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CONSCIOUS

An inter-systemic model for preventing reoffending by perpetrators guilty of sexual abuse and domestic violence

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Abstract	The aim of this document is to propose a methodological tool for evaluating the impact of the actions of the CONSCIOUS project from a dual prospective. The first part describes the correct methodological approach for evaluating the impact of the project on the client's path. To that end, it provides useful information, not only for evaluating recidivism among the beneficiaries of the project, but also more generally for analysing the path by which offenders can re-enter society. In this second part, we will present a ideal model for the analysis of the socioeconomic impact of CONSCIOUS project. In the next feasibility study – planned by April 2020 – we will experiment a cost calculation of the actions. In particular, we will estimate the costs related with the crime prevention, with the ordinary costs connected with crime reaction
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Model for evaluating the socio-economic impact of the CONSCIOUS project

Foreword

The aim of this document is to propose a methodological tool for evaluating the impact of the actions of the CONSCIOUS project from a dual prospective.

The first part describes the correct methodological approach for evaluating the impact of the project on the client's path. To that end, it provides useful information, not only for evaluating recidivism among the beneficiaries of the project, but also more generally for analysing the path by which offenders can re-enter society.

The second part is concerned with the socio-economic evaluation of the project. In that respect, it provides indicators for measuring the material and, more generally, the "social" costs of a project that addresses a specific category of deviant behaviour, which includes sexual and domestic offences. In particular, the second part of the paper provides a set of indicators that can be used to enable comparison between the costs of interventions to deal with such offences and those of actions that could prevent them.

Part one: recidivism and re-entry into society

1. The phenomenon of recidivism: methodological guidelines for an analysis of the CONSCIOUS project' users path of re-entry into society

Recidivism among individuals who have served a criminal sentence is a relatively unexplored phenomenon, at least in Italy. Though regularly the subject of legal and political debate, our knowledge about the actual nature and scale of the phenomenon seems to be extremely fragmented. On the one hand, it is broadly acknowledged that the criminal justice system is unable to fulfil the rehabilitative function assigned to it by the Italian Constitution and prison legislation; this opinion is justified by the frequency with which offenders are sent back to prison after being released. On the other, in apparent contradiction to this widely held opinion, a significant part of the legal doctrine and a large swathe of public and political opinion continue to uphold the principle of the certainty of punishment as a means for preventing re-offending. Both of these approaches appear to be influenced by incomplete knowledge as to the nature and scale of the phenomenon of recidivism. In the first case, opinions seem to be mainly based on impressionistic data, acquired through professional experience and widely held sentiment. The second is dominated by legal dogmatism and overlooks the importance of the factual dimension of administration of the criminal justice system. It is clear that in both cases there is insufficient knowledge owing to the shortage of empirical studies investigating the phenomenon.

The purpose of this introductory section is to problematise the topic by examining the main methodological issues associated with analysing recidivism rates for individuals who have served a criminal sentence.

1.1 The concept of recidivism: definitional problems

One of the first problems encountered by researchers interested in analysing recidivism rates regards the complexity of defining the phenomenon. As is known, the Italian legal system provides a formal definition of recidivism in art. 99 of the Criminal Code, according to which punishment is increased when an individual “commits a new crime after being convicted for a previous one”. In addition to this definition of ‘simple recidivism’ (*recidiva semplice*), the Italian Criminal Code provides for two further forms of aggravated recidivism: ‘specific recidivism’ (*recidiva specifica*), when the perpetrator commits a crime similar to the previous offence; ‘five-year recidivism’ (*recidiva infra-quinquennale*), when the crime is committed within five years of the previous conviction. A third, and even more serious form is ‘reiterated recidivism’ (*recidiva reiterata*), where an individual already defined as a recidivist commits a new crime. However, this seemingly clear and precise legal framework is not always consistent with the objectives of empirical research. Indeed, the analysis of recidivist behaviour may require the use of definitions that go beyond formal legal classifications. In the late 1980s the Council of Europe proposed a project to monitor the methods used to measure recidivism (Tournier, 1988). The purpose was to gather the main studies conducted up to that time, in order to examine the methodologies applied and propose standard

tools for monitoring recidivist behaviour in all member states. Twelve member states¹ answered the call and 23 studies were collected. That monitoring study only reported a single case in which recidivism was defined and measured on the basis of the legal definition of the phenomenon. In the remaining 22 cases the concepts used were so different and varied that the researchers stated: “il y a pratiquement autant de définitions de la récidive qu'il y a d'études sur la récidive” (p. 12). The authors of the study found 15 different criteria used in the 23 studies they examined. Using these as a starting point, they created a classification based on four main criteria:

- a custodial sentence or “re-conviction to prison”;
- a conviction leading to a penalty more severe than a fine;
- conviction of any kind;
- “facts” in respect of which final judgement has not yet been passed.

A critical analysis of the use of recidivism statistics in Great Britain (Lloyd, Mair, Hough, 1994) identified nine criteria for defining the phenomenon, from which further sub-criteria could then be derived:

- re-arrest;
- re-conviction;
- re-incarceration;
- parole violation;
- parole suspension;
- parole revocation;
- charge for new offence;
- flight from criminal prosecution;
- probation.

Previous empirical studies conducted in Italy have also envisaged the use of different meanings of the concept of recidivism. Hence, in some studies, offenders who have been re-convicted after serving an alternative sentence are defined as recidivists (Leonardi, 2007), with only a few cases (Italian Ministry of Justice, 1973) differentiating between whether or not the conviction resulted in re-incarceration; others refer to the concept of specific recidivism (Santoro, Tucci, 2006). More recent studies (Manconi, Torrente, 2015; Ronco, Torrente, 2017) considered recidivism as the re-incarceration of individuals previously released from prison for a different offence.

¹ The countries that answered the call were Belgium, Denmark, France, Ireland, Italy, Luxembourg, Malta, the Netherlands, Norway, the UK, Sweden and Switzerland.

Defining the phenomenon is thus the first problem in any analysis and measurement of recidivism rates. There is no absolute criterion, universally adopted across the scientific community, for defining recidivism. Rather, it depends on the choices made by the researcher according to the circumstances.

Leaving aside the definitional question, the methodological aspects of studies investigating this phenomenon pose a sizeable problem for researchers wishing to analyse and compare recidivism rates. In particular, there are two aspects where the choice of method appears crucial in terms of the outcomes and comparability of studies. The first regards the definition of the population analysed. Selecting the sample on the basis of its size, the social and personal characteristics or the legal position of the individuals concerned could clearly influence the results of the study considerably. During the aforesaid monitoring study conducted by the European Council, for instance, researchers found that the populations observed differed so greatly that it was impossible to propose entirely distinguishable categories. In that case, they proposed a macro-distinction between investigations conducted among the prison population and those in a sample of non-incarcerated offenders. At the same time, they found that the differences between the respective populations of reference even prevented any comparison between studies conducted within the same sample. The relevance of the population observed has also been confirmed by studies published in Italy, where whether offenders had previously been incarcerated or served alternative sentences² and the percentage of substance-abusing offenders were found to greatly affect the results.

The second aspect regards the observation period. Results obtained over an observation period of six months are clearly not comparable with those obtained over a longer time. Again in this case, the monitoring study conducted by the Council of Europe showed how the methods adopted by the different European countries used very different time criteria, with observation periods ranging from six months to 21 years. As highlighted by a British research team: "How much extra value is offered by the latter if the average re-conviction rate in a two-year study is 65 per cent and that in a five-year study is 75 per cent?" (Lloyd, Mair, Hough, 1994, p. 6). The use of a longer or shorter observation period clearly depends on the conditions under which the research is conducted and its aims. Nonetheless, the use of different observation periods undermines the comparability of outcomes and the evaluation of reported recidivism rates. Another issue concerns the moment the measurement should start, particularly whether or not the actual period during which the sentence is served should be included. On this point, it must be stressed that observing the prison population or offenders serving alternative sentences could involve the use of different methodologies which, in turn, would influence the interpretation of the results and the comparability of different studies.

Alongside these fundamental methodological choices, outcomes can also be affected by other options, such as the use of certain specific local situations or data sources³. Of course, such choices are often methodologically valid and sometimes dictated by the conditions under which the study is carried out, in terms of the availability of time and resources, and by its aims. However, it is important to point out that these options are decisive factors in the production of the end result and, as a consequence, in how recidivism is presented.

2 Within this macro division it is also important to distinguish between samples made up of offenders serving an alternative sentence after a period in prison and those serving an alternative sentence after being free, as empirical studies have found that recidivism rates for these two groups differ considerably (Leonardi, 2007).

3 On this point it must immediately be clear that the use of second-hand data can cause serious problems if there is no way of verifying the exact source of such data or the methods of data collection used.

In general, previous research experience has shown that recidivism should be regarded as a highly relative concept, at least from a methodological point of view. Using the language of constructionist sociology (Blumer, 1969), the concept of recidivism is in itself the result of a system of social interactions that can only be evaluated in the light of the procedures that led to the construction of the phenomenon.

Based on this premise, and while taking into account the relativity of the results that have emerged from studies investigating recidivism, the issue should not be expunged from the criminological debate on the effectiveness of custodial sentences in terms of meeting the objectives formally assigned to them. On the contrary, recidivism is an important indicator of the impact of the sentence - and of the treatment programmes implemented - on the life of offenders. As already stated, this indicator is the result of methodological choices which must be clear and involve the use of caution in the comparison of data.

1.2. Empirical research in Europe: action guidelines

At the international level, recidivism is a field that is almost constantly subject to analysis using empirical research tools. Competence in field research in English-speaking countries has facilitated the consolidation of a tradition of studies in this area. The annual statistics on re-conviction rates published by the British Government's Home Office Research Study are one example of the importance placed on empirical data. Importantly, the results of these studies have shown that recidivism rates are generally very high among offenders who have served custodial sentences. However, despite the failure of prisons to socially rehabilitate offenders, the system is not in crisis. The impact of research undertaken in the mid-1990s in the United States is a clear demonstration of this. These studies showed that, in a sample of offenders released at the end of their custodial sentences in 1994, as many as 67.6 per cent were re-arrested within three years of being released (Langan, Levin, 2002). This number was five percentage points higher than reported in a previous survey on a sample of offenders released from prison in 1983 (Beck, Shipley, 1989).

Failure in its function of socially rehabilitating prisoners has not directly resulted in a crisis in the prison system as a tool for the execution of custodial sentences. On the contrary, as such failure became apparent, any prospects of prison sentences being regarded as treatment programmes have been almost entirely abandoned in favour of the mere neutralisation of convicted prisoners⁴. One direct consequence of this approach has been the introduction of stricter rules for recidivists, culminating in the approval in some states of the "Three strikes and you're out" law, imposing longer prison sentences on offenders convicted three times, including for different crimes (Zimring *et al.*, 2001; Shichor, Sechrest, 1996).

This research was the starting point for numerous other studies investigating recidivism rates for offenders placed under probation orders (Mair, Nee, 1992, MacKenzie, De Li, 2002), on parole (Petersilia, 2003; Travis, 2005; Peters *et al.*, 2015) or subject to community service orders (McIvor, 1992, Steiner *et al.*, 2012), and the strategies implemented to guide their re-entry into society (Wright *et al.*, 2011, Duwe, 2012).

⁴ Here it should be noted that this permanent abandonment has been accompanied by a gradual disillusionment with prison treatment programmes, starting with the publication of the first studies that shed light on the limited success of investments in this area in relation to the outcomes (Martinson, 1974).

Note, however, that these studies were not able to dispel all doubts as to the different criminal policy options available. In particular, on the one hand, the question of which conditions can help to reduce levels of recidivism among ex-prisoners remains open to debate. While the majority of studies have found that getting people into work and rebuilding family ties are, together, key factors in fostering desistance (Blumstein, Nakamura, 2009; Bushway et al., 2011), others have concentrated on the psycho-behavioural variables associated with the person's life path and changes in their behaviour at different stages in life (Giordano et al., 2008)⁵. On the other hand, in the field of public policy there is still widespread debate between those who consider more extensive use of community sentences to be too expensive, in view of the risks associated with re-offending⁶, and those who support an increasingly predominant role of these with respect to prison sentences.

The attention paid by scientific research to this issue reflects what is, in many ways, an enviable interest in the factual reality of the phenomenon; in this respect, the analysis of European studies has shed light on a number of indicators that could also be useful for analysing the phenomenon in Italy. In the current study, these indicators are interpreted as research hypotheses to guide future analysis of this subject. In this respect, it is important to note that studies investigating recidivism all agree on certain aspects.

- a) Recidivism rates are generally higher among men than among women.
- b) The number of re-offenders tends to decrease with age.
- c) Recidivism rates tend to be lower for first-time detainees than for offenders who have been incarcerated several times.
- d) Individuals who have served long prison terms for committing more serious crimes tend to be convicted less frequently than those imprisoned for shorter terms for committing less serious crimes⁷.

Alongside such well-established elements of knowledge, research in the field has shed light on the need for further reflection.

This is the case of a number of studies in which the variables analysed included the “length of time spent in prison in relation to the actual penalty imposed” (Tournier, 1985). The author observed lower recidivism rates for individuals who had served less than 70 per cent of their sentence in prison compared to those who had served all, or almost all of their sentence in custody⁸. Drawing a

⁵More in detail, these studies refined their analysis by introducing numerous variables. Probably the most significant of these is gender, with some studies examining the processes that lead women to desist from crime as compared to men (Giordano, 2002; Giordano, 2010).

⁶ This point has been the subject of a great deal of research from an economic perspective. Among the numerous most recent works, see Bordenhorn (2015) and the extensive body of literature cited therein.

⁷ For the statistical weight of the different variables applying differential analysis, reference should be made to Kensey, Tournier (1991); the authors identified age, the number of previous convictions and the seriousness of the first offence as the most discriminating variables in recidivist behaviour.

⁸ Specifically, the study by Tournier reported a recidivism rate of 28.5 per cent for offenders who had served less than 70 per cent of the sentence imposed in prison; this rate gradually increased with the length of time served in prison,

similar conclusion, Kensey and Tournier (1991) reported lower levels of recidivism for conditionally released offenders compared to those who were not released from prison until the end of their sentence⁹. In interpreting their findings, the authors also took into account the fact that the lower recidivism rates observed for prisoners released early as compared to offenders who served all of their sentence in prison could be due to a number of reasons, and that these might also be attributable to the criteria adopted by the authorities that control the execution of custodial sentences and access to alternative measures¹⁰. Furthermore, empirical research has not produced consistent findings on the matter of the relationship between the length of time spent in prison and recidivism rates. Some studies (Lloyd, Mair, Hough, 1994) reported that, from a statistical perspective, variables referring to offenders' ages and previous criminal careers are more discriminating than the ways in which sentences are served. However, other studies that focused more on the qualitative aspect linked to the structure of specific treatment programmes for specific categories of offenders confirmed the positive effect of releasing offenders from prison and of guiding them towards a system of alternatives to custody. In particular, such studies, applied to programmes addressing substance-abusing offenders (Van Stelle, Mauser, Moberg, 1994), demonstrated the positive impact of social rehabilitation programmes for these offenders. The conclusions drawn by these studies are also extremely encouraging, in that they demonstrate that the completion of out-of-prison treatment programmes is an effective tool for reducing recidivism, including among offenders with a long criminal career who have already been imprisoned several times¹¹. In this regard, the findings of empirical research appear to suggest that public crime control policies should make bold decisions aimed at facilitating inclusion, through non-custodial treatment programmes. This is in clear contrast with a paradigm focused exclusively on the temporary neutralisation of increasingly large sections of the population regarded as the "public enemy", a paradigm that seems, instead, to have prevailed in populist rhetoric over the last two decades. This stereotyped image of the public enemy also appears to be confirmed by studies (Kensey, Tournier, 1991) reporting that recidivism is less frequent among foreigners than among the native population. Once again, caution must be exercised, as such findings can be interpreted in different ways. When considering recidivism rates among foreigners, it is not always possible to measure the impact of expulsion orders¹², and it is practically impossible to determine the number of individuals who avoid being counted because they provide false information. However, when considering the results

reaching 42.6 per cent for those who had served 70-80 per cent of their sentence in prison, 47.7 per cent for those who had served 80-90 per cent of their sentence in prison and 59.9 per cent for those who had served the full sentence in prison.

⁹ In this case, 39.8 per cent for those who had served the full term in custody and 23 per cent for conditionally released offenders.

¹⁰ Kensey and Tournier (1991) themselves tempered enthusiasm for the lower recidivism rate among conditionally released offenders, pointing out that many of these were middle-aged or older and did not have a long record of previous convictions, considering these variables to be of greatest relevance in the analysis of recidivism.

¹¹ Van Stelle, Mauser and Moberg (1994) observed an average recidivism rate of 76 per cent for offenders who had not completed the treatment programme. This rate fell to 44 per cent for those who had completed the treatment programme. As for the relationship with the number of previous prison sentences, the same study observed that only 41 per cent of individuals with eleven or more previous prison convictions re-offended, whereas in Great Britain at that time, the average recidivism rate for offenders with the same number of previous convictions was 74 per cent.

¹² Kensey and Tournier (1991) partly overcame the problem by eliminating individuals who had received an expulsion order from the sample of foreigners. In that case, over a period of six years, the recidivism rate among French offenders was 36 per cent compared to 22 per cent among foreigners. In another study, the same authors (1994) calculated recidivism rates for foreigners by distinguishing between those who had received an expulsion order and those who were legally present in France. They reported a recidivism rate of 20.6 per cent for the first group and of 40.6 per cent for the second, compared to 55.2 per cent for French nationals.

of empirical research, it is important not to overlook the fact that these findings go against a widely held belief that foreign offenders are more likely to re-offend.

Thus, the development of empirical research on recidivism has provided factual indications on the phenomenon, enriching the debate with evidence acquired from field research. Such research has also made it possible to question certain stereotypes that appear to strongly influence the debate on safety policies. To that end, the role of empirical research in relation to the phenomenon of recidivism can be correctly interpreted as a tool for problematising the simplified models that are all too frequently presented in media debates. We can therefore agree with the statement: “Quand il est question du devenir des personnes détenues, au cours de débats télévisés par exemple, ou sur les marches du palais après un verdict semblant à certains trop clément, dans la presse ou dans les déclarations de certains hommes politiques sur l’insécurité, on pourrait finir par croire “qu’ils” “recommencent” toujours [...]. La synthèse qui va suivre met en évidence une réalité moins désespérante” (Kensey, Tournier, 1994, p. 77), recognising the important role of empirical research in introducing rationality to a debate that is all too frequently blurred by emotional pressure and conceptual simplification.

2. IMPACT Project

In order to propose a sound evaluation model, a brief survey should be made of the variables and methods used to evaluate the effectiveness of projects concerning recidivism among sex offenders.

The ultimate goal of all Working With Perpetrators (WWP) programmes is to protect the victims (women and children) and increase their safety.

Domestic Violence Perpetrator Programmes (DVPPs) are achieving this goal (Hester et al, 2014). However, prior to the IMPACT Project (Daphne III Project) “Evaluation of European Perpetrator Programmes”, which examined current evaluation practices with a view to developing tools and methodologies to harmonise and improve monitoring and evaluation of outcomes of perpetrator programmes in the European countries involved, DVPPs were evaluated using different methodological approaches and tools to measure outcomes (Akoensi et al, 2013; Hester et al., 2014).

IMPACT has made it possible to conduct a survey of systems monitoring the outcomes and difficulties of DVPPs and all other needs related to these. To start the project, staff sought specialists’ opinions on conducting the monitoring study (Scambor, Wojnika and Scambor, 2014). They pointed out some difficulties associated with differences in the systems used, both within and across the various countries. To overcome this issue, Lilly-Walker, Hester and Turner (2016) proposed a methodology that consisted in collecting specific information about outcomes (both positive and negative) during the DVPP.

Monitoring systems must therefore record and evaluate the outcomes of the programmes and compare these with the outcomes of national and, where possible, international best practices and research in partner countries.

The project resulted in the creation of a toolkit and a set of guidelines for good practice in measuring outcomes.

The programmes envisaged the administration of questionnaires to perpetrators and their (ex) partners at four points in time: the time of first contact, the start of the programme, during the programme and at the end of the programme.

More specifically, the programme aims to:

- lower the amount and level of physical, emotional and sexual violence and abuse;
- increase the safety of partners;
- reduce calls to the police;
- reduce levels of children's fear and improve parenting.

Measures of success should go beyond the cessation of violence and, as proposed by Hester and Lilley (2014), victims' accounts should be acquired whenever possible, to check for any increased feelings of safety and well-being. These factors should be triangulated with other sources.

2.1 Toolkit and methods of evaluation

The research project analysed 65 evaluation studies from 13 European countries, divided as follows: Spain (n = 22), the UK (n = 19), Germany (n = 6), Switzerland (n = 4), Finland (n = 4), Sweden (n = 2), Austria (n = 2), Ireland (n = 1), Denmark (n = 1), Iceland (n = 1), Croatia (n = 1), the Netherlands (n = 1) and Portugal (n = 1).

The purpose of the WWP Toolkit is to try to standardise the methods and areas of enquiry used in evaluations, help programmes to monitor and evaluate the impact of their work and create a European-wide dataset. The Toolkit was designed to evaluate possible changes in perpetrators' behaviour and the impact of such behaviour, as well as any changes in the safety of victims (drawing from the COHSAR approach - Hester et al. 2010). In particular, the Toolkit facilitates the evaluation of changes over time by defining four points in time at which to collect information and with a specific questionnaire for each point in time. The time points are T0, T1, T2 and T3:

1. Time 0 (T0) is the first contact with the perpetrator and the partner/ex-partner;
2. Time 1 (T1) occurs when the perpetrator starts the DVPP;
3. Time 2 (T2) occurs half way through the programme;
4. Time 3 (T3), at the end of the programme.

At each of these time points, there is a questionnaire for the perpetrator on the programme and a corresponding questionnaire for the partner/ex-partner.

Although the DVPP evaluation project originally set out to plan, design and carry out an evaluation capable of answering all the questions posed by the different stakeholders, this was not actually possible.

It did, however, lead to the development of a concept for coordinating evaluation efforts, consisting in a series of small evaluation projects using a similar methodology that could be coordinated.

The prerequisites for evaluating all projects are, on the one hand, the ability to consider the high variability of national conditions and systems (institutional practices, victim support services, DVPPs, etc.) across Europe. Such variability can be a resource for evaluation studies and for analysing DVPPs in different contexts. On the other hand though, the biggest issues regard terminology, the use of concepts and designs (in terms of measurement of time points and sources of information). Moreover, control groups are difficult to establish. However, as Hester et al. (201) concluded “[...] *it would be possible in the main to take elements from different approaches in order to start developing a robust evaluation methodology.*” (Hester et al., 2014, p. 39).

As various stakeholders have argued, it is important to concentrate on programmes that are compatible with existing standards and policies (e.g., the Istanbul Convention). It has, however, become apparent that evaluation studies capable of answering the relevant questions involve a great deal of effort in terms of resources, and project managers have been sceptical about integrating this kind of work into their daily routines. In other words, heading in the direction of international, multi-country/multi-site evaluation studies without additional resources does not seem feasible.

In practice, stakeholders can be persuaded to switch to alternative instruments to measure their outcomes, but some problems remain, and so it is important to acknowledge sound evaluation studies that, being broader in concept, need more resources in order to measure outcomes. Accordingly, specialists have underlined the need for additional funding if it becomes necessary to take part in multinational evaluations.

2.2 Project evaluation standards

As established by the specific literature, methodological standards and the use of common terminology appear to be crucial for any meaningful development of evaluation projects in the future.

Evaluation was performed using instruments such as:

- implementation and embedding and/or programme delivery;
- analysis of outcomes;
- impact, also in terms of broader effects not envisaged by the programme;
- cost-benefit analysis and cost-effectiveness.

DVPP evaluation standards regarded:

- concepts and terminology. Whether DVPPs should focus on common concepts has been widely discussed. Various groups of stakeholders have expressed their positions and interests as regards DVPP outcomes. These positions must be taken into consideration when planning evaluations;
- source of information. Perpetrators’ reports are not deemed sufficient by specialists in the field (see for example Gondolf, 2012). Partners’ reports, police reports or court records are needed to provide all the information required. Partners’ information is considered more reliable and more meaningful and should therefore constitute the core indicators for the purposes of evaluation.

However, this in turn raises ethical questions that have to be considered (see Downes, Kelly & Westmarland, 2014);

- observation times. A simple pre-post design for evaluating the sustainability of the changes achieved by the programmes is not sufficient for the purposes of evaluating DVPPs. Hester et al. (2014) proposed a model of observation time points for use in this context. The authors defined four time points: T0, when a perpetrator is referred to the programme; T1, when the programme starts; T2, during the programme; T3, at the end of the programme; T4, follow-up after the programme has finished (often after 6 months).

This model, together with the requirements concerning the information to be collected during each project, can constitute a central standard for DVPP evaluations.

3. Recidivism and re-entry into society: the limits of correctional approaches

Having presented the indications provided by the literature on the subject of recidivism and, more specifically, on offences committed within the family, the next step is to consider the appropriate methodological approach for evaluating the impact of a social rehabilitation - and special prevention - project for perpetrators of violence against weaker individuals. In this respect, the most recent literature in this area has shed light on the limits of correctional approaches based on the analysis of court records. In positivist criminology studies, a method that is widely used consists in reconstructing the perpetrator's criminal career path mainly - or even only - based on an analysis of judicial records prior and subsequent to the criminal conviction. While on the one hand, as already mentioned, such approaches may be useful for making investigative assumptions, they also tend to result in oversimplification when attempting to establish the causal links between certain macro characteristics derived from the data obtained¹³ and whether or not an offence has been repeated¹⁴. The problem with these approaches is that they rely too heavily on statistical correlations based on the relationship between behavioural data about the perpetrators on the programme and their career paths as derived from judicial records. They overlook the complexity of the individual paths of offenders passing through the criminal justice system. This complexity can be re-interpreted on the basis of the relationship between the concept of recidivism and that of re-entry into society. While recidivism is defined - albeit with the distinctions underlined above - as a phenomenon that mainly regards the legal system and re-offending, the concept of "re-entry into society" is broader and aims to investigate - in its complexity - the perpetrator's criminal path prior and subsequent to a criminal punishment.

From this perspective, the difficulties of social re-entry programmes for criminal offenders have been amply demonstrated by the sociology of deviance, notably the so-called "labelling theory" studies (Becker, 1987). More recently, a large body of research in the United States focussing on the life paths of offenders released from prison reported a direct link, in many cases, between the gradual erosion of public resources to support the most vulnerable sections of society and the devastating impact of mass incarceration policies (Mears, Cochran, 2015; Price, 2015; Price-

¹³ In the previous section we saw how the studies evaluating the programmes in question complained about the lack of detailed information about perpetrators.

¹⁴ For a telling criticism of positivist criminology approaches with regard to recidivism, reference should be made to a recent essay by Alvis Sbraccia (2018).

Spratlen, Golsby, 2012; Wakefield, Wildeman, 2014). These studies showed that there is a gap between non-re-entry into prison and satisfactory re-entry into society, especially in terms of work expectations (Holzer, 2009; Huebner, 2005). Even when they manage to avoid re-conviction, prisoners who have been released find it increasingly difficult to re-enter society and only some overcome this thanks to specific employment re-entry programmes (Due, 2102; Leverentz, 2011; Maruna, 2011). Thus, an analysis based on the paths of re-entry into society available to offenders recruited on special crime prevention/deterrence programmes can be more profitable than simply measuring recidivism rates. This method is effective on at least two fronts.

- The first, as already stated, is that of the complexity of life paths. These paths are not listed exhaustively in court records and cannot be fully reconstructed on the basis of the information these contain. In a study conducted by our team, for instance (Ronco, Torrente, 2017), we found that simply analysing quantitative data on recidivism can lead to incorrect evaluations of the impact of a social re-entry project. In that case, the fact that recidivism rates among those benefiting from the project were not high was not attributable to the intrinsic effectiveness of that project, but to external factors that only emerged in the qualitative stage of the study.
- The second is that of the selectivity of the criminalisation process. In this respect, in social research conducted from a criminological perspective it is an established fact that statistics on offences are not representative of all crimes committed, but only of those about which the social control agencies are aware. Thus, statistical surveys on recidivism are unable to measure that unknown number of crimes not detected by the criminal justice system. From this perspective, a correct analysis of the offender's social re-entry path is able to bring to light any relapses into criminal behaviour not detected by the control agencies and about which no information can be obtained from any court records.

Starting from these assumptions, an analysis of the path of re-entry into society of perpetrators included in the CONSCIOUS project would, in our opinion, be particularly useful, especially considering the complexity of the perpetrators' criminal careers on the one hand and the actions undertaken to address the risk of recidivism on the other.

From this perspective, we wish to propose at least two methodological tools that could be used to perform such analysis.

- The first is based on the reconstruction of offenders' life paths. In the literature, these paths are generally rebuilt through the reconstruction of biographical paths, on the basis on detailed interviews which vary in length and number depending on the specific cases and aims of outcome monitoring¹⁵. The advantage of this methodology lies in the fact that, when performed properly, it is able to reconstruct the complexity of interviewees' individual experiences and choices. In the CONSCIOUS project, these interviews could be conducted at different stages following recruitment, also with a view to evaluating the impact of the actions from a diachronic perspective¹⁶. In that case, the monitoring study could follow the example of the excellent results achieved by studies conducted in Italy on young migrants transferred from detention centres (Sbraccia, 2010).

¹⁵ For details about qualitative research methodologies, reference should be made to the well-known manual by Mario Cardano (2011).

¹⁶ From this perspective, the proposed methodology is consistent with that suggested in the IMPACT survey.

- The second involves the direct observation of the individual paths of the perpetrators benefiting from the project. Of these, shadowing has been found to be particularly effective, with the researcher following and observing the perpetrator to analyse his paths and choices. This method has also been used to analyse post-detention paths. In particular, in the study called Re-entry to Nothing (De Giorgi, 2014), the researcher investigated the impact of incarceration on young people - mainly Afro-Americans - and went on to create a blog to discuss the structural impact of imprisonment in the United States. In the CONSCIOUS project, shadowing offenders who have transited through the project could “exploit” the fact that these individuals are in contact with the services, and so the analysis of their re-entry into society could accompany their shadowing by operators. The analysis of these paths will therefore be carried out in the context of continuous supervision and will result in a specific report, shared between therapists and supervisors.

The use of these evaluation tools should not be seen as an alternative to those used up until now and analysed by the Working With Perpetrators network. They should instead be seen as complementary in order to complete the evaluation of the intervention paths for perpetrators of offences against family members. From this perspective, given the number of individuals involved, the specific characteristics of the crime committed and of the actions implemented, an evaluation process focused on analysing individual paths is particularly desirable, rather than the mere statistical analysis of recidivism. With this type of monitoring it will also be possible to evaluate the long-term feasibility of programmes capable of preventing the perpetration of new crimes.

Part Two: Project's Socioeconomic Impact

1. Main goals/Assessment approaches

- a. ASSESSMENT OF the PROGRAMME THEORY to demonstrate the starting CONSCIOUS hypotheses:
 - a) the reduction of the recidivism allows to decrease the general costs related to violence victims etc.; b) the costs of prevention are minor then those of the treatment ex-post; c) greater investments in prevention produce more lasting and effective results not only at the individual level but also for the whole society and public services.
- b. FORMATIVE EVALUATION (Stufflebeam & Shinkfield, 2007) to provide directions and integrations to orient the regional planning (Lazio region) for the next POR/FESR.

2. Reference Models

2.1 The model of the European Institute for Gender Equality (EIGE)

7 clusters of costs (EIGE, 2014; Walby, 2004):

1. lost economic output
2. health sector
3. legal sector
4. social welfare
5. personal costs
6. specialised services
7. physical and emotional impact

The EIGE report applied the UK data to the member states, proportioning them to the national population size.

In Table 1 are indicated the estimations of the EIGE model costs for Italy.

Table 1: costs of the violence against women in Italy according to the EIGE model

Member State	Population	Cost of IPVAW	Cost of IPV	Cost of GBVAW	Cost of GBV
Italy	59 394 207	12 845 128 120 €	14 381 500 556 €	26 583 233 147 €	30 454 869 052 €
IPV: intimate-partner violence GBV: gender-based violence AW: against women					
Source: EIGE, 2014					

Nonetheless, as stressed by the same authors (EIGE, 2014) many limits of application of the EIGE model in other countries exist, first because of the spread lack or unavailability of the requested data. Thus, a suitable process of adaptation of the EIGE model is necessary.

2.2 The Intervita research and the specificities of the Italian context

To make an effective overview at the national and regional level the main up-to-date sources of information should be used (e.g. INTERVITA, 2013; ISTAT, 2007; 2015; WWP; 2016), to better understand which data are available and important and which not.

2.3 The CONSCIOUS model: a hybrid between the EIGE and Intervita models

Explaining how and why the EIGE proposal and the INTERVITA model could be a suitable base for the CONSCIOUS model. Some additional items of costs have been added to compare with the EIGE model. A case-study methodology is proposed using the perpetrator as reference (as the EIGE) and not the victims (as in the Intervita research).

2.4 Main types of costs

Three main categories of costs:

1. economic costs/benefits
2. services (health; social; law)
3. personal impact

The costs are borne with different weights by:

- the society
- the victim (and/or her family)

The preconditions allowing the calculus of the identified costs are strictly connected to the availability of the requested data.

These data should be normally made available through an ad hoc impact assessment study done in the framework of the CONSCIOUS project (called CONSCIOUS IMPACT-ASSESSMENT STUDY - CIAS). The CIAS will include both quantitative questionnaires and qualitative interviews which should be addressed to a significant sample of the target beneficiaries: perpetrators under treatment and relating victims and social, legal, and health operators as well (for more information see the following section 3.3 sources of information).

3. Methods and Tools: Design of the Socioeconomic Impact Assessment Model

Cost-effectiveness analysis (CEA)

Allocative efficiency vs technical efficiency

Firstly, the model foresees a critical analysis of the whole application of the EIGE UK based model to the Italian context (as done by the EIGE report proportioning it to the Italian population size) to highlight if and where are present fitting points for a suitable adaption.

Secondly, the model expects a further estimation process considering the effects and the relating costs of the hypothesized decreasing of the recidivism, thanks to the CONSCIOUS model treatment.

In the following Tables 2 and 3, the identified costs, based on the initial project hypothesis of lowering the frequency of recidivism thanks to the CONSCIOUS treatment will be listed.

The costs of Table 2 came from an elaboration of the costs indicated both in the EIGE report and in the INTERVITA study. Whereas the costs of Table 3 originated from the specific activities of the CONSCIOUS project.

In table 2, the reference cluster applied by the EIGE model is also indicated.

The identified costs are divided into a) monetary costs for services; b) non-monetary costs (human and social). Furthermore, the tables indicate if the costs are slightly, partially or totally borne by society or by the victim (or her family).

Table 2: costs expected to decrease in case of lower recidivism thanks to the CONSCIOUS treatment

	Costs borne by society	Costs borne by the victim or her family	EIGE cluster	Data sources
Monetary costs for services				
Healthcare costs	●●●	●	2. health	Crime and healthcare statistics/surveys CONSCIOUS Impact Assessment Study (CIAS)
Judicial costs	●●●●		3. legal sector	Legal statistics/surveys CIAS
Social services costs	●●●	●	4. social welfare	Social statistics/surveys CIAS
Costs for psychological support/guidance	●●●	●	6. specialised services	CIAS
Costs for drugs	●●	●●	7. physical and emotional impact	CIAS
Costs of legal expenses	●	●●●	5. personal costs	CIAS
Costs for expenses related to moving/reception/accommodation	●●	●●	5. personal costs 6. specialised	CIAS

			services	
Costs for prevention communication, awareness-raising	●●●●		6. specialised services	CIAS
Non-monetary costs (human and social costs)				
	Costs borne by society	Costs borne by the victim or her family	EIGE cluster	Data sources
Job loss or reduced work productivity	●	●●●	1. economic output	CIAS
School drop-out or minors drop-out	●	●●●	7. physical and emotional impact	Educational statistics/surveys CIAS
Social/relational discomfort		●●●●	7. physical and emotional impact	Health statistics/surveys CIAS
Lower income		●●●●	1. economic output	CIAS
<p>Legend:</p> <p>●●●● costs totally borne by the family/public</p> <p>Between ●● and ●●● costs partially borne by the family/public</p> <p>● costs slightly borne by the family/public</p>				

Table 3: costs expected to increase in case of lower recidivism thanks to the CONSCIOUS treatment

	Costs borne by society	Costs borne by the victim or her family	Data source
Direct monetary costs for services			
Costs for training / awareness-raising of operators	●●●●		CIAS
Costs for the logistical reorganization of the prison	●●●●		CIAS
Costs for maintaining the territorial/institutional network	●●●●		CIAS
Costs for taking charge of the offender (treatment)	●●●●		CIAS

Others (e.g. perpetrators follow-up costs etc.)			
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3.1 Initial assumptions

The CONSCIOUS model proposed is based on the following assumptions:

Assumption 1: the intervention and the treatment proposed through the actions envisaged by the CONSCIOUS project entails a reduction of the recidivism rate equal to X (hypothesis 80% from a CIPIIM estimate).

Assumption 2: the decrease of recidivism leads to a reduction in related crimes, and therefore to lower overall cost for the victims' recovering.

3.2 Steps for the implementation of the impact-assessment model

A) Check the truthfulness of the initial project model assumptions

B) Assessment of the assumption 1 at time t0 (beginning of the CONSCIOUS project) and t1 (5 years after the end of the CONSCIOUS project)

TIME t0

1. To estimate the **average recidivism rate** (based on the main standards in the literature and more specifically to the reference territorial scale) intended as the average rate in the absence of the CONSCIOUS treatment by estimating the **expected standard number of victims of recidivism (z)**.
2. To estimate by hypotheses (elaborated through literature, previous experiences, and research) **the expected recidivism rate after the CONSCIOUS treatment** by estimating the expected number of victims of **recidivism** after the treatment (**v**).

TIME t1 (5 years)

3. to **check the observed recidivism rate** on the group treated by the CONSCIOUS intervention and to **calculate/assess the deviation** between expected and observed rates.

C) Assessment of the assumption 2 at time t0 (beginning of the CONSCIOUS project) and t1 (5 years after the end of the CONSCIOUS project)

TIME to

1. **to estimate, through a case study analysis system, the economic and social costs incurred for the treatment** of the victim's recovery relating to the project target group (37 perpetrators of sexual/domestic violence or a sample of them stratified by type of crime). A collection of information is proposed for the reconstruction of the cost items through interviews with institutional subjects, operators, professionals and family members involved in the recovery process of the victim and in the judicial proceedings against the author. For the list of the costs to be observed/collected/calculated see previously Tables 2 and 3.
2. **to determine the average socio-economic standard cost of recovery (a)** of victims of sexual crimes, if possibly outlined by the type of crime and by relating the set of costs incurred to the number of victims observed in the sample target group project. In case of

impossibility of collecting/making available the needed information to calculate (a), we suggest the assumption of a conventional estimate deduced from some previous national and international surveys (e.g. EIGE, 2014; Walby, 2004; Intervita; 2013).

3. **to estimate the overall socio-economic standard cost of recovering victims of recidivism sexual offenses (b)**, by multiplying the socio-economic standard average recovery cost (a) by the standard number of expected recidivism victims (z).

$$b = (a * z)$$

4. **to estimate the average cost of the CONSCIOUS treatment for each perpetrator**, through a specific cost analysis of the CONSCIOUS project (c)
5. **to calculate the overall average socio-economic cost of recovery of victims of sexual crimes in the presence of CONSCIOUS treatment (d)** adding the average cost of treatment CONSCIOUS (c) to the average socioeconomic recovery cost (a)

$$d = (a + c)$$

6. **to estimate the overall socio-economic cost for recovering victims of recidivism sexual offenses in the presence of the CONSCIOUS treatment (e)** multiplying the overall average socioeconomic cost of recovering victims of sexual crimes in the presence of CONSCIOUS treatment (d) with the expected number of victims of recidivism post-treatment (v).

$$e = (d * v)$$

7. **to estimate the value of the overall saving/socio-economic benefit of the CONSCIOUS treatment (x)** by calculating the variation between the total socio-economic cost for the recovery of victims of recidivism sexual crimes (b) and the overall socio-economic cost for recovering the victims of recidivism of sexual offenses in the presence of CONSCIOUS treatment (e)

$$x = b - e$$

TIME t1 (5 years)

8. Against the verification of the recurrence rate observed in the group treated with CONSCIOUS intervention to verify the deviation between the expected value and the observed value of the overall economic saving/benefit of the CONSCIOUS treatment.

3.3 Sources of information

In order to collect the preliminary impact assessment data, the model will foresee first a documentary analysis of the most updated national and statistics surveys and reports on crimes connected to gender violence. These reports are mostly made by the Italian National Statistical Institute (ISTAT) and the concerned public agencies/authorities at the local, regional and national levels (e.g. Health and Crime statistics, Legal sector data, National Social Services/Housing Statistics, etc.).

Secondary, to collect primary data of costs a CONSCIOUS impact-assessment study (the above mentioned CIAS) will be realised using both questionnaires and semi-structured interviews with the

beneficiaries of the project. The CIAS will be carried out collecting insights, data, and costs from participants, victims/survivors, perpetrators, educators, lawyers, operators, and those delivering services.

Besides, some focus groups will be addressed to the beneficiaries' services to highlight the socio-economic impact of the model, also considering the personal points of view and perceptions.

3.4 Qualitative testing and validation of the CONSCIOUS model

In order to evaluate whether the proposed model will be consistent with the objectives of the CONSCIOUS project, and appropriately applicable in practice, a testing phase of the CONSCIOUS model is also envisaged, carried out by a selection of external experts and target groups. This testing phase is also valid for further assessing the socio-economic impacts of the project both on the beneficiaries and on the local community as well.

4. Replicability/Scalability of the CONSCIOUS model

The outcomes of the previous testing phase will be preliminary to better design the level of replicability of the CONSCIOUS model at a local, regional and national level.

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