning, staff training, the treatment of prisoners and prison conditions in general (clothing, sanitary supplies and conditions, cell design, access to medical services and approaches to security and safety measures).

In the community, women face specific social reintegration challenges. Prior victimization, such as childhood or intimate partner abuse, may provide pathways to drug addiction, limited job opportunities, prostitution and criminal involvement.<sup>184</sup> The history of victimization, the unresolved trauma and the socioeconomic disadvantages that characterize much of the population of women prisoners predispose them to mental illness and self-harm.<sup>185</sup> Women in prisons have alarmingly high rates of mental health

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<sup>184</sup>K. S. van Wormer and C. Bartollas, *Women in the Criminal Justice System*, 2nd ed. (Boston, Pearson Education, 2007).

<sup>185</sup>United Nations Office on Drugs and Crime and World Health Organization, *Women's Health in Prison: Correcting Gender Inequity in Prison Health* (Copenhagen, World Health Organization, Regional Office for Europe, 2009).

problems such as post-traumatic stress disorder, depression, anxiety, phobias, neuroses and drug dependence. This is often a considerable obstacle to gaining acceptance in their community. Developing strategies to prevent suicide and self-harm and to provide gender-specific and individualized mental health treatment to female offenders, both while in custody and in the community, must be recognized as a priority.

## A. International standards

The Bangkok Rules are a major milestone in the series of international norms and standards related to the treatment of offenders. They recognize the specific conditions and needs of women prisoners and place those needs at a level of importance that is equal to those of men. Although the international norms and standards mentioned above apply equally to male and female offenders, they do not always take into account the specific needs and circumstances of women, an issue on which the Bangkok Rules provide specific guidance.

As regards the incarceration of women in general, the preamble to General Assembly resolution 65/229, to which the Bangkok Rules are annexed, emphasizes that “a number of female offenders do not pose a risk to society and, as with all offenders, their imprisonment may render their social reintegration more difficult”. Alternatives to incarceration should be developed for women offenders and appropriate resources allocated (see rule 60):

“... in order to combine non-custodial measures with interventions to address the most common problems leading to women’s contact with the criminal justice system. These may include therapeutic courses and counselling for victims of domestic violence and sexual abuse; suitable treatment for those with mental disability; and educational and training programmes to improve employment prospects. Such programmes should take account of the need to provide care for children and women-only services.”

All of the Bangkok Rules are relevant to the reintegration of women offenders into the community. Some of them refer to the treatment of women prisoners. Under the heading “Contact with the outside world”, for example, rules 26-28 aim to facilitate visits by family members, to permit conjugal visits and to provide a suitable environment in which visits can take place. These measures can all be instrumental in creating closer relationships between women offenders and their families, and in allowing mothers to maintain close ties with their children. Such contacts help women feel connected with the outside world and closer to their children and families by reducing feelings of isolation, loneliness and helplessness.

Rule 45 encourages prison authorities “to utilize options such as home leave, open prisons, halfway houses and community-based programmes to the maximum possible extent for women prisoners so as to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage”. The Rules also call for additional psychological, medical, legal and practical support to be provided to women prisoners upon release, as required (rule 47).

Finally, early release programmes should be available to women prisoners and decisions regarding early conditional release (parole) must “favourably take into account

women prisoners' caretaking responsibilities, as well as their specific social reintegration needs" (rule 63).

## B. Gender-sensitive programmes

Research in the area of gender-sensitive reintegration programming, including information on how to address the criminogenic needs and risk factors associated with female criminality, is largely lacking. Accordingly, and in practice, there are relatively few jurisdictions where a full range of programmes are available to women offenders or where such programmes are offered in a gender-sensitive manner.

### Russian Federation

#### *The Aurora Centre, Halfway House*

The Government of the Russian Federation established the Social Rehabilitation Centre for Women and Girls in 2007 for those released from prison and those sentenced to non-custodial measures. The Centre provides legal advice, psychological counselling and training, assistance with finding employment, as well as training in computer literacy.

Much more needs to be done to address gender-related risk, needs and responsivity factors. In addition to the differences in risk and responsivity, female offenders often differ from male offenders in their emotional and family relationships. Relationships are often critically related to women's involvement in crime. Similarly, women offenders and prisoners tend to be more easily motivated to change by their connections to others. Their self-confidence and perception of self-worth are often more directly and immediately influenced by the relationships they maintain. In recent years, some gender-responsive risks and needs assessment tools have been developed.<sup>186</sup>

In terms of programming, it has been found that women tend to respond better to "wrap-around" services that take into account several different facets of re-entry at the same time.<sup>187</sup> Wrap-around models incorporate various interventions to deal with the host of concurrent challenges the offender is facing. Services are linked, coordinated and offered as a package as opposed to a series of disconnected interventions. A clear understanding is required of women's role as caregivers, daughters, mothers and wives or partners, as they cannot be assisted effectively in isolation from their social networks and the relationships within them.

Many women in prison have left their children with their husbands, partners or relatives and are constantly worried about their well-being. Programmes that help women cope with those worries and alleviate their anguish are instrumental in supporting

<sup>186</sup>P. Van Voorhis and others, "Women's risk factors and their contributions to existing risk/needs assessment: the current status of a gender-responsive supplement", *Criminal Justice and Behavior*, vol. 37, No. 3 (2010), pp. 261-288; see also [www.uc.edu/womenoffenders](http://www.uc.edu/womenoffenders) and [www.nicic.gov/womenoffenders](http://www.nicic.gov/womenoffenders).

<sup>187</sup>S. S. Covington, "A woman's journey home: challenges for female offenders and their children", paper presented to the National Policy Conference "From Prison to Home: The Effect of Incarceration and Reentry on Children, Families, and Communities", Washington, D. C., 30-31 January 2002.

their rehabilitation. The facilitation of communication between mothers and their children and families is one simple and practical way to assist.

Women's desistance from crime appears to be further related to what may be broadly described as investments in relational commitments and the acceptance of responsibility for others (e.g. in the context of families). Interventions that offer them practical and emotional support in meeting such responsibilities and commitments are particularly significant to women offenders. Gender-sensitive social reintegration programmes must take into account the realities of their lives, of what is important to them and of the social demands placed upon women.

### 1. Contact with the outside world

Facilitating prisoners' contacts with the outside world is an important component of strategies to reduce the harmful effects of imprisonment and assist with the social reintegration of offenders. Perceived family acceptance was found to be the factor most associated with employment success, drug abstinence and expression of future optimism.<sup>188</sup> Further, strong family ties and support from partners have consistently been identified as key elements of successful reintegration and prisoners who are visited by their families or friends have been found to be less likely to reoffend than those who do not receive visits.<sup>189</sup>

Female prisoners are more likely than male prisoners to have caregiver and parental responsibilities, which is the reason why separation from families and children, and the isolation that comes with imprisonment, have a particularly detrimental effect on women.<sup>190</sup> It is therefore important that women in prison have a facility where they can receive visits from their family members, including an area where they can spend meaningful time with their children.

Making prisoner visits a priority and turning them into opportunities to prepare offenders for their release does not necessarily require a lot of resources, but is often simply a matter of scheduling staff time and prisoner movements, establishing appropriate security measures and putting in place an information management process to keep track of visitors and contact information. Women should always be consulted on whom they want to see and be able to refuse to see certain visitors.

Unfortunately, some prison administrations restrict visits because they may create administrative and security management inconvenience as well as additional work for prison staff. In the case of women prisoners, it is important to keep in mind that, because of the limited number of female prisons, women prisoners are often held in institutions far from their home and are therefore likely to receive fewer visitors. It is considered good practice to allow for longer visiting hours if visitors have to travel a long distance. Visits with children should allow physical contact with the children and take place in a suitable setting. It is also desirable to allow access to telephones and increase the number of telephone calls between prisoners and members of their

<sup>188</sup>S. Spjeldnes and S. Goodkind, "Gender differences and offender reentry: a review of the literature", *Journal of Offender Rehabilitation*, vol. 48, No. 4 (2009), pp. 314-335.

<sup>189</sup>L. Bartels and A. Gaffney, *Good Practice in Women's Prisons: A Literature Review* (Canberra, Australian Institute of Criminology, 2011).

<sup>190</sup>*Handbook for Prison Managers and Policymakers on Women and Imprisonment*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.08.IV.4).

families, in particular when the latter live far away or are unable to visit. Prison authorities can also cooperate with community-based agencies and organizations to help women prisoners maintain contact with their families.

## 2. Interventions for women with a history of victimization

Although sexual and mental victimization of women occurs both inside and outside of prisons, relevant interventions in prisons or in the community are often not available. In wealthier jurisdictions, women may have access to rape crisis counsellors, mental health evaluations followed by medical treatment or counselling, protective custody or safety and self-defence training. In many other countries, however, such interventions are rare and women are often left on their own to deal with their emotional and mental trauma. In such cases, the development and provision of gender-sensitive, trauma-informed mental health-care and substance abuse programmes in both prisons and in the community should be considered a priority issue.

With properly trained counsellors it is possible to hold group or individual counselling sessions within the prison and even following release so as to address how the victim feels and plans to move forward in her life. Very often, the ability to talk about their thoughts and feelings can prepare women with a history of victimization for the future and give them additional strength to get through the trauma.

## 3. Interventions for women with children

Imprisonment creates special challenges for mothers, in particular if they are unable to maintain bonds with their children during that period. Along with other challenges, such as finding employment and accommodation, and poverty, women must reassume their role as mothers following their release. While family support is an important factor for the eventual re-entry into family life for mothers after incarceration, incarceration, even for a short period of time, is associated with shifts in family configuration, increasing the risk of divorce or separation.

Further, separation from children during imprisonment can have very damaging consequences on both women and their children. A mother's incarceration intensifies whatever troubles her child might be experiencing, but leaves her in no position to help. The mothers' position of authority in relation to their children may have been compromised as a result of imprisonment. To facilitate child visitations is obviously an important measure to support family binding and to prepare the family for future reunification. However, further interventions are often needed to strengthen the mothers' support systems. A case management approach can be an effective way to structure a number of interventions to address women's multiple needs in a comprehensive and gender-sensitive way.

Children of incarcerated women are often a neglected and vulnerable group.<sup>191</sup> In many cases, they suffer from a lack of food, no exposure to social interaction and no access to educational and health services. They also suffer from the stigma of being associated with the prison system through their mother. The average age of a child in prison with his or her mother varies from country to country. Many countries

<sup>191</sup> See O. Robertson, *Collateral Convicts: Children of Incarcerated Parents—Recommendations and Good Practice from the UN Committee on the Rights of the Child Day of General Discussion 2011*, Human Rights and Refugees Publications (Geneva, Quaker United Nations Office, 2012).

impose a maximum age after which the child is taken from the prison and accommodated with the family, friends or foster care.

There are a number of pertinent provisions in the Bangkok Rules referring explicitly to women with children and how to address the needs of children staying in prison with their mothers, in particular rules 33 and 48-52. Rule 49, for example, emphasizes that “children in prison with their mothers shall never be treated as prisoners”.

## India

### *Women's correctional homes*

In 2007 the Government of India decided to increase dramatically the number of women's correctional homes being run by the Departments of Women and Child Development and of Social Welfare. Pregnant women and mothers with children are housed in such correctional homes, which among other things oversee the children's education, vaccinations and special nutrition programmes.

In its recommendation 1469 (2000) on mothers and babies in prison, the Parliamentary Assembly of the Council of Europe recommended the following:

- Developing and using community-based penalties for mothers of young children and avoiding the use of prison custody
- Developing education programmes for criminal justice professionals on the issue of mothers and young children
- Developing small-scale secure and semi-secure units with social service support for the small number of mothers who do require such custody, where children can be cared for in a child-friendly environment and where the best interests of the child will be paramount, while guaranteeing public security
- Ensuring that fathers have more flexible visiting rights so that the child may spend a little time with its parents
- Ensuring that staff have appropriate training in child care
- Developing appropriate guidelines for courts whereby they would only consider custodial sentences for pregnant women and nursing mothers when the offence was serious and violent and the woman represented a continuing danger

## Kenya

The Kenyan Prison Service recognizes the importance of offering every mother a kit for her baby containing the following items: assorted baby clothes, two baby blankets, two small bed sheets, one medium-sized towel, a pair of plastic pants, a dozen nappies, a plastic sheet to be placed under the bed sheet to protect the bed from becoming soiled, one bar of soap, a jar of petroleum jelly (for rashes), a feeding bottle, a spoon and a plate. Mothers can keep their babies until the baby is two or three years old and they are permitted to stay together in shared cells with other women. Female prison guards are trained to be sensitive to the needs of incarcerated mothers.

Mothers involved in substance abuse face additional difficulties with respect to their maternal role and their re-entry into their families. However, there is evidence to suggest that women who expect to live with their minor children are more likely to enter a treatment programme. Some prison nursery programmes in the United States allow women in prison to live with and look after their infants for part or all of their sentence, thus enabling physical closeness with their babies in a supportive environment. Research on the Nebraska Correctional Center for Women shows decreased recidivism of women offenders after having participated in a nursery programme.<sup>192</sup>

### C. Release planning and post-release support

Planning and preparation for release are important for all prisoners. However, as far as women are concerned, the respective challenges may be very different. The social stigma attached to imprisonment may be worse for women and their families may not accept them back because of the shame brought on them and the community. When women are imprisoned for adultery or other “crimes against morality”, they often face outright rejection and even physical abuse following release. Further, women tend to have access to fewer resources than male offenders, since in many cases they are financially dependent on their husbands and families. In some countries, their right to property may be either non-existent or poorly protected. The economic dependency of women offenders creates an added vulnerability at the time of their return to the community.

Release planning and preparation should start early so as to allow for plans to be completed and confirmed with family members or community organizations. If the prisoner is fearful for her own safety, such plans need to be kept confidential and steps should be taken to ensure that information on the offender’s release plans is not passed on to anyone who might pose a threat.

There are five broad areas of need for women returning to the community after a period of imprisonment, taking into account their family situation, parental status and caring responsibilities: childcare and parenting skill development; health care, counselling and substance abuse treatment programmes; housing and transportation assistance; education, employment and job training services; and social support.<sup>193</sup> Accordingly, post-release support must address several challenges at once, including the women’s need for protection and emotional and psychological support. Most important are the offenders’ contacts with supervisors or service providers who are able and prepared to listen to, encourage and support them.<sup>194</sup>

<sup>192</sup>L. S. Goshin and M. W. Byrne, “Converging streams of opportunity for prison nursery programs in the United States”, *Journal of Offender Rehabilitation*, vol. 48, No. 4 (2009), pp. 271-295.

<sup>193</sup>J. R. Scroggins and S. Malley, “Reentry and the (unmet) needs of women”, *Journal of Offender Rehabilitation*, vol. 49, No. 2 (2010), pp. 146-163.

<sup>194</sup>J. E. Cobbina, “Reintegration success and failure: factors impacting reintegration among incarcerated and formerly incarcerated women”, *Journal of Offender Rehabilitation*, vol. 49, No. 3 (2010), pp. 210-232.

## Canada

### *Transitional residences for women*

The Elizabeth Fry Society of Canada operates numerous transitional residences across the country for women. It also helps women in obtaining long-term affordable housing. Residents work in a supportive and structured environment towards their own goals and reintegration into the community. The programme provides individual and group counselling, life skills, practical assistance and resources.

Some women may be in need of assistance in locating their families or children, and in re-establishing contact. Programmes such as childcare services and parenting assistance are helpful for women offenders in facilitating their transition from prison, where everyday life is organized and planned for them, to the outside world, where they have to organize themselves. Learning or relearning how to plan and structure one's life takes time and help. If a woman feels she has the ability to take care of her children, she will likely feel more confident about returning to society. If she cannot take care of them, it is also likely that her children may not be returned to her. At the same time, if she wants to find employment, she will need to have access to some sort of childcare.

## Afghanistan

### *Transition houses*

In Kabul and Mazar-e-Sharif, UNODC, in partnership with the Government of Afghanistan and the NGO Women for Afghan Women, supports two post-release transition houses for women leaving prisons. The transition houses offer women instruction in reading, writing and arithmetic, life skill classes, vocational training, basic health care, family counselling and mediation. The centres also facilitate family reunions as needed. The programme offers women a minimum of six months of follow-up assistance in order to facilitate their reintegration into the community.

In low-income countries, childcare services may not be available, but family support networks are sometimes able to take care of the children while their mother goes to work. Social support in low-income countries is crucial to re-entry success because of the stigma and damage to the reputation of the incarcerated woman. Community leaders may assume an important role in conflict resolution, mediation and reconciling differences, as well as in encouraging community members to accept the woman back into the community. Further, and in order to prevent recidivism among poor people, including women offenders, it is important to increase access to low-cost housing, food and work, including through charities.

Many women offenders will further require special assistance in finding suitable accommodation and employment after their release. The use of options such as halfway houses and transition homes can ease their transition from prison to community and provide them with an opportunity to re-establish contacts with their families at the earliest possible stage.



## Yemen

### *Social Care House for women*

In Yemen, the Ministry of Human Rights, with the financial support of the Government of Germany, has established the Social Care House for women in Aden to facilitate the reintegration of women who have been released from prison. The project partners include the Arab Foundation for Supporting Women and Juveniles and al-Mansura Prison. The Aden Social Care House helps women who are in prison, as well as those who have been released, to earn their own income rather than being dependent on their families. Upon release, many women cannot return to their families because they have committed “moral crimes” and would risk facing violence and abuse if they did. The Social Care House also accommodates women victims of violence and offers educational opportunities, vocational training and literacy classes. Women have access to social workers, doctors, psychologists and volunteers who provide the support that they need. Female lawyers also offer legal aid to the women and help them navigate the legal system. All residents have learned how to read and write, and have acquired handicraft skills. One graduate of such a skill course went on to study at the Institute of Fine Arts in Aden, while other women have found jobs and become financially independent.

The majority of women prisoners have limited schooling and few if any marketable skills. Following release, however, they often end up being the sole source of income for themselves and their children. They should therefore be provided with vocational training and labour market re-entry assistance. Despite the fact that education and vocational programmes have been and continue to be the mainstay of prison-based rehabilitation programmes, the training that women receive in prison is often limited by stereotypes about appropriate roles and occupations for women.

Mentoring programmes are an increasingly popular form of intervention for women offenders and are probably most useful for women offenders who have a shorter, less serious criminal history and do not face very difficult problems (mental illness, substance abuse or alcohol dependency).<sup>195</sup> Of far greater importance in supporting women’s social reintegration, however, is the availability of community-based transition facilities that will ease the process of social reintegration. Several models exist for developing and managing such transition homes.

<sup>195</sup>See M. Brown and S. Ross, “Mentoring, social capital and desistance: a study of women released from prison”, *Australian and New Zealand Journal of Criminology*, vol. 43, No. 1 (2010), pp. 31-50.



## IX. Reintegration programmes for specific groups of offenders

Previous chapters have emphasized the importance of designing reintegration programmes that take into account the special needs and particular circumstances of various types of offender. Chapter IX focuses on interventions designed to take into account the challenges and needs faced by some specific offender groups. More specifically, these include mentally ill offenders; drug-dependent offenders; elderly offenders; foreign offenders; offenders affiliated with gangs and criminal groups; sexual offenders; dangerous and violent offenders; offenders in need of special protection; offenders with disabilities; and offenders living with HIV/AIDS or otherwise requiring special medical care. It is acknowledged that this list is not exhaustive and that there are further offender groups who require special precautions at the time of their release or while preparing for their release from prison.

For further and more detailed guidance on the above-mentioned offender groups please refer to the UNODC *Handbook on Prisoners with Special Needs*.<sup>196</sup>

Within the general prison population, some specific offender groups face unique social reintegration challenges to which reintegration programming has to be adapted.

In the case of violent or sexual offenders, their criminal record can become an almost insurmountable obstacle to their social reintegration, including employment and accommodation. Sexual offenders may further have to face the specific difficulties created by the fact that they may have been registered as such in a publicly available registry. Foreign prisoners may be less preoccupied with their own criminal record than with citizenship or repatriation issues. Offenders with learning disabilities may experience additional difficulties in accessing existing programmes and post-release assistance.

Prisoners who have served particularly long prison sentences or who are being conditionally released while serving a life sentence face very different challenges than do those who are released after a short period of incarceration. They are often much older prisoners who have to face challenges associated with ageing and a severely diminished ability to lead independent and self-supporting lives. Through a process of institutionalization, they may have come to accept and integrate the culture, values

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<sup>196</sup>*Handbook on Prisoners with Special Needs*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.09.IV.4).

and social life of prison society and may have lost contact with family and community. Elderly prisoners and offenders who have been in prison for a long time need practical assistance upon release to help them cope with life outside of prison and to relearn various basic life skills.

Meeting the needs of specific offender groups presents some difficult challenges for authorities, in particular in low-income countries where community resources are scarce and where the costs of offering many of the specialized programmes that are described in this chapter may be prohibitive. Moreover, it is obviously difficult to offer additional services to offenders and ex-prisoners when these services are not generally available to members of the community. Nevertheless, some of the simpler forms of intervention described here should be considered.<sup>197</sup>

## A. Mentally ill offenders

### Core components of intervention

The core components of interventions designed to assist mentally ill offenders to successfully re-enter the community include:

- Stabilizing the offender's illness as a matter of priority
- Enhancing their independent functioning
- Maintaining their internal and external controls so as to minimize the likelihood that they will act violently and commit new offences
- Establishing a liaison between treatment staff and the justice system
- Providing structure in the offender's daily life
- Using authority comfortably
- Managing the offender's violence and impulses
- Integrating treatment and case management
- Obtaining therapeutic living arrangements
- Working with the offender's family to determine if they are a reliable source of social support

Prisoners affected by mental disorders encounter some unique problems upon their release into the community. They may experience extreme social isolation and often encounter particular difficulties in finding suitable accommodation and securing employment. Most of them require further medical and therapeutic services as well as practical assistance (e.g. in money management). Many of them come from poor backgrounds and will have been homeless and unemployed at the time of arrest. These factors, in combination with non-compliance with treatment orders, may make them a risk not only to themselves but also to others.<sup>198</sup>

<sup>197</sup> *Handbook on Prisoners with Special Needs*, pp. 130-131.

<sup>198</sup> S. W. Hartwell and K. Orr, "The Massachusetts forensic transition program for mentally ill offenders re-entering the community", *Psychiatric Services*, vol. 50, No. 9 (1999), pp. 1220-1222; see also Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 18.

In principle, and as recognized in principle 7, paragraph 1, of the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, persons with mental disabilities should have the right to be treated and cared for, as far as possible, in the community in which they live. Given the particularly harmful effect of imprisonment on persons with mental disabilities, they should be diverted from the criminal justice system as much as possible. Rule 82, paragraph (1), of the Standard Minimum Rules for the Treatment of Prisoners also provides that persons with severe mental disabilities should not be held in prison. Diversion programmes and referral mechanisms should be in place to ensure that such offenders receive adequate treatment in specialized mental health facilities or in the community. However, in many low-income countries, such facilities or community-based resources are simply not available or accessible to offenders and, by default, mentally ill offenders end up in prison without proper care or attention.

A competent diagnosis of mental illness requires that a careful assessment be conducted by a qualified mental health professional. Unfortunately, the services of mental health professionals are not always available. Ideally, psychiatric assessments should be available within the prison system in order for the required treatment and interventions to be identified and secured. In the absence of qualified mental health professionals, and at the very least, it is imperative to train regular prison personnel to identify symptoms of psychological or emotional distress and to recognize the signs and symptoms of mental illness.

Mentally ill prisoners are often abused and victimized by other prisoners, and sometimes also by prison staff. They are often punished for behaviour that they are not able to control. They should therefore be kept separate from the general inmate population and be supervised by specially trained and qualified staff.

Upon release, the challenges faced by mentally ill prisoners require the development of a community-based treatment model of continuing care that addresses the risks, needs and vulnerabilities of this group. This includes multidisciplinary case management for psychiatric treatment and social services (e.g. housing, food, help with disability benefits and vocational training). Further, it is of particular importance to ensure continued medication during the re-entry process, as required. The consequence of a failure to successfully reintegrate into society or to complete a period of community supervision can be especially serious for mentally ill offenders, as reoffending or a failure to comply with the conditions of their sentence may lead to the interruption of their treatment and the reoccurrence of problematic symptoms.

Mentally ill offenders are often at risk of presenting a co-occurring substance abuse disorder. Evaluations of enhanced treatment programmes for mentally ill offenders with a substance abuse problem have shown that: (a) mental health treatment often lessens mentally ill offenders' dependence on illicit drugs and provides the skills necessary to build a life free from drug dependence; (b) harm reduction, a public health policy of reducing harm in drug use but still holding drug abstinence as a long-term goal, has been found to be more realistic and effective for drug-dependent people than a strict abstinence model; and (c) when strict abstinence is required, offenders under increased supervision tend to violate the conditions attached to their release more often than those in less intensive treatment programmes.<sup>199</sup>

<sup>199</sup>Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, pp. 18-20.

## B. Drug-dependent offenders

The high prevalence of drug-dependent offenders in the prison system requires the development of evidence-based drug dependence treatment and rehabilitation programmes as alternatives to incarceration, during incarceration and after incarceration. Completion of programmes and continuity of treatment from prison to community and vice versa are critical to the impact of programmes on the individual's addiction and mental well-being. A delay or break in the treatment programme may also negatively affect the motivation of the individuals to change their lifestyle, their mental attitude to drugs or their incentive to complete a programme when given the opportunity to access treatment again. More broadly, interruption of their access to drug treatment upon release from prison can have a very negative impact on offenders' social reintegration prospects.

In many countries, evidence-based drug dependence treatment in prisons is available only to sentenced prisoners. Individuals held on remand cannot always access treatment, even though they may have been receiving such treatment prior to arrest and detention.

Offenders with drug-related problems often have multiple treatment needs across a range of personal, health, social and economic areas. Drug dependency problems can be treated effectively if people can access treatment and rehabilitation services that are appropriate to their needs and of sufficient quality, intensity and duration, given that no one single treatment approach is effective for everyone. Drug-dependent offenders should be able to access or be referred to the treatment that best meets their needs, including harm reduction, and takes into account specific needs related to gender, age, health and risk behaviours.

Effective planning for treatment should involve a partnership between governmental and non-governmental agencies and providers, service users and the community. Treatment and rehabilitation services can play a key role in reducing the social stigma and discrimination against drug abusers, and in supporting their reintegration into society as healthy and productive members of the community.<sup>200</sup>

## C. Elderly offenders

### United Kingdom

In the United Kingdom, the NGO RECOOP promotes the care, resettlement and rehabilitation of offenders and ex-offenders, in particular those over the age of 50. It provides support services in the fields of advocacy, financial advice, mentoring on issues such as employment and training, and guidance on housing and health in order to enable ex-prisoners to take control of their lives, avoid social exclusion and remain free from offending.

Source: [www.recoop.org.uk/pages/home/](http://www.recoop.org.uk/pages/home/).

<sup>200</sup>For further UNODC guidance on applying a public health approach to the issues of drug dependence, see "From coercion to cohesion: treating drug dependence through health care, not punishment" ([www.unodc.org/docs/treatment/Coercion\\_Ebook.pdf](http://www.unodc.org/docs/treatment/Coercion_Ebook.pdf)).

As the general population ages, so does the prison population. In the same way that the ageing population causes additional costs to the health and social welfare system of a country, so does the ageing population in prisons. Further, and given the trend towards tougher sentencing laws in many jurisdictions, an increasing proportion of prisoners are now serving very long sentences, including natural life. As a consequence the age profile of prisoners in many countries is rising.

The stress of prison has more impact on the health of elderly prisoners than on that of the general prison population. Research suggests that the ageing process in prisons is even faster than outside prisons owing to the conditions inside. Because of their age, many older prisoners experience heightened psychological shock upon being incarcerated and feel less able to cope with their new surroundings than younger prisoners.<sup>201</sup> They tend to feel vulnerable and may be at risk of abuse by other prisoners. Older women prisoners, in particular, feel threatened by younger inmates and often become a target of bullying.<sup>202</sup>

#### United Kingdom

The Department of Health and Nacro, a crime reduction charity, have jointly developed a resource pack for working with older prisoners, which describes all aspects of ageing and health, as well as good practice ideas for activities, health care and resettlement. Nacro offers free access to an online database, the Resettlement Service Finder, with information on housing, employment and other services to help prisoners reintegrate successfully.

*Source: United Kingdom Department of Health and Nacro, A Resource Pack for Working with Older Prisoners (London, Nacro, 2009).*

Special attention should therefore be given to the needs of elderly prisoners and, where possible, separate units should be available for them. Elderly offenders should not be forced to do any hard labour or heavy work, but should have the opportunity to stay engaged in work or other meaningful activity.

#### Canada

##### *Transitional housing for elderly offenders*

The Correctional Service of Canada has initiated a community residential alternatives scheme to help with transitional housing for elderly offenders without resources in the community. Individual successes include the transition to independent living in the community, securing employment, obtaining health insurance, social insurance and other identity cards needed to live in the community, opening a bank account and using public transportation.

The Correctional Service of Canada has also set up an intensive management programme to offer services to certain categories of offender, including the elderly, who are on conditional release. Services relating to substance abuse, mental health and low functioning abilities are offered to offenders in their homes.

*Source: [www.csc-scc.gc.ca/text/pa/ev-res-alt/ev-res-alt-eng.pdf](http://www.csc-scc.gc.ca/text/pa/ev-res-alt/ev-res-alt-eng.pdf).*

<sup>201</sup>M. Davies, "The reintegration of elderly prisoners: an exploration of services provided in England and Wales", *Internet Journal of Criminology*, 2011. Available from [www.internetjournalofcriminology.com/Davies\\_The\\_Reintegration\\_of\\_Elderly\\_Prisoners.pdf](http://www.internetjournalofcriminology.com/Davies_The_Reintegration_of_Elderly_Prisoners.pdf).

<sup>202</sup>R. H. Aday and J. J. Krabill, *Women Aging in Prison: A Neglected Population in the Correctional System* (Boulder, Colorado, Lynne Rienner Publishers, 2011).

It is also important to take into account that, in many instances, the only support older prisoners can expect to receive after their release from prison, in particular after serving a long sentence, is that available from welfare agencies or NGOs. In many communities, however, facilities or nursing homes for older persons are scarce and very difficult to access by former prisoners. Given their multiple needs and vulnerability, the lack of suitable accommodation for older ex-prisoners upon release is very problematic.

Finally, and as a result of the rising age profile in many prison systems, elderly or terminally ill prisoners may require end-of-life medical, nursing and hospice care. Several prisons in the United States have prison hospice programmes, which involve inmates caring for inmates who are at the end of their lives. Both the National Institute of Corrections and the National Prison Hospice Association offer guidelines on how to establish related training programmes for inmates.

As a principle, terminally ill prisoners should be considered for release on compassionate grounds.

#### **United States**

##### *Hospice programme*

In the Louisiana State Penitentiary at Angola prisoners assist in running a hospice programme, which includes shaving inmates in palliative care, giving them baths or volunteering to clean their cells. Many of the programme participants are serving life sentences and look upon their volunteer work as helping others and they hope that someone will do the same when it comes to their time to face the end of their life in prison. Although such hospice programmes are not serving to reintegrate older inmates back into society, they may nevertheless have a rehabilitative value for those who work in them.

## **D. Foreign nationals**

Foreign-national prisoners are offenders who do not carry the passport of the country in which they are imprisoned. The population of foreign nationals held in custody has increased considerably in many countries. The percentage of foreigners in the prison population varies from country to country and numbers tend to be larger in countries that have a large transient or migrant worker population. Foreign-national prisoners have difficulties maintaining contact with their families and communities, and typically lack the contacts and support that are vital to reducing the harmful effect of imprisonment.

#### **Bulgaria**

##### *Foreign Prisoners Project*

The Bulgarian Charities Aid Foundation has launched a Foreign Prisoners Project to try to help families and friends of foreign prisoners incarcerated in Bulgaria. The Adopt a Prisoner programme involves a team of volunteers who visit the prisoner and act as a temporary foster family, especially when the prisoner's own family members are unable to travel to Bulgaria to visit. The Family Hospitality programme involves another team of volunteers who look after the needs of visiting family members.

*Source:* [www.prisonproject.bulgarianaid.org/Prison\\_Project/Welcome.html](http://www.prisonproject.bulgarianaid.org/Prison_Project/Welcome.html).



Foreign offenders face several disadvantages, the most prominent being the language barrier, which hinders their understanding of the law, the legal process, prison regulations and rules, and their rights. This may lead to unintended breaches of prison rules, resulting in disciplinary punishments. Education, vocational training and other programmes are less accessible to foreigners who cannot read or write in the language of the country in which they are imprisoned. In addition, many foreign prisoners do not have the proper immigration status or legal permit to remain in the country and often face prolonged detention pending a decision on deportation to their country of origin. Foreign prisoners may also experience discrimination on the basis of their culture or religion. Since they tend to be cut off from their families and communities, foreign prisoners also face a significant degree of isolation.

Eliminating Language Barriers in European Prisons through Open and Distance Education Technology is a project that has been funded by the European Commission. The main objective of the project is to solve communication problems between European prison officers and foreign prisoners. Thus far, participating countries include Belgium, Germany and Greece. Not only do the prison officers learn an additional language and receive accreditation for their achievements, but communication with foreign prisoners has improved, thereby having a positive impact on the well-being of foreign prisoners.

Foreign-national prisoners are often ill-prepared for release and are often not eligible for health, welfare and other community-based services. Further, they are often not eligible or unable to qualify for early-release programmes and typically have nowhere to return to in the community. If they are to be deported upon having served their sentence, they typically do not receive much assistance in preparing for return to their own country. When assistance is available, there are sometimes long delays in finalizing their deportation and offenders struggle to function in the country while waiting to depart for their home country. Very few countries have halfway houses for those awaiting deportation. Once they return home, there is usually little in the way of services to help their social reintegration after a long absence. Where foreign prisoners are being transferred, many of these problems could be alleviated by better communication and cooperation between prison authorities of the country of imprisonment and the home country, but such collaboration rarely exists.

Foreign prisoners must be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong. However, many foreign prisoners are not aware of this right, nor may consular services always be available or readily extended to all foreign prisoners.

Early repatriation of foreign prisoners (either through prisoner transfer programmes, conditional release programmes or other mechanisms) is often important to the future social reintegration of the offender. Transferring such persons to serve their sentences in their country of origin can contribute to dealing with them fairly and effectively. Almost all instruments that regulate international prison transfers specify social rehabilitation as one of the grounds for supporting such transfers. The transfer of foreign sentenced persons to serve their sentences in their home countries is an alternative way of implementing a sentence. All other things being equal, sentenced persons who serve their sentences in their home countries can be better rehabilitated and reintegrated into the community. This is a positive reason for transferring sentenced

persons to a State with which they have social links to serve their sentences. Imprisonment in a foreign country, away from family and friends, may also be counter-productive as families may provide prisoners with the social capital and support that improve the likelihood of successful resettlement and reintegration.<sup>203</sup>

The Bangkok Rules recommend that “where relevant bilateral or multilateral agreements are in place, the transfer of non-resident foreign-national women prisoners to their home country, especially if they have children in their home country, shall be considered as early as possible during their imprisonment, following the application or informed consent of the woman concerned” (rule 53, paragraph 1). Foreign prisoners with children or a spouse in the country face additional issues. Women prisoners who are accompanied by a child often have few options for dealing with their children. Rule 53, paragraph 2, recommends that “where a child living with a non-resident foreign-national woman prisoner is to be removed from prison, consideration should be given to relocating the child to its home country, taking into account the best interests of the child and in consultation with the mother”.

## E. Members of ethnic or racial minorities and indigenous peoples

Imprisonment can add to the exclusion and isolation of members of minority groups who may already face discrimination based on their racial and ethnic background. Ethnic or racial minorities are often overrepresented in the prison system as a result of legislation and law enforcement strategies that have a particular impact on those groups. Where racial or ethnic discrimination is such that ethnic minorities are overrepresented in prisons, further discrimination at the time of their release from prison can be expected.

### Australia

#### *Aboriginal programmes*

The Aboriginal Family Visits Programme, which is implemented under the auspices of the Victorian Association for the Care and Resettlement of Offenders, recognizes the importance of Koori prisoners’ maintaining their family relationships and links with their community. More specifically, the programme provides travel and accommodation assistance to the families of Koori prisoners to facilitate visits to their family member in custody.

In Queensland, custodial centres coordinate programmes for elders, respected persons and spiritual healers to work with indigenous people. A number of centres work closely with indigenous organizations, including community justice groups, to provide support and assistance to indigenous prisoners. Links with indigenous communities have also been forged through visits by senior officers from a number of correctional centres to community justice groups operating in communities in the lower Gulf and Cape York.

Source: M. Willis and J.-P. Moore, *Reintegration of Indigenous Prisoners*. Research and Public Policy Series No. 90 (Canberra, Australian Institute of Criminology, 2008). Available from [www.aic.gov.au/documents/4/1/E/%7B41EFB68A-8B0A-43F8-A747-E71315F88751%7Dpp90.pdf](http://www.aic.gov.au/documents/4/1/E/%7B41EFB68A-8B0A-43F8-A747-E71315F88751%7Dpp90.pdf).

<sup>203</sup>United Nations Office on Drugs and Crime, *Handbook on the International Transfer of Sentenced Persons* (Vienna, 2012).

Members of minority groups are likely to have multiple needs because of their socio-economic marginalization and the effects of discrimination. Their participation in prison programmes is often limited owing to language barriers and the limited cultural relevance of existing programmes. At the same time, they typically need a greater amount of assistance upon release as a result of their disadvantaged socioeconomic status. The mainstream post-release support, where it exists, rarely takes into account the special cultural needs and the particular circumstances of members of ethnic or racial minorities and indigenous peoples. Ethnic or racial discrimination is a serious obstacle to the social reintegration of prisoners and may lead to a cycle of (re)incarceration that perpetuates their marginalization.

Addressing the issue of racial discrimination is a collective responsibility, but there are initiatives that can be taken within the prison system to reduce racial discrimination and to assist individuals in overcoming their fears and feelings of alienation. One of the ways prison systems can address racial discrimination is to employ people from different backgrounds. Prison staff of all ethnic backgrounds should be trained in cultural sensitivity and understanding. These professionals must be aware that differing cultural responses to offenders and offending behaviour can affect the offenders' reintegration process and their willingness and capacity to engage with services. Further, prison managers should review any inequalities or barriers facing minorities when accessing services within the prison. Finally, prison counsellors and other community volunteers can also play an important role in helping prisoners develop resilience as well as the self-confidence and ability to face discrimination.

The Bangkok Rules confirm that women prisoners from different religious and cultural backgrounds have distinctive needs and may face multiple forms of discrimination in their access to gender- and culture-relevant programmes and services. Accordingly, prison authorities are called upon to provide comprehensive programmes and services to address those needs, in consultation with the women prisoners themselves and relevant groups (rule 54). The Bangkok Rules further recommend that pre- and post-release services be reviewed to ensure that they are appropriate and accessible to indigenous women prisoners and to women prisoners from ethnic and racial groups, in consultation with the relevant groups (rule 55). There are many examples of correctional services, local communities and community agencies working together to put the principles and goals of reintegration into practice.

To ensure the relevance and accessibility of reintegration support services for members of visible minorities, the following three general principles offer some guidance:

- Services must redress the existing racial inequalities in criminal justice practices that affect the provision of services to members of visible minorities and that have a negative impact on their reintegration prospects.
- Services must recognize and address the impact of perceptions of discrimination and stereotyping within the criminal justice system and wider society, including on offenders' willingness and motivation to engage with existing services.
- Services must display understanding of, and sensitivity towards, cultural differences in expectations and experiences of resettlement.<sup>204</sup>

<sup>204</sup> Adapted from J. Jacobson, C. Phillips and K. Edgar, *"Double Trouble?": Black, Asian and Minority Ethnic Offenders' Experiences of Resettlement* (London, Clinks and Prison Reform Trust, 2010), p. 4.

## F. Members of gangs and criminal groups

Institutional programming and appropriate re-entry supervision and support are a priority for members of criminal groups, as individuals who are immersed in negative social groups are more likely to identify with the roles in the group and less likely to modify their identity and behaviour after imprisonment. Gang members and others with greater opportunities for negative peer interactions are more likely to reoffend upon release than non-gang members.

This being said, desistance from crime is more difficult to achieve for offenders with strong ties to other criminals or gangs. Gangs and criminal groups provide a strong sense of belonging to their members and thus can exercise a strong attraction on recently released prisoners. For a member of such a group, it is often difficult to extricate him- or herself from the group without facing threats to personal safety or further social alienation. Peer group pressure and the threat of violence and retribution are serious obstacles to gang members renouncing gang membership.

Naturally, ex-prisoners feel at home and comfortable among former gang colleagues. Belonging to a gang often means that members protect each other and look out for each other's families. The only alternative for such former gang members thus often consists of starting a new life in a completely new environment, away from familiar networks of friends or contacts. Programmes and interventions to help break the offenders' social ties to gangs are necessary, including interventions to help offenders develop pro-social support networks.

Most gang members have low levels of education and work skills. They have typically grown up in marginalized communities where job opportunities are scarce. Most standard pre-release programmes appear quite ineffective when applied to gang members. Tailor-made programmes are needed for members of criminal groups to address the specific risks associated with their situation.

## G. Violent offenders

Violent offenders constitute a relatively small percentage of the offender population. However, it tends to be more problematic to engage them in treatment than other offenders and their social reintegration presents a difficult challenge. Repeat violent offenders, in particular, tend to have poor coping or problem-solving skills, which undermines their social interactions and social integration.

Several cognitive-behavioural programmes have been developed for violent offenders that can be delivered in prisons or in the community (while offenders are on probation or conditional release).<sup>205</sup> Unfortunately, there are very few studies on the effectiveness of treatment for violent offenders. The existing studies show that treatment intensity is a factor in the relative success of such programmes. Interventions that address cognitive skills and anger (emotional) control and are focused on relapse prevention have more effect on reducing recidivism for violent offenders.

<sup>205</sup>See D. Joliffe and D. P. Farrington, "A systematic review of the national and international evidence on the effectiveness of interventions with violent offenders", Ministry of Justice Research Series 16/07 (United Kingdom, Ministry of Justice, 2007).

The treatment of dangerous high-risk offenders is ultimately aimed at preventing repetition of their inappropriate, dangerous or criminal behaviour. This is frequently referred to as the “relapse prevention” approach. Relapse can be understood in terms of the lack of lasting effect of the treatment followed. In fact, recidivism may be considered the result of a failure to maintain treatment effects. This raises the question of how the effect of treatment can be reinforced after a prisoner’s release and during the aftercare period. Three preconditions to success have been identified:<sup>206</sup>

“(a) Self-efficacy, the confidence in one’s ability to cope with a situation in which the risk of relapsing is relatively high;

“(b) Coping skills, the possession of the requisite skills to cope with various risk situations; and,

“(c) Motivation, the desire or the incentive not to relapse.

“Through cognitive (providing insight into the how and why of their behaviour) and behavioural (providing actual experience of mastery and success) means, a relapse prevention approach teaches offenders new ways of coping that may allow them to break the cycle before they relapse completely.”

## H. Sexual offenders

The transition from prison back to the community can be especially difficult for sex offenders. They usually encounter a number of difficult challenges related to the stigma and fears associated with sex offending and the many complications they face in securing housing, employment and other forms of assistance. In jurisdictions where community notification of their release and registration are required, the obstacles to successful re-entry can be considerable. Early and specialized re-entry planning is therefore required, including special arrangements concerning assistance and supervision after release.

### **Need for a comprehensive approach to the management of sex offenders**

“Responding effectively to the complex dynamics of sex offending behavior requires a specialized and thoughtful approach to sex offender management. Collaboration among the entities charged with sex offender management, specialization among the disciplines who treat and monitor sex offenders, and a shared goal of promoting public safety by reducing the risk offenders pose to the community are all integral components of successful sex offender management efforts.”

*Source:* M. L. Thigpen and others, *Parole Essentials: Practical Guides for Parole Leaders. No.4—Special Challenges Facing Parole* (Washington, D.C., United States Department of Justice, National Institute of Corrections, 2011), p. 2.

Individuals who commit sex offences vary in many ways, including their background, demographics, types of offence and crime patterns, motivation and risk of reoffending. They may have committed sexual offences against adults or children, against male or female victims, or several or all of those groups.

<sup>206</sup>V. L. Quinsey and others, *Violent Offenders: Appraising and Managing Risk*, 2nd ed. (Washington, D.C., American Psychological Association, 2006), p. 251.

The following principles have been proposed for the management of sex offenders:

- Interventions should be based on the assessment and reassessment of offender risk.
- The factors that are targeted for intervention should be those specifically related to criminal behaviour.
- There should be appropriate monitoring of activities in the community.
- There should be effective sharing of information among collaterals and treatment and supervisory staff.

In that approach, the most “dangerous” and high-risk sex offenders should have the most strict and longest period of supervision. Research has demonstrated that the two most important factors associated with sexual recidivism are sexual deviancy (dynamic factors) and lifestyle instability and/or criminality (static, historical factors).<sup>207</sup> Additionally, criminal lifestyle characteristics have also been found to be strongly related to violence and general recidivism among sexual offenders, general offenders and offenders with mental disorders.<sup>208</sup> Specialized supervision<sup>209</sup> (sometimes by specialized supervisory units, with smaller caseload size and special training, working in close collaboration with law enforcement and other agencies) and specific terms and conditions of release under supervision are often required as part of an individualized supervision plan for each offender.

Community rejection is the background against which sexual offenders return to the community. Some communities are known to take very proactive steps to ensure that sexual offenders do not return to them. Reintegration interventions for sex offenders (e.g. “circles of support and accountability”) are not widespread. Community education and awareness are therefore crucial to the success of any social reintegration programmes designed for this group of offenders.<sup>210</sup>

## Canada

### *Maintenance programme*

The Correctional Service of Canada operates a “high-risk offender programme” and a “maintenance programme” for managing sex offenders on release into the community. The former is cognitive-behaviour-oriented and offers individual and group counselling, in addition to using group therapy structured around addressing the four “Fs” related to sex offending (feelings, fantasy, future and follow-through). The programme is multidisciplinary, with monthly case conference meetings that are organized with the participation of supervising parole staff, the treatment staff at the psychiatric hospital and the programme director from the maintenance programme. The goal of this monthly case conference is to address any concerns regarding supervision, such as employment, no-contact orders, family relationships and the offender’s attitude towards supervision.

<sup>207</sup>R. K. Hanson and K. Morton-Bourgon, *Predictors of Sexual Recidivism: An Updated Meta-Analysis* (Ottawa, Public Safety Canada, 2004).

<sup>208</sup>P. Gendreau, T. Little and C. Goggin, “A meta-analysis of the predictors of adult offender recidivism: what works!”, *Criminology*, vol. 34, No. 4 (1996), pp. 575-608; see also Griffiths, Dandurand and Murdoch, *The Social Reintegration of Offenders and Crime Prevention*, p. 26.

<sup>209</sup>Center for Sex Offender Management, *Twenty Strategies for Advancing Sex Offender Management in Your Jurisdiction* (Silver Spring, Maryland, Center for Effective Public Policy, 2009).

<sup>210</sup>A.-M. McAlinden, “Managing risk: from regulation to the reintegration of sexual offenders”, *Criminology and Criminal Justice*, vol. 6, No. 2 (2006), pp. 197-218; see also M. G. Petrunik, “Managing unacceptable risk: sex offenders, community response, and social policy in the United States and Canada”, *International Journal of Offender Therapy and Comparative Criminology*, vol. 46, No. 4 (2002), pp. 483-511.

**Canada (continued)**

The maintenance programme is offered to sex offenders who have admitted committing their offences and who need weekly, lower-intensity relapse prevention intervention than those individuals in the high-risk offender programme. Offenders receive individual or group therapy focused on maintaining institutional treatment gains. Intensive monitoring and surveillance alone may not have produced demonstrable crime reduction effects, but there is some evidence that supervision accompanied with assistance and treatment in the community may decrease the risk of recidivism.

Source: C. T. Griffiths, Y. Dandurand and D. Murdoch, *The Social Reintegration of Offenders and Crime Prevention* (Ottawa, Public Safety Canada, National Crime Prevention Centre, 2007).

Family members of convicted sex offenders experience many challenges in reuniting with their loved ones after a period of incarceration. They arguably suffer the effects of imprisonment, release and re-entry more acutely than the families of other offenders. Family ties can be irreparably broken by the nature of the sex offence committed by a family member, especially where there are victims in the family itself. Those families who choose to reunite with convicted sex offenders bear an enormous burden, including emotional and psychological issues, social rejection, isolation, invasion of privacy and economic hardship. Yet sex offenders often have no one else to turn to than their family members. Families, if properly supported, can provide encouragement and emotional support and encourage the offender to comply with supervision conditions, attend treatment sessions and avoid problematic behaviour, and thus may form an essential part of the offender's relapse prevention strategy.<sup>211</sup>

## I. Prisoners with physical disabilities

It is important for prisons to be designed and built in a way that does not hinder or prevent prisoners with temporary or permanent physical disabilities from accessing facilities and services that will help with their rehabilitation. Some countries have building codes that address the needs of disabled people. Others may have enacted legislation against discrimination against disabled persons.<sup>212</sup> Such a legal framework will have an impact on the design of buildings, including prisons.

Prisoners dependent on wheelchairs or crutches will require ramps and elevators to gain access to higher building levels, while prisoners who are visually or hearing impaired may require people to guide and accompany them from one location to another. Some prisoners with disabilities may require larger living cells to accommodate their wheelchair or a special bed. At the very least, prison officers should be trained and sensitized to the needs of prisoners with disabilities. Further, prison services should have policies and regulations that address this category of prisoner. Prison officials can consult community organizations experienced in such matters for advice and assistance on how to improve prison conditions for disabled prisoners and how to assist with managing their daily activities. Especially if resources are few, prison officials may benefit from donated equipment as well as volunteers from such organizations. Partnerships with organizations specializing in physical therapy and

<sup>211</sup>See M. A. Farkas and G. Miller, "Reentry and reintegration: challenges faced by the families of convicted sex offenders", *Federal Sentencing Reporter*, vol. 20, No. 2 (2007), pp. 88-92.

<sup>212</sup>Regarding the international regulatory framework, see also the Convention on the Rights of Persons with Disabilities (United Nations, *Treaty Series*, vol. 2515, No. 44910).

physical rehabilitation can also be beneficial in the social reintegration of prisoners with physical disabilities. Such services may result in the prisoners' being able to cope with their handicaps more effectively and thus to allow ex-prisoners to adapt more easily to new jobs and new environments upon release. Their disability would be less of an obstacle to leading a normal life.

Prisoners with disabilities may not always be able to participate in all prison programmes and this may affect their preparation for release and possibly also their eligibility for early release or conditional release programmes. The physical disability will often create additional obstacles to finding suitable accommodation or employment. Community-based agencies must be mobilized to provide appropriate assistance and to help assist prisoners with a disability in preparing for a successful re-entry into society.

## J. Prisoners with learning disabilities and difficulties

### Discrimination and learning disabilities

"The discrimination experienced by prisoners with learning disabilities and learning difficulties across the criminal justice system is personal, systemic and routine."

*Source: J. Talbot, Prisoners' Voices: Experiences of the Criminal Justice System by Prisoners with Learning Disabilities and Difficulties (London, Prison Reform Trust, 2008). Available from [www.wwda.org.au/talbot1.pdf](http://www.wwda.org.au/talbot1.pdf).*

Prisoners with learning disabilities typically find themselves in a difficult situation during their incarceration. Their inability to write or read very well, together with their poor verbal and comprehension skills, make it difficult to function and expose them to ridicule, exploitation and isolation. These offenders do not always understand what is expected of them and they cannot participate very effectively in most programmes. Further, their ability to communicate their feelings to others is sometimes limited. As a result they are likely to experience high levels of depression and anxiety.

Effective reintegration planning is important for prisoners with learning disabilities as they are preparing their release. They do not always have the skills or the know-how to make the necessary arrangements without assistance. Although their support needs are often of a relatively low level, they are long-term and may include, for example, help with budgeting, paying bills, personal care and friendship networks, applying for jobs or finding various sorts of information.

Learning disabilities are often hidden. Prisoners with learning disabilities are usually hesitant to reveal their difficulties and to ask for assistance. Effective interventions and support for offenders with learning disabilities or difficulties presuppose the availability of proper screening tools and procedures for those with learning disabilities. It is therefore desirable for prison officials to have access to learning disability expertise, including referral mechanisms to speech and language therapy. Linked to the identification of people with learning disabilities or difficulties is the issue of information flows and confidentiality, that is, the appropriate sharing of information as the offenders move through the criminal justice system and from the prisons to



the community. Protocols to guide the sharing of that information among concerned agencies are usually extremely useful. Furthermore, at the time of release, prisoners with learning disabilities or difficulties should be referred to specialist services and be supported during the aftercare period. Clear referral procedures can help ensure that offenders receive the specialized help they need after their release.

## K. Prisoners with HIV/AIDS

### Uzbekistan

#### *Reducing stigmatization*

The United States Agency for International Development (Central Asian Republics) has funded a successful HIV/AIDS prevention programme in a women's prison in Uzbekistan. The training involved both staff and prisoners to try to reduce the stigmatization attached to HIV-positive prisoners. It also included information on antiretroviral therapy, how to provide support to HIV-infected individuals and how prisoners can continue to live healthily after release from prison. Prisoners have also set up HIV/AIDS support groups.

HIV and AIDS pose a major challenge in prisons across the world.<sup>213</sup> HIV prevalence in prisons is often far higher than in the general community and prisons are a high-risk environment for HIV transmission. However, treatment is rarely available in prisons, especially in poorer countries. Injecting drug use and HIV are often linked, as a prominent mode of HIV transmission in prison settings is through the sharing of dirty and infected needles, while tattooing, unsafe sexual practices or inadequate health-care services pose additional risks. Many prisons do not receive enough funding to cover the cost of the necessary health services, let alone HIV antiretroviral drugs. Even in countries where such drugs are available to prisoners in prison, the treatment is often interrupted once the prisoner is released, and this can lead to treatment failure, with its own negative consequences. Prisoners living with HIV must have access to treatment programmes in the community when they are released so that support, counselling and treatment can continue. Women should also have access to reproductive health and family planning services. Children who have been born with HIV/AIDS should also be cared for in and outside of prison. These programmes will not only help individuals to reintegrate in a safe way into society, but also prevent further infections in the community.

### Swaziland

#### *HIV counselling and testing*

Matsapha Central Prison, a maximum security facility in Swaziland, has become the site for the country's first HIV counselling and testing centre devoted to prisoners. Condoms are provided to prisoners who are being released as a way of preventing the spread of HIV/AIDS.

<sup>213</sup>See United Nations Office on Drugs and Crime, *HIV and AIDS in Places of Detention*.

In order to prevent the spread of HIV/AIDS and other contagious diseases, Governments must address the problems of prison overcrowding and of poor prison living and sanitary conditions, both of which affect the rate of infection. Other prevention strategies include the provision of bleach, condoms and clean needles, and methadone maintenance programmes. It is important to raise awareness among both prison staff and inmates about HIV/AIDS in a non-judgemental way, including with easy-to-understand and accessible information that can make prisoners aware of the extent of their illness and ways in which they can prevent further transmission of the disease. Prison administrations also need to have access to more information on prisoners living with HIV/AIDS so that they can evaluate and monitor the problem more effectively.

Prisoners who enter the later stages of chronic or terminal illness—including but not limited to HIV—require specialized end-of-life care. Few prisons anywhere are equipped to provide such care. Compassionate release programmes allow terminally ill prisoners to be released from prison earlier in their sentence. Such programmes are recommended in the WHO guidelines on HIV infection and AIDS in prisons.

## **L. Prisoners released after extended pretrial detention**

In many prison jurisdictions across the world, pretrial detainees form a very large percentage of the prison population and in several instances actually outnumber convicted prisoners. Inefficient and ineffective criminal justice systems and delays in bringing charges or cases to court are one of the root causes of this situation. The limited use of alternatives to pretrial detention also accounts for the high numbers of prisoners who are held on remand.

Some pretrial detainees may remain behind bars for years. Yet, because they have not been convicted, they usually have less access to programmes or training than convicted prisoners. In effect, they are caught in the unfortunate situation of being presumed innocent yet being treated worse than if they had been found guilty. Those who are released after having been on remand for a long time have to deal with the effects of prolonged isolation and exclusion from the community, which is likely to include the loss of jobs, contacts and social networks.

In order to ensure that they reintegrate successfully upon their release, pretrial detainees should always be kept separately from convicted offenders during their incarceration and be allowed regular visits from family and friends. Pretrial detainees, and especially juvenile detainees, should have access to appropriate educational and recreational programmes.

In many instances, pretrial detainees released without a conviction or charge (even after an acquittal) face the same stigmatization and exclusion from their community as if they had been convicted. The mere suggestion of an accusation can bring shame, fear and other negative social consequences to an individual. In some cases, those who have been accused but not formally charged or convicted have already been judged and “convicted” by their community. They may never be accepted again as full members of that community. In such cases, transition homes and shelters should be available at least on a temporary basis. Social reintegration may involve moving

to another community to ensure their safety and security. NGOs can be instrumental in providing such services. At the same time, law enforcement must be kept informed and form part of the support system.



## Annex I. Glossary of terms<sup>\*</sup>

### A

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**aftercare** Refers to the less formal support that follows a structured intervention. It is sometimes also defined as a process of reintegrating an offender, on a voluntary basis and after final release from detention back into the community, in a constructive, planned and supervised manner.

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**assessment** The process of estimating the risks, needs and strengths of an offender before planning an intervention and/or providing advice to judicial or other competent authorities. It can also include identifying measures that can be taken to reduce the likelihood of reoffending.

### C

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**community corrections** Non-prison sanctions that are imposed on convicted adults or adjudicated juveniles either by a court instead of a prison sentence or by a parole board following release from prison. Community corrections programmes are usually operated by probation and parole agencies and the programmes can include general community supervision as well as day reporting centres, halfway houses and other residential facilities, work release and other community programmes.<sup>a</sup>

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**community sanctions** Measures and sanctions taken by a judicial or administrative authority that maintain the offenders in the community and involve some restrictions on their liberty through the imposition of conditions and/or obligations.

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**continuum of care** A commitment to providing consistent services and support to offenders within and after prison.

### D

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**day reporting centre** A treatment facility to which an offender is obliged to report to on a daily basis.

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<sup>\*</sup> Some of the definitions included here have been adapted from the Council of Europe probation rules (Recommendation CM/Rec (2010) 1, adopted by the Committee of Ministers of the Council of Europe on 20 January 2010).

<sup>a</sup> Pew Centre on the States, “What works in community corrections: an interview with Dr. Joan Petersilia”, *Expert Q&A*, No. 2, November 2007.

**desistance from crime**

When an offender ceases to commit crimes—crime cessation. It refers also to the process by which, with or without the intervention of criminal justice agencies, offenders terminate their offending activities and maintain crime-free lives through the development of their human capital (such as individual skills and knowledge) or their social capital (such as employment, family, social connections and ties, and engagement in civil society). The concept is based on research on the criminal careers of offenders and the factors associated with their eventual desistance from crime and future law-abiding behaviour.

**E****early release**

All forms of discharge from prison before the prison sentence has been fully served, including parole, conditional release or conditional pardon.

**I****institutionalization**

The process whereby prisoners come to accept and integrate the culture and social life of prison society.

**intensive supervision**

Probationers (or early released offenders) are supervised very closely, with requirements for frequent face-to-face meetings with probation officers, a set curfew, monitoring of contacts with police or arrests, frequent random testing for alcohol or drugs and in some cases electronic monitoring.

**intervention**

Any action taken to supervise, treat, assist or guide offenders in order to divert them from committing further offences and to help them lead law-abiding lives.

**J****juvenile**

A child or young person who, under the respective legal system, may be dealt with for an offence in a manner different from an adult.

**P****post-release interventions**

Interventions aimed at preventing recidivism and facilitating the social reintegration of offenders after their release from custody. The length of the post-release period may vary and last for months or even years in order to achieve a successful social reintegration.

**post-release supervision**

Supervision during the period of early or conditional release.

**probation**

Relates to the implementation in the community of sanctions and measures, defined by law and imposed on an offender. It includes a range of activities and interventions, which involve supervision, guidance and assistance aimed at the social integration of an offender, as well as at contributing to community safety.

**R****recidivism (or reoffending)**

Refers to whether or not a person who is the object of a criminal justice intervention (punishment) commits a new criminal offence. Recidivism is therefore a key indicator of the performance of social reintegration programmes and initiatives.

<b>re-entry</b>	Re-entry occurs at the end of incarceration, sometimes under formal supervision (e.g. parole), sometimes without any assistance. Most incarcerated individuals, unless they die or are executed, are eventually released from prison. “Re-entry” also refers to a process through which prisoners move from custody to living in the community.
<b>re-entry planning</b>	The process whereby offenders plan for their own re-entry and take effective steps to prepare for life in the community after their release from custody. It includes communications with the community and, when appropriate, with their family. It also includes preparatory steps and planning activities that prison authorities and community-based agencies can undertake to eventually facilitate an offender’s re-entry and ensure the continuity of care after the offender’s release.
<b>rehabilitation</b>	Refers to a wide variety of interventions aimed at promoting desistance from crime and the restoration of an offender to the status of a law-abiding person.
<b>relapse prevention</b>	The act of preventing oneself or someone else from sliding back into an undesirable or unhealthy behaviour by identifying early warning signs or recognizing high-risk situations, often by using cognitive-behavioural tools.
<b>resettlement programme</b>	A systematic and evidenced-based intervention to work with the offender in custody and on release, so that communities are better protected from harm and reoffending is significantly reduced.
<b>residential treatment home</b>	A community-based facility that welcomes offenders and offers treatment programmes or other forms of intervention. Offenders may attend a home voluntarily.
<b>resiliency factors (or protective factors)</b>	Factors that reduce the risks for the onset of persistent offending behaviour associated with the risk factors.
<b>risk factors</b>	The factors that place offenders at risk and make it difficult for them to function normally in society and to desist from crime.
<b>S</b>	
<b>social inquiry report (or presence report)</b>	A report to the court presenting an overview and summary of an offender’s background, patterns of offending, needs, circumstances and a number of other factors designed to assist the sentencing judge in determining an individual sentence.
<b>social integration</b>	Refers to the process of integrating socially and psychologically into one’s social environment. In the fields of crime prevention and criminal justice, where it is frequently used, the term refers more specifically to various forms of intervention and programme targeting individuals to prevent them from becoming involved in criminal behaviour or, for those who are already in conflict with the law, to reduce the likelihood that they will reoffend.
<b>social reintegration programmes</b>	Refers specifically to interventions designed to help offenders who have been incarcerated to reintegrate into the community after their release. It can also designate interventions delivered as alternatives to imprisonment.

**special needs offenders** Offenders who have notable physical, mental or emotional challenges preventing them or making it especially difficult for them to fulfil some of their normal needs and to function normally in society.

**supervision** Refers both to assistance activities conducted by or on behalf of an implementing authority or agency and to actions taken to ensure that the offender fulfils any conditions or obligations imposed, including control where necessary.

## T

**throughcare** The process of delivering continuous care and ensuring that interventions started in prison are continued after release to enable in-prison gains to be practised and reinforced in the community.

**transition houses (or pre-release centres)** Supervised residential settings to help bridge the gap between custodial and community living. They allow the offenders substantial interactions with the outside world and contact with family and with employers or potential employers.



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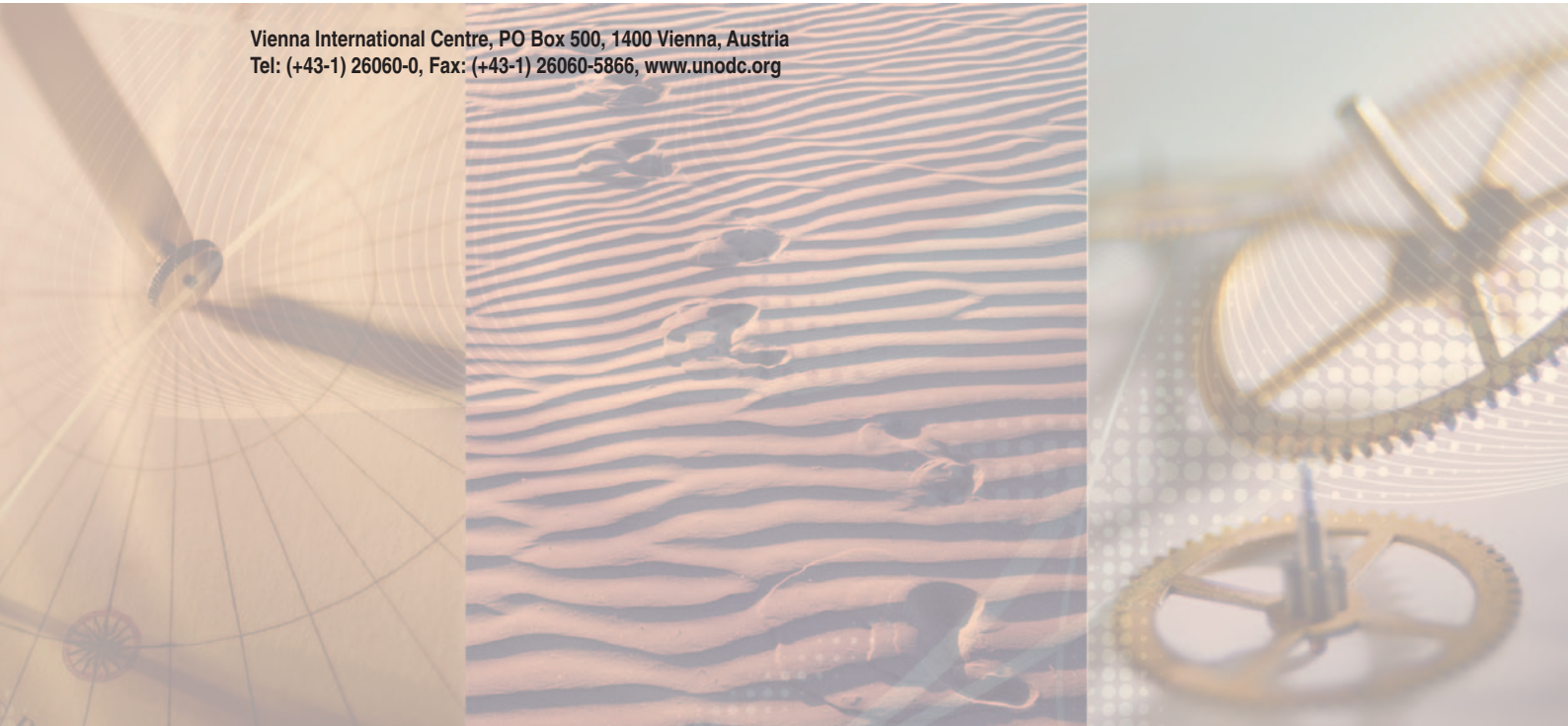




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United Nations publication  
Printed in Austria



V.12-55107—December 2012—400