Urgent Issues and Prospects in Correctional Rehabilitation Practice and Research

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Abstract

The aim of this paper is to identify some of the urgent issues currently confronting criminal justice policy makers, researchers, and practitioners. To this end a diverse group of researchers and clinicians have collaborated to identify pressing concerns in the field and to make some suggestions about how to proceed in the future. The authors represent individuals with varying combinations of criminal justice research, professional training (e.g., social work, criminal justice, criminology, social work, clinical psychology), and clinical orientation, and experience. The paper is comprised of thirteen commentaries and a subsequent discussion based on these reflections. The commentaries are divided into the categories of explanation of criminal behaviour, clinical assessment, and correctional intervention, and cover issues ranging from the role of clinical expertise in treatment, problems with risk assessment to the adverse effects of social oppression on minority groups. Following the commentaries, we summarise some of their key themes and briefly discuss a number of major issues likely to confront the field in the next 5-10 years.

Key words: correctional research and practice; dynamic risk factors; human rights; evidence-based practice; explaining criminal behaviour

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Introduction

Individuals who commit offenses are rearrested and reconvicted at alarmingly high rates (Bonta & Andrews, 2017). The experience of punishments such as imprisonment does little to deter people from reoffending, and therefore, despite the pessimism of some researchers (e.g., Martinson, 1974) there has been an increasing emphasis in the last forty years on providing correctional rehabilitation programs for men and women convicted of crimes. The hope is that by attending to the psychological and social needs of individuals who have committed criminal actions their chances of causing harm to others in the future will be significantly reduced. The work of researchers such as Bonta and Andrews (2017) has been pivotal in this respect and breathed life into the development of therapeutic, vocational, and social interventions within the correctional domain.

In our view the resurgence of research into the efficacy and effectiveness of correctional interventions is to be welcomed and there are certainly signs that treatment can have a significant effect in reducing recidivism rates (see Bonta & Andrews, 2017). However, not all the indicators are positive and there are some troubling aspects of research and practice that merit closer attention. For example, Ward (2019) has pointed out that theoretical work is somewhat neglected and most of the scarce research resources are funnelled into risk assessment projects, and treatment studies based on risk factors. The problem with this strategy is that it assumes we have already identified the major causes of criminal behaviour and worked out how best to classify and analyse offense related phenomena. It is simply a question of tweaking existing models a bit and getting on with the real business of treating people who offend. Sadly, this optimism is misplaced and there are a number of signs that existing intervention programs have relatively weak effects and that there is minimal understanding of the corresponding mechanisms of change. Relatedly there is growing concern that ethical issues associated with existing programs and criminal justice policies are being overlooked, and that as a result, minority groups are unjustly over represented in prison statistics.

To sum things up within the correctional domain: we have done quite well but there is still much to do. The aim of this paper is to identify some of the urgent issues currently confronting criminal justice policy makers, researchers, and practitioners. To this end a diverse group of researchers and clinicians have collaborated to identify these pressing concerns and to make some suggestions about how to proceed in the future. The authors
represent individuals with varying combinations of criminal justice research, professional training (e.g., social work, criminal justice, criminology, social work, clinical psychology), and clinical orientation, and also vary with respect to, and duration of, their level of experience. They are well placed to identify many of the most significant practice and research puzzles currently facing the field. The paper is comprised of thirteen commentaries and a subsequent discussion based on these reflections. The commentaries can be placed roughly into three categories: explanation (Durrant, Cording, Beech, & Strauss-Hughes), assessment (Hart, Tamatea, & Brown), and intervention (Gannon, Day, Barnao, Prescott, Taxman and Arrigo). The commentaries will follow this order, and we will then summarise key themes derived from them and briefly discuss major issues likely to confront the field in the next 5-10 years.

Commentary #1 by Durrant: What exactly does the rehabilitation of 'offenders' involve? An evolutionary perspective

There has been relatively little work that has examined the rehabilitation of justice-involved individuals from an evolutionary perspective (Silver & Newsome, 2020; Ward & Durrant, 2011). In some respects this is surprising as evolutionary behavioural scientists have long concerned themselves with topics that relate closely to both crime (Daly & Wilson, 1988; Durrant & Ward, 2015), and punishment (e.g., Durrant, 2021; Van Prooijen, 2017). In this commentary I will consider how offending and rehabilitation might best be conceptualised from an evolutionary perspective. This, in turn, will inform two critical, related issues in the forensic literature: (1) How can we balance the seemingly competing tasks of punishing and rehabilitating justice involved individuals? and (2) Why aren’t rehabilitation programmes more effective in promoting desistance from offending?

It is possible to roughly – albeit somewhat speculatively – reconstruct the evolutionary history of what we refer to as ‘criminal offending’ (Durrant & Ward, 2015). A starting point is to accept that much of what we consider to be ‘offending’ involves behaviours (aggression, sexual coercion, the appropriation of resources from others) that individuals pursue in order to obtain benefits that either directly or indirectly are likely to advance their reproductive success. However, such acts have negative impacts on the biological fitness of others. Pre-linguistic hominins, like other social mammals, lived in groups in which these behaviours likely evoked retaliation from group members (initially directly affected parties and kin). In this respect, groups held implicit norms regarding the acceptability of certain acts. The emergence of explicit norms, with the evolution of

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language, provided an avenue to more clearly demarcate normatively ‘unacceptable’
behaviour and to sanction individuals who engaged in that behaviour (with a greater role for
third-party punishment). It is only with the emergence of writing, large scale civilizations,
and codified laws that the more familiar category of ‘criminal offending’ emerged, alongside
a more formal regime of punishment, typically administered by the state.

It is likely that the punishment of norm-violating individuals has been selected for
because it reduces the negative impact of ‘offending’ on group members (Van Prooijen,
2017). However, this poses an evolutionary dilemma in the small-scale societies in which
humans evolved: punishment involves the infliction of costs on individuals who might
otherwise be valuable social partners in the future. Thus, although punishment might involve
terminating future relationships (e.g., the death penalty, expulsion from the group – Boehm,
2011), selection would have also favoured mechanisms to promote reconciliation and
forgiveness (McCullough, 2008; McCullough et al., 2013; Peterson et al., 2012). Forgiveness
plays a critical role in re-establishing prosocial relationships with individuals who have
violated group norms in ways that benefit both the transgressor and the wider social group.
From this perspective it can be argued that forgiveness is a core feature of what in the modern
criminal justice system we refer to as ‘offender rehabilitation’. Offending, then, from this
perspective simply involves the violation of socially agreed upon norms that invoke third
party punishment, and rehabilitation is the task of restoring offending individuals to their role
of norm-abiding and cooperative social partners. Evolved mechanisms for punishment and
forgiveness underpin these processes.

There is no doubt that contemporary criminal justice systems are better geared to the
task of punishment and are less attune to the role of forgiveness in their dealings with justice
involved individuals. Ward (2013) has highlighted this broader issue in the context of the
‘dual relationship problem’ in forensic and correctional practice: practitioners have to
simultaneously realise the – on the face of it – contradictory tasks of administering justice
and protecting the community, as well as providing for the well-being and psychological
flourishing of their clients. At an individual level, punishment motives, instantiated by
phylogenetically older neural systems underpinning revenge and retaliation (Billingsley &
Losin, 2017), are inhibited by the mechanisms underlying forgiveness which engage neural
systems related to cognitive control, perspective taking and social valuation (Fourie et al.,
2020). If we accept at an institutional level that the state takes on the burden of providing for
the punishment of individuals who offend, then the rehabilitation process needs to be largely
gearred towards forgiveness.

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This evolutionary perspective can potentially also shed light on concerns about the effectiveness of rehabilitation programmes in reducing re-offending. There is certainly plenty of evidence to support the idea that rehabilitation programmes ‘work’ (McGuire, 2002), yet effect sizes are often small and concerns have been raised that more methodologically robust evaluation designs are less likely to yield positive outcomes (Beudary et al., 2021). Regardless of how this particular debate unfolds it is clear that more work is needed to develop programmes that better engage individuals who have offended (given high attrition rates – Olver et al., 2011) and to better reduce the likelihood of those individuals committing further crimes in the community. Although there is no simple solution, an evolutionary approach encourages the idea that better outcomes are likely to be achieved by developing programmes that enable individuals to pursue reproductively relevant goals in legal ways (Ward & Gannon, 2006), and which promote forgiveness, reconciliation and social inclusion.

There are a number of potential avenues for future research informed by an evolutionarily approach to rehabilitation, but here I highlight the two that I think are most important. First, there is a need for more conceptual work on the evolutionary underpinnings of punishment, rehabilitation, and reintegration: how might have past selection pressures shaped the way we respond to individuals who violate social norms? Second, there is scope for a more thorough empirical investigation of the role of forgiveness in the rehabilitation process and how clinicians might better manage the dual relationship problem in ways that might promote desistance from offending.

**Commentary #2 by Cording: Understanding the role of dynamic risk factors in assessment and treatment**

An increasing area of discussion for both researchers and practitioners within forensic psychology is the seemingly low ‘ceiling’ of treatment effectiveness that is being reached by modern rehabilitation programmes. Despite continuous advancements in the theory of effective rehabilitation programmes, our most comprehensive meta-analyses to date suggest that modern treatment programmes for violence (including sexual violence) result in typically small, albeit statistically significant, effects on recidivism (Gannon et al., 2019). This is not to suggest that these results are not meaningful when one considers the significant impact of even individual acts of reoffending on the lives of victims, families, and communities, however it does suggest an urgent need to better understand what might be limiting the effectiveness of these programmes so that we might further strengthen prevention and intervention efforts.
In addition to potential limiting factors such as staff training and support highlighted in previous research (Gannon et al., 2019), research on within-treatment change in dynamic risk may provide a clue as to a contributor to this ‘ceiling’. Change in dynamic risk factors is considered the key mechanism through which rehabilitative programmes cause a reduction in future reoffending. However, despite the central importance of this assertion in modern correctional practice, this theory has been alarmingly under-researched and currently lacks strong validation (Serin et al., 2013). The question of whether most individuals really do make meaningful changes in dynamic risk factors over time aside (which itself resulted in mixed findings; e.g., Hildebrand & de Ruiter, 2012), findings from a recent meta-analysis suggest that current research only weakly supports a robust link between change in known dynamic risk factors and reduced recidivism (van den Berg et al., 2018). Further exploring the potential link between within-treatment change and future patterns of offending is therefore of vital importance for researchers and practitioners, to validate the core foundation of most current rehabilitative programmes. Based on their meta-analysis, van den Berg and colleagues (2018) suggested that the issue may lie in the over-reliance on correlates or ‘symptoms’ of offending when identifying what constitutes a dynamic risk factor, an argument that has also been made by other researchers (Cording et al., 2016; Ward & Fortune, 2016). While this statistical approach may be entirely appropriate for the identification of risk factors for the purpose of predicting reoffending, this approach is insufficient to identify meaningful factors when trying to understand the causes of offending.

This distinction is particularly important when one considers that dynamic risk assessments are often used for dual purposes by clinicians – risk assessment and identification of treatment targets – despite the fact that these two purposes are fundamentally different tasks (diagnostic versus prognostic tasks, respectively) requiring different approaches to effective scale development (Helmus & Babchishin, 2017). The current dual role of dynamic risk assessment tools and the largely atheoretical approach to their development and validation highlights the urgent need for research that explores whether it would be more meaningful and effective to develop separate measures for risk assessment and for the identification of important treatment targets.

This issue relates to the increasing recognition of what is being dubbed a ‘theory crisis’ within psychology (Eronen & Bringmann, 2021). This crisis is perhaps particularly applicable to forensic psychology (Ward, 2019), where much of the focus over the years has been on the prediction of risk to the detriment of the development of strong etiological theories that explain offending (the latter of which would be more useful for the development of effective treatment programmes).

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of measures that meaningfully capture holistic treatment targets). I have written elsewhere about the potential value of Haig's (2014) Abductive Theory of Method (ATOM) to scaffold the development of etiological theories (Cording et al., 2016). In particular, it is important to recognise the distinction between existential abduction (where the presence of particular phenomena—such as a statistical link between psychological factors such as sexual deviance or emotional regulation and reoffending—are taken as evidence for the existence of a latent construct—such as dynamic risk factors) and analogical abduction (where further work is done to build explanatory theories that explain the nature and cause of these proposed latent constructs). While there has been much focus in the forensic literature on the former, the field is at urgent need of more work on the latter. This includes theoretical research that aims to build explanatory theories that explain the nature and function of dynamic risk factors, and focussed empirical research that aims to validate or test these theories, using established theory evaluation frameworks.

Perhaps through this more severe testing of the theory of dynamic risk factors and greater focus on the theory underlying treatment change and clinical assessment of risk and need, we can build a better understanding of the mechanisms underlying the cause and maintenance of offending, and thereby ‘break through the ceiling’ of treatment effectiveness.

Commentary #3 by Beech: The Role of Neuroscience in Correctional Assessment and Treatment

The recent move toward multi-level explanations of offending has resulted in the accumulation of evidence that neurobiological factors play an important role in causing, and constituting, crime and offence related problems (see Beech, Carter, Mann & Rotshtein, 2018, for an overview). Hence, we are now in a stronger position to understand what constitutes risk for offending and what we can do in treatment to mitigate it. Surveying the literature, it is apparent that there are several particularly important groups of risk factors (Beech et al., 2018):

- Abnormalities in foetal development
- Other prenatal factors: (e.g., maternal alcohol consumption leading to Foetal Alcohol Syndrome/Foetal Alcohol Spectrum Disorder)
- Perinatal risk factors, such as birth complications, maternal rejection
- Parental-child relationships (attachment experiences)
- Substance abuse in adolescence and adulthood

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- Post-natal risk factors, such as poor nutrition, head injury
- Adverse Childhood Experiences experienced in the family (ACEs)

In the following discussion I will focus on the last group of risk factors, ACEs. The ten primary ACEs (see Felitti et al. (1998) are recurrent physical abuse, recurrent emotional abuse, contact sexual abuse, substance abuse, a household member being in prison, family mental illness, family violence, family separation/divorce, physical neglect, and emotional neglect. Individuals with high ACE scores are more likely to be violent, to have more marriages, more broken bones, more drug prescriptions, more depression, and more autoimmune diseases. Such early risk factors generating enormous amounts of stress and trauma clearly affects brain development and brain function, particularly areas of the ‘social brain’. These areas include the following:

1. The Prefrontal Cortex (PFC) which is thought of as the hub of social information processing and is divided into: The dorsomedial (upper) (dmPFC) acts as a conduit between cognitive control areas and affect-triggering regions that play a role in both generating and regulating emotion; the Ventromedial (middle) (vmPFC) is involved in comparing an individual’s perspectives to another’s (which can be emotional recognition); and the Orbitofrontal (OFC) is implicated in decision making. Carlisi and colleagues (2020) found that life-course persistent antisocial behaviour individuals had reduced cortical thickness in the vmPFC, OFC, and the posterior cingulate cortex (an area involved in introspection), compared to controls. Therefore, leading to poor emotion recognition, poor decision making, and a lack of introspection, which can be clearly seen as precursor to antisocial behaviours.

2. The insular cortex is a brain region that has emerged as crucial to understanding what it feels like to be human. It helps give rise to moral intuition and the capacity to respond emotionally. A good relationship between parent/primary caregiver and child promotes the growth of fibres in this and the prefrontal area.

3. The amygdala and other associated areas in the limbic system (which includes the cingulate cortex, the hippocampus, the hypothalamus, and some olfactory structures). The limbic system is generally considered to play vital roles in the processing of emotions and directing motivated behaviours. The amygdala, itself, is thought to be involved in attributing the value or emotional significance of sensory inputs. While one of the functions of the cingulate cortex is to regulate aggressive behaviour, this is particularly apparent with respect to processing fear related information. Sterzer et al. (2005) found reduced grey matter...
volumes in the: amygdala, leading to fearlessness/ lack of empathy, and the insular (leading to a lack of empathy) of adolescents with conduct disorder (often a precursor antisocial personality disorder) compared to controls.

Human social behaviour reflects the operation of complex higher brain centres, most noticeably components of the prefrontal cortex, on lower neural systems including the amygdala and some primitive brainstem structures. Compromised functioning of the higher centres can lead to the expression of socially inappropriate acts mediated by these lower systems. These acts may appear to be impulsive and be associated with a state of disinhibition and with problems of self-regulation. For a given individual, antisocial behaviour can also result from interactions between the prefrontal cortices and limbic structures, which mediate the construction of affective-socio-cognitive models of the social world. Such individuals would appear to be lacking in socially useful emotions such as empathy.

Consideration of these neurological factors, identified by research, is clearly manifesting itself in new directions in therapy, one example being a ‘biologically informed approach’ to engage with forensic populations, outlined by Williams and Carter (2018). Where they describe ‘brain friendly’ treatment approaches to enhance responsivity, using visual, auditory, and kinaesthetic techniques. While Gillespie, Mitchell, Fisher and Beech (2012) suggest that effective control of emotional states may be helped through the adoption of a group of meditational practices, known as mindfulness techniques, which have emerged from Buddhist philosophy. These techniques involve slow, deep breathing and have been shown to affect vagal modulation of the heart and the functioning of specific neural circuits, including the amygdala and regions of the PFC. Such techniques, which have been shown by research to be effective, could be easily integrated within more traditional treatment programs.

However, as a final comment it is reasonable to assume that a complete answer to why people commit anti-social acts will be explained by a combination of evolutionary, genetic, biochemical, neuropsychological, cognitive, and social factors (familial and societal). Explanatory theories pitched at the neurological level only provide one crucial part of the causal mosaic.

Commentary #4 by Strauss-Hughes: Addressing cultural disparities: the need for knowledge pluralism in correctional rehabilitation research

There are an innumerable set of ideas that arise when addressing the issue of social inequity, culture, and crime. As someone who is still new to the professional field of forensic research

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and practice, the sheer number of issues put forward by different researchers in relation to our concepts, methods, methodologies, outcomes etc., are overwhelming. However, as a young indigenous person with a significant personal stake in this field, choosing the most urgent and unresolved of these is simple, that of equity across indigenous and non-indigenous individuals in our criminal legal systems, and particularly in relation to rehabilitation efficacy. It is becoming clear that, for a number of reasons, we appear to be reaching an impasse in the ability of our interventions to reduce reoffending (summarised neatly in Day, 2021). The risk paradigm, which underpins the large majority of rehabilitation-focused research, does not seem to be delivering as we would expect. This creates a significant ethical quandary for our field generally, and particularly with regard to indigenous communities.

It is well-known that in colonised nations such as New Zealand, indigenous peoples are significantly overrepresented in correctional populations. The reasons for this are as much rooted in historical oppression and deprivation as they are in individual action (and indeed, individual action is also deeply shaped by these historical-cultural contexts; Strauss-Hughes et al., 2019). To offer rehabilitation programmes that continuously under-deliver on expectations of risk and reoffending reductions is to play a role in condemning our communities to a future in which this devastating overrepresentation is, at the very least, maintained and further entrenched (McIntosh & Workman, 2017). When I first began my graduate research in 2017, the NZ prison population was approx. 10,000 individuals, with just under 51% of these identifying as indigenous Māori (who, at the time, made up 15% of the general NZ population; Department of Corrections, 2017). The most recent statistics indicate that, while the overall prison population has decreased by 16%, the proportion of indigenous individuals has increased to just over 53% (Department of Corrections, 2021). This suggests that, although we may be having a positive impact on some individuals’ risk level and reoffending rates, it is less likely that these individuals are indigenous. While correctional rehabilitation research and practice has paid some attention to these stark disparities, these efforts are directed towards repackaging and reforming current interventional approaches, rather than fundamentally transformative paradigms (McIntosh & Workman, 2017).

The role that correctional rehabilitation research can play in addressing these disparities is significant, but also requires advocacy from within our field for fundamental shifts at a broader, societal level. It is both a scientific and ethical imperative that indigenous peoples be empowered and resourced to develop their own solutions to these problems, using their own systems of knowledge. This does not mean ignoring the progress made in Western

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scientific research, but rather realising the creative potential of embracing a plurality of knowledge systems and paradigms (Strauss-Hughes et al., 2021). Forensic and correctional practice remains theoretically impoverished generally (Ward, 2019), and we are further limited by sometimes-dogmatic adherence to a narrow version of evidence-based practice, which restricts and discounts potential avenues for further investigation and development (Cunneen & Tauri, 2019).

Commentary #5 by Hart: Diversity in Violence Risk Assessment

Remarkable advances have been made concerning violence risk assessment. Risk factors have been identified for diverse forms of violence in diverse settings and populations. Structured decision support aids (DSAs) have been developed that distinguish between those who will commit violence and those who will not with, on average, moderate overall accuracy. But concerns about the validity of violence risk assessment remain.

Validity in the context of psychological assessment can be defined as “an integrated evaluative judgment of the degree to which empirical evidence and theoretical rationales support the adequacy and appropriateness of inferences and actions based on test scores or other modes of assessment” (Messick, 1989, p.13). There is disagreement, however, whether the concept of validity does, can, or should include explicit consideration of values in the form of, for example, ethical and legal principles. This is an urgent issue in forensic mental health (FMH), where practice is directly guided and bound by law related to diversity.

The law that guides the practice of FMH with respect to diversity is complex. It comes from various sources (e.g., constitutions, statutes, principles enshrined in common law or law of obligations, ethical principles or practice standards incorporated in professional regulations), differs across jurisdictions (e.g., nations, subnational administrative divisions), and changes over time. Thankfully, the legal basics are straightforward. They are set out in the Universal Declaration of Human Rights (UDHR; United Nations General Assembly, 1948), which has played a critical role in the development of human rights law, both internationally and in many individual nations. Its Articles include:

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

...
Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

But some forms of diversity referred to in the UDHR, which we may also refer to as statuses, are related to the assessment and management of violence risk. Thus, FMH professionals have potentially conflicting duties (1) to identify and consider the impact of these statuses on violence risk and, at the same, (2) to protect the rights and freedoms of people by avoiding discrimination based on these statuses. This conclusion is arguably or generally true insofar as it is consistent with ethical principles or practice standards incorporated in regulations binding on FMH professionals; but it inarguably and specifically true in the case of statuses that are explicitly protected under some form of law related to human rights.

Consider an individual convicted of murder, who is determined to be at high risk for community violence based on a battery of DSAs and, therefore, a poor candidate for parole. But what if the s/he is an Indigenous person? How does or should this affect administration, scoring, and interpretation of the DSAs? Such questions arose in the case of Ewert v. Canada (2018). Mr. Ewert argued to the Supreme Court of Canada that the DSAs used to evaluate him were unvalidated, inappropriate, and potentially harmful for use with Indigenous people within the criminal legal system. The Supreme Court agreed with him. It decided use of the DSAs breached federal law requiring the Correctional Service of Canada to take special steps to not only recognize the special circumstances of Indigenous individuals but also mitigate the historic and continuing adverse impact of colonization on Indigenous peoples in Canada. Similar concerns about the use of DSAs have arisen in cases from other jurisdictions where Indigenous peoples have suffered due to colonization (e.g., Waitangi Tribunal, 2005).

The role of culture in violence risk assessment is an issue that demands our attention. This is especially so for the assessment of Indigenous peoples, who are disadvantaged at virtually every juncture of FMH and criminal legal systems around the world. But, of course, culture is not the only status that may be protected; others include age (relatedly, maturity or developmental stage), gender (gender identity, gender expression, or sexual orientation), ethnicity (race, culture, language, or religion), and mental disorder (mental abnormality or disability). We urgently need more research, theoretical models, DSAs, and practice standards that help us to recognize, respect, and respond to diversity. The development and
evaluation of DSAs for violence risk assessment “is more than a matter of statistical accuracy or even clinical decision-making, but rather a matter of social justice” (Day et al., 2018, p. 459). As responsible FMH professionals, we must ensure protection and promotion of human rights is central to our analysis of DSAs for violence risk assessment; we must include values in the evaluation of their validity.

Commentary #6 by Tamatea: Addressing Cultural Diversity in Risk Assessment

Risk assessment is a critical aspect of correctional rehabilitation because it informs decisions about appropriate interventions and management. Moreover, the practice of risk assessment has been characterised by the expanding range of practitioner tools to facilitate ease of administration over large volumes of individuals who have committed criminal actions and even across jurisdictions. However, the tools are administered to culturally diverse peoples and so reflect Universalist assumptions in tool design and associated clinical practices. Such assumptions are incommensurate with culturally diverse priorities of risk management or understandings of offending behaviour and mask issues such as marginalisation, disadvantage, and prejudice. Therefore, the development of approaches that serve the needs for people of different cultural realities is the most urgent, unsolved issue in the field of correctional rehabilitation.

International developments such as the #BlackLivesMatter movement, deaths in custody of Aboriginal and Torres Strait Islander peoples in Australia, recognition of systemic bias against Māori prisoners in New Zealand (Waitangi Tribunal, 2017), and a legal challenge to the use of risk assessment tools on peoples on whom they were not designed to be used in Ewert vs Canada 2015 have exposed the systemic nature of racism and discrimination in these respective justice systems. Coupled with an over-representation of culturally-diverse peoples in the criminal legal systems of Western democracies such as the United States (Carson, 2019), England and Wales (Sturge, 2021), Australia (Australian Bureau of Statistics, 2018), Canada (Office of the Correctional Investigator, 2017), and New Zealand (New Zealand Department of Corrections, 2020), this reality has prompted international law enforcement and criminal justice institutions to increasingly recognise cultural diversity – or more specifically, institutional and systemic bias – as a priority issue that has fuelled a wave of remedial practice changes in the areas of social policy (e.g., Hōkai Rangi, the current national strategy for corrections in New Zealand; The National Indigenous Law and Justice Framework in Australia) and sentencing (e.g., Gladue reports in Canada; s27 ‘cultural assessment’ reports in New Zealand), but not risk assessment tools or practices.

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There may be any number of reasons why risk assessment has been slow to develop compared to other areas. The urgency for change is to align risk assessment practice with justice outcomes. I will briefly identify points of entry and some promising ways forward.

Recognise that current risk assessment tools are not sensitive to culture. First and foremost, risk management is the purpose of risk assessment. Facilitating ‘fit’ of person to context is a central concern of risk management. However, contexts vary and risk assessment tools and practices are not designed to incorporate culture. This means that practice and measures are prone to assessor errors, by over-pathologising or under-considering importance of cultural data which results in poorly-informed assessments, inappropriate recommendations and interventions, poor outcomes, and ultimately increased disparities.

Recognise that culture is complex. Offending behaviour occurs in a cultural context. Social, if not legal, prohibitions for some behaviour are near-universal reflecting gross violation of cultural norms (e.g., child sexual abuse). Similarly, a community may also reveal tolerance for offending attitudes and behaviour that are anchored in social and cultural conditions (e.g., intimate partner violence in a patriarchal society; Tonsing & Tonsing, 2019). An important task, then, is to understand how culture reflects the way a people organise their reality – and reality is complex! However, risk assessment tools, much like clinical measures and practices, are designed to reduce complexity, which means that they are designed to be efficient and generalizable. These attributes are not without value especially in jurisdictions where resources are scarce. However, tools are inevitably practitioner-oriented and speak to institutional objectives while offering no overt benefits to the end-user, trading nuance for caricature.

Developing culturally valid tools needs to represent the worldviews, perceptions, experiences, and values of diverse peoples (Woldgabreal, Day & Tamatea, 2020). Two places to start might include:

Understand the issues for people who are from different cultures and communities. This is more than being aware of demographic distinctions. There is a need to be informed and useful to persons who identify and inhabit a particular cultural context, and not merely be “culturally-sensitive” (Day, Tamatea, Casey & Geia, 2018). These issues may span from a person’s perception and interactions with social institutions to daily experiences of racism, prejudice (poverty, criminal histories), and invisibility.

Unpack ‘culture’. For risk assessment to be meaningful, and risk management to be effective, it needs to be relevant. Understanding cultural forces, codes and rules means understanding culture as a process rather than as a ‘container’. Universalist approaches to

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culture emphasise commonalities over differences, with the trade-off of simplification (i.e., stereotyping) over complexity and depth. Alternatively, ‘process’ perspectives of culture involve legitimization of the social ecology that persons inhabit, allowing for a nuanced approach that puts the person back into the centre of the assessment. Theoretical frameworks that link culture with behaviour (e.g., Schmidt, Heffernan & Ward, 2021) offer a means for practitioners to negotiate through these conceptual spaces.

Inclusion of community input throughout the risk assessment tool design process offers to ensure that the experiences and realties of diverse peoples are respected and restores a balance that has largely privileged expert knowledge and clinician practices.

Commentary #7 by Brown: Are empirical studies of children’s eyewitness testimony relevant for the courtroom?

Children’s testimony about alleged maltreatment is critical to forensic decision-making during investigative and judicial proceedings. It is often assumed that jurors have the knowledge needed to evaluate children’s testimony, and so expert testimony may not pass the “substantially helpful” test that many legal jurisdictions require. But false beliefs about the cognitive and social processes that contribute to testimony are common (e.g., Akhtar et al., 2015; Cossins, Goodman-Delahunty & O’Brien, 2009), and may undermine the pursuit of justice for victims and defendants alike. Wrongful convictions are likely to have significant impact on rehabilitative opportunities for individuals who have offended, distort the conclusions of risks assessments, and restrict parole opportunities for convicted persons. The effective translation of basic and applied research to the courtroom is therefore important for evidence-based decisions (Helm, 2021).

Even should expert testimony be admitted before the court, the relevance of the psychological science for the case under consideration is often fiercely debated. Critics query the extent to which the findings from highly controlled experimental studies with contrived stimuli can generalise to remembering complex experiences such as physical or sexual abuse. Supporters note the universality of mechanisms underlying memory performance across a range of paradigms and experiences. Jurors often must make sense of diametrically opposed views about whether scientific research applies to the case before them, often in the absence of basic education that gives them context for interpreting experts’ conclusions (Helm, 2021).

If we allow no place for basic psychological science about children’s testimony, forensic interviewing, and memory development in the courtroom, are we doing vulnerable witnesses and defendants a disservice? Granted, there are important differences in the way in

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which experimental studies are conducted that may mean children might respond differently in real life situations – we do not know enough about this yet. Studies of memory errors in adults show that performance on one type of memory task does not necessarily help us understand performance on a different type of memory task (e.g., Patihis, Frenda & Loftus, 2018). Whilst we can learn much from experimental studies with constrained laboratory-based stimuli (e.g., word lists or brief video clips) we also have to recognise their limits. Case studies or field studies are not superior by virtue of being “real world”, however, because they are highly specific to an individual or group, and we do not know how generalisable they are.

When expert testimony is used to question the veracity of a child’s account of abuse correctional rehabilitation may be compromised in a multitude of ways. For example, should the use of psychological science result in jurors doubting the child’s credibility when abuse had in fact occurred, a not-guilty verdict might be handed down, meaning the person would have neither correctional consequences for the abuse nor rehabilitative support via treatment programmes or individual intervention. Thus, problems associated with offending are likely to remain unaddressed and create significant adaptive and social difficulties for the individuals concerned (e.g., addiction, social rejection, affective disorders). The expert testimony may reinforce a defendant’s denial of the abuse, and/or reinforce unhelpful offense-related beliefs, which, in turn, may undermine a person’s motivation, engagement and readiness for treatment. Should a defendant be wrongfully convicted, they may be expected to participate in treatment programmes that they are not suited for, resulting in defensiveness, resentment, and issues of engagement and motivation. This may undermine the dynamics and success of the group programme and adversely affect the therapeutic experiences of other individuals in the group program. A good example is the creation and analysis of offense chains in sexual offending treatment (Boer, 2016). A person wrongly convicted of sexual offending must either pretend he actually committed an offense or maintain his innocence and be viewed as “in denial”, lacking motivation, and so on. All of these judgements are likely to result in a poor treatment report and decrease his chances of parole. The way in which sentences are determined, risk is assessed, and decisions are made about parole eligibility and awards, may all be based, in part, by conviction relevant information. Such information is likely to be informed by children’s testimony and arguments presented at trial.

More generally, when experts inappropriately overgeneralise from basic science to applied contexts the reputation and impact of psychological science in the courtroom may be
undermined. This may be problematic for other experts testifying in about other facets of a case (e.g., patterns of offending, or future risk). Thus whilst not directly related to correctional rehabilitation, the way in which psychological science about children’s memory development and eyewitness testimony is used in the courtroom may have important downstream effects for accurate conclusions about risk, parole opportunities, and how, when and whether a person has access to treatment.

There are many questions about children’s testimony we simply cannot answer yet because the science has not been conducted, or there is not sufficient consensus in the outcomes of the studies available. We also need to continue to replicate “classic” findings and ensure they remain stable in the context of contemporary knowledge (Brown & Lamb, 2019). As we address future research agendas, we can navigate the issue of relevance for the courts by considering some guiding principles:

Replicate across different paradigms. Our understanding of best practice for interviewing children about suspected maltreatment comes from various paradigms, including field studies, and recall of both contrived and naturally-occurring events. Each approach provides valuable information, each has limitations. We cannot ethically replicate maltreatment and so we must make inferences based on these approaches – we can be most confident about applying knowledge from experimental studies to the courtroom when the general patterns of findings are similar across different types of events. We should be cautious about applying knowledge when conclusions change across contexts.

Integrate as many components of ecologically valid practice as possible. Children’s testimony reflects their own ability, the type and context of the event they are recalling, and how their recall is elicited. Studies should include important components of interview protocols known to influence what a child reports (Brown & Lamb, 2021).

Consider the sample. Research attention on testimonial ability has not been evenly distributed across childhood and adolescence. We have more to learn about developmental changes, and how sample characteristics influence our findings. We know little about cultural influences on how children interact with forensic interviewers, nor cultural accommodations that can be safely implemented.

Form researcher-practitioner partnerships. To avoid privileging one source of information or evidence, such partnerships are important for informing research agendas, conducting ecologically valid studies and presenting useful conclusions.
Commentary #8 by Gannon: The Psychological Expertise of Treatment Staff and Rehabilitation Effectiveness

Researchers studying the field of correctional rehabilitation effectiveness have made considerable efforts to conduct sophisticated single study evaluations (e.g., Mews, Di Bella, & Purver, 2017) and meta-analyses (e.g., Gannon, Olver, Mallion, & James, 2019). Overarching meta-analyses have tended to indicate that offence-specific correctional rehabilitation reduces reoffending (see Gannon et al. 2019) although debates continue since some single study evaluations have reported less promising outcomes (see Marques, Wiederanders, Day, Nelson, & van Ommeren, 2005; Mews et al., 2017).

Within this important field of research, researchers have typically focussed on research evaluation design as being critical for enabling a better understanding of rehabilitation effectiveness (e.g., Beech, Freemantle, Power, & Fisher, 2015). While this is, of course, an important consideration so too are variables relating to the implementation of programs within correctional settings. One such variable that I believe has been highly neglected in the research literature is that of treatment staffing and psychological expertise.

Over the past few decades, correctional policy makers have experienced increasing pressures to provide cost effective offence-specific rehabilitation to large numbers of people. These pressures have resulted in an increased reliance on paraprofessionals (i.e., individuals who are not registered or licensed as psychologists) to provide hands-on offence-specific programs targeting complex psychological issues such as sexual offending (see Gannon & Ward, 2014). For example, from 2000 to 2012, fully qualified psychologists were rarely involved in coal face sexual offence treatment delivery across the Prison Service in England and Wales which may, in part, explain the disappointing evaluation results reported by Mews and his team (2017). The issue of who undertakes treatment within our correctional rehabilitation systems and whether or not staff hold psychological expertise is important. Yet this topic has been hugely neglected by researchers. In 2014, Gannon and Ward noted that skilled psychological intervention had been devalued by a good deal of correctional policy makers around the world. They hypothesised that qualified psychological input should be associated with the most favourable rehabilitation outcomes. Their arguments were based, in part, on the wider expertise literature (see Chi, 2006). Gannon and Ward hypothesised that individuals who had been trained as psychologists would be more expert in their ability to detect and deal with complex offending issues relative to individuals who had not received such training (e.g., correctional officers).

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In 2019, Gannon, Olver, Mallion, and James set out to examine the relationship between treatment staffing and treatment effectiveness in their international meta-analysis of offence-specific treatment effectiveness. Within their initial coding manual, they asked specifically about program staffing. This included questions regarding the total number of staff who had facilitated each treatment program and the percentage of program staff who could be classified as: registered psychologists, psychology assistants or psychologists in training, correctional officers, probation workers, social workers, nurses, or other paraprofessionals. However, despite Gannon et al. (2019) making direct contact with study authors—and in some cases treatment providers—in order to gain this information, it became clear that this level of fine-grained detail was generally unavailable. Because of this, Gannon and colleagues were forced to implement a simplistic coding question which asked how frequently a registered autonomous postgraduate psychologist had provided hands on program provision. Responses were coded as: consistently present (i.e., a psychologist was always present in group), inconsistently present (i.e., a psychologist was usually/sometimes present in group), never present (i.e., a psychologist was never present in group), or unknown (i.e., it was not known whether a psychologist had been present in group). In line with Gannon and Ward’s (2014) hypothesis, the findings showed that sexual offence and domestic violence treatment programs featuring consistently present psychologists were associated with superior outcomes as measured by reduced reoffending. This suggests that qualified psychologists are important for optimising treatment outcomes. However, a good deal of the programs examined by Gannon et al. (2019) were unable to accurately report psychologist presence resulting in a coding status of unknown.

In order to move the field forward effectively, I believe it is crucial that both correctional professionals and researchers address the issue of treatment staffing in a collaborative way. Correctional professionals should keep transparent records of who delivers treatment within their establishment and researchers should make it their responsibility to request this information and incorporate it into their evaluation designs. We know very little about the effects of treatment staffing on program outcomes over and above the tantalising findings outlined in Gannon et al. (2019). The variable of treatment staffing can be operationalised and explored in various ways. Examples might include comparisons of basic staff type (as per Gannon et al., 2019) or of psychological experience (e.g., registered versus non-registered or years of experience). Such comparisons are likely to represent broad and simplistic markers of psychological experience and interpersonal skill. However, they are likely to give us a very good indication of the staffing profile necessary to produce optimal outcomes.

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outcomes. Once we have a basic understanding of this profile, researchers should seek to delve deeper into the interpersonal characteristics of treatment providers within correctional settings.

Within the correctional field, we need to stop ignoring the issue of psychological expertise in relation to treatment staffing. Given the complex issues tackled in such treatment, and the importance of relational elements to therapy (Norcross & Lambert, 2019), we cannot afford to neglect this issue. If we continue to ignore it in our research studies then we potentially miss out on a crucial opportunity to make treatment better, reduce future victimisation, and make society a safer place.

Commentary #9 by Day: Measuring Individual Change

Calls for significant reform to criminal justice practice have gathered momentum since the murder of George Floyd. Suggestions that it is penal policy - rather than criminal behaviour - that drives incarceration rates (e.g., McMahon, 2019) have prompted professionals across all levels of the justice system to think rather carefully about how current practices serve to maintain the status quo. A particular issue – and one that has now become urgent – concerns how we might design prisons that are genuinely rehabilitative, rather than criminogenic.

Contemporary approaches to prison rehabilitation can be traced back to the work of the very early penal reformers (see Cooper, 1979). They believed that, by learning to behave well in prison, people will develop the skills required to succeed after release. Accordingly, systems were developed to reward good institutional behaviour by offering ‘privileges’ to offset the deprivations of institutional life and, ultimately, improve the prospect of early release (i.e., through parole). The reality of our contemporary prison systems is, however, they are typically premised on the need to control behaviour (see Polinsky, 2015) and that many of those in prison do not feel rewarded for good institutional behaviour. It is often hard, for example, for people to progress smoothly through to minimum security facilities - whether this is a result of administrative and organisational constraints (such as a lack of bed space or the extensive use of remand and/or short sentences), or because of limited access to rehabilitation, vocational training, and educational programs. In such circumstances it becomes hard for even the most motivated to show that they have ‘addressed the causes of their offending’ and are worthy of a ‘second chance’ – and it can be extraordinarily demoralising for those who come to believe that no matter how hard they try, ultimately their efforts will have little bearing on their progress through the system. It can also be difficult for those who work in our prisons to truly believe that their efforts will have a positive impact.
We have reached a point where it is reasonable to conclude that one of the very best things that anyone can do to ensure that further offending will occur is to send someone to prison.

So, what does this rather depressing (and almost certainly unfair) caricature of our modern prison systems have to do with psychologists? As a profession we do not typically engage with political activism about social issues, such as decarceration or abolition, focussing instead on how we might best understand the individual experience. And, in this regard, it is very clear that our prisons do not fail everyone all the time, and that some people do have meaningful – and, at times, even transformative – rehabilitative experiences whilst incarcerated. The questions that legal and criminological psychologists are expected to answer will often relate to when, where, and how imprisonment might benefit a particular person – and, importantly, if sufficient evidence can be produced to demonstrate that rehabilitative change has occurred.

While group-level studies clearly show that offending behaviour programs can lead to an overall reduction in the rate of reoffending (Gannon et al., 2019), we struggle to answer key questions about whether a particular program has ‘worked’ for a particular individual. We might use program effect sizes, for example, to estimate that completion of a treatment program for people who have been convicted of violent offences will be sufficient to prevent re-offending in one or two participants from a group of perhaps a dozen people (Daffern, 2019), but we currently don’t know who these people are. We are also limited by a lack of knowledge about the types of short-term change that we should be looking for upon completion of a program. We would anticipate, for example, that that rehabilitation success will follow when dynamic risk has reduced but, so far at least, we have been unable to demonstrate any consistent associations between measurable reductions in dynamic risk and desistance from offending, at least at the group level. This is both a theoretical and a psychometric problem that we need to solve - and to do so will clearly require a better understanding of the mechanisms that produce rehabilitative change.

So, from my perspective, we urgently need to find new, and better, ways to establish that a person has changed in ways that might allow us to advocate for them to safely return to the community. If we can do this reliably for every individual who is incarcerated then knowledge will quickly accumulate about when, why, and for whom, rehabilitative change occurs over the course of a custodial sentence. We can then use this knowledge to design facilities and regimes that encourage, facilitate, and reward positive behavioural change. And, of course, psychologists are uniquely placed to collect exactly this sort of evidence.

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Commentary #10 by Barnao: Experiences of those who have offended as sources of insight into correctional rehabilitation.

Over the past few decades, enormous strides have been made in our understanding of offending and its treatment, contributing to the development of effective correctional programs and a reduction in recidivism. Yet, while dozens of meta-analyses have shown mean positive effects of treatment programs for general, violent, sexual, and other types of offenders, the effect sizes are small, suggesting that we still have much to learn about how to rehabilitate people who have offended.

One underutilized approach to filling some of the empirical gaps involves exploring the perspectives and experiences of individuals who have engaged in criminal behaviour. There are several compelling reasons why more of this type of research is needed. Speaking directly with people who have offended can give researchers a unique perspective on many aspects of correctional rehabilitation and facilitate a rich and nuanced understanding of issues in this complex field. Already, the small literature on the offender perspective has begun to shed light on a range of poorly understood topics and processes, such as: the phenomenological experiences of women who offend (Ciesla et al., 2019); youth offenders’ perceptions of the challenges transitioning from a correctional institution to the community (Abrams, 2006); the reasons why some offenders don’t complete treatment (McMurran & McCulloch, 2007); and the processes behind sex offenders maintaining and coming out of denial (Blagden et al., 2009), to mention but a few. Studies such as these provide insights that can have direct implications for professional practice and program design and underscore the value of placing more emphasis on individuals’ accounts of their offending and rehabilitation in future research.

Another crucial reason why correctional rehabilitation research should focus more on the accounts of individuals who have offended is because of the substantial contribution it can make to theory development. To illustrate, Ward and colleagues used data drawn from a qualitative analysis of sexual offenders’ offence chains to develop their influential model of sexual offending (Ward et al., 1995). It would have potentially been difficult to obtain such rich and detailed offence data from which to build their model using other research methods such as questionnaires.

Studies exploring the person’s offending perspective can also enhance program evaluation research, providing a more comprehensive appraisal of treatment change than quantitative measures alone. Crucially, research that explores individuals’ perceptions can elucidate many aspects of correctional rehabilitation that are lost when the emphasis is...
predominantly on recidivism statistics. For example, it can help to answer questions about how change came about, which elements of an intervention were impactful, and how or why an intervention works for some individuals and not others. One strand of the criminal justice rehabilitation literature that has increasingly made use of qualitative research is that focusing on self-narratives and desistance. The desistance model has been hugely influential in fostering an understanding of why and how some individuals who previously engaged in persistent offending desist from criminal behaviour and in determining how interventions can bolster naturally occurring processes. Critically, as Porporino (2010) aptly writes, “The desistance paradigm suggests that we might be better off if we allowed offenders to guide us instead, listened to what they think might best fit their individual struggles out of crime, rather than continue to insist that our solutions are their salvation”. (p. 80)

Finally, and relatedly, giving voice to individuals in correctional rehabilitation research is important as it gives credence to their lived experience and positions them as “experts by experience”. Research on this type of experience can also have a humanizing effect, reminding us that, at the heart of correctional rehabilitation, are individuals with their own life stories, values, and views of the world - an obvious point but nevertheless one that can get lost when there is a disproportionate focus on reoffending rates.

Yet, the voices of people who have offended is poorly represented in correctional rehabilitation research. This may reflect the fact that, for many years, the field of criminal justice rehabilitation has been dominated by the “what works” paradigm, with its emphasis on experimental research designs and the assumption that randomized controlled trials are the “gold standard”. In this conception of research, collecting data by talking to real people tends to be regarded as “unscientific” and is accorded low status. However, what this perspective fails to recognize is that talking to real people - in this case people who have offended – can shed light on a plethora of pressing questions that would otherwise remain unanswered. Perhaps one of the most pressing questions of all for correctional rehabilitation research is: What might we learn if we give individuals who have committed criminal actions more of a voice?

Commentary # 11 by Prescott: Building strengths: What can we learn from the clients themselves?

Efforts at developing effective treatment for individuals in the criminal legal system have produced far more research on the risks and criminogenic needs of clients than on how best to tailor treatment to their needs. Likewise, while much has been written about the

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responsivity principle of effective correctional treatment, it is often defined in broad terms, offering little guidance on helping clients to respond to treatment (Bonta & Andrews, 2017). While research summaries report the benefits of cognitive-behavioural interventions and the importance of adjusting treatment in accordance with the cognitive abilities of clients, practitioners at the front lines of treatment have little to guide them as they negotiate treatment implementation.

Previous efforts to establish treatment efficacy have frequently come to grief. Perhaps the best-known attempt of the past 25 years in the sexual offending area is the SOTEP project, the last paper of which appeared in 2005 (Marques, Wiederanders, Day, et al., 2005). Among their findings was that those who completed treatment did not appear to re-offend significantly less than those who didn’t, while those who “got it” (meaning that they had appeared to put effort into completing their treatment goals) appeared to re-offend at lower rates.

More recently in the field of psychotherapy research, Wampold and Imel (2015) have shown that while most bona fide therapeutic approaches outperform comparison or sham treatments, these same methods are roughly equally efficacious. The authors concluded that a broader model of what makes therapy effective is needed. Central to their observations are that there is a core of therapeutic factors that are present in all successful forms of psychotherapy. These include factors such has hope and expectancy as well as the components that make up the therapeutic alliance (Prescott, Maeschalck, & Miller, 2017).

Taken together, these results suggest that as our field attempts to develop and study effective models and methods, there are still pieces missing from our research agenda. As desirable as a randomized trial involving a treatment approach is, questions remain about its best implementation and how it might best be tailored to meet the needs of each client. Contemporaneous to the SOTEP study, Marshall (2005) summarized findings showing that the most effective therapists are those who are warm, empathic, rewarding, and directive. As welcome as this paper has been, it has still relied on professionals judging the recorded work of therapists. This is inherently different from how an individual client may experience their therapist’s work with them.

Currently, there is important research taking place in the assessment of protective factors and their role in reducing reoffending (Willis, Kelley, & Thornton, 2020). After years of studies involving risk and criminogenic need, this is certainly a desirable step forward. However, it is useful to heed the warnings of Ward and Fortune (2016) and keep in mind that so-called dynamic risk factors “factors” are best understood as markers for underlying

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processes and as clusters of possible causes that can be unique to each individual who enter treatment. Arguably the same argument applies to protective factors.

Where can we go from here? A vital area of research lies in what clients can tell us about their therapeutic experiences and working out how therapists can help them to identify and develop the strengths, positive attributes, and other assets that they bring with them into treatment. Research to this point has established that clients very often believe that treatment is important (Levenson & Prescott, 2009) and that they have much to say about the context in which treatment takes place (McCartan, Harris, & Prescott, 2019). Very little, if any, research has taken place regarding how therapists identify and build strengths across a course of treatment. In the author’s experience, it is common for programs to pay lip service to strengths-based approaches by having therapists identify them as part of a treatment-planning conversation. The unfortunate reality, however, is that these same strengths are absent in intervention plans and treatment typically focuses on reducing the effects of dynamic risk factors.

One place to start might be in the use of client feedback measures administered periodically, preferably on a session-by-session basis. Research in psychotherapy has found that by attending to the feedback and using it as a focal point for efforts at professional development, therapists can improve their performance (Prescott et al., 2017). An important area of focus would be the extent to which therapists assist clients in developing and maintaining their abilities at attaining personally valued outcomes, as outlined in strength based approaches such the Good Lives Model (Yates, Prescott, & Ward, 2010).

Commentary #12 by Taxman: The Continuous Demise of Rehabilitation in the Culture of Punishment

Since Martinson (1974)’s review of correctional programming found that “nothing works”, rehabilitation has been questioned by policy makers, practitioners, and correctional leaders. Even with the admission five years later that “somethings work” (Martinson, 1979), the writing was on the wall for rehabilitation in correctional settings. The critiques are both philosophical (i.e., can people change?, is rehabilitation the role of institutional and community corrections?, etc.) and practical (i.e., correctional budgets do not include funds for programming, most residents do not want treatment, etc.). Yet, the footprint of rehabilitation still remains embedded in both expectations from the public that corrections should reduce recidivism by changing individuals. Rehabilitation is used as a strategy to manage the population, to provide gainful activities when people serve their
“time”, to address social inequities, and to humanize the environment. While the word rehabilitation has been rarely used for the past fifty or so years, substitutes include risk-need-responsivity (RNR) model, restorative justice (where the emphasis on competency development), therapeutic jurisprudence (courts that are focused on helping to resolve issues) and evidence-based treatment and practices such as cognitive behavioural therapy. These substitutes have some of the same implementation issues identified by Martinson (1979) including the nonprogramming barriers identified by Palmer (1993), and recidivism rates in the United States continue to be stubbornly high. A useful research initiative is to understand how to provide “therapeutic” rehabilitative effects given the punitive nature of correctional settings and how to humanise the correctional settings to allow for interaction to be prosocial. Both are unresolved issues pertinent to our times. For example, the Bureau of Justice Statistics 2018 study (Alper, et al., 2018) notes that “83 percent of state prisoners released in 2005 across 30 years were rearrested at least once during the 9 years following their release.” And, a recent 2021 BJS report acknowledges that “62 percent of state prisoners released in 2012 across 34 states were rearrested within 3 years, and 71 percent were rearrested within 5 years” (Durose and Antenangeli, 2021). Collectively, the impression is still that “nothing works” which includes programming, services, and the general prison, jail, and/or community supervision structures. Admittedly the recidivism rates may not be a reflection of the effectiveness of the programs offered within various legal settings but rather the decisions made by legal authorities: police are less likely to use discretion and tend to arrest, prosecutors are more likely to issue criminal charges, sentences take into account criminal histories even if the history consists of mainly minor offenses, individuals are likely to be revoked and returned to prison, and so on. Recidivism as it is often defined and measured cannot be considered the behaviour of an individual—instead it is a reflection of decisions made by the legal actors in various circumstances. Another useful research initiative would be to broaden the focus of program outcome research to include desistance indicators such as identity, positive development, social support, personal relationships, employment, and greater sense of personal agency. This evidence could then be used to better inform penal and correctional policy and ultimately the shape and content of correctional programs.

The rather stubborn recidivism rates have not generated interest in the underlying premise that drives the punitive culture of corrections. As noted by Garland (2002, p.7):

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“both ‘penal’ and ‘welfare’ modalities have changed their meaning. The penal mode, as well as becoming more prominent, has become more punitive, more expressive, more security-minded. Distinctively penal concerns such as less eligibility, the certainty and fixity of punishment, the condemnation and hard treatment of offenders, and the protection of the public have been prioritized. The welfare mode, as well as becoming more muted, has become more conditional, more offence-centered, more risk conscious.”

Penal severity uses risk management tools where social controls are intensified which contributes to the recycling through the justice system. That is, the rehabilitation-based programming and services are offered in an environment of social control which include more interaction with legal actors and/or treatment staff that are affiliated with the legal system. And programs that limit the ability of individual decision-making needed to facilitate better regulation of an individual’s life. Punitive approaches place an individual at risk and also serve to undermine the core feature of cognitive behavioural approaches which are related to addressing decision-making and distorted thinking.

More importantly, the punitive culture of corrections is infused in facilities, staffing, and procedural justice and stands in the way of modifying the criminal legal culture to become more of a humanistic environment. Facilities tend to be located in environments that are located away from social supports of the legally-involved population, and their physical structure is designed to ensure that the individuals “feel” social control. The institution, whether it is in the community or in a carceral facility reinforces the lesser value of those incarcerated. Staffing in the correctional field mirror the physical structures in that the facilities and staff abide by a set of rules that govern risk management. Staff emphasize risk management where disapproved behaviours are indicators of risky behaviours that need oversight. Training tends to focus on risk management procedures and is devoted to evidence-based practices and treatments where the emphasis is on holding the justice-involved individual accountable instead of focusing on holding the staff accountable for the delivery of practices and treatments with integrity. In other words, staff demand that justice-involved individuals obey the carceral rules even when they are inconsistent with rehabilitation-based programming.

A critical component to offering rehabilitation-based programming in the culture of corrections is to promote the legitimacy of the programs and services and to adhere to principles of procedural justice. But the nature of the evidence-based programming and how
it is delivered in correctional settings often undercuts both legitimacy and procedural justice by how the programs are adapted to the environment. That is, few programs follow the advised design in terms of type of staffing, length of the program, strategies used in the programs, and so on. The lack of adherence to the program design signals to the customer (the justice-involved individuals) that there is little institutional commitment to quality programming and that the programs are designed more to manage the population than help individuals grow and develop. Procedural injustices include who the programs are offered to, how they are delivered, and when they are delivered—all indicators that devalue the programs and services. While legitimacy and procedural justice principles should heighten attention to the needs to reinforce rehabilitation goals even when “substitutes” are being used, the failure to emphasize and practice rehabilitation ideals in the correctional culture typically results in the control culture overriding an emphasis on human development and growth within correctional settings. The challenge then becomes how do we best provide programs in carceral environments that primarily focus on control and risk management; or is it even possible? One possibility is to introduce strength-based intervention programs that target risk factors alongside well-being enhancement and that address the penal severity of the correction system. Researchers could then evaluate whether there is greater program adherence, strengthened post release desistance, increased perception of procedural justice, increased sense of trust and less fear, and increased motivation to participate in treatment. Moos raised this issue in 1963 and it has yet to be resolved, in fact the era of mass incarceration and supervision has only heightened concerns about the feasibility of rehabilitation in correctional settings.

**Commentary #13 by Arrigo: Psychological well-being and correctional rehabilitation**

In my view, the most urgent issue confronting the field of correctional rehabilitation is that of psychological well-being. Psychological well-being is sourced in human relatedness. Human relatedness is what makes insight possible, change meaningful, and growth realizable. The experience of psychological well-being fosters self/other discovery; fuels the capacity to trust, dignify, and/or forgive; and engenders feelings of interconnectedness and expressions of interdependence. The maintenance of well-being as therapeutic process is a clinical roadmap to recovery and a life-long path to transformation in spaces of incarceration coexistence. These are spaces of (re)lived inhumanity where trauma, abuse and violence often dwell and fester, and this inhumanity lingers through collateral, and at times

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devastating, consequences to children and families. The prospect of recovery and/or transformation extends to individuals in jails, prisons, or treatment facilities, as well as to practitioners and providers working within forensic and correctional mental health services at either the institutional or community level.

The psychology of well-being initially was formulated within Plato’s (2008) captivity thesis as recounted in The Allegory of the Cave. It was further developed in the virtue-based work of Aristotle (1976). Subsequent philosophers of both the analytic (e.g., MacIntyre, 1988) and continental (e.g., Levinas, 1972) traditions have refined a number of Aristotle’s ideas on the good life, human nature, and eudemonic (i.e., flourishing or thriving) coexistence. Scholars writing at the intersection of philosophy and psychology also have explained how the pursuit of well-being represents both a domain of scientific (i.e., theoretical and empirical) inquiry (Alexandrova, 2018), and a set of practices for living excellently but experienced and inhabited always in relation to others (Roy, 2017).

The psychology of well-being is an important, fertile, and vastly untapped dimension of correctional rehabilitation theory, research, and policy. Most recently, a neo-Aristotelian framework for studying well-being through the lens of human relatedness has been developed within the field of forensic and correctional mental health (see Sellers & Arrigo, 2021). According to the framework, mental representations of (or snapshots in one’s mind for) “offenders,” “addicts,” and “abusers” dominate perception, structure choice, and constrain action. Typically, these representations reflect unconscious or pre-thematized biases about social constructs such as “crime and disorder,” “disease and danger.” Additionally, the framework explains how cognitive schemas (mental representations) for and about the value of “treatment,” “therapy,” and “reintegration” routinely populate professional judgments. These schemas are derived from taken-for-granted assumptions about social constructs such as “illness and “wellness,” “desistance and re-socialization.” Once these representations and schemas are registered in consciousness, they find form in the spoken and written language of correctional rehabilitation, and they take up residence within the work of therapeutic practice. Thus, the psychology of well-being originates at the level of unconscious mental representation and schema, and is vitalized at the level of conscious, coexistent experience of (carceral) human relatedness.

The significance of well-being as a psychological construct at the centre of correctional rehabilitation lies in its capacity to reframe the purpose and focus of therapeutic work. Existing frameworks of forensic mental health practice emphasize deficit correcting, desistance-managing, and/or norm reconciling imperatives. However, in different ways and

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to varying degrees, each of these frameworks neglects or underestimates the importance of the therapeutic relationship and the relations of humanness that are its tangible support (Arrigo, 2015). These relations represent an alliance built on the values of reciprocal consciousness (shared awareness and recognition), inter-subjectivity (experienced reality as co-constituted) and mutual power (collaborative decision-making, common cause). Such relations are dependent on capability and potential (Sen, 2011). The former emphasizes what one is capable of or what a body can do. The latter emphasizes how proficient one has become at mastering one’s capabilities. When the harnessing of human capabilities functions as therapeutic purpose and when the unleashing of human potential functions as therapeutic focus, then human capital is dignified justly in both mental representation and in cognitive schema. This is an approach to therapeutic practice that seeks to instantiate and to vitalize well-being through human relatedness for a society of captives (Arrigo & Milovanovic, 2009) and for a people yet to be (Deleuze & Guattari, 1987).

The therapeutic practice of well-being as described reframes the problem of risk (Arrigo, 2013). This is the risk of being more human (e.g., present and affirming, empathic and connected) as practitioner or provider in spaces of penal coexistence. The absence of this risk, of this deliberate search for relations of humanness as therapeutic, misses pivotal opportunities to constructively channel human capacity and to productively release human potential. Without this therapeutic purpose and focus, the emotional labour required to successfully navigate the pains of imprisonment remains unsustainable. Without this therapeutic purpose and focus, the emotional labor required to successfully navigate the pains of imprisonment, for the kept and for their keepers, will remain unsustainable, and eventually, inaccessible.

A program of qualitative research that examines the therapeutic practice of well-being and human relatedness in correctional rehabilitation is essential to addressing the above concerns. This program of research would extend to persons incarcerated or housed in treatment facilities, as well as to those who work as providers or practitioners within these systems of care. The emphasis on qualitative research would explore how the experience of recovery and transformation represent conjoint phenomena, intimately connected to the interdependent values of reciprocal consciousness, inter-subjectivity, and mutual power.

Conclusions

The thirteen commentaries cover a lot of research and practice ground and we only have space to reflect on a few of the particularly important issues arising from them. We do not intend to simply summarise these key themes as the commentaries have already done that.

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Rather, our intention is to go a little deeper and to articulate the theoretical and normative challenges these commentaries point to. By doing so, we hope to advance future research and practice within the correctional and broader criminal justice domains.

One important theme is that crime is a complex, multifaceted phenomena and likely to require a pluralistic approach to explanation spanning different levels of analysis. It is a mistake to privilege any one level of explanation because human beings ability to formulate goals and to successfully achieve them depends in a large part on their being embodied, enactive, embedded, and extended agents; the 4e account (Dent, Nielsen, & Ward, 2021). In essence the 4e view of functioning collapses the hard distinctions between the psychological, social, and biological, and proposes that organisms are dynamic, adaptive physical systems (embodied) that are self-organising and inherently purposeful (enactive). Natural norms direct the actions of dynamic systems to sustain, repair and protect themselves from internal and external threats, within a particular environmental context (embedded). Capitalising on their embodiment, enactivism and embeddedness, human beings have hybrid cognitive systems or minds that literally extend into the world, in the form of external cognitive systems such as language, social institutions, technologies and so on. Criminal behaviour might occur because of breakdowns in any one of these four (4e) components: problems of behavioural control such as violence might occur because of an acute brain injury or the long term adverse biological effects of developmental adversity (embodiment); collective violence could be the result of social influences such as belonging to a gang (embeddedness); goals and their underlying values might persuade an individual to commit fraud (enactivism); and individuals might use computers and sophisticated software to groom children for sexual offending (extension). Furthermore, each of these aspects of agency can be modelled at different scales of analysis, for example, research on a loss of behavioural control could focus on heart rate variability or the psychological ability to inhibit desires (Beech et al., 2018).

Research questions arising from this theme include: 1) do multilevel or scale analyses provide better explanations of crime and its related problems? Do these lead to more precisely targeted interventions? 2) Given the fundamental role of agency in human behaviour and its links to values and goals, should we focus on emotion more directly in correctional interventions? Relatedly, are cognitive behavioural interventions focusing in the wrong targets, a (e.g., distorted thinking) and also, ignoring other important mechanisms of change, namely affective processes? 3) Does the extended cognition hypothesis give...
researchers and clinicians a better model for understanding crime, and suggest potential roles for the use of computers and virtual reality technology in treatment?

A second, related, theme is that any model of criminal behaviour should be directed at clearly delineated explanatory targets, for example, risk levels, dynamic risk factors or offense related problems, and carefully distinguish between the objects of explanation and their causes. This frequently does not occur and it is common to see textbooks discuss theories of sexual offending, violence, or fraud as if these were the optimal ways of classifying offense associated phenomena. The problem with this epistemic strategy is that offense categories are “noisy” and typically are heterogenous and contain members with quite different problems. Therefore any explanation and associated treatment program directed at categories of offenses such as sexual offending will be imprecise, and frequently misdirected. This will lead to small effect sizes and program overlap because a person who has committed a sexual offense (for example) may resemble someone who is violent (or even a non-offending individual) more than a person convicted of the same crime. Treatment based on offense categories will be somewhat hit or miss. In place of using legal and overly broad categories like sexual offending, we propose it makes more sense to focus explanations on social and psychological phenomena like poor communication skills, problems with the identification of emotion, or limited perspective taking. This will result in more fine grained, targeted explanations and “transdiagnostic” (across offense types) intervention programs.

Research questions arising from this theme include 1) Should we replace specialist treatment programmes such as those for sexual offending and fire setting with clusters of modules targeting different kinds of – and more specific - problems? In this scenario, people convicted of committing sexual offenses might do many of the same treatment modules as other groups depending on their particular profile of social and psychological problems. 2) Researchers need to more carefully frame their explanatory targets when developing causal explanations of crime and its associated problems and not simply focus on offending behaviour. This is likely to result in some form of integrated pluralism where overly general targets such as sexual offending are deconstructed into multiple phenomena, each explained by a specific model (e.g., models for explaining fear of rejection, poor perspective taking, problems identifying emotions, sexual preferences for children and so on). This strategy is likely to lead to the development of multiple ways of classifying crime related phenomena, each reflecting the varying interests of researchers and clinicians, for example, psychological motives, patterns of offending, or type of beliefs (for more detail, see Carter, Ward, and Strauss-Hughes, 2021). 3) Do offense categories refer to scientific kinds, that is, clusters of

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phenomena that reflect real problems shared by individuals who have committed similar crimes?; each crime category or subcategory picking out features that uniquely characterise that offense. Or are they best construed as conventional kinds, essentially social-legal categories that we use for convenience rather than as scientifically valid ways of grouping crime related phenomena?

A third theme is that evidence based practice approaches to correctional intervention need to move away from the narrow version adopted by risk management models such as the Risk-Need-Responsivity model. The default intervention model used in many criminal justice institutions is one primarily based on empirical research into the most effective ways to eliminate, modify, or manage dynamic risk factors. According to this model, the aim of clinical inquiry is to produce scientifically grounded explanations of clients’ problems, and to then select empirically supported interventions specifically designed to address them. However, the EBP model utilised in health practice goes beyond a narrow concern with evidence by explicitly incorporating the best available research findings, clinical expertise, and client preferences (Prujean, Ward, & Vandevelde, 2021). Ultimately practitioners need to interpret research findings, and take into account the social circumstances, values, and personal characteristics of their clients if therapy is going to be effective. This means understanding the impact of culture on an individual’s offending behaviour and clinical presentation as well as their treatment by the criminal legal system. Cultural factors and processes pervade every domain of everyday life and in a multicultural society inevitably leads to a need to adopt knowledge pluralism. In our view, it is imperative to consider the epistemic value that indigenous explanations can play in accounting for criminal behaviour and associated problems, and their subsequent treatment.

Research questions arising from this theme include 1) how should indigenous models of psychological problems be incorporated into explanations of crime and its subsequent treatment? Is it simply a question of “translation” or rather accepting them as coexisting, explanatory models with their own causal mechanisms and intervention strategies? 2) What epistemic norms should be employed to evaluate the explanatory worth of mainstream and indigenous crime related models? Is it possible to evaluate both kinds with a common set of standards? 3) To what degree do (and should) values drive both the explanations of crime and the treatment of its associated social and psychological problems? 4) What is the nature of clinical expertise and how can it be best developed to effectively integrate the different strands of the evidence-based-practice model?

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A final theme concerns the need to explicitly acknowledge the normative problems arising from current correctional research and practice. The most obvious challenge is the tendency to rely on local professional and agency ethical codes rather than universal human rights values, and failing to grasp fundamental ethical dilemmas such as the dual relationship problem or how to handle the fact that many individuals who have committed offenses also have histories of victimization (including culturally based oppression and exploitation). The dual relationship problem in forensic and correctional practice emerges from conflict between two sets of ethical norms: those associated with community protection and justice versus norms related to defendant well-being and autonomy. The problem occurs because forensic practitioners typically have their professional roots in mental health or allied disciplines such as psychiatry, clinical psychology, social work, or law, and as such, often struggle to ethically justify aspects of forensic and/or correctional work. One solution to this complex issue is to create intervention programs that promote individuals’ level of well-being alongside reducing their risk of reoffending; what have been called “strength-based” programs. With respect to those individuals who have committed crimes and been victims of exploitation, abuse, and neglect, seeking to develop their internal and external capabilities serves both to repair the damage caused by victimisation, while also reducing the likelihood they will harm others.

Relatedly, human rights spell out the basic conditions of a life of minimal dignity, a life that is recognizably a human one. The rights to freedom, security, equality, social recognition, and subsistence allows individual to acquire the basic goods necessary to advance their own conception of a good life. These arguably trump local ethical codes and whenever there is a conflict between human rights norms and correctional practice, actions stemming from a consideration of human rights should be endorsed.

Research questions relating to normative problems arising from this theme include 1) What are the best ways to respond to the dual relationship problem? Do strength based models offer a useful way to “balance” the conflicting values of risk reduction and well-being in individuals who have committed crimes? 2) Can a human rights ethical framework provide a grounding framework for practice and research in the correctional and forensic psychology domains? What are the best ways of teaching researchers and practitioners human rights theory and practice? 3) Should professional ethical codes trump those of agencies for whom practitioners work, for example, correctional agencies? 4) To what degree do the ethical standards of correctional practitioners constitute competent practice? 5) Should clinicians stay within the boundaries of their roles when working with men and women who have...
committed crimes, or is it permissible to “step outside” these roles in certain situations and act as citizens rather than simply a psychologist?

The field of correctional rehabilitation is a fiercely contested and dynamic one. There are multiple voices seeking to be heard and contrasting analyses of the benefits and harms associated with current programs. In this paper we tried to capture some of this diversity and have explored a number of contemporary challenges and some possible future directions to address them. One thing we all agree on, there is still much to do.

References


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