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HOW LONG IS FAR ENOUGH? THE STICKINESS OF PUNISHMENT

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"…during some songs, listeners never seemed to change the radio dial. Among DJs, these songs are known as sticky...there were songs that listeners said they actively disliked, but were sticky nonetheless. Sticky songs are what you expect to hear on the radio. Your brain secretly wants that song, because it's so familiar to everything else you've already heard and liked. It just sounds right" (Duhigg, 2012, pp. 200-202).

"Because U.S. public policy is indirectly determined by its citizens…the continued high rate of incarceration likely reflects the public's propensity towards punitive criminal justice policy...." (Mandracchia, Shaw, & Morgan, 2013, p. 95).

"The impact of 3 decades of mass incarceration in the United States…extends well beyond the time of an individual offender's sentence and release" (Miller& Barnes, 2013, p. 685).

The past 2 decades of brain research has resulted in an increased understanding of how brain function determines our behavior, which parts of the brain are involved, and what happens when these parts fail to develop, develop abnormally, or are injured. Along the way, many books have been written by researchers and practitioners that help mental health professionals use this knowledge to better help their patients (Cozolino, 2010). Accordingly, a number of researchers have applied this knowledge to increasing our understanding of criminal behaviors, psychopathy, failures to experience empathy,

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and other contributors to offending such as drug use and addiction, and how to apply this understanding to improving rehabilitation programs in correctional settings and in the community (Wiers & Stacy, 2006).

While a fair amount of brain research has focused on better understanding the relationship between normal and abnormal brain function and criminal behavior, much less research attention has been paid to the influence of brain function on the evolution of our current criminal justice system, particularly as it influences the terms and lengths of punishment through sentencing. Sentencing is arguably the most important process of a society's criminal justice system, a process that is influenced by and reflects the prevailing sociopolitical attitudes about human behavior, crime, offenders, and what constitutes a proper judicial response to offending that considers retribution, incapacitation, rehabilitation, reintegration, and deterrence, all in the interests of pubic safety. These behind-the-scenes variables all interrelate and eventually converge to influence a singular event that begins with a judge saying, "Therefore, I sentence you to…."

Most of us can empathize with the anger,

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anxiety, and fear experienced by those victimized by being assaulted, robbed, raped, having a child sexually assaulted or kidnapped, or being a relative of someone who was murdered. From talking with individuals—offenders and non-offenders alike—about what they would like to do (or have done) to punish the perpetrator of such crimes were they able to "get away with it," I can say that only a few responses—including my own—were even close to humane, and rehabilitation during a period of incarceration was generally not among the common choices. In fact, a period of incarceration—with or without rehabilitation—was generally not at the top of any list of responders, if it was on their list at all. On average our responses involve anger and fear, and a desire to eliminate the threats offenders and potential offenders may pose to us.

In contrast, how many of us have secretly sympathized with offenders who lamented the deleterious mental, physical, and social impact their sentence has had and will continue to have on their lives and those of their families? I have listened to many such complaints and, I must confess, at times was secretly angered about sentences I thought were way out of proportion to or rationally unrelated to the offense, as well as exhibiting the likelihood of racial, educational, gender, and economic bias, and would likely not result in any meaningful change in the offender. After all, my taxpayer dollars were paying for the process and its results. I often wondered how legislators rationalized the sentences they proposed or enacted. Recently, my interest in this area was piqued by a Wisconsin case I read about in our local paper:

In 1991, Joseph Frey, an individual with alleged prior sex offenses, was found guilty of the rape at knifepoint of a college student that he claimed he didn't commit. Despite alleged dubious evidence, the possible improper destruction of exonerating evidence, and his declaration of innocence, he was sentenced to 102 years. Throughout his incarceration, he proclaimed his innocence. His conviction was recently overturned by a circuit court judge after DNA evidence suggested that Frey, now 53 and in a wheelchair, was "likely the wrong man" (p. 1). In the meantime, the DNA-implicated perpetrator had died from medical problems before his letter to the judge alleging he was the perpetrator could be completed. The outcome is yet to be decided.

At first glance, this may seem to be another one of those unfortunate cases of criminal justice missing some judicial boats and wrongly convicting and punishing an innocent individual. On the one hand, readers might breathe a sigh of relief that an innocent man might be eventually freed, even if 20 years too late. On the other, some readers might also wonder about a sentence of 102 years, rather than life in prison, even if he was guilty. And well they should.

One could reasonably ask, "What does such a sentence reflect?" Perhaps one answer can be found in Judge Nancy Gertner's discussion of American sentencing in her paper, "A short history of American sentencing: too little law, too much law, or just right." In her article, Judge Gertner pointed out that sentencing is no longer a single event, but the output of a system that has evolved to include judges, lawyers, Congress, the public, the jury, jails and prisons, and most recently, "administrative agencies," noting that different theories of sentencing (e.g., punishment, retribution, deterrence, rehabilitation) conferred power on different sentencing players as the sociopolitical and cultural winds shifted over time (Gertner, 2010, p. 691).

In my view, a simpler and deeper answer is that this sentence, like all other sentences, reflects the vicissitudes of brain functioning as all these players' emotional brains respond to the circumstances of the crime as well as the crime itself, reflecting their collective beliefs and implicit cognitions about such a crime, the offender, justice, what it will take to prevent such a crime from happening again, even if it does not; indeed, even if it cannot, and even if it results in the possible incarceration of an innocent individual.

In the end, what appears to matter to most of us is not whether a sentence actually has the desired deterrent effect on future crimes, is a just or fair sentence imposed on a criminal, or creates more social harm than good down the road, but whether the sentence quiets our limbic system and is, in the end, emotionally gratifying. I suggest that therein lies the "stickiness" of punishment as it plays itself out in our sentencing process. Our need for limbic-based emotional gratification explains why we persist in our current criminal justice attitudes and practices despite the known (and unknown) harm they continue to impose on both individuals and our society, but without substantive evidence of effectively managing crime in ways consistent with our shared interests in public safety. In short, it explains why it has been so difficult to change the national status of criminal justice despite many reasons to turn the dial: at a primitive and immediate neurological level, punishment is simply more emotionally gratifying than rehabilitation and reintegration, even if, in the end, it does more harm than good. For example, in l976, the Committee for the Study of Incarceration, asked "What should be done with the criminal offender after conviction?" As Cassia Spohn noted, it's more than 30 years later and the answer to this and related questions are "still being debated" (Spohn, 2009, p. 30).

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We now have a likely neurological explanation for why that is the case. Our prefrontal cortex is stuck with attempting to operationalize a logical, objective, and fair-minded criminal justice process that must first gratify our limbic system's threat-reduction function. In other words, punishment for a crime must first be sufficiently emotionally gratifying before our brain can readily rationalize it as a proper response to criminal behaviors; a process that often triggers an enduring "shoot first and aim later" attitude when it comes to crime and other threats to our survival. Like the sticky songs that just sound right, punishment just "feels right." Unfortunately, it is also why it is safe to argue that, over the past 4 decades, the emotional "stickiness" of America's increasingly sociopolitical "tough on crime" emphasis on punishment has systemically driven our criminal justice system to the point of national crisis at the expense of the very social condition it is supposed to enhance: public safety.

While advocating for a more reasonable criminal justice process (whatever that might look like) may seem beyond the correctional mental health professional's role in the correctional field, I believe we should instead develop a leading role in bridging the substantial gap between what we know about brain functioning and criminal justice practices lest we continue to deepen our crisis or create new ones at the expense of public safety. How we might consider that may be the subject of future submissions to our newsletter. As always, our readers' comments and ideas are welcomed.

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EXPLORING THE GLOBALIZATION OF SUPERMAX PRISONS

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JEFFREY IAN ROSS

Over the centuries, the way that societies sanction and punish deviants and criminals has significantly changed. One of the more controversial developments has been the construction and operation of Supermax prisons (also known as administrative control units, special or security handling units, and control handling units).

Supermax prisons are an American invention in penal practice. They are typified by eight unique characteristics: (a) austere conditions, (b) typical regime, (c) places where these facilities are located, (d) visits, (e) the deleterious effects on prisoners, (f) higher correctional staffing to inmate ratios, (g) higher costs to build, and (h) higher costs to operate.

That being said, although all supermax correctional facilities are high security institutions, not all high security institutions are supermax prisons. Not only does the Federal Bureau of Prisons (BOP) operate a separate supermax prison (i.e., Florence, Arizona), but almost every state in the United States has either a prison with a supermax tier or wing or a stand-alone supermax facility.

The situation is much different outside of the United States. Throughout history, most countries have had dedicated high-security, long-term segregation units (aka solitary confinement) for "incorrigibles." Although these tiers and wings (which share many similarities with supermax prisons) exist within standard correctional facilities, the adoption of the stand-alone supermax model is less common. This trend, however, seems to be expanding. Although only 10 countries have gone on record to confirm that they operate supermax prisons per se, others run supermax-type facilities under different labels and names.

Why Has This Occurred and Why Is This Topic Important?

Understanding the individuals, constituencies, and contexts behind the decision-making processes related to resorting to supermax facilities is necessary given the diverse and critical reactions, both inside and outside the United States. In recent years, supermax prisons have become one of the most debated correctional initiatives among activists, scholars, correctional planners, policy makers, and politicians. Because of supermaxes' controversial nature, however, countries that operate them often deny their existence or dissociate their facilities from American-style supermaxes by calling them by other names. Much of this negative response has been caused by the repeated allegations of human rights abuses within supermax facilities.

Examining the international dissemination of the American supermax correctional facility model fills a gap in the literature. The globalization of the supermax is an important area of research because, given current political and social debates over the detention of terrorists and other dangerous criminals, there is a possibility that supermax prisons will become the option of choice for countries seeking maximum protection for their citizens. Understanding the decision-making processes that have led to the adoption of these types of facilities is crucial given the frequently negative reactions they receive from the general public and from human rights organizations.

Filling In The Missing Gaps

Although some studies address the debates concerning the adoption of American-style supermax prisons, no empirical/scholarly studies of the supermaxes in Canada (i.e., the Special Handling Unit, Sainte-Anne-des-Plaines, Québec, and the former Special Handling Unit in Prince Albert, Saskatchewan), the United Kingdom, South Africa, Colombia, and Brazil exist to date. Also, absent from this body of work is a larger comparative study of supermax prisons and an analysis of the reasons behind various countries' decisions to adopt the American model.

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In order to answer this general question, because I lack the intimate knowledge of correctional policies and practices in countries other than Canada and the United States, in order to determine if, how, and why supermax prisons were being adopted in other countries, I enlisted the help of country experts who wrote separate chapters examining why nine prominent advanced industrialized countries: (a) Canada, (b) United States, (c) Mexico, (d) Great Britain, (e) the Netherlands, (f) South Africa, (g) Brazil, (h) Australia, and (i) New Zealand, adopted the supermax model or a variant thereof. In addition to the previously mentioned countries, the study also explores the United States experience in the implementation of the high-security prisons in Abu Ghraib, Iraq, and at Guantanamo, Cuba.

Discussion

Contrary to many prison activists' beliefs, neither an insidious process, nor a conspiracy, is taking place at the hands of American correctional practitioners and businessmen traveling around the world, pushing and motivating countries, in almost evangelical fashion, to build supermax prisons. Although this may be true with other criminal justice policies and practices, American correctional practitioners, prison consultants, construction companies, and contractors do not appear to be actively promoting the benefits of supermax prisons.

In truth, the manner by which each country examined in this study adopted the supermax and/or high-security model of incarcerating their high-risk inmates is more considered than predicted. Nevertheless, generalizations can be made.

Clearly, proximity, dissemination of knowledge, training of correctional personnel in foreign countries, attending international criminology/criminal justice/corrections conferences, and the Internet all affect the dissemination of ideas, not only about crime and criminal justice, but also on the correctional practices. Sometimes this leads to "policy transfer," while at other times it does not. The comparative analysis of the implementation of supermax prisons in these countries underscores the notion that, like so many things in life, context is everything, and the globalization of the supermax idea must be treated with nuance.

Looking at the countries that have built and/or operated supermax and high-security prisons, it is clear that they are disproportionately democratic in governmental form and neoliberal in their politics and economics. This structural factor has an important effect on the way that these states, their respective governments, and ministries/departments, at both the federal and state levels of corrections, perceive crime, criminals, and the roles of the criminal justice system in general and corrections in particular. This means that decisions to build one or more supermax prisons are not taken lightly. Nonetheless, the origins of the ideas are harder to detect. Indeed, in the process of suggesting the construction of supermax prisons, these countries go through similar steps, and advocates use similar justificatory rhetoric.

In many respects, it is difficult to pinpoint where exactly the ideas surrounding the construction of supermax prisons came from in each of these countries. To begin with, in almost all the countries examined, a limited number of individuals and constituencies (typically prison activists and opposition political parties) are against the construction of supermax facilities.

This reaction developed either at the discussion stage or after the facility was built. Opposition was commonly in the form of protests by activist groups, or it was carried out by opposition members of parliament through public statements to the news media or during political debates.

In general, most of the countries have experi-enced the following seven factors, ordered in increased importance, that have led to their decisions to build and/or implement supermax regimes: (a) special teams in the prison services/departments of corrections studied the viability of supermax prisons, (b) increases in reported crime. For instance, the growth of the Mexican high-security prison was motivated by the government's inability to control the drug cartels and the violence they have caused, (c) one or more instances of brutal violence behind bars by or against correctional officers, including prisoner resistance and riots, persisted in selected correctional facilities, and/or an upsurge in gang activity, leading not only to extensive damage to the institution but also to numerous injuries and deaths of inmates and correctional officers, occurred in various locations, (d) an increase in escapes. Although not universal, some

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prison systems experienced an increase in the number of escapes from high-security and/or maximum-security-style prisons, (e) commissions of inquiry/royal commissions. Many of the countries that constructed supermax prisons established commissions of inquiry that recommended the building of high-security prisons, (f) visits by politicians and/or heads of the ministry/department of corrections to American supermax prisons was also important, (g) passage of enabling policies, practices, and/or legislation. In many countries, the supermax facilities and control units were given the green light through the passage of enabling legislation. In most countries, the decision to introduce supermax prisons was not clear-cut. Each state experienced "growing pains."

Factoring Out Globalization

Each country had its own unique reasons for implementing a supermax prison model and trying to factor out the influence of globalization is very difficult. With the exception of Abu Ghraib and Guantanamo, both American inventions transported to different countries, the issue of causality was more iterative (i.e., constantly evolving) than unidirectional (i.e., the United States to the foreign country). In other words, each country experimented with new procedures and practices, and when the prison officials deemed it appropriate, new facilities to house their most incorrigible criminals were constructed.

One reason to explain the adoption of the supermax relates to the relative punitiveness of the states that made a decision to build such facilities, keeping in mind that some countries (not covered here), while they may have officially rejected the supermax name, have for all intents and purposes, constructed supermax-like structures. The connection between globalization and Guantanamo and Abu Ghraib is not as conceptually clear as is the case with the countries analyzed in this article. In most respects, both facilities are American inventions, so it is only natural that U.S. policies and practices that are used stateside were imported to both of these institutions.

With the exception of Abu Ghraib and Guantanamo, few of the high-security prisons have held so-called terrorists. And if current reports are accurate, the percentage of those detained at these prisons who were indeed terrorists was quite small.

What The Future Holds

Because supermax prisons are the most expensive alternative in a country's correctional system, in these times of economic restraint, many states have been forced to take an even closer look at their expenditures. The decision to build a supermax prison, no matter what its real or prospective, alleged, or actual merits are, is rarely taken lightly by a country's legislature and ministries/departments of correction. In order not to repeat the same mistakes as other jurisdictions, although it is prudent to see what other countries have done, each state must forge its own path lest it be seen as simply mimicking American criminal justice policy directions and practices.

Alternatively, the solutions must be tailored to each nation's own unique circumstances. It is interesting to note that the supermax facilities in many countries have not been operated at full capacity. This means either that the need was overestimated or that DOCs have now found it necessary to expand the classifications of prisoners to enable them to be transferred to existing supermaxes to justify the expenditure. Furthermore, one needs to consider that many supermax prisons are underutilized. Almost all of the countries have reported periods during which their high-security prisons were below capacity.

Finally, over a decade ago, well-known penologist Hans Toch wrote a highly-cited article, "The Future of Supermax Confinement" and, short of suggesting their complete elimination, Toch provided a number of reforms designed to "humanize" high-security prisons. Unfortunately, despite the wisdom of the proposed reforms, a decade later, few of these changes have been implemented. Thus, it is hard to predict what the future holds for the supermax, both in the United States and elsewhere.

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corrections, policing, political crime (especially, terrorism and state crime), violence (especially, criminal, political, and religious), global crime and criminal justice, and crime and justice in American-Indian communities for over 2 decades. Ross' work has appeared in many academic journals and books, as well as popular media. He is the author, co-author, editor, or co-editor of several books including his 2013 *The Globalization of Supermax Prisons*. Ross is a respected subject matter expert for local, regional, national, and international news media. He has made live appearances on CNN, CNBC, and Fox News Network. Additionally Ross has written op-eds for *The* (Baltimore) *Sun, The* (Maryland) *Daily Record, The Gazette* (weekly community newspapers serving Maryland's Montgomery, Frederick, Prince Georges, and Carroll counties), the *Baltimore Examiner*, and the *Tampa Tribune*. From 1995-1998, Ross was a social science analyst with the National Institute of Justice, a Division of the U.S. Department of Justice. In 2003, he was awarded the University of Baltimore's Distinguished Chair in Research Award. During the early 1980s, Jeff worked almost 4 years in a correctional institution.

PSYCHOLOGY GETS READY FOR OBAMACARE

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With the re-election of President Barack Obama and a U.S. Supreme Court decision upholding the Affordable Care Act (ACA), the groundwork has been set for the biggest changes in how health care is provided since the establishment of Medicare, delegates to this year's State Leadership Conference (SLC) were told. Time is running short before the January 1, 2014, startup of ACA, warned Katherine C. Nordal, Ph.D., Executive Director of the APA Practice Directorate and Practice Organization, sponsor of the SLC, which drew about 500 delegates in mid-March 2013.

However, unlike the 25 years it took for psychologists to be included in Medicare, psychology will be at the starting line when the ACA takes effect in about 8 months. "We have to be ready," Nordal said. "We don't have 25 years to wait." Nordal and Mark B. McClellan, M.D., who presented the keynote addresses at the conference, agreed that the race to take full advantage of the practice opportunities when an estimated 30 million Americans will be added to the rolls of insured Americans during the next few years is necessary if psychology is to remain relevant and important.

Both, however, said not to expect any immediate or big changes in how psychological services are provided. "We need to think and act incrementally," said McClellan, director of the Engleberg Center for Health Care Reform and former director of Health and Human Services in the administration of George W. Bush.

Nordal agreed. "This race is not a sprint. It will be more like a marathon. We have to be in the race for the long haul."

McClellan also emphasized that part of the rationale for ACA was to put the brakes on the amount of money the United States spends on health care, and to get a handle on those costs will require a new way of looking at how psychology and other health care providers deliver and bill for their services. He hinted that the day when psychologists and others are no longer reimbursed on a fee-for-service basis is not too far into the future, although exact new reimbursement schemes have yet to be decided. "How do we improve the quality of this nation's health care without spending more money will be the focus as we move into a new way of providing care," McClellan said.

Better coordination of care, screening, and referral will be important elements of any successful practice, as well as providing emergency care beyond telling someone to call 911, he said. More mental health services need to be aligned with physical health to help insure better outcomes. Patient-reported outcomes and better outcome measurements will be part of the new large health care picture, he added.

He was later asked how to measure outcomes for those with serious mental health problems. "We may not know for 10 years if someone has improved," the questioner told McClellan. "We have clients that will never improve."

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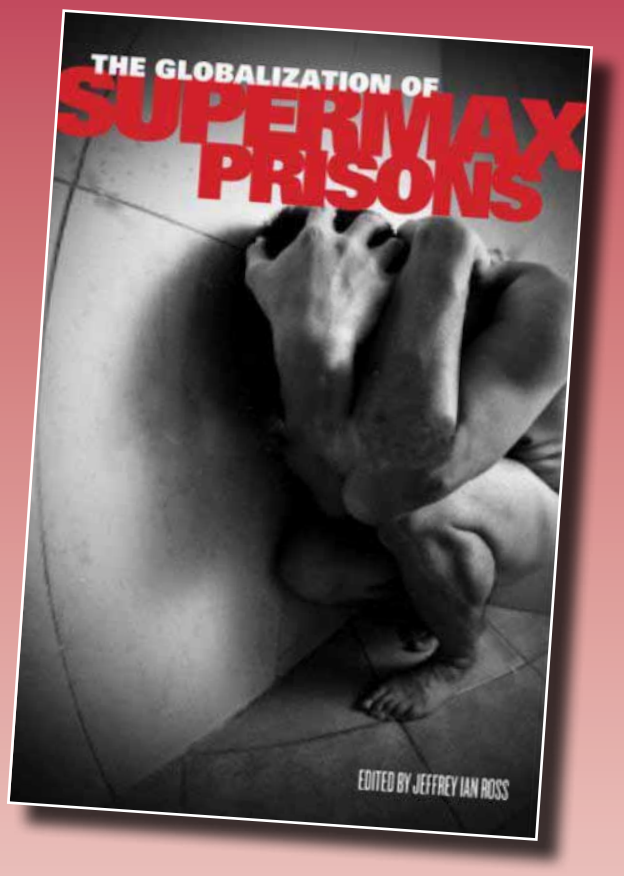
The Globalization of Supermax Prisons

Critical Issues in Crime and Society

Jeffrey Ian Ross, Editor



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Supermax prisons, conceived by the United States in the early 1980s, are typically reserved for convicted political criminals such as terrorists and spies and for other inmates who are considered to pose a serious ongoing threat to the wider community, to the security of correctional institutions, or to the safety of other inmates. Prisoners are usually restricted to their cells for up to 23 hours a day and typically have minimal contact with other inmates and correctional staff. Not only does the Federal Bureau of Prisons operate one of these facilities, but almost every state has either a supermax wing or stand-alone supermax prison.

The Globalization of Supermax Prisons examines why nine advanced industrialized countries have adopted the supermax prototype, paying particular attention to the economic, social, and political processes that have affected each state. Featuring essays that look at the United States-run prisons of Abu Ghraib and Guantanemo, this collection seeks to determine if the American model is the basis for the establishment of these facilities and considers such issues as the support or opposition to the building of a supermax and why opposition efforts failed; the allegation of human rights abuses within these prisons; and the extent to which the decision to build a supermax was influenced by developments in the United States. Additionally, contributors address such domestic matters as the role of crime rates, media sensationalism, and terrorism in each country's decision to build a supermax prison.

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GUARDING ETHICALLY

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This note is intended to help educate correctional staff about ethics so they can better understand how ethical duties and responsibilities should always be at the forefront of their thinking about how best to carry out correctional work. Ethics is a complex topic both in terms of moral philosophy and in relation to the application of that philosophy. At the heart of ethics in the workplace however is the question "how ought I to act?"

Situations may arise in the workplace where guidance about what is ethically correct is needed. So it is important to recognize an ethical issue and seek assistance, if needed. Of course, it is helpful to have a good grasp of ethics and the kind of ethical dilemmas that can arise in the corrections workplace. So let's start at the beginning.

What Is Ethics About?

Ethics is about how we ought to live – it looks at questions of right conduct and wrong conduct. Applied ethics, a branch of the study of ethics, is most relevant to readers of this note because it is concerned with solving practical ethical issues as they arise, for example, in the course of employment. Knowledge of ethics is valuable because many criminal justice professions, like corrections, give staff a great deal of discretion about how to treat other persons. An understanding of ethics will help a correctional officer make moral decisions about issues like his or her use of force and fairness and to justify those decisions if called upon to do so. Ethics is crucial in deciding such issues because criminal justice professionals can sometimes be tempted to abuse their powers.

In simple terms, there are two principal approaches to the question "how should I act?" One is based on the notion of a duty, regardless of the outcome, and the other looks at which act will bring about the best possible consequences – in other words, what makes an act right or wrong is the consequences that follow from it and nothing else.

Ethics and Laws

It is important not to confuse ethics with law or legal regulations. Corrections work usually has a detailed framework of law and regulations that includes topics such as how to treat inmates. However, law and ethics are distinct categories. It should not be assumed that laws always incorporate ethical standards – sometimes they do, but often they do not. A good example of a law that is not ethical is slavery, which was once permitted and regulated by the law even though slavery has always been unethical. On the other hand, murder is an example of an act that is both contrary to law and unethical.

Ethical Dilemmas

Ethical issues are about what is right or wrong and how we ought to act. Of course, it is often possible to sidestep an ethical dilemma by leaving the decision-making in a situation involving an ethical dilemma to others but we must always be careful of avoiding responsibility. Others may lead by taking action that is clearly unethical and we should be wary about simply following others and saying nothing. Think for example, of all those persons who committed war crimes during World War II and claimed they were just following orders.

How do we recognize that we are faced with an ethical dilemma as opposed to merely an ordinary dilemma? An ethical dilemma will only exist where a decision must be made that involves a conflict of action or raises issues of rights or moral character.

Ethics Codes

Many professions and some occupations have formulated and adopted codes of ethics. These constitute codes of conduct that can help in resolving ethical dilemmas. In the criminal justice system, there are many such codes for lawyers, judges, prosecutors, and also for correctional staff. *The American Correctional Association Code of Ethics* is one such example. It begins by stating that members are expected to show "unfailing honesty, respect for the dignity and individuality of human beings, and a commitment to professional and

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compassionate service." The obligations include reporting any corrupt or unethical behavior.

Ethics Issues in Corrections

The history of corrections in the U.S. shows that, in the early days, prison discipline and rules were arbitrary and ad hoc, but gradually the corrections systems became bureaucratized with detailed rules and regulations and a more professional approach developed. Tracing relations between officers and inmates over time shows that in the early period from the 1930s onwards, officers frequently used physical force to punish inmates for supposed rule breaches, but with the development of professionalism came a more legalistic relationship between guards and prisoners and complex administrative regulations that regulated activity previously with the authority and discretion of guards.

Research studies have shown that tensions between guards and prisoners resulting from the prison environment itself, intensify emotions in that environment and the structured and artificial relations between guards and inmates create uncertainty and stress for officers which they are often unable to leave at the prison gates at the end of a tour of duty.

In the modern era then, the authoritarian approach to corrections has been replaced by professionalism and bureaucracy and guards have become accountable and subject to oversight for their conduct toward inmates. In this context, therefore, adhering to best practices, including guarding ethically, have become important aspects of the correctional environment.

In general terms, both scholars and corrections practitioners have urged that the standard of treatment afforded to inmates is key to "guarding ethically." Thus while inmates are obliged to follow the prison regime they ought at the same time to receive humane treatment, keeping in mind that incarceration itself is the punishment. Convicted offenders are sent to prison as punishment and not for punishment. Treating inmates with contempt or as if they are less than human, denies their human dignity. Ethical treatment should, therefore, be a key aspect of professional correctional training. Unfortunately, a lot of correctional training tends to pass by the topic of ethics or give it little attention. For example, one author describing his corrections training, notes that while trainees learned about firearms, including the range of different types of buckshot and spent time actually firing weapons, there was no discussion in class about "what shooting someone meant, in an ethical sense – how officers might be not only legally but morally justified in doing it."

Correctional studies have identified corruption of authority as constituting unethical conduct in corrections. This includes situations where guards willfully refrain from enforcing prison rules and regulations. Other forms of potential corruption are loss of authority arising from a guard becoming too sociable toward inmates and handing over guard functions to inmates. These examples illustrate how guards often depend on inmate cooperation, how the custody and treatment roles of guards are often in tension, and how showing flexibility in interpreting rules can raise difficult ethical issues. Similarly, the use of force to control inmates can give rise to ethical issues, including whether force ought to have been used at all, whether the force used was excessive, or whether the force was justified in the particular circumstances. Other examples of unethical conduct are more clear-cut. For example, smuggling contraband into the prison for payment from inmates and taking money from inmates for doing them favors, such as securing an inmate a place on a work release program. Researchers believe that some guards rationalize questionable behavior as justified because they see the prison environment as comprising inmates to whom no moral duties are owed at all. For some correctional officers, therefore, the prison becomes a separate moral space distinct from the normal space found and lived in outside the prison. One instance of such disregard of moral duties was a guard signing disciplinary reports attesting to events that he did not in fact witness.

Guarding ethically means thinking about issues of duty and consequences and doing "the right thing" in difficult situations. Correctional officers still have a degree of discretion about how to act in specific situations despite all the operational regulations and rules. Above all, it means starting from an ethical position that recognizes that an inmate is being punished through the act of being incarcerated and nothing more. The purpose of imprisonment is not to award further punishment,

(Continued on page 12)

GUARDING ETHICALLY *(Continued from page 11)*

whether, for example, through random and unwarranted violence or by turning a blind eye to acts like prison rape that display only contempt for basic human dignity. While operational rules and regulations and ethics codes provide a framework for how to act, in the end a situation may come down to responding adequately to the question "how ought I to act?"

Cyndi Banks is currently serving as Associate Vice Provost/Associate Dean of University College, Northern Arizona University. Professional interests include children's rights, juvenile justice, human rights, justice ethics, transnational justice, cultural criminology, and gender and justice. Academic interests and affiliations: She continues to conduct international research and participate in development projects in juvenile justice, children's rights, gender mainstreaming, and justice policy in various developing countries including Bangladesh, Papua New Guinea, Sudan, Iraq, and East Timor. She had published widely on comparative criminological issues as well as on rule of law, gender, juvenile justice, and punishment.

Doctor Banks' most recent book is a Third Edition of *Criminal Justice Ethics: Theory and Practice*, published by SAGE. The book, *Alaska Native Juveniles in Detention: A Qualitative Study of Treatment and Resistance*, concerns issues of power, resistance and culture in a juvenile institution. Doctor Banks has more than 25 years of experience of research and project implementation in developing countries. She is an expert on juvenile justice protection, gender issues, justice policy, probation and parole, criminal justice ethics, and on capacity building in the justice system. Her strengths are in institutional capacity building in the justice sector, especially with government ministries and departments: gender mainstreaming; legal reform, especially justice policy reform and juvenile justice reform and protection; judicial, police, and associated training in criminal justice ethics.

OBAMACARE *(Continued from page 8)*

As the new law takes effect and the government decides on how to deal with such thorny issues, markers will be developed to measure improvements, McClellan said. There are many models of how mental health care can be implemented in primary care and other settings and it is in psychologists' interest to see how their skills best fit into the various models. Psychologists whose skill sets do not fit comfortably into new strange settings may have to develop new skills, Nordal said.

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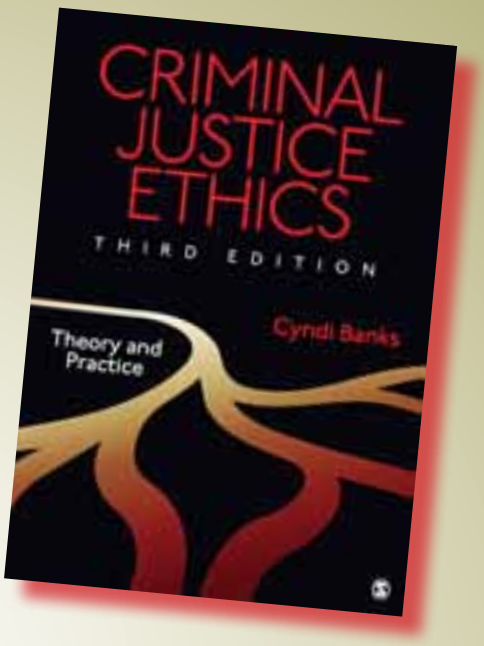
CORRECTIONS AND APOLOGIES

In the July 2013 *The IACFP Newsletter,* we corrected errors for and apologized to Drs. Edourd Machery and Jody Culham on page 30. We had misspelled Dr. Machery's last name and gave an incorrect terminal degree for Dr. Culham in a conference announcement on page 11 of the April 2013 *The IACFP Newsletter* and not the July 2013 issue. We also want to correct another error in the July 2013 issue. The drop-down box on page 14 of Dr. Richard Althouse's article was incorrectly carried over from another article; we apologize to Dr. Althouse for our error. A copy of the July 2013 newsletter with these corrections is posted on the IACFP website.

Criminal Justice Ethics: Theory and Practice—
Third Edition

Cyndi L. Banks, Author



ISBN-10: 1412995450
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In the Third Edition of *Criminal Justice Ethics*, author Cyndi Banks once again examines the criminal justice system through an ethical lens identifying ethical issues in practice and in theory, exploring ethical dilemmas, and proposing means through which criminal justice professionals might resolve ethical issues and dilemmas. The text adopts a critical perspective in the sense that the constituent parts of the criminal justice system are scrutinized within a framework where questions are raised about moral and ethical conduct and standards. Readers are drawn into a unique discussion of ethical issues by exploring moral dilemmas faced by professionals in the criminal justice system first, then presented with an examination of the major theoretical foundations of ethics. This distinct organization allows readers to understand real life ethical issues before grappling with philosophical approaches to the resolution of those issues.

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PLEA FOR HELP

After publishing a multi-year plan for IACFP in the July 2012 issue of *The IACFP Newsletter,* it is time to seek member help to form and work on Association committees to carry out the plan. The committees we have in mind include: finance, education and professional development, awards, elections, bylaws, and others. Recruiting people at random seems counterproductive, so we are counting on members who are genuinely interested in the Association to pitch in. If you are interested and are able to help, please contact me (Dr. John Gannon) at: drg@eaacp.org or (805) 489-0665. I will respond quickly to your e-mails and, if I am not at my desk when you call, please leave a message and I will return your call promptly. Thanks to everyone who has contributed thus far.

VICTIM IMPACT PROGRAMMING FOR THE INCARCERATED

Verna Wyatt, Executive Director, Tennessee Voices for Victims, Nashville, Tennessee
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I am not a psychologist; I am a victim advocate. I became an advocate for victims of crime when my sister-in-law was sexually assaulted and murdered in 1991. The pain and devastation our family faced was intense and unrelenting. That experience moved me to devote 20 years to crime prevention and supporting victims in the rebuilding of their lives.

The last 8 years of my career I've concentrated on prevention efforts that at first glance might seem unconventional for a victim advocate—I work with incarcerated offenders in prisons and jails facilitating victim impact programing. I began teaching victim impact classes after I came to understand that at least 95% of people who are incarcerated are coming back to our communities. That's the reality—we are not locking up offenders for life. The majority will eventually get out. Knowing that, if I am truly serious about preventing violent crime, then I must turn attention to the very people I know are capable of creating victims—the offenders. Victim Impact guides offenders in thinking about the impact their crime had on their victim and helps generate true remorse. Equally important, victim impact programing challenges offenders to uncover the truth about their own core issues, and to address their problems from that perspective.

I've had the opportunity to present weekly victim impact classes to thousands of incarcerated men, women, and juveniles over the years, and it has been an eye opener for me. What I've learned from those classes is that all of the offenders I've come in contact with have been victims of some kind of abuse, physical or mental, at varying degrees, usually long-term childhood abuse. Childhood abuse is a starting point, and then additional traumas are piled on during life. Chaos and misery became the norm. That doesn't excuse the offender's victimizing behavior, but it certainly explains the behavior. If we expect them to change their lives, then those issues must be aggressively identified and addressed.

VERNA WYATT

I'm witnessing first hand the long-term impact from child sexual abuse, emotional and physical childhood abuse, domestic violence, and emotional dysfunction from my class participants. Some of the problems that helped get them to prison and need intervention are anger, risky behaviors, substance abuse, depression, low self-esteem, violence, self-destructive behavior, cutting behaviors, extreme tattooing, dysfunctional and dangerous relationships. But I now see those problems as symptoms of the greater trauma—childhood abuse. That's where the starting point should begin for working with offenders if we want better odds of changing their criminal behavior. Recently, an advocate sent me a link to a video (theannainstitute.org), urging advocates to watch and then to pass on to others. It is a moving short video about a troubled artist, Anna Jennings, who was a client of the mental health system for 19 years before she committed suicide in a psychiatric ward at age 32. A quote in the video reminded me of the incarcerated population I teach. It said, "The mental health system focused on her symptoms. They ignored her abuse. What we understand as symptoms are unique adaptions to distress. For the trauma survivor, they are coping skills—not signs of pathology." Anna Jennings had been a victim of horrific childhood sexual abuse, but instead of dealing with her trauma issues, they worked unsuccessfully to manage her symptoms.

There has been a huge movement over the last few years among social service agencies to identify trauma issues in their clients. They know that addressing the core issues will help deal with the "symptoms" that are causing problems in the lives of their clients. Personally, I'd like to see a movement like this catch fire in the prison and jail system. After facilitating victim impact with incarcerated men and women for 8 years,

(Continued on page 16)

VICTIM IMPACT PROGRAMMING *(Continued from page 15)*

I routinely see the light-bulb moments of recognition come on regarding core issues during our classes. Unfortunately, once offenders have uncovered the source of their offending behaviors, there are not many resources available to help deal with core issues like child sexual abuse or the impact of growing up in domestic violence. Victim Impact turns on the light. We desperately need mental health professionals in prisons to guide offenders on that lighted path of understanding to recovery and healing—for the sake of our communities.

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Salasin, S. (2013). *Important souls* (video). Retrieved from http://theannainstitute.org

Verna Wyatt is Executive Director of Tennessee Voices for Victims, Nashville, Tennessee, a nonprofit organization that provides train-the-trainer workshops, victim impact curriculum, and victim impact facilitation for the incarcerated population. She was a 2012 recipient of Corrections Corporation of America's "Volunteer of the Year" award.

ETHICS FOR PSYCHOLOGISTS: SELF-CARE IMPORTANT FOR PSYCHOLOGISTS AND GRADUATE STUDENTS

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Principle A in the aspirational portion of the APA Ethics Code reminds us that "Psychologists strive to be aware of the possible effect of their own physical and mental health on their ability to help those with whom they work." This statement highlights the critical link between our professional competence and our health. The enforceable section of the code, Standard 2.06 (Personal Problems and Conflicts) is explicitly focused on the potential for our personal problems to negatively impact those with whom we work.

Why do professional psychologists and graduate students need to be concerned about personal wellness and functioning? Many of us are drawn to professional psychology because of our fascination with psychological processes and our deep commitment to helping others. However, psychologists commonly bring personal vulnerabilities to their choice of career. Themes such as cultural marginalization, psychological mindedness, and the experience of childhood pain tend to emerge in the personal histories of those who choose to become psychotherapists.

Such factors can be a source of great strength and compassion, but also of vulnerability. Stress and distress are common among psychologists, and a recent large sample survey of psychology graduate students revealed that more than 70% reported experiencing at least one stressor that interfered with optimal functioning.

In its Introduction and Applicability section, the APA Ethics Code (2002) informs us that the professional activities to which the code applies "...shall be distinguished from the purely private conduct of psychologists, which is not within the purview of the Ethics Code" (p. 1061). This raises an interesting question: Is self-care purely personal?

When we recognize that psychologists share common personal vulnerabilities, that there are hazards endemic to our profession and that we are prone to experiencing stress and distress, we are more likely to acknowledge that self-care is indeed a critical issue for us. In fact, self-care and self-reflective practice are now recognized by APA as foundational competencies to be integrated into graduate training.

The importance of effective self-care and coping during times of major stressors may be evident to all. Less obvious is the importance of developing positive

(Continued on page 17)

SELF-CARE IMPORTANT *(Continued from page 16)*

and preventative self-care habits to maintain personal wellness and optimal professional functioning. As a profession, we clearly possess the knowledge to create a "culture of self-care," even though this ironically has not been a common element of graduate training for many of us.

What follows are a few self-assessment questions that we would encourage you to consider:

- What drew me to the practice or study of psychology? How are these factors a source of both strength and vulnerability for me?
- What do I find most fulfilling and most stressful in my daily work or training as a psychologist or as a graduate student?
- What are some healthy (positive) and less healthy (negative) coping strategies that I currently use?
- How do I prioritize self-care activities compared to other demands, and how do these choices affect my well-being and long-term professional functioning?
- What are the personal and professional costs of putting off my self-care?

Based on your responses to these questions, there are many resources for psychologists and graduate students who wish to explore healthy and adaptive coping. One place to start is with the wisdom of our own profession.

In addition to seeking personal psychotherapy during times of significant stress or loss, the interventions that we use with clients can work for us, too. In particular, mindfulness, positive behavioral activation, and challenging critical and perfectionist self-talk can be helpful to busy psychologists who are engaged in clinical work.

We highly recommend the following two resources for psychologists: A flexible, principle-based model that was developed explicitly for psychologists (Norcross & Guy, 2007) and a comprehensive evidence-based systematic review of therapeutic lifestyle changes (TLCs) that were proposed for psychologists to promote to their clients or patients (Walsh, 2011).

Training programs are beginning to be aware of their responsibility to integrate self-care into an already intense and demanding course of study. A few suggestions for training programs are to integrate self-care into academic course work, clinical training, and supervision wherever possible and for faculty to model a balanced and compassionate approach to their own lives.

"How do I prioritize self-care activities compared to other demands, and how do these choices affect my well-being and long-term professional functioning?"

It is not a simple task, but we can do better as a field to mentor graduate students to reach for excellence in a manner that incorporates sustainable self-care into their lives at a time when habits for an entire career are being formed. Those of us who are already in practice and those of us who are still in training can benefit from a compassionate reminder that self-care is an ethical duty and should be an integral part of our lives at any state of our careers. Rather than being "another demand on the list," small, thoughtful changes can be a step in the right direction.

References available from the authors.

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PRAWA: ENSURING EFFECTIVE INMATE REHABILITATION THROUGH INSTITUTIONAL REFORMS

Osude Obianuju, Research Officer, Prisoners' Rehabilitation and Welfare Action, Enugu State, Nigeria, and an IACFP Member
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Nineteen years ago the Prisoners' Rehabilitation and Welfare Action (PRAWA) was established as a non-governmental organization (NGO) whose aim was to facilitate the accommodation and rehabilitation of offenders under humane conditions. Currently consisting of three regional offices in Nigeria (Enugu, Lagos, and Abuja), its objectives have evolved to include the promotion of institutional reforms in both the formal and informal sectors for access to justice, rehabilitation, and social development of prisoners, ex-prisoners, torture victims, and youths at risk. The scope of activities of the organization is subsumed into three thematic program areas: (a) social development and rehabilitation, (b) security and justice, and (c) research and documentation.

The PRAWA has a track record of penal sector-related research, development of training manuals, and implementation of various training and capacity building sessions for more than 10,000 prison officers; 22,649 youths and other criminal justice actors. In 1998, it was granted observer status by the African Commission on Human and Peoples' Rights (ACHPR) and at its 45th Ordinary Session, PRAWA was appointed as the thematic focal point for prisons and torture issues for the West African Region. The PRAWA's work on inmate rehabilitation through institutional reforms includes: the facilitation of best practice exchange on prison- and community-based rehabilitation through psychosocial services, skills training, and family link; support towards the development of draft rehabilitation policy for the Zambia Prison Service; and support towards the running of pilot prison-based inmates' training and vocational scheme.

With respect to torture, rehabilitation, prevention, and redress services, PRAWA carried out lectures on the subject matter for medical, psychology, and legal practitioners and the development of such lectures into a draft teaching curriculum for targeted higher institutions with the aim of integrating it into the Nigerian educational system; the provision of emergency support and redress including litigation for cases of torture; and facilitation of emergency torture alerts through the use of mobile phones. Furthermore, a police station-based training on torture prevention and human rights was carried out with over 1,500 beneficiaries and from 2011 to 2012, psychological rehabilitation and medical intervention were made available to 397 victims of torture and prison inmates.

OSUDE OBIANUJU

As we look toward the future, the organization's new strategic plan envisions PRAWA as a reference point for social development intervention for crime prevention in Africa, as well as a leading resource in reforms in pre-trial justice and adoption of alternatives to imprisonment in the continent. We understand that prisons are only a reflection of the criminal justice system of every country. An effective penal system reform plan in Africa must be holistic and cut across all the actors within the criminal justice system. As a result of this, in 2010, we embarked on a 3-year project called the Prison Reform Intervention in Africa (PRIA) project, with the support of the Dutch Ministry of Foreign Affairs. Led by the aim of achieving comprehensive and sustainable penal reform in Africa, the project adopts country-, regional- and international-based approaches towards addressing penal sector-related issues within the continent. The country-specific interventions of the project are currently being executed in six African countries: (a) Nigeria, (b) Kenya, (c) Zambia, (d) Rwanda, (e) Burundi, and (f) the Democratic Republic of Congo (DRC).

The project began with a baseline research on prison-related challenges and grew to include the compilation of African prisons best practices, as well as numerous national, regional, and international training workshops. Through the national trainings, not less than 440 persons (prison officers, journalists, and penal sector stakeholders) from the six pilot countries have been trained on the use of mechanisms developed in line with international

(Continued on page 19)

DOCTORS ALTHOUSE AND DOW CONFER ON THE DESTRUCTION OF RAW PSYCHOLOGICAL TEST DATA

Our current IACFP Immediate Past President, Dr. Richard Althouse, discovered something very interesting recently and points out that this is an example of how IACFP might contribute. Doctor Althouse was contacted in mid-June, 2013 by a psychologist working in a correctional facility. The caller sought to review the testing records of an inmate he recently referred for testing since the results seemed a little odd to him. He discovered that although the report was in the file, the protocols were not. Consequently, he was unable to review them to research his suspicions. He brought the issue to the attention of his supervisor, and was subsequently informed it was now departmental policy to shred test protocols immediately following the assessment. The psychologist believed that practice to be unethical and not in keeping with APA testing and record maintenance standards, and in the face of litigation, may prove to be a substantive problem should questions arise about the validity of the results in a clinical report. Since the psychologist believed unethical practice would be a concern for the licensing board, he notified them. Their response was that they were not in a position to address his concerns. Doctor Althouse believed that was correct, and invited the psychologist to post this issue on the IACFP Hotline. He also wondered if members of the IACFP Executive Board might have thoughts or opinions on this issue, and, if contacted, what they would say; so he e-mailed the Board.

Our current IACFP President, Dr. Edward Dow, generally agreed with Dr. Althouse and further pointed out that destruction of raw score sheets is a problem, because, among other things, doing so removes data from a position that he, as a psychologist, may wish to take. Doctor Dow pointed out that the data in the answer/score sheets always need to be available for review; someone else may want to challenge the accuracy of the responses. Doctor Dow went on to explain that he had been consulted on a case not long ago, and found out later that the psychological report was written based on the wrong person's test protocol. Doctor Dow recommended that, as an Association, we might best indicate in some way that supporting data referenced in a final report need to be retained. He further noted that destruction of documents that form the basis for a conclusion limits the conclusion's future defensability.

PRAWA *(Continued from page 18)*

human right standards; for resolving the identified challenges in the respective countries.

While appreciating successes recorded so far under the PRIA project, in 2011, we took a step forward with the DFID-funded Justice for All (J4A) Program which focuses on working with government and non-government actors of Enugu State and Abuja-Nigeria to speed up the process of criminal justice delivery in both states. The aim of the intervention is to identify root causes of delays in the criminal justice system as a whole, and support the development and implementation of effective and sustainable cross-sector solutions. The essence of imprisonment should be as the last resort for the reformation of offenders. However, the peculiar challenges faced by African countries have had adverse impacts on the penal structure. A typical African prison has been criticized as over-crowded, with dilapidated structures, and inmates that are brutalized, debased, and stripped of any form of human dignity. With almost 2 decades in the quest of ensuring that the society protects itself by effectively rehabilitating offenders, we have definitely encountered challenges. But with every life our work touches, we are convinced that there is still much left to be accomplished.

Osude Obianuju is a Research Officer at PRAWA. She graduated from the United States International University, Kenya (B.A. with Honors, 2009) in international relations with a minor in psychology. She is a trained human rights instructor for prison officers and is currently pursuing a masters degree in international law and diplomacy at the University of Lagos, Nigeria. She is PRAWA's representative at the African Commission on Human and People's Rights (ACHPR); the Coordinator of the PRAWA Prison Best Practices Coalition process in Africa; and researcher on Prison Reform Intervention in Africa (PRIA)Project.

IACFP BENEFIT ALERT

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Get the Course Materials

- Upon arriving at any course, you will see the Course Description with information about the course (objectives, credit value, number of exam questions, etc.).
- Take a look around. Scroll to the bottom of the course description page and you will see the links to "Take Exam," "Preview," and "Get Course Materials."
- Click the "Get Course Materials" link to get started. The materials will open in one of several formats: pdf files, PowerPoint, or online web pages.

Take the Exam

- Here is a nice hint: You can print off the exam before you read the material.
- Click on the "Take Exam" link, next to question 2, you will see a box with the link "Print Exam."
- After reading the course material, click the "Take Exam" link.
- Click on the radial buttons to select your answers, check the attestation box, finally click "Submit Exam."
- Your exam will immediately be scored and you will be notified as to whether you passed or failed, then click on the hyperlink to "Complete the Course Evaluation."

Complete the Course Evaluation

- You must answer all the questions in the course evaluation in order to earn CEUs and print your certificate. If you skip any question, you will not be able to print your certificate.
- Once you have answered all of the questions on the course evaluation page, click on the button that says "Submit"—your certificate will appear.

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Vignettes of Glimpses Inside

Ryan J. Quirk, Ph.D., Psychologist, Washington State Department of Corrections and an IACFP Member
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RYAN QUIRK

I have worked in the Washington State Department of Corrections since 2009 and I'm the supervising psychologist for the maximum custody units (Intensive Management Unit and Intensive Treatment Unit) in the Monroe Correctional Complex in Monroe, Washington. I began writing down some of my observations when I started to work with the department because I wanted to keep track of my experiences, development, and perhaps changes over time. Like, Dr. Mellen, I believed that sharing these events with others might one day be important. Corrections presents a very unique and challenging environment in which I encounter something novel each day and it is my hope that those individuals considering or pursuing a career as a mental health professional will consider working in this field.

CAPTURE

On my side of the glass, I carefully arrange the chess pieces on the board. My opponent today is an offender with an unknowable number of victims. We agree to have a casual, rapport-building game. He said that he enjoyed chess, but has not played in some time. The game begins, and I open with a hesitant move of a pawn. He sits on the counter and surveys the board. He sees everything and directs his moves with confidence. As the game unfolds, it is clear that I am overmatched.

His pieces close in on mine; it becomes suffocating. I am on the run. He sees all of the angles, all of the moves in advance. I am cornered. He takes my Queen and gives me a look that suggests "Are you even trying?" He appears bored; his game is effortless. My pieces are captured, one after another. The attack is subtle, but relentless. I can see the end game approaching and I feel helpless to stop it. Yet, I do not concede defeat; I attempt to make the match respectable. It is futile. Eventually my King has no place to move. It is over. I exhale.

His dispassionate countenance belies a razor sharp mind, capable of incredible feats of planning, anticipation, and execution. I do not think I ever had a chance at winning. With practice I do not think I would ever have a chance at winning. I sit back in wonder, amazed at the ease with which I was just dispatched. How many of his victims have felt this way in his presence?

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

A CONSERVATIVE VIEW OF INCARCERATION REFORM

John Dewar Gleissner, J.D., Attorney-At-Law, Birmingham, Alabama, and an IACFP Member
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I am pretty tough on the left wing in my approach to incarceration reform, because the fight against "mass incarceration" usually takes on a socialistic, victim-oriented approach. I will try to even things up a bit. Even though I am a lonely conservative prison reform advocate, I will now take the right wing to task on the issues of criminal punishment and incarceration. Before doing so, I'd like to point out that the liberal versus conservative balancing act is not evenly arrayed on the issue of what to do with convicted criminals. Many folks who are liberal on other issues support conservatives on law and order issues. You will recall that the Congressional Black Caucus initially supported super-tough penalties for crack cocaine. Many of the opponents of mass incarceration are from the left end of the left wing. Many law and order advocates are otherwise considered to be liberal. This is why opposition to mass incarceration has to expand to the right, in the conservative direction, and at least take up the entire moderate center before it will succeed. It cannot remain solely on the pages of left-wing websites, especially those with other agendas, and have any chance of success.

The primary mistake made by law and order interests, including most conservatives, is that we tried to pile on more prison time, mandatory sentences, and three-strikes legislation in a failed effort to attack the supply of illegal drugs. Unfortunately, drug dealers were always found to occupy the market niches created and street promotions facilitated by incarceration. The supply of illegal drugs never stopped. And of course, it was illegal private enterprise running circles around the government, just as private enterprise usually does in other areas of life. The right accepted the failed experiment of incarceration, moving towards a bigger, more expensive government, without fully exploring what our Founders did to combat crime or punish criminals.

Those who look back in time to tried and true solutions did not look back far enough into our history. We accepted the bloated incarceration paradigm, which is not what the Founders intended. In truth, George Washington, Thomas Jefferson, Abraham Lincoln, and

JOHN GLEISSNER

Theodore Roosevelt—all the Presidents carved into Mount Rushmore—favored judicial corporal punishment of citizens, as mandated in the Bible, Deuteronomy 25:1-3. (How Washington and Jefferson punished their slaves is another matter). Ours was supposed to be the land of the free.

We passed legislation to increase the number of crimes and prosecutorial power, to the end that our prisons became overcrowded, we built more prisons, and then they became overcrowded, etc. Federal courts were required to police prisons and keep them from cruel and unusual punishments. It's not "judicial activism" when federal judges have to enforce the United States Constitution.

Within conservative ranks, the social conservative law and order crowd completely dominated the libertarians who said illegal drugs should be legalized. For years, not one state stepped forward to give this a chance, nor did the federal government much loosen its grip on all 50 states in this regard. The laboratory of federalism and states' rights had little room to experiment in the face of the all-powerful federal government.

While addressing the death penalty, victims' rights, and new crimes, abolishing parole in the federal system, and adding years to sentences, crime rates started to decline....but there was no let-up in the pressure to incarcerate for 20 years. Some wrongly calculated the benefit of incapacitation, though I have to admit my own uncertainty as to that calculation. It is very likely that much less than half the crime rate decrease is due to additional incarceration.

In the end, everything was focused on the very debatable societal value of sending massive numbers to prison. We conservatives little noticed that things were definitely not like this when our Founders wrote the

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A CONSERVATIVE VIEW *(Continued from page 22)*

United States Constitution. In our times, the problem of crime was attacked vigorously, at great expense, with a blunt criminogenic instrument not able to rehabilitate offenders or deter crimes, making the problem worse. The net results were a massive increase in government expense, control and bureaucracy, and creation of what may be the largest group of full-ride welfare recipients in the history of the world, most of whom do not work because of restrictive laws inhibiting prison industries. These were not the goals we conservatives are supposed to seek. When the proper tools are not used to fix something, the results often disappoint.

John Dewar Gleissner, J.D., graduated from Auburn University (B.A. with Honor, 1973) and Vanderbilt University School of Law (1977) where he won the Editor's Award and participated in the Men's Penitentiary Project. Mr. Gleissner wrote a book, *Prison & Slavery—A Surprising Comparison* (2010), which after studying antebellum slavery and our modern form of state slavery or mass incarceration proposes sweeping reforms. In July 2013, his article, "Prison Overcrowding Cure: Judicial Corporal Punishment of Adults" was published in *The Criminal Law Bulletin*. His article here comes from: EzineArticles.com and the article is republished with his permission.

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DAKAR, SENEGAL CONFERENCE DISCUSSES REENTRY AND EVIDENCE-BASED CONCLUSIONS

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

Walking into the conference room at the King Fahd hotel in Dakar, Senegal, was like walking into a church; richly covered walls and a long, wide center aisle leading to the raised "alter" of the head table, but with 15 national flags on tables in front of participants from 25 countries along the edges instead of pews. The somber reflections of the speakers from 25 African countries on special-needs offenders, mentally ill inmates, conditions of confinement, torture, and other human rights violations often deeply entrenched in the criminal justice and social systems of developing countries were the sermon, and most of us, the willing choir. Clearly, something very serious, if not sacred, was going on in this remote, West-African city and hotel during the African Regional Workshop on Prison Health and Management of Special Needs Offenders.

The setting and the topics seemed to call for a deeper response this time than our usual head-shaking incredulity, and the commitment to generating change was palpable in the room, at meals, and during the other conference activities held June 10-13, 2013. I had the opportunity to address the participants during the second day of the conference, and chose as my topic the evolving strategies dealing with mentally ill offenders in the United States. While perfectly sensible for our time and place, the applicability of the ideas to African countries is, at best, uncertain.

Mental illness as a social and criminal justice phenomenon is not just a condition resident in a person, but also, a set of interactions that engages metaphor, families, and social acceptance and understanding that is part of the larger social and historical narratives in a given culture. At this juncture, most developing countries do not have the interest, the knowledge, or the staff to adopt an American narrative to African cultures, but they also do not have the resources to develop a separate coherent set of understandings.

Readers of this newsletter will know that I have long noted that reentry, and its various manifestations, were the breakthrough ideas of this generation's improvement to the criminal justice system. Reentry ideas, from the very beginning, have been strongly tied to ideas of evidence-based practices, and the most encouraging part of the program in Dakar was the emergence of discussions of policy development informed by evidence-based practices and understandings.

In some countries in Africa, the accused can be detained in prison for 10 years or more before they have a trial, and the mentally ill are still referred to as lunatics. Sick inmates rarely, if ever, have access to psychiatric or psychological care, and they may be constrained by such primitive means as being pinned to the floor of their cells by their bed rails. Folk-criminology (a set of ideas citizens often harbor that the "root causes" of crime are already known, and we lack only the will to eliminate most of it), is found everywhere in the United States but in an even more virulent form in Africa, where crime can be blamed on witchcraft and other pre-modern notions. As a result, what constitutes an evidence-based conclusion in many developing countries will be at considerable odds with the best of our own ideas if applied to our culture. Nonetheless, the process of hypotheses, measurement, and experiment in the service of building an evidence-based set of polices and procedures is still the only strategy likely to relieve the conceptual congestion and practical stagnation in the criminal justice systems of developing countries. It was heartening to see some of those venerable ideas on display in Dakar, particularly among the Kenyans and Nigerians.

The initial energy for the conference in Dakar came from the Prisoners' Rehabilitation and Welfare Action (PRAWA) group, and its dynamic leader, Dr. Uju Agomoh, a psychologist, member of the International Corrections and Prison Association (ICPA), and strong supporter of our own Association. The PRAWA is a

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DAKAR, SENEGAL CONFERENCE *(Continued from page 24)*

non-governmental organization (NGO) aimed at promoting security, justice, and development in Africa. It was established in 1994 and in 1998 it secured observer status with the African Commission on Human and Peoples' Rights. The conference was part of the Prison Reform Intervention in Africa (PRIA) project, a 3-year project being implemented by PRAWA in partnership with the African Commission on Human and Peoples Rights (ACHPR), the African Corrections and Prisons Association (ACSA), ICPA, the United Nations African Institute for the Prevention of Crime and Treatment of Offenders (UNAFRI), and the Institute for Development Studies of the University of Nigeria Nsukka with the support of the Dutch Ministry of Foreign Affairs. The project is currently being executed in six African countries: (a) Nigeria, (b) Kenya, (c) Zambia, (d) Rwanda, (e) Burundi, and (f) the Democratic Republic of Congo (DRC) and is in its second phase of implementation. The regional workshop was co-hosted by PRAWA, the Senegal Prison Service (with the strong support of the government of Senegal, especially its Ministry of Justice). Amen.

POLICE CAN COLLECT DNA FROM ARRESTEES, COURT SAYS

Jessee J. Holland, Associated Press

A sharply-divided Supreme Court recently cleared the way for police to take a DNA swab from anyone they arrest for a serious crime, endorsing a practice now followed by more than half the states as well as the federal government. The justices differed strikingly on how big a step that was.

"Taking and analyzing a cheek swab of the arrestee DNA is, like fingerprinting and photographing, a legitimate police booking procedure that is reasonable under the Fourth Amendment," Justice Anthony Kennedy wrote for the court's five-justice majority. The ruling backed a Maryland law allowing DNA swabbing of people arrested for serious crimes

But the four dissenting justices said the court was allowing a major change in police powers, with conservative Justice Antonin Scalia predicting the limitation to "serious" crimes would not last. "Make no mistake about it: Because of today's decision, your DNA can be taken and entered into a national database if you are ever arrested, rightly or wrongly, and for whatever reason," Scalia said in a sharp dissent which he read aloud in the courtroom. "This will solve some extra crimes, to be sure. But so would taking your DNA when you fly on an airplane—surely the TSA must know the 'identity' of the flying public. For that matter, so would taking your children's DNA when they start public school."

Maryland Attorney General Doug Gansler agreed that there's nothing stopping his state from expanding DNA collection from those arrested for serious crimes to those arrested for lesser ones like shoplifting. "I don't advocate expanding the crimes for which you take DNA, but the legal analysis would be the same," Gansler said. "The reason why Maryland chooses to only take DNA of violent criminals is that you're more likely to get a hit on a previous case. Shoplifters don't leave DNA behind, rapists do, and so you're much more likely to get the hit in a rape case."

"Twenty-eight states and the federal government now take DNA swabs after arrests. But a Maryland court said it was illegal for that state to take Alonzo King's DNA without approval from a judge, ruling that King had "a sufficiently weighty and reasonable expectation of privacy against warrantless, suspicionless searches" under the Fourth Amendment to the Constitution. The high court's decision reverses that ruling and reinstates King's rape conviction, which came after police took his DNA during an unrelated arrest.

Kennedy, who is often considered the court's swing vote, wrote the decision along with conservative-leaning Chief Justice John Roberts and Justices Samuel Alito and Clarence Thomas. They were joined by liberal-leaning Justice Stephen Breyer, while the dissenters were the conservative-leaning Scalia and liberal Justices Ruth Bader Ginsburg, Sonia Sotomayor, and Elena Kagan. Kennedy called collecting DNA useful for police in identifying individuals.

Kennedy said, "The use of DNA for identification is no different than matching an arrestee's face to a wanted poster of a previously unidentified suspect, or matching tattoos to known gang symbols to reveal a criminal affiliation, or matching the arrestee's fingerprints to those recovered from a crime scene. The DNA is another metric of identification used to connect the arrestee with his or her public persona, as reflected in records of his or her actions that are available to police." But the American Civil Liberties Union said the court's ruling created "a gaping new exception to the Fourth Amendment."

"The Fourth Amendment has long been understood to mean that the police cannot search for evidence of a crime—and all nine justices agreed that DNA testing is a search—without individualized suspicion," said Steven R. Shapiro, the group's legal director. "Today's decision eliminates that crucial safeguard. At the same time, it's important to recognize that other state laws on DNA testing are even broader than Maryland's and may present issues that were not resolved by this ruling."

Maryland's DNA collection law only allows police to take DNA from those arrested for serious offenses such as murder, rape, assault, burglary, and other crimes of violence. In his ruling, Kennedy did not say whether

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POLICE CAN COLLECT DNA *(Continued on page 26)*

the court's decision was limited to those crimes, but he did note that other states' DNA collection laws differ from Maryland's.

Scalia saw that as a crucial flaw. "If you believe that a DNA search will identify someone arrested for bank robbery, you must believe that it will identify someone arrested for running a red light," he said.

Scott Berkowitz, President and Founder of the Rape, Abuse, and Incest National Network, cheered the decision and called DNA collection "a detective's most valuable tool in solving rape cases." "We're very pleased that the court recognized the importance of DNA and decided that, like fingerprints, it can be collected from arrestees without violating any privacy rights," he said. "Out of every 100 rapes in this country, only three rapists will spend a day behind bars. To make matters worse, rapists tend to be serial criminals, so every one left on the streets is likely to commit still more attacks. DNA is a tool we could not afford to lose."

Getting DNA swabs from criminals is common. All 50 states and the federal government take cheek swabs from convicted criminals to check against federal and state databanks, with the court's blessing. The fight at the Supreme Court was over whether that DNA collection could come before conviction and without a judge issuing a warrant.

According to court documents, the FBI's Combined DNA Index System or CODIS—a coordinated system of federal, state, and local databases of DNA profiles—already contains more than 10 million criminal profiles and 1 million profiles of those arrested. According to the FBI, the DNA samples from people whose charges have been dismissed, who have been acquitted or against whom no charges have been brought are to be expunged from the federal system. But states and other municipalities that collect DNA make their own rules about what happens to their collections.

Excerpted from an Associated Press article (by Jessee J. Holland) in the March 1, 2013 issue of the *Ledger-Enquirer,* Columbus, Georgia, page B2.

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Obituary

DOCTOR JOHN MILES McKEE

JOHN MILES MCKEE

Doctor John Miles McKee, age 89, of Tuscaloosa, Alabama died June 22, 2013, at home. He was preceded in death by his parents, Mary Peek McKee and Oran Miles McKee of Atlanta, Georgia; sisters, Gwendolyn Bays of Hilton Head, South Carolina and Gloria Howard of Los Angeles, California, and brothers, James C. McKee of Orlando, Florida and Joseph W. McKee of Atlanta, Georgia. Survivors include his wife, Susan P. McKee; daughter, Patricia Lee Pagel Smith (Robert) of Silk Hope, North Carolina, son, Richard Miles McKee (Renee) of Cary, North Carolina, grandchildren, Adam M. McKee (Rachel) and Alexander L. McKee, both of Cary, North Carolina, and Michael N. McKee (Melinda) and Mark R. McKee, both of Raleigh, North Carolina.

John McKee, Ph.D., was a pioneer in the field of psychology. His work and influence cut across the fields of mental health, juvenile delinquency, individualized instruction, prisoner rehabilitation, and school drop-out prevention. He trained, directly or indirectly, thousands of offenders, drop-outs, poor readers, and other at-risk youth. Doctor McKee was an eternal optimist about people's potential to achieve their goals. He also believed that education and mental health problems required solutions based on solid research.

McKee received his undergraduate degree from Emory University. During World War II, he was selected for the V-12 Officer Training Program and served with the U.S. Navy in the South Pacific, decoding Japanese communications. After earning a doctorate in clinical psychology from the University of Tennessee, he moved to Alabama in 1953 to become the first state director of the Alabama Division of Mental Hygiene. For the next 10 years, he actively promoted improved mental health services to Alabama citizens.

McKee was a founding member of the State of Alabama Board of Examiners in Psychology. He was appointed by the Governor to serve on the Board and was awarded Alabama psychology license number two. During this decade, he also was President of the Alabama Psychological Association from which he later received the Distinguished Service Award.

McKee took his vision to the state prison system in 1962. At Draper Correctional Center in Elmore County, Alabama, he developed a unique approach to remedial education. Funded by the Ford Foundation, he demonstrated that young adult prisoners could be re-motivated and achieve rapid academic success. He also applied his methods to vocational training and founded the Rehabilitation Research Foundation. Funded by the U.S. Departments of Labor and Education, the Draper projects were designated as the national Experimental Manpower Laboratory for Corrections.

After relocating to Tuscaloosa in 1975, Dr. McKee was named the fulltime evaluation consultant to the Human Rights Committee of Bryce Hospital. He worked directly with the committee to monitor compliance with the federal court order in the landmark Wyatt vs. Stickney ("Right to Treatment") case.

McKee founded Pace Learning Systems in 1977. He believed the instruction methods that worked in prison could succeed in the community. Pace produced innovative materials and methods, trained educators, and helped create learning laboratories for students of all abilities and ages. Under his leadership and that of his wife of 31 years, current Pace President Dr. Susan McKee, Pace reached countless students. Whether in alternative schools, the Job Corps, prisons, private industry, or community programs, these students succeeded despite previous failures.

McKee believed that traditional education has failed many students. He dedicated his career to discovering the best ways to promote success, using a combination of individualized instruction and rapid feedback. Students who saw immediate results were inspired to continue, confirming Dr. McKee's guiding principle: "Nothing succeeds like success." To reach more educators and administrators, he founded the Behavior Science Press and the Institute for Social and Educational Research. He also developed a widely-recognized school drop-out assessment and prevention system. In 2007, he received the Lifetime

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JOHN MILES MCKEE *(Continued from page 32)*

Award from the International Correctional Education Association.

Even after Dr. McKee officially retired, he continued to debate educational reforms, often criticizing "quick fixes." He remained steadfast in his belief that most, if not all learners, young and old alike, could make significant advances in academic, job, and life skills.

His private life matched his professional standards: Rational, skeptical of hoopla, and dedicated to reaching out to those in need. He loved classical music, opera, and Mark Twain. He loved to travel and learn about other cultures. He kept in contact with special friends made in college and in the Navy, as well as professional colleagues throughout the country.

He was a long-time member of the Unitarian-Universalist Congregation of Tuscaloosa where he enjoyed many friendships, spirited discussions, and lively music. John could have great fun, but he was not at all frivolous. Life was serious business; there was work to be done; and if we are successful in that work, the world will be a better place.

He was extremely proud of his children—Richard, a professor of music, and Pat, a doctor of veterinary medicine. His talented grandsons were a joy to him. He is remembered for his generous heart toward his family, each of whom takes pride in who he was and cherishes his example of unconditional love.

His partner and love, Susan, was his constant collaborator. Their visions were intertwined, and their work and life together helped fulfill his dreams.

ONE DEFINITION OF FORENSIC PSYCHOLOGY

Forensic psychology is a field that deals with both psychology and the law. The field has experienced dramatic growth in recent years as more and more students become interested in this applied branch of psychology. Popular movies, television programs, and books have helped popularize the field, often depicting brilliant heroes who solve vicious crimes or track down killers using psychology.

While depictions of forensic psychology in popular media are certainly dramatic and attention-grabbing, these portrayals are not necessarily accurate. Forensic psychologists definitely play an important role in the criminal justice system, however, and this can be an exciting career for students interested in applying psychological principles to the legal system.

What Is Forensic Psychology?

Typically, forensic psychology is defined as the intersection of psychology and the law, but forensic psychologists can perform many roles so this definition can vary. In many cases, people working within forensic psychology are not necessarily "forensic psychologists." These individuals might be clinical psychologists, school psychologists, neurologists, or counselors who lend their psychological expertise to provide testimony, analysis, or recommendations in legal or criminal cases.

For example, a clinical psychologist might provide mental health services such as assessment, diagnosis, and treatment to individuals who have come into contact with the criminal justice system. Clinicians might be asked to determine if a suspected criminal suffers from a mental illness, or may be asked to provide treatment to individuals suffering from substance abuse and addiction issues.

Another example is that of a school psychologist. While people in this profession typically work with children in school settings, a school psychologist working in forensic psychology might evaluate children in suspected abuse cases, help prepare children to give testimony in court, or offer testimony in child custody disputes.

Some of the functions typically performed within forensic psychology include: competency evaluations, sentencing recommendations, evaluations of the risk of reoffending, testimony as an expert witness, and child custody evaluations.

How Does Forensic Psychology Differ From Other Areas?

So what exactly makes forensic psychology different from another specialty area such as clinical psychology? Typically, the duties of a forensic psychologist are fairly limited in terms of scope and duration. A forensic psychologist is asked to perform a very specific duty in each individual case, such as determining if a suspect is mentally competent to face charges.

Unlike the typical clinical setting where a client has voluntarily sought out assistance or evaluation, a forensic psychologist usually deals with clients who are not there of their own free will. This can make assessment, diagnosis, and treatment much more difficult, since some clients willfully resist attempts at help.

Excerpted from an article by Kendra Cherry at: About.com

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