

Offender rehabilitation and reintegration through european normative lenses

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Abstract

Rehabilitation and reintegration are underlying challenges for all European prison systems. For this reason, the supranational legislation concerning the promotion and implementation of these principles is composed of numerous ad hoc instruments, closely related to human rights legislation. This contribution, with the aim of answering an essential question such as: “why some offender stops?” takes into consideration the main factors that, at a global level, are recognized as obstacles to the achievement of the pursued objective as well as the elements that, instead, can act as a positive push factors. A summary of the most widespread positions in the academic and practical field on the mentioned concepts is also offered, in order to facilitate the understanding of the state of the art at European level.

Keywords: reintegration, rehabilitation, desistance, prison, probation.

Offender rehabilitation and reintegration through european normative lenses

Introduction

The purpose of the criminal sentences has become, almost everywhere in Europe (at least in the last decades and with different paths – Ravagnani, Romano, 2019), the rehabilitation of the offenders. But the term rehabilitation and the contents it should have are not easily describable or, better, summarize with contents generally recognized.

In the Italian landscape, for example, the idea of rehabilitation, well expressed by art. 27 c. 3 of the Italian Constitution, can be linked only to one of the two different types of intra-mural treatments, provided in the Penitentiary Law. Accordingly, to article 1, in fact, it is possible to learn that the rehabilitation purpose constitute a fundamental element only for the so called “re-educative treatment” but not for the “penitentiary treatment” (that represent the collection of rules that organize the life inside the facilities and care about fundamental principle such as dignity and the respect of Human Rights for all the incarcerated persons).

Rehabilitation is of course a concept that has still not found its definitive formulation and represents one of the principal grounds for discussion among practitioners and academics all around Europe and beyond. McNeill (2012, p. 7) underlying the controversial nature of the rehabilitation concept describe it is a “remarkably elastic and hotly contested”.

Trying to find common denominators to the varied readings and practices implemented in the different States in terms of what works for the purpose of rehabilitation can help developing a clearer idea of the consequences of the different theories.

In a historical era in which the collective desire for revenge seems to prevail over the idea of rehabilitation of the offender, through an increasingly strong demand for severe and exemplary penalties, not justified by crime statistics, finding reading tools that are applicable at least to the entire European context can offer an efficient strategy to focus the attention on the positive outcomes of inclusive approaches.

For these reason, after a brief description of the state of the art of the concepts of reintegration and rehabilitation at a supranational level, the Authors will offer a rehabilitation reading of the two main Council of Europe recommendations dealing with prison and probation work: Rec.(2006)2 – European Prison Rules -revised and Rec(2010)1 – European Probation Rules. References will be also made to the UN Nelson Mandela Rules.

Rehabilitation and reintegration of involuntary clients: the state of the art

These two concepts have faced a quite difficult life in finding general consensus around what do they actually means and what works when dealing with involuntary clients as those who have been reached by a criminal sanction.

With the need to enlighten a well-recognized starting point, it seems useful to briefly mention the definitions that Robinson (2007) offers of this two central terms:

- **Rehabilitation** – ‘a wide variety of interventions aimed at promoting desistance ...’ – behavioural dimension (more like a therapeutic process) – (Robinson, 2007) Interventions aiming at reducing reoffending or promoting desistance
- **Reintegration** – ‘a process that follows a period of formal punishment whereby the ex-offender resumes life as a member of community’ (Robinson, 2007) – symbolic and a practical dimension – help with employment, housing, drug addiction, family reunion etc.

The long path towards effective models of rehabilitation passes through different theories about the origin of the criminal behaviour itself – the criminogenesis – to offer differentiated approaches.

One of the most method, firstly applied in Canada for the risk and then around the world, dated back to 1980 but its first formalization in the Canadian prison environment belong to 1990 thanks to Andrews et al. (1990)

The proposed risk/need/responsivity (RNR) model, was originally based on three different principles, that have been integrated during the years by others, but the core ones remain the follows:

- The **principle of risk** demands that intensity of the services should match the risk level of the case. In this respect, Andrews and Bonta (1994) suggest that interventions should target moderate and higher risk cases.
- The **need principle** suggests that criminogenic needs should be targeted predominantly. When describing them, Andrews and Bonta (2010) use the expression of Central Eight. Four of them are the most important ones – The Big Four – and the next ones are The Moderate Four.
- The **principle of responsivity** states that interventions with offenders should employ behavioural, social learning and cognitive behavioural strategies. However, in the 2010 edition of their book, Andrews and Bonta

add the **principle of special responsivity** that suggests that the style and the mode of the intervention should be adapted to the setting of the service and to relevant characteristics of the offender, such as: their strengths, motivations, preferences, personality, age, gender, ethnicity and so on.

According to Andrews and Bonta (2010), non-adherence to one or more of these principles generated an increase in recidivism that can be summarised as follows:

- adherence to one principle small decrease ($r=.02$)
- adherence to two principles larger decrease ($r=.18$)
- adherence to three principles even larger decrease ($r=.26$)

While “programs that incorporate all of these principles into their therapeutic framework are associated with the strongest reductions in recidivism, with an average reduction of 26 to 30%”. (Dowden and Andrews, 2004, 204).

Andrew et al. (2006), years later the first formulation of their RNR model, well aware about how much the four mentioned criminogenic needs are potentially changeable in regards of lifetime exogenous and endogenous circumstances or intervention, added other eight criminogenic needs, shared in two categories, according to their potential power to influence recidivism.

The following table offers a brief description of these additional criminogenic needs.

The Big Four	History of antisocial behaviour – this includes early involvement in the offending behaviour, early age of onset, history of probation or parole violations etc.
	Antisocial personality pattern – being impulsive, adventurous, pleasure-seeking, restless, aggressive, callous disregard for others etc.
	Antisocial cognition – includes attitudes, values, beliefs, rationalizations and personal identity that are favourable to crime. Cognitive-emotional states associated with crime are: anger, resentful and defiant.
	Antisocial associates – if the person is surrounded by the so-called ‘social support for crime’.
The Moderate Four	Family/marital circumstance – important to assess the key parenting variables if juvenile (caring, monitoring, supervising, disciplinary practices, the importance of the parent’s opinion) or the quality of the marital relationship if adult (mutual caring, respect and interest).
	School/Work – stress on the quality of the relationship with the school or work place; The risk is in low level of performance and involvement, low level of satisfaction and reward.
	Leisure/Recreation – stress on low level of involvement in alternative ways of spending time apart from crime.
	Substance abuse – problems with alcohol and other drugs.

Source: Andrew et al. (2010), self-made elaboration.
 Table 1: The central eight criminogenic needs

Despite its irrefutable relevance that is still confirmed by its application around the world, the RNR model is not exempt from criticism, mainly attributable to its – sometimes - generic formulation and, therefore, to its possible application not declined according to the specificities of the offender in question. This is, for example the case of Polaschek (2012) that highlights how the responsivity principle “despite its centrality to the model, [...] is the least developed of the three core principles. [...] It is theoretically unsophisticated: a *catch-all category*.” The oversimplification (Robinson & Crow, 2009) of such a pivotal principle – the *responsivity one* - can determine, and sometimes have already determined, the paradoxical sacrifice of the most important part of the principle itself (the individualization of the proposed approach, accor-

ding to the specificities of the offender) in favor of a generalized recourse to “social learning and cognitive behavioural strategies” (Bonta & Andrews, 2010). In this regards, art 13 of the Italian Penitentiary Law, is very clear about the need of a individualized approach for the proposed strategies towards rehabilitation but, in practice, the prison system seems to have many problems in finding the necessary human and financial resources for an effective implementation of such a strategic principle.

Among a quite large and comprehensive literature that take into consideration this thorny issue, McNeill (2012) offers an interesting point of view about rehabilitation by proposing a quadripartition of the concept, based on the possible facets attributable to its meaning. He speaks about the need to take into consideration 1) *Psychological*

rehabilitation – promotion of positive individual-level change in the offender; 2) *Legal or judicial rehabilitation* – when, how and to what extent a criminal record and the stigma that it represents can be set aside, sealed or surpassed. In this sense, Maruna (2011) clearly expresses how much the stigma deriving from the conviction can affect the offender's efforts towards rehabilitation and desistance; 3) *Moral rehabilitation* – is something more than the personal changing of the offender that works for desistance, it includes the need of the society to be repaired for the damage suffered by the crime; 4) *Social rehabilitation* – not only the citizen's formal social status and the availability of the personal and social means to do so, according to Van Zyl Smit & Snacken (2009) view but also the "informal social recognition and acceptance of the former offender" (McNeill, 2012).

If there is consensus on this quadripartition – and we agree with it – it is easily comprehensible how much weight does it assume thinking about rehabilitation strategies based on knowledge coming from different disciplines, that can count on interdisciplinary approaches formulated in multiagency teams.

Rehabilitation and Desistance - Why some offenders stop?

The question is probably one of those that has found the large space in criminological debates – strictly linked to the idea of what works in rehabilitation – and, thanks to the numerous theories that have followed one another over time, has now reached a level of depth that allows us to identify some of the variables that most affect the path of desistance. But, finding a general agreement on what desistance really means remains a difficult task as well as the unequivocal definition of the link between rehabilitation and desistance.

In fact, in the relevant literature at least two different readings of desistance are possible: for someone, desistance is the permanent cessation of offending, for others, it is possible to talk about desistance even if some criminal conducts still occur; what is generally shared is that measuring desistance is a serious task to reach.

Overcoming these differences, it is anyway possible to extrapolate from the available theories the most important steps towards desistance and try to summarize them as follows:

- Desistance as an age factor - 'Maturation reform' – age curve (Goring, 1919, Glueck and Glueck, 1937; Sampson and Laub, 1992). The age seems to be an element that positively impacts the criminal behavior, pushing the offenders towards desistance but age itself can't be considered *per se* because it involves many other aspects strictly linked to life experiences, biological and social changes that can't be ignored.
- Desistance as a decision (Cusson and Pinsonneault, 1986; Liebrich, 1993 etc.). Experiences like fear or

shock during a criminal act or being tired of prison and what does it mean or changing in the scale of values in the offender's mind can exercise a significant impact on possible decisions towards desistance

- Desistance as a consequence of the bonds with the society and its goals (bond theory Sampson and Laub, 1993) – the more someone feels to be linked to his/her society, is emotionally attached to the societal goals and is fully committed in achieving them, persuaded to have means and possibilities for successfully reaching them in a legal manner and with legal means, the less will be interested in criminal behaviour. In this theory, a pivotal role is played by formal and informal agencies involved in the creation of the social bond (schools, family, peers groups for young people, marriage, child rearing, employment for adults)
- Desistance linked to the creation of an individual Prosocial identity (Maruna, 2001). This approach comes from the empirical evidences that ex-offenders who desist are those who were able to find a clear sense of purpose and meaning of their lives, also explaining the time spent in prison and doing criminal act as a redemption time towards desistance, that can now be used in a good way to help people not doing the same mistakes in life. Another shadow of the same perspective is offered by the cognitive transformation approach (Giordano et al., 2002) that bases desistance on four steps: 1) general cognitive openness to change; 2) hooks for change 3) desire for a "replacement self" 4) a different reading of criminal behaviour. On the same line is the idea that a period of "reflection and reassessment" is pivotal to start the initial process of desistance, although not sufficient *per se* (Farral 2002)
- Desistance based on the link between individual agency and social structures (Farral and Bowling, 1999). In this regard, Giordano et al (2002) argue that "the actor creatively and selectively draws upon elements of the environment in order to affect significant life changes".
- Desistance as a consequence of Probation. Even if practitioners and people that work in the field of the enforcement of the sentences are constantly striving to proclaim the beneficial effects of probation in terms of removal from the crime, especially when compared to the time spent in prison. Academics can count only few studies that corroborate the proclaimed findings. The most relevant findings that worth to be mentioned for the purpose of this paper are of course the one that enlighten the different elements that can positively influence desistance during the probation time: individual motivation, social and personal context, the kind of probation supervision and the meaning that life assumes for probationers (Farral, 2002; Farral and Claverly 2006)

According to McNeill et al (2012), desistance also presents implications for the criminal justice system because

it is a long and complex process (often a zig zag process), as well as an individual and subjective one: it would be a mistake to imagine a standard desistance path that can be followed by all the ex-offenders. Hope is of course an important ingredient that must create the stable starting level for the relationship between the offender, the prison and probation staff and all the other significant ones, but further and qualified efforts are needed.

During the desistance path, the entitled professionals must be aware to implement a vision based not only on risk and needs assessment but also on strengths and opportunities, to help the offender thinking to have the right tools for a cognitive behavioural change.

Moreover, abandoning the idea of working *for* the offender while promoting the one of working *with* the offender is more respectful of the self-determination principle and moves far away from the idea that rehabilitation is only a strategy to change the offender for implementing the public safety and good (utilitarian concept of rehabilitation, Foucault 1975/1977). In addition, practicing new identities for offenders through both human capital and social capital and opportunities become a strong element that can positively influence desistance together with the already mentioned need to reduce – better, to avoid – stigmatization towards people with criminal records.

Who works?

The other important question, when dealing with, the possibility to pursue rehabilitation is, of course, around what really works, how and above all, implemented by whom.

The impossibility that the one size approach gives positive outcome has already been discussed but, probably, what has not been presented with the necessary deepening concerns the role of professionals working in rehabilitation.

If it is obvious that the offender and the ex-offender play a pivotal role in this process (their persuasion and sincere commitment to the cause are among the most important predictors of success), anyway it worth to underline that specific skills and positive approaches from the side of the practitioners (prison or probation officers) can make the difference in terms of reducing re-offending (Ugwudike et al., 2014)

Rex (1999) talk about the involvement of experienced, knowledgeable, reasonable and also to display ‘expert qualities’, engaged, empathic and respectful professionals, able to use pro-social modelling and reinforcement, problem solving, role clarification and empathy (Trotter, 1996) as well as structuring skills such as problem solving, modeling, cognitive restructuring (Raynor et al., 2010)

Dowden and Bonta (2004) talk about five particular skills: effective use of authority, anticriminal modelling and reinforcement, problem solving, use of community resources and the quality of the interpersonal relationship.

A part for these significative qualities that can improve the progress of the entire rehabilitation process, a certain number of factors are considered to be as well relevant or, at least to be taken into due consideration. Each of them would need a more extensive and appropriate discussion (also because no unique interpretation is offered in the relevant literature), but for the purpose of this article it is possible only to briefly mention them.

- 1) **Employment** – Lipsey (1995), The relevance of a meaningful employment is taken into consideration by Authors such as Sampson and Laub, (1993) that agree on the fact that not any kind of job can exercise the same impact on the offender. Distinctions need to be done according to personal expectation, skills, school degree and social context. Moreover, job stability and age can play a specific role (over 26, Uggen, 2000).
- 2) **Family** – as natural system for advice, financial support, housing and employment (La Vigne et al., 2006), visits in prison (Derksen et al., 2009)
- 3) **Friends and peers** – pro-social contacts (Shapland and Bottoms, 2011)
- 4) **Good communities** – existence of a social service within two miles reduces re-offending (Hipp et al., 2010)
- 5) **Status degradation and stigma** – the existence of the criminal record – two models – **human rights/spent conviction** – 65% of employers would not knowing (Petersilia, 2005)
- 6) **Restorative justice** – it seems that mediation can decrease the frequency of reconvictions within two years – deceleration (Shapland et al., 2011)
- 7) Institutional treatment - **Education** (Proctor, 1994), **Work and Vocational training** (Seiter and Kadela, 2003)
- 8) **Pre-post release interventions** (Simpson and Brown, 1999; Fretz et al., 2005)
- 9) **Mentors** – alongside other interventions (Clancy et al., 2006; Brown and Ross, 2010)
- 10) **Half – way houses** (scaled transition) – Seiter and Kadela (2003)
- 11) Probation officers working in **large probation agencies** and supervising large caseloads tend to use punitive supervisory strategies
- 12) Probation Officers with **greater levels of satisfaction and commitment** – more positive attitudes and behaviors – more rehabilitation strategies, more effective

The rehabilitation according to relevant European Recommendation

As it has been said, in the plethora of available theories and varied experiences implemented in the European countries and around the world, finding a virtual lighthouse that can help following the right direction can make sense. Above all because a constructive dialogue

among States on positive experiences that could be experimented beyond borders is something not very easy to reach and maintain and because the generally spread request for stronger punishment risk to lower the spotlight on the global need to always aim towards the rehabilitation and reintegration of the offenders. For this purpose, in the following paragraphs the two EU Recommendation on prison and probation will be read, following their own structure, through the lenses of rehabilitation. In order to facilitate a fast reading of these recommendations and their relevant rules, we opted for a more schematic presentation of them. A brief commentary upon them can be found in the concluding section of the paper.

Recommendation Rec (2006)2-rev of the Committee of Ministers to member States on the European Prison Rules

Rehabilitation is a concept that intrinsically orients the instrument since its very first part. In fact, the preamble:

- Reiterates that no one shall be deprived of their liberty except as a *measure of last resort* and in accordance with a procedure prescribed by law;
- Stress “that the enforcement of custodial sentences and the treatment of prisoners necessitate taking account of the requirements of safety, security and discipline, while also ensuring prison conditions which do not infringe human dignity and which offer meaningful occupational activities and treatment programmes to inmates, *thus preparing them for their reintegration into society*”

In the *principles* section, the rehabilitation is clearly described also through Human Rights references:

- All persons deprived of their liberty shall be **treated with respect for their human rights**.
- Life in prison shall approximate as **closely as possible the positive** aspects of life in the community
- All detention shall be managed so as to **facilitate the reintegration into free society** of persons who have been deprived of their liberty.
- **Co-operation with outside social services** and, as far as possible, the involvement of **civil society** in prison life shall be encouraged.
- Prison staff carry out an important public service and their **recruitment, training and conditions of work** shall enable them to maintain high standards in their care of prisoners.

Considering the General Rules, elements of rehabilitation are clearly present in the following steps:

Admission

- the information collected under Rules 15.1.g and 15.1.h as well as any other available information about

the *social situation of the prisoner* shall be evaluated in order to deal with the *immediate personal and welfare* needs of the prisoner;

- Information shall be collected for each prisoner relating in particular to:
 - a. the judicial process;
 - b. *individual sentence plans, the strategy for preparation for their release and release date;*
 - c. *behaviour and conduct, including risk to self or others*
 - ...
- Prisoners shall be allocated, as far as possible, to prisons *close to their homes or places of social rehabilitation*.

Outside world

- Prisoners shall be allowed to communicate as often as possible – by letter, telephone or other forms of communication – with their **families, other persons and representatives of outside organisations**, and to receive visits from these persons.
- Prison authorities shall assist prisoners in **maintaining adequate contact with the outside world** and provide them with the appropriate welfare support to do so.
- Whenever circumstances allow, the prisoner should be authorised to **leave prison either under escort or alone** in order to visit a sick relative, attend a funeral or for other humanitarian reasons.

Regime

- The regime provided for all prisoners shall offer a **balanced programme of activities**.
- This regime shall also provide for the **welfare needs of prisoners**.

Work

- Prison work shall be approached as a **positive element** of the prison regime and shall never be used as a punishment.
- As far as possible, the work provided shall be such as **will maintain or increase prisoners’ ability to earn a living after release**.
- Work that encompasses **vocational training** shall be provided for prisoners able to benefit from it and especially for young prisoners.

Education.

- Every prison shall seek to provide all prisoners with **access to educational programmes** which are as comprehensive as possible, and which meet their individual needs while taking into account their aspirations.
- As far as practicable, the education of prisoners shall:
 - a. **be integrated with the educational and vocational training system of the country** so that after their release they may continue their education and vocational training without difficulty; and
 - b. take place **under the auspices of external educational institutions**.

Staff

- The duties of staff go beyond those required of mere guards and shall take account of the need **to facilitate the reintegration of prisoners** into society after their sentence has been completed through a programme of positive care and assistance
- As far as possible, the staff shall include a **sufficient number of specialists such as psychiatrists, psychologists, social and welfare workers, teachers and vocational, physical education and sports instructors.**
- Wherever possible, suitable part-time and **voluntary workers** shall be encouraged to contribute to activities with prisoners.

Special provisions for: women, children, foreign prisoners, untried prisoners and so on – positive measures.

Release rules

In this specific set of rules that take care about the offender's return into society, the central role of rehabilitation is visible from the following direct requirements:

- Steps must be taken to ensure that on release prisoners are provided, as necessary, with **appropriate documents and identification papers, and assisted in finding suitable accommodation and work.**
- Sentenced prisoners shall be assisted in good time prior to release by procedures and special programmes enabling them to make the **transition from life in prison** to a law-abiding life in the community. (these rules don't mention a maximum length for the sentence to be included in the proposed approach, so it is plausible to consider that it is applicable also for life sentences that can potentially enjoy of parole).
- In the case of those prisoners with longer sentences in particular, steps shall be taken to ensure a **gradual return to life in free society.**

This aim may be achieved by a **pre-release programme** in prison or by partial or **conditional release under supervision combined with effective social support.**

Prison authorities shall work closely with **services and agencies that supervise and assist** released prisoners to enable all sentenced prisoners to re-establish themselves in the community, in particular with regard to family life and employment.

Representatives of such social services or agencies shall be afforded all **necessary access** to the prison and to prisoners to allow them to assist with preparations for release and the planning of after-care programmes.

An analogous attention to the rehabilitation purpose is obviously inferable also from the Nelson Mandela Rules. Taking into consideration the tool specifically created for the UNDOC (Suntinger W, Meissner P., 2017, Figure 1) with the aim to analyse possible deviations from the rules, it is clearly visible how the assessment of the compliance of a prison system with the standards themselves is based on fundamental concepts such as dignity, human rights and careful consideration of personal spe-

cificities. Those elements are generally considered to be pivotal in each fruitful rehabilitation path

Recommendation CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules

Talking about probation, the alternative sanction that present itself as potentially abler to reach good outcomes in terms of rehabilitation rather than the prison system, the preamble does not leave any doubts about the purposes of the instrument: "contribute to a fair criminal justice process, as well as to public safety by preventing and reducing the occurrence of offences".

But this statement reminds immediately to the idea of desistance and only in a second moment to the one of rehabilitation, giving no clarification about which kinds of the mentioned rehabilitation definitions is the principal object of the Recommendation itself.

The Basic principles help to define the roles of probation agencies through the aims they pursue:

- **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 social inclusion. Probation thus contributes to community safety and the fair administration of justice.
- respect the **human rights** of offenders. All their interventions shall have due regard to the dignity, health, safety and well-being of offenders.
- take full account of the **individual characteristics, circumstances and needs** of offenders in order to ensure that each case is dealt with justly and fairly....
- seek the offenders' **informed consent and co-operation** regarding interventions that affect them.
- work in partnership with other public or private organisations and local communities to promote the social inclusion of offenders. **Co-ordinated and complementary inter-agency and inter-disciplinary work** is necessary to meet the often-complex needs of offenders and to enhance community safety.

The Probation work should be organized in a way that facilitate:

- the **preparation of a pre-sentence reports** on individual alleged offenders in order to assist, where applicable, the judicial authorities in deciding whether to prosecute or what would be the appropriate sanctions or measures.
- The participation of the offenders in the **preparation of the report**, and their opinion, where available, shall be reflected in the report and its contents shall be communicated to them and/or to their legal representative. Moreover, in order to ensure compliance, supervision shall take **full account of the diversity** and of the distinct needs of individual offenders.

IV. Checklist for assessing compliance with the Nelson Mandela Rules

1. Basic principles of treatment

Expected outcome 1.1: Prisoners are treated with respect for their inherent dignity as human beings.			😊	😐	😞
Indicators	Rule	Achievement			
1.1.1 Prison management/staff show awareness of the importance of positive prisoner-staff relations based on respect and fairness.	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes Partly No
Comments:					
1.1.2 All prison staff have undergone training in communication skills and attitudes supporting respect for human dignity.	76(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes Partly No
Comments:					

Expected outcome 1.5: Allocation and treatment are based on an individual assessment of each prisoner's risks and needs (classification).			😊	😐	😞
Indicators	Rule	Achievement			
1.5.1 Every sentenced prisoner is classified as soon as possible to assess the risks that prisoner may pose and to design a suitable treatment programme.	93(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes Partly No
Comments:					
1.5.2 Individual assessments carried out to classify prisoners take into account factors related to their offences and personal backgrounds.	93(1), 94	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes Partly No
Comments:					
1.5.3 Individual assessments form the basis for a prisoner's allocation to a certain prison regime with the least restrictive environment necessary.	3, 36, 89(1-2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes Partly No
Comments:					

Source: Suntinger W, Meissner P (2017)

Figure 1 – Checklist for assessing compliance with the Nelson Mandela Rules

- Supervision shall not be seen as a purely controlling task, but also as a means of **advising, assisting and motivating offenders**. It shall be combined, where relevant, with other interventions which may be delivered by probation or other agencies, such as **training, skills development, employment opportunities and treatment**.
- Where appropriate, and in accordance with national law, probation agencies, directly or through other par-

- tner agencies, shall also offer **support, advice and information to offenders' families**.
- When electronic monitoring is used as part of probation supervision, it shall be combined with interventions designed to bring about **rehabilitation and to support desistance**.
- Where probation agencies are responsible for supervising offenders after release they **shall work in co-operation** with the prison authorities, the offenders, their

family and the community in order to prepare their release and reintegration into society. They shall establish contacts with the competent services in prison in order to support their social and occupational integration after release.

The process of supervision, shared in three phases, asks for a clear consideration of the offender's specificity and participation, both elements that are both part of a constructive and positive rehabilitation plan. The three parts are:

Assessment

- When required before and during supervision, an assessment of offenders shall be made **involving a systematic and thorough consideration of the individual case, including risks, positive factors and needs**, the interventions required to address these needs and the offenders' responsiveness to these interventions.

Planning

- The work plan shall be **negotiated and, as far as possible, agreed** with the offender.

Interventions

- Interventions shall aim at rehabilitation and desistance and shall therefore be **constructive and proportionate** to the sanction or measure imposed.

Moreover, the reference to a **variety of methods** based on an interdisciplinary approach and sound knowledge derived from relevant **research, asked to all probation agencies**, is strongly in line with the most recent and valuable theories about "what works" in Rehabilitation (McNeill, 2012).

Conclusions

Rehabilitation and reintegration represent the most challenging outcomes of all the prison and probation paths because they both requires the simultaneous presence of a quite significant number of endogenous and exogenous factors, attributable both to the involved stakeholder and to the community as a whole.

What is of course clear and generally accepted, also thanks to the relevant supranational rules (such as the European Probation Rules or the Mandela Rules), is that rehabilitation and reintegration are dynamic concepts which presuppose the co-participation of different stakeholders to reach positive outcomes and good models of standardised risk/need assessment practices.

Rehabilitation and reintegration are not reachable targets without a high level of respect of Human Rights rules during the whole process: a mutual respect of fundamental rights is pivotal for the implementation of a trustful relationship among prisoners/probationers and involved professionals.

The capacity to assess different situation, in order to

plan suitable interventions and to evaluate the outcomes are also considered unavoidable to reach stable level of social inclusion.

In addition, the ability to provide for individualized approaches, linked to the specificity of each situation, in prison and in probation, makes a positive difference.

To reach good and stable outcomes, anyway, it cannot be forgotten that periodical training are expensive but necessary tools. Professionals must be granted with all the necessary training, related to the most important topics, as well as to the new challenges.

Another important role is played by families, communities and other formal and informal agencies that should be involved in the rehabilitation and reintegration paths, whenever possible, after the evaluation and balancing of all the pros and cons.

Finally, rehabilitation, reintegration and security should be placed on equal footing and professionals of both the fields should be ready to collaborate to reach a good level of success.

If it is clear that rehabilitation and reintegration still represent the most important challenge of each penal system - in this regard supranational rules offer of course a consistent framework for each country - the biggest part of the job has still to be completed by persuaded offenders and inclusive communities.

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