

Mandatory treatment: from expected effectiveness to precision criminology

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Abstract

Recent legislative reforms in Italy have substantially reshaped the scope of evaluative and treatment interventions within the criminological field.

One particularly significant change, which is of direct relevance here, can be summarized as follows: criminological assessments are now conducted before a conviction is issued, and individuals responsible for gender-based violence are required to undergo mandatory treatment as a prerequisite for accessing certain legal benefits.

The aim of this paper is to reflect on the introduction of mandatory treatment and its practical and professional implications, highlighting the growing need for a more “precision” criminology.

Keywords: Domestic violence; Stalker; Batterer; Efficacy; Recidivism.

Mandatory treatment: from expected effectiveness to precision criminology

To reduce recidivism rates and promote the rehabilitation of convicted individuals, Law No. 69/2019, known as the “Codice Rosso” (Red Code), introduced significant amendments to Article 165 of the Penal Code (titled “Obligations of the Convicted”), stipulating that the granting of the legal benefit of conditional suspension of the sentence (Article 163 of the Penal Code) for crimes of gender-based violence is conditional upon participation in specific recovery programs conducted by organizations or associations specializing in prevention, psychological assistance, and the rehabilitation of individuals convicted of similar crimes. These programs serve both to obtain penitentiary benefits and to achieve real educational rehabilitation. This was followed by a further amendment to the aforementioned article with Law No. 168/2023, which mandated participation in recovery programs at least twice a week and required that the individual successfully complete the treatment, with a favorable outcome confirmed by the judge. The biweekly frequency thus becomes a minimum requirement, but active participation and successful completion of the treatment are essential for the approval of conditional suspension. Moreover, these recovery programs must not create additional burdens on public finances, as the costs must be borne by the convicted individual. It can be inferred that these changes aim to ensure that conditional suspension of the sentence is not granted too leniently, ensuring that the treatment of offenders convicted of crimes in the domain of domestic and gender-based violence (e.g., domestic abuse, sexual violence, stalking) is effective and results in tangible improvement, *“being aimed at preventing, through the reeducation of the individual and with the assistance of experts, the risk of recidivism in such crimes”* (Supreme Court of Cassation, Section VI, No. 39341, June 26, 2023).

When analyzing the legislative reform, there are several aspects worthy of attention.

It is crucial to understand what is meant by “recovery and psychological assistance programs.” We believe that this phrase should be understood as clinical support activities aimed at achieving a higher degree of the patient’s well-being. However, it goes without saying that this is somewhat incompatible with the concept of obligation, especially when a therapeutic alliance becomes difficult to establish due to evaluations that affect the personal freedom of a “non-patient” patient.

With regard to the term “program”, it is also worth noting that the duration of such programs in clinical settings cannot be determined from the outset but is instead related to a series of clinical variables that may not align,

automatically, with the timelines of justice, which follow other logic and priorities. Additionally, the determination of a biweekly frequency appears disconnected from any technical evaluation (who says that twice is better than once?), without considering that such individuals are required to pay for treatments and balance their professional and personal lives. Experience has shown that, in many cases, employers are unaware of an individual’s legal issues, making it more difficult for offenders to request authorizations and leave for treatment.

Setting specific timelines and methods by law is in direct contrast with the principles of the Risk-Need-Responsivity (RNR) Model (Andrews, Bonta & Hoge, 1990; Andrews, Bonta, & Wormith, 2011; Bonta & Andrews, 2007; Polaschek, 2012; Taxman, Thanner & Weisburd, 2006; Ward, Melser & Yates, 2007), which clarifies that the success of an intervention is only achievable by tailoring the treatment response to the level of risk, criminogenic needs, and responsivity based on the individual’s needs.

Another point that, in our view, requires clarification is the definition of “successful completion” of the recovery program. With what criteria can this be assessed in the absence of reference guidelines? Does it remain dependent on the operator’s evaluation? If so, how can we ignore the risks of evaluation bias? If the operator decides to “fail” the individual, who would protect them against potential strong complaints? A criminologist is not a judge and does not enjoy the legal, functional, and logistical protections that judges have.

Furthermore, it is necessary to consider which professional, with the appropriate qualifications and skills, can take on such evaluative responsibility. Can a criminologist trained in law provide psychological assistance? Conversely, can a clinical psychologist meet criminological needs?

Lastly, grouping together offenses that research and experience indicate have differing criminogenesis and criminodynamics and that require divergent intervention methods (Barocas, 2024; Hamel, 2020; McGinn, McColgan & Taylor, 2020; Rollè, Ramon, & Brustia, 2019) seems problematic.

In a framework not devoid of doubts and potential criticalities, the concept of mandatory treatment is introduced, almost hidden within the law, but of great significance.

It is worth noting that there is a procedural alternative: the individual can accept the imposed sentence without conditional suspension, serving it in the forms provided by law. However, is it realistic to think that an individual

would voluntarily forgo such a legal benefit, accepting the concrete risk of a custodial sentence?

The Italian case is not isolated. In various legal systems, the benefit of conditional suspension or similar measures is often contingent on mandatory participation in treatment or rehabilitation programs for perpetrators of domestic violence. For example, in Spain (Organic Law 1/2004) offenders are required to attend rehabilitation programs as a condition for conditional suspension (de Morales Romero, 2018; Patr6-Hernández, 2017). A similar approach is also found in France, where courts can impose mandatory treatment programs to grant conditional benefits (Castonguay, 2000). Likewise in Germany, the legislation (§ 56c StGB) allows judges to make sentence suspension conditional on participation in treatment or counseling programs, with discretionary and personalized decisions. In the United States, Batterer Intervention Programs (BIPs) are often mandatory to avoid imprisonment, though their effectiveness remains debated and not consistently proven (Wilson, Feder & Olaghere, 2021). In Scandinavian countries such as Norway and Sweden, treatment is mainly voluntary but can be imposed in certain judicial contexts (Askeland et al., 2021; Öhman et al., 2020).

This normative choice raises ethical and practical questions that will be explored further.

Expected treatment effectiveness

We agree that intervention with individuals accused or responsible for gender-based violence represents “the” indispensable tool in terms of tertiary prevention and the containment of reoffending by up to 80% (Babcock et al., 2024; Bureau of Justice Statistics, 2023; Merzagora, 2015; National Institute of Justice, 2023; Tanner, 2023; Travaini et al., 2022), and that in a restorative justice perspective, it encourages the offender to recognize the violent behaviors inflicted upon the victim (Ceretti, Mazzucato & Mannozi, 2024; Ceretti & Natali, 2023; Garbarino & Giuliani, 2019; Rigoni, 2023).

Thus, the reasoning behind the Italian legislator’s approach is understandable, but introducing a legal obligation and treatment costs for an individual not yet definitively convicted could only be “justified” by a proven and measurable effectiveness of the treatment, rather than an expected one.

However, the scenario becomes even more complex.

It is known that there is no standardized methodology, based on shared scientific criteria, that truly allows us to assess whether what we do in terms of criminological treatment is useful, or to what extent.

The reason for this lies in the absence of rigorous operational models, which are often left to the discretion of the associations and organizations providing such treatments - a situation that highlights a broader issue: the persistent gap between criminological knowledge and Italian legal regulation, a discrepancy that also affects other forms

of assessment, such as evaluations of social dangerousness (Flutti et al., 2025). Consequently, services, intervention approaches, and operators remain dependent on these organizations (Carabellese et al., 2020).

National guidelines for treatment programs for men who perpetrate violence against women in existing relationships focus primarily on the qualifications and training of operators (e.g., Relive, 2017), but they provide little concrete guidance on how to collect and share data to measure and compare interventions, which arise from the need to protect victims of gender-based and domestic violence.

In criminological terms, the main indicator of treatment effectiveness is certainly the reduction in reoffending, which must be evaluated in the short (medium) and long term, both immediately after treatment and in the period after the individual has no further contact with the organization providing the service.

The Second National Survey on Centers for Men Who Perpetrate Violence (CUAVs) conducted in 2022 reveals that among the 94 active centers (unevenly distributed across the country, with no centers in some regions, e.g., Marche, Molise, and Valle d’Aosta) only 44.7% report using a nationally or internationally validated assessment tool, 35.1% use an internally defined procedure, while the remaining 20.2% do not use any risk assessment tool (Demurtas & Taddei, 2023). Service activity evaluation is not conducted in 41.5% of cases, despite guidelines indicating that documentation and evaluation of treatment progress is essential to demonstrate the quality and results of the program (State-Regions Agreement, 2022). The failure to measure the operational effectiveness of CUAVs represents one of the most critical issues both theoretically and practically, as it is closely linked to their legitimacy and the need for funding.

International literature (Blomberg, Copp & Turanovic, 2024; Giacomantonio, 2024; Karstedt, 2021; Rodriguez, 2018) also emphasizes that the issue of measurability is central and absolutely necessary in a discipline like criminology, which is an interdisciplinary and multidisciplinary field that includes law, psychology, sociology, economics, philosophy, medicine, and others (Ponti & Merzagora, 2008).

What works: evidence-based notions

Once the importance of measurability is established, it is necessary to understand whether the existing literature can tell us what works or not. Criminological research in recent years has focused its efforts on understanding this aspect, predominantly in the international (North American) context. Studies conducted in the European context are limited (see e.g., works by Akoensi et al., 2012; Hester et al., 2014; Lilley-Walker, Hester & Turner, 2018), and among these, there are no studies related to the Italian context (Cannito & Torrioni, 2023).

It should be noted that much of the research has focused on evaluating interventions delivered within prison facilities, targeting individuals who have already been definitively convicted. Without a doubt, these share a series of structural elements with interventions carried out during the pre-conviction phase, but they start from an assumption of criminal responsibility, without requiring mandatory treatment, a context in which rehabilitation and reintegration remain central challenges recognized across European prison systems (Ravagnani & Durnescu, 2023).

Let's examine the data available. The results appear qualitatively poor and contradictory in terms of treatment effectiveness (Vall et al., 2024). Some studies indicate a significant reduction in violent behavior regardless of the type of treatment approach used (Eckhardt et al., 2013; Oliveira Baptista & Tagliamento, 2021; Santirso et al., 2020), while others report a modest reduction in the risk of relapse, alongside improvements in reflective and relational skills (Butters et al., 2021; Day et al., 2009; Travers et al., 2021).

The variability of results can be explained by the definitional challenges of all the elements that structure a treatment "pathway" for offenders of domestic and gender-based violence, such as the approach, the very definition of treatment effectiveness, as well as the intervention and assessment methodology.

Regarding the first point, it is clear that there is a diversity in treatment methods despite the lack of evidence supporting a specific approach. Thus, data from psycho-educational, psychological, psychotherapeutic, criminological, integrated psycho-criminological, and multidisciplinary interventions are compared (Sousa et al., 2024; Weitkamp, Kind & Bodenmann, 2024). Considering the target population, the psycho-criminological approach is currently considered the most suitable for achieving the desired treatment goals (Chan, 2023; Chan & Sheridan, 2020; Choon & Adjorlolo, 2021; Monzani & Bugini, 2022). The integrated approach allows for a thorough analysis of the offender, aiming on one hand to promote awareness of the moral wrongfulness of their actions, facilitate restitution for the harm done, and reduce the risk of violence and recidivism (Travaini et al., 2022), and on the other hand, to conduct a psychological assessment that provides a picture of the offender's psychological state, impulse control, regulation of negative emotions, and the presence of psychopathological elements (Yaxley, Norris & Haines, 2018).

A central element in this regard is the group dynamic, which proves effective both in leveraging the benefits of collective interaction and in shifting the focus from the private dimension of the crime to an awareness of its social nature (Garbarino & Giulini, 2020). Groups provide a safe space where participants can share common experiences and develop a sense of belonging, which is essential for change (Ginocchio et al., 2024; Haslam et al., 2010).

In summary, an approach that integrates individual analysis and group dynamics, tailored to the specificities

of the offender, is crucial for promoting real changes in both personal relationships and the culture of belonging, thereby ensuring greater effectiveness of interventions. It follows that criminological treatment cannot be improvised: practitioners must be able to conduct risk assessments, understand danger indicators, prioritize the safety of victims in every intervention, and have the ability to carry out any necessary screenings. Therefore, the need for specific ethical and legal knowledge regarding domestic violence laws and professional confidentiality is essential, as practitioners work without the therapeutic alliance typical of the clinical setting (Merzagora, 2015).

Another divisive element is the concept of treatment success. It is understood that in criminology, treatment effectiveness is equated with the reduction of reoffending risk. By applying a three-phase evaluative methodology (i.e., pre-treatment, during treatment, and post-treatment), it is possible to obtain evidence of the success of the intervention, considering variables such as criminal recidivism, psychological and interpersonal adjustment, and adherence to the treatment program (in line with the principles of the RNR model). It is clear that this data can only be considered partial; indeed, the effectiveness must also be evaluated in the long term through a follow-up of the individual once they are no longer in contact with the service, with the duration varying depending on the individual case.

Utopically, only lifetime monitoring of the individual could guarantee information regarding actual desistance from criminal activity and thus absolute treatment effectiveness. Unfortunately, the inaccessibility of such a prospect, along with the phenomenon of the dark number, leads us to focus on defining a reasonable duration for follow-up. Considering that recidivism tends to occur shortly after the release of the convicted individual or the conclusion of a treatment program, two years of follow-up would provide significant information in this regard (Illescas, Sánchez-Meca & Genovés, 2001).

Finally, what has been discussed so far cannot disregard the principle of crime-dependent diversification. Perpetrators of domestic and gender-based violence (e.g., abusers, stalkers, or sexual offenders) display distinct behavioral patterns, motivations, and psychological profiles, and therefore respond better to distinct treatments rather than a one-size-fits-all approach. For instance, programs for abusers (e.g., Duluth Model), based on patriarchal norms, seem suitable for situations of repeated and persistent coercive control, whereas situational violence appears to respond better to cognitive-behavioral therapy (CBT), which focuses on emotional regulation and conflict resolution skills (Arrigo et al., 2024). Additionally, stalkers may benefit from treatments addressing attachment issues and behavioral control (Prenzler et al., 2023), while sexual offenders require targeted rehabilitative programs focusing on topics such as consent, empathy, and impulse control (Travaini et al., 2024). Moreover, there is a need for specific assessments through tailored methodologies to identify the risk factors and distinctive psycho-

logical traits of each offender (e.g., Spousal Assault Risk Assessment (SARA), Domestic Violence Risk Appraisal Guide (DVRAG), Sexual Violence Risk-20 (SVR-20), Static-99, Stalking Assessment and Management (SAM), Stalking Risk Profile (SRP)).

The complexity of the scenario outlined above leads us to imagine necessarily targeted responses, which is why the label “Precision Criminology” is used provocatively in the title. It is now time to explain this choice.

Conclusions: towards Precision Criminology

It is well known that “Precision Medicine” is a relatively recent approach to the treatment and prevention of diseases, which has created “tailored” solutions for individual patients, taking into account their genetic profile and its interaction with lifestyle and environmental factors.

Building on this personalized vision, we believe that a similar effort, in light of the stimuli from the legislator, must be made in our field as well.

Thus, the concept of “**Precision Criminology**”, which must take into account:

- the changing needs of supervisory bodies, distinguishing their interventions across the phases of pre-adjudication, adjudication, and execution;
- differentiating, contrary to what the legislator has done, by types of crime, using a rigorous, shared, and reproducible intervention methodology that allows for a serious comparison and evaluation of results;
- following, ideally, updated and shared guidelines that contain indications on the intervention methodology.

To achieve this goal, some “improvement” actions can be imagined.

One of these involves imagining the participation of criminologists, perhaps through the Scientific Societies that represent them, in the delicate phase of normative creation that concerns us so much. This would provide the legislator with a purely technical-scientific contribution derived both from research and from concrete field experience. This could, for example, help define the gaps outlined above.

Secondly, there could be an immediate sharing of data to make them comparable both qualitatively and quantitatively.

Finally, making collaboration with the Ministry of the Interior and the Ministry of Justice structural. The first holds highly valuable data for our purposes, such as reports, warnings, complaints, detentions, and arrests; the second holds all information related to criminal proceedings, convictions, and external criminal executions. These are legally and criminologically different situations, which, when integrated and combined with data from treatment centers, become essential for the proper evaluation of treatment effectiveness.

In summary, precision criminology, both in terms of

intervention and measurement, could provide an answer to our initial question: the imposition of treatment in the face of poor, absent, or harmful effectiveness, thus indicating a presumption of legal inadequacy, or conversely, a justified legal choice, though requiring appropriate clarifications.

We acknowledge that the path we have outlined, perhaps idealistically, is complex, but we are equally aware that in criminology, nothing can be easy.

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