

CAN LESS CORRECTIONAL CONTROL GIVE US MORE PUBLIC SAFETY: WORKING TO MAKE COMMUNITY OPTIONS MORE EFFECTIVE¹

Frank J. Porporino, Ph.D.

Editor, ICPA Advancing Corrections Journal

Past-President, International Association for Correctional & Forensic Psychology

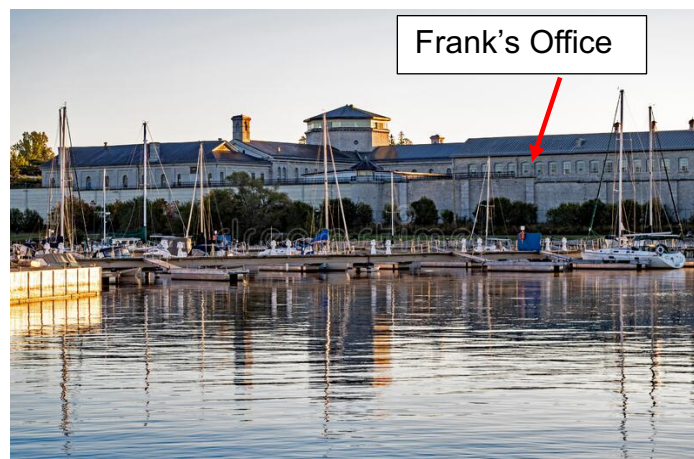
A nice crisp Canadian September morning welcome to all ... it's refreshing to see a sea of unmasked faces on other than a computer screen once again but of course also a bit disconcerting in case it should turn into a sea of frowns. I hope not. This is the 3rd time I've had the privilege to speak at a World Congress. My airfare was covered to lovely London, England for the 1st World Congress ... and then to exciting Tokyo, Japan for the 3rd. I should have been present at the 4th in Sydney ... but my flight was cancelled as I was trying to leave an idyllic little island in the middle of the Atlantic Ocean that I consider as my second home. Incidentally, I only just returned reluctantly from that same island a few days ago to speak at this Conference ... and so hopefully, as some compensation, at least my taxi fare from my home here in Ottawa will get covered. But seriously, I have to admit sincerely that preparing for this third time has been the hardest. For months now, I've been trying to reassure myself that as an aging, aching, left-leaning and at times quite pessimistic dinosaur, I might still have something of merit to say. I now mostly just observe from the outside in and so I want to apologize from the outset if my remarks may seem a bit disconnected from the grueling realities of the front lines that many of you live every day.

Throughout my career, I've always been engaged, and often also enraged, by our correctional response to crime. The enduring question is how do we get to a more rational, less damaging, and ultimately more just, effective and truly evidence-informed use of our

¹ This paper formed the basis of an Invited Keynote Address to the 5th World Congress on Probation and Parole, Ottawa, Canada, September 2022. The author can be contacted by e-mail at fporporino@rogers.com.

menu of 'correctional controls'. That's a tall order that of course will also require significant re-engineering of our societies to deal with all of the social-structural problems that lead to crime. But my much humbler goal today is to focus on our use of community options, realizing that lots of other things would also need to be fixed to get to that community justice and public safety NIRVANA we all would like.

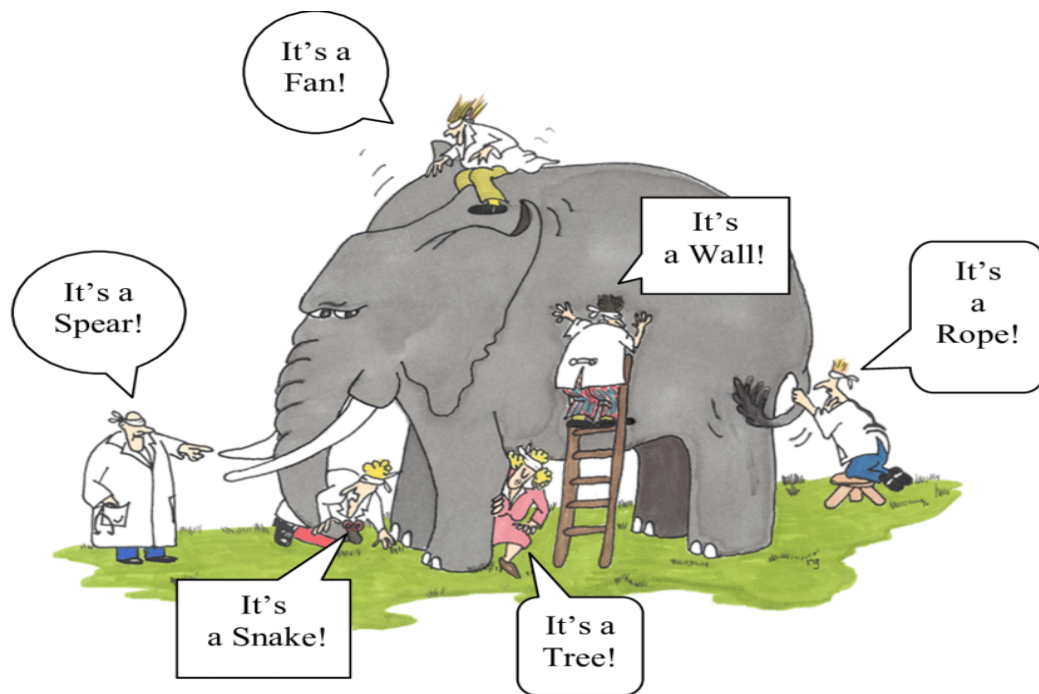
I want to begin with a short personal story that sets a bit of a thematic context and that taught me an important lesson long ago about how we should embrace evidence but not let it miss-direct or narrow our focus. As a naïve young psychologist, for my first job, I walked through the foreboding front gates of Maximum-Security Kingston Penitentiary ... now a popular tourist attraction that I hope some of you had a chance the visit the other day. I was given a small office on the second floor which had previously been a cell. In short order, I discovered a strong motivator for getting inmates to come see me. I allowed them to stand on a chair and stare out a small window that overlooked the concrete prison wall and the lovely Kingston Marina beyond.



That was the start of my reflecting on how being locked up 24/7 might affect human beings when even a quick look at some pretty sailboats in a Marina was so impactful for them. I read all of the classics, but was still left wondering about the psychological impact of doing time ... and that questioning turned into my PhD research. In a book I co-authored a few years later I concluded:

"The evidence suggests that prisons do not do the damage that some have claimed, but neither do they help at all. Prison has the effect of creating a behavioral deepfreeze. The coping strategies and behavior that inmates bring with them to prison become fixed and development stops, like a photograph in a fixative."
Coping, Behavior and Adaptation in Prison Inmates (1988)

My psychological tools told me that inmates were no more anxious, depressed, worried or lonely after 18 months than they were at the start of their sentence. There was apparently no 'evidence' of enduring damage. But here is the lesson that I learned ... I eventually realized that I was behaving like one of the blind men in the *Parable of the Blind Men and the Elephant* ... each concluding something different because they were touching only ONE part of the elephant.



To fully understand if prison damages we have to look at the elephant in its entirety, and that means we need to consider all of the now well documented collateral consequences or SEQUELAE of imprisonment. Time doesn't permit me to highlight the long list of what have been referred to as symbiotic harms² but suffice it to say that the more we look, the

² See Condry, R., & Minson, S. (2021). Conceptualizing the effects of imprisonment on families: Collateral consequences, secondary punishment, or symbiotic harms? *Theoretical Criminology*, 25(4), 540–558. <https://doi.org/10.1177/1362480619897078>

more we find ... examples of profoundly damaging and lasting consequences for individuals, families, neighborhoods and communities. And, of course, there are other end results of our zeal in locking people up ... the fact that prisons stand as an exemplar of systemic unfairness in how we treat particular vulnerable groups. We don't just leave these groups behind, we keep leaving more of them behind ... our indigenous people, the mentally ill, women, and in the US and other countries, those that happen to have darker skin color.

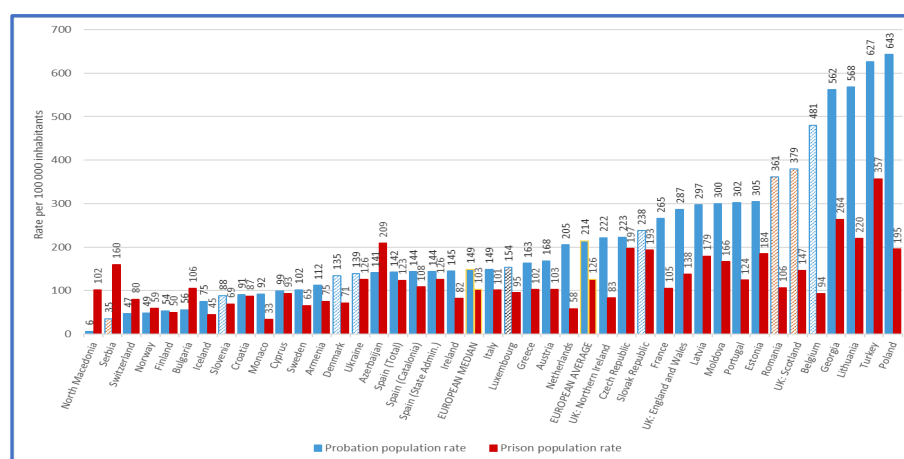
Now I'm certainly not suggesting there is anything wrong with trying to make prisons more humane. I applaud all of the efforts we see in that regard all over the world. But desistance happens ... or doesn't happen ... in the community and so unless we're happy remaining **blind**, pursuing community options should be our **relentless** aim in getting to a smarter response to crime. *And so how have we done in that regard. What does a full elephant reading of the evidence say we've achieved and what does it suggest we might want to do a bit differently?*

Traditionally, we've used incarceration rates as a measure of a jurisdiction's level of punitiveness. But the metric of 'correctional control' gives us a more complete picture ... a metric that combines both levels of incarceration and the use of community supervision. What do we see when we look at trends in correctional control internationally? Is there evidence that we are trying to use our menu of controls judiciously and sparingly ... or maybe NOT!

Introducing community options where previously there were none has certainly reduced reliance on just locking people up. You will hear about some of those emerging probation services during this Conference (e.g., Croatia). But in those parts of the world where community sanctions have had a long-standing tradition, a different picture emerges. In Europe, the UK, Australia, Canada and especially in the US, we see little evidence that the use of community options has led to any significant corresponding decrease in use of

imprisonment. Instead, we see community supervision serving not as an ‘alternative’ but rather as just another form of control ... a trend that Fergus McNeil has aptly described recently in his seminal book as an acceptance of *Pervasive Punishment*.³

Promoting community sanctions and measures in Europe over the last several decades has certainly been successful in one respect. A recent comparative analysis by the Council of Europe SPACE initiative illustrates this nicely. In 34 out of the 40 jurisdictions that were looked at for 2020, the level of use of probation was **higher** than that of imprisonment, in some cases much higher. Probation in Europe has now become a significant component of overall ‘correctional control’, and levels have been increasing since the early 90s despite a general decline in crime. It’s been suggested that crime and punishment in Europe are moving in opposite directions, with levels of correctional control increasing unabated in many countries over the last several decades.

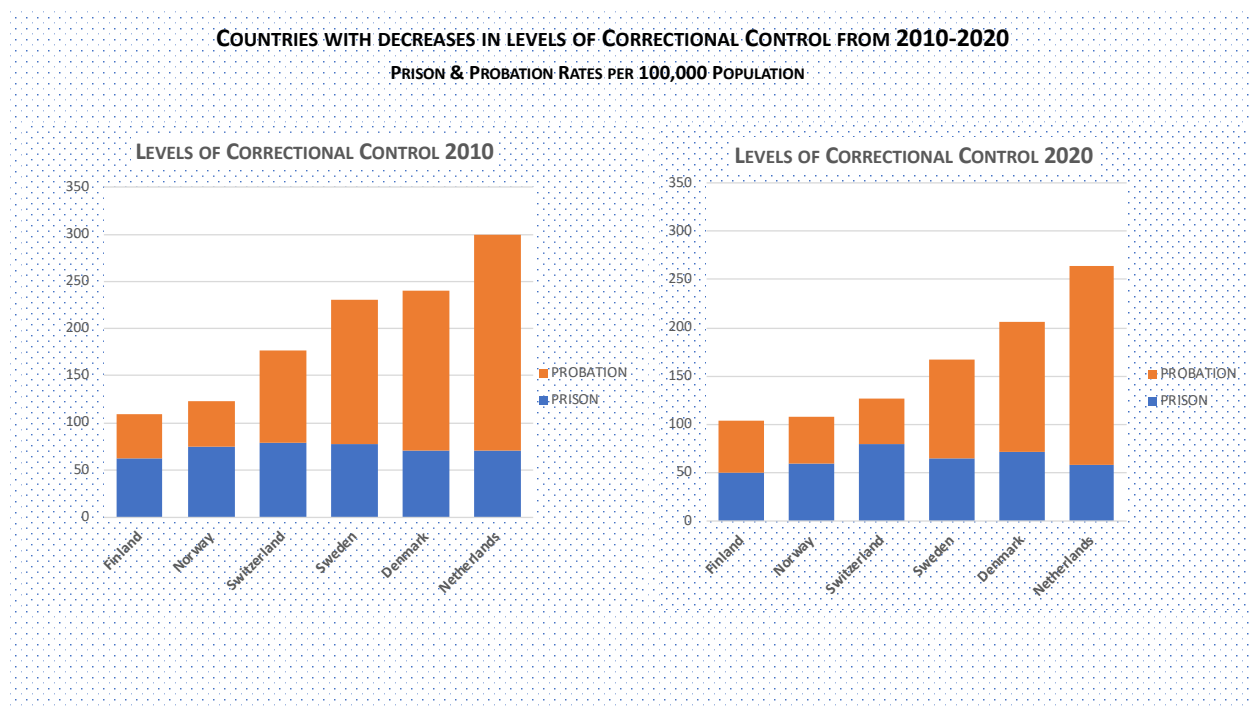


Probation and Prisons in Europe, 2020: Key Findings of the SPACE reports; Marcelo F. Aebi, Yuji Z. Hashimoto and Mélanie M. Tiago*

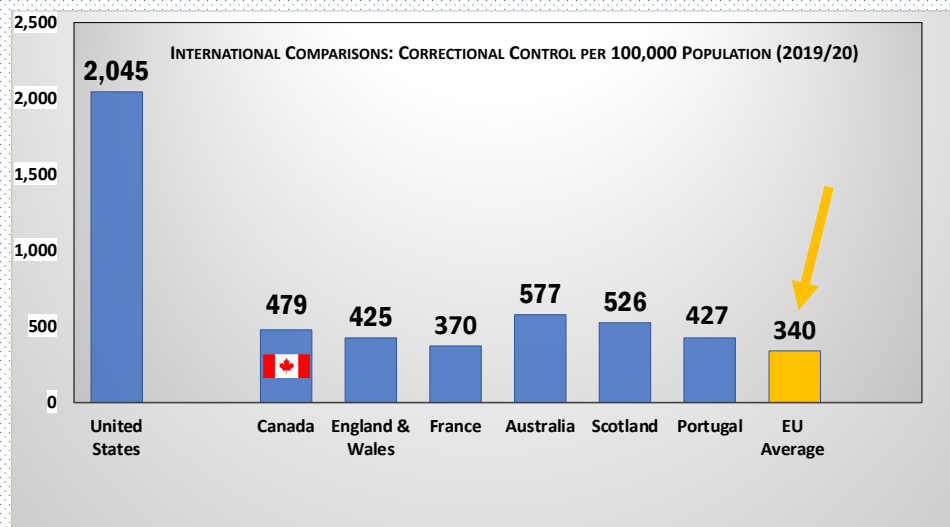
Encouragingly, there are a few examples of countries that have bucked this trend. The next Chart shows countries with some of the lowest levels of correctional control in Europe and where levels have actually decreased in the last decade. Probation rates have been kept low or gotten lower, and in a few cases rates of imprisonment have also gotten lower

³ McNeill F (2019) *Pervasive Punishment: Making Sense of Mass Supervision*. Bingley: Emerald publishing Ltd.

(Norway, Finland, Sweden, Netherlands). It doesn't need to be emphasized that these are also countries ranked as among the highest in quality of life, sustaining extensive social service nets for their citizenry and working generally towards a coordinated proactive rather than reactive response to crime.



Extending the comparison internationally, we see that Australia, Scotland, the UK and Canada all come in at rates even higher than the European average. Most striking of course, and once again illustrating the extent of US exceptionalism, is the fact that US levels are out of the ballpark.



Now we can undoubtedly celebrate the fact that both prison and probation populations in the US have been declining in the last number of years ... down by low double digits since 2009. But even a rough comparison with the more significant trend of declining crime rates over that same period tells us that we're not catching up ... use of probation in the US has actually increased as a function of volume of crime. There is still plenty of room to reduce levels of control without endangering public safety, not just in the US but in many other countries, including our 'kinder and gentler' Canada where our rates of correctional control have actually declined by about 20% since 2009 but are still well above the European average and higher than both the UK and France.

Correctional Populations in the United States, 2019 - Statistical Tables

Todd D. Minton, Lauren G. Seay, and Zhen Zeng, Ph.D., BJS Statistics

A total of 2,045,000 persons were under the supervision of adult correctional systems in the United States at the end of 2019 (Figure 1). The adult correctional system includes persons incarcerated in prisons and jails and persons supervised in the community on probation and parole. This was the first time since 1999 that the correctional population dropped to less than 2 million. The correctional population declined by 1.6% in 2019 and has declined an average of 1.3% each year since 2009.

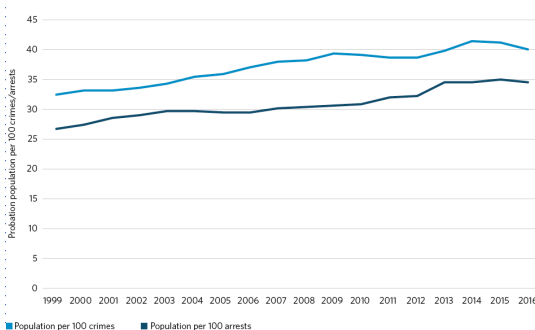
About 1 in 40 adult U.S. residents (2.5%) were under some form of correctional supervision at the end of 2019. This represented a drop from 1 in 32 (3.1%) a decade earlier.

For the first time since the 1950s, the BJS statistics show that the rate of correctional supervision has declined for the first time in a decade.

SINCE 2009, THE COMMUNITY SUPERVISION POPULATION IN THE US HAS DECREASED BY 13.2% AND THE INCARCERATED POPULATION BY 9.2 %.

BUT

Figure 2
Use of Probation Has Increased Relative to Public Safety Indicators
Probation population per 100 crimes and arrests, 1999-2016

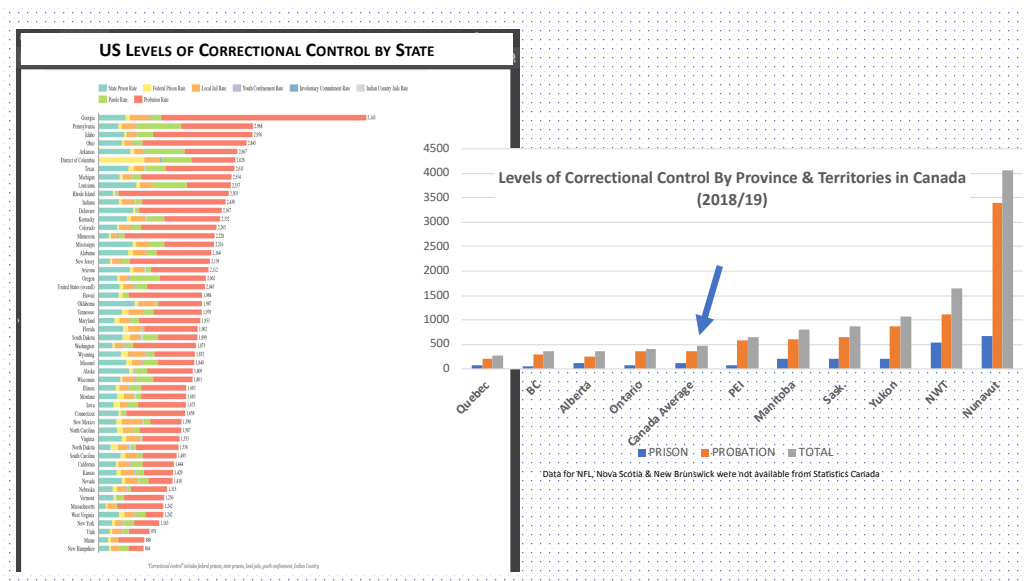


Note: Crimes include Part I offenses, which are property and violent crimes, reported to police and tracked in the FBI's Uniform Crime Reporting Program.

Sources: Pew and Laura and John Arnold Foundation analysis of data from the FBI's Uniform Crime Reporting Program; Bureau of Justice Statistics, Annual Probation Survey

© 2018 The Pew Charitable Trusts

Drilling down to within country comparisons shows similar room in particular jurisdictions. State by state comparisons in the US show significant variation that doesn't track with differences in crime rates. And the same holds true in Canada when looking at province by province trends ... where we see disproportionate rates of correctional control in our northern territories where our indigenous people try to live and survive.



Considerable research emerged in the 70's and 80's cautioning us against a possible 'widening of the net' ... suggesting that promoting alternatives could backfire and actually ensnare more low-level cases. Though we saw this happening, our overriding belief in the value of community options perhaps served to take our eye off the ball. Control through **MASS** community supervision has now become the new reality to deal with and probation continues to be seen as the 'softer' option despite the fact that it has become in many ways a more controlling, intrusive and punitive option rather than a primarily supportive one focussed on encouraging desistance.

As we enter the post-Covid era, a worrisome trend is that we see increasing polarization on a whole range of social issues, including how to combat crime. Coming out of our own shared lock-down experiences, we see evidence of even greater social discord and distrust rather than less. After several decades of declining rates of violent crime, we're now seeing an as yet unexplained (slight) spike upwards, at least in some cities in the US

and elsewhere, and that's fueling another round of tough on crime rhetoric. These will not be easy times to work towards reducing our levels of correctional control ... and as community corrections professionals I'm afraid we will simply have no other choice but to fight harder, smarter and more collectively if we want to move forward rather than further backtrack.

And so, with that not especially optimistic preamble, I want to sketch out some ways for getting to a more balanced, parsimonious and less damaging use of correctional control, and more particularly, how we might nurture the shaping of a 'community corrections' that can serve that end. I want to first outline a few BIG 'transformative' ideas where there seems to be broad and growing consensus ... reducing our reliance on punitive, escalation of control; scaling **DOWN** the breadth and reach of probation, and scaling **UP** the depth and width of support it can provide. I then want to end by suggesting a refocusing on not just implementing **Evidence Based Practices** but on changing **What Actually Happens** on probation to truly make it **matter**.

Reducing Reliance on Escalation of Control

Holding the threat of incarceration over the heads of probationers is an inherent aspect of how we exercise control and try to motivate compliance, something we continue doing despite the evidence that it doesn't really work, and may even be a primary reason dissuading many probationers from revealing their true issues, struggles and concerns. It's been described as wearing an invisible collar where someone can yank the leash at any time. A few years ago, there was considerable media frenzy after initial reporting of dramatic success with the **H.O.P.E.** initiative first developed in Hawaii ... based on the supposedly simple, common-sense principle of "swift, certain, and fair" consequences for failure to adhere to supervision requirements. Headlines like *'tough love for cons'* touted that a new silver bullet had been found, especially for dealing with difficult to manage drug abusers. There was some questioning of this hope for HOPE but the bandwagon had started ... and as of January 2015, HOPE-type programs had been implemented in 28 states in the US, one Indian nation, and one Canadian province. It ended in 2018 when a well-executed randomized control trial in 4 sites funded by the National Institute of

Justice, comparing **H.O.P.E.** to Probation as Usual (PAU), found that **H.O.P.E.** supervision was not only more expensive but that probationers actually re-offended at a slightly higher rate.⁴

Of course, there is proclivity in many aspects of the CJS to quickly escalate control in response to signs or indicators of risk. In probation that shows itself in how we introduce more conditions, increase frequency of supervision, or routinely impose other requirements like drug testing, EM, program attendance and ultimately incarceration as 'compliance' seems to be slipping. The Council of State Governments (CSG) in the US has estimated that 45% of state prison admissions nationwide are due to probation or parole violations, with 25% due simply to technical (rule) violations rather than re-offending. In 20 States, supervision violations account for more than half of prison admissions.⁵

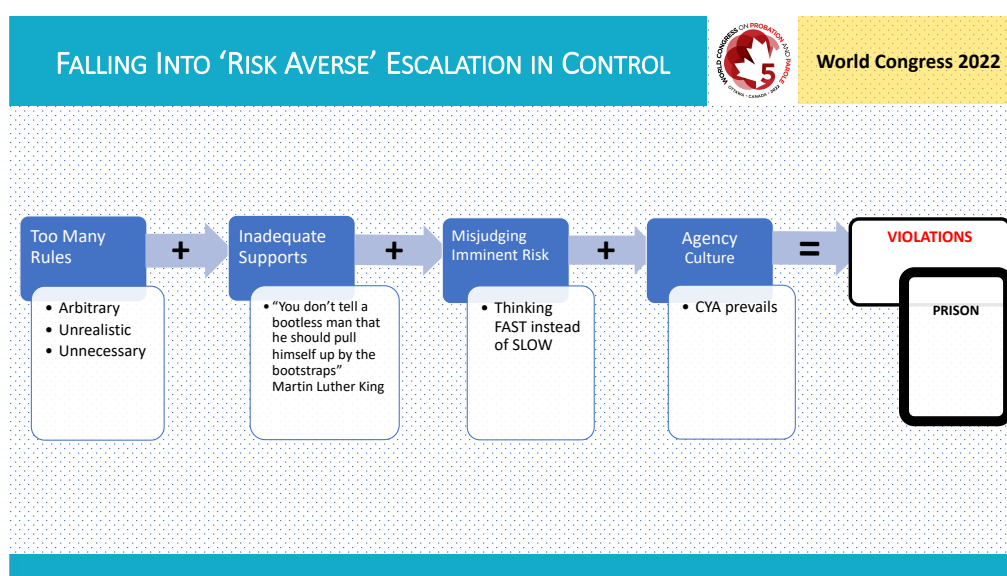
It seems rather irrational to incarcerate individuals for minor slip-ups or low-level misdemeanor offending when incarceration as a sanction would never have been used if the individual wasn't already on probation. I spoke recently to a prosecutor in Portugal who told me of a case whose probation was revoked more than a dozen times ... always for the same reason, driving without a license! The poor fellow simply liked to drive, but couldn't get a license! Probation stuck in this cycle is trying to avoid more serious 'anticipated' failure but risk aversion too easily becomes the de facto operating principle. Continuing to see prison as the right punishment for misbehaving probationers flies in the face of incredible evidence. There are now literally dozens of well-controlled studies, conducted in different parts of the world, with carefully matched samples that consider comparability in criminal history and other risk factors, all showing conclusively that prison offers no deterrent, crime-reduction, **'teach them a lesson'** effect in comparison to community options. A recent comprehensive review has argued that we should see this as 'criminological fact'.⁶ It's startling how we can ignore this kind of evidence; in healthcare it would be like using hospital beds to treat people with a cold.

⁴ <https://www.ojp.gov/pdffiles1/nij/grants/251758.pdf>

⁵ <https://csgjusticecenter.org/publications/confined-costly/>

⁶ <https://www.journals.uchicago.edu/doi/abs/10.1086/715100?journalCode=cj>

Here is a simple formula to explain how probation can become a mechanism for feeding greater use of imprisonment. There are ways to fix each of the components so that the additive effect may not have as much negative impact ... fewer rules, more relevant supports, less biased and more individualized and sensitive assessment of the signs of increasing risk, and change in the agency culture oriented towards supporting rather than blaming officer discretion whenever the occasional re-offending failure may come to pass. Not all easy fixes, but all possible.



Human Rights Watch and the ACLU⁷ have recently focused attention on the issue and the CUNY Institute for State and Local Governance together with Arnold Ventures⁸ are now funding Action Research Teams in at least ten US jurisdictions to hopefully find practical ways to counteract this revolving door phenomenon. In Germany, for example, it is codified in the law that the offender must 'grossly and persistently' violate the directions of the probation officer in order to be revoked.

⁷https://www.aclu.org/sites/default/files/field_document/embargoed_hrw_aclu_revoked_parole_and_probation_report_002.pdf

⁸<https://static1.squarespace.com/static/5fcea962a1b4d771ad256fcc/t/61707bba9f0ec14b92dbb880/1634761659301/10192021+Reducing+Revocations+Exec+Summary+v3.pdf>

Forcing probationers to march to our 'strive for perfection' parameters turns probation into a burden and not a support. We all know that compliance isn't necessarily reflective of true progress towards desistance. And equally, failure to comply may not be an indicator of unwillingness to desist. We are behaving like the blind man touching only one part of the elephant when we look to compliance as the only measure of performance on probation. Effort or intent to desist also has to be considered ... and that's not as easy to quantify as is risk ... but it can be done if we look at the elephant in its totality. What can foretell re-offending needs to be better understood. Of course, external controls, structure, and clarity of expectations can all be used to engender greater cooperation, but this only works in the context of genuine support for change where, for example, the key elements of *Procedural Justice* are firmly in place ... where authority figures consider the others views (*voice*), act as principled decision-makers (*neutrality*), are courteous in their interactions (*respect*) and authentic in their motives (*trustworthiness*).

And that brings me to the issue of how we should **also** more generally **scale down** the reach of probation while scaling up the **depth** and **width** of support it should offer. Incidentally, this goes beyond just focusing less on low-risk and more on high-risk. What probation needs is much fewer cases to focus on period!

Scaling Down Breadth & Reach of Probation and Scaling Up the Depth and Width of Support

Probation has grown in ways where instead of just levelling-down punishment for cases who would otherwise go to prison, it has also considerably levelled-up punishment for less serious cases who could be dealt with in other ways. Probation agencies struggle with ever tightening budgets and POs are left overwhelmed working in the moment by the seat of their pants ... their next case already in the waiting room. To make another health analogy, it's sometimes like using surgeons to tend to cuts and bruises in the emergency department. Essentially, probation has slipped into becoming an ***all things to all people*** approach, an ill-defined sanction that is overused rather than a clearly specified,

professionally managed intervention that can make a cost-effective, public-safety difference when used for the right people.

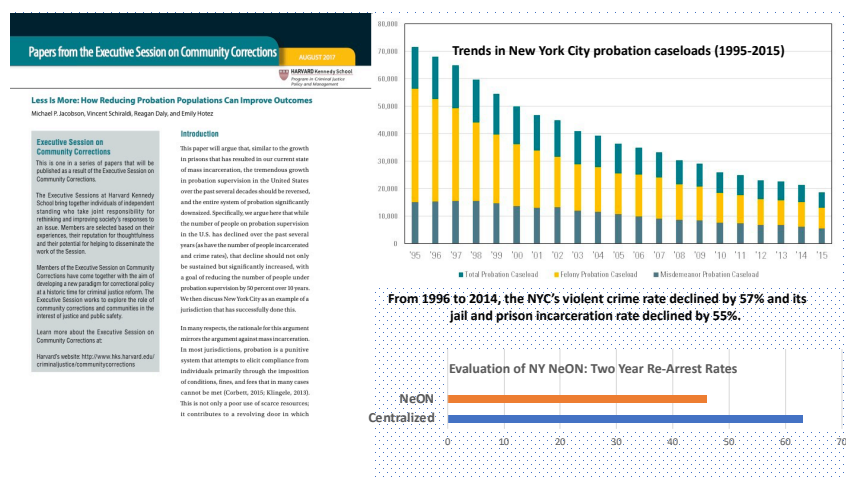
When we look at who probation is used with, the room for scaling down becomes obvious. In the US, only 2 out of every 10 probationers have been convicted of a violent crime, the rest given probation for a variety of often quite minor property crimes like shoplifting, drug possession or a menagerie of public order offences. More than 40% of probationers have been convicted for only misdemeanour offenses, many for just a first offence.⁹

Momentum is building across the US and in the UK and elsewhere to reduce probation caseloads ... but a recent Harvard Kennedy School Executive Session on Community Corrections has suggested that the right goal should be a 50% reduction over the next ten years. There is evidence that it can be done, for example, in New York City, where probation sentences for felony arrests declined by 60% between 1996 and 2014 and the total adult probation population was reduced by nearly 50%. Importantly, this happened at the same time as the violent crime rate and the jail and prison incarceration rates also declined by a similar 50%. The strategy was multifaceted from encouraging police to use more street-level diversion, to courts making more use of “light-touch” alternatives, to legislatures passing laws to reduce probation terms and/or allow for early discharge. Over the past 20 years, the non-profit Centre For Court Innovation in Manhattan has helped amplify use of all of these measures and much more in order to divert as many individuals as possible away from ‘correctional control’ . For those remaining on probation, New York reduced caseload sizes by allowing low risk cases to report using remote kiosks, a practice that was evaluated as actually leading to a decrease in re-offending. Owing to the declining numbers on active probation, the per capita spending for probation services in 2016 was almost three times the level in 2002, from a bottom line average of \$1,290 per person to \$3,476 ... still not excessive but enough to allow the agency to fund a range of initiatives to scale up the depth and width of support, including

⁹ See

https://www.pewtrusts.org//media/assets/2018/09/probation_and_parole_systems_marked_by_high_stakes_missed_opportunities_pew.pdf


the relocating of probation offices in those neighborhoods where most people being supervised are living, so that POs could better connect with the community in developing the services that were perceived as needed. Dubbed the *Neighborhood Opportunity Network* (NeON), an early evaluation noted not just lower re-arrest rates for NeON supervised clients (46% vs. 63% for matched cases in a centralized probation office) but also a host of other benefits including probationers reporting less difficulty in satisfying reporting requirements, improved access to neighborhood-based services and community events, greater voice in their relationships with probation officers, and greater access to treatment and specialized social services overall.




It's been noted that in how we locate probation/parole offices, we seem to want to keep community corrections as a public secret, perpetuating retreat from the community rather than engagement. In the UK attempts to build stronger community connections has gone even further than the NeON concept with the design of inner-city **Community Hubs** ... places where probation can pool resources and share premises with other agencies so that a more integrated and seamless multi-agency approach can be developed.¹⁰

¹⁰ See Phillips, J., Albertson, K., Collinson, B., & Fowler, A. (2020). Delivering desistance-focused probation in community hubs: Five key ingredients. *Probation Journal*, 67(3), 264–282. <https://doi.org/10.1177/0264550520939176>

Benefits of Community Hubs


World Congress 2022

- LESS STIGMATIZING
- SIMPLIFIES ACCESS TO SERVICES
- INFORMAL & RELAXED
- ENCOURAGES FAMILY INVOLVEMENT
- IMPROVES COMPLIANCE
- ENCOURAGES VOLUNTEERISM
- CREATES COMMUNITY LINKS POST-PROBATION



'It's nice. You got them all in the one room and they're available. You're not in an official surrounding, ringing up to access an appointment with these services. That kind of makes it further in the distance and harder to reach. Whereas, here, they're all there and it's all in the one room and you can hopscotch from one desk to the other. And, when I leave, I feel like I've achieved something- "I've got stuff done today!"'

Evaluation of these one-stop-shopping Hubs points to a broad range of benefits, and interestingly, especially for women and other vulnerable groups. These Hubs seem to:

- Be felt and accepted by users as less stigmatizing ... where they can interact with more than just other offenders and there is no more 'walk of shame' to the probation office;
- Hubs increase awareness of what other agencies can offer ... making accessing services easier, speeding up referrals and helping in 'individualizing' support for change;
- They offer a more open, informal, relaxed and pleasant atmosphere, with welcoming reception areas conveying a sense of respect and recognition;
- Designed to encourage family relationships, with spacious and friendly communal areas, they allow probation staff to get to know and even support family members;
- An open-door policy allows some flexibility in attendance where probationers can also often be assigned other 'key workers' in the Hub and thereby enable improved compliance;
- The Hubs seem to encourage individuals who had previously been on probation to eventually become volunteers themselves, able to then demonstrate 'visible desistance';
- And perhaps most critically, the Hubs allow probationers to make community links that may last well beyond their probation supervision.

The dynamic in these Hubs tries to structurally and architecturally transform the probation ethos away from one of just control and risk management and towards help and empowerment of the service user. Probation serves as a bridge to mainstream services, and a network of relationships adds depth and width of support beyond the usual one-to-one, office-based, supervisor-supervisee relationship that is often poorly linked to the resources in the wider community.

(And we know that) There are other low-cost ways to offer more depth and width of support to probationers. Probation was historically conceived by volunteer reformers and we're now seeing increasing acceptance of the legitimate role for volunteer engagement of the dis-engaged. Later in the Conference, you will hear about our Canadian and now internationally recognized CoSA approach, proven repeatedly to be effective for working with high-risk sex offenders. You will hear about Corrections Canada's efforts to engage student volunteers as well as the VOLPRIS volunteer training approach being implemented widely in Europe. But perhaps most impressive is the VPO 'Hogoshi' model in Japan ... a long-standing, nationally organized, community engagement model that capitalizes on the energy of a mini-army of VPOs (more than 40K compared to only about 1K professional probation officers). I've argued that the model should not be so easily dismissed as culturally unique and non-transferable.¹¹ There are some key elements of the approach that I believe make it not just innovative but evidence-based and worthy of emulation in some fashion within probation practice around the world. VPOs have time for developing genuine connection, with a relational style that can nurture trust, balancing coaching to support and mentoring to inspire, offering meaningful practical assistance, serving as community engagers and community advocates, and ultimately creating a self-sustaining and lasting culture of committed service.

There is reticence in making more use of one particular type of volunteer ... leveraging the lived experience of ex-offenders as credible community justice workers in their own right. NGOs are more comfortable doing this and the added value of well managed peer support and mentoring schemes has been documented repeatedly. It's ironic that we don't mind offenders associating with each other in prison, but we remain ambivalent in the community where the pro-social influence of previously crime-involved individuals can be quite transformative. I refer you to just one example of an organization in the UK, St. Giles Trust, that has shown savings of 8 pounds for every pound invested in peer-led services. Peer mentoring has been explained succinctly as 'desistance theory in practice' and it should be taken much more seriously.

¹¹ Porporino, F. (2022). Valuing volunteers in corrections: Learning from the Volunteer Probation Officer scheme in Japan. *Advancing Corrections Journal*, Edition 13, 94-106.

As a psychologist, I would be remiss not to mention how we could orchestrate more timely depth of intervention for probationers with mental health issues. Probation workers typically feel quite ill equipped in dealing with the mentally ill or seriously addicted ... and there is evidence that it can be a key factor in causing PO exhaustion. Of course, the problem could be solved in large measure if we could divert significant numbers of the mentally unwell away from probation and towards a Public Health focused service model. Charlie Brooker from the UK will be talking more about this later in the Conference and my colleagues from the *International Association for Correctional & Forensic Psychology* will present some interesting findings from an international scoping exercise we just completed looking at delivery of services to the mentally ill within community corrections. Some innovative practices are apparent but probation staff will likely continue to be important 'first responders' as their probationers fall into emotional turmoil that can easily trigger re-offending. With the unprecedented demand for mental health services during the Covid era, psychologists have been exploring the design and application of what is being referred to as *Single Session Treatment*, goal-oriented, skills building and empowerment-focused treatment compacted into one 60-minute session that when coupled with follow-through digital apps to guide further effort, can show real clinical impact.¹² Placing a probationer in distress on a waiting list to see a mental health professional serves little purpose; training POs to intervene with tailored SSTs might provide the timely depth of support that can make a difference.

What Happens on Probation?

I want to end by looking at the reality of what actually happens on probation and how we could make it matter more ... **as a positive lived experience**. Much of what I've been suggesting implies a significant realignment of attitudes and values that may not sit easily with many probation workers and managers. A more straightforward risk-focused surveillance model takes less effort to apply, is less complicated to manage and easier to sell to political masters. But the call for fundamental change in how we do probation seems to be getting louder. I've tried to highlight some of the significant and systemic,

¹² See <https://www.apa.org/monitor/2022/04/feature-growth-patients>

structural issues that need to be addressed ... avoiding escalation in control, scaling down expansion in use of probation and finding more ways to enhance depth and width of support. There is nothing especially new in suggesting all of this ... it's the kind of broad-based paradigm shift that has been proposed over and over by probation leaders and scholars, many of them in this room today ... a shift that would see probation move away from simply exercising a different type of correctional control and move instead towards its original intent ... giving disadvantaged and often disaffected individuals a chance to reframe their lives. A new advocacy group of probation leaders in the US called **EXIT**, which hopefully will expand soon internationally, has summarized that aspiration nicely.

"... we call for probation and parole to be substantially downsized, less punitive, and more hopeful, equitable and restorative."

Emerging out of the failed, government-led Transforming Rehabilitation shemozzle in the UK that saw a privatized probation as a better and more efficient probation, calls for a Probation built around the ethics of care are also getting louder in the UK.¹³

"Probation practice should include caring about, caring for and care giving. It's not sufficient for organisations to care about service users and for practitioners to have caring intentions; authentic care requires that individuals receive a service which they FEEL to be caring."

These may seem like naïve aspirations in the context of the kind of social upheaval we see in the world today, but change is most required and perhaps most likely to happen during tough times. We seem able to sketch out a vision for what we would like to see happen during probation, but how can we actually imbue probation with this more consistent, penetrating, caring and restorative practice ethos? How can we concentrate our efforts to make the greatest difference? I'll leave you with a few more issues that I believe we need to grapple with.

¹³ Dominey, J., & Canton, R. (2022). Probation and the ethics of care. *Probation Journal*, 0(0). <https://doi.org/10.1177/02645505221105401>

Probation needs to take better care of its staff if we want those staff in turn to adopt a more caring and supportive ethos. Evidence shows increasingly that community corrections staff can fall easily into compassion fatigue, feeling over-extended, exhausted, unappreciated, and unnecessarily burdened by administrative duties to feed the managerialist, monitoring and accountability culture we've created. There are serious consequences for mental and emotional well-being and there is evidence that the longer their tenure in the job, the worse it gets. Even in Canada, where our caseloads are more reasonable, rates of reported mental health concerns have been shown to be as high (if not higher) for community corrections staff as those for staff working in custody settings.



Probation has become a career path that may no longer be seen as especially rewarding for individuals with a human-service orientation. Attending to staff well-being has become a necessarily critical issue in the prison world and we need to start making similar effort in responding seriously to the emotional toll of probation work ... understand and root out its causes and give probation the respect it deserves as a demanding, multi-layered, multi-tasking human-service avocation ... not just a job to cope with.

Part of giving probation the respect it deserves entails giving probation staff a meaningful say in how we change the nature of their work. It shouldn't be at all surprising that front-line staff will naturally interpret and modify policy and practice in their 'real world' according to their own personal values and assumptions. We need to learn how to manage the fact that our current Evidence-Based Practices (EBPs) can be easily miss-

applied, superficially applied or even counter-productively applied. The elements may be there but the substance is often missing. For example:

- Risk/Needs Assessments may be completed but only perfunctorily and not used motivationally to engage individuals; not used appropriately for referrals; and often overridden ... especially for lower risk cases (where these assessments are actually most accurate);
- Confirmatory bias enters easily into probation work where staff will tend to select and weigh information that confirms their particular views of risk; and with miss-perception of causality leading to simplistic solutions for managing risk;
- Limited available programs and services become a 'catch-all' for probationers ... often used to punish non-compliance rather than addressing a real need;
- Case planning is often not collaborative and not especially rich in focus or linked with assessment;
- Practice can become easily 'routinised', habitual and bureaucratic;
- Since paperwork is what is monitored ... a CYA mentality prevails instead of a focus on quality of relationships; interactions end up focusing mostly on procedural issues, paperwork completion and data entry;
- Practice paralysis can easily emerge where even well-trained staff lose faith in the relevance of EBP for the resistant or indifferent ... they need a short leash ... and so staff revert quickly to a directive, authoritarian style to regain control!!

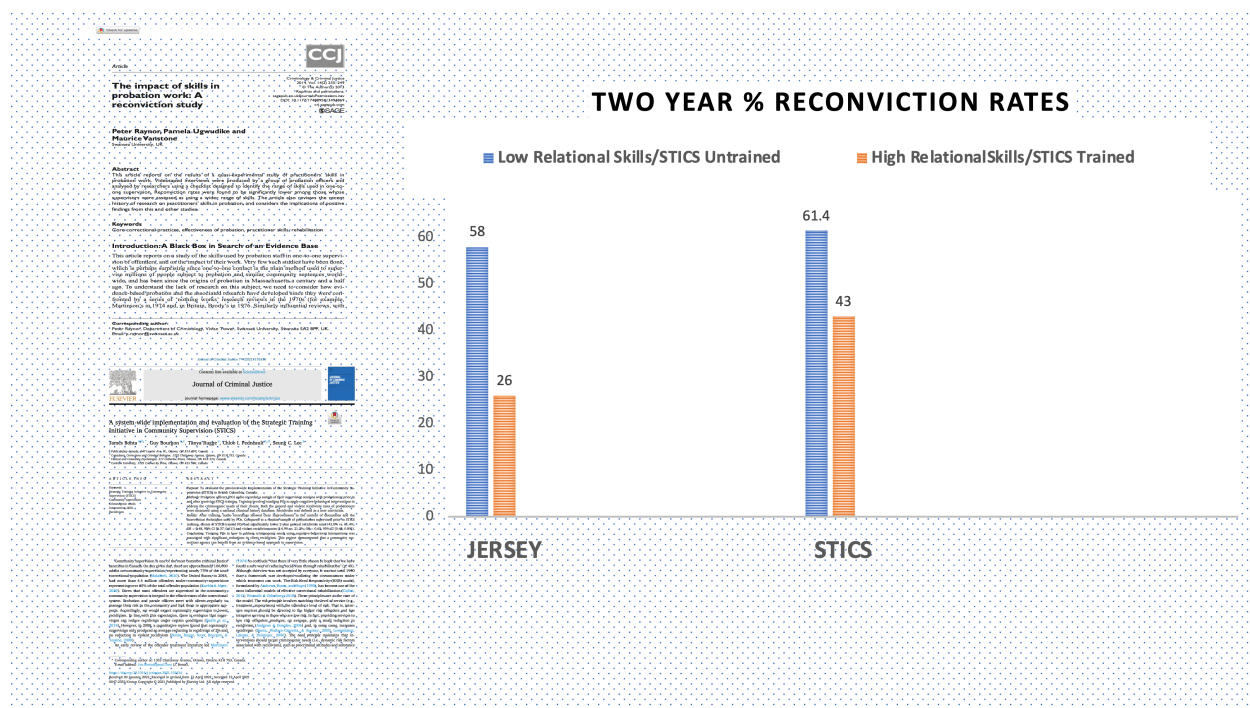
Now of course organizations can contribute to this lack of stick-to-itiveness to EBPs through unsound policies and procedures, poor oversight and supervision of staff, lack of quality assurance for critical decision making, and an unhelpful value base with a tendency towards over-precaution and blame ... etc. But another underpinning culprit in my view is how we have bounded and over-simplified our core concept of **RISK**. There is a prevailing delusion in our field that because we can predict risk of reoffending to some degree better than chance, we therefore understand risk. But assessing risk, and understanding what can elevate or mitigate risk, requires ongoing '**good judgement**' that is balanced, reasoned, unbiased, remains well informed of subtle change in circumstances and can integrate multiple, probabilistic, and potentially conflicting cues to arrive at an understanding of the person at a given moment in time. Desistance-led risk assessment also needs to focus on aspirations, obstacles (including needs not directly 'criminogenic'), motivation and protective factors that can help people choose not to offend, understand how all of these elements might work together and interact, and the extent of their protective quality. One of the key problems in our approach to introducing

EBPs in my view is that we have turned our staff in many ways into **technicians**, asking them to accept the results of the tools we've instructed them to use, over-simplifying analysis of individual risk as captured by a limited and fairly vaguely defined set of risk factors (and more recently by asking them to accept increasingly sophisticated AI algorithms though no one knows how they really work ...). If we want our staff to truly embrace EBP then I would argue we need to focus instead on creating a culture of curiosity and commitment to continuous improvement in how they can conceptualize and contextualize risk, and how they can then share that understanding with the individual offender to support disentangling their personal way out of any continued risk. Applying EBP, in essence, has to become what probation staff themselves define as occupational professionalism, not just what the agency asks them to do.

I would argue as well that we need to go beyond training staff in Core Correctional Practice competencies and skills and work more deliberately in attracting and developing a workforce with the attitudes and values that can coalesce rather than collide with a desistance-supportive ethos for probation. Training staff to add structure and focus can make a difference, but in the end it's the ability of staff to develop and sustain a *Therapeutic Correctional Relationship* with their probationers that will matter most ... what Sarah Lewis in the UK has narrowed in as encompassing -- *acceptance, respect, support, empathy and belief*.¹⁴ These same 'relational' dimensions have popped up repeatedly in qualitative research looking at what helps probationers respond positively to supervision. Adroitness in enabling and sustaining a positive relational climate is at the core of effective probation practice. Importantly, I believe, is the fact that these relational and dispositional qualities of individuals can perhaps be developed and refined, but they are not easily '**trainable**' if they're not there. If we want to imbue probation with a different ethos of support and care, then we need to find ways to recruit more of the people who can do it. Incidentally, there is evidence that probation staff with high levels of these personal, relational qualities can have considerable impact on reoffending. On the left-hand side of the next Chart are the findings from a study by Peter Raynor and his

¹⁴ Lewis, S. (2016) *Therapeutic Correctional Relationships: Theory, Research and Practice*. London: Routledge.

colleagues on the small island of Jersey that used coding of interview samples to differentiate probation staff as showing either high versus low levels of positive relational qualities. The difference in 2-year reoffending outcomes for cases that those officers worked with was dramatic. Good officers had good outcomes ... other officers not so good! But even more interesting is the fact that the impact on reoffending was just as good as the most recent findings from an exceptionally well executed implementation of STICS, perhaps the best EB Training package currently available, comparing **trained** vs. **untrained** probation staff in British Columbia (the right-hand side of the Chart).



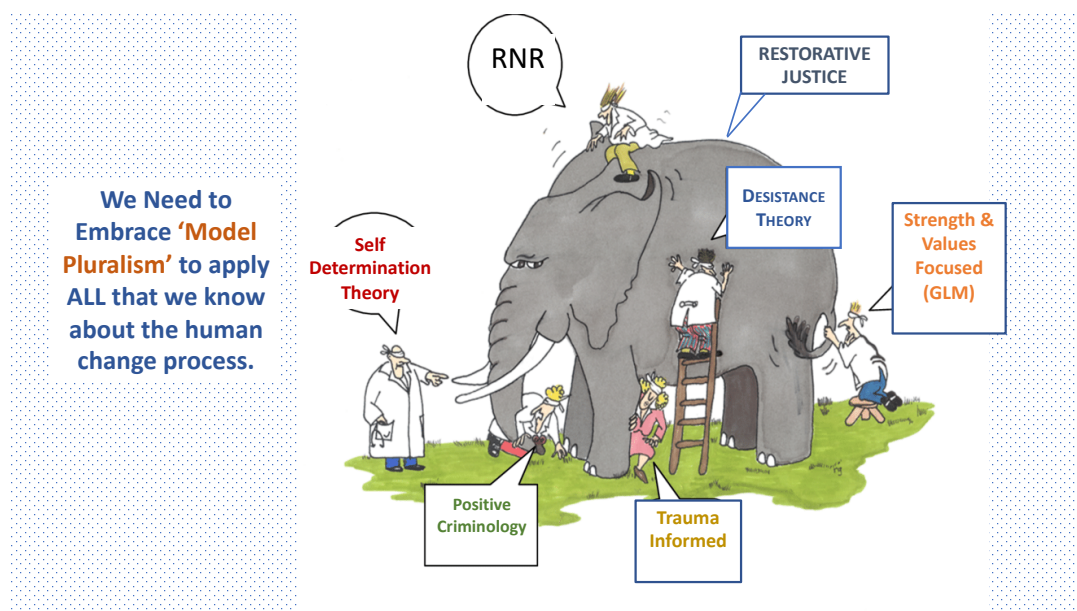
Jimmy Bonta will present his work later in the Conference and I'm sure will point to the challenges of proper implementation of new practice. I'm certainly not suggesting that we shouldn't pursue this kind of effort to structure practice through training ... but we have to accept that staff will be typically resistant to change they didn't ask for, implementation will be difficult and usually strain organizational capacity to monitor and correct, probation staff will invariably differ in how well they can learn new skills or become committed to applying them, change in how staff begin relating with offenders may emerge but

unfortunately often doesn't last, and there will always be some drift back to preferred ways when the new ways are perceived as not working.

Rapid transformation isn't possible. Welcoming probation staff in co-designing incremental evidence-informed change may be more successful, but what will ultimately buttress the development of a new probation ethos is the quality of our staff, with the attitudes, values, beliefs and interpersonal styles that suit probation work. The late Don Andrews argued the same thing more than 40 years ago in describing the ideal community corrections professional as:

"... relatively sensitive to rules and convention yet warm, tolerant, flexible and sensitive in interpersonal style [...] makes use of the authority inherent in his (sic) position, demonstrates in a vivid way his own prosocial attitudes, values, beliefs, and enthusiastically engages the client"

And that brings me to my last point of why we should work to give our line staff and our probation managers and leaders a much more nuanced, integrated and less confined (restricted) theoretical understanding of desistance from offending. When we cut to the chase, probation is about helping people **change** and grow within a social context where they previously had difficulty adjusting and adapting. In my view, to do that means that we should embrace and apply **ALL** that we know about the human change process. Let me return to my elephant analogy to illustrate.



Each practice framework I show as one part of the elephant has its own particular focus but there is no need to see these frameworks as working in competition. Integration means that a one-size-fits all approach is resisted, and in its place, **model pluralism** is adopted to enable change to happen, and to understand what might initiate it, direct it, sustain it and finally consolidate it. To quickly illustrate what I mean, **RNR** certainly offers us a straightforward and compelling explanation of what key dynamic risk factors need to change ... but it doesn't really give us much specificity or clarity about the 'how' of change. **Self-Determination Theory** is considered foundational in psychology in explaining what underlies motivation to change ... where a sense of competence, autonomy and relatedness is both what fuels the change process and then supports persistence. This is fully consistent with the principles of **Positive Criminology** that suggest we focus more on what may be emotionally uplifting for individuals rather than deflating. There is evidence, for example, that the influence of criminogenic risk begins to diminish with the emergence of positive emotions like optimism, hope, self-efficacy and psychological flexibility. Strength and values-oriented paradigms like **GLM** similarly emphasize agency and a collaborative relationship with the individual that can encourage them to strive towards primary goals that give all of us some sense of life satisfaction and well-being. **Desistance** theory reminds us that the path to finding reasons for change is individualized, identity change is not a linear process, some setbacks are inevitable, and trying to force change is counterproductive. **Restorative Justice** argues for moral reparation as a key factor in supporting desistance, what the desistance paradigm refers to as satisfying the need for redemption. And finally, there is now growing recognition of what's been referred to as probation's 'residual obligation' to address inequalities, marginalization and the impact of trauma, all of which entails a particularly specialized, knowledge-informed practice framework.

Practice frameworks operate as conceptual maps offering distinct but complementary perspectives. Each has its own set of core values and principles and multiple frameworks

may apply for any given individual in addressing the complexities and challenges of their particular way out of crime. But at the end of the day, how we do probation should mean that all of our processes, procedures, policies, programs, community links, agency values and modes of interaction with probationers should be consistent with **ALL** that we know about the change process ... and about desistance from offending in particular. This isn't easy to do for either probation agencies or individual officers, but good probation work isn't easy to do and if we try to make it easier it won't work.

And so that is it folks. I will leave you with a quote that keeps me going and that you hopefully can relate to as well.

“If we don’t fight hard for the things we stand for, at some point we have to recognize that we don’t really stand for them”

Paul Wellstone, US Senator, Minnesota (1991-2002)

And I can't end without acknowledging my wife Ana who throughout her long career in the front-lines of community corrections, always fought hard for the things she stood for and who gave me all the evidence I needed to prove that a **caring practice ethos** was possible to realize in other than theory!

Thank you and enjoy the Conference.