Fixing Our System of Corrections: Communicating to Improve Offender Outcomes

by Gary E. Christensen, Ph.D.*

Today, the literature related to criminal justice is replete with information regarding the incarceration and supervision of offenders. As has always been the story, corrections professionals find themselves in debate over issues relative to criminal sanctions and the merit of punishment versus rehabilitation. We argue whether today's bulging population of sanctioned offenders is a result of a society in which people are simply more dangerous, or of policy and practice decisions that have changed the way we view and thus treat crime. We argue often about whether convicted offenders deserve rehabilitative treatment. In fact, many of us still hold Martinson's (1974) view that "nothing works" to change offender behavior, while others believe the growing body of literature known as "what works."

Should We "Rehabilitate"?

Our system of corrections is affected deeply by our debate of these issues: not by virtue of the debate itself, but by the fact that people on each side of the argument either refuse to believe or refuse to question the increasing body of literature that describes best practice within our business (known as "what works"). Frustration grows, and battles are waged, often framed as the "soft on crime" types versus the "get tough on crime" crowd.

To complicate matters, as related to offender change, many within the treatment community argue the merits of confrontational modalities over directive approaches designed to enhance intrinsic motivation. Indeed, these conflicts and others like them make for a correctional system in varying states of disagreement. One might argue whether ours is a system in any other way but name.

Regardless of their orientation, most agree that ours is a system in turmoil. We incarcerate and/or sanction at the highest rate ever; yet, we are unable to come to a common understanding of why. In spite of this reality, we find ourselves continuing with practices that have been used for years, despite our seeming inability to "correct" offenders consistently. We cling to terms or premises such as rehabilitation, yet we do not consider their true meaning.

For example, why would we want to *rehabilitate* an offender? In other words, why would we want to return him or her to a former environmental, emotional, or cognitive condition or situation? Aren't these former conditions the very factors that we have found to correlate quite highly with an offender's reason for being in our charge?

Instead of rehabilitation, if we were to learn from our past, it seems that we should embrace a practice of offender *habilitation*, designed to teach new cognitive skills: methods that provide alternative courses to steer offenders away from poor decisions that have resulted in their repeat offending. We would advance daily routines that require offenders to practice and learn how to use these new social skills—and that give us opportunities to model these skills for offenders. We, as public servants, would employ these methods in the interest of long-term public safety, despite our personal views or values that may be contrary to the research. Despite our differences, it is my hope that under the premise of long-term public safety, we within the system of corrections can find commonality of mission and vision. In fact, at some juncture in the not-so-distant future, I would expect our public to demand it.

Despite my extended tenure in this field, I must admit that I do not understand the factions within our field who refuse to accept the growing body of literature known as "what works." Is our refusal to learn new ways or to practice based on the efficacy of our outcomes due in part to our refusal to admit that we really don't understand why we fail to change offender behavior at least half of the time? The unfortunate truth is that many of us cling to the beliefs and/or practices of the past—and thus contribute to recidivism rates in excess of 50% and correctional population increases the likes of which have never been seen.

Leaders within our field who have crossed over to the "other side" tire of the battles with those who refuse to change. Yet, we are frustrated with statistics that reflect a 367% increase since 1980 in our criminally sanctioned population despite only a 23% increase in our nation's population (U.S. Department of Justice; U.S. Census Bureau). We are frustrated by the statistics revealing disproportionate confinement or sanction of offenders of different ethnicities and races (Hsia et al, 2004). Perhaps most important, we are frustrated that we engage fully in our inter- and intradepartmental wars of "turf" and in so doing damage each other's efforts to seemingly accomplish the same outcome: long-term public safety (Christensen, 2004).

Practical Applications

What do all these battles mean to a corrections officer on a block in our jails or a probation or community corrections officer on a block within our community? How can one professional change a system (or, for that matter, an offender)? The answer lies in the professional's ability to relate to others: not to admonish, confront, or punish, but to relate to the people in his or her charge in *our own best interests* (i.e., the best interests of those who pay our salaries: the tax-paying public).

Such an approach does not require or encourage corrections professionals to be "soft" on crime; rather, it requires them to operate based on the solid evidence proving that the manner in which they deal with probationers or inmates is most important in opening a path for an offender to *consider* change. Professionals and leaders within our field must accept evidence- or outcome-based practice and work in the best interests of their community (i.e., in the best interests of long-term public safety).

Tools such as motivational interviewing (Miller & Rollnick, 1991) have shown great promise in eliciting a desire to change among offenders. In fact, this approach seems to facilitate a process of change for an offender while providing officers the opportunity to communicate with offenders in a non-confrontational manner. Officers who use this method get more information about offenders and are better able to figure out what makes offenders "tick." They are better able than their more traditional "get tough" counterparts to ensure that offenders follow

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terms and conditions or rules and regulations, and they are superior to "traditional" officers in assisting offender planning for transition to their local communities— which are *our* local communities.

An integral component of this strategy is the proper completion of an assessment of actuarial risk. Regardless of type, such an instrument must measure criminogenic risk, propensity to recidivate, and the protective factors that might be possessed by a given offender. Much has been written regarding the importance of grouping offenders by risk and designing programming accordingly (Bonta et al., 2001; Gendreau et al., 1996). This grouping is especially important, for despite the many similarities that exist among offenders, offenders need individualized plans of correctional treatment to meet specific needs and address individual levels of readiness to change. Furthermore, cross-grouping offenders with others of different risk levels has actually been proven to increase their risk of recidivism. Perhaps most important of all, actuarial risk assessment has been proven consistently superior to other methods of investigation, for it guides case planning and leads to reduced recidivism (Latessa et al., 2002).

Again, however, it is an officer's ability to communicate effectively with a probationer, client, or inmate that determines the effectiveness of the outcomes obtained by actuarial risk assessment. Yes, we within the field have known for years that appropriate communication with offenders is ethical, and thus we strive to ensure that officers within our respective organizations have the tools to communicate. However, it is only within the past few years that we have realized that, in addition to the ethical considerations, the officers most effective at influencing a decrease in recidivism are those who communicate effectively and build positive, professional relationships. In fact, successful jail or community programming hinges on the officers' ability to reach offenders using communication strategies (Gornick, 2002). Without this skill, a program built on the best of foundations is doomed.

All too often, bosses yell at their subordinates for not communicating effectively with the probationers, inmates, or clients in their charge. Most times, those bosses do not understand the irony of their action. After all, how could we expect to influence others to act positively when we demonstrate exactly the opposite? At every level of the system, whether officer to offender, officer to supervisor, or supervisor to CEO, positive modeling is imperative. Quite daunting is the reality that one's personal model can never be turned off. We must, at all times, take full responsibility for the effect that we have on others. If we model negative or unproductive behavior, we should expect to witness similar conduct. If we model positive or productive actions, we can expect others to follow suit.

In an arena where change is being considered, we also must realize that negative behaviors easily obliterate the positive efforts of our colleagues (those actions that have a higher probability of reducing offender recidivism—i.e., those that are proven to increase long-term public safety). If we model negative, unproductive behavior consistently, we must accept the fact that our behavior actually detracts from the probability of a safer community.

Being Nice Is Not Enough

Communicating effectively as corrections professionals is not as simple as being "nice" to offenders. In fact, it entails quite a lot more. Many who are simply "nice" do no more to enhance long-term public safety than those who are "not nice." Effective communication within corrections is accomplished respectfully but with a purpose: to classify offenders objectively and assist them to develop strategies to manage their own risk. We must:

- Employ offenders' expertise about themselves, while assisting them to learn new skills that offer alternatives to their past choices;
- Determine what types of interventions are available within our local system and then partner with offenders to determine which are best suited to meet their needs and change their behavior; and
- Offer offenders numerous opportunities to practice and become proficient with their new skills.

It is through such an approach that offenders are most likely to accept a plan of personal change—a strategy designed and implemented in the best interests of all concerned.

Communication Is the Future

Regarding our system of corrections and all who comprise it, communication is the key to moving all of our never-ending arguments toward intelligent dialogue: dialogue that examines a system of research-based correctional treatment and enhances both cost-effectiveness and efficiency of outcomes. This is not to imply that "cost-effectiveness and efficiency" equal the alleviation or elimination of any one type of sanction, for sanctioning philosophies vary from jurisdiction to jurisdiction. We must be clear that, despite our best efforts, there will always be an incarcerated population and offenders on community supervision; there will always be offenders who recidivate.

Communication within and among system players, however, would allow us to overcome past battles regarding territoriality and to realize local discussions designed to understand fully what can and should be expected as a result of the application of a given criminal sanction. It would allow us to talk about what works best in the context of our local systems. Perhaps most importantly, it would allow us to operate consistently as one system of offender management—a system best positioned to prompt offender change.

As the political and social philosopher Eric Hoffer once stated, "In times of change, the learners inherit the earth, while the learned find themselves beautifully equipped to deal with a world that no longer exists." May we all become correctional learners who act in the best interests of the public and accept the challenges that we face, rather than learned corrections professionals who advocate for the status quo and operate today according to yesterday's rules.

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