

## “I AM NOT NOW WHO I USED TO BE THEN:” RISK ASSESSMENT AND CLAIMED IDENTITY TRANSMUTATIONS OF PRISON INMATES

Hans Toch, Ph.D.

**A paper delivered at the Annual Meeting and Conference of the International Correctional and Prisons Association, October 28, 2009, in Bridgetown, Barbados.**

In the course of my drafting an unsolicited (and no doubt unhelpful) letter to a parole board relating to an impending administrative hearing, I made a point of mentioning that the prisoner under consideration had written in an essay for publication that he would have denied his own parole at earlier stages of his sentence because at the time he was a very volatile and violent young man, and a danger to the public.

One might consider this a disarming exercise in self-flagellation, but it was in a sense the opposite. What the inmate was telling his readers—all three of them—was that the dangerous young miscreant he was alluding to—himself when young, wild and ungovernable—is now beyond range of the person he has become, and is, in fact, a categorically rejected and discarded self he has worked hard and successfully to supersede. As a new man with a new and improved identity, the inmate could therefore claim eligibility for an uncontaminated appraisal and the opportunity for a fresh start. He could also presumptively be entitled to considerable personal credit for the substantial transmutation he has achieved.

I would assume that many serious offenders—especially those who have served long prison terms—feel somewhat similarly to this prisoner, and if they were given the floor, would present their parole boards with some version of the sort of narrative that my friend Maruna has called a redemption script, which he says argues that “because of all that I have been through, I am now this new way.” The key point is that the way does have to be convincingly new. One has to document for authorities at some stage of the game that one is no longer the sort of person who would have offended again.

A solemn expression of contrition and a

fervent, sincere-sounding resolve might serve the purpose in a crunch, but most offenders realize that such a bare-minimalist approach falls short of providing the tangible reassurance that jaded officials, such as parole board members, appear to require. In the case of any prison release decision, the prisoner knows that it is always the applicant who bears the burden of proof. If a prisoner has served an extended sentence that he has presumably deserved—and he will have heard that

*“...the long-term prisoner could, in theory, invoke a statistic that has become the best-established fact about criminal recidivism, which is that the risk of re-offending decreases across the board with age.”*

challenging this presumption would be the kiss of death—he should know that he has an extra burden to carry because his stigmatizing offense record would be parked in the forefront of his dossier, and because members of the board would have made it clear that they believe that he would say almost anything that he thought could get him out of prison.

At this stage, the long-term prisoner could, in theory, invoke a statistic that has become the best-established fact about criminal recidivism, which is that the risk of re-offending decreases across the board with age. But the inmate is unlikely to advance this argument, because he is not habituated to seeing himself in statistical terms, and could never recognize himself in a risk-prediction equation. The inmate would also be reluctant to favor a self-conception that would characterize him as an impotent burned-out senior citizen with no tread left on his tires. It might

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# INTERNATIONAL ASSOCIATION FOR CORRECTIONAL & FORENSIC PSYCHOLOGY

*The Correctional Psychologist (TCP)* is published every January, April, July, and October, and is mailed to all International Association for Correctional & Forensic Psychology (IACFP) members. Comments and information from individual members concerning professional activities and related matters of general interest to correctional psychologists are solicited. The IACFP endorses equal opportunity practices and accepts for inclusion in *TCP* only advertisements, announcements, or notices that are not discriminatory on the basis of race, color, sex, age, religion, national origin, or sexual orientation. All materials accepted for inclusion in *TCP* are subject to routine editing prior to publication. Please send material for publication or comments to Dr. Robert R. Smith: [smithr@marshall.edu](mailto:smithr@marshall.edu). Deadlines for submission of all material are:

January issue—

October 15

April issue—

January 15

July issue—

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October issue—

July 15

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## ITEMS OF INTEREST

**RISK ASSESSMENT**

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additionally occur to the inmate that if age reduces the risk of re-offending, the increased aging resulting from a parole denial would further reduce the threat he might pose to the community if and when he appeared for parole re-consideration.

A cogent argument that the long-term prisoner could more plausibly advance—because it also happens in most cases to be true—is that his institutional deportment will have bordered on the exemplary, with a few lapses early in his career reasonably attributable to adjustment problems, which can be conveniently relegated to ancient history. And speaking of history, the prisoner who advanced this argument would have history firmly on his side. As of the inception of parole in the days of convict transportation, a basic premise has been that institutional adjustment must be taken into account in arriving at release decisions. A squeaky-clean disciplinary record must thus commend itself to any parole board in the world that is worthy of the name.

The fly in this prescription is that prisons are settings that have been exquisitely designed to permit staff to monitor inmate behavior and to nip offending deviations in the bud, or drive them underground. If one had a choice of criminological testing grounds, prisons would therefore be the last places in the world that one would use to gauge criminogenic propensities based on transgressions. In fact, the higher the security level of a prison, and the fewer opportunities prisoners have to misbehave with impunity, the less reliably the place

could serve as a setting in which one can assess an offender's prospects for community adjustment.

These commonsensical facts are admittedly not the sort of information that we would broadcast from prison rooftops, or from the rooftops of prison administration buildings. I suspect the first thing that any instructors would tell their students in Prison Management 101 is that prisons are most effectively governed if one systematically deploys behavioral incentives and rewards for good behavior. But, if anyone contemplates promulgating a prison incentive system, it would not be a good idea to admit at the outset that release decisions ought to be off the table as ultimate rewards.

Fortunately, the prisoner is likely to next direct the parole board's attention to what he believes is an impressive roster of meritorious involvements and activities he has undertaken during his long years of confinement. The beneficiary of the letter I wrote to the parole board, for example, would most likely mention that he had arrived in prison as a marginal illiterate and ended up getting two higher degrees, and that he had spent most of his prison time campaigning to improve the chances of fellow inmates who might be seeking an education. I assume that these involvements (which have made the man somewhat of a nuisance) would prove much more relevant in assessing his readiness for parole than his youthful predations, because they would suggest that he has evolved a mission in life to which he is steadfastly and stubbornly dedicated.

What a prisoner has made of

himself during years of confinement certainly ought to be just as relevant to the board as rock-bottom tallies of deportment measures such as numbers of recorded misbehavior incidents. But for the board to make this more sophisticated determination presupposes that the pertinent information about the inmate's prison career would have been provided in his record, which, in turn, assumes that some member of the staff had carefully evaluated the nature and extent of the offender's involvements and achievements, including his program participation and extra-curricular activities.

Of course, if the board were to rely on program-participation and performance-related data, it would have to consider the limited range of options that may have been available to the inmate. In this connection I recall an experience I had years ago attending a Michigan parole hearing in which the prisoner had been turned down. The prisoner requested the reason, to which he was statutorily entitled, and the chair of the panel informed him that "you have not used any of the opportunities that should have been made available to you." The prisoner appeared to be satisfied with this explanation, but I had the distinct impression that he was not very swift.

Many prisons have an indecently circumscribed range of program opportunities. More seriously, most prisons have very few opportunities for involvements that can plausibly transfer or apply to afterlife in the community. This paucity of transferable experiences can be

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partly traced in time to concerns in developing economies about unfair competition from imprisoned labor. However, in the effort to avoid marketing prison products we have also managed to eliminate marketable ex-prisoners or people with marketable skills. Sadly, the person who has spent years faithfully stamping license plates is restricted to practicing his craft if and when he is re-imprisoned—which is usually 6 months after he is released.

Early in my career I was affiliated in a fringe capacity with the California Department of Corrections, which had a unique and redoubtable research division. The research division had among other things been doing studies of the benefits of prison program participation, with some preliminarily encouraging results, but one very disconcerting and puzzling exception. It appeared from our data that prisoners who had participated in vocational training as their sole program involvement accrued significantly higher-than-expected rather than lower-than-expected recidivism rates. Since we thought it unlikely that street gang members would somehow gravitate to introductory plumbing courses, we concluded that our budding plumbers were discovering that there were no jobs in California in which they could exercise their newly-minted skills. In other words, California had been setting up some of its prisoners for

foreordained failure.

I do not wish to imply that we ought to be blaming or crediting prison programs for high or low risk of recidivism. What I am saying is that we know that programs can make a difference because they teach skills, but also because they can instigate or facilitate personal transformation. This is true of virtually all programs, though some programs do a better job along these lines than others, and consequently ought to be liberally encouraged and supported. I know that I am here speaking to the originators and sponsors of such programs. But aside from personal-outcome-related considerations, we have to encourage and emphasize program participation because it serves as an outlet for the inmate's motivation to be constructively engaged, and as an arena for his evolving interests. Program involvements permit prisoners who are ready and willing to change to demonstrate that they have done so.

The importance of programs cannot be oversold, but I have also known offenders who have undergone crucial regenerative change pretty much on their own, or with a bit of amateur support from civilians or other inmates—but without our professional assistance. In assessing individual achievements, we have to keep our eyes out for men and women who have had the stamina and fortitude to swim against the tide. This often requires attending to long-term prisoners who

have extricated themselves after falling between the cracks because our programs were designed for short-termers. Some of these long-term prisoners were forced to be over-achievers in order not to vegetate over long periods of time or lose their minds. Their stick-to-itiveness may be one reason why age got to be such a powerful predictor of recidivism—which really means that age is a proxy for whatever transformations have occurred among dedicated middle-aged prisoners that we do not fully understand.

Of course, the aging offender does age. He experiences the physical consequences of getting older, which eventually slow him down and make him a less proficient or dedicated criminal perpetrator. But the offender also is forced to negotiate age-appropriate career-stage expectations, and these do not provide for superannuated gang members hanging out on street corners. Most importantly, many offenders experience the sort of age-related changes in outlook or perspective that we call maturation. Maturation, according to the New World Dictionary, means “the emergence of personal and behavioral characteristics through growth processes.” The growth processes the dictionary alludes to here are the kind of processes we observe in children, but that fact does not mean that we ought not to welcome growth processes

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## ITEMS OF INTEREST

**RISK ASSESSMENT**

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whenever they occur—especially, when they occur late in the game in our prisons.

The psychological transformations of maturing offenders that are of the greatest consequence and benefit to society involve movements from volatility to stability and from impulsivity to self-control, the abandonment of a self-centered perspective (of the sort that is appropriate for pesky children between the ages of 3 and 5) and the development of empathy, concern and interest in other people, particularly people in need of nurturance and assistance. If we evolved an appropriate maturation-assessment process, there are varying degrees of progress along this continuum that we might be able to profitably observe and document among our long-term prisoners, and hopefully consider in making release decisions.

In running prisons we can, in theory, reinforce and nurture personal maturation, and we certainly ought to discontinue reinforcing and nurturing low-maturity behavior. I know that as correctional workers this can be immensely difficult for us, because we like to emulate playing cops and robbers and because the parent/child reward/punishment game has become our standard mode of interacting as staff and prisoners. I don't have to tell you that even our most progressive prison units tend to lapse into the usual "we want/you can't have" or

"you can have/we want more" set of games that dependably prevents the development of meaningful (adult-to-adult) transactions between prisoners and staff, the formation of a civilized community, or any consequential learning among prisoners or staff.

Given the fact that I have no solution to offer to this problem, I am delighted that it is not the subject that I promised to talk to you about. What I did, however, imply I might talk about happens to be risk assessment, and in this connection you may want your money back. For I have not delivered even one measly equation about the probability of re-offending of left-handed burglars (or of left-handed murderers, for that matter)—not having done this because I think that extrapolations from group attributes invariably take inadequate account of individual differences, and that formulations that emphasize offense histories, risk being inapplicable to the sort of person that many long-term prisoners have become as they evolve over time. The point I have instead been trying to make is, that if we want to reduce the risk of reoffending, we ought to try very hard to encourage any and all meaningful, constructive involvements among our long-term prisoners and to credit them where they occur.

This is not the sort of suggestion that just occurred to me, or that I dreamed up last night for your edification. It is an injunction that derives from a set of marching orders I received from a great

correctional administrator the year I entered the prison business. The then Director of California Corrections, the legendary Richard McGee, instructed us youngsters in 1957 that: "Every employee, we don't care what his classification...has a responsibility to deal with the emotional and personal problems of the people... under his supervision...He has the responsibility of creating an atmosphere within the institution in which people can grow and develop."

Over the decades, I realize that there have been many in the field who have lost sight of McGee's goal of "creating an atmosphere in which people can grow and develop"—by which McGee meant, an atmosphere that would foster growth and development among both inmates and staff members under his jurisdiction. I am convinced after 50 long years, however, that if we want to remain a profession that we can be proud of, we cannot afford to relinquish the objective of nurturing personal growth and human development, because if we did that, we would be left running warehouses for people.

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## ITEMS OF INTEREST

**CORRECTIONAL PSYCHOLOGISTS RECEIVE AWARDS**

At the 2009 American Psychological Association Annual Convention, Toronto, Canada,

August 6-9, three correctional psychologists received recognition by Division 18, Psychologists in

Public Service. Their citations follow in the succeeding pages.

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**AWARDS** (Continued from page 5)

An **Honorable Mention Student Award Certificate** went to Jon Thomas Mandracchia in recognition of his professional commitment to helping prisoners with mental illness. As a student, Mr. Mandracchia has already developed into a published researcher, skilled psychometrist and compassionate clinician; he is a scientist-practitioner in the truest sense of the term. Mr. Mandracchia is committed to public sector psychology as evidenced in his research with incarcerated offenders, clinical work in community mental health, psychiatric hospital and prison settings, and his ongoing service to Division 18. Mr. Mandracchia's research and service focus on the delivery of service to under-served populations which represents the best of the spirit of public service psychology. Upon completing his pre-doctoral internship with the Federal Bureau of Prisons at the United States Medical Center for Prisoners, Springfield, Missouri, Dr. Mandracchia went on to accept an Assistant Professor position within the Department of Psychology, the University of Southern Mississippi.

An **Honorable Mention Student Award Certificate** also went to Erica L. Medlock in recognition of her professional commitment to providing high quality transition supports for inmates. Ms. Medlock's dissertation used an innovative career development intervention to address a chronic problem in society, the recidivism of inmates. A scientist-practitioner, she continually strives to implement empirically-based interventions that can make real differences in the lives of the in-

mates she serves. Her clinical work, research, classroom contributions and volunteer activities have all been infused with attention to marginalized groups, with particular focus on the people of Appalachia and those who are incarcerated. Ms. Medlock embodies both the spirit and future of public service. Upon completing her pre-doctoral internship with the Federal Bureau of Prisons at the Federal Correctional Institution, Fort Worth, Texas, Dr. Medlock went on to accept a staff psychologist position at the Federal Correctional Complex, Pollock, Louisiana.

Finally, the **2009 Harold Hildreth Award** for sustained achievement in the field of Public Service Psychology was presented to Robert K. Ax. Doctor Ax has spent his career working with chronically under-served public offenders with their staggering mental health needs and in settings where, sadly, relatively few people-helping professionals choose to work. Doctor Ax spent his entire career in one correctional facility. Those who know him, and his work, believe that his contributions to culture change cannot be overstated. He was not only a correctional psychologist providing clinical services to inmates but also a professional psychologist who developed an APA approved internship training program to bring newly minted psychologists into a public service career in corrections. He developed and administered the APA-accredited internship at FCI-Petersburg from 1985 through 2001. This internship became the model for the Federal Bureau of Prisons internship programs that currently includes 10 APA-accredited internship programs. In that capacity, he

provided direct clinical training and socialized interns to developments in the field of psychology, including matters related to public service psychology. Most notably, Bob familiarized interns with issues affecting practice development and the future of clinical services such as tele-health and prescription privileges.

Doctor Ax has authored, co-authored, chaired or delivered approximately 58 books, articles, and presentations with the vast majority of these works relevant to issues of training, professional development, or professional service in public service psychology. Two textbooks on correctional psychology are must reads for all criminal justice psychologists. They were co-edited by Dr. Ax and Dr. Thomas Fagan as "handbooks" and "guidelines" for correctional psychology. *Correctional Mental Health* (2003), *Corrections, Mental Health, and Social Policy* (2007) and the pending, *Correctional Mental Health*, this one on best practices in criminal justice settings. Doctor Ax's dedication to this underserved population is enhanced by the fact that the latter two books are the result of his post-retirement labors, bringing 30 years of experience from his tenure with the Bureau of Prisons.

Further, Bob has put his expertise, knowledge, and experience at the service of international criminal justice groups through other publications noted on his CV as well as his collaboration with the Canadian Psychological Association in planning and implementing the 2007 international conference

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## ITEMS OF INTEREST

**AWARDS** (Continued from page 6)

for criminal justice psychologists. Many correctional psychologists, interns, staff, and even inmates salute Dr. Ax as "Mr. Correctional Psychologist."

While Dr. Ax has never been employed in an academic institution, he has been requested to serve on several dissertation committees including dissertations at Virginia Commonwealth University, Minnesota School of Professional Psychology, and the Chicago School of Professional Psychology.

Another major contribution of this exceptional psychologist has been his tireless work in advancing the prescriptive privileges agenda for appropriately trained public service psychologists. For over 15 years, Bob has championed this cause in Virginia, across the U.S., and inter-

nationally. Recognizing that underserved populations such as inmates, the poor and the minorities have unequal access to quality health care, he became a champion of this added competence long before it became official APA policy in 1995. In his home state of Virginia he developed a 10-year plan for the Commonwealth to achieve prescriptive authority. That it has not yet come to fruition rests entirely on fears of some psychologists in the state of retribution by organized medicine against them and their state association. Doctor Ax co-developed, a psychopharmacology manual for the U. S. Bureau of Prisons.

In our own Division of Public Service Psychologists, Dr. Ax, along with Dr. Randy Taylor have been the most visible and persistent champions of

our program to "Train a hundred Public Service Psychologists in RxP." As a result of their efforts, and the generosity of many others in time and talent, the achievement of that goal has moved progressively forward with nearly 30 trained or in training at this point in time through programs at Alliant International University on the West Coast and Farleigh-Dickinson University on the East Coast. Doctor Ax is a Fellow of the APA and of Divisions 18 and 55. He is also a member of Division 26. He is a Past President of Division 18 and a Past Chair of the Criminal Justice Section of Psychologists in Public Service. He has received numerous recognitions from these groups as well.

HAPPY NEW YEAR

## ASSOCIATION UPDATES

**ANNUAL MEETING OF IACFP INSTITUTE FOR THE BEHAVIORAL SCIENCES, LAW, AND PUBLIC POLICY, INC.**

Board Members Present: Robert Smith (Chairperson), David Randall (Secretary/Treasurer), Eric Sterling, Charles Kehoe, Dean Aufderheide

Others/Staff Present: John L. Gannon (Executive Director), Michael Myers (attorney) and Jack Bissette (accountant)

The 2009 Annual Meeting of the Board of Directors for the IACFP Institute for the Behavioral Sciences, Law, and Public Policy via teleconference, was called to order on October 12, 2009, at 2:15 p.m. by Executive Director John L. Gannon. At such time, Board Members David Randall and Dean Aufderheide were not present, but later joined the meeting at 2:35 p.m.

First business discussed was the financial reports of the Institute. Doctor Gannon explained that the initial funding for the Institute came from three contributions: \$10,000 from the International Association for Correctional and Forensic Psychology, \$10,000 from Sage Productions, and \$5,000 from Dr. Gannon. Startup costs were approximately \$6,500 for incorporation, attorney and accountant fees and the Institute currently had \$18,510 in the account.

Next, Eric Sterling brought to the Board's attention that the name on the bylaws needed to be changed from AACFP Institute for the Behavioral Sciences, Law, and Public Policy, Inc. to IACFP Institute for the

Behavioral Sciences, Law, and Public Policy, Inc.; however, such an amendment of the bylaws was not provided to the Directors in the notice of the meeting, as required by the bylaws. Directors agreed to vote on whether to waive the required notice of amendment to the bylaws, as required by the bylaws, and all Directors voted in favor of waiving such notice. Next, the Directors voted to approve the change of the Institute's on the bylaws to IACFP Institute for the Behavioral Sciences, Law, and Public Policy, Inc. Finally, the Directors voted unanimously to approve the Institute's budget.

Next, the future direction of the  
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## ASSOCIATION UPDATES

## ANNUAL MEETING (Continued from page 7)

Institute was discussed regarding the goals and purpose of the Institute. Doctor Gannon had prepared a paper titled: *Toward a Sustainable Criminal Justice Ecology*, which was distributed to the Board prior to the meeting. The paper covered certain ideas which Dr. Gannon believed should be the focus and direction of the Institute. The Board discussed the concepts and ideas in the paper offering suggestions, including possible pitfalls and organizational structure. Dean Aufderheide inquired as to the focus of the Institute and whether it would be on

the correctional system specifically or psychological issues of corrections or mental health in corrections. Most agreed the focus should be narrow and should concentrate on the correctional system and the public policies surrounding criminal justice. The Directors discussed a website database (Wikipedia-style) that the Institute could help manage which would act as a resource and for different types of criminal justice programs. Charles Kehoe raised a concern that only "evidenced-based programs" should allowed to be included on the database. The goal of

the database is to give everyone around the world access to and knowledge of alternate correctional concepts used around the globe. The Board agreed to discuss these issues throughout 2010 and create a more defined plan for the Institute.

Finally, Eric Sterling's Director position was voted on for a new 2-year term. The disinterested Directors voted unanimously to approve Eric Sterling for another 2-year term as a Director of the Institute. The Annual Meeting was adjourned at 3:13 p.m.

## ASSOCIATION UPDATES

## IACFP MEMBER BENEFITS

As an ongoing new feature in *The Correctional Psychologist* (TCP), the IACFP will be providing members a closer look into the Association's website and the benefits which we provide.

## Access to the Criminology and Psychology Collections

Members of the IACFP receive free online access to current and back issues of *Criminal Justice and Behavior* (CJB) and *The Correctional Psychologist* (TCP), as well as access to the *SAGE Full-Text Collections in Criminology and Psychology*. Accessing them from your computer is quick and easy. To do so, first visit the Association website (ia4cfp.org).

1. Roll over the **Membership** tab.

2. Click on the **Members Only Area** option and enter your username and password on the **Member** login page.

If you forgot your username and password, please e-mail thomas.

mankowski@sagepub.com with your full name and registered e-mail address.

3. From the **Members Only Area** click the links to either **Access CJB** or **TCP online** or **Access the SAGE Full-Text Collections** through **SAGE Journals Online**.

In order for your access to work, you will always need to login to the member page first, and click one of the **Access** links. By simply going to **SAGE Journals Online**, or marking this link as a favorite in your browser, this special link, called a redirect, will not work, and your access to the journal or the **Collections** will be denied.

4. Click on the **Criminology or Psychology Collection** links to open a list of journals.

5. Click on one of the journal links to bring you to its homepage.

From this page you can browse to other journals outside of these collections, however, you may not necessarily have free access to the

content.

6. Click on **Current Issue** or **Select an Issue from the Archive** link to access an issue. (**Online First** will bring up articles awaiting issue assignment).

7. View each article title, all of which have **abstract, pdf, references, request permission** links provided after the article's information.

8. Click on pdf to open the article.

## IACFP Website

There are several new additions the IACFP website (ia4cfp.org), including the new IACFP blog which is moderated by Dr. Richard Althouse, with the aid of Thomas Mankowski from SAGE. The blog offers members daily information from the IACFP and from the field.

1. Roll over the **Blog** tab on the homepage.

2. Click on one of tabs listed; (Continued on page 9)



## ASSOCIATION UPDATES

## MEMBER BENEFITS (Continued from page 7)

there are currently three active blogs.

a. **Interesting Article and News** blog highlights one or more articles of note or interesting posts from other blogs that members will find attention-grabbing.

b. **Of Interest** blog provides an ongoing dialogue from Dr. Alt-house, as well as call for papers, journal access information, etc.

c. **Organization Activities** blog lets members know what's going on with some of the partner associations, along with feedback from various member attended conferences.

d. Additionally, there is a **Student Forum** blog and a **Survey** blog which will begin to post content in the coming months.

3. Post a comment: Each blog

has a **Comments** link at the bottom of every post. Members are encouraged to add their thoughts to the comment field.

- Click the **Comment** link
- Fill in your information
- Submit by clicking the **Add Comment** link.

After you submit your comment, it will not post immediately; the back end of the website loads once a day, which includes your comments.

As a member, if you have something you'd like to know from the membership, or if you've been to a recent conference and want to give a short write up, or have anything you believe would be worthwhile to the blog, please e-mail [thomas.mankowski@sagepub.com](mailto:thomas.mankowski@sagepub.com) with your thoughts. We encourage you to engage your students as well; don't

forget there is only a \$25 membership fee for students.

Did you know the IACFP has a **Twitter** account? It's easy, go to the **Twitter** site (or your **Twitter** account) and search/follow IACFP. Additionally, each time a new blog post is added, you'll receive a tweet letting you know. ([twitter.com/IACFP](https://twitter.com/IACFP)). If you don't have a **Twitter** account, you will need to sign up.

The next issue of *TCP* will focus on **CEs, Ads, and Social Book-marking**.



## ITEMS OF INTEREST

## THE REAL ROOT CAUSE OF VIOLENT CRIME: THE BREAKDOWN OF THE FAMILY

Patrick F. Fagan, Ph.D.

The following excerpt was taken from a presentation delivered by Dr. Patrick F. Fagan in February, 1995, at the Center for Constructive Alternatives Seminar titled: *Crime in America: Fighting Back with Moral and Market Virtues*. The entire presentation is relevant today and Dr. Fagan's excerpt here gives us his summary and a chronology of violent crime. His complete presentation may be found in the October, 1995, issue of *Imprimus*, 24, 10.

### The Life of the Future Violent Criminal

There is a strong, well-document-

ed pattern of circumstances and social evolution in the life of a future violent criminal. The pattern may be summarized in five basic stages.

**STAGE ONE:** Parental neglect and abandonment of the child in early home life.

- When the future violent criminal is born his father has already abandoned the mother.
- If his parents are married, they are likely to divorce by the 3rd year.
- He is raised in a neighborhood with a high concentration of single-parent families.
- He does not become securely attached to his mother during the

critical early years of his life.

- His child care frequently changes.
  - The adults in his life frequently quarrel and vent their frustrations physically.
  - He, or a member of his family, may suffer one or more forms of abuse, including sexual abuse.
  - There is much harshness in his home, and he is deprived of affection.
  - He becomes hostile, anxious, and hyperactive. He is difficult to manage at age 3 and is frequently labeled as a "behavior problem."
  - Lacking his father's presence
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## ITEMS OF INTEREST

**THE REAL ROOT CAUSE** (Continued from page 9)

and attention, he becomes increasingly aggressive.

**STAGE TWO:** The embryonic gang becomes a place for him to belong.

- His behavior continues to deteriorate at a rapid rate.

- He satisfies his needs by exploiting others.

- At age 5 or 6, he hits his mother.

- In first grade, his aggressive behavior causes problems for other children.

- He is difficult for school officials to handle.

- He is socially rejected at school by "normal" children.

- He searches for and finds acceptance among similarly aggressive and hostile children.

- He and his friends are slower at school. They fail at verbal tasks that demand abstract thinking and at learning social and moral concepts.

- His reading scores trail behind the rest of his class.

- He has lessening interest in school, teachers, and in learning.

- By now, he and his friends have low educational and life expectations for themselves.

- These low expectations are reinforced by teachers and family members.

- Poor supervision at home continues.

- His father, or father substitute, is still absent.

- His life is now primarily characterized by his own aggressive behavior, his aggressive peers, and his hostile home life.

**STAGE THREE:** He joins a delinquent gang.

- At age 11, his bad habits and

attitudes are well established.

- By age 15, he engages in criminal behavior. The earlier he commits his first delinquent act, the longer he will be likely to lead a life of crime.

- His companions are the main source of his personal identity and his sense of belonging.

- Life with his delinquent friends is hidden from adults.

- The number of delinquent acts increases in the year before he and his friends drop out of school.

- His delinquent girlfriends have poor relationships with their mothers, as well as with "normal" girls in school.

- Many of his peers use drugs.

- Many, especially the girls, run away from home or just drift away.

**STAGE FOUR:** He commits violent crime and the full-fledged criminal gang emerges.

- High violence grows in his community with the increase in the number of single-parent families.

- He purchases a gun, at first mainly for self-defense.

- He and his peers begin to use violence for exploitation.

- The violent young men in his delinquent peer group are arrested more than the non-violent criminals. But most of them do not get caught at all.

- Gradually, different friends specialize in different types of crime: violence or theft. Some are more versatile than others.

- The girls are involved in prostitution while he and the other boys are members of criminal gangs.

**STAGE FIVE:** A new child—and a new generation of criminals—is born.

- His 16-year-old girlfriend is pregnant. He has no thought of marrying

her; among his peers this simply isn't done. They stay together for awhile until the shouting and hitting start. He leaves her and does not see the baby anymore.

- One or two of his criminal friends are real experts in their field.

- Only a few members of the group to which he now belongs—career criminals—are caught. They commit hundreds of crimes per year.

- Most of the crimes he and his friends commit are in their own neighborhood.

For the future violent criminal, each of these five stages is characterized by the absence of the love, affection, and dedication of his parents. The ordinary tasks of growing up are a series of perverse exercises, frustrating his needs, stunting his capacity for empathy as well as his ability to belong, and increasing the risk of his becoming a twisted young adult. This experience is in stark contrast to the investment of love and dedication by two parents normally needed to make compassionate, competent adults out of their children.

### The Impact of Violent Crime

When you consider some of the alarming statistics that make headlines today, the future of our society appears bleak. In the mid-1980s, the chancellor of the New York City school system warned: "We are in a situation now where 12,000 of our 60,000 kindergartners have mothers who are still in their teenage years and where 40% of our students come from single-parent households." But today this crisis is not confined to New York City; it

(Continued on page 11)

## ITEMS OF INTEREST

**THE REAL ROOT CAUSE** (Continued from page 10)

afflicts even small, rural communities. And, worse yet, the national illegitimacy rate is predicted to reach 50% within the next 12 to 20 years. As a result, violence in school is becoming worse. The U.S. Centers for Disease Control recently reported in one study that more than 4% of high school students surveyed had carried a firearm at least once to school. Many of them were, in fact, regular gun carriers.

The old injunction is clearly true: Violence begets violence. Violent families are producing violent youths, and violent youths are producing violent communities. The future violent criminal is likely to have witnessed numerous conflicts between his parents. He may have been physically or sexually abused. His parents, brothers, and sisters may also be criminals, and thus his family may have a disproportionate negative impact on the community. Moreover, British and American studies show that fewer than 5% of all criminals account for 50% of all criminal convictions.

Overall, there has been an extraordinary increase in community violence in most major American cities. Between 1989 and 1990, for

example, the homicide rate in Boston increased by over 40%; in Denver, it rose by 29%; in Chicago, Dallas, and New Orleans, by more than 20%; in Los Angeles, by 16%; in New York, by 11%.

Government agencies are powerless to make men and women marry or stay married. They are powerless to guarantee parents will love and care for their children. They are powerless to persuade anyone to make and keep promises. In fact, government agencies often do more harm than good by enforcing policies that undermine stable families and by misdiagnosing the real root cause of such social problems as violent crime.

But ordinary Americans are not powerless. They know full well how to fight crime effectively. They do not need to survey the current social science literature to know that a family life of affection, cohesion, and parental involvement prevents delinquency. They instinctively realize that paternal and maternal affection and the father's presence in the home are among the critical elements in raising well-balanced children. And they further acknowledge that parents should encourage the moral develop-

ment of their children—moral development that is best accomplished within the context of religious belief and practice.

None of this is to say that fighting crime or rebuilding stable families and communities will be easy. But what is easy is deciding what we must do at the outset. We begin by affirming four simple principles: First, marriage is vital. Second, parents must love and nurture their children in spiritual as well as physical ways. Third, children must be taught how to relate to and empathize with others. And, finally, the backbone of strong neighborhoods and communities is friendship and cooperation among families.

Pro or con comments regarding Dr. Fagan's summary and chronology are welcomed. You may send your comments to Dr. Smith at: [smithr@marshall.edu](mailto:smithr@marshall.edu). Comments received may be published in *The Correctional Psychologist*.

Patrick F. Fagan, Ph.D., is the William H.G. Fitzgerald Fellow for Family and Cultural Studies at the Heritage Foundation in Washington, D.C.

## MEMBER ARTICLE

**“REDEMPTION” FROM STALE CRIMINAL RECORDS IN THE FACE OF WIDESPREAD BACKGROUND CHECKING**

Alfred Blumstein, Ph.D. and Kiminori Nakamura, M.A. — *Contact [kiminori@andrew.cmu.edu](mailto:kiminori@andrew.cmu.edu)*

**Problem of Redemption**

Here is a story we were told by a woman whose mother lived in public housing and was going through dementia. Her brother moved in with their mother to help her out, and was a big help until the public-housing authorities discovered that

he had a 25-year-old record of a drug offense, and so could not reside in a public-housing facility. The Drug Elimination Program, created under the Anti-Drug Abuse Act of 1988, was understandably intended to shield residents of public housing from the violence often associated with drug

markets. But this also provides an excellent example of the kinds of problems that result from statutes intended to deal with a contemporary problem when that problem fades and its effects linger as long as the statute is in place.

(Continued on page 12)

## MEMBER ARTICLE

**“REDEMPTION”....** (Continued from page 11)

Many people have made mistakes in their youthful past, but have since turned themselves around and live a respectable life. We define redemption, rooted in the religious concept referring to forgiveness of past sins, in the criminal-justice context as the process of “staying clean” by having no further involvement with the criminal justice system and thereby being released from bearing the mark of crime. Until recently, society had a natural redemption process at work in the sense that a person who committed a crime could prove to be redeemed by leading a life as a productive member of society. In recent years, the opportunity for redemption has been much more aggressively thwarted. The numbers tell us that the problem of redemption has become an urgent public concern. First, there has been an increasing demand for background checks for a wide variety of purposes, most importantly for employment assessment. According to the Society for Human Resource Management, more than 80% of large U.S. employers perform criminal background checks on prospective employees. Second, a growing number of individual criminal records have accumulated and are easily accessible electronically from the state repositories that maintain those records, primarily for the functionaries within the criminal justice system, or from the thousands of private organizations that market such information widely. In 2006, nearly 81 million criminal records were on file in the U.S., and over 90% of them were in automated databases. Moreover, according to the FBI’s Uniform Crime Report (UCR), 14 million arrests are recorded every year. What does this reality mean to those with criminal records?

Imagine a situation where a man in his 40s who was convicted of assault when he was 18 years old and has committed no crimes since then. After over 20 years, he still tells the potential employer or checks the box that he has a criminal conviction. Even if he is not asked, the employer is likely to run a criminal background check on him. In either case, he probably will not get the job because many employers are averse to hiring ex-offenders. Situations like these have impelled us to raise the question: Is it possible to determine empirically when it is safe to hire someone with a criminal record so that an employer no longer needs to be concerned about the criminal record of a potential employee?

In fact, it is well known by criminologists and practitioners alike that the risk of recidivism declines with time clean. And most employers agree that there should be some point in time after which ex-offenders should not be handicapped in finding employment. The question is: when should this time point or the “redemption time” be? Currently, employers have no guidance on when a past criminal record loses its relevance in predicting the risk of future crime – in other words, when the criminal record becomes “stale.” Increasingly concerned about negligent hiring liability and any potential reputational damage, employers choose an arbitrary number of years for how long they exclude those with criminal records, and it is likely that the length of exclusion is forever. The concern over this lack of guidance on redemption is expressed by the U.S. Attorney General from the current and previous administrations and shared by many organizations such as the Equal Employment Opportunity Commission and the American Bar Association.

The objective of our study is thus to estimate the redemption times. Our approach is to first calculate the recidivism risk of the individuals with a prior arrest and then to compare it to appropriate benchmarks.

### **Measuring Redemption Times: Calculating the Risk of Recidivism – Hazard Rate**

In our study, we obtained the criminal history records of over 88,000 individuals who were arrested for the first time in New York State in 1980. We calculate the recidivism risk of those individuals with a 1980 arrest using a statistical concept called the “hazard rate.” The hazard rate is the probability, over time, that someone who has stayed clean will be arrested. We calculate hazard rate by the age at first arrest and the crime type of the first arrest. Both factors are important from the perspective of criminological theory as well as for employers who use background checks since the information about the factors usually appear in the background reports they review. As we expected from prior research on recidivism, the hazard rate declines as the redemption candidates remain clean (Figure 1).

### **Appropriate Comparison Criteria**

We compared the recidivism risk of the redemption candidates against two comparison groups:

(a) People in the general population who were the same age.

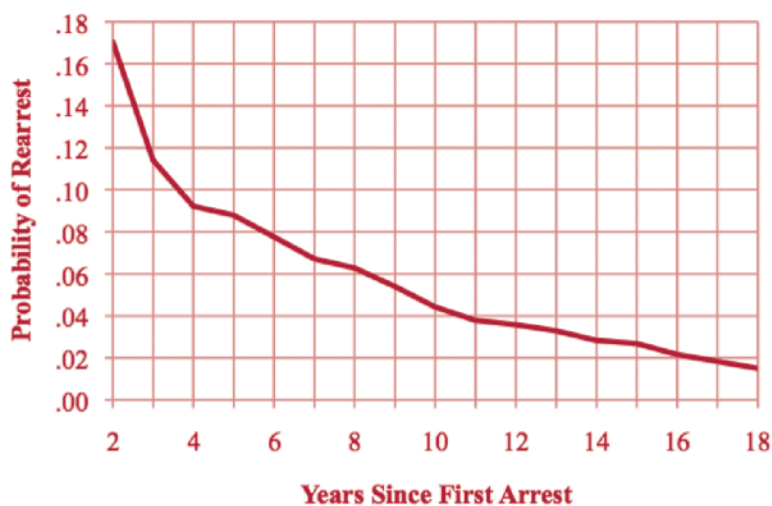
(b) People of the same age who have never been arrested.

We estimate the redemption time in comparison with (a) the intersection of the hazard rate and the age-crime curve (age-specific arrest rate calculated from the UCR

(Continued on page 13)



## MEMBER ARTICLE

**“REDEMPTION”....** (Continued from page 12)**Figure 1: Hazard Rate—Age 18 Burglary**

and the Census) and denote this redemption time as  $T^*$ . As an illustrative example, Figure 2 shows the calculation of  $T^*$  ( $=3.8$  years) for 18-year-olds who were arrested for burglary in 1980. Similarly, we calculate  $T^*$  values for different ages at first arrest and for different crime types. The values are summarized

population. Thus, their risk of arrest is expected to remain lower than the risk of rearrest for the redemption candidates who have a criminal record. But it is reasonable to expect that a redemption candidate's hazard rate gets close enough to (b). We establish a risk-tolerance level to reflect “close-enough” and use a statistical

of arrest for those who have never been arrested plus the risk tolerance). We denote this redemption time as  $T^{**}$  to distinguish from  $T^*$ .  $T^{**}$  values tend to be larger than  $T^*$  values, reflecting the fact that with the more stringent comparison group (b), redemption candidates have to stay clean longer to reach the redemption time.

**Public Policy Implications**

We believe that our preliminary findings and ongoing research offer an opportunity to think about when an ex-offender should be “redeemed” from the past criminal records, particularly for employment purposes — that is, when the person's criminal record may empirically become no longer relevant as a predictor of future criminal risk. Those who perform criminal background checks (e.g., employers, landlords, etc.) would find it valuable to know when a person with a

**Figure 2: Comparison with the General Population—Age 18 Burglary**

in Table 1 and show that younger offenders and robbery offenders tend to have to stay clean longer to reach redemption.

People who have never been arrested (b) are a much less risky

concept of confidence intervals. We then estimate the redemption time in comparison with (b) at the intersection of the upper bound of the confidence interval of the hazard rate and the tolerable risk (the risk

criminal record has been clean long enough that he or she presents no greater risk than other people in the general population. Employers also might be more likely to hire a  
(Continued on page 14)

## MEMBER ARTICLE

**“REDEMPTION” ....** (Continued from page 13)**TABLE 1: Values of T\* by Crime Type and Age at First Arrest (arrest probability at T\* in brackets)**

First Offense	Age at First Arrest		
	16	18	20
Robbery	8.5 (.103)	7.7 (.096)	4.4 (.086)
Burglary	4.9 (.105)	3.8 (.097)	3.2 (.086)
Aggravated Assault	4.9 (.105)	4.3 (.098)	3.3 (.086)

person with a stale criminal record if there were state statutes protecting them against due diligence liability claims. Our findings could also play an important role in policies regarding the maintenance of and access to criminal records in state criminal history repositories. The repositories could establish policies that prevent the distribution of records that are deemed stale by the hazard rate analysis. Or repositories could seal or even expunge such stale records. These possible policy decisions would certainly be different from one state to another and should take into account other relevant considerations, but policymakers may find our research findings useful as guidance on such

redemption policies.

**Where We Are**

We believe that our approaches and findings represent an important step forward in an area where so little is known empirically. However, this research is clearly ongoing, and some important efforts remain. We need much robustness testing to ensure that findings apply more generally, beyond our particular sample of those who were arrested in New York for the first time in 1980. We intend to replicate our analysis using people who were arrested more recently (1985 and 1990) and also to perform similar analysis on data from states other than New York. This approach will allow us to be in a better

position to provide more complete and robust information about T\* and T.\*\* In the meantime, even our preliminary estimates should be helpful in moving the policy process forward.

Alfred Blumstein, Ph.D., is the J. Erik Jonsson University Professor of Urban Systems and Operations Research and former dean at the Heinz College of Carnegie Mellon University, Pittsburgh, Pennsylvania. Kiminori Nakamura, M.A., is a doctoral candidate at the Heinz College, Carnegie Mellon University, Pittsburgh, Pennsylvania.

**Death in Custody: Towards an International Framework for Investigation and Prevention.**

Deaths in custody are a common incident which may result from natural causes but also from inadequate detention conditions or ill-treatment. They should therefore be thoroughly investigated. However, there are no common forensic and legal standards setting precisely the international requirements of such investigations. An article from Gloria Gaggioli, LL.M. and Ph.D. candidate, and Bernice S. Elger, M.D., Ph.D., focusing on these is-

ssues is planned for the April, 2010, issue of *The Correctional Psychologist*.

**Rorschach and Wikipedia.** Many psychologists are concerned that Wikipedia carries all 10 of the original Rorschach test images and answers. Although there are no correct answers, critics argue that making the images and responses public renders the test useless for a subject who reads the Wikipedia entry.

**An excellent new book: *Evidence-Based Practice of Cogni-***

**tive Behavioral Therapy,** Deborah Dobson, Ph.D., and Keith S. Dobson, Ph.D. (2009). Guilford Press, New York, New York.

**Criminally Insane Live and Work Among Us.** There are no nation-wide statistics on whether the criminally insane who are released commit new crimes of violence, and thousands of people have been declared criminally insane in the United States over the decades; at any given time, large numbers of them are not in custody.

## ITEMS OF INTEREST

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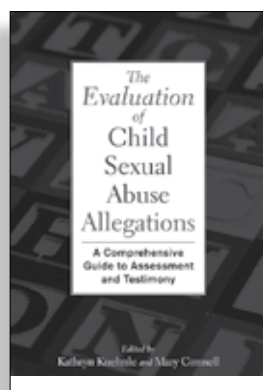


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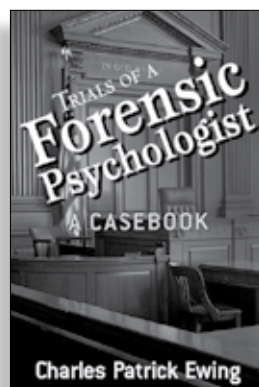


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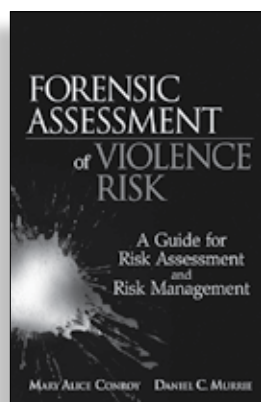


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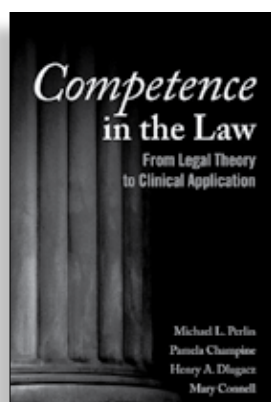
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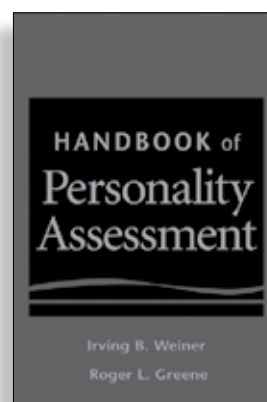
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