

# **Evidence-Based Sentencing to Improve Public Safety and Reduce Recidivism**

**Judge Roger K. Warren (Ret.)  
President Emeritus  
National Center for State Courts**

**Virginia Criminal Sentencing Commission  
June 8, 2009**

# Purposes of Sentencing

1. **“Just Deserts:”** punishment proportionate to the gravity of the crime
2. **Public Safety**
  - Rehabilitation/Specific Deterrence [Recidivism Reduction]
  - General Deterrence
  - Incapacitation/Control
3. **Restitution/Restoration**

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

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

# 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



# 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 programs for appropriate offenders

# Principles of EBP

- Risk Principle (Who)
- Needs Principle (What)
- Responsivity Principle (How)

# **Risk Principle (Who)**

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

# **Needs Principle (What)**

**The targets for intervention 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

- Anti-social attitudes
  - Anti-social friends and peers
  - Anti-social personality pattern
  - Family and/or marital factors
-

# Dynamic Risk Factors

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

# Anti-Social Personality Pattern

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



# Responsivity Principle (How)

The most effective services in reducing recidivism are **cognitive behavioral** interventions based on **social learning** principles.

# Social Learning: Behaviors Have Consequences

## Positive

- Rewards
- Incentives

## Negative

- Sanctions should be swift, certain, proportionate, and graduated
- Sanctions do not need to be severe

**BEHAVIOR**

**Visible**

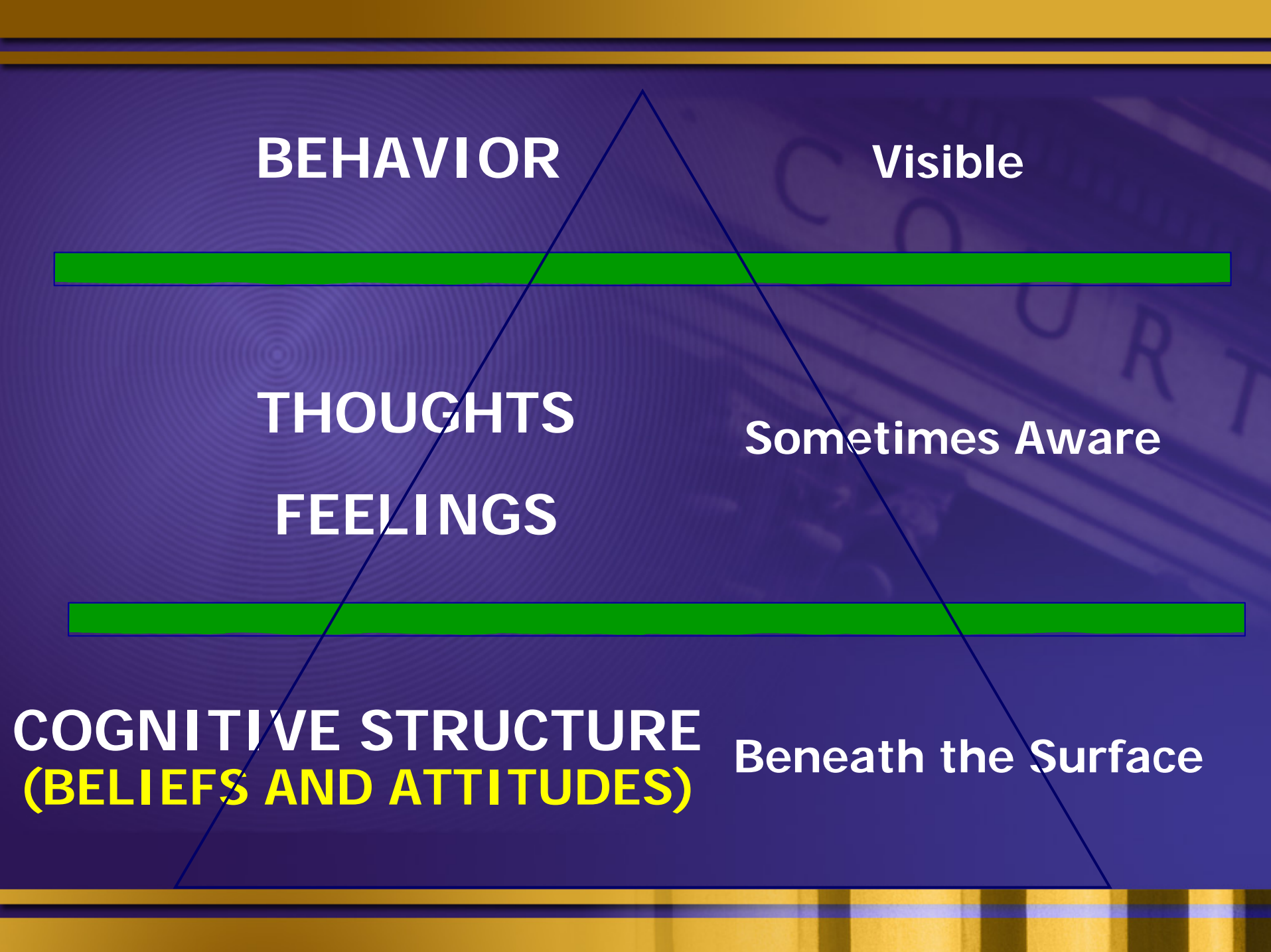
**THOUGHTS**

**Sometimes Aware**

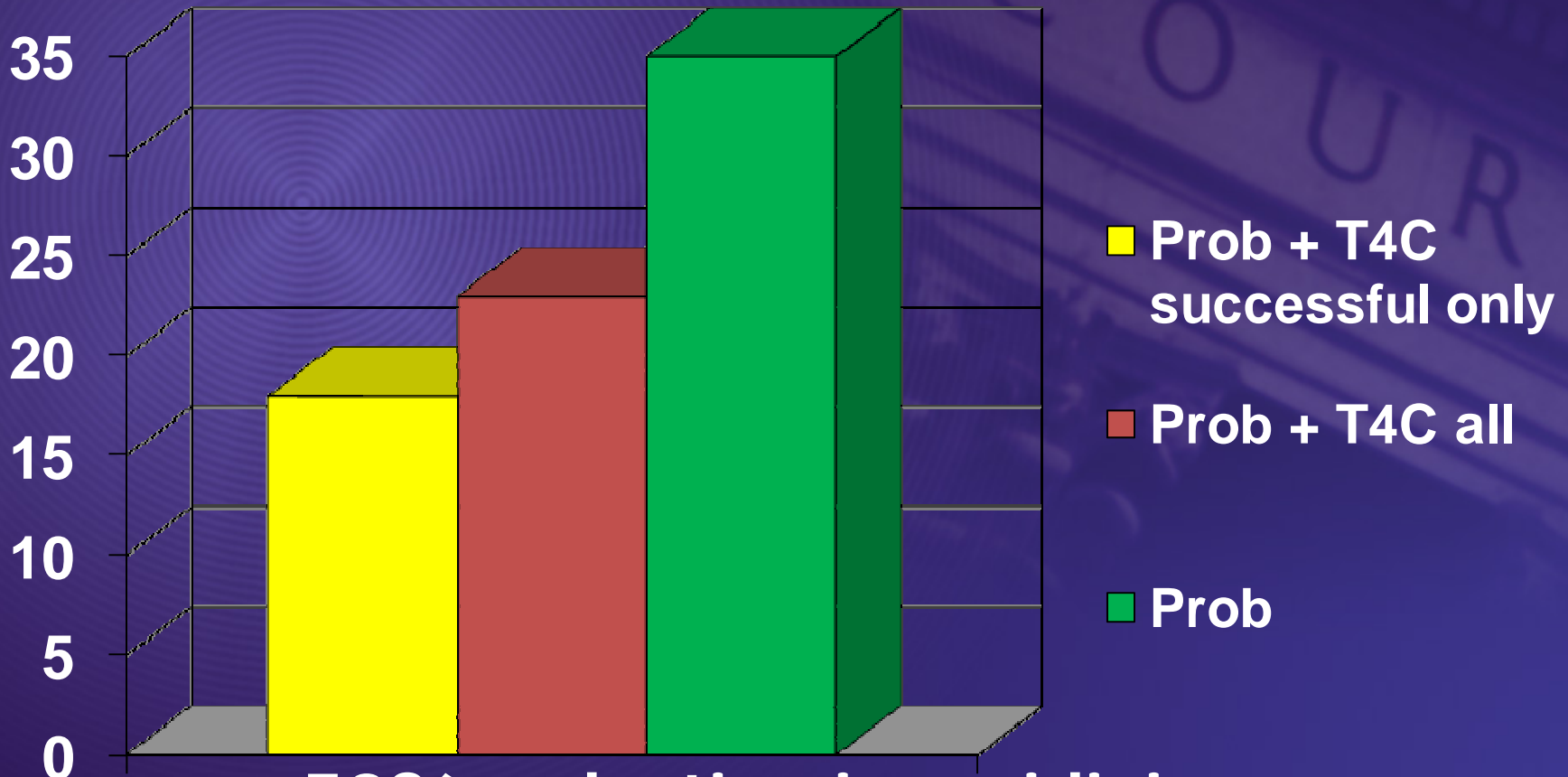
**FEELINGS**

**COGNITIVE STRUCTURE  
(BELIEFS AND ATTITUDES)**

**Beneath the Surface**



# T4C: Recidivism Rates



50% reduction in recidivism compared to traditional probation



# Evidence-Based Sentencing to Improve Public Safety and Reduce Recidivism

## A Model Curriculum for Judges



THE NATIONAL  
JUDICIAL COLLEGE

Est. 1963



CRIME & JUSTICE  
INSTITUTE



# Objectives

**At the conclusion of this program, you will know how to:**

- 1. Target those offenders who are most appropriate for recidivism reduction strategies;**
- 2. Identify the most relevant offender characteristics to achieve effective sentencing outcomes;**
- 3. Use probation conditions effectively;**
- 4. Improve responses to violations of probation;**

## **Objectives (cont.)**

**At the conclusion of this program, you will know how to:**

- 5. Identify the components of effective probation supervision practices and treatment programs;**
- 6. Reduce the risk of re-offense through constructive offender interactions; and**
- 7. Work effectively with other criminal justice agencies to adopt effective sentencing and corrections practices.**

# **Evidence-Based Sentencing to Improve Public Safety and Reduce Recidivism**

**Judge Roger K. Warren (Ret.)  
President Emeritus  
National Center for State Courts**

**Virginia Criminal Sentencing Commission  
June 8, 2009**