

# THE IACFP NEWSLETTER

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## THE GENETICS OF TRIBALISM AND MASS INCARCERATION: A CONCEPTUAL ANALYSIS

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“The only good Indian I ever saw was a dead one” (General Philip Sheraton).

“...border state lawmen now began to notice alarming behavior among the indolent Mexicans. They would smoke this weed and it would make them crazy. Wild, fearless, they would chop people up with axes and not remember a thing” (McWilliams, 1990, p. 48).

“The American response to crime cannot be divorced from a history of equating Black struggle...with Black villainy (Coates, 2015, p. 72).

“...criminological research has little direct impact on crime control policy or practice” (Noaks & Wincup, 2004, p. 33).

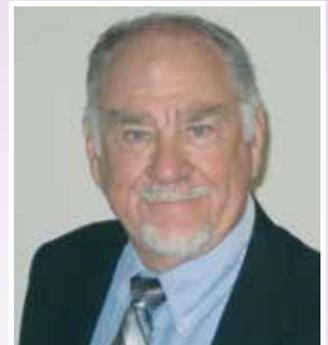
“Be sorry before, not after. That way you use your mind to make your way rather than to repair it” (Anonymous Korean proverb).

As a correctional mental health provider, when you meet with an inmate, especially one of a different race or gender, do you experience “secret” thoughts about this individual, like “loser,” “smart,” “stupid,” “attractive,” or “ugly?” If so, you are likely not alone. Implicit cognition research strongly suggests that our conscious decisions and actions may likely be influenced by unconscious positive or negative cognitions about situations and people, regardless of their truth (e.g.,

Gawronski & Payne, 2010). Be assured that your clients have similar “secret” thoughts about you.

Although implicit cognitions are formed as we develop and may generalize into unconscious beliefs about situations and people, one might wonder if we are genetically predisposed to having specific ones, and how such a genetic predisposition might evolve into the formation of tribalistic beliefs that influence the thoughts and behaviors of future generations of tribes.

Although readers may think this wonderment a little far afield from criminal justice, it is not if we consider this definition of a tribe: A tribe is a collection of individuals who subscribe to specific ways of thinking and behaving. Tribalism is simply the state of these individuals organizing into a social structure that advocates for the beliefs and behaviors of the tribe and generally opposes those of different tribes in proportion to the differences. Tribal membership commands compliance with its rules and regulations, and violators of tribal rules and regulations are often not treated well. Membership often involves being suspicious of



**RICHARD ALTHOUSE**

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# INTERNATIONAL ASSOCIATION FOR CORRECTIONAL & FORENSIC PSYCHOLOGY

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TBD—Until a new editor is selected, continue to submit material for publication to Dr. Smith using the submission information in the column to the left on this page.

## GENETICS OF TRIBALISM (Continued from page 1)

members of different tribes, and members of other tribes are often regarded more negatively if they are perceived to transgress one's own tribal beliefs and boundaries. For example, the "Black Lives Matter Movement" emerged after some Black individuals were killed by White policemen, not because of the higher incidence of Blacks killing other Blacks. There are many such tribes based on national origins, race, religion, social status, political persuasion, gender, age, profession, and so on, and tribal beliefs and traditions can endure for thousands of years.

Having just returned from 15 days in the Middle East visiting Turkey, Greece, and Croatia, listening to the daily singing calls to prayer in Istanbul, and almost simultaneously hearing of the bombing in Ancora and the protests in Istanbul, as well as seeing fighter jets fly overhead, a U.S. Navy warship tied to a nearby pier, and Kurdish soldiers releasing ISIS hostages during which an American soldier was killed, were all reminders of what can happen when long-standing tribal beliefs of one tribe conflict with those of others. America has its own history of tribalistic activities and conflicts. With the evolution of the "White Supremacy Movement" in the late 1800s, consider White race interactions with Native Americans, opium-smoking Chinese, members of the Black race brought over as slaves, marijuana-smoking Mexicans, not to mention women. We, generally male members of the White race tribe, incarcerated the Chinese, often brutalized Blacks, relegated many Native American tribes to treaty-based reservations where many now experience poverty, alcoholism, and drug addiction, thought of Mexicans as drug-crazed on marijuana, and prevented women from voting (see, for example, Stannard's book *American Holocaust* (1992), Gray's *Drug Crazy* (1998), Alexander's book *The New Jim Crow* (2010), and articles on the women's suffrage movement in the 19th century).

***Think of the generally White Republican tribe's resistance to having a Black President, the conflicts between our political parties (each tribes in their own right) over such issues as abortion, Planned Parenthood, even potentially having a woman President.***

These centuries-old tribal-like actions extend into today's sociopolitical arenas. Think of the generally White Republican tribe's resistance to having a Black President, the conflicts between our political parties (each tribes in their own right) over such issues as abortion, Planned Parenthood, even potentially having a woman President. They have also extended into the criminal justice sys-

tem as critics have noted how the wars on drugs and crime have reportedly disadvantaged members of minority races, particularly those of the Black race (e.g., Coates, 2015).

How do we explain these persistent tribal approaches to social issues that often involve negative beliefs that result in the oppression and/or social isolation of members of other tribes in one way or another? The simplest, most self-evident and logical answer—although one never mentioned in discussions about these actions—is that they are the genetic and epigenetic extensions of a combination of evolved survival functions of the human brain.

Anyone who has taken an introductory psychology course learned that despite the 7 million years of evolution of the human brain, our brain still contains in its architecture those subcortical areas—often referred to as the primate brain—responsible for our survival instincts. Among the genetically-determined instinctive responses we have at birth is the ability to quickly identify and bond with caretakers. Ethologist Konrad Lorenz showed that ducks will imprint on and follow humans around rather than other ducks if they are introduced to a human at a critical time in their brain development. This led to later research that suggested that as brains develop, there are critical periods of time when other important learning takes place in the interests of future social and reproductive survival. Such learning often involves the release of endorphins that reinforce what is learned. What is learned eventually becomes beliefs that can last a lifetime and may be passed on to future generations.

Lest the above process seems to reflect a firm grasp of the obvious, we seldom think of it as a byproduct of neural systems inherent in brain functioning. However, Kruger and Grafman presented a series of articles that address how our learned beliefs have a neural basis that shapes our cognitions and behaviors throughout our lifetimes (Kruger & Grafman, 2013). Additionally, recent research has suggested that when life experiences influence genetic expression, these genetic changes might also be passed on to offspring (Weinhold, 2006), possibly resulting in a next generation genetically predisposed to having similar cognitions and behaviors.

What are the implications of this brain-based,

***The simplest, most self-evident and logical answer—although one never mentioned in discussions about these actions—is that they are the genetic and epigenetic extensions of a combination of evolved survival functions of the human brain.***

*(Continued on page 4)*

# GENETICS OF TRIBALISM *(Continued from page 3)*

*Additionally, recent research has suggested that when life experiences influence genetic expression, these genetic changes might also be passed on to offspring (Weinhold, 2006), possibly resulting in a next generation genetically predisposed to having similar cognitions and behaviors.*

as opposed to behavior-based, point of view for criminal justice? Historically, crime management has been behavior-based, and understandably so. Criminological research has, therefore, focused on how to manage and reduce criminal behaviors through deterrence measures, hoping that such measures will positively influence desistance. However, advances in genetic research may allow us to consider

the roles genetics play in determining criminal beliefs and behaviors not previously available. For example, recent research has shown a distinct genetic association between parenting styles in early years and a child's later social adjustment (Popcak, 2014). Teneyck and Barnes showed that genetics likely played a more important role in delinquent behavior than delinquent peer influences (Teneyck & Barnes, 2015). So, the first implication is since a percentage, perhaps a high percentage, of criminal behaviors are likely shaped by inherited genetic and epigenetic childhood parenting and social experiences, criminological research should continue to focus on understanding how to remediate these epigenetic influences, both in those genetically predisposed to act in antisocial ways. The second implication stems from the first. If we can recognize the roles that genetics and epigenetics play in the formation and persistence of our implicit cognitions, beliefs, and behaviors contributing to crime as well as its

management, it may be more feasible than to intervene, particularly in childhood, in ways that help prevent criminal behavior, as well as help shape prosocial behaviors.

This genetic point of view helps us understand why criminality tends to persist in generations of families, and why antisocial behavior persists even in the face of strong deterrence measures. It helps us understand that the tribal phenomenon of mass incarceration may have a genetic basis, and why America's response to crime has racially-, socially-, and economically-biased components. It might further help us understand why mass incarceration has not had the impact on crime rates that was hoped, but persisted despite negative research feedback regarding its effectiveness.

There is the popular question "Why can't we all just get along? The best answer is likely because, under specific circumstances, we're genetically programmed not to. However, that is no excuse for not doing what we can to better understand and manage the gravitational pulls of our genetic inheritance when circumstances warrant. Can we really rewire our tribal brains? That remains to be seen. Hopefully, the recent regret of President Clinton for signing legislation that drove up the nation's incarceration numbers, and President Obama recently noting in his October 27, 2015, remarks at the annual International Association of Chiefs of Police (IACP) conference "that having millions of Black and Latino men in the criminal justice system without any ability for most of them to find a job after release is not a sustainable situation," are steps in the right direction.

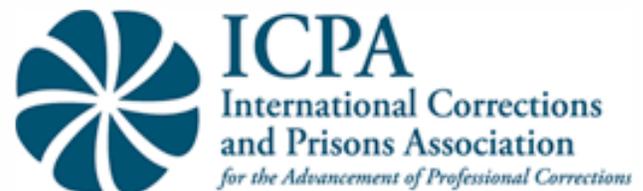
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**References available from the author.**

## 2016 CONFERENCES



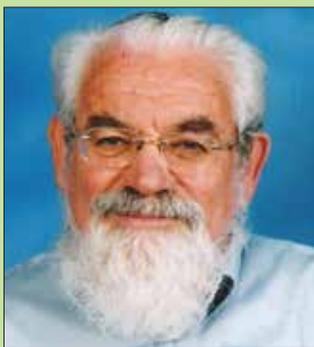
**INTERNATIONAL COMMUNITY CORRECTIONS  
ASSOCIATION (ICCA)  
ANNUAL ICCA CONFERENCE 2016  
TORONTO, CANADA  
More details coming soon!**



**ICPA 18<sup>TH</sup> AGM AND CONFERENCE  
OCTOBER 23-28, 2016  
BUCHAREST, ROMANIA  
"Correctional Leadership:  
Engaging Hearts and Minds"**

# PREPARING THE COMMUNITY TO REINTEGRATE THE PRISONER: WE ARE ALL RESPONSIBLE FOR ONE ANOTHER

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AVRAHAM HOFFMAN

hugely amount of invested efforts have, if as he returns to the community, there is no continuity and the community turns its back?

We may say that for years the issues of prisoner rehabilitation in the community and the community's attitude toward released prisoners have been way behind the developments in the democratic societies. Even democratic countries fall behind in implementing the democratic system toward those who have committed an offense toward an individual or society.

A community that does not integrate released prisoners is actually preventing them from rehabilitating. Only when we work at preparing the community to integrate the prisoners are the activities preparing the prisoners for their release worthwhile.

## What Problems Does A Prisoner Leaving Prison Face?

In addition to the problems caused by his past criminal activities and friends, the released prisoner faces problems due to being disconnected from society for a long period of time. Like a painkiller, prison numbs the problems the prisoner had left outside prison and, as he leaves prison, he must deal with all of them at once.

Moreover, in today's society, changes are occurring at an extremely fast pace, faster than ever before. Therefore, a released prisoner encounters many changes when he leaves prison. He may feel he has lost his anchors. "We are all responsible for one another" is a Jewish principle of mutual aid and shared responsibility in Israel. It underlies the belief that without the community's help and openness, even the best rehabilitation program will

fail. Hence, at the Prisoner Rehabilitation Authority (PRA), we decided to take action at the community level, to change the attitudes of society and to develop a society that is able and willing to absorb released prisoners. We have done so at two levels: (a) the professional (the agencies), and (b) the social (perception).

At the professional level, we integrated social workers from the community, in preparing the rehabilitation programs in prisons, as well as representatives of the different community agencies to develop the rehabilitation program for the released prisoners while they are still incarcerated. It realizes in two ways: (a) preparing the rehabilitation program and people from the community, and (b) participating in the prison courses preparing prisoners toward their release. They include representatives of the PRA, the Israeli Ministry of Welfare and Social Services agency, the Israeli Employment Bureau, the Israeli National Insurance Institution, the Israeli Ministry of Housing, and the police.

Obviously, the Israeli Prison Service social workers could teach the different agencies' policies. But, the fact that representatives of the different community agencies come to prison to present their agencies' regulations has a manifold impact and advantages on the prisoners, on the community representatives who support their rehabilitation, and finally, on the community-at-large.

## But Shouldn't The Prisoners, As Well, Commit Themselves To Rehabilitate?

Obviously, the prisoners themselves should be committed to their own rehabilitation and integration. During the period preceding their release the prisoners

*(Continued on page 6)*

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## PREPARING THE COMMUNITY *(Continued from page 5)*

are anxious and confused in regard to their future. It seems that these characteristics of their situation may increase their willingness to cooperate in planning an individual rehabilitation program, which will help them keep their commitment to rehabilitate when things get tough for these two reasons: (a) the willingness to participate in a rehabilitation program, and (b) the PRA's presence as representative of the outside world. The PRA starts working in prison 90 days before the prisoner's release. This early preparation enables the examination of alternative rehabilitation programs.

This individual rehabilitation plan is called the "Contact Program," which is a therapeutic contract that stipulates its conditions. The PRA's law (1983) stipulates that the PRA will set the rules for the rehabilitation of prisoners. This program establishes the procedures by which the parole committee refers a prisoner to the different rehabilitation programs and community services. The program staff is committed and responsible for the application of this therapeutic contract, in which prisoners commit themselves to participate in a community therapeutic program after his release.

*The social workers feared the prisoners because of their preconceived image as dangerous persons. The prisoners interpreted this fear as a weakness. As a result, they did not accept the social workers as people that could help them.*

### Why Prepare The Community Services?

In the past, even social workers outside prison had little knowledge about the ways to deal with a released prisoner. The social workers feared the prisoners because of their preconceived image as dangerous persons. The prisoners interpreted this fear as a weakness. As a result, they did not accept the social workers as people that could help them.

To change this situation, the PRA, together with the social welfare agencies, worked at changing attitudes among professionals. Seminars were given to social workers. In some of them, released prisoners and their spouses were present to promote the social workers' awareness.

In most cities, a joint team is referred to earlier work with released prisoners. Teams prepare a comprehensive rehabilitation program for released prisoners. The fact that the program is agreed upon by all the agencies and in coordination with the PRA, prevents manipulation of and by the released prisoners. In the past, these manipulations

have caused the programs to fail. In many towns, voluntary associations supervised by the PRA, send members to visit prisoners in prison and serve as a person they can turn to for help after their release.

### Police

Police attitudes are important in the released prisoner's chances to rehabilitate. The PRA has obtained a series of agreements with the police to ease the released prisoner's reintegration into society. Among the agreements are three very important ones: (a) minimizing police interrogations during the prisoner's working hours, (b) the PRA's authorization to receive police information about the involvement or non-involvement of a prisoner in criminal activities, and (c) the PRA's explanatory activities among policemen and the involvement of law enforcement representatives in the PRA's activities.

### But, Are The Professionals Enough?

However, the agencies are not sufficient in themselves. There is a crucial need for cooperation between the different agencies and, for an adequate positive public atmosphere and attitude toward prisoners' rehabilitation, for a successful and lasting rehabilitation. Similarly, a positive public attitude strengthens the professionals, while a negative public attitude does not.

No matter how brilliant the therapy is, if the community is not ready to offer social help, does not employ them or live near them, any effort of the professionals will be for naught. At the same time, the volunteers lack the required professional knowledge without which he will most likely fail. Therefore, any rehabilitation of prisoners must be composed of the joint efforts and coordination between the professional practitioners and the community. Hence, the Authority developed programs for the rehabilitation of released prisoners and their families that include the community at different degrees of involvement.

There are Authority's residential hostels—halfway houses—situated in residential neighborhoods. Some programs integrate released prisoners in small communities, like a Kibbutz (rural settlements) or Yeshiva, the Jewish theological seminars, and the Three-in-One Apartment is a special program where two university students are paired with a released prisoner. They live together in an apartment during their studies and stay in touch for many years after. Moreover, the students become advocates of prisoners' rehabilitation even after they leave the program, in their workplace, or neighborhoods,

*(Continued on page 7)*

## PREPARING THE COMMUNITY *(Continued from page 6)*

hence, opening new doors for released prisoners.

In an additional program, former released prisoners that are successfully rehabilitated, help newly-released prisoners. They act as strengthening agents for the newly-released prisoners, based on the theory of self-help groups. This program also helps the veterans, who by helping others, their own rehabilitation is strengthened.

### **Why Should We Prepare The Family?**

The family and its internal relationships can play a central role either by supporting the prisoner's rehabilitation or as a risk factor that pushes him back to crime. And, at the same time, the prisoner's state has a major impact on his family—spouse and children. Hence, a family that is able to support the prisoner will increase significantly his chances to successfully rehabilitate.

About 50% of the male prisoners in Israel are family men, hence, the importance to treat and support their wives during their incarceration. These women participate in support groups. They also participate with their husbands in in-prison courses preparing them for their release, where they deal with personal issues and suppressed problems to prevent failures after the release.

Prisoners worry that they won't be able to reconnect with their children after the release from prison. We provide a special program for children that includes regular visits to the incarcerated parent.

### **How Can Released Prisoners Find Work?**

We define rehabilitation as integration into the law-abiding society. The absorption into the work world is one of the major components of rehabilitation's success. Many efforts are made in the field of released prisoners' rehabilitation, in their detoxification from drugs, in emotional therapy, and in family therapy, but without any solution in the employment field, any investment may be for nothing. A lack of employment is a major factor for going back to crime and consequently, to prison.

Because many released prisoners lack stability in employment and have difficulties in accepting authority, the PRA has developed an employment-support program that offers a prompt response to the released prisoners' problems as an employee through therapy. In cooperation with the Employment Bureau, released prisoners participate in vocational training to better their chances of finding a suitable work position. They receive the assistance of a social worker that follows up, intervenes when necessary, and helps finding a job and keeping it. To increase the chances of success, the PRA employment

coordinators work at finding friendly employers who are willing to employ released prisoners and cooperate with the PRA employment coordinator.

Volunteers from the community are also invaluable to the rehabilitation of released prisoners. Volunteers represent a close person from the law-abiding society who cares for them genuinely. Hence, they feel a personal obligation not to offend the law. Volunteers are also more flexible than the administration, which is a valuable aspect,

*Volunteers are also more flexible than the administration, which is a valuable aspect, especially in the immediate period following the release from prison, a critical period, when the released prisoner needs both emotional and practical help.*

especially in the immediate period following the release from prison, a critical period, when the released prisoner needs both emotional and practical help. Moreover, this kind of relationship may reduce the help the released prisoner seeks from professionals in crisis moments. And, since released prisoners are often suspicious of the state authorities and workers, the volunteers may serve as a bridge between them and strengthen their trust in the community services. The PRA sees pairing volunteers with released prisoners as one of the most effective and efficient ways to help prisoners on the first period of their return to society.

### **Conclusions**

To conclude, in order to rehabilitate a released prisoner, we must change the public's attitude as an initial condition for proper professional activities. Professionalism must be coordinated and integrated with the PRA. Volunteers are an expression of society's real willingness to integrate released prisoners. If we do open our professional community's arms and integrate released prisoners from prison to society, these will be the strong arms that will enable the prisoners to rehabilitate and pass the bridge to their rehabilitation in the community. If we do all of the activities we mentioned today, we shall go hand in hand with the Psalms saying: "The Lord is good and upright; therefore, He leads sinners on the (good) road" (Psalms 25:8).

## FEDS SEIZE LETHAL-INJECTION DRUGS FROM STATES

Compounding the nation's severe shortage of execution drugs, federal authorities have confiscated shipments of a lethal-injection chemical that Arizona and Texas tried to bring in from abroad, saying such imports are illegal—a move that compounds the nation's severe shortage of execution drugs.

The U.S. Food and Drug Administration (FDA) said on October 24, 2015, that it impounded orders of sodium thiopental, an anesthetic that has been used in past executions in combination with drugs that paralyze the muscles and stop the heart. The anesthetic currently has no legal uses in the U.S. "Courts have concluded that sodium thiopental for the injection in humans is an unapproved drug and may not be imported into the country," FDA spokesman Jeff Ventura said in a statement. Arizona paid nearly \$27,000 for the sodium thiopental, which federal agents intercepted when it arrived at the Phoenix airport in July 2015, according to documents obtained by The Associated Press.

Texas and FDA authorities gave fewer details about the confiscation there. Texas is the nation's busiest death penalty state, with about 250 death row inmates and 530 executions carried out over the past 4 decades. But it has not been using sodium thiopental in recent years. The shortage of execution chemicals has been building the past few years, ever since European companies started refusing to sell certain drugs to the U.S. Death penalty states have been scrambling to secure supplies, a search that in at least one case led to India and a forlorn-looking business in a residential neighborhood.

States have had to change drug combinations or put executions on hold while they look for other options. As backups, Ten-

nessee brought back the electric chair and Utah the firing squad. Other states also have looked into buying drugs internationally.

Ohio, which halted executions until at least 2017 because of drug shortage, told the FDA earlier this month it believes it can obtain a drug overseas without violating any laws. Nebraska ran afoul of the FDA earlier when the agency said it could not legally import a different lethal-injection chemical it had bought for \$54,400 from Harris Pharma, a distributor in India. The FDA would not say October 24, 2015, whether it confiscated those drugs.

"Just wanted to let you know have a few states who have already ordered sodium thiopental. Would Nebraska be interested as I will have a few thousand vials extra?" Chris Harris, CEO of Harris Pharma, wrote in April 2015, to Nebraska officials, who released the correspondence under a public records request. Harris did not name those states, and no one answered the door at the residential address in Kolkata, India, that is listed as the firm's office. Key details are blacked out of the Arizona documents, which were released as part of a lawsuit against the corrections department over transparency in executions and it is not clear what country or company the state was doing business with. But the paperwork for the purchase resembles the Nebraska paperwork involving Harris Pharma.

Excerpted from an article (by Astrid Galvan and Justin Pritchard, Associated Press) in the October 24, 2015 issue of the *Ledger-Enquirer*, Columbus, Georgia, page A6.

## IACFP PRESENTS AWARD TO DR. STEPHEN WORMITH AT ANNUAL ICCA CONFERENCE

The International Association for Correctional and Forensic Psychology's (IACFP) Executive Director, Dr. John Gannon, presented Dr. Stephen Wormith the Edwin I. Megargee Award for Significant Contributions to the Field as part of the Annual International Community Corrections Association Conference (ICCA) in Boston, November, 2015. Doctor Wormith presented a brief paper titled: *Differences and Similarities of the Risk-Need-Responsivity Model (RNR) and the Good Lives Model (GLM)*.

Stephen Wormith is a Professor of Psychology at the University of Saskatchewan and Acting Director of the Forensic Centre Initiative, provides forensic clinical consultation services to various criminal justice agencies and organizations, including youth and adult courts in Saskatchewan, the Ministry of Corrections, Public Safety and Policing (Saskatchewan), the Ministry of Community Safety and Correctional Services (Ontario), the Regional Psychiatric Centre (Prairies), Correctional Service Canada and the National Parole Board. Doctor Wormith's re-



**Stephen Wormith**

search activities have concentrated on the assessment, treatment and therapeutic processes of offenders, including various special offender groups. He is the Canadian Psychological Association's representative on the National Associations Active in Criminal Justice, and is on the board of

directors of the Canadian Training Institute, the International Institute on Special Needs Offenders and Policy Research (Canada), and Crime Prevention Saskatchewan. He is also a former Canadian Football League player for the Montreal Alouettes and Grey Cup champion.

# THE RISE AND FALL OF COLORADO'S SUPERMAX PRISONS

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The current controversy surrounding the use of supermax prisons and solitary confinement has led to many individuals questioning how we got to the point that so many jurisdictions built and then abandoned 23-hour lockdown facilities. Specifically, the citizens of Colorado have questioned how a second supermax facility was built, opened,



**SUSAN JONES**

and now this \$200 million facility sits dormant. These types of facilities did not spring up out of nowhere, instead, they are a direct result of the increase in violence within the nation's overcrowded prisons over the past 20 years (Haney, 2008). As the number of people sent to prison increased, these people were stuffed into a system that was not prepared for them, nor were these systems nimble enough to expand quickly. As a result, the corrections systems were pushed beyond capacity. Most jurisdictions reacted by double bunking virtually all beds, modifying program spaces into housing areas, and building new prisons. This rush to accommodate more inmates also necessitated the recruitment, hiring, and training of additional employees. To say these systems were under stress and operating from a reactionary mode would be an understatement. The stress upon the system was evident to the employees and inmates and the resulting increase in violence within the correctional facilities was inevitable.

Reactions to an increasingly unsafe environment were initiated by correctional staff, legislatures, inmate advocacy groups, and the courts. The pressures from this variety of stakeholders led to conflict that made establishing a well-thought-out vision for growth virtually impossible. This conflict translated into a confused and reactionary approach that permeated throughout the system, including into the lives and actions of the inmates and front-line officers. The vacancy rates among line officers climbed and the goal of rehabilitation and programming quickly felt less and less important as programs were cut due to funding.

Each time an act of violence was reported within correctional facilities, responsible correctional administrators went to work to reduce the likelihood of that type of incident reoccurring. These responses included implementing controlled movement schedules, increasing regimentation in dining halls, and decreasing the numbers of inmates allowed in program areas such as the gyms or outside recreations yards.

Simultaneous to these actions was the increase in the number and power of inmate gangs within the prisons. Tracking and identification of gang members and gang activities became a specialized focus within most jurisdictions. As the sophistication of these gangs improved, the sophistication of the gang intelligence operations also improved. These specialized units tracked and detailed the role of gangs in the violence within the prison systems and they began to work closely with law enforcement agencies outside of prison to show the connection between imprisoned gang leaders and the acts of violence in free society. In an effort to stop the surge of violence, correctional administrators went to work to eliminate these types of actions. Procedures that governed inmate mail, telephone calls, and visitors were made more restrictive over and over. The use of new technology aided in the screening and monitoring of each of these activities. This screening and monitoring provided additional intelligence that identified the sources of the increased violence, both in the prisons and in the community.

Given this pattern, the resulting supermax prisons could also be described as a foreseeable outcome of the criminal justice system. Historically, the management of prison violence has been accomplished by two methods: (a) dispersion or (b) concentration. The idea that trouble-makers should be separated in the system to decrease the power base and potential for mass violence has been called the dispersion method. The concentration method aimed to reduce violence throughout the system by concentrating trouble-makers in one facility (Ward & Werlich, 2003).

Colorado abandoned the dispersion model in favor of the concentration method in the late 1980s. The highest security facility, Centennial Correctional Facility (CCF), was changed from a tightly-controlled high-security prison with movement of inmates in groups of eight or less, to a 23-hour-a-day lockdown unit. This facility provided a place for violent inmates in the Colorado system to be housed, in an effort to improve safety in the rest of the system.

The CCF was not built for this type of mission and the number of cells available was inadequate for the demand throughout the system. So, attention turned to a new prison that was already in the design phase for the Colorado prison system. The design was modified to house inmates who would be locked within cells for 23-hours-a-day. The planning for this supermax facility included what was touted as a "state-of-the-art" program. Eugene Atherton, Colorado State Penitentiary (CSP) Warden, was interviewed as

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part of a program filmed for television—*Lockup: Raw*. In that episode, he described the type of environment that was created at the new CSP facility: “CSP couldn’t be a place where inmates could get comfortable and make a life for themselves; we had to treat them differently.” The state-of-the-art program was intended to provide inmates with skills to safely function in lower-security facilities while making sure CSP was not a good place to hide out and do their time.

When the facility opened, with 756 beds, the inmates were transferred from CCF as well as segregation areas throughout the state. The beds were filled very quickly, the old adage: “if you build it, they will come” was right on target. The first real supermax for the state of Colorado was named the CSP. This would be the second CSP in the history of Colorado. The original CSP was the first prison and for many years, the only prison. It was known for very tough living conditions and as a brutal environment. It is significant that this particular name would be recycled to the modern-day supermax facility. The second CSP opened in 1993. The CSP would house the worst of the worst inmates. So, employees were hand-picked from both current employees and new recruits. Management staff often referred to these employees as an elite group of people, “the best of the best.”

The CSP attracted worldwide attention when the initial data indicated that moving inmates into CSP reduced the violence in the rest of the system by 67%, during that first year. As a result, correctional professionals contacted facility staff to get copies of the CSP program plan and many agencies sent employees to tour the facility. When the American Correctional Association (ACA) approved the accreditation of CSP in 1996, it was the first supermax prison to achieve this accreditation.

In 1994, the Federal Bureau of Prisons choose a location just 10 miles from CSP to be the home of their new supermax facility – ADX-Florence. While many people came to the area to tour both CSP and ADX, the programming and design of the facilities were very different. A major difference was that CSP did not have an outdoor recreation area for inmates. Inmates were only allowed to go down the tier to a room that was bigger than their cell and was equipped with a metal grate over an opening to provide access to outside air. Critics immediately began to call attention to the lack of outdoor recreation as a serious constitutional violation. As the success of CSP continued to be proclaimed, the employees that were picked to work at this facility continued to be told that they were doing important work, perhaps the most important work in the agency. They believed that they were making a difference in the safety of the system and that their programming was making a difference in the behavior of the inmates assigned to CSP. The “elite” status of this group of staff was repeated over and over and the facility was actually referred to as the “flagship” of the

system. This reputation contributed to a high number of CSP staff being selected for promotions, even at other facilities. This “elite” status affected all who worked there. The wardens of the supermax facilities also garnered increased prestige and power (Mears, 2008). The message was clear, the CSP staff were to be rewarded for doing the work at the supermax prison and whenever possible, they were to be chosen for promotion over other employees. Predictably, employees of other facilities resented this difference in status and a division between those who worked, or had worked at CSP, and those who had not, grew.

As the Colorado system continued to grow, designs were completed for many additional facilities, including yet another supermax facility, CSP II. The CSP II facility was designed to be a replication of the first CSP; however, the funding plan for this prison was non-traditional. This second supermax was expected to be funded through a lease-purchase agreement and this new type of funding was challenged in the courts. It took 3 years for the court system to decide that the funding plan was legal and by then (2007), the cost of construction had increased so that modifications had to be made to the design of CSP II. These modifications removed all programming areas and added the

*The CSP attracted worldwide attention when the initial data indicated that moving inmates into CSP reduced the violence in the rest of the system by 67%, during that first year.*

latest technology in the inmate cells. This technology allowed for communication with employees through a computer monitor and allowed for video visitation with friends and family. With the new technology, the number of reasons that an inmate would need to be removed from his cell was cut by half. The computer system dramatically increased the safety of all involved, but it also decreased the amount of human contact the inmate had

during his incarceration at CSP II. The changes in the design even removed the speaker ports on individual cell doors so that all but the most basic communication had to come through the speaker system of the computer. The evolution of supermax was taken to a whole new level.

By the time CSP II was ready to be staffed and opened, nationally the tide was turning on the need for supermax beds and Colorado was under a particularly heavy attack. In Colorado, almost 7% of all the state’s inmates were held in segregation which far exceeded the level of 2% or below in other state jurisdictions (Austin & Sparkman, 2011). The only reason funds were allocated to hire the necessary staff for a partial opening of the new \$200 million prison was that a compromise was reached at the legislature. The funds were approved for a partial opening of the CSP II facility (only 1/3 of the beds were funded) along with \$1.5 million to increase the services to the mentally ill that were held in a supermax environment in Colorado (Long Bill FY 11-12, 2011-2012). This compromise was communicated to department employees as a political win and a vote of confidence that the work being done at CSP was appreciated so much that

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## SUPERMAX PRISONS *(Continued from page 10)*

the legislature and the people of Colorado wanted to increase the numbers of inmates that could be managed in a similar way.

As the supermax operations in Colorado continued, with apparent support from the executive and management staff, the management approach to controlling inmate behavior was continually readjusted. The program was based on the concept that the inmates worked their way into CSP and they would have to work their way out. (At the time, the only inmates who were placed at CSP based on their sentence were those sentenced to the penalty of death.) Inmates were expected to adhere to the strict behavioral guidelines and complete required educational programs. The CSP employees developed seven educational programs, while these curriculums were educationally sound, none were considered to be “evidenced based.”

This approach to programming was showing some success with inmates that entered CSP; however, there was a core group of inmates that were transferred to CSP soon after it opened who never progressed out. Facility reports indicated an average length of stay at CSP of 22.5 months. However, this length of stay was calculated based upon the inmates that entered and left CSP, so the inmates who never left were not part of the mathematical calculation. These long-term inmates could be separated into two groups. The first group included those who had completed the programs but were deemed too dangerous to return to a more open facility. The second group was comprised of those who were not reacting positively to the program that allowed them to work their way out of CSP and their negative behavior continued to escalate. The measures taken to deal with this increased negativity also escalated. Haney (2008) describes a culture of harm inside supermax prisons that includes a centrifugal force that evolves over time and results in more harsh treatment of inmates in a supermax environment. This type of centrifugal force was operating inside of CSP.

Some formal policy modifications increased the austerity and control within the supermax environment, but others were a result of informal agreements reached among staff that addressed the areas where policy was unclear or silent. One such action was how the telephone-call privileges were allowed. The policy was clear that if an inmate worked his way to an appropriate level, the number of telephone calls he could make each month was defined. However, the implementation of this rule meant that the inmate rarely had an opportunity to make that many calls. The written policy stated that the telephone calls were to be made during the afternoon shift. The informal agreement for the implementation of this process evolved into a process where the inmate porters (janitors) always had the opportunity to use the telephone first. Then, an announcement was made that any other inmates who wanted to use the telephone that day should press their call but-

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ton. The order in which they pressed their call button was the order in which they were escorted to the telephone. Of course, there was no objective proof available to the inmates about where they were in line and they had to take the word of the employees. If the staff didn't have time to get to them on that day, the inmates would have to press the call button again the next day, after the porters were done with the telephone. This process resulted in some inmates not getting to make a telephone call the entire month, even

though they had “earned” the privilege to make up to six calls.

Another unique measure that was taken to address inmate behavior was the use of “special controls.” The use of special controls had been in place at CCF prior to the opening of CSP and these controls allowed for an inmate to be removed from their cell, placed in restraints, and taken to a more-controlled environment where they would be monitored one-on-one by an officer. The centrifugal force that Haney described also was seen in the evolution of how special controls were implemented at CSP. At first, the inmate would be placed in restraints and remain there for several hours. The facility-based procedure did not dictate a time limit on the number of hours an inmate would remain in restraints. As the procedure evolved at CSP, a requirement for a minimum number of hours was added but no maximum time was included. The policy was based on the premise that the inmate purposefully did something that warranted the staff to remove him from a cell, usually by force, and place him in restraints. Therefore, policy reflected a minimum number of hours to keep him in restraints so that he would not think lightly of repeating such a behavior.

A third example of this centrifugal force was found in the “forced-cell” policy. Removing an inmate from his cell by force has occurred throughout the history of prisons in this country. In the “old days,” the shift commander would round up the “biggest” guys on duty and they would charge into a cell and pull the inmate out. A system-wide evaluation of the types of injuries incurred by staff and inmates during these forced-cell removals prompted decision makers to find a way to reduce injuries. It has just been in the past 25 years that Colorado formalized this practice into a process known as a forced-cell entry. This formal process delineated the role of seven employees and defined the equipment that they would need to perform this task. The forced-cell-entry-process was very structured and, in theory, it was done the same way each time. When the number of forced-cell-entries at CSP continued to increase, the Colorado system changed the structure of the forced-cell-entry-process in 1998 to include the use of chemical agents. From that time forward, all forced-cell-entries (in all facilities) were completed by first using chemical agents to subdue the inmate, unless that particular inmate could

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## SUPERMAX PRISONS *(Continued from page 11)*

not be exposed to chemical agents based upon their medical history. The move to add chemical agents was not done informally, but as a matter of policy. Adding chemical agents to the process did reduce the total number of forced-cell entry incidents and thereby reduced the number of injuries overall. While this policy change was made to reduce injury, it is a further example of the centrifugal force theory that Haney (2008) described.

Even though CSP was accredited by ACA, the facility did not have a system of rotation out of the facility for staff. An ACA non-mandatory standard requires a policy that governs the selection, supervision, and rotation of staff who work directly with inmates in segregation. The standard falls short of stating that staff working in segregation must be rotated out of that environment on any set schedule, however, the implication is that professional correctional administrators should consider options regarding rotation. The CSP has been found complaint with the staff rotation standard in every audit conducted by the ACA by providing evidence that there is some staff movement within the facility and some promotions or transfers out of the facility. However, there has been no comprehensive plan to rotate or transfer employees out of this environment.

When CSP was a new facility and the employees were “hand-picked” for supermax, rotation was dismissed because these highly-qualified staff were vital for the mission at CSP. The informal rule was that the only way a staff member would be allowed to leave CSP was for a promotion at another facility. As the years went on and the popularity of supermax confinement waned, the attractiveness of trying to recruit from CSP for another facility diminished. If special circumstances suggested that an individual from CSP would benefit from another facility, the receiving facility was often seen as the one that was taking a “hit” for the good of the department. Additionally, the number of supermax employees being offered promotions outside of CSP decreased. Along with public opinion, the correctional professionals within the same system started to look upon the supermax employees as “less than professional.” This change in the perception of the employees who worked in supermax facilities can be tied to the culture of harm that Haney (2008) described. These individuals were the people on the front lines that were “allowing” this type of environment and treatment towards the inmates housed there.

Many factors converged to create doubt surrounding the effectiveness and necessity of supermax confinement within Colorado, including a change in management from the warden to the governor. A new warden was appointed to CSP and CCF in 2007 who was directed to make significant changes in the management of the facility. These “marching orders” were not publicly proclaimed and resistance from employees was significant. The most significant change was made by pulling the facility back to

the policy, in effect reversing some of the centrifugal forces. The informal rules that had been developed in areas where policy was unclear or silent were addressed one-by-one and either codified in policy or prohibited by policy. The sign up system for telephone calls is one particular example of pulling back to the policy and approving a process that allowed all inmates who earned this privilege to actually have access to the telephones.

As with most correctional systems, Colorado was being pushed to increase inmate success after release. Surprisingly, the numbers of inmates that were being released directly to the streets from a supermax prison exceeded over 200 in 2007. This new warden started educating policy makers and other key personnel about the number of inmates that were released from CSP to the community and the public safety risk this created. The first reaction was that the warden was wrong, or relying upon bad data, because releasing these inmates directly to the streets was very dangerous and irresponsible. However, the data were not only correct, but it was publicly available to anyone through the Internet; still no immediate action was taken to change the releases.

A second issue brought to the forefront by this warden was that the number of mentally ill inmates in supermax was over-represented when compared with the general population and there was a serious lack of mental health treatment for these inmates. The data were there, but no one was looking at it or talking about it. Colorado is not alone in their treatment of mentally ill individuals. The sad fact of the matter is that the biggest mental health facilities in this country are jails (Slate, 2013). When this country deinstitutionalized the mental health system in the late 50s and then failed to adequately fund community systems, large numbers of mentally ill people ended up in prison. This was a foreseeable outcome of the political actions taken with regard to mental health care. The only surprising thing about this chain of events is that some have the nerve to act surprised by the outcome.

The need for increased mental health treatment in the supermax environment was not widely supported, even by mental health clinicians assigned to the supermax prison. This reluctance to support increased treatment was explained by Haney (2008) who detailed the effect of the supermax prison upon all staff, even the noncustodial staff,

stating: “they are not immune to the ecology of cruelty that exists in many of the units and they are powerless to change it” (p. 973). Mental health clinicians who worked in these supermax prisons were used to conducting therapy in open areas, behind protective shields, or at the door front while talking to their client through a speaker port or tray-slot opening. Not only did these clinicians get used to the rules and procedures, they were part of the resistance to changing the process to a less controlled environment. Part of this reluctance stemmed from the perception

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that some inmate behavior was not a product of their illness, but was within their control.

A significant cultural expectation that developed at CSP and CSP II between mental health clinicians and custody staff was the need to determine if an inmate's action was solely because he was mentally ill or was it "behavioral." If the action was determined to be behavioral, that would mean that the action was not a direct result of their mental illness and they could choose to behave differently. This distinction was a major part of policy and actions for the inmates who displayed bizarre actions such as spreading his own feces across windows or walls or even eating his own feces. A common response by people who do not work in these settings, even by correctional employees in other facilities where this type of behavior rarely occurs, is that anyone who would behave like this must be mentally ill. However, in Colorado's supermax prisons, this behavior is evaluated by mental health clinicians to determine if the inmate had the ability to behave differently and, if so, should be punished for this behavior. As the behaviors continued to escalate, mental health clinicians worked side-by-side with custody staff to craft observation strategies and ever-increasingly complex restraint strategies to deal with this type of behavior.

The courts have also been a part of the attack upon Colorado's supermax policy. In August 2012, Judge R. Brooke Jackson found that the conditions of confinement at CSP, which included a lack of outdoor recreation, were "sufficiently extreme to create a liberty interest worthy of constitutional protection." The fact that CSP II was built in the same style, with no outdoor recreation options, did not sit favorably with the judge. The judge noted the Colorado system must not be concerned by the lack of an outdoor recreation area because they had just opened a second supermax facility designed in a similar manner. This ruling was another blow to the facility employees who thought that their actions and their facility would be found to be managing these inmates correctly.

In 2011, the new Governor appointed a new Executive Director who was charged with "fixing" the Colorado system's supermax problem. These orders were clearly communicated throughout the ranks of the entire department. It was difficult for the supermax employees to hear, so publicly, that they were no longer the flagship, but instead they were the problem that had to be fixed. It wasn't long before the movement to reduce the ad seg population, at all costs, was underway. Deputy directors and wardens from other prisons were ordered to review inmates held in supermax to determine if they were good candidates to be progressed to a lower custody facility. No supermax employee was allowed to conduct these reviews although they were needed to provide security, escorts, answer questions, and help with file management. The exclusion of the people that worked on a daily basis with the inmates was yet another communication that they were not valued as anyone that could be part of the solution because they were somehow tainted. The irony in this approach was that many of the employees within supermax also believed that there were inmates who had been at CSP too long and were ready to

progress. In fact, several requests for specific inmates to be moved out of CSP had been forwarded by facility employees and rejected by headquarter staff.

At the end of the review process, 473 inmates were identified to be moved to a lower custody facility, and then nothing happened. Nothing else happened for months, except to report to the media that 473 inmates were identified for movement. The facility warden asked headquarter staff at least weekly about the time frame to move the inmates and nothing happened. Other facility wardens asked headquarter staff about the timetable for when they would receive these highly-dangerous inmates and nothing happened. Many employees began to believe that the move would not really happen, until over 400 of these inmates were moved into other facilities in just a few days. The jolt to the entire system was felt by this radical and poorly-planned move. Suddenly, medium-security yards were filled with predatory and dangerous inmates. The number of staff voicing concerns about safety for themselves and inmates increased. The ripple effect of this mass move was felt at every facility. The system that had been known for stability and safety was now the epitome of instability.

One of the ripple effects of this move was the announcement of the closure of the CSP II facility which had only been partially open for just 19 months. This closure was explained by the reduced need for supermax beds as a result of the 400 inmates who had been progressed out of the system. The \$200 million CSP II no longer held any inmates.

Over the next months, staff reported that violence was increasing within their facilities only to be told that the numbers of violent incidents had actually decreased. The data gathered at headquarters and released to the media told a story of a system that had successfully and miraculously moved through this massive transition. The staff that disagreed were silenced by the data, even though the data didn't reflect the reality of what they experienced. Then, in the fall of 2012, a correctional food service officer was murdered and another was seriously injured in a medium-security facility. This horrendous act of violence was something that could not be described in a manner that supported the idea that the facilities were safe and stable.

Then, another horrendous act occurred, the Executive Director of the Colorado Department of Corrections was murdered in his home. The alleged assailant was a parolee that had recently been released directly from supermax to the community. The effect that these two murders had upon an unstable system cannot be

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## SUPERMAX PRISONS *(Continued from page 13)*

understated. The Colorado system was a system stunned into inaction for several months. When a new Executive Director was named, there was some hope that attention to the need to increase stability would be a high priority.

It did not take long before it was obvious that the new Executive Director was not focused on the stability of the system, but instead his focus was on continuing the work to eliminate or reduce supermax confinement in Colorado. This fact was confirmed when the *New York Times* published a letter written by this Director after he “secretly” spent 20 hours as an inmate, inside a cell at CSP. The letter, by Rick Raemisch, was published on February 20, 2014, in an op-ed section of the *New York Times*. Raemisch wrote that in the short period of time he spent in solitary confinement that he was “left feeling twitchy and paranoid.” The Director further revealed that he believed that solitary confinement damages mental health by stating: “as I sat with my mind. How long would it take before ad seg chipped that away? I don’t know, but I’m confident that it would be a battle I would lose.” A follow-up article about the attention from the media about the Director’s

*Another clear message for the formerly elite staff that worked inside CSP, was communicated by the Director in his letter from inside CSP when he wrote about the effect of solitary confinement upon Evan Ebel, the parolee who is suspected of killing the former director: “whatever solitary confinement did to that former inmate and murderer, it was not for the better.*

stay in administrative segregation was published in the *New York Times* on March 15, 2014, written by Erica Goode. This article built upon the relationship between mental health and administrative segregation and quoted Raemisch: “If it (my stay in solitary) would have been maybe even 2 days or a week, I would

think: ‘yeah, that would probably get someone’s attention.’ I might walk out stark raving mad, but it would get somebody’s attention.”

The future of the use of supermax confinement in Colorado is clear, at least for the current administration. In the op-ed letter published by Mr. Raemisch, he concluded: “If we can’t eliminate solitary confinement, at least we can strive to greatly reduce its use. Knowing that 97% of inmates are ultimately returned to their communities, doing anything less would be both counterproductive and inhumane.”

Releasing inmates into an environment that provides more freedom of movement is not as simple as just writing a memo or giving an interview to the media. The adjustment needed for the inmates as they moved into an environment that often included a cellmate and congregate activities was significant. The same type of adjustment was needed for the employees. Correctional employees believed their leaders when they were told that supermax confinement increased their safety and safety of the system. So, what type of message was being sent to these employees who are now expected to interact in dayhalls and recreation yards with

these highly-dangerous inmates? These same inmates were required to be handcuffed and escorted with two employees anytime they were out of their cell, just the week before.

Another clear message for the formerly-elite staff that worked inside CSP was communicated by the Executive Director in his letter from inside CSP when he wrote about the effect of solitary confinement upon Evan Ebel, the parolee who is suspected of killing the former Executive Director: “whatever solitary confinement did to that former inmate and murderer, it was not for the better.” The blame in that statement falls squarely upon the employees who implemented the policies and procedures to manage the 23-hour lockdown facility.

Supermax employees across the country are sometimes described as brutal or even venal individuals who are content to exact punishment and torture upon the inmates housed in supermax facilities. The reality is that these individuals answered a call to civil service to fulfill the requirements of the job asked of them. These individual corrections professionals worked diligently to implement policy, often a policy for which they were not a part of the formulation. The effect upon these employees has been identified by a very few number of researchers or agencies, however, as policy changes and jurisdictions are moving away from the use of supermax prisons the effect of this transition upon these employees must be addressed. Merely declaring that supermax confinement is “counterproductive and inhumane” and announcing plans to change the management of these facilities may be the politically correct thing to do, but what about the employees? How does a system move from one that supports and rewards supermax employees, to one that now is embarrassed by their existence?

The criminal justice system is often described as being directed by a pendulum that moves between punishment and rehabilitation. This image implies a smooth and continual movement between these two extremes; however, the reality is much less smooth. The current transition regarding the use of segregation and supermax has been more of a jerking movement as the pendulum changes directions. As this pendulum moves away from 23-hour lockdown a transition plan for the supermax employees, to help them adapt and feel safe with a new way of handling the same dangerous inmates, is critical. These are the same employees who were called the “elite” force and who were given the privilege of operating the “flagship” for the Colorado Department of Corrections. They were selected for this job because of their dedication and commitment to the mission.

Haney (2008) was perhaps one of the first scholars to identify the effect of the supermax environment upon the staff. Ideally, these supermax staff should have been on a rotation schedule to counter the effects of this type of work environment. Absent that process, correctional leaders need to carefully consider the transition process needed for these staff as they ride the pendulum back away from the extremes of the “mean season” of corrections.

# IN THE THEATRE OF THREAT

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**Radical.** This adjective states the meaning that when something or someone moves away from the mainstream or “regular pattern/behavior” towards the extreme opposite. Radicalization is a total change in how people see, feel, and think.

In the context of terrorism, radicalization towards extremist beliefs develop due to personal, social, and political circumstances. Humans have an innate need to share and evolve through this process, so we seek like-minded individuals and groups. There are two basic laws of life: (a) self-preservation, and (b) self-expansion. This mechanism is present in everything that we do and is guided more by our emotional state than a cognitive process. We can assess this by pausing for a second to wonder—all that we do, decisions that we make, paths that we take—is it due to what we feel first and then think about it or the other way around? Emotions also lead to formation of concepts.

## Concepts And Beliefs

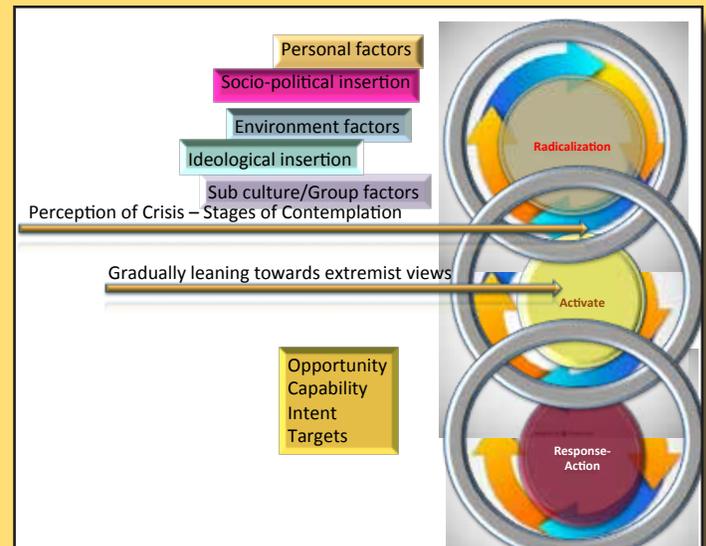
The concept is the idea/notion that emerges and forms a mental representation of our situation and environment. Acceptance of these concepts gives a sort of “meaning-making” units, and once these units are accepted, then this gives rise to beliefs. Beliefs also originate from what we hear and see. The sources of beliefs include environment, events, knowledge, past experiences, visualization, etc. One of the biggest misconceptions is that belief is a static, intellectual concept. Incorrect. Belief is a dynamic process. Roles of anticipation and perception are also the cogs of a belief system. Perception does construct reality. Beliefs then motivate to construct emotion-thought patterns which produce the behavior that fulfills a specific need.

## Asymmetrical Warfare

In this century of turmoil and limited wars, radicalization is seen as part of asymmetrical warfare. For example, Russia’s hybrid tactics in Ukraine are compelling some

nationalistic groups to wanting a “Christian Taliban” as they believe that no State power can oppose Russia but a Taliban-like structure definitely can.

Many countries are facing radicalization and extremism (violent or non-violent) of myriad nature. Right-wing extremism like in the U.S., Sweden, and Finland where more right-wing extremists are resorting to violence, anti-refugee groups in Germany, Neo-Nazis, far-right extremists from organized groups to pseudo-political parties and anti-Islamic group like United Patriots Front (UPF) in Australia. There is a very thin line when a group can move from non-violent to violent agenda. It all depends on the format of push-and-pull factors, personal frustrations, individual and collective grievances, and more.



In the above illustration, the activation phase does not necessarily mean violent acts; one can keep a radicalized mindset but not indulge in violent activities. That comes to fruition when opportunity, capabilities, intent, and target are aligned.

And, most important: in every group, comradeship is a strong factor. This bonding through the social process, kinship is characteristic of a cohesive group.

- In-groups and group-level conditions are reciprocally-linked generating, mimicking attitudes and behaviors.

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## THEATRE OF THREAT *(Continued from page 15)*

- Self-maintaining groups then produce strong membership attachments.
- A unifying notion for the success of the process is a state of equilibrium that must be felt within each and every individual of the in-group

Push-and-pull factors in a society lead to changes in the human make up. Some of the push-and-pull factors can be that the current migrant crisis is also creating push-



and-pull factors. With well-crafted strategy of a terrorist group, such push-and-pull factors can be taken advantage of in converting, radicalizing, and making groups lean towards extremist beliefs. Such push-and-pull factors are even found in prisons. Crisis exploiters are in abundance and they do not miss an opportunity.

In this holistic borderscape with terror and criminal actors, the inevitable fact is that there is evolution. If we take prisons as a dynamic society of its own, where many are living together, it is not difficult to imagine intermingling of ideas, sharing of concepts, conversion towards extremism, and forming new alliances. Radicalization is a thorough change; discarding the mainstream outlook and moving towards extremist views, with push-and-pull factors creating an “us vs. them” mindset in societies. In fact, in a prison environment, any grievances which an inmate comes with can be easily exploited by terrorist recruiters and channeled into an extremist mindset.

**Gang Logic.** Conversion and radicalization can take place for many reasons when behind bars. Here, we can form parallels using “gang logic” which means why certain individuals join gangs? Why gangs are formed in prisons? (fun, excitement, protection, power-status, compassion for the group cause, affinity for violence, etc.). How gangs recruit? Social process in the prison, along with the sub-culture, is where “happenings” take place.

**Convergence.** The on-ground and online recruitment processes go hand-in-hand. Insertion to radicalize a mind

can come through the Internet but for radicalization to successfully take roots towards an extremist view, personalization is critical. Progress does not happen in isolation. Once indoctrination leads the potential recruit towards extremist ideologies, new concepts are formed through aggressive use of hostile imagery and narratives, an “us vs. them” mindset is created, then, it is the acceptance of these concepts which changes the belief system of the individual.

**Fear-Based Societies.** Transformational wars of the past have carried on generating second and third conflicts and the current fabric of the world is fragile. Organisms were designed to adjust, adapt, and survive or go extinct to make way for the new—what will be the new?

Even from a pure scientific lens of epigenetics, we know that epigenome learns from its experience be it positive or negative. In our century and the experiences, we don’t have to live the experience physically, but they can also be experienced through presence in cyberspace. Currently, fear, trauma, anxiety, and stress, all of these elements are “working without borders.” On one hand, the world has become smaller, and on the other hand, the people are more isolated than ever. Mental trauma, first-hand or secondary, is being experienced at a faster pace than ever before due to our globally hyper-connected world. Fear, trauma, violence, aggression, and anxiety faced due to terrorism (even via news/Internet) is creating offshoots as mentioned above. Rise of deviant behavior will be exponentially high for future generations if the current societies remain marked by fear. Internet sets all in hyper-accelerated mode. A ripple can start in Paris and can carry on as far as Indonesia and to Australia.

**Cyberjihad.** The Internet is a purposeful medium for strategic communication, and, the online jihadist media campaign has been growing and opening new fronts in a letter to al-Zarqawi, Ayman al-Zawahari declared in 2005: “We are in a battle and more than half of this battle is taking place in the battlefield of the media. We are in a media battle for the hearts and minds of our umma.”

A mujahid’s suitcase can be easily prepared through online learning training tools in the form of manuals on explosives, weapons know-how, targeting guidance, constructing drones, and more. Emotional-faith binds many who are “identity-seeking” and “soul-searching.” To be successful, a “movement” must have a few things going for them: (a) inspirational leadership, (b) an ideology which inspires and conveys freedom from oppression, (c) a higher mission—a grand concept of defending,

*(Continued on page 17)*

## THEATRE OF THREAT *(Continued from page 16)*

protecting being the warrior, divine, and human fulfillment, (d) an organization set up which can survive, expand, and replenish (humans, finances, and weapons) against all odds, and (e) effective propaganda and recruitment strategies strategically catered for the right audience in the right way. If propaganda is conducted effectively, then the target audience's (TA's) attention is grabbed in the most meaningful way so that it changes their perception with meaning (sensemaking and affect-laden),

hence, leading the TA towards behavior change. This is psychological warfare. Radicalization is a crisis and is escalating. If people need to be resilient then they must have basic requirements: (a) knowledge of the hazard, (b) accurate perception of the risk, (c) understanding available alternatives, and (d) the resources and flexibility to respond successfully.

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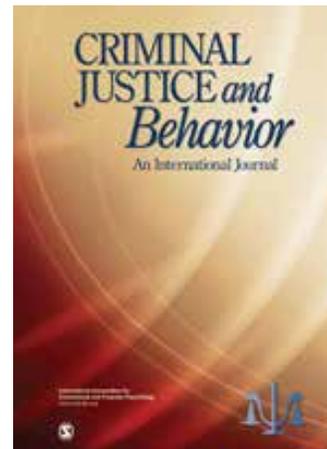
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# CONSULAR NOTIFICATION AND ACCESS FOR PEOPLE LACKING FULL CAPACITY

*Carmen Hills, MPS, Consular Notification Officer, U.S. Department of State Bureau of  
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Angela decided to study abroad for a summer in Greece. Her parents were nervous about her being so far from home, but excited for her to experience life in another country. As they hug goodbye at the airport, Angela's parents remind her of the importance of taking her prescribed medications daily. While away at college, Angela was recently diagnosed with bipolar disorder. Angela promises she understands and reassures them she will not forget as she boards her flight to Athens. Once Angela arrives at her residence in Greece, she realizes she has forgotten her medication, but she doesn't think much of it. She figures once she is settled she can get another prescription from a local doctor so she continues to unpack. Angela also does not make her parents aware she has forgotten her medication; they were already worried about her traveling abroad and the last thing she wants is for them to be alarmed.

The first few weeks of Angela's stay in Greece are great. She enjoys her new surroundings and communicates with her parents daily about her experiences, but suddenly after a month, her parents notice a shift in Angela's personality. They are hearing from her a lot less. In a brief phone call, Angela tells them she has depleted all of her funds and needs more money. After wiring Angela the money, her parents do not hear from her for several days. Angela's parents reach out to her study-abroad coordinator who shares with them that Angela has not shown up to class. They begin to fear the worst, until they receive a call from a U.S. consular officer at the U.S. Embassy in Athens. The U.S. consular officer shares with them that Angela was picked up by local police for shoplifting. The police noticed when interviewing Angela that she was unable to speak coherently and seemed despondent. During Angela's interview, the police asked if there was anything they should know, she shares with them she had recently been diagnosed with bipolar disorder. The police thought it was best to put her in contact with a mental health professional. After speaking with Angela, the mental health professional decided to take action. She held Angela at the facility fearing she may be suicidal and contacted U.S. consular officers at the U.S. Embassy to find out more about Angela's condition from her family back home. She did the right thing. Would you know to take the same actions Angela's medical health professional did if faced



**CARMEN HILL**

with a similar situation?

Mental health professionals in the United States may find themselves confronting similar challenges. Research has found that 11.3% of travelers will experience a mental health issue while traveling abroad. Experiencing mental illness can be particularly

jarring when it occurs while traveling in a foreign country. Visitors to the United States can find themselves without access to medications, and may encounter language barriers, culture shock, or other unexpected circumstances which cause stress. The stress associated with traveling or residing in a foreign country can trigger a mental health episode in individuals with a history of mental health issues or bring about the onset of a mental health problems in those who are susceptible. Individuals suffering from mental illness while visiting the United States may find themselves facing the stigma of their illness while dealing with the challenge of being in an unfamiliar country. Deciding what is in the best interest of the patient can present a unique and difficult situation for family members and mental health professionals. Also vulnerable in circumstances like these are people with neurological disorders such as Alzheimer's and dementia. A foreign national residing in or visiting the United States and suffering from one of these conditions may lack familiar support systems and daily routines making it especially challenging for their caretakers.

Mental health professionals and law enforcement officers in the United States should understand the need for consular notification regarding incapacitated adults who are citizens of foreign countries. The Vienna Convention on Consular Relations (VCCR) establishes legal requirements for notifying the consulate of a foreign country when one of their nationals is arrested, detained, or dies. The VCCR also includes provisions regarding consular notification and access for minors and incapacitated adults. In addition, the U.S. Department of State encourages U.S. officials to consider notifying

*(Continued on page 20)*

# CONSULAR NOTIFICATION *(Continued from page 19)*

consular officers as a matter of courtesy if a foreign national is suffering from serious injury or illness and is in such a critical condition that contacting the consular officers would be in that person's best interest (such as, if the foreign national is in a coma or is sent to the hospital with a life-threatening injury).

Ratified and entered into force in the United States in 1972, the VCCR is one of several authorities governing consular notification and access in the United States, and it applies equally to the 177 countries who are signatories. The Supremacy Clause in article VI of the U.S. Constitution states that "all Treaties ... shall be the supreme Law of the Land." Therefore, consular notification and access obligations are U.S. law.

Consular officers are commissioned by foreign governments to serve as diplomats abroad and honorary consuls are dual nationals or legal permanent residents who perform some consular duties under authorization from a foreign government. In order for them to provide services for their citizens, U.S. authorities are required to notify them regarding circumstances affecting their citizens in certain specific situations.

The circumstances requiring consular notification that are of particular interest to members of the mental health community include three situations: (a) when a foreign national is placed under a guardianship or when authorities are considering placing a foreign national under a guardianship, (b) when a court places a foreign national under a civil commitment, (c) and finally when a foreign national is incapacitated and not expected to recover in 24 to 48 hours.

Whenever a probate court or other legally competent authority considers appointing a guardian or trustee for a foreign national who is a minor or an adult lacking full capacity, a court official or other appropriate official involved in the guardianship process must inform the nearest consular officers for that foreign national's country of citizenship without delay. Notification is also required when a petition to appoint a guardian for a foreign national is filed with a court, or when legal proceedings are initiated in which a foreign national minor is named as a party and the individual's parent or guardian cannot be located. Article 37(b) and Article 5 of the VCCR recognize the functions of consular officers relating to minors and incompetent adults including those who suffer from mental illness or otherwise incapacitating disease. The legal

*Consular officers are commissioned by foreign governments to serve as diplomats abroad and honorary consuls are dual nationals or legal permanent residents who perform some consular duties under authorization from a foreign government.*

procedures for appointment of a guardian or trustee can go forward, but a consular officer should—if possible without prejudice to the appointment process—be permitted to express any interest his or her government might have in the issue.

The second instance where authorities are required to provide notification is civil commitment. Under the VCCR and most bilateral agreements, a civil commitment is considered a detention.

Even prior to the commitment, consular notification may be required by Article 37 of the VCCR, which requires that consular officers be notified whenever it appears that a guardian is needed for a foreign national, e.g., because he or she appears to be mentally ill or legally incompetent. In certain cases involving minors and incompetent adults, the U.S. Department of State encourages respecting a foreign national's desire not to have his or her consular officers notified when such a desire is known or ascertainable.

The third instance requiring authorities to provide notification is in cases where a detained adult foreign national is believed to lack full capacity. If the foreign national is expected to recover his or her full capacity within 24 to 48 hours (to name one example, if the individual is back on the appropriate medication(s) and will improve considerably in that time frame), authorities should wait until the individual has recovered and then ask whether he or she wants you to notify consular officers of the detention. If the foreign national requests notification, a responsible official must ensure that notification is provided to consular officers as soon as possible. If the individual is not expected to recover full capacity within 24 to 48 hours, the pretrial services officer should bring the issue of consular notification to the attention of the court or other appropriate authority, which should determine whether notification would be in the best interests of the detained individual.

Consular officers can be a vital resource for courts in deciding what is in the best interest of a minor or incapacitated adult, including locating and contacting family members in the home country who can assist in making decisions on care for the minor or incompetent adult and provide translation when necessary. Consuls should be allowed to have access to their nationals while in custody. Consuls may decide to call, write, or visit their citizens depending on the country's customs and available resources. When visiting mental health facilities, consuls

*(Continued on page 21)*

## CONSULAR NOTIFICATION *(Continued from page 20)*

are subject to the rules of the facility they are visiting. They must abide by security procedures including security checks and searches. The U.S. Department of State asks that foreign consuls be afforded every courtesy and treated as one would like to see a U.S. consul treated abroad. If possible, consuls should communicate with their citizens in private. In certain circumstances, namely when there are concerns for the safety of a foreign consul, authorities may monitor meetings between consuls and detainees. If a foreign national does not wish to meet with their consul, this preference must be respected; however, the consul may visit to confirm this preference with the foreign national. If, at a later time, the foreign national decides they would like to meet with their consul, a consular visit must be provided.

As a party to the VCCR, authorities in the U.S. have an obligation to follow consular notification and access procedures. As a best practice, authorities should attempt to identify the citizenship of any person being detained. You can go about doing this in a number of ways including, asking directly and checking for identifying documents such as a passport or green card. The provisions of the VCCR apply to all foreign nationals meaning that consular notification applies to foreign nationals in the U.S. regardless of immigration or legal status. The VCCR states that notification should take place “without delay.” The U.S. Department of State interprets this to mean within 72 hours of the detention.

In addition, the U.S. has established bilateral agreements with 57 countries to provide mandatory consular notification for arrests and detentions of the citizens from those countries. For these 57 countries, consular notification must be made regardless of the arrestee’s or detainee’s wishes. If a foreign national is incapacitated and from a mandatory notification country, you must notify the individual’s embassy or consulate. If the individual is not a national of a mandatory country, you should first determine whether his or her incapacity is likely to be temporary or to last for a significant period of time. Although it may seem simpler to make notification for all foreign nationals in custody, if possible, authorities need to ask citizens of non-mandatory countries of their preference before making the notification. If a minor child or incompetent adult is arrested or detained, the requirements that pertain to cases of arrests and detentions of foreign nationals must also be followed. If the

minor child or incompetent adult is from a mandatory notification country, you can make a single notification of the arrest or detention and of any possible need for a guardian. If the minor child or incompetent adult is not from a mandatory notification country but consular notification is required because a guardian may be needed, the requirement to notify consular officers that a guardian is needed takes precedence over the requirement to notify only if requested to do so by the foreign national. Again, you can make a single notification of the arrest or detention and of any possible need for a guardian.

Authorities can utilize translations of the notification statements provided by the U.S. Department of State to ask the foreign national in their language if they would like their consul notified. The translations are available in the consular notification and access manual and on the consular notification and access web page at: [travel.state.gov/CNA](http://travel.state.gov/CNA). Officials should document the response by the foreign national and save a copy for their records. Recordkeeping is essential as the documentation may be needed as evidence in the case of a foreign government inquiry. If the foreign national indicates they would like their consul notified or if the foreign national is from a mandatory country, the foreign national’s embassy or consulate should be notified at the earliest convenience, but no more than 72 hours after being in custody. Contact information for all foreign embassies and consulates in the U.S. can be located on the web page. Sending a fax to the U.S. Embassy or Consulate is highly recommended; this method is available 24-hours-a-day and gives authorities a record that the notification was received. Notification can also be made via telephone or e-mail if necessary. When making telephone notifications, authorities should be sure to record the date and time the notification was made as well as the telephone number called and the name of the representative from the foreign embassy or consulate with whom they spoke. What qualifies as a detention? For the purpose of consular notification, it is understood

to cover any situation in which a foreign national’s ability to communicate with or visit consular officers is impeded as a result of actions by government officials limiting that foreign national’s freedom.

The VCCR is a treaty and all treaties are reciprocal. Only when we fulfill our treaty obligations, can we expect the same from other countries. In the scenario at the beginning of this article,

*Sending a fax to the U.S. Embassy or Consulate is highly recommended; this method is available 24 hours a day and gives authorities a record that the notification was received. Notification can also be made via phone or email if necessary.*

*(Continued on page 22)*

## CONSULAR NOTIFICATION (Continued from page 21)

had Angela's medical health professional not provided notification to U.S. consular officers of the situation, it could have had a much different ending for Angela and her family. The best way to ensure that U.S. citizens abroad are provided consular notification is to practice personal diplomacy by adhering to the consular notification and access requirements here at home. The U.S. Department of State is here to assist law enforcement authorities and mental health professionals by offering an array of resources and services, such as assisting with developing standard operating procedures and answering questions regarding official policies. We are excited to spread our message throughout the U.S. through our training and outreach programs. We also develop and distribute materials to educate and inform on consular notification and access. Consular notification and access plays an important role in strengthening our bilateral relationships with foreign governments. It

involves collaborative partnerships between competent authorities in the U.S., foreign governments, and the federal government. The U.S. State Department seeks to foster a better understanding of consular notification and access among all U.S. law enforcement authorities and mental health professionals in order to assist those foreign nationals who are least able to advocate for themselves and provide information and guidance to law enforcement officials and those in the mental health profession.

You may contact the CNA Team by e-mail at: [consnot@state.gov](mailto:consnot@state.gov) or by telephone at 202-485-7703 during regular business hours. Outside of business hours, you may call the State Department Operations Center at 202-647-1516 for assistance. The Op Center will connect you to someone who is able to provide guidance and advice.

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### References available from the author.

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# VIGNETTES OF GLIMPSES INSIDE

Ronald R. Mellen, Ph.D., Professor, Department of Criminal Justice, Jacksonville State University, Jacksonville, Alabama, and an IACFP Member  
rmellen@jsu.edu



RON MELLEN

After retiring from Saint Mary's University in San Antonio, Texas, and before returning to teach at Jacksonville State University in Jacksonville, Alabama, I worked in the Arkansas Department of Corrections for 6 years. The first 3 years in Arkansas corrections was as Clinical Director of the Special Program Unit (a mental health unit) and the last 3, I was staff psychologist for the max and supermax units. Every so often, an offender event would strike me as important and I wrote them down. The events were not earth-shaking, but collectively, they provided insights into the vast array of hidden and emotional experiences that I encountered as a psychologist.

I've used the offender events in my correctional counseling classes for years and the students responded with interest. I started to craft these events into a book, but the thought also came to me that readers of *The IACFP Newsletter* might find the events interesting and possibly also open the door for others to share some of their similar experiences. Another vignette titled: *Cigarette Burns* follows below.

## CIGARETTE BURNS

He is 30-years-old and has 18 more to do before his first chance at parole. He laughs a lot but it masks some industrial-strength pain. Back home as a child, his stepfather did some really bad things to him. The inmate turned a lot of his rage inward.

He was smoking 20 to 30 cigarettes a day. Following draws on the cigarette, he would frequently burn himself. The blood spots on his whites were especially bad around the shoulders. The warden found punitive time did no good and shipped him to my mental health unit.

Once in our unit, the assigned counselor started working with him a lot. She used cognitive, behavioral, depth analytical, dreams, art work, and some approaches with no names. And he worked at it harder than she did. Once, he went 10 months before starting the burns again.

This time he is over 45 days burn free, ex-

cept for one incident when a sadistic inmate pressed him to burn again. Seems he could control his own urge to self-mutilate but couldn't say no to a sadistic someone else who was bored.

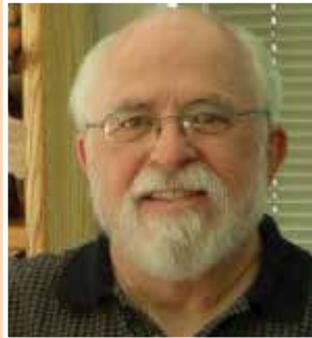
With biofeedback training, he is now sleeping through the night instead of waking up, as he says, "when any cockroach walked by." When asked how often that happened, he answered "about five to ten times a night." As I have noted before, some folks die into hell while others are born, smiling, into it.



*If you would like to submit a brief article like Dr. Mellen's, the vignette model used by him would be an excellent way to share similar experiences with others in the newsletter.*

# ON A SIMPLE BUT USEFUL OFFENDER TYPOLOGY

John Gannon, Ph.D., Executive Director, IACFP  
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JOHN GANNON

Scientific disciplines frequently divide the particulars they study into *kinds* and theorize about those kinds. To say that a kind is *natural* is to say that it corresponds to a grouping that reflects the structure of the natural world rather than the interests and actions of human beings. We tend to assume that science is often successful in revealing these kinds; it is a corollary of scientific realism that when all goes well, the classifications and taxonomies employed by science correspond to the real kinds in nature. The existence of these real and independent kinds of things is held to justify our scientific inferences and practices. (From the *Stanford Encyclopedia of Philosophy*, plato.stanford.edu/entries/natural-kinds/)

The scientific enterprise, particularly in the social sciences, is typically launched by some observation or series of observations arising out of the activities of everyday living. In our interactions with others, the term “folk psychology” refers to those seemingly-natural intuitions about people, social situations, and the likely interactions between and among them, that we presume help us bring a sense of order out of the maelstrom of human activity.

Folk psychology leads naturally to categorization of individuals into natural kinds, such as, tall vs. average and short, attractive vs. unattractive, smart vs. normal and dull. In the social sphere, we naturally categorize people as rich or poor, powerful or weak and, depending on your ideology, perhaps smart vs. normal and dull.

Oddly enough, when it comes to offenders, there seems to be a strange reluctance to admit the most basic forms of natural kinds into the discussion. As a result, we miss the opportunity to avoid unnecessary processing, save money, and advance justice. My suggestion here is that we use the folk intuitions we experience in working with criminal populations to stimulate scientific scrutiny of a proposed typology of offenders.

What is being suggested should not be taken to assert that we don’t already categorize people in the justice system according to numerous descriptors, including gender, race, age, and religion, as well as by criminal convictions, such as property offender vs. those who commit crimes against persons, and non-violent drug offenders vs. violent sex offenders. Clearly, we do.

However, as resistance to the rationale and practices of

so-called mass incarceration intensify, there is a growing interest among more progressive thinkers to consider ways in which we might avoid incarceration in the first place rather than devoting entire budgets to sanctions, security, or reentry programs. In themselves, the categorization of individuals by demographics or criminal offenses is post incarceration and has either no (in the case of race and religion) or overly specific (in the case of sex offenders and drug addicts) clinical implications for interventions. As such, they offer little in the way of guidance for criminal justice interventions at the front end of the system.

Other categorization approaches, such as that of sociologist Jack Katz, provides intriguing insights regarding different kinds of psychological states or stances the offender takes with respect to his or her behavior, such as “righteous murder,” “the way of the badass,” and “sneaky thrills.” However, these categories are themselves part of a broader category of “mind and crime,” which, could be juxtaposed to demographic or offense-based categories but again, often tell us little about who the criminal is in a situational sense or what kind of offender he typifies, and thus, at best, provide only distal implications for intervention strategies for the front end of criminal justice processing.

In practice, it can be useful to consider the four broad, natural kinds of offenders listed below. No doubt there are many other potential categorization schemes and, arguably, emendations or modifications might profitably be included as improvements. However, these categories are consistent with both the folk and professional intuitions many of us already have regarding the people we work with, and more importantly, have direct implications for interventions prior to criminal justice processing and incarceration. The four categories includes: (a) victims, (b) rebels, (c) sleepers, and (d) psychopaths and are described below.

**Victims** are drawn into the justice-related processes by virtue of conditions or situations not of their own making and are largely absent significant characterological disturbances. Overwhelmed by their emotions because of outside influences, with a learned helplessness to change their circumstance, and an inability to reduce their rumination about conditions or outcomes, they find themselves in a downward spiral of failing grades or work performance, increased alcohol or drug use, and social reorientation with companions who are engaged in minor crimes such as shoplifting, joy-riding, pot sales, trespassing, garage burglaries, or vandalism.

A young man of generally good character previously doing well in school or at work whose mother is dying may become lost, irritable, angry, and depressed. He runs into

(Continued on page 25)

## OFFENDER TYPOLOGY *(Continued from page 24)*

difficulties in previously satisfying social relationships because of what is seen by old friends as aloofness or unrelenting negativity. A young woman being sexually abused by a family member may go through a similar development of emotional exhaustion, anxiety, and depression.

In both cases, old friendships are frustratingly unrewarding and home is a place of sadness and fear, not of refuge. As circumstance worsens, they may participate in their new companions' criminal activity because the crimes seem victimless, the alcohol or drugs calms the agitation or lifts their mood, or the activities themselves provide a sense of personal control and substitute action and a "thrill" in place of ruminations of helplessness, impending loss or guilt, and shame. Victims need social services not criminal sanctions.

**Rebels** are virtually all males (and some females) in the United States at one time or another. It appears to be normative in our society that most young males, at least, to engage in serious violations of the law. The duration of trouble making may extend from a single notable incident to a year or more of criminal activity, usually centered on the likes of underage drinking, use and sale of minor drugs to friends or acquaintances, gambling, minor theft, vandalism, or evasions of rules and laws such as failure to report earned income, using school or work equipment for personal projects, or improper sexual behavior.

As time goes on, the individual becomes aware of the dangerousness of unlawful activity, burdened with guilt, or just develops a sense that "this isn't me," and spontaneously desists from such behavior. While not the same, much of the essence of this group can be found in Terrie Moffitt's description of Adolescent-Limited offenders.

**Sleepers** possess two crucial characteristics: (a) the ability to bond emotionally to others, and (b) the capacity to experience a sense of conscience. While they have these abilities and capacities at the time we encounter them, they often look similar to more dangerous or persistent street criminals, but this is a deception. Their bonding is stunted, yes, and their consciences are asleep, but they are that one-third or so of criminal populations that can benefit most from our interventions. They are sheep in wolves' clothing, and they are the group that we want to focus on.

**Psychopaths** comprise the final category. Described classically by Robert Hare and others, they are characteristically glib, grandiose, manipulative liars who typically lack remorse and empathy, and externalize responsibility.

### Usefulness and Implications

The usefulness of this typology of offenders lies in the belief that behavioral change is best pursued by intervening with offenders, not offenses, and that different kinds of people can be rationally grouped and considered for intervention based on their group membership or natural kinds. The implications of this typology suggest that intervention resources should be focused on sleepers.

**Victims**, by definition, are undeserving of crimi-

nal sanctions. Counseling, drug treatment, and alternative housing are more suitable than juvenile hall or jail for victims. Rehabilitation is unnecessary, and incarceration for victims is not useful, reasonable, or fair.

**Rebels** are better left alone. We know that jails and prisons are iatrogenic, and we endanger both them and society by exposing them to more hardened criminals in the think tanks for thugs. While perhaps belated, these individuals "learn their lesson" from the activity itself, and it is too risky to insist on treatment for behavior that is about to change on its own. Admonishments by the court and community monitoring by a social service agency rather than a criminal justice agency are sufficient to foster the process of behavioral change. Absent very serious criminal behavior, even short-term incarceration awaiting disposition of charges, and particularly formal labeling as an offender should be avoided.

**Sleepers** are the population to look for. They are the principle candidates for the kinds of programs envisioned by both the Risk-Needs-Receptivity Model and the Good Lives Model. They can care about others and experience genuine remorse, and they are likely to be interested in and capable of benefitting from our programs. By awakening their bonding and consciences from their slumbers, they can take the insights and practices we know how to offer, and apply them in their lives.

**Psychopaths** cannot be ignored even though they are relatively rare, even in prisons. Psychopathy is a term of art among correctional and forensic practitioners, but the vision of the psychopath may be what most citizens have in mind when they think of "criminals" and when they support "get tough" policies.

While there is a good deal of controversy about the treatability of the psychopath, the interests of justice, the imperfections of our own assessment skills, and demands for equal treatment under the law require that no one should be denied services merely on the grounds of the results of a psychological test or rating on a psychological instrument.

Without data, the typology here is mere speculation. However, speculation is at a minimum in asserting that the challenges of resource allocation are always with us and that current outcome data and recidivism rates suggest improvements in allocation and application would be useful.

The hypothesis advanced here is that avoiding unnecessary incarceration and treatment for victims and rebels, and carefully managing resources devoted to psychopaths will allow us to bring more useful application of our limited resources to sleepers. At this point, the hypothesis is consistent with folk psychology and professional experience. Whether the "kinds" described here will hold up under scientific scrutiny awaits the next intrepid explorer of this niche of the human condition.

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References available from the author.



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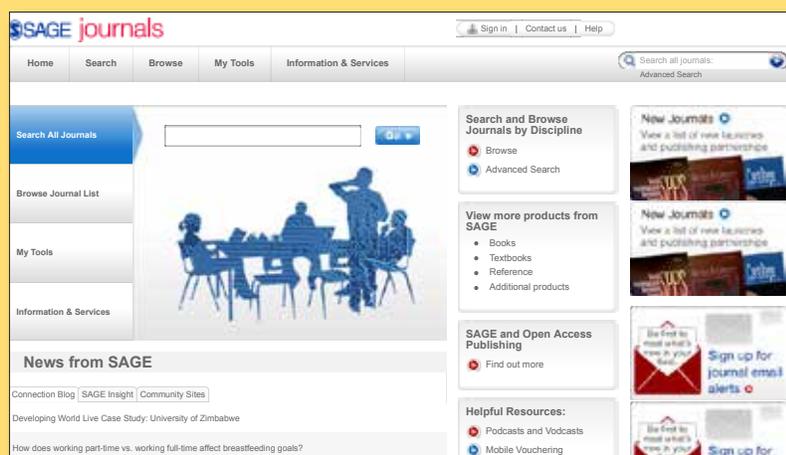
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## BUDGET CUTS THREATEN PRISON REFORM EFFORT

Two hundred and fifty inmates live and sleep in long rows of cots in the airplane hangar-sized dorm at Saint Clair Correctional Facility. Industrial fans churn the 92-degree summer heat in the brick building without air conditioning. Guarding them all is usually one or two corrections officers.

The inmates in the dorm, where prisoners participate in classes and court-ordered treatment programs, were selected for good behavior. Still, it's a scene repeated across the state prison system, said Alabama Corrections Commissioner Jeff Dunn: too few officers watching too many inmates. "Our concern is the security of our officers," Dunn said. "When you are understaffed, which in many of these facilities we are, it makes it very difficult for our corrections officers to cover all of the areas they are supposed to cover."

State budget cuts could stymie an effort to relieve crowding in state prisons that now hold nearly twice the number of inmates they were originally designed to hold. Dunn said a 5% funding cut to the department would jump crowding from 185% to 213% of capacity.

Legislators, fearing the federal courts might intervene in the state's prison system, earlier this year passed a series of reforms aimed at reducing crowding through sentencing changes, boosting use of community corrections, and hiring additional probation and parole officers. However, while lawmakers approved the reform effort, they still have to fund it.

The state general fund faces a projected shortfall of \$200 million. Alabama Governor Robert Bentley is asking lawmakers, who begin a special session September 1, 2015, to approve \$260 million in tax increases to avoid budget cuts. Bentley said September 4, 2015, that his proposed general fund budget incorporates the money for prison reform for Corrections and the Board of Pardons and Paroles.

"This is a major problem in the state, our prison situation," Bentley said. "We inherited this problem, but we've got to solve this problem. The prison reform is a good piece of legislation and we need to fund the first part of that. We need, probably, some new prisons, but that is down the road."

The state's close security prisons, which hold the most dangerous inmates, are at average of 155% capacity. Saint Clair was designed for 984 inmates, but holds 1,323. Kilby Correctional Facility near Montgomery was built for 440 inmates but in June 2015, housed 1,279 inmates.

Saint Clair, a maximum-security prison, has been in an unfavorable spotlight because of incidents of violence and



*Inmates work in the Kilby Corrections Facility printing area in Montgomery, Alabama, on Friday, September 4, 2015. The facility currently houses three times the number of inmates it was originally designed to hold. Kilby was built for 440 inmates and in June housed 1,279 inmates, according to prison statistics. (Albert Cesare/The Montgomery Advertiser via AP)*

inmate deaths. Four inmates were killed in a 14-month period at Saint Clair Correctional Facility in Springville. The facility was placed on lockdown in April 2015, when prison officials say more than two dozen inmates assaulted officers using broken broom handles, locks tied to belts, and other objects as weapons.

A portion of Saint Clair prison is closed for a project to replace locks on cell door locks that have grown old and unreliable. Dunn said while the money is set aside to replace the locks at Saint Clair, lock replacement projects at two other prisons would have to be put on hold even if the department receives level funding, Dunn said.

State Senator Cam Ward, the Chairman of Prison Reform Task Force, said he believes lawmakers will find the money to fund the reform effort. He said the price tag on the reforms is only \$16 million the first year. "If we go over 200% capacity, you might as well go ahead and give away the keys to our system to a federal judge," Ward said.

However, as lawmakers decide what to fund, they'll have to trade off where to cut or where to raise taxes. A Senate-passed budget in the first special session funded the reform effort, but opposed senators accused their colleagues of picking prisons over services for children and the elderly. The House of Representatives overwhelmingly rejected the Senate spending plan.

Excerpted from an article (by Kim Chandler, Associated Press) in the September 8, 2015 issue of the *Ledger-Enquirer*, Columbus, Georgia, page A1.

## INMATE WANTS NEW HEARING OVER RACIAL SLUR

An African-American man on Georgia's death row is asking the Courts for a new sentencing hearing because a white juror who voted for the death penalty later referred to him with a racial slur. Kenneth Fults was sentenced to death for the 1996 killing of Cathy Bounds, who was shot five times in the back of her head. Fults has been trying for 10 years to get a court to consider evidence that racial bias deprived him of a fair trial.

Fults' lawyers obtained a signed statement from juror Thomas Buffington in which Buffington twice used the racial slur when referring to Fults. State and federal judges have so far rejected Fults' appeal. His case is on the justices' agenda when they meet on September 28, 2015. Buffington died last year.

The appeal is striking in its use of a racial slur by a juror. But claims of racial bias regularly come before the court in its consideration of death-penalty cases.

The justices already have agreed to hear argument over whether prosecutors improperly excluded all four African-American prospective jurors from the death penalty trial of another black defendant. That argument will take place in the fall.

At Fults' trial in 1997, Buffington told the judge and lawyers on both sides that he harbored no racial prejudice. Fults pled guilty to killing Bounds and a jury then sentenced him to death. But 8 years later, an investigator who was part of Fults' legal team spoke to Buffington about his experience on the jury. Buffington, 79 at the time

of the interview, twice used the slur in describing Fults.

"Once he pled guilty, I knew I would vote for the death penalty because that's what that (N-word) deserved," Buffington said, according to the signed, April 12, 2005, affidavit in the court record. Court papers offer no explanation for why 8 years elapsed between the trial and Buffington's comments to the investigator.

Lindsay N. Bennett, an assistant federal public defender in Sacramento, California, who is representing Fults, said it is common in Georgia for a defendant's legal team to reach out to jurors at that stage of an appeal, but not earlier. "During the course of the interview about his jury service, he made the statements reflected in the affidavit," Bennett said. "They caught the investigator completely off guard because she had no reason to believe prior to that time that this was the case."

Buffington further surprised the investigator by agreeing to sign the statement, Bennett said. Since including the sworn statement in Fults' file, however, state and federal judges have uniformly ruled against Fults. Prosecutors also have opposed Fults' efforts to get Buffington's remarks into court, although they acknowledged in their Supreme Court filing that their opposition is not meant "to imply that the use of this word is acceptable."

Excerpted from an article (by Mark Sherman, Associated Press) in the September 10, 2015 issue of the *Ledger-Enquirer*, Columbus, Georgia, page B2.

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## NEW PROGRAM TO CONTROL JAIL POPULATION PAYING FOR ITSELF

In April 2015, Columbus, Georgia City Council was pondering whether to implement an aggressive experiment in holding down jail population by more efficiently moving people through the system. The supporters of what they called the Rapid Resolution Initiative told Council during budget hearings that, while the program would cost taxpayers about \$458,000 a year, it would save about \$440,000. And that was a conservative estimate, the supporters said.

Council approved the program and it was put into place in July, 2015. A little over 4 months later, some of those same supporters were back before Council November 18, 2015, to report that the program has already saved at least as much as it cost.

Attorney Steve Craft, chief assistant public defender, was one of those early supporters and one of the designers of the program. He told Councilors that the program has saved an estimated \$406,000 in the cost of physically housing the prisoners in the county jail, and enough in prisoner medical bills to easily cover the rest of the cost, and more. "We have covered the cost of the program in a little over 4 months," Craft said.

Craft said the program has done what they had envisioned it doing: moving the simpler cases rapidly through the system so the prisoner could be either released if the case wasn't sufficient, fined, moved on the county or state prison, or released to other jurisdictions that have warrants on them. In all, the program has dealt with 296 Muscogee County Jail inmates who would have spent an average of 240 days in the process, but were now processed in just 43 days. Multiplied by the number of cases, Craft said the program saved the equivalent of more than 400 jail days, which at a conservative estimate of \$10 a day, produces the \$406,000 in savings. It has also kept the inmate population below maximum capacity since its inception.

District Attorney Julia Slater said in addition to the

savings, the program has not only made her office more efficient, but it has had a positive effect on victims of crime, too. "Of all the cases that you're going to be hearing about today, 147 of those were victim cases," Slater said. "That is, there has been a main victim of the crime who, because of the Rapid Resolution program, has been able to move into closure. If there is restitution that is owed, we can get an order on those cases."

Chief Superior Court Judge Gil McBride oversees the program and was one of its architects. He was supposed to address Council, but a case he is hearing went to jury in Harris County, so he could not make it. Councilors were pleased by the news, to say the least.

"I had no doubt that this was going to work when it was explained to us," Councilor Pops Barnes said. "We see the phenomenal savings, but even more important is the impact on the individual families of the prisoners who were going to languish. That was my concern."

"Wow," said Councilor Judy Thomas. "I'm kind of like Councilor Barnes. I thought when we first talked about this that it really had potential, but boy does it ever." Thomas asked Craft about how the legal community has accepted the program. "Initially, there was a little push-back, because there was the whole idea that it was a catch-and-release program, and we're just going to be turning people out and they'll be coming right back." Instead, Craft said, less than 1% of the inmates released through the program have come back into the system.

"Some people are just going to come back, whether you give them a week in jail or 10 years in jail, they're going to come back," Craft said. "That's a simple reality. You can't do anything about some of those cases."

Excerpted from an article (by Mike Owen, *Ledger-Enquirer*) in the November 18, 2015 issue of the *Ledger-Enquirer*, Columbus, Georgia, page A1.



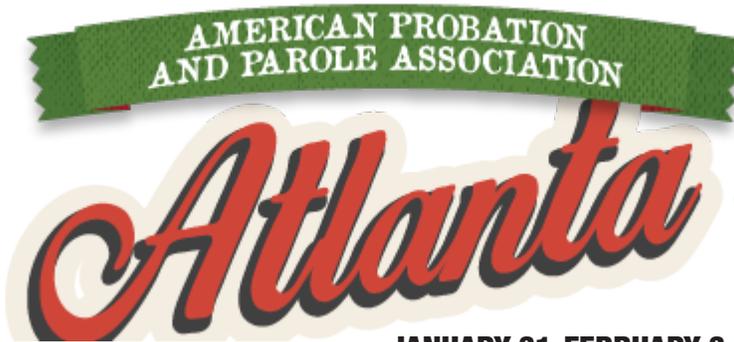
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- \* Define what human trafficking is and why it exists.
- \* Describe the trauma of victimization and the issues surrounding trafficked victims.

- \* Demonstrate the importance of the role of law enforcement, and probation and parole play in identifying and supervising these individuals.

- \* Develop strategies for communicating with and supervising trafficked victims, as well as suspected traffickers.

- \* Analyze key research findings related to responses to victims' noncompliant behavior.

### Presenters:

Sarah J. Kolks, M.S., Criminal Justice Professor, Ph.D. Candidate, Union Institute & University (Ohio)

Eric J. Higgins, M.S., Detective, Covington KY/Criminal Justice, Union Institute & University (Ohio)

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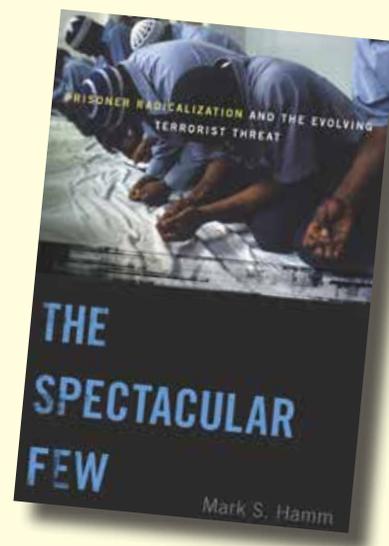
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# ***The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat***

***Published 2013***

**Mark S. Hamm**



ISBN: 9780814725443

The Madrid train bombers, shoe-bomber Richard Reid, al-Qaeda in Iraq, and the 9/11 attacks—all were led by men radicalized behind bars. By their very nature, prisons are intended to induce transformative experiences among inmates, but today's prisons are hotbeds for personal transformation toward terrorist beliefs and actions due to the increasingly chaotic nature of prison life caused by mass incarceration. In *The Spectacular Few*, Mark Hamm demonstrates how prisoners use criminal cunning, collective resistance, and nihilism to incite terrorism against Western targets. A former prison guard himself, Hamm knows the realities of day-to-day prison life and understands how prisoners socialize, especially the inner-workings and power of prison gangs—be they the Aryan Brotherhood or radical Islam. He shows that while Islam is mainly a positive influence in prison, certain forces within the prison Muslim movement are aligned with the efforts of al-Qaeda and its associates to inspire convicts in the United States and Europe to conduct terrorist attacks on their own.

Drawing from a wide range of sources—including historical case studies of prisoner radicalization reaching from Gandhi and Hitler to Malcolm X, Bobby Sands, and the detainees of Guantanamo; a database of cases linking prisoner radicalization with evolving terrorist threats ranging from police shootouts to suicide bombings; interviews with intelligence officers, prisoners affiliated with terrorist groups and those disciplined for conducting radicalizing campaigns in prison—*The Spectacular Few* imagines the texture of prisoners' lives: their criminal thinking styles, the social networks that influenced them, and personal “turning points” that set them on the pathway to violent extremism. Hamm provides a broad understanding of how prisoners can be radicalized, arguing that in order to understand the contemporary landscape of terrorism, we must come to terms with how prisoners are treated behind bars.

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# *Trauma, Shame, and the Power of Love*

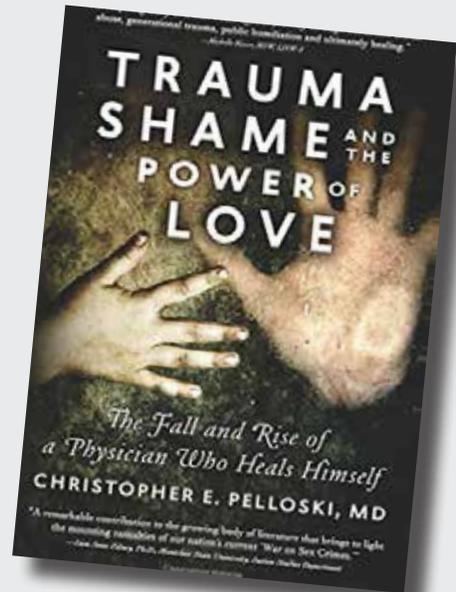
*Published 2015*

**Author**

**Christopher E. Pelloski, M.D.**

**Editor**

**Leslie Tilley**



ISBN: 9781500755539

There is a reason books that recount the regrets and advice of the dying strike so deep a chord: people who have nothing left to lose can tell their stories with a sincerity and unpretentiousness we crave but that is all too rare. In *“Trauma, Shame, and the Power of Love,”* Christopher Pelloski relates his own downfall from a prominent physician-scientist in the field of radiation oncology in a similarly candid way.

Pelloski chronicles the evolution of his devastating legal battle alongside his concurrent journey of recovery from childhood sexual abuse. He shares with us the lessons he learned from these experiences in the hope they can serve as both a warning and an invitation: a warning to abuse survivors not to follow his dark path of silence, and an invitation to society to deal more openly with the multitude of painful issues that have shaped, not only his life, but also, tragically, the lives of so many others.

A portion of the post-production proceeds from the sale of *“Trauma, Shame, and the Power of Love”* will be donated to The National Center for Missing & Exploited Children and the Sidran Traumatic Stress Institute, Inc.

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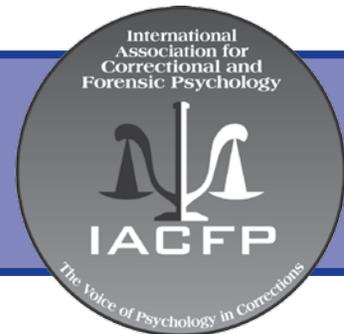
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