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## VISITING EXPERTS' PAPERS

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### THE IMPORTANCE OF THE APPROPRIATE MANAGEMENT OF RISK AND REINTEGRATION POTENTIAL

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This paper has been updated from the notes prepared for a session on Corrections and Conditional Release at "Beyond Prisons: Best Practices Along the Criminal Justice Process," an International Symposium held on March 15-March 18, 1998, at Queen's University, Kingston, Ontario, Canada. It is based on materials prepared for the National Parole Board of Canada in January of 1994 as well as materials developed for NIC, the Vermont Department of Corrections, the Ontario Ministry of Community and Social Services, the Ontario Ministry of the Solicitor General and Correctional Services, and Multnomah County Oregon.

#### I. INTRODUCTION

This paper is concerned in particular with how current research, theory and opinion within the human and social sciences may assist in decision making and practice in relation to risk management and risk reduction. In particular, how authorities with an interest in community corrections and conditional release may assess the quality of each of the following:

- i) quality of understanding of intake risk/need
- ii) quality of understanding of an individual's criminality (individualized assessment of risk/need)
- iii) quality of the correctional plan and in-prison events
- iv) quality of release plans
- v) quality of progress reports
- vi) quality of assessments of an offender's behavior on conditional

release.

An introduction to the power of current knowledge and opinion regarding risk/need and recidivism follows but obviously does not imply that risk/need assessments and knowledge of program participation yield perfect predictions of recidivism. To the contrary, even the best of the empirically-based knowledge of the value of preservice risk assessments, reassessments of risk/need, and program participation yield predictions that are less than perfect. Some information, however, yields more accurate predictions regarding the possibility of future criminal conduct than does other types of information. For example;

- i) assessments of antisocial attitudes, antisocial associates, psychopathic personality, a history of antisocial behavior, and problematic familial and educational/vocational conditions are much stronger risk factors than are assessments of personal distress, low intelligence, psychopathology or lower class origins;
- ii) assessments of dynamic need factors increase the predictability of recidivism over that provided by an assessment of criminal history;
- iii) assessments of current risk/need levels are more predictive of recidivism than are intake risk/need assessments;
- iv) assessments of participation in treatment programs are more predictive of effects on recidivism than are assessments of the settings established by the severity of official punishment or of official processing such as levels of custody or of

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- supervision;
- v) assessments of the clinical and psychological relevance of correctional treatment participation are more strongly predictive of effects on recidivism than are assessments of undifferentiated treatment participation;
- vi) assessments of changes under supervision are predictive of recidivism over and above the accuracy provided by prior risk/need assessments.

## **II. THE GENERAL PERSONALITY AND SOCIAL PSYCHOLOGICAL PERSPECTIVE ON CRIMINAL CONDUCT: SOCIAL LEARNING**

There are few scholars or practitioners who would not agree that the occurrence of criminal acts reflects the outcome of particular individuals being in a particular situation at a particular time. The immediate causes of criminal activity reside in the immediate situation of action. Situations, by virtue of objective features and prior personal experience, may vary in the temptations and controls represented. In that immediate situation, a crime occurs when:

- i) An intention to behave that way is formed.
- ii) The personal choice is made.
- iii) Self-efficacy beliefs suggest that "I am able to do it" and "it will payoff".
- iv) The situation is defined as one in which it is "OK" to behave that way.
- v) The balance of signaled rewards exceed the signaled costs of crime.

Understanding and managing risk of recidivism entails understanding:

- i) Individualized situational risk factors, and:
- ii) Understanding those personal, interpersonal and circumstantial risk factors which shape particular

intentions, choices, self-efficacy beliefs, definitions of situations, or shifts in signalled rewards and costs.

The research evidence regarding risk/need factors is now overwhelming in that offenders may with some reliability and validity be grouped into lower and higher risk categories. Over and over again in the research literature, assessments of the following factors yields predictions correct in from 65% to 80% of the cases:

- i) Antisocial attitudes, values, beliefs, rationalizations, and cognitive-emotional states (e.g., anger, resentment, defiance);
- ii) Antisocial associates and relative isolation from anticriminal others (interpersonal support for crime);
- iii) A history of antisocial behavior, evident from a young age, and involving a number and variety of harmful acts in a variety of situations;
- iv) Aggressive, callous, and egocentric personality;
- v) Weak problem solving and self-management skills;
- vi) Generalized difficulties in the domains of home, school, work and leisure (these problems may be associated with substance abuse).

The above-noted risk factors are generally applicable but if one is interested in particular acts such as violent and sexual offenses then assessments are also conducted of attitudes, associates, behavioral history, and skill deficits particular to violent and sexual offending. Similarly, mentally disordered offenders may present some special considerations such as compliance with medication and ready access to mental health services.

The sets of risk factors labelled "antisocial attitudes," "antisocial associates," and "history of antisocial behavior" are of particular significance in the general social learning perspective on

criminal conduct.

### **A. A History of Antisocial Behavior**

This set indicates that particular antisocial acts are part of the offender's repertoire, and typically this means that the person has experienced immediate reinforcement for engaging in those acts. In the language of relapse prevention, this entails the risk factor of PIG (the Problem of Immediate Gratification). Many forms of criminal behavior do deliver immediate positive sensations and events, including sometimes short-term relief from feelings of frustration, resentment, powerlessness, and boredom. The negative consequences of guilt, shame, disapproval of others, and the deprivations of official punishment are much more delayed (if they occur at all).

From the perspective of self-efficacy, a history of antisocial acts suggests that two key beliefs necessary for engaging in an act are readily present: "I am able to do that" and "It will be rewarding." From the social learning perspective, in many high risk situations the immediacy of the signaled rewards for crime is far more potent than the largely delayed costs.

In order to neutralize PIG, a good correctional plan will include elements aimed at avoiding high risk situations (for example, conditions around association patterns, locale, alcohol use, etc). More generally important, however, is that personal attitudes and thinking patterns and interpersonal support networks render the potentially costly consequences more immediate, more vivid and more dense, and that the personal and interpersonal supports for noncriminal behavior are strong.

### **B. Antisocial Attitudes**

This set is a major contributor to the decision (or intention, or choice etc.) to engage in criminal acts. Generally, it includes having attitudes favourable to law violations, identifying with others who

violate the law, having negative attitudes toward the law and criminal justice, holding beliefs that suggest it is "OK" to violate the law, and believing that even those laws that are generally worthy of respect may be broken when "one is out of control," "pushed too far," "the victim deserves it," "no one gets hurt," "everyone is doing it," and/or "the whole system is corrupt". The latter represents rationalizations for law violations, techniques of neutralization, or exonerating mechanisms. The attitude set also includes those cognitions supportive of crime that may be associated with feelings of anger, despair, resentment, and defiance. If anti-criminal alternatives to antisocial styles of thinking and feeling can be introduced into the immediate situation of action, then even PIG will not lead to criminal activity.

### **C. Antisocial Associates**

Human behavior is strongly influenced not only by personal attitudes, values and beliefs but also by the support displayed by others for the particular behavior in question. Once again, even PIG can be overcome by the clear perception that important others would disapprove. This is why a good release plan attends to reducing association with antisocial others, increasing association with anti-criminal others, and building in social support for compliance and active participation in the release plan. Note too that while the immediate presence of others is particularly potent, even symbolic social support may be influential (for example, the use of published pornography in planning an offence).

### **D. What about the Other Major Risk/Need Factors?**

The process of self-regulation depends upon some minimal level of cognitive and interpersonal skill for attitudes, associates and behavioral history to translate into

particular acts in particular situations. Thus, cognitive skill programs have been found to reduce recidivism. Additionally, increasing the background levels of reward for noncriminal pursuits in settings such as family, school, work and leisure may reduce motivation for crime and enhance anticriminal attitudes and association patterns, while simultaneously greatly increasing the potential costs of crime (because there now is more to lose).

In addition to locating individuals according to risk/need through standardized instruments, correctional professionals and parole decision makers may wish to construct an appreciation of the criminality of particular cases. This entails an understanding of the particular risky situations, circumstances, and thought patterns for this case. As suggested repeatedly, risk is dynamic and individualized. It is here too that issues of age, gender, ethnicity and class may shape planning. This detailed information may then contribute directly to the correctional plan, release plan and progress reports.

Before turning to those plans, remember it is not just the ability of social learning perspectives to identify risk and need factors that is impressive. The social learning perspectives also suggest how these factors influence criminal conduct and identify powerful influence strategies. The powerful behavioral/cognitive behavioral/social learning strategies of change include all of the following (and more):

- i) Modeling;
- ii) Reinforcement;
- iii) Graduated practice;
- iv) Role playing;
- v) Extinction;
- vi) Interpersonal disapproval (if in a context of dense approval);
- vii) Giving reasons;
- viii) Cognitive restructuring.

### III. ASSESSMENT OF CORRECTIONAL AND RELEASE PLANS

The following portions of this paper represent an attempt to build a checklist for assessing the quality of correctional plans and release plans. These indicators include relevance, specificity and clarity of shared understanding, feasibility, decency and legality, and value of proposed interventions.

Is the plan relevant to the criminal propensity of this case?

- i) Has a standardized well-validated risk/need assessment been conducted and has the case been assigned to a risk category;
- ii) If a low risk case, have minimal service and supervision conditions been established;
- iii) If a higher risk case, have risk control and risk management been addressed;
- iv) If a highest risk case, are you sure that the opportunity for early detection of violations has been maximized, and that services are very intensive;
- v) Have relevant need factors been addressed through programming in the prison or in the community and/or through the setting of release conditions.

Is the plan specific and understood by the offender and involved others?

- i) Does articulation of the plan by the offender and involved others indicate shared understanding;
- ii) In the case of detailed analyses, are specific risk conditions identified and have risk lowering actions been identified and rehearsed;
- iii) When the offender discusses prior offenses, does the offender's

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- description touch upon specific risk/ need factors addressed in the plan;
- iv) When the offender discusses the release plan, does the discussion address risk/need in a manner consistent with the understanding of offender's criminality underlying the plan.

Is the plan feasible?

- i) Are the community supports for the plan (accommodation, employment, treatment services, etc.) in place and reasonably stable;
- ii) Are the external and internal controls and supports sufficient to maintain offender compliance and active participation.

Is the plan decent, humane, legal?

- i) Watch out for plans that cover so many bases (conditions) that failure may be predicted in advance;
- ii) Restraint by relevance to criminality is a good rule (experimental evidence regarding the effects of intensive, multi-conditioned community supervision is clear regarding increased revocation without reduced criminal offenses);
- iii) Would victims and police understand this plan;
- iv) Can you justify this plan considering risk, notoriety, and reputation of the agencies involved;
- v) Could you state to a victim or to the press: good correctional practice was employed, control and assistance was directed at risk reduction.

Is the programming proposed valuable programming the value of particular programs and program participation?

- i) Plans and programs may be assessed according to the extent to which

criminogenic need factors are addressed (see list of promising and less promising targets for change: Appendix 1);

- ii) Promising programs include certain core components in addition to addressing criminogenic factors (see list of indicators of promising programs: Appendix 2);
- iii) The risk reduction potential of program participation is indicated by several factors, most notably by actual change on criminogenic factors (see list of indicators of quality program participation: Appendix 3);

A few cases will convincingly score low on both the static risk factors and the more dynamic risk factors. These cases may be managed in the community with the least intrusive supervision conditions consistent with "just desert" and "notoriety" considerations. Other cases, however, will require the more detailed planning and re-planning. Re-planning is not failure but a realistic recognition of the dynamic nature of risk, human behaviour, and life circumstances.

**IV. ASSESSMENT OF THE  
CONTINUED RELEVANCE OF THE  
CORRECTIONAL PLAN AND THE  
RELEASE PLAN FOR THIS  
PARTICULAR PERSON**

Has the correctional professional's understanding of this person's criminal propensity changed? For example:

- i) Increased appreciation of the importance of particular risk factors that were seen as less important in earlier assessments (for example: use of alcohol is now seen to be interfering with familial and employment functioning, and instability in these areas is reasonably linked to criminal propensity in this case);

- ii) Expressed sentiments suggest that rationalizations for law violations (e.g., discounting potential victims) and negative feelings (e.g., resentment) are emerging as risk factors;
- iii) Problems of unemployment continue but without any other indication of increased risk (perhaps concerns around employment were over-rated initially).

Do circumstances in the community (service availability, labour market, etc.) suggest re-planning? Would any changes in plan better manage risk and/or better reduce risk?

#### **V. ASSESSMENT OF PROGRESS SUMMARIES**

- i) Status on general risk/need factors has been surveyed and found satisfactory?
- ii) Status on individualized risk factors has been surveyed and found satisfactory?
- iii) Status on conditions of release has been surveyed and found satisfactory?
- iv) Progress reports reflect view of involved others?
- v) Any evidence of weak communication among involved others?
- vi) Would any changes in plan better manage risk and/or better reduce risk?
- vii) Overall, how do progress summaries rate on specificity, relevance, feasibility, shared understanding by all involved?

Remember, the lists of indicators of promising targets, promising programs, and quality participation apply here as well (Appendix 1, 2 and 3).

#### **VI. SPECIFIC POST RELEASE INTERVENTIONS**

Referrals to quality programs in some of the major need areas may be indicated by progress summaries where judged relevant to criminal propensity (refer to Appendix 1, 2 and 3). A major source of control and assistance, however, resides in the relationship between the offender and the parole officer, and between the offender and other involved workers (for example, in group homes). It is now clear, for example, that the effectiveness of supervision programs does not reflect size of caseload, simple frequency of contact, or electronic monitoring. The critical components of supervision for purposes of risk reduction are the well-known ones first listed in the 1970s (and represented as worker characteristics in Appendix 2):

- i) Quality of the interpersonal relationship between offender and worker: generally people learn more from and are more greatly influenced by others who are respectful, caring, concerned, interested, interesting, enthusiastic and engaged. In social learning terms, these supervisors have available high quality reinforcers, their expressions of disapproval function as high quality costs, and they make more effective models (their behaviours are more likely to be imitated, and their suggestions more likely to be tried out). In brief, it is simply counter to the psychology of human behaviour to expect high levels of interpersonal influence in the absence of open, warm and enthusiastic communication.
- ii) Style of communication may also be

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very important in the context of supervision, and particularly in interaction with types of offenders. Interpersonally anxious offenders do not respond well to highly confrontational and critical interpersonal exchanges, while the less anxious offender can respond as long as there is the background condition of caring and respect. Obviously, the less verbally gifted and cognitively immature offender will not pick up on highly verbal and analytic approaches to interpersonal influence. Similarly, the less empathic, less interpersonally sensitive offender may not be expected to respond to subtle cues and suggestions. Generally, in fact, it is best for communication to be direct and concrete.

- iii) A major role for supervisors and correctional workers is the modeling and reinforcement of anti-criminal alternatives to antisocial styles of thinking, feeling and acting. Here the supervisors, workers and potentially even citizen volunteers provide the valuable service often missing in the offender's environment.
- iv) Concrete assistance often takes the form of concrete problem solving efforts with the offender, and/or advocacy and brokering activity with other community settings.
- v) Authority can be influential when exercised with respect, with explanation (giving reasons), with guidance on how to comply, and in a firm but fair manner. Overall, the authority figure would want to communicate that compliance is possible and that the offender can succeed. Failure is avoidable and compliance will be rewarded!. One of the few conditions under which deterrence works is the condition under which defiance is avoided

through respectful guidance toward compliance. The child developmental literature reminds us of the importance of differentiating between rules and requests. It is best to reserve sanctions for situations in which rules are involved. Best too when the heavy sanctions (the "doomsday" contingencies which remove the offender from community control) are reserved for serious and immediate risk. Finally, there is no evidence from the meta-analyses of effective treatment that mandated intervention interferes with the success of intervention.

Probation and Parole supervisors are mandated to give directions, develop goals and objectives, and outline expectations to the offender. The nature and extent of support that will be offered by the supervisor is also outlined for the offender. Research with young offenders has shown that these activities were associated with reduced recidivism when the goals and objectives were judged clear, clinically appropriate, and achieved.

When risk is high, the monitoring and assistance functions of supervision are enhanced through increased frequency of contact in combination with the strategies of effective supervision. Parole supervisors are also mandated to engage in disciplinary interviews when it is judge that risk to the community may be increasing. Disciplinary interviews involve cautioning the offender in a clear and formal manner. Sanctions or new obligations or expectations may be imposed. Once again, the style of these communications and their relevance to criminal propensity may be crucial to their effectiveness.

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\* Note: the McGuire (1995) collection is very valuable. Please explore chapters by Andrews, Lipsey, Lozel, Bush and all of the other authors.

- Reducing Chemical Dependencies and Substance Abuse
- Shifting the Density of the Personal, Interpersonal and other Rewards and Costs for Criminal and Noncriminal Activities in Familial, Academic, Vocational, Recreational and other Behavioral Settings, so that the Noncriminal Alternatives are Favored
- Providing the Chronically Psychiatrically Troubled with Low Pressure, Sheltered Living Arrangements and/or Effective Medication (risk is greatest during periods of active psychosis)
- Insuring that the Client is able to recognize Risky Situations, and has a Concrete and well Rehearsed Plan for Dealing with those Situations.
- Confronting the Personal and Circumstantial Barriers to Service (client motivation; background stressors with which clients may be preoccupied)
- Reduce Individualized need Factors (if reasonably linked with crime)

**APPENDIX 1A**

**PROMISING TARGETS FOR CHANGE**

- Changing Antisocial Attitudes
- Changing/Managing Antisocial Feelings
- Reducing Antisocial Peer Associations
- Promoting Familial Affection/Communication
- Promoting Familial Monitoring and Supervision
- Promoting Child/Family Protection (Preventing Neglect/Abuse)
- Promoting Identification/Association with Anti-Criminal Role Models
- Increasing Self-Control, Self-Management and Problem Solving Skills
- Replacing the Skills of Lying, Stealing and Aggression with more Pro-Social Alternatives

**APPENDIX 1B**

**LESS PROMISING TARGETS**

- Increasing Self-Esteem (without simultaneous reductions in antisocial thinking, feeling and peer associations)
- Focusing on Vague Emotional/Personal Complaints that have not been Linked with Criminal Conduct
- Increasing the Cohesiveness of Antisocial Peer Groups
- Improving Neighborhood-wide Living Conditions, without touching the Criminogenic needs of Higher Risk Individuals and Families
- Showing Respect for Antisocial Thinking on the Grounds that the Values of one Culture are as Equally Valid as the Values of another Culture (no culture but a criminal culture)

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Values Harming others)

- Increasing Conventional Ambition in the Areas of School and Work without Concrete Assistance in Realizing these Ambitions
- Attempting to turn the Client into a “Better Person,” when the Standards for being a “Better Person” do not link with Recidivism.

### **APPENDIX 2**

#### **INDICATORS OF EFFECTIVE PROGRAMS**

- An Empirically-Validated Theory underlying the Intervention
- Empirically-Validated Strategies employed (or researchers involved in design/delivery of service)
- Adequate Dosage
- Trained and Clinically supervised Service Deliverers
- Printed Training / Program Manuals
- Addressing Criminogenic needs of Higher Risk Cases
- Uses Concrete Social learning Approaches
- Structures Follow-Up
- Workers are Enthusiastic and Engaged
- Workers are able to handle their Authority without Domination/Abuse
- Workers are able to recognize Antisocial Thinking, Feeling and Acting, and are able to Demonstrate and Reinforce Concrete Alternatives
- workers are predisposed to Offer Concrete Problem Solving and to engage in Skill Building.
- Workers engage in Advocacy/ Brokerage where Appropriate

### **APPENDIX 3**

#### **INDICATORS OF QUALITY PARTICIPATION**

- Check that Program is Appropriate on Risk, need and Social Learning

Conditions

- Check that Program is Actually Delivered (integrity)
- Attendance
- Engaged in Process (active participation)
- Completion of Program (mature as opposed to premature program termination)
- Quality Relationship with Service Provider (respect, liking)
- Showing change on the Intermediate Targets (reduced criminogenic need)
- No Evidence that other Criminogenic needs are being Increased