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Editorial

Innovation in Corrections

The New Zealand Department of Corrections is in an enviable position internationally to deliver a world-leading correctional system. We have a clear understanding of our offender population and a strong connection to other agencies. We have a well-established evidence base that we use to shape our policies and to understand what works. We are small enough to innovate, and work within a public service that fosters collaboration and inquiry.

In this edition we have taken a broad focus on innovation in Corrections. We explore emerging research, outline innovative programmes to reduce re-offending, and discuss the application of new theoretical approaches to understanding human behavior.

Hot off the press, Devon Polaschek's article *Do relationships matter? Examining the quality of probation officers' interactions with parolees in preventing recidivism* provides a fascinating exploration of the role of human relationships in creating change. Devon discusses how the supervision of offenders in the community has changed over generations and jurisdictions, and can be anything from intensive surveillance designed to detect any act of criminality or non-compliance, to social work-based case management. Depending on the main goals of supervision, the importance of the relationship between the staff member and the offender has also varied. However, the evidence suggests that relationship quality is related to recidivism.

Jill Bowman sets out the interesting findings from the recent *Comorbid substance use disorders and mental health disorders among New Zealand prisoners* study. This 2016 research provides updated information on the state of New Zealand prisoners' mental health and drug and alcohol problems. Results show that 91% of prisoners had been diagnosed with either a substance use disorder or a mental health disorder over their lifetime. Over the last 12 months, almost two-thirds of prisoners had been diagnosed with either of these disorders – three times higher than the general population.

We explore some initiatives that have been innovative both in New Zealand and international jurisdictions. Rob Jones presents a case study on the *Hutt Valley justice sector innovation project* that highlights this excellent joined-up Justice Sector initiative. Ben Hehir looks to the United States for evidence of effectiveness on Project HOPE, which offers "swift, certain and fair" sanctions. Introduced in 2004, the approach uses frequent drug testing and short terms of imprisonment in response to sentence breaches. This approach has spread throughout the United States and is being examined by policy makers worldwide.

In terms of New Zealand's offender treatment programmes, we are at the forefront of evidence-based practice. In the article *Ka Ūpane*, Hannah Cleland and Juanita Ryan describe how the over-arching goal for the pilot was to provide meaningful and empirically supported treatment to high-risk, violent, short-serving offenders. One basic premise is that the offenders in the programme have not developed, or mastered, essential pro-social skills and must be assisted to develop these skills.

In his article, *Employment as a factor in desistance from crime*, Stephen Cunningham sets out his game-changing approach to working with employers to help offenders into meaningful, productive and non-offending lives.

Finally, a couple of articles examine some fascinating new theoretical approaches to problem-solving provided by behavioral economists and the 'nudge' concepts.

I hope this issue of the journal will encourage you to innovate in your area of work.

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Do relationships matter? Examining the quality of probation officers' interactions with parolees in preventing recidivism

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Author biography

Devon Polaschek, PhD DipClinPsych is a Professor of Psychology at Victoria University of Wellington, New Zealand. Her research interests include theory, intervention, and intervention evaluation with serious violent and sexual offenders, psychopathy, desistance, reintegration, parole and experimental approaches to offender assessment.

Criminal justice supervision of offenders in the community – whether post-custody or as a sentence in its own right – has changed in nature over generations and jurisdictions according to the political climate of the day. It can be anything from a primarily punishment-based experience, to intensive surveillance designed to detect any act of criminality or non-compliance, to social work-based case management. Quite recently, the role has been expanded into core correctional practices based on psychological research on how to change human behaviour. Depending on the main goals of supervision, the importance of the relationship between the staff member and the offender has also varied. For example if the main function of a probation officer is to detect non-compliant behaviour, probably neither party has an expectation of high relationship quality. But what if the goal is to shape the offender's behaviour through established principles of social influence?

For psychologists, especially those trained to practice with people with psychological difficulties or distress, the relationship between the professional and the person engaged with the service has long been understood to be an important, even essential ingredient for positive outcomes. In fact, research on psychotherapy shows that what are called "non-specific factors" – elements shared across all types of therapy – make the biggest contribution to successful therapy outcomes: bigger than the therapy "brand"¹. Relationship quality is the most easily addressed component of these common factors.

But this relationship is not just like any relationship. The most popular theoretical model calls it the *working alliance* and outlines three elements: an agreement on the goals that the therapist and client will work on,

collaboration on the tasks that will be used to achieve the goals and an overall bond – positive feelings about, or attachment to, each other – that facilitates the collaboration between therapist and client (Bordin, 1979).

Little research has been done on the working alliance in programmes with offenders. We have proposed an adaptation of the model for offender rehabilitation (Ross, Polaschek, & Ward, 2008), and demonstrated in Te Whare Manaakitanga Special Treatment Unit (Rimutaka Prison) that it was not so much how good the relationship was early in treatment, but how much it strengthened over the course of the programme that predicted how much offenders changed on their dynamic risk factors (Polaschek & Ross, 2010).

Since the landmark Manitoba "black box" study (Bonta, Rugge, Scott, Bourgon, & Yessine, 2008), there has been a surge of interest in training probation officers to use their time with offenders to focus on criminogenic needs, and even to conduct micro-interventions. Improving this aspect of practice leads to reductions in recidivism (Davies, 2016). However, the working alliance concept is not exclusively relevant to the treatment or programme context. Many roles in Corrections require staff and offenders to work together to achieve the best outcome for the offender (e.g., employment, education, pre-sentence assessments, release planning), making the concept of the working alliance broadly relevant. It stands to reason that while we might hope that offenders would easily form a good alliance with us, many won't naturally do so. So it is up to staff to take the initiative in developing a good working relationship. Until recently, research interest has not been directed toward the quality of interactions and bonds between correctional staff and offenders, and whether they do matter for recidivism. This lack of interest is a bit surprising really, when we consider the amount of time probation officers and prison officers, for example, spend in contact with offenders. Perhaps there has

¹ There are a few exceptions, and one is therapy work with offenders, where approaches other than those underpinned by cognitive or behavioural psychological science have not been demonstrated to reduce re-offending.

been some complacency that good relationship building is second nature for staff who often are recruited from social work and other human services backgrounds. And that may be true, but at least three other possibilities exist.

The first is that not all staff may actually have high levels of skill in forming a constructive working relationship with offenders, and others may have views about how to relate effectively that are misguided. For example, some staff may believe a tough, authoritarian approach is best. Research with probation officers (POs) has shown that the “toughness” component of relationship quality predicted probation violations, sentence revocation and rearrest (Kennealy, Skeem, Manchak, & Loudon, 2012; Skeem, Eno Loudon, Polaschek, & Camp, 2007).

Second, probation officers have complex roles with the offenders they oversee. In New Zealand, at a minimum, they have a monitoring and enforcement role alongside a supportive, helping and brokerage role. These complexities are a challenge to developing a good working relationship as both a “counsellor” and “cop” (Kennealy et al., 2012). Third, even if relationship building skills are high; as Bonta and colleagues speculate, the relationship itself may be a necessary but not sufficient condition to reduce recidivism. In other words, high relationship quality may only be important through its ability to influence the offender with regard to changes in criminogenic needs (Andrews & Bonta, 2010).

This literature on positive working alliances assumes that, rather than the staff member’s relationship approach to working with the offender being *reactive* to the offender, the staff member works hard to achieve a positive approach to all offenders, no matter how challenging. For example, rather than showing liking only toward likeable clients, we cultivate and show positive regard – perhaps by searching for *something* to like – even for the most difficult clients; and that we go out of our way to be fair with offenders who have not necessarily been respectful to us as staff. In practice though, perhaps this expectation is aspirational rather than completely realistic. Again, research suggests that PO relationship behaviour is poorer with offenders who have more challenging pre-existing characteristics e.g., stronger, more unstable negative emotions, higher criminal risk (Kennealy et al., 2012).

This article explores the quality of relationships between POs and high-risk male parolees, using data from the Parole Project². Our main research aims were to examine (a) levels of PO relationship quality as judged by both the PO and the parolee; (b) whether PO relationship behaviour predicted recidivism; and (c)

the extent to which relationship quality was simply a reaction to the offender, or somewhat independent of pre-existing offender characteristics that may make it harder both to form an alliance, and more likely the offender will re-offend. Evidence of independence would suggest that POs were being proactive in relationship building, rather than just working well with those who worked well with them.

Method

Samples

The Parole Project sample consists of about 300 men with a RoC*RoI of at least 0.65 who were recruited between 2010 and 2014, just prior to their release from prison sentences of at least two years. Half of these men had completed one of the High Risk Special Treatment Unit Rehabilitation Programmes (STURP) (the *Treatment* sample). Of the others (the *Comparison* sample) about 70% had completed some form of treatment or programme (e.g., Medium Intensity Rehabilitation Programme (MIRP), Drug Treatment Unit (DTU), individual psychological treatment).

Variables

Following release from prison, all offenders commenced a period of parole³. About two months after release we contacted and interviewed sample members and their probation officers. Part of that interview included a rating of relationship quality. The rating was a shortened version of the Dual Role Relationship Inventory (DRI-R; Skeem et al., 2007), developed for investigating relationship quality in staff supervising mentally disordered US probationers (see Box 1).

Procedure

Men in the parole project were recruited and interviewed in prison just prior to release; those data are not presented here. They were then interviewed again about two months after release, as were their POs. Relationship quality was rated in these phone interviews.

We measured a number of other variables just prior to release that were useful for examining, or ruling out, the influence of pre-existing offender characteristics (e.g., being higher risk, and less engaged in change or less committed to desistance prior to release) that could both make relating more difficult, leading to lower ratings both by parolees and probation officers, and could also predict recidivism.

² For more details see Polaschek and Yesberg, 2015.

³ We use the term “parole” throughout to refer both to the six-month period required for those released at their statutory release date on conditions, and the longer periods that apply to prisoners released at the discretion of the Parole Board, before their statutory release date.

Results and discussion

Overall, relationship quality ratings were moderately high and similar, regardless of perspective^a. On average, PO ratings of relationship quality two to three months after the man's release were the equivalent of 4.6 (out of 7; SD=.73) and 4.9 (out of 7; SD=1.4) for parolees' ratings of their PO. They were significantly higher for the treatment sample than comparison men, and for men who were paroled before sentence end (cf. those who 'maxed out'), but were unrelated to RoC*RoI. Quality of release planning and readiness for release, dynamic risk for violence and current engagement in change measured just prior to release^b were all related to PO ratings but not to parolee ratings. This pattern suggests that parolees at higher dynamic risk and less prepared for release are not, for example, more likely to view their PO's relationship behaviour in a more negative light than others do.

Dynamic Risk Assessment for Offender Re-entry (DRAOR) ratings (stable, protective, internal and external scales) averaged over the first 100 days after release were related both to PO and parolee ratings of relationship quality, raising the possibility that men whose PO rated them higher risk were treated a little less well by their staff member. With regard to offending, those who had a breach conviction, a conviction for a new offence, or were reimprisoned within two months of release had poorer ratings from both perspectives^c.

To examine the relationship between relationship quality and recidivism, I used survival analyses for the full time the offenders had been in the community since release^d. Ratings from both rating perspectives were significant predictors of reconviction and reimprisonment^e.

However, as I just noted, the quality of a POs' relationship behaviour – especially when rated by POs themselves – is poorer for men with higher dynamic risk, who are less engaged in change, are less ready for release when paroled, have not been treated in a STURP, and have higher concurrent ratings of dynamic risk and protective factors (DRAOR). All of these factors also predict recidivism. Therefore the final analyses were to determine whether the way POs treated parolees in the first couple of months was simply a consequence of these differences; or more positively, related to outcomes even when these other factors are taken into account.

A series of Cox regressions showed that POs' own ratings of their relationship behaviour predicted reconviction excluding breaches of parole, when risk characteristics were first taken into account. Parolee ratings were close to significance. But for reimprisonment, it was the parolee's perspective that was predictive after controlling for the pre-release and

concurrent risk-related differences; the PO rating was non-significant^f.

Conclusions, limitations and implications for future research and practice

There are several interesting conclusions and practice implications that can be drawn from this research. First, POs' relationship quality-related behaviour in the first two months of parole was moderately good overall, according to both the staff members themselves and their parolees. This is a commendable result: we interviewed all of the parolees and some were certainly challenging to relate to.

The correlation between the pairs of ratings of the same PO suggests that parolees provide an important external source of information about PO behaviour, and the predictive validity of the parolee ratings – they predicted some outcomes that PO ratings did not – further supports the value of offenders' perspectives.

Creating the capacity to influence a parolee through positive relationship behaviour requires that POs rise above the simple reactions we all have to working with people who can be hostile, unreliable, deceptive, disinterested disrespectful and committedly antisocial. There was some evidence here that POs are not entirely successful in doing so; relationship quality ratings were poorer for higher risk, less motivated men with fewer protective factors and poorer release plans, and for men who re-offended before the rating was made. We in New Zealand are not alone in showing this reactive pattern: similar evidence was found in a previous US sample (Kennealy et al., 2012). These data collectively suggest some reactivity in how POs work with offenders, and perhaps to expect otherwise is not realistic; first and foremost we are ordinary people, after all.

But there is also evidence that staff are having some success with the professional skills of maintaining a positive, constructive approach, despite offender characteristics. Analyses that controlled for these characteristics found evidence that relationship quality was independently related to recidivism. These are encouraging findings.

There are several limitations to this study, most of which are gateways to valuable future research. The most notable is that we didn't directly measure how POs behaved towards their parolees; instead we measured each party's perceptions of that behaviour. Measuring perceptions is valid if relationship quality is important because of its effects on perceptions, which is probably the case. But an independent assessment of behaviour would be useful in assessing the actual skills of POs in this area, which would be important for assessing training needs and current competencies.

Similarly we used proxy variables such as dynamic risk levels and current engagement in change to stand in for the actual way that offenders behave toward POs. Direct measurement of offenders' behaviour with POs would also help identify how best to improve relationship skills.

Second, we didn't examine whether POs also used their time with parolees in an effective manner (e.g., to address criminogenic needs; Davies, 2016). This is an important area in its own right, but our omission means that a competing explanation is that those who cultivate good relationships also are better at spending their time with parolees in a more change-inducing manner.

Third, we didn't examine PO characteristics. There is plenty of research on the influence of not just the characteristics of the client, but also of the staff member, on relationship quality. And the extent to which good relationship behaviour can be trained is an unresolved issue: examining PO characteristics and attitudes in relation to relationship behaviour could shed more light on this important question, and provide a way of monitoring training gains.

One other issue that arose in the study may have implications for practice support. Ratings of relationship quality were obtained during interviews with a member of our research team. We noticed that many probation officers were uncomfortable about answering the question "I care about ___ as a person" (see Box 1), often commenting that to answer this question positively would seem to imply some impropriety in the nature of their relationships with parolees. But the research on core correctional practices and positive working alliances in general suggests that showing liking and respect for offenders is desirable. Perhaps this is an area where more professional development is indicated.

But overall these results are encouraging, and suggest the value of continuing to investigate staff core correctional practices and their interactions with the behaviour of high-risk offenders serving sentences with a supervision component in the community. They also suggest the value of extending this research approach to the interactions of other correctional staff in direct contact with offenders.

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Box 1.*Relationship quality scale: Probation officer version***Response options**

1	2	3	4	5	6	7
Never	Rarely	Occasionally	Sometimes	Often	Very often	Always

1. I treat ____ fairly.
2. I care about ____ as a person.
3. I take the time required to really understand ____.
4. I take all of ____'s needs into account
5. ____ seems to feel safe enough to be open and honest with me.
6. ____ seems to feel I am someone he can trust.
7. ____ seems worried that I am looking to punish him.
8. I expect ____ to do things independently, and don't help him out.

Parolees completed a parallel version, rating the probation officer on the same 7-point rating scale. For example Item 1 was "How often do you think that [your probation officer] treats you fairly?"

Items were taken from the DRI-R (Skeem et al., 2007) with permission.

Box 2.*Technical notes on data analysis*

- a. Relationship quality data were available for 254 probation officers and 205 parolees, with ratings from both in 176 cases. Ratings were made in the two month follow-up telephone interviews. To maximise statistical power, n=176 when the two ratings are compared with each other. But most analyses use one or other rating. In these cases, n=254 for analyses with PO ratings, and 205 for offender-based ratings. Internal reliability analyses showed that (a) for POs, only the first 7 items in Box 1 were internally consistent ($\alpha=.84$) and (b) for parolees, only the first 6 items were internally consistent ($\alpha=.94$). To compare PO and parolee ratings, a mean item rating was calculated, but it was based in each case only on the internally consistent items.
- b. These measures were the dynamic and stage of change items from the Violence Risk Scale (Wong & Gordon, 1998-2003), the Release Proposal Feasibility Assessment-Revised (Wilson, 2011), and the Release Plan Quality scale (developed for the Parole Project).
- c. These men were removed from the sample for the 12 month recidivism analyses because they were reconvicted for new offences committed before the relationship rating was made.
- d. For survival analyses the mean follow-up time was 808 days (SD=318).
- e. To maximise sample size when PO and parolee ratings were analysed separately, all available ratings from that perspective was used (see Technical Note **a** above).
- f. Interaction terms were also entered into each of the Cox regressions to determine whether dynamic risk for violence was moderating ratings of relationship quality. No interactions were found.



Family violence perpetrators: Existing evidence and new directions

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Responding to family violence consumes a significant amount of government resource, particularly in relation to the criminal justice system. In 2014, NZ Police commenced more than 100,000 family violence investigations. Over 9,200 family violence-related prosecutions were processed through New Zealand courts in 2014, and over 5,100 applications for protection orders were lodged, with over 3,100 final orders granted. Just under one fifth of all sentences managed by the Department of Corrections in 2014 included at least one family violence-related offence, and 6,212 individuals started sentences where the most serious offence was family violence. Despite the significant resource implications associated with these volumes, research evidence on the nature and extent of family violence in New Zealand remains limited. Crucially there has been little research conducted on those who perpetrate family violence, including the specific contexts, situational dynamics, and desistance processes associated with their violence. There has also been little evaluative work within New Zealand to identify the most effective ways of responding to family violence perpetrators, either within the context of the criminal justice system or outside of it.

While more recent years have seen a greater focus on family violence victims, both within criminal justice policy and research, perpetrators have not attracted much attention. While it is widely agreed that family violence perpetrators should be 'held to account', there is little consensus about what this actually means in practice, nor whether 'being held to account' is sufficient to either stop (or at least reduce) the perpetration of family violence. Internationally there has been a small, but growing, concession that in order for responses to 'work' they need to do so for both victims and perpetrators (Centre for Innovative Justice, Australia, 2015). Following these international

developments, the recent Ministerial Review of Family Violence and Sexual Violence aimed to shed further light on family violence perpetrators in New Zealand. As part of the review, the Department of Corrections led an interagency work stream on follow-up and long term responses to perpetrators. This included a review of extant evidence on family violence perpetrators in New Zealand and internationally, alongside a critical assessment of best or, more often, emergent practice in perpetrator responses. A review of current service provision for family violence perpetrators in New Zealand was simultaneously completed.

This paper presents a brief summary of the main findings from the review, highlighting evidence gaps and directions for future research and service innovation. While the focus of the Ministerial Review was very broad, the focus of this paper is predominantly on Intimate Partner Violence (IPV).

What is known about perpetrators of intimate partner violence?

To date, studies on family violence perpetrators in New Zealand have often been small scale and/or based on non-representative samples (see, Roguski & Gregory, 2014; King, 2011, Department of Corrections, 2015). Consequently, existing knowledge about those who commit family violence offences in New Zealand is limited, especially in relation to those who do not enter the criminal justice system. This is an important caveat to bear in mind when interpreting the findings presented below. As international studies have aptly demonstrated, research based on different samples of offenders can give rise to varying findings about who perpetrates family violence and the nature of that violence (Johnson, 2008; Kelly & Johnson, 2008; Dutton, 2006). For example, studies based on surveys

of the general population offer different results to those based on samples identified through women's shelters or correctional settings, with the former reporting much greater levels of gender symmetry¹, as well as lower frequency and intensity of violence (Johnson, 2008; Babcock, Robie & Green, 2004).

Despite the frequent assertion that IPV is not class specific, research has consistently shown that the majority of family violence perpetrators dealt with within the criminal justice system come from backgrounds characterised by multiple, sometimes intergenerational, disadvantage. IPV perpetrators in this context tend to present with problems linked to unemployment, poverty, substance misuse/addiction, and mental health conditions, and often have extensive criminal offending histories (Slabber, 2012; Gondolf, 2004, 2012; Gray et al., 2014; Boxhall, Payne & Rosevear, 2015; Gadd, 2004). However, these histories do not always include prior convictions for family violence offences (Boxall et al., 2015). Of those who perpetrated IPV homicides in New Zealand in 2013, for example, only 11% were previously known to the Police as family violence offenders, while about one fifth of those starting sentences for family violence in 2013 appeared to have no history of family violence offending (Department of Corrections, 2015).

The links between family violence, sexual violence and child abuse have often been noted in political and public discourse on family violence. However, although many of those entering the criminal justice system for family violence have a history of committing other offences, evidence suggests family violence perpetration does not always coincide with sexual violence and/or child abuse. Only a small proportion (6%) of those sentenced for family violence offences in 2013 were charged with sexual offences; just under one third of those starting sentences for sexual offences had committed the offence against a family member. In other words, the majority of those sentenced for sexual offences in 2013 were convicted for offences that did not coincide with family violence (Department of Corrections, 2015). While there is some overlap, and undoubtedly a high level of under-reporting, the relationship between sexual and family violence should not be automatically assumed.

The overlap between IPV and child abuse appear to be stronger than that found for sexual abuse. Although assessments vary due to different definitions, it has been estimated that 30% to 60% of child abuse occurs in households where IPV is co-occurring (Barnish, 2004). Australian research has found that child abuse is 15 times more likely in households where IPV is

occurring, while UK research indicates that one in three child protection cases and 40% of child sexual abuse cases involved co-occurring IPV (Barnish, 2004). It has also been estimated that around 50% to 60% of prisoners attending family violence programmes either witnessed or directly experienced domestic violence as children, and that up to 40% of those abused as children go on to perpetrate IPV (Stewart, Gabora, Kropp & Lee, 2014). Like sexual violence, the relationship between child abuse and IPV is an imperfect one and it is important to note that the majority of those abused as children do *not* go on to perpetrate IPV.

It is widely agreed that men are more likely to be the primary aggressor in IPV cases that result in prosecution, and are far more likely than women to engage in chronic, repeat and severe IPV, which is coercively controlling and fear-inducing (Swan et al., 2008; Johnson, 2008). Looking at family violence perpetrators managed by Corrections, it is evident that women make up a small proportion of IPV perpetrators in New Zealand (10% in 2013); however, the number of women serving sentences for IPV-related offences and/or subject to protection orders is increasing. In terms of ethnicity, international evidence conclusively shows that ethnic minority groups are over-represented both as victims and offenders of IPV. This holds true in New Zealand. For example, analysis based on a family violence Corrections cohort from 2009/10 reveals that over half (51%) were Māori, and 12% identified as Pacifica.

Family violence perpetrators also exhibit considerable heterogeneity. In addition to the factors noted above, a number of international studies have highlighted different patterns of violence committed by family violence perpetrators (Johnson, 2008; Kelly & Johnson, 2008; Dutton, 2006). Four key patterns of family violence, in particular, may be useful for thinking about the ways in which violence functions in intimate relationships, namely: situational couple violence (that which does not exhibit power and control dynamics); violent resistance (violence committed by, typically female, victims against a primary (often male) aggressor); separation violence (violence commencing at the end of a relationship in which violence was not previously present); and, finally, coercive control (fear-inducing psychological and emotional intimidation and/or physical violence). To date there has been no research conducted on the incidence or prevalence of different types of IPV in New Zealand, although policy and research is often produced as if coercive control is either the prevalent or only form of violence. Further research undertaken to obtain a better understanding of the nature and stability of different types of IPV would be invaluable. Such knowledge has the potential to better direct IPV treatment and desistance.

1 The Gender Symmetry argument holds that men and women commit similar or equivalent levels of family violence. It is an argument which has been vehemently opposed by feminist scholars and others (Dutton, 2006).

While there has been considerable research focused on measuring the effectiveness of group programmes, there has been comparatively little exploring family violence desistance. This is true in New Zealand, where there is an absence of research on family violence desistance and its relationship with general criminal desistance. The small amount of international research which has explored this issue indicates that desistance from family violence reflects the crime-age curve found for general offending, with most perpetrators 'aging out' of family violence (Capaldi & Kim, 2007; Walker, Bowen, Brown & Sleath, 2014).

Evidence indicates that the type of violence and perpetrator matters to desistance, with those predominantly involved in situational couple violence showing a greater proclivity to desist compared to coercive controlling perpetrators and/or those with significant personality disorders, mental health problems, substance abuse/dependence issues, and extensive criminal histories (Walker et al, 2015; Walker, Bowen & Brown, 2013; Johnson, 2008; Kelly and Johnson, 2008). Other factors associated with desistance include: being 'held to account' and recognising the impact of negative abusive behaviours; the development of a non-violent identity; coming to terms with experiences of childhood trauma, economic marginalisation and a sense of powerlessness; strong external support networks; and acquiring self-regulation skills, such as techniques for managing emotional triggers (Walker et al 2014; Morran, 2010 2013; Giordano et al., 2015; Roguski & Gregory, 2014).

Western treatment models for family violence perpetrators are predominantly typified by one of two approaches: the Duluth Model or Cognitive Behavioural Therapy (CBT); although in practice many programmes blend the two. The Duluth model, developed in Minnesota, USA in the 1980s, represents a feminist psycho-educational approach predicated on a belief that men's violence against women is the product of power-control dynamics in society more broadly. This model has been traditionally endorsed as best practice for family violence perpetrator programmes. However, following three decades of implementation and extensive research investment, there is little conclusive evidence to demonstrate the model is beneficial in practice (Day et al., 2010; Babcock, Green and Robie, 2004). Questions have arisen about the ability of the Duluth model to address different varieties of family violence, including same sex violence and women's use of intimate partner violence, both as sole perpetrators and mutual combatants (Dutton & Corvo, 2007). Recognition of this limitation, coupled with growing international accord on 'what works' with offender treatment more broadly, has seen a gradual shift toward more CBT-based modalities in many jurisdictions.

CBT-based programmes are underpinned by the notion that an individual's disposition and actions can be improved by identifying and replacing dysfunctional thinking (Slabber, 2012; McGuire, 1996) and through acquiring adaptive cognitive and interpersonal skills. CBT presumes that violence stems from learnt behaviours, which can be modified or replaced with new behaviours. For example, the reduction of anger can occur through learning emotional concepts, taking time out/in, utilising relaxation techniques, learning and practicing negotiation skills, and developing the ability to tolerate unpleasant and/or strong emotions.

Alongside the greater utilisation of CBT, more recent research has made a compelling case for integrating the principles of Risk-Needs-Responsivity () into family violence programmes (Radatz & Wright, 2015; Stewart et al. 2014; Greal et al., 2012). These principles, internationally proven to enhance the effectiveness of interventions for general offending, have been increasingly found to work for family violence offenders also (Andrews & Bonta, 2010; Radatz & Wright, 2015). Briefly put:

- The *Risk* principle holds that interventions should be commensurate with an individual's assessed risk; the higher the risk, the more intensive the treatment.
- *Need* puts forward the notion that 'criminogenic' needs, those dynamic factors associated with recidivism, should be targeted.
- *Responsivity* involves two parts which are both specific and general: the specific entails taking into account the individual's personal aspects and tailoring treatment to more effectively facilitate learning. For example, paying attention to internal and external barriers, learning and thinking styles, mental disorders, and personality types.

In line with growing international evidence, the Department of Corrections has recently re-designed treatment pathways for family violence perpetrators. As a consequence, low to low-medium risk male offenders are directed to the Family Violence Programme (run internally by Corrections staff as well as by contracted non-government organisations). Medium risk male offenders are potentially eligible for either the Medium Intensity Rehabilitation Programme (MIRP) or the Short Rehabilitation Programme (SRP-M). High risk perpetrators are directed to Psychological Services for individual treatment. Female offenders are eligible for referral to Kowhiritanga (equivalent to the MIRP) and the Short Rehabilitation Programme for Women (SRP-W).

In late 2014 the Department of Corrections piloted the Family Violence Programme, which incorporates both CBT and the RNR principles. Similarly, the Ministry of Justice introduced a new Code of Practice for their family violence programme providers in 2014,

which broadly endorses these approaches, albeit less prescriptively than Corrections. While insufficient time has passed to measure the implications of these changes, this will likely be a future research focus.

In addition to programme content, evidence has suggested that other factors may be as, if not more, important. For example, Miller, Duncan & Hubble (2004) found that 40% of treatment outcomes were related to extra-therapeutic factors (such as social supports, client skills and individual motivation), 30% pertained to the client-therapist relationship, 15% to the facilitators' ability to impart a sense of hope to clients, and 15% to the specific programme content (cited in Cagney & McMaster, 2013). Whether programme content is delivered as intended (programme integrity) and *how* programmes are facilitated on the ground will therefore remain key considerations for future service development, monitoring, and evaluation activity. Finally, as widely attested internationally, perpetrator programmes have tended to function most successfully when they are either integrated, or at the very least aligned, with services for victims and, increasingly, any children from the relationship. Internationally, integration has also increasingly included combining programme provision with "wrap-around" support services for perpetrators. Defining precisely what form such integration could or should take in New Zealand is still under development.

In summary, notwithstanding decades of government investment and public interest, knowledge about family violence perpetrators in New Zealand and how best to respond to this group merits further development. That said, there has been a welcome movement away from viewing responses dichotomously as either *for* victims or *for* offenders. It is now widely agreed that understanding and effectively responding to perpetrators is crucial for improving outcomes for victims. There has been an increased willingness to step outside of the 'nothing works' doctrine historically attached to perpetrator programmes to more fully consider what it means for responses to 'work', for whom they work best, when, and why, and how effectiveness can be improved and reliably measured. There is still much work to be done; however, as New Zealand embarks on a range of family violence innovations, including the national availability of the Department of Correction's Family Violence Programme, there is cause for (cautious) optimism. While family violence is an ingrained, "wicked" problem requiring ongoing investment and sustainable funding, family violence perpetrators can and do stop offending, and there is opportunity for the Department of Corrections to make a meaningful contribution to the desistance process.

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Comorbid substance use disorders and mental health disorders among New Zealand prisoners

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Jill joined the Department of Corrections' Research and Analysis Team in 2010. She manages a variety of research and evaluation projects, and has a particular interest in desistance, employment outcomes of released prisoners, how probation officers work with offenders and the needs of female offenders. As well as working for Corrections, she volunteers at Arohata Prison, teaching quilting to the women in the Drug Treatment Unit.

Introduction

A 1999 study of New Zealand prisoners (Department of Corrections, 1999) showed that up to 70% have drug and/or alcohol problems, and a significant proportion have various mental health issues. However, the prevalence of comorbid substance abuse and mental health disorders (which overseas studies have identified as significant amongst prisoners) has not previously been investigated.

Following a successful application to the Government's Proceeds of Crime fund under the Methamphetamine Action Plan, the Department contracted Auckland-based National Research Bureau (NRB) to interview prisoners about substance use and mental health problems. Over 1,200 prisoners were interviewed in 13 prisons between March and July 2015 using two tools: the World Health Organisation's Composite International Diagnostic Interview (CIDI) and the Personality Diagnostic Questionnaire (PDQ).

An Australian research consortium including CGA Consulting and researchers affiliated to the University of New South Wales analysed the data collected, and produced a report detailing the findings (Indig, Gear & Wilhelm et al, 2016).

This article summarises significant findings from the study. The full report is available on the Department of Corrections' website: http://www.corrections.govt.nz/resources/research_and_statistics/comorbid_substance_use_disorders_and_mental_health_disorders_among_new_zealand_prisoners.html

Methodology

An earlier *Practice* article by the author (Bowman, 2015) described how the research was carried out. However, to understand the results, it is worth repeating two context-related caveats here.

The sample of 1,209 prisoners who were interviewed for the study comprised prisoners who had either been sentenced within the last three months or who were remand-convicted prisoners. It was important to restrict participants to newly sentenced prisoners to ensure that the responses to questions about mental health or substance use over the last 12 months were based on prisoners' experiences while in the community. To reinforce this, interviewers reminded prisoners that their responses should reflect the period before their admission to prison.

A second caveat is the small sample sizes of some groups, which means that some results should be read with caution. For example, although small numbers of prisoners aged over 65 took part in the survey, age breakdowns including this sub-group were retained to enable comparisons with the 2006 New Zealand Mental Health Survey (Oakley Browne, Wells & Scott, 2006).

Results of the study

The study assessed prisoners' experiences of the following disorders over the preceding 12 months and over their lifetimes: anxiety, mood, substance use, eating, and personality, as well as for symptoms of psychosis, psychological distress and suicidal behaviours. Respondents were also asked whether they had received mental health treatment in the past year.

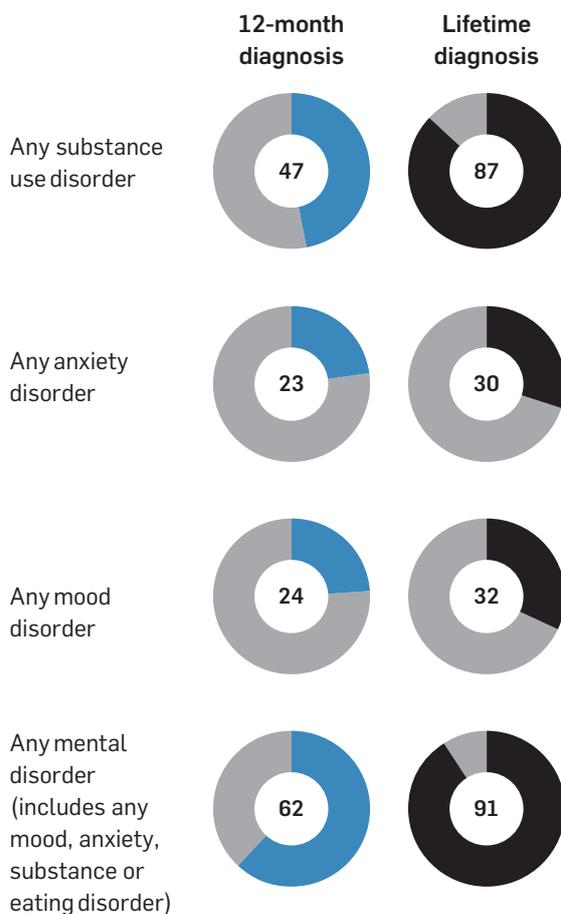
Where possible, comparisons were made with the 2006 New Zealand Mental Health Survey (Oakley Browne et al, 2006), with the 2013/14 New Zealand Health Survey for psychological distress (Ministry of Health, 2014), and also with the 1999 National Study of Psychiatric Morbidity in New Zealand Prisons (Department of Corrections, 1999).

Results showed, not surprisingly, that prisoners had considerably more issues with substance abuse than

the general population, but also that their mental health was significantly worse. Nearly all prisoners (91%) had been diagnosed with either a substance use disorder or a mental health disorder over their lifetime. Over the last 12 months, almost two-thirds of prisoners had been diagnosed with either of these disorders, and this was three times higher than the general population. Female prisoners were much more likely than male prisoners to have been diagnosed with either disorder over the last year.

Figure 1:

Prevalence of a substance use disorder or a mental health disorder



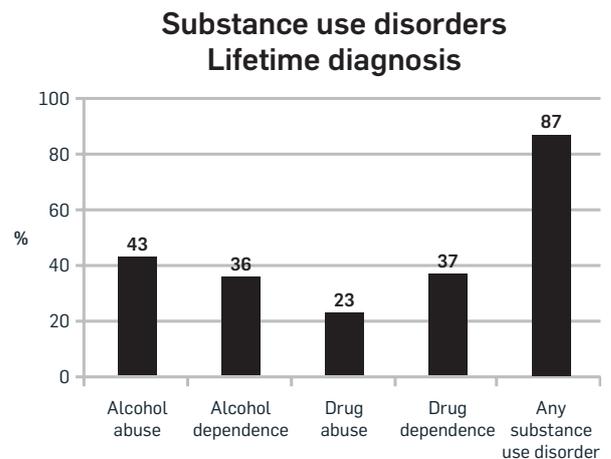
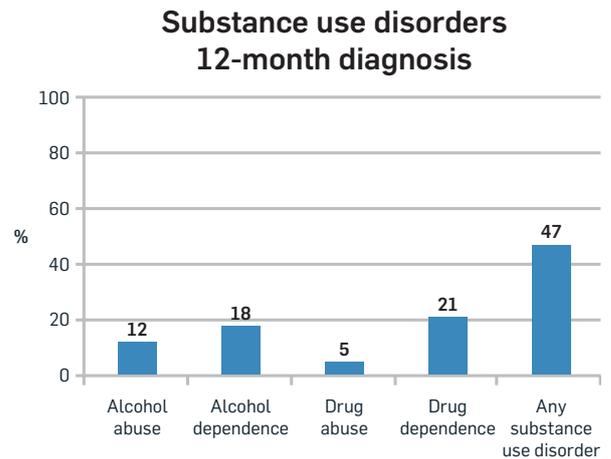
Substance use disorder

There is a strong correlation between offending and substance disorders (Young, Wells & Gudjonsson, 2011) and all substance disorders were higher among prisoners than the general population. In fact, the greatest difference between prisoners and the general population for all disorders assessed was for substance use disorders. Questions about substance use disorders covered drug abuse and dependence, and alcohol abuse and dependence. Drug types considered were club drugs, cocaine, hallucinogens, inhalants, marijuana, opioids, painkillers, sedatives and stimulants.

Almost half of all prisoners had had a substance use disorder over the previous 12 months and, over their lifetime, 87% of prisoners had a substance use disorder. These were 13 times and seven times respectively higher than in the general population.

Table 1:

Substance use disorders summary, 2015 prisoner population



Simply put, alcohol/drug abuse reflects "too much, too often" and dependence is the inability to quit.

The highest difference between the prisoner and general populations for any substance use disorder was for drug dependence, where prisoners were 30 times more likely than the general population to have a 12-month drug dependence diagnosis.

The lifetime findings were similar to the 1999 New Zealand Prisoner Mental Health Study (Department of Corrections, 1999). Alcohol abuse was 43% in 2015 (compared to 39% in the 1999 study), alcohol dependence was 36% in both studies, and any substance abuse disorder was 87% in 2015 (compared to 83%). Drug use was not comparable between the two surveys. However, of note, was the increase in

the prevalence of stimulant abuse and dependence combined between the two studies, from 4% in 1999 to 38% in 2015. The more recent rates almost certainly relate predominantly to the drug methamphetamine.

Female prisoners had a higher 12-month and lifetime prevalence of both alcohol and drug *dependence* than men, but male prisoners had a higher prevalence of alcohol and drug *abuse*. Whereas females had a higher prevalence of *any* substance disorder over the last year, males had a higher lifetime prevalence.

Both 12-month and lifetime substance use disorders decrease with age in the general population. While the overall 12-month and life-time diagnoses for prisoners are consistent with this pattern, there is more variability for individual disorders.

Pacific prisoners had the highest prevalence of any substance use disorder (both 12-month and lifetime), with the highest prevalence of alcohol disorders but the lowest prevalence of drug disorders. European prisoners had the lowest prevalence of substance use disorders.

Anxiety disorders

Anxiety disorders covered generalised anxiety disorders, panic disorder and post-traumatic stress disorder. The study did not measure a number of anxiety disorders included in the NZ general population survey: agoraphobia without panic disorder, specific phobia, social phobia and obsessive compulsive disorder.

Five percent of prisoners had a 12-month diagnosis of a generalised anxiety disorder (compared with 2% of the general population), and 9% had a lifetime diagnosis (compared with 6% of the population).

Panic disorder was twice as common among prisoners as in the general population for both the lifetime and 12-month diagnosis. Panic disorder was more prevalent in male than female prisoners, while the reverse was found in the general population.

Nearly a quarter of prisoners had a lifetime diagnosis of post-traumatic stress disorder, which was four times higher than the general population.

The lifetime prevalence of generalised anxiety disorder had increased from 1% in the 1999 New Zealand Prisoner Mental Health Study to nearly 9%, while the lifetime prevalence of panic disorder had increased from nearly 2% to nearly 6%. However, the lifetime prevalence of post-traumatic stress disorder was similar (23% in 1999 and 24% in 2015).

Mood disorders

Mood disorders included bipolar disorder, dysthymia, and major depressive disorder.

Prisoners had a higher prevalence of mood disorders than the general population with 24% of prisoners having a 12-month diagnosis compared with 8% of the general population, and 32% having a lifetime diagnosis compared with 20% of the population. The lifetime prevalence of major depressive disorder decreased slightly (from 23% to 21%) between the 1999 and 2015 prisoner studies, while the lifetime prevalence of bipolar disorder increased from 2% to 11% and dysthymia increased from 1% to 5%.

Female prisoners had a higher prevalence than male prisoners of all mood disorders (both 12-month and lifetime) except bipolar disorder, which was significantly higher among men.

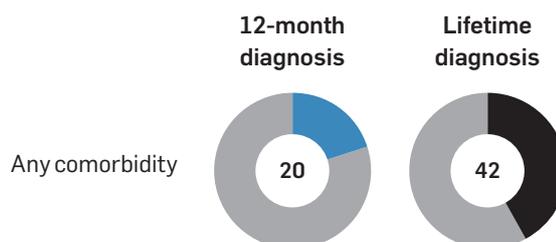
Māori prisoners had the lowest rate of lifetime diagnosis of major depressive disorder, but in the general population they had the highest rate.

Comorbidity

The findings showed that 42% of prisoners had had a co-occurrence of a mental health disorder and a substance disorder over their lifetime. Over a 12-month period, the prevalence of comorbidity in prisoners was 20%.

Figure 2:

Prevalence of comorbid substance use disorder and mental health disorder



Comorbidity was higher among females than men and comorbidity peaked in the 25-44 year age group, where nearly half had a lifetime diagnosis.

Comorbidity was highest among prisoners of European descent. While prisoners diagnosed with drug dependence had the highest rate of comorbidity in the last 12 months, prisoners diagnosed with alcohol dependence had the highest rate of comorbidity.

Multiple disorders

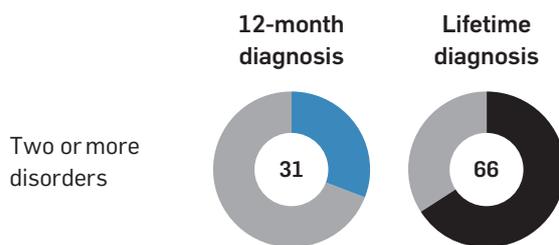
As well as identifying the prevalence of co-existing mental health *and* substance use disorders, the analysis also included the prevalence of multiple disorders. This could include more than one mental health disorder or more than one substance disorder and could also include multiple mental health and substance disorders.

Results showed that 17% of prisoners had a 12-month diagnosis of two disorders and 14% had a diagnosis of three or more disorders. Prisoners were nearly four times more likely than the general population to have two or more 12-month diagnoses (31% compared to 8%). Over their lifetime, 30% of prisoners had a diagnosis of two disorders and 35% had a diagnosis of three or more disorders. This was three times higher than in the general population.

Women were more likely than men, in both the prisoner and general population samples, to have multiple disorders.

Figure 3:

Prevalence of multiple disorders



Personality disorders

Almost a third of prisoners were found to have a clinically significant personality disorder. This compares with the 1999 New Zealand Prisoner Mental Health Study which found around 60% prevalence of a personality disorder among prisoners. The most common personality disorders were paranoid (15%), antisocial (11%), obsessive compulsive (11%) and borderline (10%). It is possible that observed prevalence of paranoid personality disorder was related to prisoners' drug use histories.

Men had a higher prevalence of all personality disorders than women, with the exception of schizoid personality disorders (5% in women and 4% in men).

Suicidal behaviours

Suicide is a major cause of death among people with a mental illness (Larney, Topp, Indig, O'Driscoll & Greenberg, 2012; Butler et al, 2006). Unsurprisingly, given their higher prevalence of mental disorders, prisoners were twice as likely as people in the general

population to have ever thought about suicide and were four times as likely to have ever attempted suicide.

Consistent with the general population, female prisoners had higher rates of suicidal behaviours than men. However, whereas 12-month and lifetime suicidal behaviours declined steeply with age in the general population, they remained high across all age groups for prisoners. Prisoners of European descent had higher rates of suicidal behaviours than Māori or Pacific peoples. Prisoners with anxiety disorders had the highest rate of suicidal behaviours.

Mental health treatment

Unexpectedly, findings showed that access to mental health treatment in the last year by prisoners with a 12-month mood disorder diagnosis (58%) was similar to that of the general population (55%). Female prisoners were more likely than male prisoners to access mental health services.

Summary

The following table summarises the findings from the study and compares these with the results of the 2006 New Zealand Mental Health Survey and the 1999 National Study of Psychiatric Morbidity in New Zealand Prisons.

Table 2:

Summary Table and comparisons

	12-month diagnosis		Lifetime diagnosis		
	2015 prisoner population (n=1209) %	2006 general population %	2015 prisoner population (n=1209) %	2006 general population %	1999 prisoner population (n=1248) %
Anxiety disorders					
Generalised anxiety disorder	5.2	2.0	8.9	6.0	1.2
Panic disorder	4.4	1.7	5.7	2.7	1.6
Post-traumatic stress disorder	16.0	3.0	23.7	6.0	22.8
Any anxiety disorder	22.5	14.8	30.3	24.9	
Mood disorders					
Bipolar disorder	9.0	2.2	11.2	3.8	2.1
Dysthymia	4.2	1.1	5.1	2.1	1.1
Major depressive disorder	14.6	5.7	20.6	16.0	22.8
Any mood disorder	23.7	7.9	32.0	20.2	
Substance use disorders					
Alcohol abuse	11.9	2.6	42.9	11.4	39.1
Alcohol dependence	18.1	1.3	35.8	4.0	35.5
Drug abuse	5.1	1.2	22.7	5.3	
Drug dependence	21.3	0.7	37.1	2.2	
Any substance use disorder	46.8	3.5	87.2	12.3	83.4
Summary measures					
Any eating disorder	3.3	0.5	5.1	1.7	1.0
Any mental disorder*	62.2	20.7	90.9	39.5	
Any comorbidity#	20.4		41.8		
Multiple disorders					
No disorders	37.8	79.3	9.1	60.5	
One disorder	31.3	13.0	25.4	20.0	
Two disorders	16.7	4.4	30.2	9.9	
Three or more disorders	14.1	3.3	35.4	9.7	
Other mental health measures					
Any personality disorder	–	–	32.9	–	59.6
Psychosis symptoms	6.5	–	12.9	–	6.4
Psychological distress in the past 30 days	28.3	–	–	–	
Suicidal behaviours					
Suicide ideation	14.2	3.2	34.5	15.7	
Suicide plan	6.8	1.0	17.3	5.5	
Suicide attempt	5.5	0.4	19.3	4.5	
Mental health treatment (past year)					
Any anxiety disorder	58.0	39.4	–	–	
Any mood disorder	58.8	55.1	–	–	
Any substance use disorder	42.2	29.9	–	–	
Any mental disorder	45.7	38.9	–	–	

*Includes any mood, anxiety, substance or eating disorder; # Includes any mental disorder and any substance use disorder

Generalisability of the study findings

Results were weighted to reflect the prison population by age, gender, and ethnicity as at 17 May 2015, which was around the middle of the interview period. The study sample included a higher proportion of women and younger people relative to proportions commonly observed within the total prisoner population.

Conclusion

Understanding the mental health of prisoners is crucial to being able to provide the best possible care while they are in custody. The information generated by this study will enable Corrections to design and deliver integrated and effective treatment to meet the needs of prisoners with particular health issues.

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Brain gains for youth: Emerging trends in neuroscience

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Author biography:

Zoey is a registered social worker who has spent most of her time as a frontline practitioner, working with young people in the justice sector in the United Kingdom and New Zealand. She has held several national policy roles at the Ministry of Justice and the Office of the Children's Commissioner and is currently based at the Department of Corrections as their Principal Adviser – Youth. Zoey is a keen advocate for young people and believes that interventions should be delivered within a bi-cultural and strength-based framework that recognises and builds on potential.

Abstract:

This article considers how new developments in neuroscience shape our understanding of young people and the period of adolescence, particularly how their brains function and how best to intervene with them to create lasting positive change. Young people are different to adults – both in the way their brains work and the way they think. This is particularly so for young people who have been exposed to early life or pre-natal trauma or negative influences, all of which are common among young people involved in the justice sector. Emerging neuroscience helps us to understand the implications of brain growth on young people's development and the role this can have in shaping anti-social behaviour. To be successful we need to use lessons from neuroscience to tailor interventions and engagement in ways that respond to the impact of childhood trauma and its link to young people's involvement in the justice system. Trauma informed interventions are likely to become a key innovation that shapes our future engagement with the young people we work with. The Department of Corrections has introduced training for selected frontline staff to become "youth champions". This training provides staff with information on how brain development impacts on young people's behaviour and how staff can tailor their response and engagement to address this responsibility need.

Keywords: Youth Justice; Rehabilitation; Responsivity; Development; Neuroscience; Trauma

Introduction

"Kaua e whakapaetia te he o te rawa kore. Kaua hoki e tautokotia, engari whaia ko te maramatanga"

This whakatauki, or proverb, translates to: "Seek not to blame the wrong-doer. Seek neither to condone their behaviour. Seek instead to understand". This

whakatauki underpins the New Zealand Department of Corrections (Corrections) Youth Strategy. The Youth Strategy is a bi-cultural strength-based approach that sets the direction for the way Corrections engages with young people (Corrections considers young people to be those under 20 years of age). This article considers how new developments in neuroscience shape our understanding of the period of adolescence, with a focus on young people in the justice sector. This article explores brain development and considers how the knowledge can help us to address young people's needs. It also discusses initiatives implemented by Corrections to help rehabilitate young people more effectively. Throughout this article, quotes from some of the young people we work with appear, alongside Corrections' practice principles which guide staff interactions with young people.

Adolescent brain development

The brain is a complex organ that controls our body to keep us alive; it also controls our thoughts, emotions and memories, and shapes how we respond to everyday life (Fox, 2006). Because of the brain's important role in shaping our behaviour, it is important for staff working in the justice sector to have an understanding of how the brain is built and behaves; the path of normal healthy brain growth; and the actions or experiences that interrupt healthy development. This section provides a basic overview of normal brain development, and the factors that can disrupt this trajectory.

Normal healthy brain development begins in utero, with millions of neural connections growing and developing before a child is born. By the time a child is two years old its brain has nearly doubled in size and is roughly 80% of the weight it will be in adulthood (Anda et al., 2006; Tusaie, 2014). What happens to the child during its first two years of life will impact on later behaviour and development in adulthood. For example if a child is not exposed to a wide array of words, their later

language and communication is likely to be delayed (Anda et al., 2006). Conversely, a child that regularly has its needs met by its parents develops a high level of resilience that enables it to cope with stress and fear later in life (Ungar, 2004). These early attachment experiences shape the way that children and adults behave and the way they relate to others.

The brain grows in a hierarchical way from the inside out (Cohen & Casey, 2014). These functions can be explained by a theory of evolution named the Triune Brain Theory (McLean, 1990). McLean describes three main areas of the brain which grow sequentially. The first is the brain stem, which he refers to as the *reptilian brain*. This part of the brain is responsible for basic survival functions such as exploration, feeding, aggression, dominance, and sexuality. Our response to fear generates from the brain stem, sometimes referred to as our "flight, fight or freeze" responses (Frankenhuis & de Weerth, 2013). The next part of the brain to develop is the limbic system, which Mclean refers to as our *mammal brain*. This part of our brain is responsible for emotions, behaviours and memories. The third and final area of the brain to develop, is the cerebral cortex. McLean refers to this section as our *human brain*, as it contains the functions that make us uniquely human. This includes higher cognitive functions, reasoning, and logical thought. This part of our brain is the last to develop. Neuroscience now understands that this part of the brain is not fully developed until late adolescence, sometimes right through puberty, until a person's mid 20s (Pharo, Sim, Graham, Gross & Hayne, 2011; Tusaie, 2014). Understanding the brain hierarchy is important as it directs how we think and behave, which is an important consideration, given the outer functions are the last to develop, and the first to freeze or slow down during periods of stress or anxiety.

*"They are always judging you.
They just see you as paper.
They don't know who you are.
If you actually get to know me
I'm not that bad, just made
some stupid choices."*

Corrections practice principle:
**Offending by young people can be reduced
– you can make a difference.**

The brain is like any other muscle or organ in the body; it strengthens through use and learns through repetition. As it does so it creates strong neural

pathways or connections. The more often an action or thought is repeated, the more likely this will be the automatic response in the brain (Painter & Scannapieco, 2013).

During early childhood and again in adolescence the brain undergoes a period of work or construction, where it prunes out unused neural pathways or connections; the thoughts, behaviours and actions that are unused or underdeveloped (Beckman, 2004; Tusaie, 2014). These changes are some of the most dramatic events to happen during a person's lifespan (Steinberg, 2011). While this work or construction is underway, the outer portions of the brain can hibernate to allow this important task to be undertaken. This is helpful for staff to understand, as this hibernation can impact on how adolescents make decisions. In many instances during this period of work or construction, adolescents generate thoughts and feelings from further down their brain hierarchy in their limbic system where they make decisions based on emotions, seemingly without reason (Cohen & Casey, 2014; Van Duijvenvoorde & Crone, 2013).

This building, growing and shaping all happens during normal healthy development, but neuroscience now suggests that many young people in the justice system have had interruptions to this normal healthy development, which further impacts on how they make decisions and suggests how their brain development can shape or drive their behaviour (Walsh, 2011).

*"The most difficult thing
about leaving was structure –
I lost the structure in my life
that I had in prison."*

Corrections practice principle:
**Young offenders are a high priority – as a
group they re-offend more frequently and
more seriously than older offenders.**

Interruptions to normal healthy development

While the brain is an intricate and strong component of all humans, it is delicate and susceptible to damage, especially during periods of development and growth. As discussed above, there are many factors such as parent and child attachment and early life events that can impact on the way a child's brain grows, which has a lasting and complex impact on the way the child behaves as they move through adolescence and

adulthood (Anda et al., 2006). If the brain is on high alert through fear, or disassociation through a history of abuse, the brain will create automatic responses, based on past history and experiences, to enact in future situations. In the justice system, this often presents through externalised problems such as aggression and substance use, or internalised problems such as depression and anxiety (Ford, Chapman, Connor, & Cruise, 2012).

Research suggests that 92.5% of young people detained in the justice system had experienced some form of early trauma and more than half of this sample had experienced six or more traumatic events (Ford & Blaustein, 2013). This can be compared with 5-15% of the general population (The British Psychological Society, 2015). The impact of trauma in early childhood can lead to "major abnormalities or neurodevelopmental deficits which can then negatively impact a child across cognitive, behavioural, social and affective functioning" (Painter & Scannapieco, 2013, p. 276). Therefore, if trauma causes negative automatic responses and most of the young people in juvenile detention facilities have experienced one instance of trauma and more than half have experienced six or more traumatic events (Ford & Blaustein, 2013), we begin to build a picture of the type of behaviours we could expect young people to display. We also have a better understanding of the nature of the interventions required to address this specific responsivity issue in young people in the justice system.

"I liked YOP [Young Offenders Programme] the most out of all the courses I've done. It's helped me learn about my triggers and how my head works."

**Corrections practice principle:
Choosing the right interventions
is important.**

The impact in the justice sector

Crime committed by young people is often described in terms of the age-crime curve, which outlines the increase in offending behaviour during adolescence, and which tapers off during a young person's mid 20s. Terrie Moffitt's longitudinal research into offending behaviour suggests that most young people will engage in some form of antisocial behaviour, so this accounts for those with normal healthy development as well

as those whose development has been interrupted through trauma. For most, their antisocial or offending behaviour is time limited, a group Moffitt (1993) refers to as the "adolescent limited antisocial type". Alongside this there is a group whose offending or delinquent behaviour will be long lasting, a group Moffitt refers to as "life-course persistent antisocial persons". This is a much smaller group of young people, but they account for the majority of offending behaviour.

Adding the impact of trauma to a young person's development can present in a myriad of ways. Given the impact of trauma across cognitive, behavioural, social and affective function, trauma is a likely cause of many of the common risk factors associated with young people in the justice system (Lambie, Best, Ioane, Becroft, & Polaschek, 2016). For example, a sample of young people, whose offending was prolific and persistent in England, had their speech, language and communication skills measured. Of this sample, 65% had speech, language and communication difficulties that would benefit from a speech and language therapy intervention; and 20% were severely delayed (Gregory & Bryan, 2011). Similarly, research into the prevalence of mental health disorders in young people in the juvenile justice system in the United States of America found that 70% of this cohort had one psychiatric disorder while 45% had two or more comorbid disorders (Ford & Blaustein, 2013). Early trauma or poor early attachments are very likely causes of these results.

Regardless of interruptions to normal development, the age-crime curve suggests that criminal behaviour tapers off into adulthood. Therefore, neuroscience should not be used to excuse or predict a young person's criminal behaviour and certainly does not mitigate their personal accountability, but it can help to understand some facets of adolescent behaviour (Buchen, 2012).

"Family will help me stay out. They are people I can talk to if I'm worried about doing the wrong thing."

**Corrections practice principle:
Involve prosocial whānau and other
significant people from the outset and
maintain the relationships.**

Working with interruptions to normal healthy development

An understanding of complex histories and delayed development of young people in the justice system is only one piece of the puzzle. Staff need to develop ways to support young people's pro-social development, especially if they are responsible for supporting the young person to reduce their likelihood of re-offending. To date there has been little development or validation of the therapeutic approaches needed to support young people in the justice system overcome problems related to their traumatic histories (Ford et al., 2012). Evidence suggests that interventions that target emotional regulation could be the best approach to respond to trauma (Ford & Blaustein, 2013; Kuban, 2015). Emotional regulation is a key component of Corrections' treatment approaches when working with young people.

Interruptions to normal healthy development can make it difficult for these young people to effectively engage in treatment (The British Psychological Society, 2015). In much the same way as the brain develops or grows from the inside out, staff must adhere to the progression principle, ensuring that young people fully understand each skill or lesson learned before moving to the next. When supporting a young person's rehabilitation, interventions should focus on healthy development and pro-social choices to achieve the best outcomes (Cohen & Casey, 2014).

“Nothing. They do nothing. Just chuck you out there. No help at all. You have to fend for yourself. It's hard, even a few months in there, being away from the world.”

Corrections practice principle:
Ensure the young person is supported at times of transition.

Responsivity considerations when working with young people

Corrections uses the Risk, Need and Responsivity principles when determining who, what and how a person should be engaged in treatment. The Risk principle determines **who** should be treated, i.e. those with the highest risk should have the most intensive treatment; the Need principle determines **what** behavioural concerns should be treated in order to

get the most effective reduction in re-offending; and the Responsivity principle addresses **how** to deliver the intervention (Andrews & Bonta, 2010). Research shows that when interventions adhere to these three principles they have an incremental effect on recidivism: that is, the more principles adhered to, the lower the recidivism rate (Brown & Singh, 2015). Young people's age and stage of development is an important factor in determining how to engage or work with them. This includes understanding the impact of interruptions to normal healthy development and the impact this has on a young person's impulsivity, problem solving and relationships with others; and providing interventions that take account of a young person's ability to understand, connect and engage in treatment.

Rehabilitation, like brain development, is about learning new skills, so ensuring that interventions increase a young person's ability or motivation to learn will support staff efforts in reducing the likelihood of a young person re-offending (Vieira, Skilling, & Peterson-Badali, 2009). The most effective activities are those where young people can practice in real time, using meaningful examples and activities, helping to build strong neural pathways and connections (Butts & Mears, 2001). This means effectively using cognitive behaviour modalities that address the specific needs of young people, delivered in a way that ensures they can effectively engage.

“Respect – mutual respect. Treat people the way you would like to be treated.”

Corrections practice principle:
The quality of the relationship between the young person and the practitioner is critical to succeeding in changing offending behaviour.

Initiatives from the Department of Corrections

Adolescence is a critical stage where young people transition to adulthood and learn the skills they need to be successful. As a result, interventions need to be structured to respond to the developmental needs of adolescents (Skeem, Scott, & Mulvey, 2014). In order to support the unique way young people understand and process information, Corrections has designed and delivered training for selected staff to become “youth champions”. These champions learn about these specific responsivity issues and, with their colleagues, effectively engage with young people. Alongside

this, Corrections has designed specific treatment programmes (such as the Young Offenders Programme and Mauri Toa Rangatahi) based on the level of risk the young person poses, to target their criminogenic needs. These training, support and treatment packages all ensure they are responsive to the needs of young people by using bi-cultural strength-based approaches, taking into account the developmental needs of young people and helping them to build on their skills and abilities.

Future work, based on evidence from neuroscience, is likely to advocate for a greater use of trauma informed models of care, and continue to focus on maximising our engagement with young people, and ensuring they have access to the right support and treatment at the right time. Young people's motivation to change, and their level of engagement, will impact on the success of any treatment or intervention (Vieira et al., 2009)

“My probation officer got me out, and I did rehab. Then my probation officer changed again. It's hard to start over and build a new relationship.”

**Corrections practice principle:
Work in partnership with others.**

Conclusion

“Whether neurobiological differences between adolescents and adults should inform how society treats young people is open for debate, but whether such differences are real is not” (Steinberg, 2011, p. 2). The focus on ensuring Corrections intervenes in the right way, taking account of the responsivity factors that relate to adolescence and adolescence brain development will ensure that we engage with and address offending by young people in the most effective way possible. The emerging evidence in neuroscience will be one way to shape our responses as we support young people through their transition to adulthood. The practice principles sign-posted throughout this document will act as a guide for staff interactions with young people. Corrections staff can get more information about the practice principles or ideas in this article from speaking with their local youth champion.

Tips for staff:

- young people are still growing and developing
- use interventions which target emotional regulation
- spend time engaging young people and understand their background
- be aware of potential responsivity barriers such as communication or literacy
- use motivational tools.

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Mauri Tu, Mauri Ora: An offence focussed programme for high risk youth

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Jessica Borg graduated as a clinical psychologist in 2006, initially taking up a role as a psychologist in the Child and Adolescent Mental Health Service. She has worked at the Department of Corrections since 2008 as a psychologist, senior psychologist, and acting principal psychologist in Hamilton. In February 2015 she took up the role of Senior Adviser at the Office of the Chief Psychologist. Her role in this project came about during her secondment to the Office of the Chief Psychologist in 2014 where she developed the Mauri Tu Mauri Ora programme session plans and resources. Jessica has worked extensively with youth offenders at Waikeria Prison (assessment, treatment, and supervising youth programmes) and has designed and delivered training on engaging youth offenders to departmental psychologists and corrections officers.

Introduction

The Mauri Tu, Mauri Ora programme for high risk youth is the culmination of a number of years work by many individuals at the Department of Corrections, NZ. Roughly translated, Mauri Tu, Mauri Ora, means “the alert life force begets life” and reflects a theme of building strength and “stepping up” to preparing to move to the next level, in keeping with the tuakana/teina (mentoring) model of the programme and the developmental processes of the young participants. The term “Mauri Tu” aligns with the process of standing and addressing offending and the needs related to this.

Although previously there have been a number of offence-focussed programmes offered for young offenders, particularly within the Young Offender Units (YOUs) in New Zealand, youth at high risk of offending have had no specialised programmes available to meet their needs in the past. Mauri Tu, Mauri Ora was developed in 2014 to provide an intensive rehabilitation option for incarcerated youth between 16 and 20 years of age who are deemed to be at a high risk of re-offending. It is considered from the literature that this group presents with high and complex needs that require more intensive intervention with a higher degree of expertise and oversight than currently available treatment options. The therapeutic programme is designed to be delivered within a designated youth unit or facility that incorporates a structured day and anti-bullying strategy.

A full background to the Mauri Tu, Mauri Ora project including a literature review regarding high-risk youth offenders is available (Neil, 2014). Mauri Tu, Mauri Ora is part of the broader Youth Strategy for the New Zealand Department of Corrections which aims to build world leading rehabilitation and reintegration programmes for young offenders.

Suitability and assessment for Mauri Tu, Mauri Ora

Mauri Tu, Mauri Ora has been designed and written specifically for young people aged up to 20 years old with the ability to be located in the facility or unit delivering the programme and at a high risk of re-offending. The programme caters for youth with index violence or non-sexual offending (youth with prior sex offences may only be considered if they have current index non-sexual offences) and pre-programme assessment includes:

- a clinical interview identifying the broad risk, needs and responsivity concerns
- the Youth Level of Service/Case Management Inventory (YLS/CMI; Hoge & Andrews, 2011) for those under 18 to formally identify risk and treatment needs (or the corresponding adult version for clients over 18)
- the Structured Assessment of Violence Risk in Youth (SAVRY; Borum, Bartel, & Forth, 2006) if the youth has specific violent offending or disclosures of prior undetected violence.

Other specialised psychological measures may be indicated and applied based on the findings of the above assessments. These may include specialist cultural, health, mental health or Accident Compensation Corporation assessments. Suitability for attendance at the Mauri Tu, Mauri Ora will derive from the above assessment and include consultation with the youth involved and a case review team at the designated site.

Theoretical and practical underpinning of the programme

A full description of the underlying psychological theory that provides the basis for the programme is described by Neil (2014). In summary, the programme takes a *social learning approach* whereby it is assumed that interpersonal behaviour and cognition are developed and learned (e.g., via observation, modelling, and reinforcement principles) through social systems and experiences. The social learning approach acknowledges the direct and indirect impact of biological, personality, and broader environmental contributions (e.g., social context, culture) to behaviour. A number of practical and well-validated treatment methodologies (e.g., Cognitive Behavioural Therapy and its variants) are derived from the social learning model.

The Risk, Needs, and Responsivity (RNR) model (Andrews, Bonta, & Hoge, 1990) is the primary model used by the Department of Corrections to classify and assign offenders to relevant interventions. Comprehensive pre-programme assessment identifies youth at high risk of further serious offending and identifies the specific offence-related needs and responsivity needs of these youth to be addressed in treatment. More generally the responsivity principle is attended to by:

- completing individualised pre-programme assessments and developing shared objectives with each youth at the early stage of the programme
- keeping the number of models and strategies used in the therapy room to a minimum but ensuring that those used are well practiced
- encouraging the youth to participate in the direction of the group by providing opportunities to select session topics which are “hot” for them
- using active learning techniques so that youth remain stimulated and engaged
- providing a self-paced strategy of learning
- providing the group-therapy component of treatment within a broader structured day that is stimulating, rewarding, and engaging for youth
- recognising and validating key personal and group attributes (e.g., life experience, culture, strengths) as assets.

Assuming a relatively higher level of personality dysfunction among higher risk youth offenders,

John Livesley's model of personality disorder is conceptualised into an integrated framework (Livesley, 2012) for the treatment of personality disorders. The five phases of treatment suggested by Livesley's integrated model are:

- safety: interventions are delivered to ensure safety of participants and others
- containment: interventions based primarily on general therapeutic strategies to contain affective and behavioural instability (e.g., building therapeutic alliance, increasing motivation, setting kawa and group norms, basic skills for managing emotions)
- self-control and self-regulation: behavioural and cognitive interventions to reduce symptoms and improve self-regulation of affect and impulses (e.g., further developing skills at emotion regulation and impulse control, education about models)
- exploration and change: cognitive, interpersonal, and psychodynamic interventions to change the cognitive, affective, and situational factors contributing to problem behaviour (e.g., specific therapeutic techniques such as cognitive skills, examining schema)
- integration and synthesis: interventions designed to address core pathology and forge a more integrated and adaptive self and interpersonal systems (e.g. development of pro-social identity, planning for transition, relapse prevention planning).

In line with Livesley's recommended approach to draw from evidence-based interventions or strategies to address particular areas or issues for programme participants, Mauri Tu, Mauri Ora acknowledges and incorporates a number of other common or developing models (Neil, 2014). These are shown in Table 1. Careful attention is given to not overburdening the youth with too many different ideas or concepts, but rather selecting and persisting with particular strategies so participants can develop a reliable and shared framework and language for their change process.

Engagement is likely to be more difficult for therapists when working with antisocial youth, particularly when the ethnic and cultural backgrounds are disparate. Therapists should pay particular attention to:

- understanding (if not approving) current youth culture (including antisocial and prosocial norms)
- being self-aware and comfortable with themselves
- recognising, understanding, and valuing the impact of difference within therapeutic environments
- building comfort and confidence with appropriate validation language and behaviour (e.g., validating experience without approving of antisocial behaviour)
- understanding the developmental stages and needs of youth.

Table 1:

Selected treatment modalities or strategies within Mauri Tu, Mauri Ora

Strategy or model	Rationale
Te Whare Tapa Wha	Strengths-based focus for lifestyle change commonly used in other programmes that youth might also later experience
Good Lives model	Develop understanding for strengths-based goals and needs
Life compass	Exercise to operationalise and personalise goals and values for individual youths
Cognitive Self Change	Participant directed strategy for developing prosocial beliefs and addressing problem cognition and behaviour in the 'here and now'
Tuakana-teina model	Promotion of personal agency and prosocial behaviour practice in the treatment environment
DEAR model	Introduce and practise simple communication skills
'Stop, Think, Do'	Introduce and practise simple problem solving model
Mindfulness	Emotional and cognitive self-regulation skill
Dialectical behavioural therapy treatment hierarchy	Framework for identifying and addressing current therapeutic challenges within the therapy room
Relapse prevention	Understanding and building resilience to threats to change
Growth mindset	Building personal agency and resilience to feedback

Culture and the Mauri Tu, Mauri Ora programme

During the development of Mauri Tu, Mauri Ora considerable thought was given to how cultural process and practices should be addressed within the programme, particularly given that a significant proportion of programme participants will be Māori.

Previously the predominant practice within Department of Corrections' programmes has been to incorporate a range of Māori concepts, language and metaphor into the design of programmes. However, this practice can become, at least, partially dependent on the skills and attributes of facilitators, such as having a facilitator who is comfortable and knowledgeable about a "Māori world view". In contrast it is not uncommon for facilitators with markedly different cultural backgrounds to be "presenting" Māori cultural concepts to participants who are more familiar with these concepts. At best this is embarrassing and uncomfortable for all involved. On occasion it can create mistrust, hostility and conflict between facilitators and clients. Additionally, this approach has the risk of alienating or under-valuing the cultural experiences of programme participants from other "world-views", such as Pacific peoples and those from non-Māori backgrounds.

The Mauri Tu, Mauri Ora programme attempts to address the above issue independently of the

backgrounds of the programme facilitators by specifically incorporating the following processes:

Cultural models

There are two specific cultural models that are used within the programme: (1) Te Whare Tapa Wha; and (2) the Tuakana-Teina model. The first of these is well tried and tested within correctional programming in New Zealand and facilitators from a range of cultural backgrounds have been trained to understand and deliver the model safely. This model is generally well understood and accepted by Māori and non-Māori alike. The second (Tuakana-Teina) is not so much a therapy technique as a unit-wide strategy to engage the men in owning their progress in the broader therapeutic environment. It is expected that facilitators will work closely with custody staff to operationalise these models within the day-to-day life of the broader unit.

Cultural supervision

Supervision of facilitators by a supervisor familiar with a Māori world view aims to assist these facilitators to safely recognise and structure opportunities for the youth to identify their own cultural needs, develop plans and opportunities to meet these needs, share their learning and development with the group where appropriate, and integrate their increasing cultural awareness into their personal identity.

Client as expert

The key defining feature of Mauri Tu, Mauri Ora in addressing the cultural needs of the youth involved is a philosophy of “client as expert” around their cultural experiences and identity. The “client as expert” approach should not be confused with assuming that any given client is an expert in their traditional cultural world view. In reality each youth will have a range of different cultural experiences – positive and negative – and a different level of connectedness and personal identity related to their ethnic background/s and culture/s. The “client as expert” approach recognises other cultures and worldviews and what can be learned from them (including historical or even recent human rights violations, for example). This has a bearing on encouraging “growth mindsets” and an opportunity for open dialogue and helpful listening. The “client as expert” approach implies a set of principles and behaviours for facilitators to work with their group members in defining and addressing their cultural needs, including:

- each youth is “expert” about **where they are up to** in developing their cultural identity and will be encouraged to take the next step through a range of organised experiences within the unit (e.g., tikanga programmes, progression from teina to tuakana, connection with prosocial cultural role models, self-directed learning, contribution to group, etc)
- expertise is elicited through group or individual discussions with the youth around their engagement with their culture
- each youth is to be validated for their contribution to the group around cultural knowledge and experiences
- this knowledge and experience should be regularly solicited by facilitators to enhance the learning of all participants.

The role of whānau

There are regular exercises and opportunities in the Mauri Tu, Mauri Ora programme where participants are encouraged to build and maintain whānau support for their programme involvement and ongoing rehabilitation and reintegration. Some participants will already have good supports available for them on release while others may have “burned bridges” through choice or as a consequence of their offending or other behaviour. The position of the programme is to actively encourage each participant with an individualised plan to engage prosocial whānau support early and regularly during the programme.

Broad programme framework

Programme phases

The Mauri Tu, Mauri Ora programme is divided into three broad phases: (1) “induction” including pre-programme assessment and a “starter group” consisting of eight introductory sessions to prepare new participants; (2) the “core programme” consisting of up to 35 sessions of key programme content, plus descriptions of how to integrate the Cognitive Self-Change component into core sessions; and (3) a “transition phase” describing strategies and processes that assist the youth to move beyond the Youth facility and/or return to the community.

“Rolling” programme

Mauri Tu, Mauri Ora is run with an open-group or, “rolling” programme format, whereby youth are able to join the group based on their availability, rather than waiting for a fixed start date. This allows for greater flexibility around access to treatment, sentence management, and making the most of the custodial period for higher risk youth who are serving shorter sentences.

Tuakana-Teina model

Youth on the Mauri Tu, Mauri Ora programme are designated status of tuakana (older brother) or teina (younger brother) depending on their current participation and progression through the programme. This model is used to encourage and promote self-responsibility, self-development and self-control (personal agency), provide opportunities to practise and role-model prosocial skills, and build engagement and ownership of the programme.

All new participants become teina at the outset of their attendance. A decision on when a youth is designated to tuakana will take into consideration:

- how consistently the youth is engaged with the programme
- whether the behaviour of the participant is of a good standard both in and outside of the therapy room
- how well the youth role-models prosocial values and conduct to other members of the group within the unit.

Youth designated tuakana may be assigned particular roles and opportunities within the unit. Examples may include:

- being on the leadership group for the unit
- helping lead a “special project” within the unit (e.g., sports days, whānau days)
- being responsible for opening or closing therapy sessions
- assisting others with homework activities.

Tuakana status may be revoked (temporarily or for longer) on the basis of behaviour not consistent with the role (e.g., misconduct, role-modelling of antisocial behaviour). Therapists and custody staff are expected to work together to continually develop and promote the tuakana-teina model.

The structured day

Mauri Tu, Mauri Ora is not simply what happens in the therapy room but occurs within the day-to-day rehabilitative and reintegrative activities within the broader Youth Unit or other suitable facility. As such the Youth Unit will operate within a structured day that specifically addresses the offence-related and other needs of incarcerated youth as part of a broader youth strategy. The structured day will be negotiated between custody and therapy staff and include components such as therapy, education, employment, recreation, cultural activities, and reintegrative opportunities. The structured day will actively engage all youth within the unit regardless of risk and need profile.

Case review

A case review team including custody and treatment staff meet regularly to discuss the management and involvement of each participant. The participant will be included in these meetings and has a role in contributing information and opinions about their progress and needs but not making the decisions.

Cognitive Self Change (CSC) approach

In brief, Cognitive Self Change originated from Bush's original "Thinking for Change" programme (1989). It is a CBT-type intervention and focuses on thinking, internal control over thoughts, and developing the ability to recognise risks and use new ways of thinking to avoid problem behaviour, and develop social skills and problem solving. The CSC model embraces the philosophy that offenders aren't required to change, but rather they are required to learn to change. The programme consists of four steps: (1) *monitoring and reporting on thinking*; (2) *recognising thinking patterns, risky thinking that leads to criminal behaviour*; (3) *constructing alternative ways of thinking that lead to more adaptive behaviour*; and (4) *rehearsal and practice of new thinking skills*. The programme philosophy suggests that once participants realise that there are two ways of thinking about a situation they then take responsibility for making the choice as to whether or not they want to use the new thinking (Bush & Bilodeau, 1993).

CSC as a standalone therapy has had mixed results with some research indicating relatively high levels of drop-out and criticism that it fails to address the broader context for offending. Mauri Tu, Mauri Ora therefore aims to include a CSC approach within

a treatment approach covering a broader range of treatment needs. Participants are expected to work through the CSC process at their own pace (albeit with regular encouragement) and present assignments within group sessions in order to progress through the four-stages of the programme.

Safety planning

Participants work on their safety plans throughout the programme when developing their life compass, understanding their offence pathways, the emotions and problem thinking surrounding their offences, and the skills required to manage high risk situations. A safety planning module will synthesise their previous knowledge to develop an individualised robust plan towards their release or transition.

Summary

High risk youth offenders typically present with complex needs that require intensive intervention and multidisciplinary involvement. The Mauri Tu, Mauri Ora programme was designed by the Department of Corrections in 2014 with this in mind. It is a specialised and intensive rolling group programme for high risk offenders aged between 16 and 20 years.

The programme is grounded on well-established and researched theories. Moreover, in line with best practice, the programme also draws from evidence-based interventions to address particular content areas or issues for programme participants.

The programme is divided into three broad phases: (1) "induction" including pre-programme assessment and a "starter group" to prepare new participants; (2) the "core programme"; and (3) a "transition phase" to assist the youth to move beyond the Youth Unit and/or return to the community. The programme is designed to run within a facility that can accommodate a structured day setting. This will include therapy, education, employment, recreation, cultural activities, and reintegrative opportunities. The active participation of custodial and case management staff in such a setting is crucial. Staff in such a setting would be trained in engaging youth offenders, and in understanding and implementing the principles underpinning the programme and the structured day approach. At this time, the Mauri Tu Mauri Ora programme is being run jointly with Child, Youth & Family at the youth justice facility Korowai Manaaki in South Auckland.

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What's in a name? The importance of identity verification for public protection

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Michael joined the Department of Corrections Strategic Policy Team in 2014. His areas of interest include strategies to reduce re-offending by high-risk offenders, and the management of offender identities in the criminal justice system. As well as working for Corrections, he tutors public policy at Victoria University, School of Government and is studying professional economics part-time.

Introduction

Offenders are frequently known to the criminal justice system under a number of names. This is not necessarily unlawful; under New Zealand common law, individuals have a right to use other names providing they do not use them for fraudulent purposes. Citizens adopting aliases as part of everyday life is reasonably common, with an estimated seven percent of New Zealanders assuming at least one alternative or preferred name that is not an official name¹. This can often be for legitimate purposes, such as anglicising a foreign name when moving to New Zealand, or simply assuming an alternative given name from childhood. However, cases of fraud and identity theft are a growing problem with the increased need for individuals to identify themselves online and the resulting electronic storage of sensitive personal information. Offenders who come into contact with the criminal justice system are also more likely than the general population to use alternative names for fraudulent purposes to minimise the consequences of their offending.

Addressing the risks posed by offenders using multiple identities requires effective sharing by public protection agencies of accurate identity information that has been verified against an authoritative source (such as the register of births, deaths and marriages). This would ensure that an offender's sentence, post release conditions and management take account of all of the offender's previous offending. This article will consider identity management innovations that public protection agencies might use to improve the management of offenders while they are serving their sentence and after they are released into the community.

Issues facing identity management

Hollywood films and popular television shows such as *CSI: Crime Scene Investigation* often portray a comprehensive government database which enables

slick detectives to solve complex cases with only a smidgen of scientific evidence, such as a partial fingerprint lifted from a crime scene. In reality, the pieces of information required to verify the identity of an individual are held across a range of public protection agencies, none of whom hold all the information. The ability of public protection agencies to bring these pieces of information together is critical to minimising the risk posed to the public by some individual. There are a number of practical barriers to bringing these pieces of information together including the ability to obtain accurate quality information from offenders, and efficiently and securely accessing data stored on a number of computer and hardcopy systems.

From a privacy perspective, the holding of personal information on individuals by public protection agencies needs to be proportionate to the risks to public safety. The personal rights and privacy of citizens must be given significant weighting in any consideration of broadening the ability for agencies to obtain and share individuals' personal information. While acknowledging the importance of protecting the privacy of ordinary citizens, it is vital to have a robust process to verify the identity of offenders when they enter the criminal justice system, and to be able to share that information with public protection agencies responsible for ensuring that offenders serve their sentences and comply with post release conditions.

Underpinning the challenges faced by public protection agencies is the wider management of citizen identity in New Zealand. Unlike some countries, New Zealand does not have a national identity system – i.e. there is no universal "citizen ID" number for individuals to use when interacting with government services. While there are a number of nationally used identity numbers for specific purposes (such as the IRD number for tax or NHI number for health), these are limited to particular administrative purposes and cannot be used or shared outside those limits. Recent initiatives

¹ Veda Comprehensive Reporting, 'The Rise of Identity Fraud', *The Angle*, May 2012.

such as the RealMe² service aim to build identity assurance and share personal information securely, and is now used by agencies to verify identity for services such as StudyLink and CabNet. This does not provide comprehensive identity information for all citizens, but does reduce the risk of identity fraud for these services and is a reflection of government's use of new technologies to improve identity management practices.

In the absence of a national identity document, the New Zealand driver licence is the commonly accepted proof of identity that is acknowledged by most authorities, as well as the New Zealand passport. A further challenge for the criminal justice system is that many offenders do not hold either of these forms of identity (or may claim not to) due to never officially learning to drive or having a need to travel outside of New Zealand. Many offenders have also had multiple driver licences in different names as, until recently, limited proof of identity was required for a licence to be issued. In these circumstances criminal justice agencies must look to other means to obtain accurate information and verify identity to a high degree of confidence.

Offenders moving through the criminal justice system

As offender behaviour becomes more sophisticated and technology has progressed rapidly, it has become increasingly apparent that biographic information alone is insufficient to reliably verify an offender's identity. Relying entirely on unverified biographic data means that individuals may have multiple biographic identities either intentionally or unintentionally. An individual may have multiple biographic identities as a result of the misspelling of their names or data entry errors. Other individuals may deliberately use a number of names to fraudulently gain advantage or reduce the consequences of their actions.

An additional complication is that some names are very common. Relying on first name, surname, and date of birth alone to verify identity is problematic. If these three biographic characteristics alone are used they may match with multiple legitimate identities in New Zealand, increasing the likelihood of false-positives occurring in any data matching process. This has important implications for the general public, such as travellers who may be stopped at border security because their names and dates of birth match those of other individuals on a "no fly list". To minimise the misuse of multiple identities, biometric information needs to be linked to verified biographic information to safely manage the risk posed by offenders and

reduce the chances of false-positives in any data matching exercise.

Offenders are dealt with by multiple agencies as they move through the criminal justice system, including Police, Justice and Corrections, and access a wide range of government services throughout their sentence and reintegration. Relying solely on unverified biographic data makes it significantly harder to link offender records held by different agencies to a particular individual, and increases the risk of misrepresentation and fraud.

The primary risk is that an individual is convicted of an offence and may progress through the criminal justice system under a name that is not linked to their official name, or other names under which they have previously been convicted and sentenced. A consequence of this is that individuals who have never been charged under their official name may maintain a conviction-free criminal history in that name. This may compromise conventional police vetting and criminal record checks and pose a risk to public safety. Previous offending may, as a result, not be made known to a sentencing judge or the Parole Board when they are making decisions that require knowledge of an individual's character and level of risk. A serious violent or sexual offender may be known to the criminal justice system under an alias or assumed name, while maintaining a "clean" identity in their official birth name. As a result their full criminal history may not be known to decision-makers when employment decisions are being made or when they are being considered for release by the Parole Board.

Improving identity verification

There are extensive practical benefits to the justice sector to combine biographic and biometric data to establish a verified identity, and subsequently be able to efficiently establish the correct identity of offenders. For example, a quick fingerprint scan to verify that the offender reporting for community work is the offender sentenced would reduce the ability of offenders to "subcontract" their community work to other individuals, such as gang prospects. This innovation would both improve the efficiency of the process and uphold the integrity of community sentences. A key driver of this opportunity has been advances in technology and the use of biometrics in identity management.

The use of biometrics by criminal justice, immigration and border authorities worldwide has grown, and has proven to be effective in the detection and prevention of identity fraud. Common biometric measures used worldwide (not all of which are in use in New Zealand)

² RealMe is a collaboration between the Department of Internal Affairs and New Zealand Post to provide a secure process to manage identities online.

include fingerprint³, 2D face image⁴ (such as is currently contained in New Zealand passports for use with SmartGate) and iris⁵. Reported barriers to wider international implementation of biometric technology are the current cost of biometric technology, the lack of existing biometric databases, privacy, security and human factors. Suppliers of biometric technologies anticipate that the cost of such technology will reduce significantly in the near future as new products are developed. Obtaining accurate biometric information is also important. Greater use of fingerprints as the consistent source of biometric information across agencies may occur in the near future, due to the authority Police currently have to obtain fingerprints of offenders without the requirement for consent⁶.

International progress in identity management

There has been significant progress internationally in recent years regarding identity management and information collection and holding by government agencies. In part this trend can be attributed to the response to the threat of global terrorism, increased immigration, and the desire of authorities to have accurate and verified information about individuals in their country.

The Netherlands introduced a new Citizen Service Number in 2007 that replaced the social security and tax number to create a single number enabling public authorities to exchange information with much less risk of errors occurring. Over time, this will create a new verified identity system for the justice sector as all citizens would already have a verified national identity with biometric information linked. The Citizen Service Number (along with photograph) is included in the passport, driver licence, and identity card for all citizens. A fingerprint is also captured and embedded in the Netherlands passport.

The Netherlands is planning to set up a central database of biometric data (fingerprints and photographs) for all foreign nationals who apply for residence or are already residing in the Netherlands. There is already a biometric database for asylum

seekers. Maintaining a central identity database should minimise the possibility of an individual using another person's identity or using false documents to obtain permission to reside, work or study in the Netherlands. Fingerprints will be used to reliably match immigrants to their personal identification data and documentation.

In the United States, North Carolina criminal justice agencies have invested in a web-based application, Criminal Justice Law Enforcement Automated Services, that integrates law enforcement, court and corrections data to provide a complete view of an offender. This provides a "single source" repository of critical information. One of the main benefits is reduced risk of overlooking offender related data, including identity information and aliases. The previous disconnected systems and information had meant offenders were falling through the cracks when it came to detecting criminal behaviour and monitoring and managing risk. Such an integrated system would also be desirable for New Zealand, where Police, Justice, and Corrections records could be linked up as a single authoritative source of offender identity.

Conclusion

It is vital to have a robust way to verify the identity of offenders when they enter the criminal justice system, and to effectively share this information between public protection agencies. Advances in technology and increased online services have created new ways for individuals to obtain multiple aliases, but also present opportunities for innovation by government to establish and maintain offender identities in a sophisticated way that reduces the risk of fraud and identity theft, and improves public safety. It may be a disproportionate, and undesirable, response to roll-out a widespread identity management system for all individuals in New Zealand, such as the Netherlands' Citizen Service Number. However, a robust system to verify offender identity is necessary to protect the public from fraud and ensure offenders are held to account. Innovations in biometrics and information sharing provide an opportunity for this – though it is important that privacy, and the rights of the general public, are protected.

3 Fingerprint recognition systems work by finding the minutiae of the print – such as the ridge endings bifurcations, and associating a location and direction with each.

4 Face recognition relies on finding key distinguishing features on the face, ranging from simple metrics such as distance between the eyes to more sophisticated identifiers such as skin texture.

5 Iris recognition systems start by taking a detailed greyscale photograph of the eye. The image is cropped to remove all parts except for the patterned iris region. The remaining ring is unwrapped into something akin to a barcode to create a digital representation of the iris, called a template. The template can then be compared against other templates using specialised matching algorithms. Iris biometrics are considered uniquely capable due to accuracy, stability over time and non-contact nature.

6 Power provided under section 32 of the Policing Act 2008.



The Investment Approach to Justice: Taking Integrated Offender Management to Police, Justice and the wider social sector

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Tim Hughes has worked in the Justice sector for ten years, including two years at Child, Youth and Family in a frontline youth justice team and four years at Corrections as a policy adviser. He is currently in Sector Group at the Ministry of Justice.

Introduction

The Investment Approach to Justice was launched on 3 May 2016 by the Minister of Justice, Hon Amy Adams. The Investment Approach to Justice is part of the Government's Social Investment programme, and builds on the Investment Approach to Welfare.

Since it was introduced to the Wellington policy lexicon in 2012 as the 'Investment Approach to Welfare', it has attracted both admiration and criticism.

For actuaries, social investment is a way to use life-course risk models from the insurance industry to improve social policy by focusing on long-term risks (Greenfield, Miller, Wolanski & McGuire, 2016).¹ For labour economists, it is a version of cost-benefit analysis that focuses on private costs (Chapple, 2013). For the Minister of Finance, it is part of a broader suite of work to use data and evidence to improve Government services, alongside the NZ Data Futures Forum and the network of Science Advisers (English, 2015).

But for Corrections staff, the Investment Approach is perhaps best understood as a logical extension of "integrated offender management" to the rest of the Justice and Social sectors.

Integrated Offender Management

As recently noted in these pages by Peter Johnston (Johnston, 2015), the Department of Corrections introduced Integrated Offender Management (IOM) in 2001 as an evidence-based framework for reducing re-offending. IOM drew upon comprehensive reviews of research showing that programmes are most effective where higher-risk offenders receive higher-intensity treatment, when the programmes target change factors related to offending, and when the programmes are provided in a way that engages the participants.

As part of this framework, the Rehabilitation Quotient methodology was introduced and is still used to regularly monitor the effectiveness of Corrections' treatment programmes. As RQ results demonstrate, IOM principles have led to consistent positive results from Corrections treatment programmes in line with international best practice.

In other words, three essential aspects of IOM are: focusing on the highest risk people, designing programmes for them based on evidence about what works, and continuously monitoring those programmes to ensure they are working.

In essence, this is what the Investment Approach to Justice is all about. The main difference is that rather than applying the framework only to people currently under Corrections management and only to corrections programmes, the framework is applied to everyone in New Zealand and to all crime prevention activity.

The Investment Approach to Justice

The Investment Approach to Justice is a project owned by Justice Sector chief executives and overseen by Justice Sector Ministers. The purpose of the project is to reduce the future burden of crime on society. Because no agency can achieve this alone, the project involves Police, the Ministry of Justice, Corrections, the Ministry of Social Development, and others. Funding has been released from the Justice Sector Fund to build the statistical models necessary to turn the framework into reality.

In the short-term, much of this funding will be used to create life-course models of crime-related propensities (either as victim, or as perpetrator) for every person in the country. By the end of 2016, we will be able to estimate the number of offences and victimisations likely to be committed or experienced by each resident

of New Zealand between now and the end of their life. This will provide an actuarial tool similar to RoC*RoI, but that applies to non-offenders as well, and that considers risk over a longer time period. This will help us understand the relative risk levels of, say, people currently on home detention as against the most vulnerable 12-year olds in the country, to make sure that opportunities for early intervention are not overlooked.

These life-course risk models will be built on the Integrated Data Infrastructure at Statistics NZ. This powerful database hosts a very wide range of anonymised information about all New Zealanders, including records about tax, earnings and employment records, health, education, and welfare receipt. We will use factors such as age, and early CYF involvement, to predict future offending and victimisation for the resident population of New Zealand.

This will provide a much richer picture of the broader context of the lives of those people found to be at high risk of future offending or victimisation, and go some way towards understanding their needs as well as their risk level. This is where the Investment Approach to Justice blends into the broader Social Investment project, which can be understood as seeking to apply a version of the IOM framework to all social services.

The most important question, having identified people at high risk of future offending and victimisation, is what works to reduce their future crime experiences. The "what works" evidence for Correctional rehabilitation is well-organised and readily accessible, such as with the 2009 review 'What Works Now' (Department of Corrections, 2009). An important part of the Investment Approach is extending this accessibility to the much broader evidence base for crime prevention activity generally.

This requires gathering and summarising evidence about a wide range of programmes provided across multiple agencies, often not primarily for the purposes of reducing crime. The evidence for each area is summarised in a 5-10 page Evidence Brief that summarises the international and NZ research, as well as the current level of expenditure in NZ. Three evidence briefs are already available on the Ministry of Justice website, on Cognitive-Behavioural Therapy, Restorative Justice and Correctional Alcohol and Drug Treatment.

This approach builds on the UK example of the What Works Centres, as discussed in a working paper by Jonathan Shepherd (Shepherd, 2014). The What Works Centres aim to make evidence about what works much more usable, accessible, and credible for those involved in policy and practice, in this case relating to crime prevention.

The final aspect of the Investment Approach is ongoing outcomes monitoring, similar to the RQ example. The Investment Approach is not a one-off policy or research project, but rather a permanent piece of analytical infrastructure. By combining life-course models with regular reviews of service effectiveness, the Investment Approach will allow a much richer understanding of why crime rates are going up, down, or remaining stable, which groups of people are becoming more or less important in the crime statistics, and the extent to which Government efforts are influencing crime rates (Raubal & Judd, 2015).

Who will the project be useful for?

Integrated Offender Management combined both analytics and service design in the one organisation. Given the scope of the Investment Approach goes across many agencies, the model is slightly different. The analytics will be managed separately out of Sector Group in the Ministry of Justice, and made available for all agencies to make use of.

The project is therefore designed to be useful to anyone involved in designing, delivering or funding services that may prevent crime. At the highest level are policy advisers, senior executives and Ministers, primarily in Police, Justice and Corrections, but also MSD, Health, Education and others.

A second vital group is frontline practitioners such as judges, police officers, probation officers, social workers, and teachers, as well as their practice leaders at a regional or national level, and supporting staff such as intelligence officers and administrative staff.

In future, this second group will benefit from the development of frontline tools using the life-course risk models as a base. For example, it will be possible with sufficient funding to provide automated risk prediction to frontline police to help them decide whether to refer a young person to a youth aid officer even if a presenting incident is relatively minor, if it is apparent that the young person could benefit from additional social support. Decisions about bail and parole could also be supported by new risk tools, with appropriate legislative authority and protections.

A third important group is fund-holders and providers outside of central government. Many services that do or may prevent crime are funded by local councils (CCTV, for example), iwi authorities (wilderness programmes, for example), and philanthropic organisations (youth mentoring, for example). And many services are provided by non-governmental organisations such as Presbyterian Support Services. To achieve the vision of reducing the future burden of crime on society, it will be important to support organisations outside central government to fund and deliver effective, evidence-based services to those in greatest need.

When will the project deliver results?

As noted, initial insights are already being disseminated and will be released steadily over the current (2016) year. The life-course risk models will be completed towards the end of 2016 and more detailed reports will be released subsequent to that. Additional products, such as a crime forecast, and policy simulations to understand the incapacitation effect of imprisonment, will be released in the summer of 2016/17.

Who do I contact for more information?

For more information, visit <http://www.justice.govt.nz/justice-sector/investment-approach-to-justice>

For general queries, email investmentapproach@justice.govt.nz

Within Corrections, Peter Johnston (Peter.Johnston@corrections.govt.nz) is the main point of contact for the project.

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On body cameras in prison

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Leigh Marsh is the Manager Operations Support at the Department of Corrections. He joined Corrections in 2005 as a corrections officer at Hawkes Bay Regional Prison and progressed through the ranks to principal corrections officer and area programmes manager before moving to the Department's National Office in 2009. During the last 10 years Leigh has held roles in operational assurance, risk management and programme management. From 2013-15 Leigh led the Corrections Staff Safety Programme.

"An officer is obliged to issue a warning from the start that an encounter is being filmed, impacting the psyche of all involved by conveying a straightforward, pragmatic message: we are all being watched, videotaped and expected to follow the rules." – Dr. Barak Ariel of the Institute of Criminology at the University of Cambridge in England.

Technology and prison

New and emerging technology presents a range of challenges and opportunities for corrections services worldwide. We collectively face challenges posed by technology such as cellular phones, data storage devices, handheld tablets and the increasing use of drones. We are acutely aware that the advance of technology means that we have to remain ever-vigilant as new and emerging technologies present risks we have never experienced before and may not be currently equipped to thwart. We do however recognise that technology has a real place in helping us manage incidents, communicate effectively, protect our prison borders and stay safe.

The use of camera technology in prisons

Camera technology has long been used in prisons to monitor activity and enhance our ability to manage, secure and control our environment. Traditionally this type of technology has been broadly limited to overt Closed Circuit Television (CCTV). In most prisons in New Zealand and abroad, CCTV is installed in abundance, normally monitored by staff from a central location (e.g. master control room) or a combination of master control rooms and guard houses.

CCTV is a powerful tool in assisting in the safe management and control of prisons and is invaluable in capturing evidence of wrongdoing or serious incidents in order for us to bring perpetrators to account. Some researchers have used deterrence theory to describe the psychology underpinning the effectiveness of cameras; individuals are likely to modify their behaviour if they believe they are being watched (Farrar, 2013). At the lowest level this can be seen in public self awareness. In public, by and large, people behave in a socially acceptable manner and experience a heightened need to co-operate with the rules (Dilulio, 2011), for example, singing or swearing in public, or choosing how we dress if we think we are, or will be, observed. From a criminology point of view, the introduction of a capable guardian, whether it is a physical or passive presence means tools such as CCTV¹, can reduce the likelihood of a crime being committed.

Although awareness of cameras may modify an individual's behaviour, the effectiveness of the camera as a deterrent can be impacted by normalisation. In 2009, Welsh and Farrington demonstrated that the effectiveness of high street CCTV to deter crime is significantly diminished due to the presence of multiple people and the environmental blending that occurs (around 16% effective) (Welsh & Farrington, 2009). This is compared to a CCTV camera, in a setting such as an underground car park, where there may only be the perpetrator and the camera present (this increases to 51% effective). Personalisation of the recording device through direct, targeted and overt application can significantly increase the deterrent factor in offending.

¹ CCTV does not physically prevent the crime, but the perception of being caught reduces the likelihood of it being committed.

Whilst CCTV remains an extremely useful and necessary tool, there are some limitations. CCTV generally captures only video, not audio, thereby potentially reducing its effectiveness. With just video being recorded, it is often difficult for prison staff to fully understand what has taken place, and who and what else may have been involved or contributed to an incident.

In a prison environment, CCTV is, for obvious reasons, placed out of reach and not always in the immediate line of sight. The normalisation effect discussed earlier means that over time the deterrence factor may be diminished as prisoners either choose to ignore that the cameras are there, or forget that they are there altogether.

Enhancing staff safety with on body cameras

In November 2012 the Department embarked upon a programme to improve and address issues affecting staff safety. Following a series of regional workshops, large scale consultation and engagement with key stakeholders, a draft plan was developed that sought to address the key issues and introduce new initiatives and innovation that would improve safety for staff on the frontline.

From the outset of the staff safety programme the chief executive appointed an Expert Advisory Panel to investigate and analyse staff safety, offer advice on potential solutions and endorse the draft plan. One of the issues considered by the Expert Advisory Panel was how to reduce confrontational interactions between two parties escalating into verbal and physical assaults in prison. The custodial environment means that the factors that can contribute to escalating incidents are exacerbated and heightened. Research demonstrated that an officer is most likely to be involved in an assaultive incident when in a high security environment, during or immediately after an escalating verbal interaction. In their initial report, the Panel indicated that the use of overt recording devices during incidents of escalating conflict could potentially significantly reduce the severity of such incidents, and the likelihood of the situation escalating further.

This idea was supported by an international trend of enforcement agencies introducing on body cameras (OBCs) for frontline staff. The most common users of OBCs internationally are enforcement agencies such as police, councils and security personnel. This includes multiple police departments across the USA and Canada, police districts and prisons in the UK, Australia, Hong Kong and some privately managed immigration centres in the UK. The experience of these agencies has been a 50-60% decrease in drawing of weapons, use of force, and complaints and allegations against staff within a 12 month period. Users of OBCs

report a reduction in general aggressive behaviour and attitude when interacting with the public and offenders. In addition, OBCs present an opportunity to improve training and debriefing for staff, through the use of the recordings of real events.

A Cambridge University Study (Farrar, 2013) provides strong evidence of the positive effects of the use of OBCs. For example, it found the number of complaints filed against officers involved in the study dropped from 0.7 complaints per 1,000 contacts to 0.07 per 1,000 contacts.

There were also New Zealand examples of the use of OBC, including Hamilton City Council successfully trialling and using them, and NZ Fisheries Officers holding trials with promising results.

The concept of introducing OBCs at Corrections was discussed and considered at regional workshops. The tools already at the disposal of custodial staff, such as tactical communication and tactical exit, assist custodial officers to identify escalating situations and take steps to manage or withdraw from them. The OBC idea was pursued to test the theory that the introduction of an OBC to the interaction, before it escalated, would decrease the likelihood of an assault occurring.

The pilot

The executive leadership of the Department agreed to a proposal to commence with a proof of concept trial and evaluate the impact of OBCs on the rate and severity of violence against staff over a six month period in 2014. The trial was established in two locations; a high security 'pod' style unit at Rimutaka Prison and a maximum security unit at Auckland Prison. The OBC was also to be used by the Auckland Prison drug detection dog handler. During the trial period approximately 30 staff and over 300 prisoners were exposed to the OBCs in the two pilot environments. Overall, there was 26 hours of recorded footage across 157 events, where the officer had activated their camera for safety or evidential reasons.

In recognition of the very high privacy risks associated with the collection, use, and storage of audio-visual filming, the Department developed a privacy impact assessment for the pilot programme. To ensure that its intended processes adequately mitigated any perceived privacy risks, the Department also consulted with the Office of the Privacy Commissioner.

These privacy risks were mitigated by ensuring there was appropriate **pre-pilot awareness, limited access to the database** and the Department ensured that the footage was used for the intended purposes described in the privacy impact assessment: assessment of the effectiveness of the tool in minimising harm, staff training and skill development, and for evidential

purposes. (Some footage was also shown to the Law and Order Select Committee, and later released to the media, however, faces were pixelated to ensure personal privacy was not compromised).

Adequate processes were developed for responding to Privacy Act requests for access to, and correction of, personal information. No such requests were received during the pilot.

Trial findings

The trial sought to test the theory that equipping officers with the devices would improve their safety during normal duties. The trial was considered a success and feedback from custodial officers using the equipment, and prisoners exposed to it, indicated there was an increase in actual and perceived personal safety. The trial produced some evidence to suggest that when custodial officers are equipped with OBCs there are reductions in frequency and intensity of assaults, and fewer occasions when physical force is used to resolve incidents.

During the trial, there were no serious assaults and five non serious/non injury assaults. Although this figure is relatively low, there were nine recorded events where the prisoner either de-escalated in the presence of the camera or clearly stated they would have struck the officer if the camera was not there. In many of these cases the prisoner involved had previously assaulted staff or had demonstrated aggressive behaviour.

Analysis of all incidents over 12 months prior to the trial and during the six months of the trial itself showed an overall reduction of incidents of between 15 and 20 percent. The analysis also demonstrated a reduction in the severity of incidents, and this was supported by feedback from corrections officers using the OBCs as the following comments demonstrate:

"It creates a safer environment."

"The on body cameras have worked very well. We have utilised them in many ways to enhance the work we do in and around the unit. The presence of these alone has helped draw a positive outcome to most incidents that may have before escalated further."

"I think they are a positive for staff safety. Prisoners mostly de-escalate once cameras have been activated. Prisoners aside, we have had other peripheral benefits with them like recording evidence/crime scenes etc. Wouldn't like to see them go to be honest."

"Prisoners think twice about acting in an aggressive manner around staff whether it be to staff or another prisoner, also it has been said by prisoners that it can reassure them too. Since the cameras came into our unit I have not had a single negative comment from

prisoners. If we remain professional at our job we have nothing to worry about. I have heard some staff saying that they will be used against us but these comments in my view would make me question as to why they would think this, if they are doing their job in a professional manner they have nothing to worry about."

Conclusion

Analysis of the trial results identified the following high level findings:

- The frequency and intensity of assault events is reduced and the likelihood of physical force being required to resolve incidents is reduced
- The presence of the cameras has a calming effect on the wider unit
- Staff feel safer and more confident when equipped with an on body camera
- A feeling of ownership of the camera has a positive effect on uptake by officers
- Camera footage has supported internal misconducts and external prosecutions
- The cameras have provided officer training and development opportunities
- The cameras have provided prisoner coaching opportunities where footage has been used to challenge prisoner behaviour
- The cameras' effectiveness to modify behaviour is dependent on how they are applied
- The cameras keep officers professionally safe (preventing false accusations and complaints)
- Costs associated with injuries sustained by staff when managing prisoners are reduced.

Whilst they do not replace positive interactions and pro-social modelling between staff and prisoners, OBCs are a tool that supports that approach.

The findings of the trial were accepted by the Corrections Executive Leadership Team and a decision made to proceed to a wider roll-out of OBCs in our high risk areas. The Department is now engaged in a process to implement the most appropriate solution.

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Swift, Certain and Fair Sanctions: An innovative new programme or false HOPE?

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Imagine a probation programme that reduced sentence breaches, re-offending, and missed probation appointments, and appealed equally to punitively and rehabilitatively minded individuals. Imagine that this programme also saved taxpayer dollars.

Advocates in the United States of America believe they have found such a programme: Swift, Certain and Fair Sanctions (SCF). Introduced as HOPE in the United States in 2004, this approach utilises frequent drug testing and short terms of imprisonment (two days to three weeks) in response to sentence breaches. This approach has spread throughout the United States and is being examined by policy makers worldwide. But would SCF be suitable for New Zealand?

Introduction: Tying misbehaviour with consequence

The first notable SCF programme began in 2004, when the State of Hawaii introduced a programme named HOPE (Hawaii Opportunity Probation with Enforcement). HOPE was initiated by a single judge, Judge Stephen Alm, who was frustrated that the justice system was not encouraging probationers to take responsibility for their actions.

The theory behind HOPE was that many offenders have impulsive tendencies and a short term outlook. The tendency to favour short term rewards over long term benefits is known as delayed reward discounting (DRD). There is an established link between DRD and impulsive behaviours. A 2011 meta-analysis concluded that there was strong evidence of greater DRD in individuals exhibiting addictive behaviour in general (MacKillop et al, 2011).

In the traditional prosecution process for probation breaches, an offender often receives multiple warnings before being prosecuted. Conviction for a breach can then occur months after the actual breach occurred. Accordingly, offenders are either not deterred by the

threat of imprisonment, or do not relate their eventual imprisonment to their illegal behaviour.

Judge Alm hoped to better align probation sentences with the short term outlook of offenders. In doing this, he analogised about how he, as a parent, punished his children:

"I thought about how I was raising my son, and when my kid did something wrong you do something about it immediately. You tie misbehaviour with a consequence."¹

Judge Alm aimed to create a system where probation breaches were certain to be detected. This characteristic aligns with traditional views of deterrence, in particular Cesare Beccaria's theory of deterrence, which states that certainty of detection is the vital element (Nagin, 2013). This view is complemented by studies that show that the severity of sanctions has little deterrent effect on offenders from committing a crime (Gendreau, Goggin & Cullen, 1999).

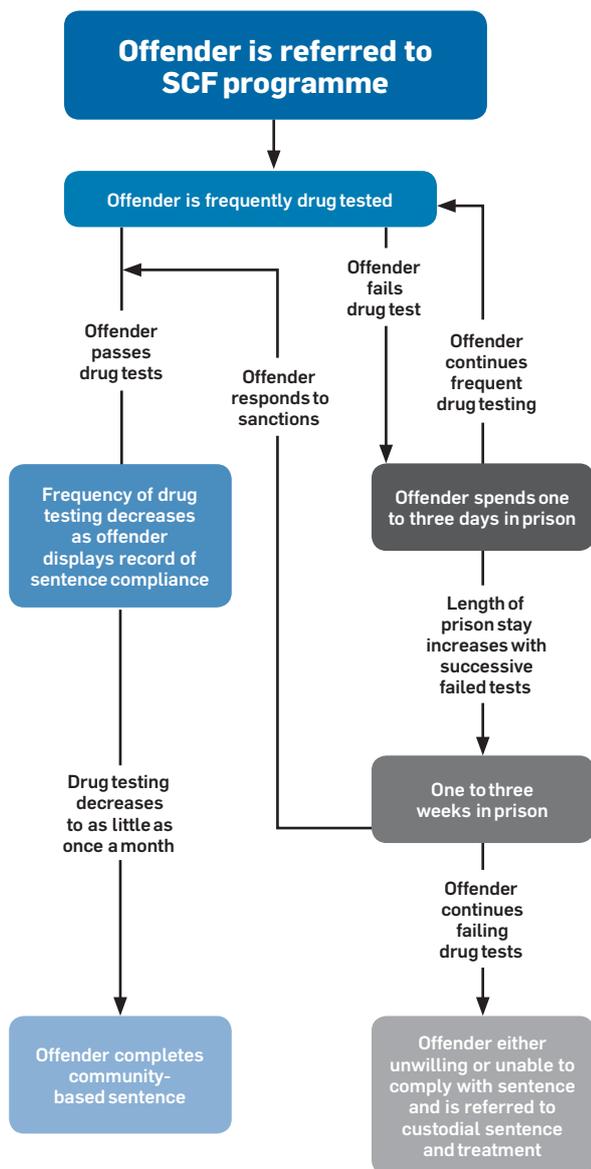
Under Project HOPE, probation breaches were always prosecuted swiftly and without discretion, according to a definite set of modest, but certain sanctions. Research has shown that a swift response improves the perception that a sanction is fair and that immediacy is vital to changing behaviour (Kleiman, 2001).

Put into practice, the HOPE model, which became known universally as SCF, can be characterised as follows:

- Swift – If a probationer is found to have breached their sentencing conditions then their court appearance and sentencing is within 72 hours.

¹ Quote can be found at http://www.huffingtonpost.com/jason-tashea/swift-certain-hawaii-prob_b_7171554.html [accessed 10 March 2016.]

Chart 1:
SCF programme for offenders with drug conditions



- **Certain** – probationers are frequently drug tested (multiple times a week at the start of the programme). This makes it virtually impossible for offenders with drug abstinence sentence conditions to use drugs undetected.
- **Fair** – probationers attend a hearing where they are told the consequences of breaching their sentence conditions. A zero tolerance or discretion approach means that probationers are always sentenced to a short prison term (typically two nights in prison) for breaching their sentence. The duration of the prison stay varies depending on the number of previous breaches and the offender's attitude towards the breach.

HOPE initially targeted drug-involved offenders. At the beginning of their sentence, the offender

entered into a 'behavioural contract' in which Judge Alm outlined what behaviour was necessary for an offender to progress through the programme. An offender's conduct then determined whether formal drug treatment was needed. If an offender failed multiple drug tests, this was taken to indicate that they have a serious addiction and needed clinical help (Hawken, 2010).

An initial evaluation of HOPE showed promise

A randomised control study of HOPE in 2009 looked at 500 probationers with drug conditions, two thirds of whom were enrolled in the programme (Hawken and Kleiman, 2009). The remaining third were a control group whose sentence was carried out under Hawaiian probation-as-usual (PAU) terms. The progress of both groups was tracked for 12 months. The study found that, compared to the control group, during the 12 month period, HOPE probationers were:

- 72% less likely to use drugs (HOPE probationers had a 13% failure rate for drug tests, versus 46% for the PAU group);
- 61% less likely to miss probation appointments (9% rate of 'no-shows' for probation appointments for HOPE probationers, versus 23% for PAU);
- 55% less likely to be arrested for a new crime (21% of the HOPE probationers were re-arrested, versus 47% for PAU);
- 53% less likely to have their probation revoked (7% for HOPE versus 15% for PAU); and
- Incarcerated for 48% fewer days (138 days for HOPE versus 267 days for PAU), despite the use of short sentences of imprisonment. This was due to the reduction in probation revocations, and saved approximately \$4,000-\$8,000 USD per offender.

In total, only 40% of HOPE probationers failed a drug test after a year in the programme. Of those offenders, only half (20% of total participants) had multiple failed tests. The purported benefit of this is that by 'triaging' offenders who could abstain from drug use due to the SCF programme, treatment resources could be targeted at offenders with genuine problems.

A small Hawaiian experiment becomes Swift, Certain and Fair Sanctions

HOPE started with 36 offenders and received no additional government funding. Probation officers originally selected participants for HOPE from those who had a high risk of re-offending and who were identified as substance users. Following the implementation in Hawaii, and the positive evaluation, it has now grown to over 1,500 participants and received \$4 million (USD) in state funding to further expand. The

initiative has also grown to include sex offenders and offenders on parole.

HOPE-style programmes have become known as SCF programmes. The 'Swift, Certain and Fair Resource Centre', a partnership of the United States Department of Justice and Pepperdine University, has been created to promote the programme and support implementation. SCF programmes are now used throughout the United States and have been introduced in at least 21 states (Bartels, 2015). Notably, all of community corrections in the State of Washington has transitioned to a SCF model (including 17,000 high-risk offenders on parole and probation). In a 2013 study that compared 70 offenders on PAU sentences against 70 on a SCF programme, SCF offenders:

- were 73% less likely to have positive drug tests
- spent 64% less time in prison
- had a third fewer new arrests, convictions and imprisonments (Hawken, 2011).²

'24/7 Sobriety' is another notable SCF programme. 24/7 Sobriety operates in South Dakota and targets recidivist drink drivers. Offenders are tested for alcohol consumption, either twice daily through a breathalyser or continuously with an ankle bracelet. Offenders who fail tests are taken into custody immediately and violations result in one night in custody. This programme has resulted in a 50% reduction in the re-offending rate of offenders who participate in the programme, versus offenders on PAU sentences (Kilmer, Nicosia, Heaton & Midgett, 2013).

Other countries are exploring implementing SCF programmes. In the United Kingdom (UK), implementing SCF was part of the Conservative Party's 2015 election manifesto, and, in a recent speech, Prime Minister David Cameron called for HOPE to be introduced into the UK, calling it "perhaps the most successful community sentence anywhere on the planet."³ SCF programmes are being discussed and considered in Australian jurisdictions as well.⁴

SCF programmes have been criticised

Although SCF has received significant support, some commentators have cautioned against the spread of the programme. Duriez, Cullen & Manchak (2014) have warned that there has only been one comprehensive

study about the effect of SCF programmes (the 2009 study by Hawken and Kleiman). They argue that other studies that produced similarly positive results can be considered quasi-experimental at best, due to either the methodological limitations of the study, or the size of the samples. The programme can only be conclusively called a confirmed success with one group of prisoners (drug-involved offenders), in one specific location (Hawaii).

Duriez and her colleagues also expressed concern about other aspects of the 2009 study, stating that the findings potentially over-rely on the claims about the deterrent effect of swift and certain punishments, and there are other possible explanations for the results achieved in Hawaii.⁵

It is likely that these concerns will either be confirmed, or repudiated, in the near future. The US Department of Justice has funded replication projects in Arkansas, Massachusetts, Oregon, and Texas. The results of these projects will form a comprehensive evaluation of SCF programmes, and has the potential to show whether they can be successful in varied locations, among different groups of offenders. The study is due to be completed in March 2017.⁶

Would SCF work in New Zealand?

In New Zealand, approximately 87% of prisoners have had identified alcohol or other drug (AOD) issues in their lifetime, and 60% of community based offenders have an AOD issue. SCF programmes, which have so far primarily targeted offenders with AOD issues, could have a significant impact targeting this group of offenders.

Concerns about the close relationship between AOD misuse and offending have already resulted in changes in the criminal justice system. For example, it is likely drug testing of community-sentenced offenders will soon be possible:

- The Drug and Alcohol Testing of Community-based Offenders and Bailees Bill, which is expected to be passed by Parliament this year, will introduce drug and alcohol testing for selected high-risk bailees and community-based offenders with abstinence conditions. The planned legislation would make it possible to introduce a testing regime similar to those used in SCF programmes.
- Alcohol detection bracelets allow for near continuous testing for alcohol consumption and have been used in the New Zealand Drug Court.

² These positive results should be tempered by the sample size (140 offenders) which, as acknowledged by the study author, means the results are less precise.

³ A transcript for the speech can be found here: <https://www.gov.uk/government/speeches/prison-reform-prime-ministers-speech> [accessed 10 March 2016].

⁴ For example, in Victoria - <http://www.smh.com.au/national/booze-bracelets-effective-at-keeping-repeat-drinkdrivers-sober-advocates-say-20160304-gnagvu.html>, the Australian Capital Territory - <http://www.abc.net.au/news/2015-03-29/weekend-detention-alternatives-unclear-in-act/6357054> and the Northern Territory [all accessed 10 March 2016].

⁵ For example, Hawaiian probation staff also utilised the Risk-Needs-Responsivity (RNR) model for HOPE probationers (as well as PAU offenders).

⁶ The status of the study can be found at <https://clinicaltrials.gov/ct2/show/results/NCT01670708>.

These changes may enable a testing regime similar to those used in SCF programmes and show the willingness to intensively drug test offenders on community sentences.

However, there is reason to pause. The profile of the US justice system, in particular the significantly harsher tariffs for drug offences, means a significant number of offenders may be able to be safely managed in the community under a diversionary scheme such as SCF – and be rehabilitated relatively quickly once they gain control of their AOD use. In contrast, in New Zealand imprisonment tends to be more of a last resort for those who have repeatedly failed on other lesser sentences or who have been convicted of very serious offences. It is unclear if there is an offender group who would similarly benefit from SCF in New Zealand.

Despite this uncertainty, the idea behind SCF programmes - that swift, certain and fair sanctions can be more of an influence on behaviour than any other form of punishment - can be assumed to have some value. How might this model be applied in New Zealand? And what obstacles might prevent this programme?

Would a SCF programme be possible?

Proponents of SCF programmes have stated the importance of implementing SCF programme key features with fidelity (Pearsall, 2014). Accordingly, a SCF programme requires prompt prosecution of sentence breaches, as well as a non-discretionary approach to sentencing. It would also require imprisonment for any breaches.

Under the Criminal Procedure Act 2011, it would be very difficult for New Zealand's court system to prosecute a breach within 72 hours. Even with close co-ordination of the courts, corrections, police and legal aid, it would likely still take a week to prosecute a breach and impose a sentence. Theoretically, judicial creativity in using unorthodox sentencing practices such as 'come-up-if-called-upon' or suspended prison sentences could be used to compress breach prosecution times. However, this would require judicial enthusiasm for such a scheme, and this approach would not be considered ethical or just.

There are also practical issues that need to be addressed before a SCF programme could be implemented in New Zealand. For example:

- For a nationwide programme, there would need to be appropriate AOD screening capability. AOD screeners would be required at most district courts to determine if an offender's AOD issue means they are suitable for a SCF programme.
- Another notable issue is the muster pressures being experienced by the prison network. While a

proponent of SCF programmes would say that the programme ultimately reduces imprisonment, in the short term at least, this programme has the potential to exacerbate this muster issue.

- There are other issues around how small terms of imprisonment would be implemented. If an offender fails a drug test in a remote town, for example, Queenstown, would they then be taken to Dunedin or Invercargill (which have nearby prisons) for sentencing? How would they then return to Queenstown after completion of their small imprisonment sentence? This would have been an issue in the United States as well; however, it would have been mitigated by the prevalence of local county jails.

Would a pilot help?

The timeliness (swiftness) and consistency (certainty) required by SCF programmes require co-operation from the courts, probation, prisons, police and legal aid. For this reason, advocates of SCF programmes have consistently advised that implementation efforts should "start small". This enables programme operators to manage and respond to any logistical issues that can be sorted out before the programme is expanded on a larger scale (Fox and Gold, 2011).

The idea of piloting a SCF programme would need to be explored with the judiciary. One concern may be that no judge would be willing to conduct a pilot within a discrete location. This practice would involve sentencing certain individuals in a particular geographic area differently than individuals in another area, which might be considered to be unfair, and have rule of law issues. The fairness issue would be heightened by the use of imprisonment in SCF programmes.

Another concern would be that SCF programmes use mandatory sentences (albeit on a small scale). The lack of discretion that the judiciary is meant to exercise in these schemes may be problematic for some judges, who usually sentence according to all of the circumstances of each particular case.

One way to either enable a pilot, or introduce a detailed sentence framework to enable a consistent scheme, would be legislative change. The Policy Exchange (Lockyer, 2014), a UK think-tank, has recommended using SCF programmes for community-based offenders and has proposed changes to the UK justice system to make this possible, including:

- Creating conditional behaviour orders which would set out abstinence conditions and testing guidelines, as well as clear sanctions for non-compliance; and
- Establishing specialist breach courts for priority offenders who have been charged with a sentence breach, so they can be sentenced within 24 hours of pleading guilty.

HOPE for the future

While SCF has had positive outcomes in US jurisdictions, successfully replicating this system in New Zealand would require significant upfront investment, as well as close co-ordination from all justice sector actors, and probably legislative change.

The best approach for New Zealand may be to maintain a watching brief as SCF programmes are implemented worldwide. In the interim period:

- The National Institute of Justice evaluation will be completed in March 2017
- SCF will be implemented in the UK and Australian jurisdictions
- The Drug and Alcohol Testing of Community-based Offenders and Bailees Bill will allow AOD testing of individuals with abstinence conditions on community sentences. Corrections will also become more familiar with the practical issues of AOD screening and testing.

These findings will help determine whether SCF programmes should be applied to New Zealand.

It may be that HOPE's initial success cannot be replicated without the United States' unique circumstances. Furthermore, policy makers must be mindful of the tendency of intensive community-based sentences to result in net-widening. However, if the comprehensive evaluation reports similar results as the 2012 HOPE evaluation, then justice-sector decision makers should seriously consider adopting a SCF approach for community probation. In the world of correctional treatment – where programme effect sizes of 10% are considered world leading – a programme that reduces arrests and probation revocations by half must be seriously considered.

Resources

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Ka Ūpane – “into the light”

A brief skills group for short-serving offenders

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Hannah Cleland is a clinical psychologist in the Hamilton Psychologists' Office. She has been with the Department for four years and has developed expertise in working in the prison and community settings. Hannah's particular expertise is engaging in group-based intervention with high-risk and versatile offenders, first at the Tai Aroha residential Treatment programme and more recently in the Ka Ūpane programme (for which she led the initial development and pilot).

Juanita Ryan is the Director of Programmes and Interventions at National Office. Before this she was a principal psychologist in Hamilton. She has spent the last eight and a half years working for the department, first in a frontline role and then moving into management roles. Prior to this Juanita worked as a psychologist in an educational and training centre for clinical psychology students and in a mental health setting.

Introduction

Reducing re-offending by 25% (RR25%) is the Department of Corrections' main goal. In order to achieve this challenging goal there must be a focus on working together, working strategically and working creatively. The Ka Ūpane programme was born out of this need for creativity – to meet a need with a group that was missing the opportunity to access services. Ka Ūpane can be translated as “to take a step upwards”. For the programme this relates to the transitioning from a place of darkness into a place of enlightenment – climbing from “not-knowing” to “knowing”.¹

The Ka Ūpane programme was developed for high-risk offenders, particularly with current or previous violent convictions, serving prison sentences of less than two years duration. This group of offenders is often characterised by rapid cycling in and out of prison, often so quickly that they are unable to engage in treatment (Research and Analysis Team, Department of Corrections, 2013). The importance of providing interventions to reduce the risk of re-offending with high-risk offenders has been well documented (Andrews & Bonta, 2010). However, criteria for access to prison-based treatment programmes for high-risk offenders currently requires a sentence of more than two years. This makes much of the treatment available for high-risk offenders unsuitable for offenders with short sentences. The lack of opportunity to engage

short-serving high-risk offenders in treatment has resulted in a lack of research regarding effective approaches for this group.

Cognitive behavioural therapy (CBT) has been well documented as an effective mode of treatment for offenders, with recent adaptations including the introduction of dialectical behaviour therapy (DBT modality). The effectiveness of using DBT to treat emotional instability, poor impulse control, interpersonal problems, anger management and chronic self-harming behaviour has also been well documented (Bohus, et al., 2004 as cited in California Department of Corrections and Rehabilitation, 2011). DBT is a cognitive behavioural approach designed for treating individuals with severe emotional and behavioural dysregulation and often used for people diagnosed with Borderline Personality Disorder (BPD) (Linehan, 1993). This approach has largely been used within mental health settings, although recent research suggests positive results using this approach with offenders to improve institutional aggressive and impulsive behaviour (Shelton et al., 2009). DBT uses techniques to increase self-regulation and focuses on developing adaptive behaviours to regulate emotions and to enhance balanced thinking and behaviours.

The following paper provides insight into the planning and implementation of the Ka Ūpane programme, including reflections and steps for future developments.

Rationale

It was identified as part of the RR25% initiative that short-serving prisoners were cycling in and out

¹ Ka Ūpane was named in collaboration with the Central Region's Māori Services, with particular thanks owed to Louis Paerata, Manager Māori Services Central Region, for his contribution and creativity.

of prison before having the opportunity to engage in interventions to address their offence-related needs (Research and Analysis Team, Department of Corrections, 2013). Of particular note were high-risk short-serving violent offenders, who would have been eligible for the Special Treatment Unit Rehabilitation Programme (STURP) if their sentences had been longer than two years duration. Data gathered from a Corrections Analysis and Reporting System (CARS) report for the Central Region as of July 2015 (the time of planning and implementation), identified that there were 93 high-risk short-serving prisoners who met the criteria for assessment and/or treatment with a departmental psychologist. Of the 93 offenders, 24 were housed at Waikeria Prison. In an attempt to mitigate this issue, a pilot programme (Ka Ūpane) was developed to provide a brief skills-based group intervention for this population. The over-arching goal for the pilot was to provide meaningful and empirically supported treatment to high-risk violent, short-serving offenders.

Process

Identification and suitability

Potential participants for the group were identified either from the list on CARS, through direct referrals from case managers or psychologists, or from those identified from prison waitlists. The majority of referrals were from Waikeria Prison, although some were from Spring Hill Corrections Facility and the prisoners were transferred following a positive assessment of suitability.

From the beginning of the programme, men from any of the three prisons within the Central Region (or beyond) were considered; however, groups were only run at Waikeria Prison where the programme was initially piloted. A segregated group was also run as this group often has even greater restrictions on access to programmes, irrespective of the often high need and risk profile of these prisoners.

Eligibility criteria for Ka Ūpane:

- prison sentence between four months and two years in duration
- RoC*RoI score above 0.7
- no current or historical sexual offences
- index or previous violent offence, or other serious offending.

Assessment

A psychological assessment which assessed responsivity factors was completed for each potential participant. Although there was an expectation that

participants would display a level of motivation and capacity to benefit from the programme, it was also expected that responsivity challenges would be present due to the nature of the offender group. Key assessment areas included adequate motivation to engage in the group (desire to make pro-social changes), willingness to comply with group kawa (protocol/etiquette – e.g., not to use violence in the group), no evidence of substance dependence (can return negative drug tests), and cognitive capability to participate. If participants were motivated to engage in treatment, but did not meet the criteria for Ka Ūpane, they were prioritised for individual psychological treatment.

Once eligible participants had been identified as suitably motivated, three psychometric measures were administered for both evaluative purposes and to inform treatment planning. The measures included: Treatment Readiness, Responsivity and Gain Scale: Short Version (TRRG:SV) to help screen motivation; Psychological Inventory of Criminal Thinking Style (PICTS) to assist in determining any cognitive changes prior to and following treatment; and Criminal Attitudes to Violence Scale (CAVS) to provide further information about attitudinal areas to address. These three measures were also administered at the end of treatment as a means of measuring change.

Group structure

Ka Ūpane groups run for a two-hour period twice weekly. Each group is comprised of three participants and one psychologist, and runs for an eight-week period, approximating 16 group sessions in total. Upon completion of the programme, participants are given the opportunity to complete the eight-week cycle a second time to consolidate their skill acquisition and to provide mentoring opportunities to newer participants. Participants need to have enough time remaining on their sentence to commence a second cycle, and are also re-assessed in terms of their motivation to continue and to role-model pro-social behaviour to other participants.

In addition to group sessions, each participant has the opportunity to engage in one hour-long individual session per fortnight. Individual sessions are designed to support participants during the programme, including, but not limited to, increasing motivation to change, further teaching of content, discussing group dynamics, addressing positive or problematic behaviour within the group, practising skills (particularly where specific skill deficits exist), a more specific focus on their individual offending pattern and the subsequent development of a safety plan.

The group was set up as a rolling programme with new participants joining the programme when others leave through graduations or exits from the group. The

rolling group was chosen as the most effective way of ensuring men on short sentences did not need to wait until the start of a new programme, increasing the likelihood of group participation prior to release. When a new participant joined the group, part of the initial session focussed on group kawa and the existing participants had the opportunity to share a skill with the new member that they thought would be useful in the beginning stages. The more senior participants were also given the opportunity to be role models within a rolling group structure which assisted in reinforcing the skills through the use of verbal rehearsal.

Session outlines

The 16 group sessions are broken down into four main topics based on the need to develop adaptive skills in the following areas:

1. Core mindfulness, which focuses on the present moment, increasing self-control skills and promoting self-awareness
2. Emotion regulation, which works to identify and describe emotions and focusses on reducing vulnerability to negative emotions and increasing positive emotions
3. Tolerating distress, which teaches skills in distraction, self-calming, and helping to accept reality
4. Interpersonal skills, which focuses on developing assertiveness, interpersonal effectiveness, and managing conflict in a respectful manner.

Each topic has a corresponding set of skills:

Mindfulness

- Using your wise mind
- Self-awareness
- Self-control
- Muscle relaxation
- Visualisation
- Observing the breath
- Observational skills
- Practising a non-judgemental approach.

Emotion Regulation

- Identifying emotions
- Purpose of emotions
- Expressing emotions
- Primary and secondary emotions
- How to change unpleasant emotions
- How to promote healthy emotions
- Recording and monitoring emotions.

Distress Tolerance

- DISTRACT
- IMPROVE
- Self-soothe
- Half Smiling Face
- Thinking of the pros and cons of different situations
- Accepting reality for what it is
- Observing the breath
- Having awareness skills
- Using time-out.

Interpersonal Effectiveness

- Communication styles
- Listening skills
- Assertive communication
- Listening skills
- Problem solving
- Resisting persuasion
- Managing negotiation
- Practising having positive relationships
- How to give and receive feedback.

Like many groups, a key element of Ka Ūpane is to present content in a manner that is enjoyable, memorable and provides an opportunity to practise. The goal of skill development is the generalisation of these skills from the group room to the prison unit, and then eventually to environments outside the prison. Group sessions incorporate creative approaches such as role plays, workshops, and poster development, and teaching is often facilitated through various interactive learning activities.

Each participant is given a Ka Ūpane handbook at the beginning of the programme. The handbook covers all programme content, incorporates between-session tasks, and has extra information for those who want to learn more. A semi-structured handbook was developed so that psychologists administering the group had specific skills to follow, but could use their own ideas and style to deliver each skill. The emphasis is on introducing the content and practising the skill in a way that works for each unique group. Like in other pilot programmes, it is expected that if Ka Ūpane is endorsed as a core departmental programme, the handbook will change over time as other ideas and research inform practice.

Reflections on the pilot groups

As mentioned previously, 93 men were initially identified as meeting the criteria for assessment and/or treatment. However, this quantity included those

with sexual offences, who were not eligible. Therefore the numbers were further examined and eligible offenders screened for interest and suitability to the programme. At the time of programme recruitment 33 offenders were given the opportunity to meet with a psychologist to determine their interest in engaging in Ka Ūpane and to determine whether they would be suitable with regard to responsivity factors. Out of the 33 offenders identified as potentially suitable, 22 were assessed (11 were transferred prior to assessment). Nine were accepted into the programme. Of those 13 offenders who were not accepted: 8 were not motivated for treatment, 2 were motivated but their sentences were ending too soon (e.g., prior to the half-way point of the next available programme), one offender was not willing to commit to working on his violence, another declined to engage in a group but requested individual treatment, and another did not meet the criteria due to mental health issues that would likely impact on group functioning. Of the 8 participants who reported a lack of motivation to engage in treatment, the majority stated that because their sentence was short they preferred to complete their time without engaging in any interventions. These men were offered the opportunity to engage in other services (e.g., Short Motivational Programme, or individual work with a psychologist), however these were also declined.

Participant outcomes

An overview based on the two eight-week programmes run between August-October and October-December 2015, totalling nine participants, is outlined below:

Ethnicity	Age	Risk (RoC*RoD)
Māori = 7	18-20 = 3	High = 7
European = 2	21-25 = 2	Very High = 2
	26-30 = 2	
	31-35 = 0	
	36-45 = 2	
Prison information	Sentence lengths	Graduation status
Mainstream = 4	0-4 months = 0	Graduated programme = 7
Segregated = 5	5-9 months = 3	Self-exited = 2
	9-12 months = 2	Returned as graduate = 4
	12-24 months = 4	

Of the nine men who began the programme, seven graduated, with two men self-exiting. One of the men who withdrew stated he did not like being part of a group, and during his engagement presented as anxious in the group setting. The other was given the

opportunity to attend a Drug Treatment Unit (DTU) at another prison and after discussing this with the DTU facilitator selected the DTU as his preferred option.

Of the seven who graduated, three were released within a month of their completion date, one was transferred to another prison to attend a DTU, and the remaining three all chose to return to complete the programme for a second round.

Individual treatment and safety planning

All participants engaged in fortnightly individual sessions. Five of the seven graduates completed a safety plan either prior to or just following their graduation from the programme, focusing on their personal pattern of offending, especially violence, and ways to mitigate risk. The two participants who did not complete a safety plan were transferred immediately following their graduation ceremonies.

The initial plan for recording information and evaluating the programme was for psychometric measures (TRRG:SV, PICTS, CAVS) to be used in both the assessment and at the end of the programme. For a number of reasons (e.g., tight time-frames, participants being transferred from Waikeria prior to the completion of the psychometrics) there has not been consistency in gaining pre and post psychometric results for all participants, therefore evaluation of these results is not possible. Psychometric data would aid evaluation and has been highlighted as an important focus moving forward. A focus on completing post-treatment psychometrics is essential in gaining an accurate measure of programme efficacy. It is recommended that the psychologist schedules the re-administration of psychometrics within the last week of group, rather than waiting until the eight weeks are completed.

Custody staff and offender feedback on the programme

Throughout the programme, unit staff were asked for updates regarding the behaviour of the participants, electronic file notes were checked to provide information and staff attending graduation ceremonies also provided useful reflections. Although a stronger focus on formal evaluation is necessary to assess the effectiveness of the programme, overall, staff gave positive accounts of participants using skills within the unit.

Situational and contextual factors

Ka Ūpane had support from the prison director, principal case managers, principal corrections officers, programme managers, movements co-ordinators and unit staff. The development of good working relationships and a shared understanding of the benefits of targeting short-serving prisoners

resulted in the programme implementation being rapid and manageable.

The regular movement of short-servers between prison sites meant two of the participants were transferred before they could complete the full programme. Other factors proved difficult at times, such as: the location of group rooms, the ability for prisoners to be brought to group on time, distractions of other prisoners outside the room during sessions, and unavoidable prison/unit procedures (e.g., misconduct hearings, prison lockdowns). However, support from prison management and regular communication with prison staff alleviated or resolved these issues.

Participant factors

A number of participants were highly motivated to engage, had been requesting treatment but were not suitable for other internal programmes, and expressed their gratitude for the opportunity.

Some potential participants were ambivalent about engaging in treatment, and others declined as they "just wanted to do the time". As the group progressed, and participants reportedly shared their experiences with others, the programme appeared to gain momentum and the number of prisoners deciding to engage increased. While not formally explored, it appeared that there were fewer people declining as the programme progressed.

Group factors

Ka Ūpane is a rolling programme, allowing members to join the group at different stages, and using a model where programme members use their learning to help newer participants. Considering the short time period of the programme – only eight weeks – there is minimal time for the content to be covered, and a rolling aspect requires extra time to reflect on previous learning to teach newer participants key skills. There is also limited time for the development of group cohesion, therefore the introduction of new participants proved to be somewhat disruptive to the workings of the group. On the other hand, a rolling programme allows for a higher number of participants to engage in treatment, rather than waiting for a new programme to start. As a reflection, it appears that the rolling group is a useful structure to continue to explore, as it allows the greatest opportunity for participants to engage, even though it provides some disruption to the group. If there were sufficient numbers of participants, it may also be useful to consider running the group with increased numbers and two facilitators. The facilitation combination could be comprised of two psychologists, or a psychologist and a programme facilitator.

Conclusions

In an attempt to provide a programme to meet the needs of short-serving, high-risk offenders, the Ka Ūpane programme was developed and rolled out in August 2015. The programme was effectively implemented at Waikeria Prison with the support of prison management and staff working in collaboration with Hamilton South Psychologists' office. The use of a brief DBT-focussed skill development group was an opportunity for offenders to improve their skills in emotion management, interpersonal skills, decision making, tolerating crises and distressing situations, accepting reality, and improving self-awareness and self-control through mindfulness techniques. Anecdotal evidence suggests that the programme has been meeting some of the need for interventions for short-serving offenders; however, more thorough investigation and evaluation would provide useful direction.

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Phone call initiative

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Author biography:

Since joining the Department in 2007, Gareth has worked as a probation officer, senior probation officer, practice leader and service manager. Gareth has a background in criminology and law.

The phone call initiative sprang from an idea first conceived by Department of Corrections Chief Executive Ray Smith. It was developed by the Department's Service Development Group and chief probation officer for implementation in the Wellington Corrections District.

The key idea was to make contact with offenders who had successfully completed community-based sentences and had not re-offended within 12 months of finishing their sentence. Once contacted, they were commended for their progress and engaged in a conversation to identify if further support could be offered to better increase the likelihood of further desistance. This support could be on-the-spot advice or referrals to other services. The corollary effect of this process was to determine how effective our service has been, and to identify any areas of concern for completers of community-based sentences and orders.

The author worked with Chief Probation Officer Darius Fagan to set up this initiative. This involved creating a script for the phone calls and determining an effective process to identify who to call, how to record the calls and how to manage the process at sites. The phone numbers were taken from the Integrated Offender Management System (IOMS).

The process and questions asked were:

- identify person and get permission to continue
- build rapport and ask initial questions to determine what might be going well for the former offender
- find out what they have done already (that is, what worked when on a community-based sentence or order)
- identify if there is any additional support that would help
- make a quick plan (and check if they would appreciate a follow up call)
- end the conversation.

It was decided between the sites in the Wellington District to each run the initiative one evening per week. This occurred on a different evening across the four Wellington sites; Upper Hutt, Lower Hutt,

Wellington and Porirua. Staff decided whether or not to participate in the initiative. A spreadsheet of people to call was given to staff on the night and updated so that individuals were not called on multiple occasions. The results of the calls were entered in a survey, with a brief note recorded against the person's name in the shared spreadsheet detailing the outcome of the contact.

The sites were supported by the presence of community providers, including Care NZ for alcohol and drug support. This ensured that prompt assistance could be given to anyone who asked for help.

Initially, the parameters of the data used did not bring about the correct cohort of former offenders, and hence some refining of the data occurred over the first week. The project ran for three weeks by which time all the ex-offenders had been contacted or it had been confirmed that the phone number we had for them was no longer valid.

The initiative was visibly supported by senior leadership with calls being made by National Commissioner Jeremy Lightfoot, Regional Commissioner Paul Tomlinson, Operations Director Matire Kupenga-Wanoa, Chief Probation Officer Darius Fagan and District Manager Sue Abraham. Other members of the District Management Team also supported the initiative each night it was run. This leadership served to further inspire the staff involved who provided a lot of positive feedback on their experience.

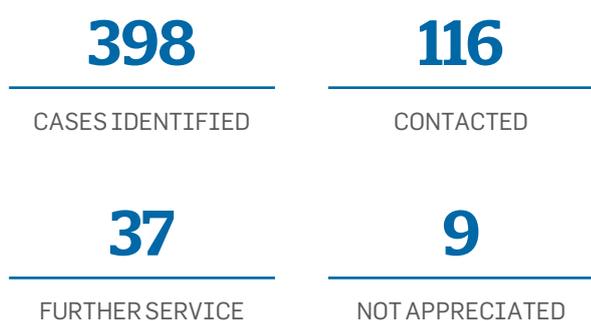
The phone initiative allowed staff to see the effect their work had on each ex-offender we contacted – which is an opportunity that is not often available once a sentence or order has been completed. It was not always feasible to have the assigned probation officer call ex-offenders from their own former caseload, however, feedback was given via an email to the staff member who managed the case.

One example of a positive story was where a probation officer had provided an employment reference for an offender and they kept that job. Another case recalled the safety plan he had developed with his probation officer, and stated that he ensured he followed this whenever he encountered a high risk situation. There

were also occasions where staff members had to manage delicate and unusual situations, such as the recent death of the ex-offender, and having to conduct the calls in another language.

Participating in the phone initiative invigorated staff across the Wellington District. They were able to feel that their skills are well suited to the role, that their work has a real and credible impact, and that engagement with offenders near the end of their sentence or order is now more targeted, in light of the results of the surveys.

Results



Probation

Eighty-two percent of the ex-offenders contacted said they had received a good service from their probation officer. Seventy-two percent said the support from probation staff was helpful for them and many indicated that they received most of their support from probation. Fifty-eight percent indicated that they had received no other additional intervention during their sentence other than interaction with Community Corrections staff. This is probably due to the high number (68) of offenders who had served community work sentences that were contacted. This indicates that there are big opportunities to offer offenders more access to interventions – particularly Work and Living Skills.

Big issues

Forty percent of cases identified employment as being an issue. A further 16% said finances were an issue which probably also indicates an employment problem. Fourteen percent had issues with not having or wanting to get a driver licence. Some requested information about the duration of their disqualification from driving and the process to get licences back. Alcohol and drugs were identified as an issue in 8% of cases, although often people were suspicious of the call so it is likely they were not open about alcohol and drug issues.

Services

Overall, few ex-offenders had access to ongoing community support. This may indicate that very few interventions carry on beyond the mandated period of their sentence. Thirty-six percent of ex-offenders stated they were receiving some assistance from WINZ (Work and Income New Zealand). However, this was often the only support service they could identify in their lives. To support desistance from crime we should ensure we connect people to services that offer sustainable support (e.g. a free marae based health provider), to promote self efficacy beyond the end of the sentence. This is a useful finding for considering future practice and also a good rationale for offering a follow-up service post-sentence.

Was it worthwhile?

It will be some time until we know whether the initiative has any impact on reducing re-offending in Wellington. The process itself was fairly labour intensive to reach 116 cases from a starting pool of 398. Completing the initiative did deliver one immediate benefit; staff enjoyed getting first-hand feedback on the quality of our services. The feedback also helped identify some clear opportunities to enhance services. With some changes to the process and resources, it would be possible to contact more ex-offenders and put them in touch with useful support services.

Next steps

Other districts, including Manukau and Rotorua/Taupō, are trying the phone call initiative. Setting up post-sentence outbound calling has been included as part of the Department's Reducing Re-offending Strategic Plan year two. Service Development is investigating ways to set up a more permanent and sustainable method of continuing calling. At this stage we do not know if this initiative will have an impact on re-offending, but the feedback will help us consider how to get better at implementing "user informed practice" which is an approach encouraged in research into desistance. As more districts take on this initiative they will also be in a position to reflect on how probation work can change lives and where further development and support may be beneficial.



Employment as a factor in desistance from crime

Stephen Cunningham

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Author biography:

Stephen Cunningham has had over 15 years' experience in developing welfare-to-work strategies and other labour market interventions that support people who are persistently displaced from the labour market. His work has been mainly with the Ministry of Social Development and the Department of Corrections.

Introduction

A recent study (Coves & Bowes, 2015) showed there was a 20% reduction in returning to crime by non-violent offenders who had jobs compared to those who didn't – indicating that employment does reduce recidivism. However, there was an important caveat; the sooner ex-offenders are employed, the less likely they are to commit future crimes.

"Not a lot of people can get up in the morning and say right, I've got a job to go to, and I do, so I'm very grateful for that. If I didn't have a job, I would have been lost." – Offender

To help ex-offenders into employment, the Department has made employment support, upon release or in the community, an important aspect of its core service delivery. It has done this by working collaboratively with employers, developing an employment support service and helping prisoners gain access to other social services. The aim of this approach is to ensure offenders get easier access to more jobs and support, and a service that is responsive to their needs as they reintegrate back into the community.

"That's my biggest thing at the moment, not having employment. (Not) being able to afford stuff that my kids need." – Offender

In March 2016 the Department of Corrections undertook some preliminary analysis comparing the post-sentence employment outcomes of those prisoners who completed employment and/or rehabilitation programmes against those who did not. The analysis showed that:

- offenders who do both rehabilitation and employment programmes achieve better employment outcomes such as gaining employment, longer duration of employment and higher annual income, and
- there is only a modest association between the type of industry undertaken by prisoners and the sector in which they obtain employment in post sentence.

Putting employers first

It is clear that if we do not proactively engage with employers we limit our ability to secure employment opportunities for ex-offenders. Over the past two years, employers have become a key stakeholder group for Corrections. In that time, 44 employers across New Zealand have offered some 350 positions to offenders. In addition, Corrections has been promoting the Release to Work (RtW) Programme, and introducing Employment Support Services to provide in-work support to ex-offenders.

This approach means Corrections staff are proactively working with offenders to ensure they have access to:

- opportunities to learn about CV writing, participating in a workplace, job search techniques and career planning
- recognised industry-related skills
- social services
- literacy, numeracy and ongoing education
- a third party that will help them get a job and social support
- a job.

In order to give offenders the relevant skills and access to jobs, we have elevated the importance of employers as a major stakeholder. It is they who provide the jobs for offenders upon release and they can tell us what skills are needed to do their jobs. The Department has gained significant momentum over the past two years to identify new employers willing to work with us to provide sustainable employment opportunities both prior and post release.

Working with employers

The rationale for working collaboratively with employers is to give offenders greater access to more jobs and give employers a reliable and productive workforce.

The Department is actively identifying employers that provide the types of jobs, support, role modelling and pro-social activity our job seekers need for sustainable employment and, ultimately, desistance from crime. Once identified, Corrections staff meet with the employer to understand their business needs and any specific requirements, usually the recruitment process, in order to make job opportunities visible to offenders and Corrections staff.

The Department currently has Memoranda of Understanding with 52 employers which will provide 423 job opportunities annually for offenders upon release.

Employer events

The Department is increasingly using events to introduce potential employers to the Corrections environment. For example, most prisons host employer expos each year, Spring Hill Corrections Facility has its own "Breakfast Behind Bars" for employers, and Rimutaka Prison participates in the "Wellington on a Plate" food festival with a prison event named "Gate-to-Plate". Potential employers are able to view the training facilities, talk to potential employees and find out more about the rehabilitation offenders receive. The Department also uses these events as a way of thanking employers who have helped us to by offering offenders jobs, and providing training and mentoring opportunities.

An Auckland Employer Breakfast, held at the Pullman Hotel on 24 November 2015, was attended by approximately 80 of New Zealand's largest employers to learn more about Corrections and how they might support our goal of reducing re-offending. The event was hosted by the Prime Minister and Minister of Corrections.

The employers were met by staff who showcased various aspects of prison life including rehabilitation programmes, education opportunities, and on-the-job training.

All attendees were offered coffee, tea and hot chocolate made by two baristas who are also prisoners serving sentences at Auckland Region Women's Corrections Facility.

The employers also heard from an ex-offender who had spent over two decades in and out of various Corrections facilities. He spoke emotionally of his experiences, saying, "...without the support of Corrections and my employer, I would not have this second chance to make things right. I'm taking care of my family and people look up to me at work. That means everything to me".

Employer feedback

The Auckland Employer Breakfast has resulted in over 29 expressions of interest from employers who were invited wanting to further engage with Corrections. Given the success of the Auckland breakfast, further events of this nature are being planned nationally.

"He's always punctual, he works very hard and nothing is too much trouble — and he has not been in any trouble." – Employer

The growth in the number of employers participating in Employer Partnerships has become a measure of the changing attitude towards offenders and the contribution they can make as they reintegrate back into society.

Other employment focussed programmes

Release to Work

The Release to Work programme has been in place for a number of years and is promoted to employers as a way to employ offenders as part of their workforce. Each day, carefully selected offenders are granted leave from prison to go out to work, then return to prison. The Department and employer maintain a close relationship and Corrections staff are available to support both the employer and the offender/employee to ensure a successful working relationship. Offenders participating in Release to Work are monitored by GPS or through other security arrangements that meet individual and employer circumstances.

Release to Work employees are paid market rates and are subject to the same terms and conditions as any other employee. In 2014/2015, 54% of those hired on Release to Work kept that job after they were released.

"We have used the Release to Work programme at our site for over two years involving more than 60 people. It has provided us with the benefits of reduced overheads and operational costs as well as improving our performance by reducing risk and increasing flexibility while saving time." – Employer

In October 2014 we completed an Employer Satisfaction Survey to understand the levels of satisfaction with the programme. In total there were 101 responses from 174 people which represented 147 individual businesses. Most (93.1%) respondents were satisfied or very satisfied with their experience, 92% of job seekers turned up on day one with all or some of the skills required and 87.5% of respondents would recommend our service to another business. Employers participated in Release to Work for two main reasons:

- to give people in prison a chance to make positive lifestyle changes, and
- they viewed it as a service that helped build safer communities.

Employers widely commented that Corrections was viewed as a credible source of willing and reliable workers. Employees turned up every day and were drug free. They also found that the Release to Work programme was an efficient way of managing their changing workflow, or obtaining suitable workers at short notice. One employer noted the main reason for employing prisoners was to: "Give people in those situations a better chance to improve their attitude toward employment, valuing their skills, allowing them to gain their mana to balance their wairua."¹

Pink Bins Ltd, an Auckland recycling company that won the Corrections 2014 Employer of the Year Award for Release to Work Employers, sums up the attitude of Release to Work employers: "They (the offenders) work side-by-side with people outside of prison, and are treated like they should be – a decent person looking for an opportunity to improve themselves and have a second chance at life."²

Employment focussed service providers

In 2014, the Department introduced the Employment Support Service (ESS), which provides support to prisoners to find and keep sustainable employment. The service offers different levels of in-work support and is made available in a majority of districts by external providers contracted to the Department. These providers were carefully selected for their proven experience in working with offenders who are displaced from the labour market. They have the necessary capability, staff and networks to support the key objectives of the Department.

The Coves & Bowes study (Coves & Bowes, 2015) also shows that providers who deliver employment services to ex-offenders should be paid only for results. This means that an ex-offender must be placed in a job and retained for a minimum period before the provider receives any money.

With the introduction of ESS, the Department has focused for the first time on providing services that are individually tailored to each offender. This new model is adapted from a supported employment model which has been well trialled and proven in the mental health, disability and welfare sectors.

Supported employment focuses on the strengths the offender brings to the employment relationship i.e. knowledge, skills and attributes. ESS ensures the offender moves rapidly towards independence by developing skills, collaborating on solutions to barriers, and gaining work-related experience and natural supports that run in tandem with their job matching. Getting the job is the primary focus of the service, whereas a conventional model may delay job searching until all required skills or solutions are in place.

Conclusion

While moving in the right direction, there is still more Corrections can do to enhance the contributions that businesses and the community make towards offender outcomes and the goals set by the Department. By establishing strong partnerships, all stakeholders can contribute to reducing re-offending, so people can live in a better, safer community.

For more information

New employers wanting a 'first port of call' to engage with Corrections can email: EmployerPartners@corrections.govt.nz. Your email will be read by the Employer Partnerships Team, who will notify the relevant regional contact to make that first connection.

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1 Employer response to the Employer Satisfaction Survey, Q4 "What was the main reason you decided to work with Corrections to employ a Corrections job seeker rather than use a different recruitment service or process?" October 2014
2 Robert Teal *Pink Bins* Senior Operator speaking about the Release to Work Programme October 2014



Getting more “skin in the game”

How latest evidence around social bonds suggests we can get more players involved in reducing re-offending, while reducing risk to the Crown

Steven Youngblood

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Author biography:

Steven Youngblood is a principal policy adviser at the Department of Corrections. He has also “had skin in the game” at the Ministry of Health, the New Zealand Defence Force and the Ministry of Education.

“When decision-makers have skin in the game – when they share in the costs and benefits of their decisions that might affect others – they are more likely to make prudent decisions than in cases where decision-makers can impose costs on others. [Skin in the game] is not just a useful policy concept but a moral imperative.” – Nassim Taleb (2013)

Introduction

One of the challenges government faces when it is trying something new, particularly for its most challenging social problems, is that it carries all the risk – political and financial – if a project fails. This can be expensive, and can limit government’s willingness to take risks as well as its ability to innovate.

Social bonds, also known as “social impact bonds”, are an alternative financing and contracting tool which enable the non-government and philanthropic sector to become more involved in improving outcomes in the social sector. Social bonds can be used to tackle some of government’s most challenging problems (such as high rates of offending in particular areas of the country), and to shift some of the risk away from the public sector by introducing other forms of financing. Social bonds also support private sector social initiatives with powerful financial incentives. These incentives mean investors, not government, hold the financial risk – while ensuring that more players have “skin in the game”.

What are social bonds?

In essence, social bonds involve contracting private providers, such as NGOs, to deliver improved outcomes for a particular cohort. This allows governments to pay for social outcomes on a no-win / no-fee basis, while providing scope for innovation in service delivery.

This approach is different to the standard practice of contracting for specific activity or outputs, as a focus on outcomes allows providers to try new ways of achieving results – rather than being tied down to specific activities. With social bonds, the return to investors is contingent on the success of the programme in realising some level of saving to the government.¹

Many countries are considering the use of social bonds to make headway into difficult social problems. Social bonds are currently underway in the United Kingdom, United States, South America, the Netherlands, South Africa, Belgium and Australia, and are being actively explored in Canada, Ireland and Israel. (New Zealand Ministry of Health, 2015). While there are around 100 social bond concepts being considered for development around the world, only a handful of social bond contracts have actually been implemented.

Australia is adopting social bonds at pace, with a range of initiatives currently being considered across the social sector. For example, Queensland is exploring how to use social impact bonds to address homelessness and re-offending. In addition, the Australian financial and NGO sectors are increasingly creating “impact investment” funds, which will be used to invest in social bonds within Australia.

Social bonds in New Zealand

In 2013, the New Zealand Government announced a series of social bonds trials led by the Ministry of Health (New Zealand Ministry of Health, 2013). The four areas being considered for social bonds include:

1. reduction in youth offending in areas of need
2. reduction in adult re-offending
3. management of chronic illness

¹ Savings would come through reduced future expenditure, such as lower spending on prison sentences or health costs, and so on.

4. support for people with mental illness to secure and sustain employment.

The Ministry is currently progressing the initiatives relating to mental illness and youth offending. These initiatives are in the feasibility phase of development, and are yet to be considered by Cabinet (New Zealand Ministry of Health, 2015).

How they work

The key characteristics of social bonds are (Chambers, 2015):

1. The government contracts a broker to deliver a social outcome for a defined population / cohort, within a defined period of time. Payment rates (and conditions) are agreed, and funded from the savings to government of achieving these outcomes (such as savings from reduced re-imprisonment).²
2. The broker issues bonds to investors to fund activity to achieve the contracted outcome. Investors could include any non-governmental or private sector organisation, such as banks, philanthropic organisations and / or charities.
3. The broker contracts providers to deliver services to the target population.
4. If the target outcomes are met, the government pays the broker their fee, providing a return to investors including interest. If the agreed outcomes are not achieved, government is not required to pay anything.

Shifting the risk away from government and towards investors presents a new level of risk for investors in their interactions with government, as investors now stand to lose their investment if outcomes are not met. This level of risk would therefore be reflected in the expected rate of return should the contract succeed.

Good data matters and is starting to become available

It is difficult to overstate the importance of good data to the success of social bonds. Thanks to initiatives such as the "investment approach to justice", agencies now have the ability to identify particular individuals and their families who, due to their circumstances, are likely to have multiple and complex interactions with government. This approach to data is helping us to identify those individuals who are most likely to require targeted effort to reduce their chances of being a "frequent flyer" in the Corrections system.

² In other words, future savings are "brought forward" to pay for outcomes now. For example, if we know the cost of keeping somebody on a jobseeker benefit is around \$11,000 a year (at a total lifetime cost of \$330,000), and the cost of keeping that individual off a benefit is around \$8,000 a year (\$240,000) – the net benefit is still \$90,000 to the Government.

For example, we know there are 3,834 young people in Northland between 15 and 24 years old who are at risk of poor long-term outcomes.³ We also know that Corrections is managing 525 of these young people, including 63 who are in prison. This level of detail allows us to identify those individuals under Corrections management whose risk factors increase their chances of re-offending, and create a cohort for a social bond.

Potential benefits of social bonds

A significant benefit of social bonds is the ability to involve more of the private sector in contributing to improved social outcomes. This provides an opportunity for government to ensure that more players have a stake in solving tricky social issues.

By paying for outcomes and not outputs, social bonds allow providers to trial innovative programmes and techniques to meet the goals of the contract. Private sector investors are likely to have a higher risk threshold than government, and as such may be prepared to try new approaches to solving old problems. Any innovations could then be adopted and, if appropriate, applied in a wider setting.

Perhaps the most significant benefit of social bonds is the "no win / no fee" aspect. This suits government and agencies well as it transfers the financial risk of project failure to investors. This means government can potentially make headway on difficult social issues without having to fund a whole programme, and can justifiably claim responsible use of tax-payer funds.

Potential risks of social bonds

Difficulty attracting investors

One possible risk is that the market for social investors is relatively untested in New Zealand. This, combined with the potential risk of losing any initial investment, could make it difficult to attract financing. The seemingly enthusiastic development of social impact funds in Australia, however, suggests that funds would be available for social investment opportunities in New Zealand. This could either be through the development of similar funds domestically, or through direct investment from Australian funds.

Attribution and gaming

Perhaps the most widely reported risks and concerns around social bonds relate to:

³ Extracted from the Integrated Data Infrastructure (IDI) in 2015. Risk factors for youth include a child having a parent with a Corrections history, a CYF notification, a mother with no formal education, or they are not enrolled in education or training.

1. attribution – confidence that outcomes are a direct result of provider efforts, and not some external influences
2. gaming – concern that providers may be cherry-picking the “easiest to treat” individuals, making little difference to the hardest to reach within the cohort.

These are valid concerns – issues around attribution and gaming can undermine confidence in the efficacy of a programme. Such concerns are common amongst all outcome-based payment structures. However, if the target cohort is well defined – that is, it is made up of the most vulnerable / hardest to treat people (for example, those most likely to re-offend) then attribution and gaming become less problematic.

Evidence around social bonds

While there are over a hundred social bonds being explored or implemented around the world, there are two well-known examples that illustrate their success as a contracting / finance tool, both of which were put in place to reduce re-offending:

1. Her Majesty’s Prison (HMP) Peterborough (UK)
2. Riker’s Island (New York, USA).

Despite different outcomes for participants, both of these programmes are considered a success for their use of social bonds.

Peterborough (UK)

The Peterborough trial was the world’s first social bond trial, and took place between 2010 and 2015. The trial introduced an intervention referred to as “One Service” within the prison, and supported short-serving adult male offenders before and after release from prison. This involved contacting offenders before release to introduce case workers, have their needs assessed and plan resettlement activities. One Service then worked with offenders for 12 months following release, even if the offender returned to prison in that time.

Results after the first year showed sufficient reduction in reconviction rates, which put the Peterborough pilot on track for payment at the end of the trial. The results of the second cohort, and whether investors will receive their investment returned with interest, will be known later in 2016 (Disley, Giacomantonio, Kruithof and Sim, 2015).

Peterborough was originally intended to operate until 2017, but was ceased as a social bond in 2015 due to nationwide changes to the probation service in the UK, which incorporated many of the initiatives that One Service provided, including a payment by results component for providers. The sudden lack of a control group made it difficult to evaluate the success of the overall programme, despite strong interim results, and the programme was discontinued.

However, it is indicative of the success of the Peterborough trial that the first cohort experienced a reduction in re-offending. This has led to the unusual situation of regarding Peterborough as a qualified success – it achieved outcomes but was prematurely concluded.

Rikers Island (New York)

The social impact bond for Rikers Island was the first of its kind in the USA, and was finalised in 2012 (Chen, 2012). This social bond focused on reducing re-offending for young offenders at Rikers Island, with somewhat challenging success conditions. The investors – the prominent investment bank Goldman Sachs – would only receive their full principal investment of \$9.6 million USD back if recidivism dropped by 10 percent, and would be eligible for a return on their investment if recidivism dropped further.

The second factor that differentiated Rikers Island from other social bonds was that Goldman Sachs was only liable for a portion of their initial investment, which was \$2.4 million USD, as the Bloomberg Foundation had guaranteed a \$7.2 million loan to minimise the risk to the bank. This was intended to encourage investors to support social bonds, thus creating a market for future work.⁴

The Rikers Island trial did not achieve the desired reduction in re-offending, and investors did not receive their investment. While the trial was unsuccessful in its outcomes, it can be considered a success for social bonds as a contract and financing tool for government. Despite the failure to reduce re-offending among youth, the City of New York had not spent any money on a programme that did not deliver results.

Putting it all together - potential opportunities for social bonds with Corrections

Data and information are improving about where the biggest costs of offending lie. In particular, programmes such as the investment approach to justice are providing insights into which individuals are most likely to enter a cycle of offending / re-offending, as well as how much these individuals are likely to cost the government and society over their lifetimes. This data lets us identify cohorts of individuals that could be considered as part of a social bond.

Let’s consider a hypothetical scenario which could form the basis of a social bond. We know there are 525 young people in Northland aged between 15 and 24 who are

⁴ It is worth noting that the then Mayor of New York City, Michael Bloomberg, was a proponent of introducing private financing into achieving social outcomes.

currently managed by Corrections,⁵ at an annual cost of around \$5.7 million.

Using data from the Integrated Data Infrastructure (IDI), we should be able to identify which of these individuals have risk factors that increase their likelihood of re-offending, as well as the estimated lifetime costs to government. Let's say we identify a cohort of 300 individuals with a particularly high risk of re-offending,⁶ with an annual cost to Corrections of \$3.9 million.

We might introduce a social bond to reduce re-offending within that group by 10 percent, and offer \$300,000 to investors if this is achieved. On the basis that the potential saving to government is estimated to be \$390,000, which is 10 percent of \$3.9 million, government is financially better off if the goal is met. If re-offending is not reduced by the 10 percent goal, then government is not out of pocket.

This is a simplistic example of how we might introduce a social bond into Corrections, with a range of other approaches that could be considered.⁷ There is however, significant potential for social bonds to be another tool available in our efforts to reduce re-offending.

Conclusion

The evidence suggests social bonds are increasingly seen as a viable social policy tool, and have the potential to contribute to difficult social policy problems such as reducing re-offending.

For social bonds to work, we would need to focus on identifying the right cohorts – this will ensure that effort is targeted to those who most need it, while reducing risk around attribution and gaming.

Social bonds are not a replacement for traditional government or agency work, and should rather be seen as another part of the toolkit for helping to resolve difficult social problems.

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⁵ This number includes 462 offenders managed in the community, and 63 in prison.

⁶ Based on 250 community and 50 in prison

⁷ We could, for example, consider graduated payouts for partial success, or interim payouts if particular milestones are met.



The Hutt Valley Justice Sector Innovation Project: a case study on proactive approaches to innovation

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Introduction

Corrections faces many challenges including the use of smartphone technology in prisons, increasing numbers of offenders and the over-representation of Māori. We need to look for new and proactive ways of working to address these challenges. Proactive approaches to the innovation process can prevent risks from developing into issues, ensure that innovative initiatives are successfully implemented, and assist in sustaining a culture of innovation.

The Hutt Valley Justice Sector Innovation Project (the Project) provides examples of proactive approaches at different stages of the innovation process including the use of a strategy for innovation, a focus on 'planned innovation', 'going outside then going inside', and the use of innovation working groups. These approaches may be beneficial when considering innovation in other areas of New Zealand Corrections.

Background

The Justice Sector Leadership Board (the Board) initiated the Project to encourage local operational managers to develop new ways of working together to improve service delivery in the Hutt Valley. The Board set key objectives of reducing crime, enhancing support for victims, and identifying and implementing innovative initiatives that achieve the justice sector Better Public Services targets. Phase I of the Project involved the working group identifying ten innovative initiatives that were endorsed by the Board. Phase II focused on implementing these initiatives and improving the connectedness of justice sector services in the Hutt Valley.

The Project was highly successful and won the Excellence in Achieving Collective Impact category at the 2014 Public Sector Excellence Awards. Although it formally closed in 2013, the Project has enabled operational managers to improve the way they work

together. It also helped them develop a culture of sustained innovation in the region.

The group continues to meet monthly, despite personnel changes, to develop innovative initiatives to deliver together. The final report on the Project noted that, *"while relationships are strongest among the managers in the Working Party, there are signs that this more connected, proactive and problem-solving approach is starting to filter down to the next tiers, indicating the beginning of a wider shift in culture"*.

The model has also been implemented in Porirua and Wellington, and senior leaders are considering the establishment of a Wellington District Governance Board to provide oversight of all three groups.

A strategy for innovation

At any given time a large organisation will be faced with many technological, practice or process issues or opportunities that require new ways of working. However, not all 'innovation needs' can be an immediate priority due to fiscal or other constraints. Private sector organisations often use innovation strategies to help them identify and prioritise innovation needs and align decisions about the development of initiatives with the overall business strategy. These strategies can ensure that innovative initiatives are successful, the organisation's ability to innovate is sustained, and different parts of an organisation do not pursue conflicting priorities.

In his article for the Harvard Business Review, *'You Need an Innovation Strategy'*, Gary Pisano notes that effective innovation strategies determine how an organisation is expecting innovation to create value, include a high level plan for allocating resources to different kinds of innovation, and manage trade offs. He also notes that these strategies must be mandated by the most senior leaders as innovation can cut across almost all functions of an organisation (Pisano, 2015).

Although more commonly associated with private sector companies, a similar type of innovation strategy has been developed in a corrections context. Correctional institutions worldwide face numerous challenges including offender population changes, shifts in offender demographics, workforce demands, budgetary constraints, offender recidivism, and safety and security issues. Given these challenges, institutions must identify opportunities to change the tools they use, alter their practices and processes, and improve performance. The RAND Corporation recognised the role of innovation in responding to these types of challenges and developed an innovation agenda. The purpose of the agenda was to identify high-priority technology and other innovation needs for the United States corrections sector (Jackson et al, 2015).

The research group conducted a literature review of corrections challenges and convened an advisory panel to identify innovation needs. The needs were then prioritised against the eight overarching policy goals of the US Corrections sector.

Unlike the private sector strategies, the RAND Corporation agenda was not used to make decisions about the development of specific initiatives; rather, it was used as a research tool to help agencies within the US corrections sector consider which innovation options to pursue. The group also developed an interactive tool so the agencies could adjust the ranking of the eight policy goals to see how the prioritisation of the innovation problems would change based on their specific organisational policy goals.

While not identical, the Project approach had similarities to private sector innovation strategies and the RAND Corporation innovation agenda. The Project was initiated and mandated by the most senior leaders of the justice sector (the Board), who established a set of objectives to guide the identification of innovation needs and development of the innovation initiatives. In order to identify needs, managers from each justice sector agency conducted a review of ongoing or new initiatives across the Hutt Valley, and consulted with the social, NGO, iwi and community sectors. The identified initiatives were then prioritised, and ten were selected for development based on their ability to fulfil the Justice Sector Better Public Services targets.

The strategic approach enabled the Project group to achieve much the same results that innovation strategies are intended to achieve for private sector companies: 'innovation needs' were identified and prioritised, the initiatives selected for development were successful, the group's ability to innovate has been sustained, and all justice sector partners were pursuing consistent objectives.

Planned innovation

The Project provides an example of a proactive response to risk through the use of 'planned innovation.' In his article *'Designing for Change: Problems of Planned Innovation in Corrections'* Harold Bradley defines 'planned innovation' as 'a response to a need in advance of the situation that actively demonstrates the need.' The opposite approach is 'adaptive innovation' which he defines as 'a reaction to a situation after the fact' (Bradley, 1969).

Notable examples of adaptive innovation within New Zealand Corrections include the Community Probation Service Change Programme that was implemented, in part, due to high profile incidents involving offenders on probation. More recently, External Advisory Boards were implemented, partially in response to the overseas departure of a prisoner on temporary release. Adaptive innovation is a necessary means of responding to significant events. These types of innovations routinely arise from recommendations made as part of Ombudsman investigations, operational reviews, Inspectorate reports and government inquiries.

As existing issues can pose immediate risks to safety or security, adaptive innovation can often be prioritised over planned innovation. However, a planned innovation approach can encourage changes to technologies and practices to prevent potential risks from developing into actual issues or serious incidents. The structured and proactive nature of the Project provided the working group with an opportunity to focus their efforts on planned innovations.

A simple, yet effective, example of planned innovation is demonstrated by the Project's information sharing initiative. As the justice system manages dangerous offenders and vulnerable victims, there are significant risks in not sharing information in appropriate situations. Accordingly, the team worked to implement enhanced information sharing processes between agencies.

As part of this initiative, the team noted that there were tensions between rival gang members who were appearing at the Hutt Valley District Court at the same time. In response, Police, courts and local prisons established a new process of planning hearings for members and associates of opposing gangs on different days of the week. Prison and court security staff also worked together to implement a new information sharing process to provide prisoner gang affiliation details. This successful example of planned innovation has enabled the team to identify a potential risk of violent gang clashes in the court, and implement new processes to minimise this risk before a major incident occurs. Hutt Valley area commander Inspector Mike Hill noted that, *"they might still live in the Hutt Valley, but we don't need to bring them together and risk a*

clash out the front of the Hutt Valley District Court” (Easton, 2014).

As part of the mobile community office initiative, the team also noted that people in vulnerable areas could fail to take steps to clear their Warrant to Arrest for various reasons, including a lack of access to social and justice services. In response, the team established a new practice of deploying the mobile office van to vulnerable areas and encouraging the public to address those warrants before they resulted in more serious action. Inspector Hill noted that, *“We’ve also gone to some vulnerable suburbs saying, look, come and clear up your warrant to arrest before [hand] because, if you don’t, you’ll have to go to court or get arrested. We can do it all at the van. It’s not hanging over your head, you’ve cleared it, which is better than clearing it at midnight when we stop you in your car”* (Easton, 2014).

‘Going outside then going inside’

The Project provides an example of a proactive approach to the idea generation phase of the innovation process by *‘going outside and then going inside’*. The technique involves searching for novel technologies or processes outside of an organisation’s given field, and bringing those innovations back into the organisation. The approach is often used by private sector companies to help identify unarticulated or unknown needs of customers, or to identify services that customers may need before they realise they need them.

Air New Zealand recently noted that they use the approach to gain a competitive advantage over their rivals (Freed, 2015). As an example, their team identified a GPS wrist band being used at Disney World to manage queueing and to track customer movements through the park. Air New Zealand adapted the idea to the aviation industry and developed a world-first “Airband”, which is a wrist-strap worn by children who are travelling alone. The band is embedded with a chip that is scanned at key stages of the journey to trigger text notifications. These notifications assure guardians that their child is safe.

The collaborative nature of the Project exposed Corrections staff to practices used within other justice sector agencies that could potentially be used in a Corrections context. As an example, one of the ten initiatives developed by the working group was the expansion of Operation Relentless from Police to all justice sector agencies. Police often use Operations as a *“high profile, highly visible and co-ordinated approach to deployment to ensure that the community has a heightened awareness of a particular issue”* (Edwards, 2015).

The Project expanded Operation Relentless so that other justice sector agencies, including Corrections, adopted the approach. The purpose of the expansion

was to use all the resources of the different agencies to raise awareness of an issue and reduce crime. Inspector Hill noted that, *“instead of throwing just 200 police staff at a problem, we can mobilise the 800 Justice sector staff who work in the Hutt Valley”* (Edwards, 2015).

All justice sector agencies worked together to develop individual operations that lasted between three days to a week, and occurred every three months. Each operation focused on a particular theme such as alcohol, youth or families at risk. Once the theme had been selected, each agency developed actions they could undertake individually or with partner agencies. The first theme of the Operation was to reduce crime by raising awareness of drink driving issues, and actions taken by Corrections included conducting vehicle checkpoints around prisons and developing informative pamphlets for offenders and visitors.

Innovation working groups

The Project provides an example of a well-structured and managed ‘innovation working group’. Careful consideration of the structure and operation of these groups can help organisations improve their performance by providing group members with opportunities and resources to implement innovative initiatives.

In his article, *‘Sparkling Fountains or Stagnant Ponds: An Integrative Model of Creativity and Innovation Implementation in Work Groups’*, Michael West argues that innovation working groups are more likely to be effective when they are able to operate with a degree of autonomy and their tasks have the following characteristics: completeness of tasks, varied demands, opportunities for social interaction, opportunities for learning, opportunities for task development, and task significance. These conditions may ensure that individual members are interested and engaged in their work, and have a high degree of intrinsic motivation (West, 2002).

The composition of working groups also determines whether they can successfully innovate - *“groups composed of people with differing professional backgrounds, knowledge, skills and abilities will be more innovative than those whose members are similar, because they bring usefully differing perspectives on issues to the group”* (Paulus, 2000). However, if the group is too diverse they may not be able to work together, communicate and co-ordinate their efforts. West noted that, *“the challenge is to create a sufficient diversity within the team without threatening their shared view of the task and their ability to work together effectively”* (West, 2002).

The success of a working group can also be impacted by external demands such as leadership expectation,

time constraints and organisational uncertainty. The innovation process can be broadly defined as containing two main phases: the early creativity or idea generation phase, and the later implementation phase. Studies suggest that people will be motivated to innovate in response to external demands, threat and uncertainty (Bunce & West, 1995; West, 1989). However, these factors can impact the two broad innovation phases in different ways. They can inhibit the creativity phase, yet facilitate the implementation phase. West suggests that, "where the level of group task characteristics that encourage intrinsic motivation and external demands is high, then innovation implementation will be at a high level." (West, 2002).

The Leadership Board gave the working group a mandate that included both support and autonomy, and the tasks of individual members met the characteristics required to produce intrinsic motivation. The group also consisted of diverse members from across the justice sector including: a Police area commander, a local prison manager, Community Corrections managers, a court services manager and a youth justice manager. The individual members came from diverse professional and personal backgrounds, yet still possessed sufficiently overlapping skills and knowledge to communicate effectively and work towards common goals.

The group was also faced with external demands; in particular, time constraints given that they were completing the work in addition to their standard roles, and the high expectations of the Leadership Board. As the group developed pre-existing ideas, these external demands did not overly impact the creativity phase. However, they did provide propulsive tension to facilitate the implementation phase. The final report on the Project noted the working group was able to innovate successfully, in part, due to these external demands - "Having a clear mandate from the Leadership Board to work together on improving justice services, as well as an expectation from them that new initiatives and improved services would be delivered, provided a real opportunity to try some new things and deliver on ideas that had previously stalled or not got off the ground."

Conclusion

Innovation in correctional environments has previously been criticised as overly reactive. Reactive innovation can be a necessary means of responding to significant events to improve the delivery of services and to protect offenders, staff and the public. However, proactive innovation can go one step further; it can identify areas of potential risk, or areas of unfulfilled potential, and encourage progressive change. A proactive approach to the project structure, idea generation and

implementation phases of the innovation process can also ensure success.

The Hutt Valley Justice Sector Innovation Project provides examples of successful, proactive approaches to innovation. These concepts may be beneficial for wider Corrections in New Zealand to consider when developing future innovation initiatives. When awarding the Project Team the 2014 Public Sector Excellence Award, State Services Minister, Jonathan Coleman, noted the positive impact of the proactive approach to innovation when he commented that, "these agencies are focused on outcomes, not outputs, and are making a real difference in our communities. It is clear that agencies are continuing to work more effectively to deliver better value and better results for New Zealanders."

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What Works: A new model of public service delivery?

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"We often have no idea whether the things we do in government actually work or not, and achieve their stated goals. This is a disaster." – Ben Goldacre, author of Bad Science (Goldacre, 2012).

In a climate of austerity, governments have become less willing to spend money where outcomes are uncertain or untested. Though medical treatment, crime reduction, and education are all worthy aims, the vehicles for achieving those aims have not always delivered as hoped.

With this greater push for results, a new model for determining which interventions to support has become the flavour *du jour*. Evidence-based policy is the new mantra which public servants and politicians across the world are following. New institutes, think-tanks, and lobby groups have been established to spread their preferred policies backed up by their evidence – but some believe that evidence-based policy is little more than a catch-cry, preventing honest engagement with the ideas presented.

The United Kingdom is world-leading in its commitment to the use and propagation of evidence-based policy. In 2010 the Cabinet Office established a Behavioural Insights Unit, known as the "Nudge Unit" after the 2008 book of the same name (Thaler & Sunstein, 2008). This team uses the disciplines of economics, psychology and public policy to test, trial and develop new or redesigned public services for better outcomes.

The United Kingdom has also established a network of seven What Works Centres – across fields as diverse as health, education, economic growth, and crime reduction. These centres have been set up as independent advisory bodies in their fields. The establishment of the What Works Network (the network) is grounded in the use of evidence-based policy, fiscal responsibility, and local decision-making (HM Government Cabinet Office, 2013). Each of the What Works Centres will focus on six key tasks within its area of policy:

- generating evidence synthesis (based on existing research)

- producing and applying a universal method for comparing the effectiveness of interventions
- putting the needs and interests of research users at the centre of its work
- publishing and disseminating findings in an understandable and usable format
- identifying research and capability gaps and working to fill them
- advising those undertaking research and projects to ensure their work can be evaluated effectively.

The use of evidence-based policy is not itself new – however, the level of commitment to it, and its pairing with independent advisory bodies, local decision-making, and operational focus make it a formidable development in the policy world of the United Kingdom.

Nothing works: rehabilitation or incapacitation?

In 1974, Robert Martinson authored a paper titled What Works? – Question and Answers about Prison Reform (Martinson, 1974). This paper concluded that "the present array of correctional treatments has no appreciable effect – positive or negative – on the rates of recidivism of convicted offenders". Cullen and Gendreau note that this review "gave legitimacy to the anti-treatment sentiments of the day; it ostensibly 'proved' what everyone 'already knew'. Rehabilitation did not work" (Cullen and Gendreau, 2000). Spencer claims that the political response was to move resources from rehabilitation to incarceration, but that researchers were equally quick to move into more sophisticated analysis to develop better information about what does work in rehabilitation (Spencer, 2013).

The United Kingdom and the United States for a period firmly espoused this "nothing works" view of rehabilitation, and the governments of Thatcher and Reagan held hard-line views on crime (Hollin, 2000). Martinson himself later went on to recant the conclusions of the 1974 paper. In the mid 2010s, crime and rehabilitation are again at the forefront of public policy debates, with David Cameron expressing

a need for better provision of rehabilitation in prisons (Cameron, 2016). The debate has come full circle, and the United Kingdom is now embracing the use of evidence to support crime reduction.

The What Works Centre for Crime Reduction

The What Works Centre for Crime Reduction (the Centre) is based inside the College of Policing (the College). The College is focused on activities across three key areas of policing; knowledge, standards, and education. The Centre complements the existing functions of the College, while enhancing its ability to collate, distil, and propagate research and analysis of effective crime reduction policies and practices. A crucial measure of success for the Centre and the College itself is how the research and information they develop and provide is then incorporated, accepted, and actioned within police forces across England and Wales.

Evidence-based policy is of little value if poorly implemented or understood by decision-makers. The Centre attempts to address this potential limitation through its key outputs, a Crime Reduction Toolkit, and a series of What Works Briefings. These are targeted towards operational decision-makers, providing practical, accessible and expert advice on what exactly has been found to be effective in reducing crime – one topic at a time.

The Crime Reduction Toolkit

To create the toolkit, the Centre uses meta-analysis to examine research on particular interventions, incorporating both primary analysis and literature reviews, to create a synthesis of what all available evidence tells us about particular methods of reducing crime. In this way, the Centre produces relevant and up-to-date information about interventions used across the world, their effectiveness, and the necessary details about implementation. An important element of the toolkit is that it examines where and how interventions work, recognising that success is not simply a matter of replicating previous examples, but adapting them to one's own context. A common concern about evidence for interventions is about reproducibility and validity in a new context. The Centre attempts to address this through evaluating what information studies provide about implementation.

The toolkit currently consists of reviews and evaluations of 35 different types of intervention, and their effectiveness in reducing crime. New reviews are added regularly. Interventions assessed to date include restorative justice conferencing, electronic monitoring, alcohol ignition interlocks, and street lighting. The toolkit is not simply a list of all available intervention with a tickbox – though it is that. Each intervention is assessed against five criteria for an overall evaluation.

The scoring looks not only at whether the intervention has been shown to reduce crime, but also the quality of the data available, and how useful it will be to decision-makers. These criteria are:

- impact on crime (effectiveness)
- how it works (theory)
- where it works (context)
- how to do it (implementation)
- the economic argument (cost / benefit analysis).

These criteria can provide a guide to the robustness of the evidence for an intervention, and highlight potential gaps in evidence. Not only does the Centre provide guidance as to which interventions are effective, it also identifies those that research shows to be ineffective or, worse, actually increase offending. "Scared straight" style programmes and youth-involvement in the adult justice system have both been identified as potentially increasing criminal activity in participants – a perverse outcome which demonstrates the value of research in this area. Without robust evaluations of programmes, ineffective or harmful interventions may be propagated.

The Centre also provides a "research map" where it tracks research across the United Kingdom about crime reduction, providing a centralised location for academics and researchers to make contact and access relevant projects.

The Centre will be evaluated over a three-year cycle. The first evaluation was published in February 2015, as a baseline of knowledge about the College and Centre, and of the use of research in policing. The findings were promising; most interviewees were regular users of research, and believed that the Centre held promise for the future of policing. The evaluation also found that to be effective in propagating research and increasing the use of evidence by practitioners, the Centre would need to be a long-term resource, building a reputation and culture of quality outputs. In this account, decision-makers are reluctant to change practice or develop new methods of policing if they view the source of evidence or guidance as unreliable, "fad-like", or risky. Therefore, the Centre is in a position of not only producing and collating evidence and research, but also of needing to engage with the policing community and Government to ensure that their mandate and role is understood and supported at all levels (Hunter, Wigzell, May & McSweeney, 2015).

Nudging: randomised controlled trials

While the Centre for Crime Reduction largely limits itself to collation and analysis of existing research, along with academic partnerships, the Behavioural Insights Team is deeply involved in actively identifying new ideas and innovative policies – and trialling them (Haynes, Service, Goldacre & Torgerson, 2012). They

have undertaken pilot schemes trialling various models and implementations to identify which is effective at producing the desired outcomes (Behavioural Insights Team, n.d.).

The core of the theory behind the Behavioural Insights Team is that regulation and policy decisions can be unresponsive to normal human behaviours and beliefs, and that smarter regulation or better designed services can have dramatically different outcomes. In pursuit of better outcomes which preserve choice and freedom for citizens, they undertake trials and experiments – with robust checks and balances – to determine how public services can be delivered effectively.

Experiments have taken place in areas as varied as organ donations, hospital appointments, tax compliance, and charitable giving. With scaled, scientific trials, this team can say with authority that they have identified what models will result in the right outcomes. Not only are they testing whether current models are effective, they are comparing them with alternative methods to ensure opportunities and gaps are identified.

The West Midlands Police Force in England has partnered with the Behavioural Insights Unit. Chief Superintendent Alex Murray notes “Embedded change will only take place, however, when the hearts and minds of police leaders embrace evidence-based approaches themselves.” Murray is also heavily involved with the Society of Evidence-Based Policing, a charity which seeks to ensure research evidence is communicated, produced, and used – much like the What Works Centre aims to achieve (Ruda, 2015).

Limitations of the model

Where is the evidence?

Whyte takes issue with the notion of evidence-based policy altogether. He contends that interest groups promote studies which align with their pre-existing views, that many scientific studies are far from rigorous and ignore costs and changes in behaviour, and that many experts are held up as having answers to complex issues when their actual field of expertise is much narrower (Whyte, 2013). He provides the example of climate scientists whose views as to which policies to implement are treated with more respect than warranted, given that the scientist is not an expert in political matters, nor in economics, nor international affairs.

Whyte is further concerned by his view that political discourse is stifled by the use of evidence-based policy. Opponents of the evidence or those who question models used are portrayed as anti-science, and he argues that there are so many instances where evidence-based policies have had serious flaws that the

term is no more than a panacea to provide a defence for expensive and interventionist policies. Whyte is correct in stating that appealing to evidence of any sort is not sufficient for a policy to be implemented; the evidence must be reproducible, rigorous, and relevant. However, examples where this has not been the case are not reason to claim that evidence-based policy is implausible as a model.

That doesn't work where I'm from

Tseng, in *The Uses of Research in Policy and Practice*, identifies some potential barriers to the use of research and evidence in decision-making (Tseng, 2012). A range of legitimate concerns with the relevance of research are expressed, as well as some differing ideas about what is defined as evidence. Practitioners tend to place value on research that bears direct relevance to their location, demographic, or other variables, while being sceptical about the possibilities of cherry-picking results and studies to prove conclusions.

Decisions must still be made

In a technocratic model of government, public fears about crime or healthcare would not influence decision-making. Evidence would determine the appropriate course of action; which medicines to fund, which offences to target and how to improve educational outcomes. However, in the United Kingdom, as in New Zealand, politicians make the ultimate calls about what acts are crimes, what priorities Police will address, and how medical care should be distributed among the population (Rutter, 2012). By one measure, this is a limitation for evidence-based policy; public pressure and political necessities may scuttle potentially promising policies (O'Malley, 2013). By the same token, some measures may be effective and recommended, but have costs in terms of freedom or choice that are too important to overrule.

What next for evidence-based policy?

Unlike the fields of medicine or engineering, where new techniques for treatment or development are only advanced when proven safe and effective, crime reduction and policing are heavily politicised and use of solid evidence and research in decision-making is not as embedded.

Context matters. Practitioners raise legitimate concerns about the validity of findings from different contexts. Concerns have arisen about the reproducibility of psychological studies. People respond in ways that can be unpredictable. The Centre does not claim to have found a silver bullet for preventing crime. What it offers is a roadmap: offering practitioners evidence of what has been studied to date, providing academics opportunities for grants and projects, and

demanding rigour in analysis in a sector where this is a recent development.

We await with interest the results of the Year Two evaluation of the Centre. Reliable evidence for crime reduction techniques in policing is one part of the test; implementation will remain a challenge.

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Profile: Ian Lambie, Chief Science Adviser for the justice sector



Tēnā koutou, tēnā koutou, tēnā koutou, katoa

My name is Ian Lambie and I am the newly appointed chief science adviser for the justice sector. I thought that it would be good to start with a brief introduction about myself and how I see my role developing across the sector.

I am the inaugural appointment, starting in December 2015. I will spend 40 percent of my time in the justice sector and the remainder at the University of Auckland.

I was born and raised in Dunedin. My career began as a comprehensive nurse in acute psychiatric and surgical nursing in Dunedin, Auckland and Sydney. From this work I gained an interest in psychology and completed an undergraduate degree at Otago University. Following this, I moved to Auckland where I trained as a clinical psychologist at the University of Auckland, graduating in 1990. Upon registration I worked intensively with adolescent sexual offenders for over 15 years, using wilderness-based group therapy within a family therapy agency (the Leslie Centre). In its day it was considered pioneering work. It was what I referred to as “psychology in the real world”, and while it was not everyone’s cup of tea I loved the challenge and the opportunity to work with young people in a natural environment. I then returned to University and completed a PhD on adult sexual offenders and male survivors of sexual abuse.

I continued working with youth offenders until I accepted a lecturing position at the university teaching clinical and forensic psychology. During this time, I have been a member of the Independent Advisory Group on youth offending chaired by Judge Becroft and, more recently, the Youth Crime Action Plan (YCAP); both part of the Ministry of Justice. To date, I continue to work closely with Police, Fire Service, Child, Youth and Family and the Ministry of Education in consultative, clinical and supervisory roles. I am currently on the Board and Clinical Advisory Group of SAFE Network in Auckland – the community programme providing treatment for sexual offenders in Northland, Auckland and Waikato/Bay of Plenty. I am also on the Clinical Advisory Group of Youth Horizons Trust.

Most of my research has been in the area of sexual offenders and youth offenders – arson, violent and sexual offenders – and this mirrors my clinical work. Throughout my time at the university I have considered it an important principle that if you are going to teach clinical psychology it is vital to continue to practice as a psychologist. In addition, clinical practice has allowed me to fully understand the true reality of the work. I believe it is important to work clinically and be informed by evidence-based practice which includes clinical and research knowledge. I bring to my role as science advisor both academic and practical perspectives.

The role of science advisor is a new appointment. The team is led by Sir Peter Gluckman, Chief Science Advisor to the Prime Minister. There are science advisors appointed for Ministry of Social Development, Health, Education, Environment, Conservation, and Ministry for Primary Industries.

The role was borne from recognising the value in the better use of evidence-based research in government, and how in translating this research it can be applied and used productively across government ministries.

Reducing the gap between research and policy will require ongoing engagement of the scientific and policy community, and that of the public, which in turn will work towards effecting trust and ongoing credibility. I see my role as a conduit for the synthesising and interpretation of scientific data, to inform policy and stimulate discourse within these communities. The justice sector science advisor will primarily operate across the justice sector but I will be striving for a collaborative working approach across the social sector which will afford the opportunity for our vulnerable communities to be intensively supported in areas such as health and education, as well as justice. Working with the other three science advisors from the social sector will enhance cross-ministry work and assist in raising the profile of relevant projects and the importance of using data to guide policy.

In my role I will be providing visibility across the sector’s research programme and collaborating with sector leadership on current work to improve the sector’s policy capability and use of knowledge. I will also be working with the Justice Sector Leadership Board and with sector agencies to promote and guide the development and better use of shared knowledge

across the sector. I will aim to ensure that the sector has the best evidence base possible, and that this is appropriately integrated into policy development and advice to government.

Reviewing the budget bids to treasury is one example of the work science advisors in the social sector have been undertaking. Other examples of work include providing feedback on the crime and safety survey, input into the interagency strategy to reduce the number of Māori in the justice system and youth court jurisdiction. The justice sector is currently developing a number of investment briefs and I am working with others in a cross sector to support and enhance this work. The advisors are also providing feedback on the Integrated Data Infrastructure (IDI) which combines information from a range of ministries (such as health and education data) to provide the insights government needs to improve social and economic outcomes for New Zealanders. With all personal information removed, the IDI gives a safe view across government so agencies can deliver better services to the public and ensure investment is made where it's needed most. Integrated data is particularly useful to help address complex social issues such as crime and vulnerable children. This has a direct impact on the work in the Department of Corrections. Other work I intend to focus on includes ways of addressing the increasing incarceration rate and looking at what short-term options may be available to address this.

Finally, living in Auckland (and having existing relationships with Police and the Department of Corrections Psychological Services) will enable me to also promote interagency work across our biggest city. Auckland has one third of New Zealand's recorded crime and any significant changes in volumes in Auckland will make a considerable contribution to achieving Better Public Services targets. The government is also focused on Auckland from a Better Public Services perspective and my role will assist in how we better use data to achieve this.

It is a privilege to be part of such an eminent group and I look forward to working alongside others in the justice sector, supporting and enhancing the enormous contribution you already make.



When you really can't "know thy self" – what next?

Dr Crista McDaniel

Practice Manager Psychologists and Programmes Central Region, Department of Corrections

Author biography:

Crista has been with the Department since 2003, first as a senior psychologist, then principal psychologist. Before coming to New Zealand she worked with civilian trauma victims, combat veterans, Native Americans, and spent some years as a forensic examiner.

"Now what is the message there? The message is that there are known 'knowns'. There are things we know that we know. There are known unknowns. That is to say there are things that we now know we don't know. But there are also unknown unknowns. There are things we don't know we don't know. So when we do the best we can and we pull all this information together, and we then say well that's basically what we see as the situation, that is really only the known knowns and the known unknowns. And each year, we discover a few more of those unknown unknowns." — Donald Rumsfeld (n.d.)

"Life, too, is like that. You live it forward, but understand it backward. It is only when you stop and look to the rear that you see the corpse under your wheel." – Abraham Verghese, Cutting for Stone (2009)

Introduction

Each of us will make countless decisions in a lifetime. Most of us would argue that our decisions are largely sound and rational; however, a number of researchers have discovered that people aren't always as rational as they would like to believe. Their insights can teach us about potential blind spots and methods to mitigate the risks involved.

If someone asked you if you are competent at your job, what would you say? How would you rate your performance compared with that of your peers? How would you rate your ethics, compared to others? How would you assess your decision-making skills? Would your peers and managers agree with your self-evaluation?

I hope the following information, which is only a sample of the research on self-insight and decision making, will encourage you to explore this area for yourself. The research could influence how you assess competency (yours and other people's) change how you approach feedback and encourage more critical decision-making skills.

When reflecting on this article consider the following:

1. People are very skilled at understanding human nature, but are not as skilled at self-examination. We easily address our inability to accurately self-reflect by seeking regular observation, videotaping of our work, and/or regular feedback from others.
2. Corrections has developed many processes to support good decision making. Our use of actuarial and structured clinical tools like the STABLE and DRAOR help us capitalise on the System 2 thinking described in this article
3. While feedback is crucial in our growth and development, taking feedback can be a challenge. The main thing to remember is to approach any feedback with a sense of curiosity; this will pave the way for growth.
4. When making organisational decisions around issues that have risk and/or ethical implications, don't make them hastily or in isolation, and be sure to seek diverse opinions. Listen carefully to all the feedback to ensure robust decision-making. Remember, how we define the problem is important to the solution.

Self-insight

David Dunning, a researcher from Cornell University (2014), contends that despite a lifetime of considering our strengths, weaknesses and skills and with a strong motivation to assess ourselves accurately, "we often reach flawed and sometimes downright wrong conclusions." Further, he argues that we are consistently better at evaluating other people than we are in assessing ourselves, adding that "it is surprisingly difficult to form an accurate opinion of self even when there is motivation to understand."

Dunning, along with other researchers, has discovered that many people tend to be overconfident when assessing their performance, with more than 50% believing their performance is above average compared to their peers. "While this overconfidence decreased with decreasing knowledge or skills, he found that the gap between self-assessment and performance increased as an individual's performance became poorer (Yarkoni, 2010)." This finding has been replicated frequently enough that it has been dubbed the "Dunning-Kruger effect" after David Dunning and Justin Krueger, whose article was published in 1999.

Studies have revealed that peers, who know something about an individual, tend to be more accurate in their perceptions. For example, the rating of peers and supervisors outstripped self-ratings in how well a surgical resident would do on final exams (Risucci, Torttalani & Ward 1989). Roommates were better at predicting how robust their roommate's romantic relationships were relative to self-prediction (MacDonald & Ross, 1999).

Like Dunning, researchers have consistently found that people tend to be overly optimistic when they consider the likelihood of an event. For example, although marriage statistics suggest a 40 to 50% likelihood of divorce for first time married couples in the United States, 0% of the couples sampled believed that their relationship would be the one to end in divorce (Sharot, 2012). Bungee jumpers, in one study, thought they would be less likely to be harmed in a jump than the typical bungee jumper (Middleton, Harris, & Surman 1996). 94% of college professors in one sample believed they did above average work (Cross, 1977), and elderly drivers thought they would be better drivers than other individuals their age (Marottoli & Richardson, 1998). Loftus & Wanenaar (1988) found that lawyers overestimated the likelihood of winning cases that went to trial.

Dunning and his colleagues have come to believe that individuals don't recognize their own incompetence, defined as "performing poorly in some specific domain", "because the skills needed to perform a task competently, are the same skills needed to judge competent performance."

Dunning (2014) asserts that incompetent individuals tend to be overconfident in their knowledge and don't seem to experience uncertainty about their level of skill or knowledge.

Conversely, Dunning and colleagues (2005) observed that top performers were often unaware of their expertise in comparison to their peers because these individuals tended to assume that their peers had the same skills and knowledge. Both findings suggest that determining who among us is expert is not an easy or straightforward task.

Put in a work context, a medical specialist's advice to his or her client is based on that specialist's understanding of medicine. If their knowledge is incomplete or incorrect, then their advice could be limited in usefulness or even harmful. As Dunning (2014) explains, "the incompetent mind is not an empty place; instead it is filled with irrelevant and misleading life experiences, theories, facts, intuitions, strategies, algorithms, heuristics, metaphors, and hunches that regrettably have the look and feel of real knowledge." Consider the following example - an authoritarian and aggressive parent believes that harsh discipline is required and that this parenting style is superior to more gentle parenting methods. When asked about harsh methods, this parent may provide numerous "logical" explanations for harsh discipline while being completely unaware of any other options.

Dunning and colleagues point out that we typically know what we know and what we don't know, but are unaware of any gaps or incorrectly learned information - this missing information is part of the "unknown unknowns." As Dunning explains, a beginning chess player playing chess with a master chess player can never know how many other possible plays the master could make each time he or she moves a piece on a chessboard.

You may believe that you are not one of the incompetent individuals described by researchers. You may think you are above average in your knowledge and skill, but it is critical to understand that each of us will have tasks where our level of competence is questionable. And due to the limitations of our knowledge and understanding, we will be victims of the Dunning-Kruger effect, and we won't know it when it happens - in fact, we can't know it! This potential lack of awareness is why all of us need feedback from peers, colleagues, mentors, and supervisors. We need access to other perspectives. We also need to ensure some of that perspective-taking is independent of our particular work environment, to allow for more independent assessment of our skills and competence.

The gold standard for assessing competency and skill is direct observation and videotaping. Observation provides a direct view of our practice and gives the individual and supervisor a platform where strategies to enhance performance can be discussed. While direct observation tends to occur regularly in university and training settings, that same level of feedback may not continue once the individual enters the workforce, and as they move into more senior positions.

Feedback

While feedback opportunities provide an important method of improving skills and competency, giving and receiving feedback is not a straightforward task, and feedback doesn't always work as expected. Feedback

may be absent, biased, spurious or inconsistent. In addition, we tend to seek out and respond to feedback that supports our self-image (Dunning, 2014). Some people may be more open to feedback than others, some environments more conducive to feedback than others, and many people receive little or no training on how to give or receive feedback. Stone and Heen (2014) note that the receiver of feedback is the one that controls the feedback, but explain that most training on feedback is given to the person providing the feedback.

Carolyn Dweck (2007), a Stanford University psychologist, has been studying success and achievement for decades and has proposed two types of mindsets that can affect our ability to receive feedback. She explains that a mindset is a set of beliefs an individual holds about his or her qualities and abilities. One mindset contains a fixed view of intelligence or talent. When individuals display a fixed mindset, they tend to prove and document their intelligence and skills rather than developing them. They worry about their performance, they feel they must prove themselves, and are in competition with others. Mistakes or setbacks are punishing, and feedback can be perceived as criticism. In the other mindset labelled "growth," there is a belief that change can occur with hard work and dedication, there is a love for learning, an ability to take risks and make mistakes, and a greater sense of resilience. It is possible to have a fixed mindset about one area of life while holding a growth mindset in another. However, the growth mindset provides the most fertile ground for feedback. The good news is that people can learn how to move into a growth mindset. To promote the growth mindset, we need to provide a safe environment for feedback and reward the individual's efforts and strategies rather than rewarding talent or innate ability.

Dunning's research appears to support Dweck's assertion that feedback should target strategies, skills, and effort. Dunning (2005, 2014) reports that incompetent individuals did develop the ability to assess their performance more accurately once they learned the skills needed to produce a competent performance. At that time, these individuals become more metacognitively capable of evaluating their performance and this knowledge not only raised their performance but allowed them to reflect more accurately on their previous lack of skill.

System 1 and System 2 reasoning

So what are the thought processes that underpin decision making? The dual process theory of reasoning suggests that reasoning can be divided into two hypothetical systems (Evans & Over, 1996).

System 1 thinking can be conceptualised as a pattern detector. Reasoning in this system is based on prior experience and beliefs. It is fast, associative,

and intuitive, and can achieve results without awareness. System 1 thinking tends to work well in many situations.

System 2 thinking can be conceptualised as analytical and rule-based reasoning. System 2 reasoning tends to be slow, serial, effortful, and deliberately controlled. When individuals tire of the effort required for System 2 reasoning or find themselves under tight time constraints, they can slip back into using shortcuts that can lead to faulty conclusions. Daniel Kahneman (2001) explained that failures can occur in both systems, but it usually occurs with System 1 generating the error and System 2 not detecting it.

Lehrer (2012) describes how Daniel Kahneman, Nobel Laureate and Professor of Psychology, began studying our decision-making processes by asking simple questions such as: A bat and a ball cost a dollar and 10 cents. The bat costs a dollar more than the ball. How much does the ball cost? He discovered that a majority of people who were tested answered quickly and confidently, but were wrong, including individuals working on advanced degrees in maths and sciences. While ten cents was often given as the correct answer, the answer is actually five cents ($\$1.05 - 0.10 = \1.00).

Dr. Kahneman has also discovered that when people are faced with uncertain situations, they often do not evaluate the information or relevant statistics. Instead, they depend on a long list of mental shortcuts and default to an answer that requires the least mental effort; often leading to a wrong conclusion. He noted that many factors outside our awareness influence our judgments, attitudes, and behaviour. System 1 thinking reduces ambiguity by achieving a coherent story from the data we have. However, we may find patterns where none exists and believe in something that we should doubt. He explains that System 1 intuition can "feel right" and that can lead to overconfidence. System 2 thinking allows us to evaluate our stories and patterns skeptically. He encourages us to make judgments based on probability and base rates and to question our assumptions. Kahneman, along with other researchers, reports that intelligent people may be more vulnerable to thinking errors.

Ethical decision-making

Researchers have also established that overconfidence extends to how moral or altruistic our behaviour might be compared to that of our peers. Respondents consistently claimed that they were more likely than their peers to perform altruistic or ethical acts, but when placed in circumstances where they needed to demonstrate this, respondents did not behave as they had predicted (Balcetis & Dunning, 2008, 2013; Epley & Dunning, 2000, 2006). This overly positive estimation of our personal ethics coupled with hindsight bias (a tendency, after an event, to view the event as having

been predictable) means that we may be very hard on others when errors occur.

Bazerman and Tenbrunzel (2011) have studied the gaps that occur between our desired behaviour and actual behaviour. Like Kahneman, they note that many of the factors that underpin our decision making are out of awareness but hypothesise that some of the gaps between who we believe ourselves to be and who we are may be connected to phenomena called bounded awareness. Bounded awareness is defined "as the tendency to place arbitrary or dysfunctional bounds around the definition of a problem." Bounded awareness occurs when we narrowly and erroneously define a problem. They provided the example of Albert Speer, a Nazi government official, who described his role as "administrator", and convinced himself that the issues he dealt with were not human related. Individuals may make "business" decisions or "engineering" decisions, which don't feature all the information needed to make a sound or ethical decision. These authors believe that many instances of unethical behaviour by individuals and organisations are unintentional and a product of bounded awareness and fading (the removal of ethics from decision making).

Bazerman & Tenbrunzel (2011) explain that "errors in human decision making are more likely to occur when people are expected to make quick decisions. These types of errors are particularly important in today's world where fewer people are being asked to do more work, with more interruptions, and as quickly as they can." They explain that "not surprisingly, decision making tends to be most ethically compromised when our minds are overloaded. The busier you are at work, the less likely you will notice when a colleague cuts ethical corners or when you go over the line." They explained that it was quite common for people to have emotional System 1 reactions to ethical problems. However, these responses may be at odds with the decision that would be made if the ethical issue was given more consideration. These authors explained that "System 1 thinking – our 'gut instinct' is likely sufficient for most decisions, but warn that for more serious ethical decisions, individuals need both System 1 and 2, so that consideration and planning can be brought to bear on issues."

Implications

In summary, research indicates that we are very astute at predicting other people's behavior, but are not as skilled at evaluating our own. When assessing others, we depend on observable, objective data, and account for the environment, but when assessing our own behaviour, we contend with our justifications, explanations, and experiences, which confound our observational skills.

Self-insight is notoriously unreliable. It is subject to all sorts of bias and distortion; thus, this author recommends that you do not depend on self-assessment for competency related issues. Regular observation and videotaping remain the gold standard for assessing and supporting competent performance. It also provides a platform for discussions of skills and strategies that eliminates many concerning distortions.

Training people to avoid bias or depending on intelligence to avoid bias and distortion, is unreliable. As Kahneman, who has studied decision-making processes for decades, explains, "Except for some effects that I attribute mostly to age, my intuitive thinking is just as prone to overconfidence, extreme predictions, and the planning fallacy as it was before I made a study of these issues."

Feedback from others is crucial; however, feedback is not straightforward. Few people have been trained in how to give or receive feedback, and the most likely person to train is the person, who receives feedback. A "growth" mindset supports feedback and learning.

While System 1 thinking is good for many decisions we make, this author would warn against making complex or risk-laden decisions using System 1 thought processes. Many professions are using structured judgment tools to support a more reasoned approach or Systems 2 approach to problem solving. It is important to remember that time constraints can impair System 2 analysis.

How we frame and define the issues we face in our work may directly influence whether we reach safe, ethical decisions. It is also important to remember that we are likely to make better ethical decisions when we apply a reasoned method versus reacting to our intuition.

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Book review:

Switch: How to change things when change is hard

Chip Heath and Dan Heath (2010)

Publisher: Crown Business

Reviewed by Suzanne Kennedy

Chief Policy Adviser, Department of Corrections

Reviewer biography:

Suzanne Kennedy joined the Department in 2010 and has led various policy and legislative initiatives to improve public safety. Suzanne has over 20 years experience working in senior policy management roles in health, education, primary industries and ACC. Suzanne has a Master of Public Policy degree from Victoria University, focused on economics, public law, public management, and strategic management.

Anyone who aims to fix wicked problems in the criminal justice system knows that change is hard. The incentives that drive human behaviour are complex and the levers available to policy makers are limited. This is where *Switch: how to change things when change is hard* provides some innovative tools that are worth considering when tackling complex policy problems. Like many of the leading behavioural insights books emerging recently, such as *Nudge: Improving Decisions About Health, Wealth, and Happiness*; *Thinking Fast and Slow*; and *The Black Swan: The Impact of the Highly Improbable*, this book challenges our understanding of knowledge, meaning and behaviour. It is riveting reading.

Through the rich use of imagery, stacks of evidence and straightforward tools, the authors provide options to change human behaviours that can be implemented immediately. They invite us to imagine changing human behaviour as akin to the nimble rider of a large elephant attempting to set the direction of travel. The rider is smart and driven, knows where she wants to go, but is prone to give up easily and does not have limitless self-control. The elephant is hard to shift and requires significant motivation but with the right reason, can become unstoppable. What does this mean and why does it matter?

A slew of interesting evidence is worked through that suggests that our environment has a significant part to play in our behaviours. Did you know that the amount of food you eat, irrespective of how good the food is or how hungry you are, is related to the size of the plate? The authors argue that "what looks like a people problem is often a situation problem". Get the path right for the elephant – your unmotivated self or a hard to reach target population – and the elephant will willingly

follow. Add some great motivators, like success, and you are on your way.

The authors' framework for successful change is not the standard linear model of "analyse – think – change" but rather a deeper "see – feel – change" approach. It follows the lead of Thaler and Sunstein's *Nudge* and argues for a theory of human behaviour that is less guided by rational economic agents than the meandering, fuzzy, disorganised experience of normal life.

The *Switch* framework for change has three key elements: Direct the Rider, Motivate the Elephant, and Shape the Path.

Direct the Rider

The first step to successful change is to *Direct the Rider*. This means getting really specific and concrete in terms of where you are heading or what is expected with the change being negotiated. If you are unsure or stuck in terms of direction or the problem is too complex, they suggest we *follow the bright spots* and investigate what is working and then replicate it. An example of what is working in New Zealand's justice sector is the Out of Gate navigator service that connects recently released offenders to services in the community that support their reintegration. Once you have identified where you want to head, then script the critical moves. The authors advocate thinking in terms of specific behaviours rather than engaging in more abstract big picture thinking. For example, identify what is the one thing that you need to do to make the change and do that. This is the antidote for decision paralysis.

Motivate the Elephant

Once the direction is clearly set, then we need to harness motivation. The best motivator is to *find the feeling*. If we simply know intellectually something to be true, such as the numerous health and fitness goals that most people set each New Year's Eve and fail to carry out, knowing something is often not sufficient to achieve sustained change. We need to find a deeper emotion to drive behaviour change.

"In highly successful change efforts, people find ways to help others to see the problem or solution in ways that influence emotions, not just thought."

How this might happen could be when you get "a disturbing look at the problem, or a hopeful glimpse of the solution, or a sobering reflection on your current habits". Change driven by feeling overcomes natural inertia. Harness that emotion and then *shrink the change* by dealing with challenging problems that inspire dread, such as writing that report or cleaning that overflowing garage, by assuring the elephant that the task won't be so bad. The authors reference a great self-help tool here called the "Five Minute Room Rescue" proposed by a home organising expert. The idea is to set a defined period of time, say five minutes, to focus on a specific room. The elephant gets moving and often, once in motion, keeps at the task. When trying to motivate your family or team members, help to *grow your people* by helping others to keep the momentum going by letting them know that they have already made great progress towards the goal and help them to identify with a positive, growth mind-set.

Shape the path

People often attribute problems to character flaws in others when in fact, problems are often situational. The Fundamental Attribution Error is our inclination to attribute people's behaviour to the way they are rather than to the situation that they are in. The authors note that people are "incredibly sensitive to the environment and culture". We are herd animals so we need to *tweak the environment*. They reference the study of drug addiction of US soldiers. Twenty percent of Vietnam soldiers became addicted to drugs as heroin use was the norm in the combat environment. Interestingly, however, the researchers who followed up these Vietnam veterans who returned to their normal lives back in the United States found that only 1% remain addicted to drugs after 12 months and this was despite no rehabilitation having been provided. Why? The ex-soldiers returned to their drug-free identities, they had environmental cues that no longer supported drug use and they had rich alternative activities involving non-drug associated family and friends.

An easy way to help achieve change then, is to make the journey easier by changing the environment. A classic example of this concept is the use of automatic enrolment policies in saving schemes, for example, the KiwiSaver scheme. No longer are people hopeless savers – easy!

Once you have changed the environment, look to make positive change automatic by building habits. Great leaders help teams to progress by instilling habits that reinforce shared goals. A good example is the use of stand up meetings when the goal of clear and efficient communication across a team of people is required. In addition to establishing shared habits, adapting behaviour change at the group level can be achieved by rallying the herd by setting new behavioural norms at the societal level. Because we instinctively try to fit into our peer group, change is contagious.



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