

**Evidence-Based Sentencing
to Reduce Recidivism and Hold
Offenders Accountable**

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Greensboro, North Carolina
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**“What is done [today] in
corrections would be grounds
for malpractice in medicine.”**

(2002) Latessa, Cullen, and Gendreau,
“Beyond Correctional Quackery...”

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State Chief Justices

**Top concerns of state trial judges
in felony cases:**

1. High rates of recidivism
2. Ineffectiveness of traditional probation supervision in reducing recidivism
3. Absence of effective community corrections programs
4. Restrictions on judicial discretion

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State Chief Justices

Top two reform objectives:

- Reduce recidivism through expanded use of evidence-based practices, programs that work, and offender risk and needs assessment tools
- Promote the development, funding, and utilization of community-based alternatives to incarceration for appropriate offenders

Evidence Based Practice (EBP)

- EBP: professional practices supported by the "best research evidence"
- Best research evidence:
 - Well-matched control groups
 - Consistent results across multiple studies
 - Systematic analysis (meta-analysis)

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Evidence-Based Sentencing (EBS)

The application of Principles of EBP to the sentencing process for the purpose of reducing recidivism and holding offenders accountable

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Purposes of Sentencing

1. **"Just Deserts:"** penalty or punishment proportionate to the gravity of the offense & culpability of the offender; accountability
2. **Public Safety**
 - Rehabilitation
 - Specific Deterrence
 - Incapacitation/Control
 - General Deterrence
3. **Restitution/Restoration**

Risk Reduction
& Management

Three Basic Principles of EBP

- Risk Principle (Who)
- Needs Principle (What)
- Treatment (Responsivity) Principle (What Works)

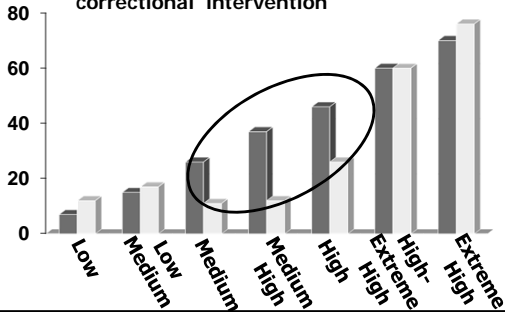
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Risk Principle (Who)

The level of supervision or services should be matched to the risk level of the offender: i.e., more intensive supervision and services should be reserved for higher risk offenders.

Potential Impact on Recidivism

- Recidivism rates absent treatment
- Likely recidivism rates with effective correctional intervention



Travis Co., Texas: Impact of Supervision by Risk

Risk Level	% Re-arrest		% Change in Rate
	Pre-TCIS 1/06-6/06 N = 1287	Post-TCIS 7/07-10/07 N = 614	
Low	26%	6%	-77%
Medium	26%	13%	-50%
High	34%	31%	-9%
Overall	29%	24%	-17%

Needs Principle (What)

The targets for interventions should be those offender characteristics that have the most effect on the likelihood of re-offending.

Risk of Heart Attack

- 1) Elevated LDL and low HDL levels
- 2) Smoking
- 3) Diabetes
- 4) Hypertension
- 5) Abdominal obesity
- 6) Psychosocial (i.e., stress/depression)
- 7) Failure to eat fruits and vegetables
- 8) Failure to exercise

Dynamic Risk Factors (Criminogenic Needs)

- Anti-social attitudes
 - Anti-social friends and peers
 - Anti-social personality pattern
 - Family/marital
-
- Substance abuse
 - Education
 - Employment
 - Anti-social leisure activities

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Anti-Social Personality Pattern

- Lack of self-control
- Risk taking
- Impulsive
- Poor problem solving
- Lack of empathy
- Narcissistic
- Anger and hostility

Actuarial Risk/Needs Assessment (RNA)

- The engine that drives evidence-based recidivism reduction strategies
- Much more accurate in predicting recidivism
- Identifies dynamic risk factors
- Risk is dynamic; risk scores are static
- Intended to inform not replace professional judgment

Use of RNA Information in Setting Probation Conditions

- Level and length of probation supervision
- Nature and intensity of treatment conditions to address specific criminogenic needs (dynamic risk factors)
- Nature and intensity of control conditions to monitor, manage, or control the risk of recidivism
- In the absence of reliable RNA, wherever possible, courts should defer to probation in setting terms and conditions

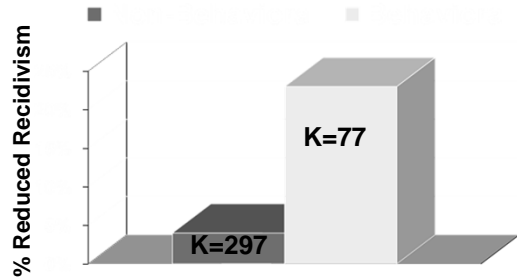
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Treatment Principle (What works)

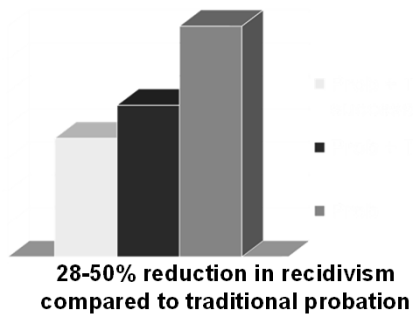
The most effective interventions in reducing recidivism among medium and high risk offenders:

- target offenders' most critical risk factors
- utilize a cognitive behavioral approach
 - positive reinforcement & incentives
 - swift, certain, & proportionate sanctions
 - skill development
- address criminal thinking patterns

Behavioral v. Non-Behavioral



T4C: Recidivism Rates



EB Responses to Probation Violations

- One size does not fit all violations
 - Nature and severity of violation
 - Current risk level
 - Extent of prior compliance
 - Criminal history
- Reassessment of treatment plan
- Incentives and positive reinforcement to promote future compliance
- Graduated continuum of both sanctions and services
- Swift, certain, and proportionate sanctions
- Administrative sanctioning policy that allows for flexibility by probation

What Doesn't Work: Traditional Sanctions Alone

- Punishment, sanctions, or incarceration
- Specific deterrence, or fear-based programs (e.g. Scared Straight)
- Physical challenge programs
- Military models of discipline and physical fitness (e.g. Boot Camps)
- Electronic monitoring
- Intensive supervision

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