ROUTLEDGE

FOUNDATIONS OF OFFENDER REHABILITATION

SHARON CASEY, ANDREW DAY, JAMES VESS AND TONY WARD

Foundations of Offender Rehabilitation

'This book forges a much-neglected link between etiological theories and rehabilitation models, risk assessment, formulation and treatment planning. It provides an integrated resource that will improve the conceptual competence of those in training, post-qualification professionals who are looking to make the transition into forensic practice and programme designers alike'.

Devon Polaschek, *Associate Professor, Criminal Justice Psychology, Victoria University of Wellington, New Zealand*.

The past three decades have seen dramatic changes in the way in which the criminal justice system responds to those who break the law. The old claim in the field of correctional psychology that 'nothing works' has strongly been refuted in the face of evidence that rehabilitation programmes do make a difference. The graduate student in forensic psychology could easily be overwhelmed by the plethora of information now available.

This new textbook offers a comprehensive approach to forensic and correctional psychology, demonstrating how theory and practice can be applied and integrated. Written by internationally recognized experts within the field, the authors guide the reader through the core theories and concepts that underpin forensic practice within the legal systems of different countries (UK, USA, Canada, Australia and Singapore), show how this knowledge informs current thinking in offender rehabilitation and reintegration and provide a series of case studies looking at sexual offenders, female offenders, juveniles and offenders with mental disorders.

This book is the perfect overview for graduate students of forensic and correctional psychology engaged with offender rehabilitation and assessment and the psychology of law.

Sharon Casey is a Senior Lecturer at Deakin University and member of the Clinical Forensic Group within the Deakin Forensic Psychology Centre.

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Contents

List of tables viii
List of figures x
About the authors xi
Foreword xiii
Acknowledgement xv

PART 1
Theoretical foundations **1**

1 Theories of offending 3
Theories of crime and criminal behaviour 3
Level I: Society 4
Level II: Community 6
Level III: Social groups 7
Level IV: Criminal acts and events 14
Level V: Individual level 17
Conclusion 32

2 Theories of offender rehabilitation 33
Features of effective offender rehabilitation 34
The RNR of offender rehabilitation 37
The GLM 41
Conclusion 46

PART 2
From theory to practice **47**

3 Theories of behaviour and behaviour change 49
Self-determination theory 50
Social cognitive theory 55

Self-regulation theory 58
Behaviour enaction models 63
Cognitive behavioural theory 68
Conclusion 78

4 Forensic assessment and case formulation 80
Psychological assessment 81
Assess the offending behaviour 85
Limitations and ethical issues of a functional analysis approach to risk formulation 100
Case formulation 102
Case example 104
Conclusion 111

PART 3
Practice examples: Working with different groups 113

5 Sex offenders 115
Prevalence of sex offending and sex offenders 115
Aetiology of sexual offending 116
Assessment of sex offenders 117
Sex offender treatment: Current practice 120
Case example 122

6 Violent offenders 129
Understanding violence 129
Violent offender treatment 131
Case example 133

7 Substance use 140
Theoretical explanations of the drug-crime nexus 140
Assessment issues 142
Substance abuse treatment 143
Case example 147

8 Female offenders 152
The aetiology of female offending: Gendered-specific needs and offence pathways 153
Assessment of female offenders 154
Treatment issues for female offenders 156
Case example 157

9 Young offenders 164
Base rates 164
Assessing risk 165
Interventions 166
Case example 168

10 Mentally disordered offenders 174
The prevalence of mental illness among offenders 174
Treatment of mentally disordered offenders 177
Case example 178

11 Professional practice 184
Codes and guidelines 185
Specific issues for ethical professional practice 185
Supervision 190
Conclusion 191

Glossary 192
References 199
Index 233

Tables

1.1	Theories of crime: Structural to agency	4
1.2	Implications of Level I theories for offender rehabilitation	6
1.3	Implications of Level II theories for offender rehabilitation	7
1.4	Risk factors for delinquency and other antisocial behaviour	13
1.5	Protective factors associated with delinquency and other antisocial behaviour	14
1.6	Implications of Level III theories for offender rehabilitation	15
1.7	Implications for Level IV theories for offender rehabilitation	17
1.8	Major constructs of social cognitive theory, definitions and change strategies	27
1.9	Implications of Level IV theories for offender rehabilitation	31
3.1	Behaviour change techniques and illustrative theoretical frameworks	51
3.2	Implications for self-determination theory for offender rehabilitation	55
3.3	Implications of social cognitive theory for offender rehabilitation	58
3.4	Implications of self-regulation for offender rehabilitation	63
3.5	Stages of change model and potential change strategies	65
3.6	Implications of behaviour enaction theory for offender rehabilitation	68
3.7	Commonly held implicit theories of sexual offenders and examples associated cognitive distortions	70
3.8	Common schema modes in borderline personality disorder and treatment objectives for achieving health adult mode	75
3.9	Substance-abuse-specific behavioural targets in DBT	77
3.10	Implications of cognitive-behavioural theories for offender rehabilitation	78
4.1	Examples of risk assessment tools	86–88
4.2	How to conduct a functional analysis of offending behaviour	89
4.3	Offence pathways checklist	91
4.4	Core beliefs associated with mental health problems	94

4.5 Proposed structure for assessment of primary goods 101
4.6 Features of a good formulation 104
11.1 Examples of circumstances in which confidentiality may not be offered to forensic clients 187
11.2 Differences between therapeutic and forensic relationships 188

Figures

1.1 Mechanism through which moral self-sanctions are selectively activated and disengaged from detrimental behaviour at different points in the self-regulatory process 30
3.1 Self-determination continuum with types of motivation and regulatory styles, loci of causality and corresponding processes 53
3.2 Negative feedback loop 59
3.3 Theoretical framework of TTM of change 64
3.4 Stages with relevant process of change 66

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Foreword

The field of offender rehabilitation has undergone a process of substantial change over the years, from an early period of largely atheoretical and empirically unsubstantiated optimism, through assertions that nothing works to a focus on what works for contributing to positive changes in offenders and reductions in recidivism. Relatively recent evidence suggests that certain types of interventions can have a significant effect in reducing reoffending and managing the risk posed by some types of offenders, although general recidivism rates remain high for many offenders, as well as for certain known subgroups within offender populations such as violent and sexual offenders. Despite a burgeoning professional literature on offender rehabilitation, what has often been missing is an explicit articulation of the theoretical underpinnings of offender rehabilitation, and the development of assessment and intervention approaches that are clearly based on these theories. In this book we review a variety of theories of offending behaviour and current models of offender rehabilitation. This is followed by a consideration of available theories of behaviour change. This is an area that we believe is sometimes insufficiently utilized in attempts to develop and implement effective rehabilitation programmes with offenders.

The theoretical and empirical framework for offender rehabilitation should also guide forensic assessment and case formulation. In this book we provide an approach to the assessment of offenders that draws from available theoretical and empirical sources of information. But assessment is optimally useful only when it is integrated into an aetiologically explanatory case formulation for the offender being assessed. Consideration is therefore given to the development of effective case formulation, which should always form the basis for treatment planning, intervention and ongoing risk management.

The second half of the book applies the approach developed in the first half to specific populations of offenders. The chapter on sex offenders presents the fundamentals of current risk assessment practice, and considerations of applying assessment findings and case formulation to sex offender treatment. This is followed by a similar set of considerations for the assessment, case formulation and intervention with violent offenders. Substance abuse is a common and widespread phenomenon among offenders of all types and a chapter is, therefore, devoted to examining the current state of knowledge in the assessment and

treatment of this set of problem behaviours. Female offenders have historically made up a relatively small portion of the total offender population, but their involvement in the criminal justice system is nonetheless substantial and may be growing. The chapter on female offenders considers the unique characteristics and concerns presented by this group, as does the following chapter considering a practice approach to the assessment and treatment of young offenders. Finally, the special needs and specific challenges of mentally disordered offenders are discussed. Each chapter includes a detailed case example to illustrate the approach to assessment, case formulation and rehabilitation that we are advocating.

The final chapter of the book presents some of the unique features of professional practice in the area of offender rehabilitation. Working in this area requires that the practitioner not only possess a solid set of clinical skills, but also specialized knowledge and awareness of the criminal justice context in which any work occurs. Consideration must be given to the special nature of informed consent, confidentiality, role boundaries and professional ethics when working with offenders. Our intent in writing this book is to present a specifically focused resource to the developing and practising professional that articulates the link between the theoretical and empirical foundations of offender rehabilitation, and provides a practical approach to working in this challenging but important field. We hope that you will find it a useful resource.

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Part 1

Theoretical foundations

1 Theories of offending

Stated simply, the role of theory is to inform practice, although the reality is that the interface between the two is not always as straightforward as one might hope. In this book we argue that interventions to reduce offending should be based on knowledge about the causes of crime, be informed by an empirically supported theory (or theories) of behaviour change, and be consistent with what has been shown to be effective in changing offending behaviour. Theory is, therefore, imperative in terms of describing and understanding the processes involved, in gaining knowledge, and accumulating evidence (Lippke and Ziegelmann, 2008); evidence which is subsequently the basis for developing effective and interpretable interventions. Before we discuss current practice models of offender rehabilitation, there is a need to consider key theoretical explanations for why people commit crime and, equally importantly, why they stop committing crime.

Theories of crime and criminal behaviour

There have been many theories postulated that seek to explain the causes and correlates of criminal behaviour. Several attempts have been made to thematically organize different theories according to whether they take a broad, large-scale and society-wide 'macro' view, or adopt a 'micro' approach that considers crime from the perspective of the individual. One particularly useful organizing scheme is that proposed by McGuire (2004), which consists of five discrete but interconnected levels of theory that range from the social to the individual; or from *structural* causes (i.e., offenders are victims of their circumstances in some way) to views of individual *agency* (i.e., people are responsible for their own life situation). Level 1 theories (e.g., social control theory) are macro accounts; Level 2 (e.g., differential opportunity theory) offers locality-based accounts; socialization and group influence processes are at Level 3 (e.g., differential association theory, social learning theory, developmental criminology); crime events and 'routine activities' are at Level 4 (e.g., routine activity theory, rational choice theory); and individual factors are at Level 5 (e.g., neutralization theory, psychological control theories, social cognitive theory). Table 1.1 provides a brief explanation of the main focus in research and theory construction for each unit of analysis, the broad objective theory in the particular area, and examples of various approaches at

Table 1.1 Theories of crime: Structural to agency (based on McGuire, 2004)

	Level	*Explanatory focus*	*Objective*	*Illustrative theory*
STRUCTURAL AGENCY	1	Society	To explain crime as a large-scale social phenomenon	Conflict theory Strain theory Social control theory Feminist theories
	2	Localized areas, communities	To account for geographical variations in crime, such as urban-rural differences or between districts or neighbourhoods	Environmental theories Differential opportunity theory
	3	Proximate social groups	To understand the roles of socialization and social influence through family, school or peer group	Sub-cultural delinquency theory Differential association theory Differential association-reinforcement theory Developmental criminology
	4	Criminal acts and events	To analyze and account for patterns and types of crime event, crime targets and trends over time	Routine activity theory Rational choice theory
	5	Individual offenders	To examine patterns of individual behaviour and internal, psychological factors such as thoughts, feelings and behaviours	Neutralization theory Psychological control theories Social cognitive theory

each level. This is followed by examples of theories from different levels which are particularly relevant to understanding the proximal and distal antecedents of an individual offender's behaviour and which have also served to inform the development of offender rehabilitation programmes. It is beyond the scope of this book to provide an analysis of the relevant merits of each of these theories, but some key theories are described in the following sections followed by an analysis of how each theory might contribute to offender rehabilitation practice.

Level I: Society

Social control theories

Social control theories operate on the premise that all human behaviour is, by nature, antisocial and that people must be controlled in order to prevent their

involvement in crime. The most commonly cited social control theory is that of Hirschi (1969). According to Hirschi, criminal behaviour occurs in the absences of a controlling force which he postulates is the social bond; that is, the link between individuals and society. People refrain from engaging in criminal acts because they value this bond and do not want it damaged. When the individual's bond to society is weakened or broken, there is an associated increase in the likelihood that they will engage in antisocial and/or criminal behaviours. This bond is said to have four elements: attachment, commitment, involvement and belief.

Attachment is the affective and emotional element of the bond and represents the value placed by the individual on his or her relationships with significant others (e.g., parents, school, peers) and is critical in terms of accepting social norms and developing a social conscience. According to Hirschi, individuals who are strongly attached to others and care about what they think will not want to disappoint them and, for this reason, will be less likely to engage in criminal behaviour.

Commitment (also referred to as 'stakes in conformity') is the rational element of the social bond. It reflects the degree of time, energy and effort invested in conventional lines of action (i.e., the support of and equal participation in social activities that tie an individual to the moral and ethical code of society). People who build an investment in life, property and reputation are less likely to engage in criminal acts that will jeopardise their social position and, therefore, are less engaged in criminal behaviour.

Involvement refers to a preoccupation with activities that stress the conventional interests of society. Individuals with a heavy involvement in conventional activities do not have time to engage in delinquent or criminal acts. Thus an involvement in areas like school, family or sport serves to insulate the individual from the potential for antisocial behaviours that may result from idleness.

Finally, *belief* is the extent to which an individual recognizes and has respect for the legitimacy of societal norms and laws as well as those people and institutions which enforce these laws. Hirschi argued that people who live in common social settings share similar human values and if these beliefs are weakened or absent, the individual is more likely to engage in antisocial or criminal acts. As such, individuals who believe in the norms of society are more likely to act in accordance with those norms and be less likely to engage in criminal behaviour.

The assumptions underlying social control theory were illustrated in Payne and Gainey's (2004) investigation of offenders' experience of house arrest with electronic monitoring. Consistent with the proposition that connection to society is vital in terms of preventing crime, the 49 offenders surveyed in the study recognized that they had too much to lose should they breach the conditions of their electronic monitoring conditions. There was also a strong appreciation that this particular form of sanction provided an opportunity to maintain family and employment bonds while some offenders indicated that it was the controlling nature of the sanction that helped 'keep them in line' (p. 432). The authors concluded that this form of sanction demonstrated a new sense of trust being placed in the offenders by society which, in turn, should serve to strengthen their social bonds (see Gainey *et al.*, 2000). It is this stronger bond to society, family

Table 1.2 Implications of Level I theories for offender rehabilitation

Illustrative theory	*Implications for offender rehabilitation*
Social control	• Internalizing of social norms and the development of a social conscience (i.e., moral codes) allows the individual to differentiate between antisocial and prosocial behaviours • The strength of an offender's connections to family, peers (positive and negative), and the wider community are critical to successful reintegration • Antisocial attitudes are likely to be less strongly held when there is respect for the law and social norms

and work that is thought to reduce the likelihood of future misconduct on the part of the offender by effectively teaching them self-control.

Level II: Community

Differential opportunity theory

This theory, proposed by Cloward and Ohlin (1960), combines notions of strain (Merton, 1957), differential association (Sunderland, 1939; see below) and social disorganization (Shaw and McKay, 1969) to explain the development of delinquent subcultures. The central premise of the theory is that despite an ideology of equal opportunity, people from different levels of the social hierarchy will have different chances of reaching common success goals. Strain experienced in the pursuit of these goals can lead to adjustment problems which can, in turn, result not only in the use of illegitimate means to gain success goals (crime) but also in the feelings of oppression that underpin sub-cultures. In other words, adolescents who form delinquent subcultures have limited opportunities to legitimately access conventional goals (goals which they have internalized) and their inability to downwardly revise their aspirations leads to intensive levels of frustration and exploration of non-conformist alternatives in order to reach these goals. Some of the barriers to success identified in this theory include educational, cultural and economic obstacles. And while deprivation and strain can and do play a role, whether the individual has a positive or negative response will depend to a large extent on the available opportunities and role models, both legitimate and illegitimate.

The authors also reasoned that delinquent subcultures flourish in lower socio-economic areas in different forms so that the means for illegitimate success are no more equally distributed than those for legitimate success. Moreover, the form of delinquent subcultures which emerges from within a society will depend, to a large extent, on the degree of integration present in a community. Cloward and Ohlin (1960), proposed this could result in one of three different types of gangs. The first, the criminal gang, develops in areas where conventional as well as non-conventional values are integrated by the close connection of illegitimate and legitimate businesses. Given the primary goal of gang activity is to make money,

Table 1.3 Implications of Level II theories for offender rehabilitation

Illustrative theory	*Implications for offender rehabilitation*
Differential opportunity	• Illustrates how social disadvantage can play a role in the aetiology of offending behaviour • Differentiation of gang types provides a framework for understanding the basis for, and extent of, an individual's affiliation with a particular gang • Highlights the need to provide social opportunities (education, employment) for change

the lack of legitimate means is replaced by illegitimate ones, such as theft or extortion. Typically stable in nature, older criminals serve as role models for younger gang members, teaching them the criminal skills necessary to successfully maintain their illegitimate pursuit of conventional goals. The second type, the conflict or violent gang, has few legitimate or illegitimate opportunities. Found primarily in poor, socially disorganized neighbourhoods, this type of gang is unstable and non-integrated with the primary goal being the development of a reputation for toughness and destructive violence. Finally, the retreatist gang is equally unsuccessful in legitimate and illegitimate means. Unable to fight well or profit from their crimes, these gangs are known as double failures with gang members retreating into a world of drugs and alcohol.

Level III: Social groups

Differential association theory

Differential association theory is a social learning theory of crime developed by Sutherland (1947). Social learning is a general theory that offers an explanation for the acquisition, maintenance and change in criminal and deviant behaviour that incorporates social, non-social and cultural factors that operate both to motivate and control criminal behaviour and promote and undermine conformity. According to Sutherland, criminal behaviour is learned in much the same way as any other behaviour. This involves learning (a) the techniques of committing crimes and (b) the motives, drive, rationalizations and attitudes favourable to violations of the law. Consistent with learning any social patterns – conventional or deviant learning takes place in groups, particularly intimate social groups such as family or peers. Accordingly, the tendency of any individual towards conformity or deviance will depend on the relative frequency of their association with others who encourage either conventional behaviour or, alternatively, norm violation. The theory incorporates nine principles to explain the process by which an individual becomes a criminal:

1. Criminal behaviour is not innate, it is learned;
2. Criminal behaviour is learned through a process of communication, which is active and open-ended;

3. The principal part of the learning takes place in intimate groups; it is in these primary groups that the individual is said to define who they are;
4. The learning of criminal behaviour involves not just the learning of techniques that enable the individual to commit crime, but also the learning of motives and attitudes;
5. People learn motives and attitudes about the law that can be either positive or negative (this process also takes place within primary and intimate social groups);
6. People differentially associate with the attitudes and motives that are favourable to violating the law (i.e., having been provided with excessive definitions that are favourable to violating the law, the individual will elect to behave in a criminal way);
7. Differential associations depend on specific variables: frequency (how often the learning takes place), duration (how long the learning episodes are), priority (the age at which the criminal learning began, with earlier onset being associated with greater impact), and intensity (the importance or prestige of the learning source);
8. Learning criminal behaviour involves the same mechanisms as any other type of learning; and
9. Criminal behaviour is not always an expression of needs and values (e.g., not all homeless people steal in order to eat).

The basic prediction of this theory is that people offend because they have been socialized in families and/or groups with pro-criminal norms. Empirical evidence certainly supports this proposition. For example, differential association theory has been used to explain juvenile delinquency and gang culture (Haynie and Osgood, 2005) although it is sometimes difficult to determine whether the delinquent behaviour preceded the delinquent friends. Despite this limitation, Gendreau *et al.* (2006) highlight that differential association can be used to explain how pro-criminal attitudes can be transformed into pro-social patterns of behaviour by reducing contact with antisocial groups. Differential association has also been used to explain white-collar crime. This research suggests white-collar crime is the result of learned definitions (i.e., individual orientations and attitudes toward a given behaviour) and experiences that occur within the workplace (Piquero *et al.*, 2005). Criminal behaviour is most likely to occur when there is a convergence between learning the drives, motivations and rationales to commit white-collar crime and when the definitions toward committing white-collar crime outweigh the definitions against law violations (see Akers, 2004 for a review).

Differential association-reinforcement theory

This theory was an attempt by Burgess and Akers (1966) to combine the approach of differential association with the principles of operant conditioning from behavioural psychology. Consistent with Sutherland (1947), they argued that people are

first indoctrinated into deviant behaviour via differential association with deviant peers. Through the process of differential reinforcement – the balance of anticipated or actual rewards and punishments that follow or are the consequences of behaviour – the individual then learns to refrain from or commit crime at any given time. It is the balance of past, present and anticipated future rewards and punishments that is said to be responsible for whether the individual commits a crime (and continues to do so or desists in the future). The greater the value, frequency and probability of reward for deviant behaviour (when balanced against the punishing consequences and rewards/punishment for alternative behaviour), the greater the likelihood it will occur and be repeated (Akers and Jensen, 2006). While reinforcers and punishers can be non-social (e.g., the direct physical effects of drugs and alcohol), Akers and Burgess propose that the majority of learning in criminal and deviant behaviour is the result of direct and indirect social interaction whereby others (a) directly reinforce behaviour (via words, responses, presence and behaviour), (b) provide the setting for reinforcement (discriminative stimuli) or (c) are the conduit through which other social rewards and punishers are delivered or made available. The nine principles devised by Sutherland were reformulated into seven principles which are used to explain how the individual arrives at the point where criminal behaviour is activated by discriminative cues (norms):

1. Criminal behaviour is learned according to the principles of operant conditioning;
2. Criminal behaviour is learned both in non-social situations that are reinforcing or discriminative and through that social interaction in which the behaviour of other persons is reinforcing or discriminative for criminal behaviour;
3. The principal components of learning occur in groups;
4. Learning depends on available reinforcement contingencies;
5. The type and frequency of learning depends on the norms by which these re-inforcers are applied;
6. Criminal behaviour is a function of norms which are discriminative for criminal behaviour; and
7. The strength of criminal behaviour depends upon its reinforcement.

A broad range of rehabilitation, prevention, treatment and behaviour modification programmes are delivered in correctional and community treatment facilities for both juvenile and adult offenders which are explicitly or implicitly predicated on social learning theory. Empirical evidence supports the effectiveness of this approach as compared to alternative methods (see Andrews and Bonta, 2003; Pearson *et al.*, 2002).

Developmental criminology

Developmental criminology theories (DLC) adopt a dynamic rather than static approach to understanding the causes of crime and are effectively concerned with