

**Twenty Evidence-Based Sentencing Practices
To Reduce Recidivism
By Judge Roger Warren (ret.)**

1. Avoid significant intervention with low risk offenders.
2. Target moderate to high risk offenders.
3. Target dynamic risk factors (criminogenic needs) in setting conditions of probation regarding treatment and behavioral controls, and in developing treatment programs.
4. Assess offender risk factors through use of actuarial risk/needs assessment tools and professional judgment.
5. Impose only those conditions of probation that are directly related to the offender's dynamic risk factors, or to other significant sentencing objectives. The conditions of probation establish the framework for the probation agency's development of an appropriate case management plan. The imposition of other probation conditions distracts and impedes both the probation agency and the offender.
6. Cognitive behavioral programs rooted in social learning theory are the most effective in reducing recidivism.
7. Offenders will tend to behave in ways that result in the most rewards and fewest punishments.
8. Rewards are more effective than sanctions. Use both positive and negative reinforcement.
9. Changing an offender's chronic anti-social thinking and behavior often does not happen overnight. Frequently, the offender must learn new skills and acquire new abilities. Periodic relapse is also common.
10. Treatment must be individually determined because the nature, dosage, and intensity of treatment must be responsive to the offender's personal characteristics
11. Treatment programs must provide continuity of care. To the extent possible, involve the offender's family and community in the offender's treatment.
12. As recommended by the Conference of Chief Justices, judges should educate themselves about the effectiveness of the community-based corrections programs in their jurisdictions in reducing recidivism, and, when appropriate, utilize those programs shown to be effective.
13. The offender's successful compliance with all conditions of probation should be, and be seen as, the shared goal of the court, offender, supervising probation agency, and all program providers.

14. All violations of probation should be responded to promptly, consistently, and surely.
15. In responding to violations, use a graduated continuum of both sanctions and services.
16. The most appropriate response to a particular violation of probation depends on the severity of the violation, extent of prior compliance, and the offender's adjusted level of risk.
17. The judge can be an agent of positive change by encouraging the offender's engagement in the change process. Intrinsic motivation is a critical precondition for offender behavioral change.
18. The judge should be aware of the "stages of change" model which is a useful tool for understanding the offender's readiness to change and the corresponding strategies that have proven most effective in facilitating behavior change.
19. When appropriate, the judge should also consider use of "motivational interviewing" techniques (e.g., reflective listening, developing discrepancy, use of open-ended questions, promoting self-efficacy, and deflecting resistance.) The judge should avoid threatening, lecturing, arguing, shaming, or sympathizing with the offender.
20. To achieve multiple sentencing objectives (e.g., risk reduction (rehabilitation), punishment, and behavioral control), treatment provisions must be successfully integrated with intermediate sanctions and behavioral controls.