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ACCOP: EXAMINING THE ROLE OF THE BEHAVIORAL SCIENCES IN REDUCING CRIME AND ENHANCING SAFETY AND SECURITY

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MICHAEL STOLOFF The Asian Conference of Criminal and Operations Psychology (ACCOP), a special meeting of the Society for Police and Criminal Psychology (SPCP) organized by the Ministry of Home Affairs of Singapore, was a wonderful opportunity to learn from international colleagues. Approximately 325 participants, including participants from 14 countries outside of Singapore, attended this week-long conference in July, 2016. This was the 28th SPCP conference that we have attended, and our third Singapore ACCOP experience. We were extremely impressed by the organization and creativity of the event, the quality of the presentations, and the opportunities to develop sustainable relationships with colleagues from around the world.

The ACCOP 2016, like the previous iterations in 2010 and 2013, included a focus on a wide array of issues where

behavioral scientists (broadly defined) can impact police, fire, corrections, immigration

and border control, and other facets of public safety and homeland security. Themes for this conference have always included a focus on emerging ideas and best practices in officer selection and training; organizational leadership development; counseling for officers and victims, including peer support approaches; resilience building; critical incident support; support of operations and investigations, and services for inmates and correctional officers. The ACCOP 2016 included an enhanced focus on terrorism, a major world-wide threat that law-enforcement, homeland security, immigration, and border control, and corrections agencies are facing on a daily basis. In fact, lone-actor terrorist attacks occurred around the world immediately before, during,



JOANNE BREWSTER

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INTERNATIONAL ASSOCIATION FOR CORRECTIONAL & FORENSIC PSYCHOLOGY

The IACFP Newsletter is published every January, April, July, and October, and is mailed to all International Association for Correctional & Forensic Psychology (IACFP) members. Comments and information from individual members concerning activities and related matters of general interest to international correctional mental health professionals and others in international criminal and juvenile justice are solicited. The IACFP endorses equal opportunity practices and accepts for inclusion in *The IACFP Newsletter* only advertisements, announcements, or notices that are not discriminatory on the basis of race, color, sex, age, religion, national origin, or sexual orientation. The IACFP is not responsible for any claims made in a newsletter advertisement. All materials accepted for inclusion in *The IACFP Newsletter* are subject to routine editing prior to publication. Opinions or positions expressed in newsletter articles do not necessarily represent opinions or positions of the IACFP. Please send material for publication or comments to Dr. Robert R. Smith at: smithr@marshall.edu Deadlines for submission of all material are:

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EXAMINING THE ROLE *(Continued from page 1)*

and after ACCOP, making it clear that this issue is a challenge that must be addressed by all nations.

We attended presentations on a range of topics, including a pre-conference workshop and several keynote and 20-minute presentations focused on dealing with the threat of terrorism. For example, during an excellent pre-conference workshop, we viewed recruitment and instructional materials developed by ISIS, and learned about the characteristics of individuals who are susceptible to the appeal of these materials. In conversations during panels and with other participants, we discussed the difficulty of identifying individuals who might be potential threats to societies that also value individual freedom. Some discussions also considered how our correctional systems can deal with individuals who subscribe to extremist ideology, and the circumstances under which it may be safe to return these individuals to society.

A study by the Home Team Behavioral Sciences Center in Singapore really caught our attention; this study applied the fundamental social psychology principle of the bystander intervention effect to the reporting of threats. Among experts at this conference, there was a widely-held belief that most individuals who are becoming radicalized or who are planning to engage in violent activities tell someone about their thoughts and plans, sometimes through conversations with family and friends, and sometimes through social media. The most effective method of identifying potential threats may be to get people to report suspicious behavior when they learn of it. However, the bystander intervention literature and the Home Team's work suggest that most people do not take any action when they perceive a potential threat. Perhaps one of the most effective strategies to

prevent violent activities may be to promote a culture in which people believe that it is their responsibility to report potential threats to the proper authorities. For this strategy to be effective in a free society, authorities must also react to such reports in appropriate ways, investigating, monitoring, and perhaps intervening, but also taking care not to negatively impact the lives of individuals who are not actually a threat, or the lives of individuals who made a report.

The ACCOP conference included over 100 presentations offered during multiple concurrent tracks. The ACCOP also featured a contest in which students employed the techniques of behavioral profiling to solve a crime, a practitioner track to encourage law enforcement officers to apply the behavioral sciences to their work, the use of vodcasts to widely share keynote addresses, a poster session where conference participants voted on awards for the best posters, and the use of social media to keep participants engaged by allowing them to post their photos of the conference (and win prizes for the best photos). This brief report cannot adequately describe the full range of experiences that were available, including an extensive and gracious welcome program for international participants. All participants also received a short-term complimentary membership to SPCP. You can learn more about the ACCOP conference and see slides from some of the presentations at <http://www.accop.com.sg/>. Highlights are also available on Facebook (<https://www.facebook.com/ACCOP2016/>). The next ACCOP meeting is likely to occur in 2019. The 2017 annual meeting of SPCP will be held in San Diego, California. Information about SPCP is available at <http://www.policepsychology.org>

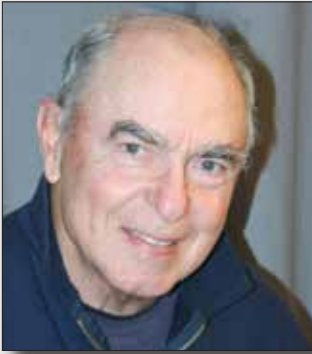


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PROPUBICA, RACISM, AND CRIMINAL JUSTICE RISK ASSESSMENTS: DEMONSTRATING THE RACIAL PARITY OF CURRENT RISK ASSESSMENT METHODS FOR BLACK AND WHITE OFFENDERS

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TIMOTHY BRENNAN

Introduction

In a recent publication, Angwin, Larson, Mattu, and Kirchner (2016) from the company ProPublica (PP) claimed that a widely-used risk assessment in correctional agencies (COMPAS) was racially biased. In addition, they implied more generally that racial bias is inherent in all such actuarial risk assessment instruments (ARAI)s as used in criminal justice. They obtained a large dataset from Broward County, Florida, that uses the COMPAS risk assessment and conducted their own statistical analyses on this data. This serious charge was given wide national distribution (e.g., *New York Times*, National Public Radio) and has warranted several rejoinders. To date, two separate teams of criminal justice researchers have independently re-analyzed the Broward County data, carefully reviewed the methods, assumptions, and interpretations made by PP in reaching their conclusions. Both studies agreed in reaching diametrically opposite conclusions from PP and found that COMPAS risk assessments reached equally good accuracy for both Black and White groups and showed no evidence of racial bias towards either group. Both rejoinder studies also concluded that PP's analytical methods were flawed and their claim of bias in COMPAS risk procedures emerged from a variety of false assumptions and analytical errors. The present paper summarizes the basic findings of these rejoinders, clarifies the errors, omissions, and misinterpretations of Angwin, Larson, Mattu, and Kirchner (2016) and outlines the true results when the Broward County data is analyzed with more appropriate standard methods to detect bias.

While PP's public policy mission to identify and remove racial biases in criminal justice decision-making wherever they occur is commendable, it is critical that such investigations are carefully and appropriately conducted with established standard methods. Several features of the Angwin et al. (2016) report suggest they entered this research project with preconceived biases and were determined to analyze

the data in any way to confirm their biases. A first indication of this is given by their unequivocal and sensational title: "There's software used across the country to predict future criminals. And it's biased against Blacks." The PP demonstrates other indicators of bias by several of their analytical choices and misinterpretations that have now been identified by several reputable statistical researchers. A listing of these errors is given later in this paper. In scrutinizing these analytical choices, it is tempting to conclude that Angwin et al. (2016) and the accompanying technical paper by Larson, Mattu, Kirchner, and Angwin (2016) may offer us prototypical examples from Huff's (1954) classic book "How to Lie with Statistics." Huff warned that the arcane language of statistics can be employed to "sensationalize, inflate, confuse, and oversimplify."

The Potential Damage Of False Claims—And The Need To Rebut Them

The following discussion provides a criminal justice context to understand the gravity of the PP charge of racism in actuarial predictive methods and the potential damage to criminal justice reforms of this study is not challenged. Achieving policy reforms in large systems such as criminal justice is very challenging, advances are often fragile, and reforms are often derailed or sabotaged. The sources of resistance are well entrenched to support "business as usual." However, as Flores, Lowenkamp, and Bechtel (2016), and others have correctly noted, we are currently at a unique moment with a rare consensus among key stakeholders of the need for sentencing reform, the need to substantially reduce mass incarceration, and an awareness of the self-defeating criminogenic effects of lengthy incarceration. These are paralleled by a wide acceptance among correctional agencies of the Risk-Need-Responsivity (RNR) Model that are leading to alternative placements and rehabilitation reforms in criminal justice. More accurately identifying differentiated risk levels among defendants can enhance our ability to peel back mass incarceration and safely divert lower risk offenders away from incarceration while still achieving public safety, greater transparency, consistency and fairness in sentencing decisions. In fact, a highly successful valida-

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tion of COMPAS and cost-benefit analysis had previously been conducted in Broward County explicitly illustrating the use of risk assessment to reduce the offender population and achieve enormous savings with no threat to public safety (Mann, Gulick, Blomberg, Bales, & Piquero, 2012). Of course, PP made no mention of this study. Scientifically-validated actuarial risk assessments such as COMPAS thus are at the core of these reforms by providing validated risk assessments and a strong scientific foundation for the RNR principles now widely accepted by major professional correctional associations.

Unfortunately, the Angwin et al. (2016) study is likely to have the effect of spreading misinformation and accusations of racism regarding ARAIs in criminal justice. In effect, they are attacking not a source of racial bias but are sabotaging and maligning one of the most effective reform tools to achieve racial fairness, transparency and to reduce mass incarceration. The PP study, if unchallenged, may have the effect of undermining PP's own corporate goals of achieving effective policy reforms of fairness, reduced incarceration, and racial parity in criminal justice decisions.

Racial bias is of critical policy importance and any study apparently proving such bias offers sensational news. As expected, the Angwin et al. (2016) report was given nationwide publicity by the media and others. However, as Huff (1954) warned several decades ago, many readers, particularly those who may lack training in statistical methods, may be brow-beaten or dazed by such numbers and may unquestionably assume that the distorted and sensational results represents the truth. A danger is that many criminal justice administrators, legislators and judges—who may not be trained in statistical methods—may not readily identify the distortions and simply accept such a report or news item as truth. An example of this is noted by Flores et al. (2016) in reference to the comments by David Patton (Chair of the federal defenders legislative committee) in responding to the possibility of developing “valid” measures of offender risk. Patton stated, “we just don’t know that such a tool can be developed, or if it can, whether it will exhibit similar racial biases of current tools.” This kind of statement ignores painstaking and careful research that has demonstrated predictive parity and equal accuracy for Black and White offender populations (Brennan, Dieterich, & Ehret, 2008; Olver, Stockdale, & Wormith, 2014; Wormith, Hogg, & Guzzo, 2015; Skeem & Lowenkamp, 2016a; Skeem, Monahan, & Lowenkamp, 2016; Skeem & Lowenkamp, 2016b).

Key Contextual Issues Related To Risk Assessment In Criminal Justice

To contextualize the potential damage of the PP article to current reform efforts in the U.S. criminal justice system,

several key issues in the current debate over risk assessment should be mentioned.

Considerations of public safety and legislative mandates requiring a validated risk assessment: Decisions regarding public safety unavoidably introduce forecasting of future dangerousness into sentencing. Thus, “future dangerousness” can be a critical factor in sentencing. In an increasing number of states, validated risk assessment forecasts are becoming mandatory—not to determine the sentence but to be available as one factor among many. The key requirement for such risk forecasts—whether reached by subjective/intuitive judgment or by data driven ARAIs—include: transparency, fairness, validation testing, predictive accuracy, and others. Sentencing judges and other criminal justice decision makers must incorporate a future perspective in their estimate of the risks and seriousness of future criminal behavior, while aiming to minimize harm that may result from their decision options.

The ARAIs are more accurate than human subjective judgment: A background point, often ignored, is the large and compelling research literature across diverse professions repeatedly showing that actuarial risk forecasting has superior predictive accuracy and less errors compared to human judgment. This finding is well established in criminal justice risk prediction where actuarial methods can forecast new offenses with greater accuracy and fewer errors than unaided human decision makers (e.g., Quinsey, Harris, Rice, & Cormier, 1998; Berk & Hyatt, 2015; Flores, et al., 2016; Andrews, Bonta, & Wormith, 2006; Harris, Lowenkamp, & Hilton, 2015). Such demonstrations of superior predictive accuracy have extended over 60 years back to Meehl (1954). Yet, some criminal justice stakeholders remain profoundly suspicious of ARAIs leading on the one hand to continuing pressure to upgrade the predictive accuracy of the ARAI approach, and on the other hand, to political efforts to constrain or limit their use in criminal justice, and particularly, in the punishment component of sentencing. This debate remains unresolved and is ongoing.

Standards for actuarial data-driven risk assessment tools in criminal justice: Over the last 5 decades, a long series of well-established standards and performance requirements have evolved for data-driven ARAIs when used for criminal justice decision support. Until very recently, they have mostly avoided sentencing issues. Most developers of ARAIs are aware of these standards and have generally endeavored to meet them, particularly in the design of third (3G) and fourth generations (4G) of ARAIs (see Andrews et al., 2006, Brennan et al., 2008). The ongoing articulation of such standards include: (a) the requirement of transparency and justification of risk decisions, (b) rationality and

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logical coherence of the ARAI, (c) demonstrated predictive validity, (d) objective measurement of all risk factors, (e) relevant and validated risk and need factors, (f) least restrictive custody decisions, (g) fairness and equity across racial groups, (h) constraints on excessive subjective discretion, as well as (i) a set of major psychometric measurement standards (Gottfredson 1987; Brennan 1987a, 1987b; Andrews et al., 2006). Most of the well-designed risk assessments—recently developed for criminal justice uses—have carefully attempted to meet these standards over a series of technical validation and meta analysis studies.

Standards for testing racial bias of risk assessment instruments: Of particular importance for the issue of racial bias in ARIAs is the presence of standard methods for testing racial bias in any risk assessment instrument (Flores et al., 2016; Skeem et al., 2016a). These standards have emerged from joint work of several professional organizations such as the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education (2014). However, as Flores et al. (2016) point out “...Larson et al. (2016) and Angwin et al. (2016) do not mention—or appear to be aware—that such standards exist, and do not use them in their reports” (p. 8). Flores et al. (2016) also note that the analytical approaches in PP’s papers actually fail to test for race bias within these standards, and view this omission as a “critical” weakness since proving bias was the central focus of the PP reports.

Minority over-representation in criminal justice and efforts to identify and minimize biases at all decision stages: The substantial over-representation of minorities in U.S. criminal justice populations is of great concern and has prompted recurring concerns of racially-biased decisions at many decision points ranging from initial arrests, pretrial release, sentencing, parole, probation, and so forth. The decision-making reforms that have introduced ARAIs into various decision points in criminal justice agencies have actually been driven by the concerns to minimize biases at these decision points. The ARAI design features including: (a) objective measurement, (b) relevant factors, and (c) replicable arithmetic procedures, were all aimed at increasing the transparency of these procedures. Complying with these design features, of course, has also been of great concern to most developers of ARAIs and their users to both avoid and prevent such biases in risk assessment methods (Andrews et al., 2006; Gottfredson & Moriarty, 2007). However, the personal preference of many criminal justice decision makers is to retain the “discretionary override,” that serves to bypass the ARAI and reintroduce personal intuitive judgment factors into decision making. This use of discretionary judgment remains unresolved in criminal justice and a variety of constraints to achieve a balance between the ARAIs and

unfettered subjective judgments have been proposed for sentencing decisions.

Unavoidable trade-offs between risk-assessment accuracy versus the inclusion of all relevant risk factors: A dilemma in designing ARAIs is to achieve a balance between optimizing predictive accuracy verses fairness, equity, and efficiency. Several effective risk factors, for example, are seen as potential proxies for race, such as certain criminal history items, demographic, social and cultural factors that may be strongly correlated with race (e.g., number of prior arrests and convictions, zip codes, poverty). This issue has been of particular concern for the sanctioning component of sentencing (e.g., sentence length) but less so for the rehabilitation or “crime reduction” component of sentencing. However, if such variables are used for risk assessment, they may draw “strict scrutiny” from the courts, and may only be used if a jurisdiction can assert a compelling public use (e.g., public safety through more accurate risk assessment). Thus, to comply with Constitutional standards of race, religion, gender, and others, ARAIs mostly exclude such factors.

Bipartisan support for sentence reduction and to reduce the mass incarceration: With steadily increasing awareness of the massive financial and human costs of mass incarceration, nationwide efforts are being introduced to develop solutions to shift sentencing towards crime reduction through effective treatment and reduce the number of persons negatively impacted by incarceration. The ARAIs and needs assessment have emerged as a core foundation for these reform goals as exemplified in the RNR Model and the accumulating body of research findings supporting these principles (Andrews et al., 2006).

Ongoing criticism of sentencing: There continues to be much dissatisfaction with sentencing. Major concerns include: the severity of sentencing guidelines, ongoing problems of inconsistency and sentencing disparities regarding similarly situated defendants, lack of transparency of decisions and overly subjective discretionary judgments, over-reliance on incarceration, and a relative neglect of the crime-reduction or rehabilitative components of sentencing. Another broad concern is with the dominant focus on legalistic crime and prior criminal history factors while paying insufficient attention to the precise circumstances and backgrounds of each case. Underscoring all of these are high and unacceptable recidivism rates.

Current Rejoinders To The PP Studies

To date, two separate teams of researchers have responded in detail and have rejected both the methods and findings of PP study. The present article briefly summarizes these two very detailed rejoinders and interested readers can find all the

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nuances and details by reading the original reports.

In the interest of public disclosure and from the perspective of a developer of COMPAS, this short report will largely emphasize the findings and conclusions of the Flores et al. (2016) rejoinder to PP, and will only briefly mention selected instances from the Dieterich et al. (2016) report where the two studies have converged on particular criticisms and errors of the PP study. The two rejoinders are as follows:

Flores et al. (2016): This team of well-established statistical researchers, evaluated the methods, data, interpretations, and conclusions of Angwin et al. 2016 and of the statistical analyses on which it was based (Larson et al. 2016). Flores et al. (2016) also introduce multidisciplinary standard methods for testing racial bias in predictive ARAIs not only of the COMPAS risk instruments, but also for any risk assessment methods. They applied these analyses to establish the predictive accuracies of the COMPAS risk instruments and to test it for bias when applied to Black and White offender samples. Following their analyses, Flores et al. (2016) concluded that the Larson et al. (2016) analysis is “misguided” and that the subsequent conclusions offered by Angwin et al. (2016) were faulty. In reanalyzing the same data, they found equal predictive accuracy for Black and White offenders when assessed with the COMPAS and, also found no evidence of racial bias against Black offenders.

Dieterich, Mendoza, and Brennan (2016): This team similarly reviewed the statistical methods, data, interpretations, and conclusions of Angwin (2016). They reanalyzed the same data set using more conventional statistical assumptions and methods to establish true findings for COMPAS risk assessment for both Black and White offenders. They also tested the COMPAS risk assessments for any racial bias of risk forecasts for Black and White offender groups for both general and violent recidivism. This study also refuted the “racist bias” claims of PP. Both rejoinders noted multiple flaws and erroneous analytical assumptions imposed on the data by the PP analysts that led to their misguided conclusions.

Key Findings

In testing the accuracy of prediction as a function of race, Flores et al. (2016) first calculated the AUC-ROC (for predictive accuracy) values for the overall sample and for separate Black and White offender groups. The AUC is now widely recognized as a standard measure in assessing diagnostic accuracy of risk assessments largely since it's values are uninfluenced by base rate (Rice & Harris, 2005). This is important given that recidivism base rates differ between the racial groups. The key findings of this study are presented below. Flores et al. (2016) noted that these findings serve to systematically refute most of the allegations of the PP report.

Examining predictive accuracy of COMPAS for General

Recidivism by racial groups: The COMPAS risk assessment demonstrated a strong degree of predictive accuracy for the combined Black and White samples with an AUC of .71. The separate AUC estimate for white defendants was .69 and .70 for Black defendants were highly similar thus indicating a basic parity for the two groups. In fact, there were no significant differences for these AUC values by race. This simple lack of difference in predictive utility for the COMPAS for Black and White samples contradicts the conclusions of Larson et al. (2016). Furthermore, these AUC values indicate that the predictive accuracy of COMPAS ARAIs for both general recidivism and violent recidivism are in the moderate to strong levels and are comparable to other well developed risk assessment instruments. These AUCs are also consistent with several other independent validation studies of the COMPAS risk instruments (Mann et al., 2012; Lansing, 2012)

Examining predictive accuracy of COMPAS for Violent Recidivism: Violent recidivism rates were 12% for White defendants, and 21% for Black defendants. The AUC-ROC analyses, shows that COMPAS risk model for violent recidivism for Whites and Blacks were 0.68 and 0.70 respectively, again falling into the moderate to strong range. These results similarly indicate that the predictive accuracies for Blacks and Whites were not statistically different again indicating equal predictive parity for both Black and White defendants and thus, also refuting Larson et al. (2016).

Evaluating levels of differentiation between the COMPAS risk groups: Flores et al. (2016) then examined DIF-R values that are designed to clarify the dispersion of recidivism rates between COMPAS risk level categorizations for the total sample and across Black and White samples (Silver, Smith, & Banks, 2000). The DIF-R values for the total sample, and for White and Black groups respectively were: 0.73, 0.65, and 0.70. These DIF-R values were in the acceptable range for both the total sample and by race. Flores et al. (2012) also noted that these values were consistent with those found in other recent well-validated risk assessment studies. This suggests that the COMPAS risk categories are unique from one another and meaningfully differentiated.

Testing for bias against Black offender in COMPAS predictive models: Flores et al. (2016) carefully investigated Angwin et al.'s (2016) claim of racial bias against Blacks following the recommended standard analytical approach to detect bias. In particular, they examined the form of the relationship between actual recidivism and COMPAS risk score for separate Black and White samples. In this analysis, if COMPAS performs similarly across race, the regression slope and intercept of this relationship should be similar across the racial subgroups. Additionally, the interaction term between race and COMPAS risk score should be insignifi-

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cant (Aguinis, Culpepper, & Pierce, 2010). Several logistic regression models were computed to address this question for predicting the two outcomes: (a) any arrest, and (b) an arrest for a violent offense. The regression analyses also examined the interaction terms between COMPAS risk scores and race. The results once again refute the PP claims. First, the interaction terms between the COMPAS risk scores and race were not significant. Second, the slope of the relationship between the COMPAS risk and general recidivism was similar for both Black and White defendants, indicating that race did not moderate the utility of the COMPAS ARAIs that predicted general recidivism. Flores et al. (2016) concluded that: “A given COMPAS score translates into roughly the same likelihood of recidivism, whether a defendant is Black or White” (p.16).

Methodological Problems Of The PP Analysis

Several challenges can be made against the PP papers. Some or most of these would be raised if the PP papers had been submitted to a peer-reviewed journal and would likely result in the paper being rejected for publication:

1. *Failure to use established standard methods to assess bias in risk assessment methods:* Flores et al. (2016) point out that Larson et al. (2016) and Angwin et al. (2016) did not mention—or even appear to be aware—that specific standard methods exist for assessing racial bias in forecasting methods. They point out that the methods used by PP “...fail to test for bias within these standards, which is critical given that this is the main focus of the report” (p.8).

2. *Choosing a sample of pretrial offenders that was inappropriate for testing the predictive accuracy of the core COMPAS ARAI:* The PP group used a sample of pretrial offenders to test the COMPAS ARAI that, in fact, had been designed for probation and parole offenders and related outcomes, and not for a pretrial sample. This mismatch meant that PP was using the wrong sample (pretrial) to evaluate an ARAI that had been designed and validated for a different target population with different outcomes. This is a relevant and key issue since any valid test of an ARAI must focus on the same kind of offender sample and the specific outcomes for which the tool was designed. Flores et al. (2016) assert that this mismatch “...on it’s own would be sufficient grounds to discredit their study.”

3. *Ignoring the base rate (the base rate fallacy):* A critical error by the PP group was to exclude the base rates from their analysis. This error has various names in statistics, e.g., the “base rate fallacy” or “base rate neglect.” In examining the coefficients that indicate predictive errors, Angwin et al. (2016) compared the complements of Sensitivity and Specificity for Blacks and Whites. Yet, these coefficients are calculated separately on recidivists only and on nonrecidivists

only. Thus, the base rates are excluded. Angwin et al. (2016) should have used the complements of the predictive values that take into account the base rate of recidivism. When the correct classification statistics are used, the PP claim of racial bias disappears (Dieterich, Mendoza, & Brennan, 2016).

4. *Imposed an over-simplified dichotomy to create distorted risk categories:* The PP analysis imposed an over-simplified and distorting two-way dichotomy on the outcome variable by collapsing medium and high-risk defendants into one large and ambiguous category, and then calling this the “higher-risk” group. This bloated category was then compared against the low-risk group of defendants in subsequent analyses. This has the effect of inflating the false positive rate and the corresponding base-rate-sensitive target population error. This oversimplification then ramifies across several other PP analyses to further distort their interpretations. The COMPAS was not designed to make absolute dichotomous predictions of success or failure. Instead, it was actually designed to estimate probabilities of recidivism across three categories of risk (low, medium, and high).

5. *Misinterpreting COMPAS risk scores—absolute findings versus probabilities:* Flores et al. (2016) point out that the PP studies also reflect a serious misinterpretation of the information provided by COMPAS risk scores (Singh 2013). They note that COMPAS, in fact, uses the actuary approach to estimate probabilities of recidivism for its three risk categories and not to produce absolute dichotomous predictions about success or failure, and note that it is a mistake to assume that a COMPAS score offers an absolute determination of fail/not fail. Flores et al. (2016) note that, “This error also discredits their main finding that Black defendants were more likely to be incorrectly identified as recidivists (false positives) while White defendants were more likely to be misclassified as nonrecidivists, false negatives” (p. 19).

6. *Distorting predictive accuracy by choosing the less precise three-way risk category to assess predictive accuracy of COMPAS ARAIs:* Both Dieterich et al. (2016) and Flores et al. (2016) note PP’s use of the three-way category ratings (low, medium, high) instead of the more precise decile risk scores to assess the predictive accuracy of COMPAS. It is well known that the decile scores will produce a more sound AUC-ROC analysis for estimating the predictive accuracy of any ARAI instrument. Both Flores et al. (2016) and Dieterich et al. (2016), independently show that the accuracy of the COMPAS risk scales are predominantly in the “good” range of AUCs around 0.70, and thus comparable to other well-designed ARAIs.

7. *The PP overstates or exaggerates results, appearing to “torture” the data to support their claim of racism:* A clear example of exaggeration is seen in their treatment of

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RISK ASSESSMENTS *(Continued from page 8)*

“statistical significance.” In statistical analyses with very large sample sizes, a common occurrence is that even trivial differences can misleadingly reach the conventional level of statistical significance ($p < 0.05$). To avoid such interpretative errors, careful researchers impose more stringent test levels before claiming significance for a finding (e.g., by demanding the $p < 0.01$, or $p < .001$ levels). Larson et al. (2016) in contrast, amazingly do the opposite. As noted by Flores et al. (2016), the interaction terms in their two Cox regression models (even with their huge samples) failed to reach the conventional level statistical significance of 0.05 (it was 0.0578). However, Larson et al. (2016) then blandly and recklessly interpret this as “significant,” thus “proving” the presence of racial bias. The more appropriate option would have been to compute an effect size with confidence intervals, but this was not done. However, this argument is moot because of the likely misspecification of their regression equation in addition to the problematic distortion of the outcome dependent variable

8. *Likely misspecification of the regression analysis:* A related and coexisting problem is that the regression model used by Larson et al. (2016) appears to be misspecified, particularly in its ordering of variables in their general recidivism logistic regression model. This reversal analysis apparently is being used to predict COMPAS risk scores using recidivism and a number of other demographic variables. Since the risk assessment score is established prior to recidivism, it appears that the independent and dependent variables have been confused (Flores et al., 2016).

9. *Misinterpreting racial differences in mean scores on an ARAI risk assessment as reflecting racial bias of the test:* Flores et al. (2016) note another interpretative error by the PP group by their apparent assumption that racial differences on a risk assessment instrument is a reflection of bias in the test instrument. They comment as follows, “This is not true. Not true at all,” and they suggest that the PP group should become more familiar with the Standards for Educational and Psychological Testing (2014).

Conclusions

Implementing innovations in criminal justice is difficult and often precarious. The last four decades of research has seen an enormous amount of work leading to the progressive improvement in ARAI methods in predictive accuracy, construct validity, selection of relevant factors, organizational focus and efficiency (Andrews et al., 2006). These methods have been demonstrated to be consistently superior to human experts’ judgment across a broad variety of professions and are slowly gaining a foothold in criminal justice agencies at several key decision-making junctures (e.g., pretrial release, jail and prison classification system, parole

and probation). However, they have not yet achieved much use in courts and sentencing, notwithstanding the fact that several states have introduced legislation requiring risk assessments although with various constraints on their use within sentencing deliberations.

In regard to reform of decision processes in criminal justice, the basic policy goals of ARAI methods, as noted previously, include more transparency, improved accuracy of risk forecasting, inclusion of relevant validated risk factors, and for enhancing a shift in sentencing towards more equity, fairness, and parity in risk assessment across racial groups. They are also intrinsic to reforms in the RNR principles aiming to achieve a reduction of mass incarceration, treatment matching, while still maintaining public safety.

The PP project to detect and remove racial bias in criminal justice, and more specifically in ARAI methods, is highly appropriate. However, given the gravity of their charges and the critical challenges of implementing innovative change in criminal justice organizations, it seems inexcusable that their work was infused with statistical errors, failure to use appropriate methods to detect bias and misinterpretations, culminating in widely-publicized charges of racism, that have now been shown to be quite false. Thus, the law of unintended consequences strikes again. Instead of PP helping to identify and eliminate racism from criminal justice, their papers have irresponsibly spread false and damaging disinformation, that in some cases may sabotage or delay a key positive innovation (ARAI) that may lead criminal justice decision making towards greater transparency, fairness, accuracy of outcomes, help reduce mass incarceration, as well as to minimize racial bias.

In summing, several basic conclusions—from the two rejoinders, and from other recent research on the issue of racial bias in ARAI methods—should be emphasized:

1. No evidence of racial bias was found in COMPAS: Flores et al. (2016) concluded that in all instances we failed to find evidence of predictive bias by race in the COMPAS. Interestingly, these findings are remarkably consistent with existing literature that has also tested for bias in other ARAIs (see Skeem & Lowenkamp, 2016a, 2016b).

2. Effective and equal predictive accuracies were found for COMPAS risk assessments for White and Black groups: the AUC coefficients were in the good range the total population (0.71) and in the moderate (0.69, White) and good range (0.70, Blacks). These refute PP conclusions.

3. Multiple errors, misinterpretations, and false assumptions characterized in the PP analyses. These included: (a) choosing the wrong sample, (b) imposing false and misleading dichotomies to distort outcome categories, (c) exaggeration of “significance levels,” (d) failure to take account

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of base rates (the base rate fallacy), (e) misspecification of regression equation, and (f) failure to use appropriate standard methods to detect racial bias. In this latter regard, Flores et al. (2016) concluded “that well established and accepted standards exist to test for bias in risk assessment. Larson et al. (2016) and Angwin et al. (2016) do not mention—or appear to be aware—that such standards exist.” They argue that PP actually fails to test for bias within these standards, and view this as critical since such bias was the central focus of the report.

In the end, it may be worthwhile to recall an old adage in

statistics: If you torture the data long enough, it will confess (Ronald Coase, 1991 Nobel-winning economist). This adage is typically taken to mean that if an analyst sufficiently tortures the data with a sufficient variety of false assumptions, inappropriate sampling, false dichotomies, inappropriate methods and interpretations, he or she will end up with the “result” that they wanted.

References available from the author.

PRELIMINARY INSIGHTS INTO SOCIAL ENGINEERING FROM A BEHAVIORAL SCIENCES PERSPECTIVE

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In the words of an incarcerated hacker the authors interviewed, he pointed out that “there were no security patches to humans.” Using the classic social engineering-related phishing attack, he would impersonate a CEO of the organization that he was targeting to extract sensitive data. He would send out an email with a title: “Retrenchment Package” to the employees, with a disguised back door software that enabled him to gain access to the users’ computers. Of interest, he mentioned two specific timings that he would exploit to increase his success of infiltrating the system, which were after lunch hour and minutes before leaving the office—where the employees were unable to engage in critical thinking and were more likely to become careless.

Social engineering is a term coined by the infamous black-hat hacker turned cybersecurity expert, Kevin Mitnick (Hadnagy, 2011). Based on extant literature, there are many definitions proposed to conceptualize



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social engineering. For the purpose of this article, social engineering is defined as the use of deceptive methods to psychologically manipulate victims into providing confidential details (McQuade, 2006; Samani & McFarland, 2015).

Techniques of social engineering vary and can include the following (Parker & Parker, 1998): (a) name dropping to imply a sense of familiarity, (b) impersonation of an authority figure to increase possibility of obedience, (c) providing scenarios that are shocking to impair the victim’s judgment and thus, engage in poor and on-the-

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spot decision making, and (d) strategic use of jargon during conversations to imply credibility of the attacker. Such techniques can be found in social engineering-related crime including aforementioned phishing attacks, online scams, identity theft, and even in rumors. Social engineering is a unique threat because of the vulnerable human element which enables deception to occur in the online space. In the current threat landscape, there have been a marked increase in such crimes which resulted in millions of dollars being lost every year. The trend of phishing e-mails saw a 233% increase with the number of malware-attachment e-mails increasing by 50% from 1.69 billion to 2.5 billion (Diana, 2015).

Cybercriminals are increasingly taking to social engineering and going after the user instead of targeting the computer system. From a psychology standpoint, social engineering is cognitively more appealing to them. One possible explanation for this preference would be the minimal resistance from victims when these cybercriminals expend minimal cognitive effort (Horacek, 2014). As demonstrated by Hadnagy, "The attacker doesn't want to take the sexiest route. They want to take the easiest route..." (as cited in Diana, 2015). In other words, social engineering is a mental shortcut that they take to achieve their malicious objectives in comparison to a cyber attack which involves a certain level of technical expertise that may place a heavier cognitive load (e.g., level of alertness, time pressure) on them. Heavy mental effort may in turn, negatively impact their illegal operations and decrease their chances of successful infiltration of computer systems.

A review of the literature reveals theoretical-heavy research from various disciplines including the behavioral sciences that focuses on the criminal aspect of social engineering (e.g., Mataracioglu & Ozkan, 2010; Tetri & Vuorinen, 2013). Persuasion studies done in psychology have been utilized to better understand the relationship between the cybercriminal and the victim (e.g., Applegate, 2009; Hadnagy, 2011; Mitnick & Simon, 2006). However, there is a lack of empirical data to support the theoretical research on social engineering (Workman, 2008), as well as behavioral sciences studies that focus on the victims' perspective.

One unique study that illustrated the aforementioned statement, was the study done by Workman (2007) on the three types of victim commitment towards social engineering in the U.S.: (a) continuance (i.e., a positive cost-benefit ratio with reference to the perceived benefits against costs of taking precautions), (b) affective (i.e., perform actions to obtain social approval), and (c) normative (i.e., acts of reciprocation performed as a form of obligation). The study revealed that high levels of these three commitment types would result in victims having a higher probability of falling for social engineering threats. Future efforts could be expended to generalize this study to various contexts (i.e., international, organizational, and in-group settings).

Another was an exploratory survey study done in Singapore by the authors to identify the cognitive biases that individuals would utilize within the context of social engineering. The study revealed that three biases were present when potential victims were dealing with social engineering threats: (a) automation bias (i.e., dependency on computer systems for updates without scrutiny), (b) victim stereotype bias (i.e., characteristics of victims of social engineering threats), and (c) illusion of control bias (i.e., confidence in being able to tell the difference between a scam and a genuine request). Future efforts could be expended to study the presence of a relationship between attitudes towards cybersecurity and cognitive biases.

As technical defenses continue to evolve to make computer systems more secure, they are easily undermined by cybercriminals using social engineering as part of their modus operandi (Kashyap, 2008; Viswanath, 2016). Social engineering techniques are utilized to exploit victims' human tendencies and cognitions in order to manipulate their behaviors into carrying out the cybercriminals' requests. In order to combat this pervasive threat, a collective effort from entities such as organizations, governmental agencies and end-users themselves is required for mitigation (Abraham & Chengalur-Smith, 2010).

Social engineering techniques are utilized to exploit victims' human tendencies and cognitions in order to manipulate their behaviors into carrying out the cybercriminals' requests.

References available from the first author.

IS THE JUDICIAL USE OF RECIDIVISM PREDICTION CONSTITUTIONAL?

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“Prediction is very difficult, especially about the future” (Author unknown).

“The STRONG....predicts recidivism based on a particular type of crime...” (Assessments.com, 2008).

“As currently used, the practice (of evidence-based sentencing) is deeply unfair, and almost certainly unconstitutional” (Starr, 2014).

Ah, yes, the dilemmas of reoffense risk predictions and uses are alive and well in today's criminal justice system, and for possibly good reasons. While a thorough purview of the history of the development of offender re-offense risk instruments is beyond the scope of this newsletter contribution, a brief overview should suffice to help our readers understand the emergent dilemmas.

Our historian readers will know that the use of prison to control crime significantly trended upward following President Nixon's declaration of war on crime and drugs. In 1980, there were approximately 1.8 million under correctional supervision, and in 1983, the United States had incarcerated approximately 419,000 inmates. Once Nixon's punishment model took hold and given significant legislative boosts by various Presidents, including Presidents Reagan and Clinton, by 2013 over 2.2 million individuals were incarcerated in federal and state prisons and county jails, with almost 5 million more under correctional supervision (Bureau of Justice Statistics, 2014). As most of our readers know, the United States has held the unenviable title of the world's leading mass incarcerator for some time, with criticisms alleging economic and racial biases.

For example, in 2011, the total expenditures of the criminal justice system exceeded \$212 billion, and by 2014, the cost of maintaining an individual just in a federal prison exceeded \$30,000 a year (Bureau of Justice Statistics, 2014).



RICHARD ALTHOUSE

The social monetary costs of this crime control-by-incarceration movement have been substantial. For example, in 2011, the total expenditures of the criminal justice system exceeded \$212 billion, and by 2014, the cost of maintaining an individual just in a federal prison exceeded \$30,000 a year (Bureau of Justice Statistics, 2014). These expenditures might be more acceptable if they contributed to commensurate decreases in crime and recidivism rates. Alas, as critics have argued over the past 2 decades, they have not. As far back as 2004, this developing state of affairs prompted U.S. Supreme Court Justice Kennedy to remark that our resources are misspent, our punishments too severe, our sentences too long (Austin, 2004).

Over the past decade, there has been an increased interest in reducing these sentences and expenditures through the reduction of prison and jail populations without appearing to jeopardize public safety by diverting select individuals from jail or prison with diversion court programs, particularly targeted for nonviolent drug users and mentally ill offenders. There has also been an increased interest in reducing the prison populations by releasing select inmates sooner than their official release dates; ironically converting the 3-4 decades of rushing to incarcerate to today's rush to release. Understandably, the major question to answer as a guide to this release process is, “Who could be (more or less) safely released?”

The presumptive answer is to be found in the emergent development of the offender risk/needs assessment process that started in the 1970s through the fourth generation Risk-Need-Responsivity (RNR) Model instruments of the early 2000s; instruments that were claimed to be able to predict low, moderate, and high risks for re-

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PREDICTION CONSTITUTIONAL *(Continued from page 12)*

offending (e.g., VRAG, STATIC-99, RRASOR, LSI-R, STRONG). The general idea is that recidivism can be significantly reduced if the level of treatment services is proportional to the offender's risk to reoffend, that treatment should focus on high-risk offenders' criminogenic needs, and that social learning interventions are the most effective way to teach offenders more prosocial behaviors coupled with other rehabilitation services, i.e., education, job training, etc. (see Andrews & Bonta, 2006). By 2016, there were more than 60 recidivism risk assessment instruments (RAIs) used in various parts of the U.S. (Desmarais & Kulikowski, 2016) and about 20 states use them as an evidence-based basis for offender programming and sentencing; uses that can have a significant impact on an offender's fate. And therein, critics claim, lies the rub.

First, critics claim that such risk assessment tools do not, indeed cannot, yield flawless results, risking false positives and negatives. Second, use of these risk assessment instruments may have a discriminatory effect on minorities. Although outcome research in this area has yielded mixed results, it remains a concern (James, 2015). For example, University of Michigan law professor Sonja Starr argues that because risk assessment includes race-correlated variables, poor, and minority individuals may be disadvantaged by today's evidence-based sentencing practices (Starr, 2014). Third, there are those who claim that punishment should depend on what an individual did, not on who he/she is or how much money they have, or what they might or might not do in the future. But, on to the Constitutional question.

The U.S. Supreme Court has held that discrimination cannot be justified by statistical reliance on group characteristics, and that people have a Constitutional right to be treated as individuals, regardless of their group affiliation. Consequently, individuals who are members of economically-, socially-, or minority-disadvantaged groups have the risk of having their reoffense risk score elevated because of their group identification, potentially influencing the individual's sentence if such an elevation puts him/her in the high-risk category in a criminal justice system criticized for being racially and economically biased.

Why is understanding the risks of reoffense risk assessment important? Many states are considering using

reoffense risk scores as a basis for evidence-informed sentencing, and there are pending sentencing-reform bills in Congress. Whether their use for sentencing purposes is deeply unfair and likely unconstitutional remains to be seen, but when an Attorney General criticizes the growing trend of evidence-based sentencing, as Eric Holder, Jr., has (Calabresi, 2014), a decision to implement such a practice is likely worth some additional thought, not only about the practice, but the tools that inform it.

Correctional psychologists and related professionals are the guardians of these risk assessment tools and their ethical use. While these risk assessment tools can contribute to the prediction of criminal risk, the more fundamental, and might I suggest ethical, question is whether or not they can simultaneously contribute to equal justice. Stay tuned for further developments in this area.

References available from the author.

THE PRESIDENT ELECT ELECTION

We received no candidates for the President Elect position by our deadline, August 1, 2016. In that case, we will go through our election process again in 2017 or until we find someone to fill the position. If we find no one to fill the vacancy after two election cycles, the Executive Board will elect an "Interim President" to finish out the term and at the following annual member's meeting, membership would elect a President and President Elect.

VALIDATING THE USE OF THE TEST OF MEMORY MALINGERING (TOMM) IN SINGAPORE

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DESIREE CHOO

The Test of Memory Malinger (TOMM) measures the degree of effort invested in test-taking, rather than malingering *per se*. Nevertheless, it has often been used as the gold standard in appraisals of cognitive tests results validity. Indeed, there has been support of its use in various populations, such as patients with severe depression (Yanez, Fremouw, Tennant, Strunk, & Coker, 2006), cognitive disorder associated with psychosis (Duncan, 2005), traumatic brain injury (Tombaugh, 1997), the geriatric (Ashendorf, Constantinou, & McCaffrey, 2004; Teichner & Wagner, 2004) and child populations (Donders, 2005; Schneider, Kirk, & Mahone, 2014; Constantinou & McCaffrey, 2003).

In Singapore, which has a strict legal system that has been even described as “draconian” (Hor, 2000), the TOMM has similarly been used by State

psychologists. In criminal cases which raise psychiatric queries, psychologists are often asked to perform intellectual and neuropsychological evaluations. As part of these psychometric assessments, the TOMM has been the main tool of choice to inform on the weight to place on other test findings. Psychological conclusions,

in turn, affect legal decisions like convictions and sentencing. The most impactful situation arises when offenders facing capital punishment have their lives hanging from the thread of any evaluation involving potential mental illness, the strength of conclusions of which are informed by the TOMM.

While there is literature supporting the validity of the TOMM in numerous settings, there have been no local or regional studies supporting its use in this particular context. A series of studies was thus conducted to test the validity of the TOMM in a Singaporean context. In addition to the TOMM, the Dot Counting Test (DCT), and Rey-II test were also investigated as potential alternatives to the TOMM. They were selected based on clinical ease of use, and some support in the literature for their validity, e.g., DCT (Hayes, Hale, & Gouvier, 1998; Hiscock, Branham, & Hiscock, 1994; Boone, Peolu, Sleman, Palmer, Back, Shamieh, Warner-Chacon, & Berman, 2000) and e.g., Rey-II (Griffen, Glassmire, Henderson, & McCann, 1997). Additionally, intellectual functioning of participants was controlled for which other studies had not done.

In Study 1, a randomized control trial involving undergraduates allocated into either an Honest responding or Malingering condition showed that the TOMM, DCT, and Rey-II performed within expectations in differentiating the groups. This provided initial support for the tools, albeit in an experimental setting.

In Study 2, actual clinical and noncapital forensic populations were administered the tools in a differential prevalence design, which is based on the premise that there would be more participants malingering in the forensic population compared to the clinical population. Results indicated that, when controlling for the effects of IQ, the TOMM surpassed the DCT and Rey-II in classification utility. Logistic regression revealed that the TOMM provided incremental predictive validity over the DCT but not vice versa.

The series of tests provided encouraging support

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VALIDATING THE USE OF TOMM (Continued from page 14)

for the continued use of the TOMM in Singapore forensic populations. The DCT emerged as a second best alternative to the TOMM, while the Rey-II failed to show sufficient validity for use in this setting. Limitations include small sample sizes, the lack of an objective measure of malingering, and the choice of

current tools. Further studies are underway to investigate and compare more tools of effort, in larger and more diverse populations in Singapore.

References available from the first author.

A SPECIAL NOTE

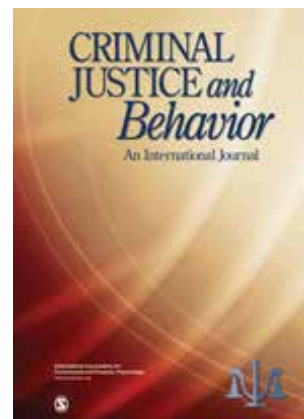
We have given permission to Mr. Willis X. Harris, B.S., B.A., the Founder and President of the Michigan Lifers Association, Inc., to republish material from our newsletter. The Michigan Lifers Association, Inc., has two publications: *The Michigan Lifers' Report* and *Cure-Life Long*. Part of IACFP's mission is to assist like-minded individuals in the field and we're very happy to accommodate. We're proud to point out that Dr. Richard Althouse's articles, "The Suspicious Brain: The George Zimmerman Case," "Brains at Work: Community-Based Courts," "Research Data: It Doesn't Work, Legislators: We Can't Care" and "The Incarcerated Veteran with PTSD" were selected for republication in the Michigan Lifers Association, Inc. publications. Doctor Althouse is an At-Large Member of the IACFP Executive Board, former IACFP President, and former Chair of the IACFP Executive Board. We're also proud to announce that Dr. Ronald R. Mellen, Professor, Department of Criminal Justice, Jacksonville State University, an IACFP Member and a regular contributor to our newsletter, has been asked to have his "Vignettes of Glimpses Inside," republished in the Michigan Lifers Association, Inc., publications as well. We congratulate both Drs. Althouse and Mellen.



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NCCHS TO CELEBRATE 40TH NATIONAL CONFERENCE IN LAS VEGAS

The National Commission on Correctional Health Care will celebrate its 40th annual national conference October 22-26 at the Paris Hotel in Las Vegas. At the 5-day conference—the country's largest conference for correctional health professionals—clinicians, administrators, and others will gather to learn about latest advancements and best practices in delivering health care behind bars.

Health professionals working in the nation's jails, prisons, and juvenile detention facilities face unique issues and challenges. For 4 decades, NCCHC has provided an opportunity for them to come together, learn from experts and one another, discuss common challenges, and shared solutions. Approximately 75 people attended the first conference, which helped to spur the national movement to improve correctional health care; a record crowd of close to 2,000 is expected at the 40th.

"For 40 years, NCCHC has been the source of quality education for health care professionals working in the country's correctional facilities," said Nancy White, M.A., LPC, Chair of the Education Committee. "Our 40th conference not only marks a milestone in NCCHC's history, but also celebrates the organization's reach and impact." White is the American Counseling Association liaison to the NCCHC Board of Directors. This confer-

ence also marks the 25th anniversary of the organization's Certified Correctional Health Professional (CCHP) program, the largest certification program in this field. Currently more than 3,400 professionals are CCHP-certified.

Special activities to commemorate these anniversaries, along with the 40th anniversary of the *Estelle vs. Gamble* decision, are also being planned. *Estelle vs. Gamble* was the landmark U.S. Supreme Court case that in 1976 established prisoners' right to health care.

The conference features eight in-depth preconference seminars and more than 100 concurrent sessions, and offers up to 32 hours of continuing education credit. Topics on the agenda include hepatitis C, HIV, mental illness, substance abuse, and the NCCHC health care standards, which help facilities use resources efficiently while improving quality of care. The exhibit hall will feature hundreds of products and services to support correctional health care. All conference activities take place at the Paris Hotel in Las Vegas. For more information, visit: www.ncchc.org/national-conference-on-correctional-health-care



ity of care in our nation's jails, prisons, and juvenile detention and confinement facilities. The NCCHC establishes standards for health services in correctional facilities; operates a voluntary accreditation program for institutions that meet these standards; produces and disseminates resource publications; conducts educational trainings and conferences; and offers a certification program for correctional health professionals. The NCCHC is supported by the major national organizations representing the fields of health, law, and corrections. Each of these organizations has named a representative to the NCCHC Board of Directors.

The NCCHC Supporting Organizations: Academy of Correctional Health Professionals, Academy of Nutrition and Dietetics, American Academy of Child and Adolescent Psychiatry, American Academy of Family Physicians, American Academy of PAs, American Academy of Pediatrics, American Academy of Psychiatry and the Law, American Association of Public Health Physicians, American Bar Association, American College of

The NCCHC is a not-for-profit 501(c)(3) organization working to improve the qual-

Correctional Physicians, American College of Emergency Physicians, American College of Healthcare Executives, American College of Obstetricians and Gynecologists, American College of Physicians, American College of Preventive Medicine, American Correctional Health Services Association, American Counseling Association, American Dental Association, American Health Information Management Association, American Jail Association, American Medical Association, American Nurses Association, American Osteopathic Association, American Pharmacists Association, American Psychiatric Association, American Psychological Association, American Public Health Association, American Society of Addiction Medicine, Association of State and Territorial Health Officials, International Association for Correctional and Forensic Psychology, National Association of Counties, National Association of County and City Health Officials, National Association of Social Workers, National Medical Association, National Partnership for Juvenile Services, National Sheriffs' Association, Society for Adolescent Health and Medicine.

Join NCCHC for their premier educational event in 2016:

- National Conference on Correctional Health Care, October 22-26, 2016, Las Vegas. Visit: www.ncchc.org

VALIDATION OF NOVACO ANGER SCALE AND PROVOCATION INVENTORY (NAS-PI) IN VIOLENT OFFENDER POPULATION IN SINGAPORE

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Measurement of anger is useful for various reasons, ranging from assessments for case planning to research. One scale measuring anger is the Novaco Anger Scale and Provocation Inventory (NAS-PI; Novaco, 2003). Given that NAS-PI was developed and validated only in Western contexts, it is good practice to assess if the psychometric properties of the scale remained robust with an Asian population. Consequently, the Singapore Prison Service (SPS) embarked on a validation study to assess the reliability and validity of the scale with Singaporean violent offenders.

The primary purpose of using NAS-PI in SPS was to assess for changes in anger trait following violence intervention programmes. As correctional interventions in SPS follow cognitive-behavioral approaches, the NAS's subscales of *Cognition (Cog)*, *Arousal (Aro)*, *Behavior (Beh)* and *Anger Regulation (Reg)* provides for easy interpretation of programme effectiveness. Other than the abovementioned subscales, NAS-PI also includes *NAS Total*, and *Provocation Inventory (PI)* that measures trait anger.

Literature Review

Even though anger and violence are separate constructs, they are closely related. According to Novaco (2011), anger is an emotion triggered by perception of threat towards self or

loved ones to evoke a fight response, assisting survival needs. Supporting this link between anger and violence, several studies have found anger to be higher in offenders who have used violence in the commission of their offences (Ford, 1991; Maiuro, Cahn, Vitaliano, Wagner, & Zegree, 1988; Parker, Morton, Lingfelt, & Johnson, 2005). Anger was also found to be the strongest predictor of verbal and physical aggression in forensic patients (McDermott, Edens, Quanbeck, Busse, & Scott, 2008; Michie & Cooke, 2006; Wang & Diamond, 1999).

Anger and anxiety also show similarity despite being different emotions. Although anxiety might show similar physiological symptoms of arousal as anger, anger and anxiety differ in the appraisal of the situation and action tendencies; while anger triggers a fight response, anxiety triggers a flight response (Kalat & Shiota, 2007). Hence, with the exception of arousal, anger and anxiety should show low correlations with each other as they are distinct emotions. Empirically, one study had shown significantly lower correlations between anger and anxiety as compared to correlations between different anger measures (Moeller, Novaco, Heinola-Nielsen & Hougaard, 2015).

Research Hypotheses

Drawing on the literature review, we tested the following hypotheses to assess the validity of NAS-PI for Singaporean violent offenders:



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(Continued on page 18)

VALIDATION OF NAS-PI (Continued from page 17)

1. The NAS-PI scales measuring anger should correlate strongly with State-Trait Anger Expression Inventory 2nd Edition (STAXI-2; Spielberger, 1999) and Implicit Theory of Violence Scale (ITVS; Cheng, 2014) that measures attitudes towards violence.
2. The NAS-PI scales measuring anger should have no or low correlations with the Trait Anxiety scale of the State-Trait Anxiety Inventory (STAI; Spielberger, Gorsuch, Lushene, Vagg, & Jacobs, 1983).
3. Violent offenders should score higher on NAS-PI scales measuring anger, and lower on anger regulation subscale, as compared to nonviolent offenders.

Psychometric Properties of NASPI in Singaporean Male Violent Offenders

Using data from 93 Singaporean male violent offenders, NAS-PI was shown to have acceptable to high internal consistency, ranging from .78 to .96. NAS-PI also showed moderate to high correlations with STAXI-2 and ITVS (see Table 1). There was, however, a non-significant low correlation between PI and Anger Expression-In. NAS-PI was also found to have moderate to high correlations ($r = .24$ to $.51$) with the Trait Anxiety scale of STAI.

TABLE 1: Correlations of NAS-PI with STAXI-2 and ITVS

	NAS					
	COG	ARO	BEH	REG	Total	PI
STAXI-2						
Trait Anger	.69*	.75*	.77*	-	.81*	.54*
Anger Expression—Out	.60*	.73*	.71*	-	.75*	.38*
Anger Expression—In	.49*	.56*	.42*	-	.54*	.15
Anger Control—Out	-	-	-	.66*	-	-
Anger Control—In	-	-	-	.70*	-	-
ITVS						
Code of Conduct	.58*	.52*	.61*	-	.62*	.66*
Beyond Control	.63*	.52*	.59*	-	.63*	.68*
ITVS Total	.63*	.55*	.64*	-	.66*	.70*

1. Individuals in our sample might not have consistently associated anger suppression behaviors with high intensity of anger. While both intensity and frequency of anger can inform an individual's level of trait anger (Spielberger, 1999), the frequency of anger suppression behavior (i.e., STAXI-2 Anger Expression-In) was unrelated to anger intensity across situations measured by PI, as evidenced by the non-significant correlation.
2. Anxiety might not be an appropriate construct to assess for divergent validity with anger. In our study, divergent validity of NAS-PI was not demonstrated as there were moderate to strong correlations between the NAS-PI scales and Trait Anxiety. Comparable correlations also exist between STAXI-2 and STAI in our sample, suggesting that individuals who have high trait anger also have high trait anxiety. A further literature search found similar results in the American college population (Deffenbacher, 1992; Deffenbacher, Oetting, Thwaites, Lynch, Baker, Stark, Thacker, & Eiswerth-Cox, 1996).
3. Contrary to our hypothesis, violent offenders and nonviolent offenders scored similarly on NAS-PI scales measuring anger. Violent offenders also had significantly better scores for anger regulation. As drug offenders constitute about 70% of “nonviolent offenders” in our sample, this finding provide some support for the theory that poor emotional regulation contributes to substance use, as drugs and other substances are used to cope with negative emotions (Wills, Walker, Mendoza, & Ainette, 2011).

Concluding Thoughts

Our findings support the use of NAS-PI with Singaporean violent offenders. However, to increase utility of the scale, more data needs to be collected to confirm its factor structure and to develop local norms. While the study design is simple, we hope that our findings can assist other researchers to further research on scale validation and emotion regulation in the offender population.

Interesting Findings

Several findings in our study were contrary to our hypotheses:

References available from the first author.

18TH AGM & CONFERENCE CORRECTIONS LEADERSHIP: ENGAGING HEARTS & MINDS OCTOBER 23-28, 2016 • BUCHAREST, ROMANIA VISIT: www.icpa.ca/bucharest2016

A PRE-CONFERENCE COMPLIMENTARY FULL-DAY MINI- CONFERENCE SPONSORED BY THE IACFP

SUNDAY, OCTOBER 23, 2016

The International Association for Correctional and Forensic Psychology (IACFP), the oldest organization in service to mental health and behavioral-change professionals in criminal justice in the world, is sponsoring a free, full-day mini-conference for local corrections professionals from Romania and other interested ICPA participants. The mini-conference will be held from 9:00 am to 5:00 pm on Sunday, October 23rd, preceding the regular ICPA program.

The IACFP publishes *Criminal Justice and Behavior*, an internationally-recognized journal of criminal justice research. Doctor Jim DeGroot, President of IACFP, will introduce the mini-conference and then Michael D. Clark, MSW, an At-Large Member of the IACFP Executive Board of Directors, will make his presentation on Strength-Based and Motivational Strategies in Work-

ing with Offenders, and Dr. Emily Salisbury, Editor of the journal, will present Gender-Responsive Strategies in Working with Women. Doctor Frank Porporino, an At-Large Member of the IACFP Executive Board of Directors, will close the mini-conference by leading a panel discussion on the challenges of implementation of evidence-informed practice.

This is an excellent opportunity for program administrators, psychologists, and other program and treatment professionals, to meet directly with fellow correctional professionals from North America, learn about effective strategies for dealing with offenders, and find out more about how you can be involved with IACFP in advancing important principles of leadership and effectiveness in your own jurisdiction.

OTHER IACFP CONTRIBUTIONS AS PART OF THE ICPA AGM & CONFERENCE

PARALLEL PLENARY SESSION

Line-Staff Leadership: Examining Exemplary Direct Practice; Michael W. Clark, MSW, an At-Large Member of the IACFP Executive Board of Directors

Are correctional leaders found only in the executive ranks? Is upward mobility and promotions through the management strata necessary to bestow the label of leader? Are line-staff aspirations limited to being good followers? The answer to all these questions is a resounding “no.” Line-staff leaders work among us and organizations should identify these exemplars and learn from them. These direct practice leaders understand that high caseloads numbers only increase the need to become dedicated students of human motivation. Their leadership encompasses the work of engagement and influence rather than dominance and sanctions. Examine this group's tactics for navigating the tough times and how they work to lower resistance. Are you working with offenders who don't want to work with you? Then join this plenary to refill your toolbox by reviewing innovative tips, techniques, and strategies used by exemplar leaders in direct practice.

WORKSHOP SESSION

Leadership Drivers for Implementing Gender-Responsive Interventions: Dr. Emily Salisbury

In 2016, both the Czech Prison Service and the Namibian Correctional Service began shifting their organizations toward implementing gender-responsive interventions in their women's prisons. Gender-responsive interventions are those that recognize and embrace the different psychological, sociological, and cultural experiences of women offenders in comparison to men offenders. This workshop serves to provide a discussion of the gender-responsive principles of effective intervention and the leadership drivers that are necessary to begin moving toward evidence-based, gender-responsive practices with women offenders and to sustain this shift among organizations. The workshop will also emphasize that leadership drivers (e.g., technical vs. adaptive leadership) are only one part of a larger organizational framework for sustaining any new evidence-based innovation over time.

(Continued on page 20)

(Continued from page 19)

CONTRIBUTIONS OF PSYCHOLOGY TO CORRECTIONAL PRACTICE: NEW PERSPECTIVES IN RESPONSIVE WORK WITH OFFENDERS



18th Annual Conference of the International Corrections and Prisons Association

Bucharest, Romania

A Pre-Conference Full-Day Mini-Conference Sponsored by the International Association for Correctional and Forensic Psychology (IACFP)

Sunday, October 23rd 2016

8:30 - 9:00 am	Registration & Coffee
9:00 - 9:15 am	Introduction by Dr. Jim DeGroot, President, IACFP
9:15 - 10:30 am	Michael D. Clark, MSW—Strength-Based and Motivational Strategies in Working with Offenders
10:30 - 10:45 am	Coffee Break
10:45 am-12:00 pm	Michael D. Clark, MSW—continued
12:00 - 1:00 pm	SPONSORED LUNCH
1:00 - 2:30 pm	Dr. Emily Salisbury—Gender Responsive Strategies in Working with Women
2:30 - 2:45 pm	Coffee Break
2:45 - 3:45 pm	Dr. Emily Salisbury—continued
3:45 - 5:00 pm	Panel Discussion—Overcoming Implementation Challenges for Evidence-Informed Practice Chair, Dr. Frank Porporino, an At-Large Member of the IACFP Board of Directors

SPEAKER SHORT BIOS

Doctor Jim DeGroot is a licensed psychologist who has worked in correctional mental health for 26 years. He worked for 7 years at Georgia's maximum-security prison and has been the state mental health Director for 19 years. He has testified for the PREA Commission, at NIC hearings and as a defendant expert for state DOCs in federal court. Doctor DeGroot serves on a number of boards and committees that are working to enhance public mental health and public safety, reduce recidivism, and facilitate reentry (e.g., the Crisis Intervention Team Advisory Board, Georgia's Mental Health Planning and Advisory Council, the Association of Correctional Mental Health Administrators' Administrative Committee, and the Georgia NAMI Board of Directors). He is currently also the president of the International Association of Correctional and Forensic Psychology.

Michael D. Clark, MSW, has served as probation officer, a family Court magistrate and clinical social worker. For the past 15 years, Michael has directed the Center for Strength-Based Strategies developing and applying the strengths approach to the fields of addictions and corrections. Michael was an invited guest speaker for a worldwide gathering in Salvador, Brazil, for the United Nations Office on Drugs & Crime (UNODC). The UNODC has since contracted with Mr. Clark via their United Nations Office in Vienna, Austria (UNOV), as a consultant/secretariat for addictions treatment. Michael is a member of the Motivational Interviewing Network of Trainers (MINT) and his U.S.-based center has provided contractual training to the U.S. Departments of Justice (DOJ) and Health and Human Services (DHHS), as well as onsite technical assistance for governments and private agencies throughout North America, Europe, and the Pacific Rim. Michael has authored over 30 articles and book chapters and is now a coauthor to the upcoming book, *Motivational Interviewing for Offender Rehabilitation and Reentry* to be published (late 2015) by Guilford Press. e-mail: buildmotivation@aol.com; (www.buildmotivation.com)

Doctor Emily J. Salisbury is an Associate Professor in the Department of Criminal Justice at the University of Nevada, Las Vegas. Doctor Salisbury is also the Editor of the peer-reviewed, academic research journal, *Criminal Justice and Behavior*. *CJB* is the official publication of the International Association for Correctional and Forensic Psychology, and is the leading publication source for the research on evidence-based practices in corrections. In July 2013, Google Scholar Metrics ranked *CJB* as the top academic journal in the Criminology, Criminal Law, and Policing discipline based on article citations. Emily's primary research interests include correctional assessment and treatment intervention strategies, with a particular focus on female offenders and gender-responsive policy. She has consulted with a number of local, state, and federal correctional agencies on implementing gender-responsive strategies. She was the project director of two research sites that developed and validated the Women's Risk/Needs Assessment instruments (WRNAs) through a cooperative agreement with the National Institute of Corrections and the University of Cincinnati. With numerous publications to her credit, she is also coeditor of the book, *Correctional Counseling and Rehabilitation*, currently in its 9th edition at Elsevier/Anderson Publishing.

CONGRATULATIONS TO THE ICPA AND DR. FRANK J. PORPORINO

Congratulations to the International Corrections and Prisons Association (ICPA) and to Dr. Frank J. Porporino, At-Large Member of the IACFP Board of Directors. Doctor Porporino is the Editor of ICPA's new journal, *Advancing Corrections*: Journal of the International Corrections and Prisons Association. Doctor Porporino is also the Chairperson of the ICPA Research and Development Group. In an editorial in the journal's first issue, Mr. Peter van der Sande, ICPA's President, thanked all who helped create the journal and, in particular, pointed out that Dr. Porporino, from the very beginning, was the great animator in the journal's development. Mister van der Sande went on to point out that ICPA wanted a journal for some time to help in sharing best practice-based knowledge in the field. He hoped that the journal would strengthen further cooperation in the field of corrections and prisons. Congratulations to ICPA and to Dr. Porporino.

CALL FOR PAPERS

— For publication in *ADVANCING CORRECTIONS* —

Issue # 3

Journal of the International Corrections and Prisons Association

SUBMIT BY January 15th, 2017

Aims and Scope of *Advancing Corrections*

The ICPA believes that development of a professional and humane corrections should be grounded in evidence. Respect for evidence is a hallmark of the ICPA. But evidence is of little value unless it is understood and put into action. Our new semi-annual journal, *Advancing Corrections*, is intended to fill the need for researchers to speak more clearly to practitioners and practitioners to speak in a more evidence-informed way to their colleagues. We want to provide a forum for both researchers and practitioners from a wide range of disciplines (criminal justice, psychology, sociology, political science, economics, public health, and social work) to publish papers that examine issues from a unique, interdisciplinary, and global perspective. Your paper could be an evidence-informed discussion of an important correctional issue, an overview of some new research findings and their implications for practice, a description of an innovative program or approach, or an informed commentary on some aspect of managing a key issue in corrections.

The journal invites submission of papers that can be digested and appreciated by practitioners, managers, policy-makers, and other correctional professionals. Authors are welcomed to submit papers for one of three sections of the journal. Featured articles should be more research oriented and scholarly, including the usual practice of referencing the relevant literature. Another section called Views and Commentaries welcomes shorter and thoughtful discussions of

a particularly relevant or emerging issue/topic. And finally, a section we are calling Practice Innovation in Corrections would like to profile what is going on in a given agency/jurisdiction that is especially innovative and can be of interest broadly to others.

Each issue of *Advancing Corrections* will attempt to focus on a particular theme. For the third issue, we would especially welcome manuscripts that describe innovative approaches for service-delivery to offenders—programming and/or interventions that are either prison or community-based, and that have either some qualitative or quantitative evaluation data to support them. We tend to think in corrections that evidence-informed means more of the same, whereas innovative means not evidence-informed. We want to profile that there is also design and development in corrections that is both evidence-informed and innovative.

How Should You Submit Your Paper?

Manuscripts should follow the Guidelines for Authors for the journal. Suggested page length is from 7-15 pages (about 2,000 to 5,000 word-count), although lengthier research-oriented manuscripts or reviews may be considered based on merit. Whenever appropriate, papers should include referencing of other related scholarly work, though it is emphasized that *Advancing Corrections* is not intended as an academic publication. Papers should be respectful of

(Continued on page 22)

CALL FOR PAPERS *(Continued from page 21)*

evidence but they should be written in a way that appeals to practitioners. Manuscripts should be submitted electronically to Aleksandar Petrov at the ICPA Head Office (aleksandar-petrov@icpa.ca), with a copy to Dr. Frank Porporino, Chair of the ICPA Research and Development Expert Group and Editor of *Advancing Corrections* (fporporino@rogers.com).

What Will Happen To Your Paper?

Advancing Corrections has an international Editorial Review Board and submitted papers will undergo a formal and rigorous peer review process. The ICPA Research and Development Expert Group is committed to finding more and better ways of communicating research-informed knowledge to the ICPA membership. Members of the group serve as reviewers of submitted manuscripts. The Editor of *Advancing Corrections* and the ICPA Executive Director will manage the process of selecting manuscripts for review and choosing the final set of papers to be included in each edition of *Advancing Corrections*. Papers that may not be suitable for the publication may nonetheless be posted on the ICPA website for the information of ICPA members.

Please note that we will not accept papers that simply attempt to promote a particular product or market a particular method or service. *Advancing Corrections* is not a ve-

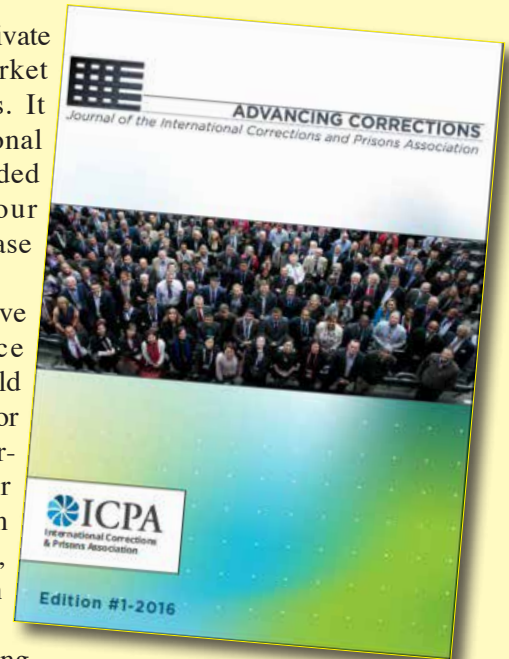
hicle for the Private Sector to market their services. It is a professional journal intended to broaden our knowledge base in corrections.

If you believe that evidence and facts should be the drivers for change in corrections rather than opinion or ideology, please make an effort to support this exciting new ICPA initiative.

Sincerely

Frank J. Porporino, Ph.D.

Editor, *Advancing Corrections* and Chair,
ICPA Research & Development Expert Group



U.S. Department of Justice



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ADHD—A LOST DIAGNOSIS IN THE CRIMINAL JUSTICE SYSTEM

Susan Young, Ph.D., D.ClinPsy., B.Sc., Clinical Senior Lecturer in Forensic Psychology, Centre for Mental Health, Imperial College London and Broadmoor Hospital, Berkshire, UK, and an IACFP Member, Ben Greer, B.Sc. (Hons), Psychology Graduate, Department of Psychology, University of Bath, Somerset, UK

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Attention deficit hyperactivity disorder (ADHD) is a neurodevelopmental disorder characterized by developmentally inappropriate levels of inattentive, impulsive and/or hyperactive behaviors. Individuals with ADHD often present with difficulties in other domains, such as executive functioning, emotional lability, peer delinquency, and substance misuse and they may exhibit behaviors which increase their risk of coming into contact with the criminal justice system (CJS).



SUSAN YOUNG



BEN GREER

court process, especially if their ADHD symptoms are undertreated.

Prison Prevalence and Comorbidity

A meta analysis of 42 international studies indicated that ADHD is over-represented among incarcerated youth and adults.

Based on diagnostic clinical interviews, 30.1% of youth and 26.2% of adult prisoners were syndromatic for ADHD, representing a five- and 10-fold increase, respectively, compared to general population estimates. In addition, a further meta analysis indicated that prisoners with ADHD face a significantly greater risk of psychiatric comorbidity, including affective disorders, conduct disorder, and substance-use disorder.

Police Custody

A 2013 study investigated the rates of ADHD among police custody detainees within a single police station in South London. Of 196 youth and adults, 32.1% screened positive for childhood ADHD, with 23.5% and 18.5% endorsing ADHD symptoms in self-report screens and clinical interviews, respectively. These rates are disproportionately higher than estimates for general youth (3-7%) and adult populations (1-5%). ADHD was associated with a significantly greater number of demands being made for staff time and these youths, therefore, present implications for the provision of resources within the custody environment.

Police Interview and Court

ADHD can result in functional impairments which render offenders more vulnerable in police interviews and court, including difficulties in sustaining concentration and in understanding evidence presented to them. During police questioning, suspects with ADHD are more likely to make false confessions. In order to avoid a miscarriage of justice, there is a need for safeguarding provisions to be available for individuals with ADHD who are under police arrest and during the

Critical Incidents

ADHD has been associated with an increased frequency and severity of behavioral disturbance within the prison environment. In one study, critical incidents were recorded over a 3-month period in a Scottish sample of 198 adult prisoners, 13.6% of

whom were symptomatic for ADHD, either fully or in partial remission. After controlling for antisocial personality disorder (ASPD), ADHD symptomatic prisoners accounted for a significantly greater number of critical incidents, including verbal and physical

In addition, a further meta analysis indicated that prisoners with ADHD face a significantly greater risk of psychiatric comorbidity, including affective disorders, conduct disorder, and substance-use disorder.

(Continued on page 25)

LOST DIAGNOSIS *(Continued from page 24)*

aggression, in addition to a greater severity of aggression than asymptomatic prisoners. The deleterious consequences of such incidents upon prison staff and fellow inmates are clear, however, they may also serve to impede prisoner progress through their sentence.

Recidivism

Based upon the same sample of adult Scottish prisoners in the Young, Gudjonsson, Wells, Asherson, Theobald, Oliver, Mooney (2009) study, the rate of recidivism among ADHD symptomatic and asymptomatic prisoners was also investigated. After controlling for ASPD, symptomatic prisoners demonstrated a significantly higher rate of recidivism than asymptomatic prisoners, including property and violent offences. It

would, therefore, appear that ADHD significantly increases the risk of future offending among offenders, thus leading to repeated contact with the CJS.

Undiagnosed/Misdiagnosed Population

Though prevalent among offenders, there is evidence to

Effectively meeting the needs of this population is, therefore, compounded by the risk of failing to accurately identify the presence of ADHD, therefore, adequate screening provisions and training for staff within the CJS is required.

suggest that ADHD is often a missed/misdiagnosed disorder within the CJS. An investigation of the awareness of ADHD among probation staff concluded that staff significantly underestimate the prevalence of ADHD within their caseload. In contrast to a reported 7.6% of offenders with ADHD, screening measures estimated the prevalence of adult ADHD in this sample at 20.5%. Effectively meeting the needs of this population is, therefore, compounded by the risk of failing to accurately identify the presence of ADHD, therefore, adequate screening provisions and training for staff within the CJS is required.

B-BAARS Screening Tool

To address the need for an effective and user-friendly ADHD screening tool in the CJS, Young, Gonzalez, Mutch, Mallet-Lambert, O'Rourke, Hickey, Gudjons-

son (2016) investigated the discriminative validity of the BAARS-IV compared to a diagnostic clinical interview in a sample of 390 Scottish male prisoners. With a screened prevalence of 12.1%, but a diagnosed prevalence of 24.6%, the BAARS-IV was a poor identifier of ADHD, and thus, a brief scale was developed (B-BAARS) with an improved sensitivity (.82) and specificity (.84). B-BAARS is free to download and distribute, and can be accessed via the Psychology Services Ltd. website: <http://www.psychology-services.uk.com/>

ACE and ACE+ Diagnostic Tools

To support healthcare practitioners in the assessment and diagnosis of ADHD, the ADHD Child Evaluation (ACE) and ACE+ for adults have been developed and are free to download and distribute via the Psychology Services Ltd. website: <http://www.psychology-services.uk.com/> The ACE has been translated into over a dozen languages, with translations for ACE+ coming soon. If readers are able to offer further translations, please contact Susan Young directly.

Pharmacological Treatment

ADHD is a treatable condition, with pharmacological treatment established as efficacious in youths and adults. Within offender ADHD populations, medication has also demonstrated benefits for reduction in criminality. Between 2006-2009 Swedish national population registers of 25,656 patients with ADHD were used to compare the crime rate of these patients when receiving and not-receiving ADHD medication.

Compared to periods of non-medication, medicated males and females demonstrated a 32% and 41% reduction in criminal convictions, respectively, indicating the potential utility of pharmacological treatment for offender ADHD populations.

(Continued on page 26)

Compared to periods of non-medication, medicated males and females demonstrated a 32% and 41% reduction in criminal convictions, respectively, indicating the potential utility of pharmacological treatment for offender ADHD populations.

LOST DIAGNOSIS (Continued from page 25)

Psychological Treatment

Unlike medication, psychological treatment, such as cognitive behavior therapy (CBT), can provide the skills to manage functional impairments resulting from ADHD symptoms. The Reasoning and Rehabilitation 2 (R&R2ADHD) is a revised edition of the internationally accredited Reasoning and Rehabilitation programme, consisting of a structured 15-session CBT prosocial competence training programme for youths and adults with ADHD presenting with antisocial behavior. In a randomized controlled trial (RCT) within an Icelandic community population, combined R&R2ADHD/medication resulted in significantly greater reductions in core ADHD symptomatology and illness severity than medication alone, with improvements maintained at a 3-month follow-up. R&R2ADHD, therefore, represents an effective psychological treatment for ADHD.

Conclusions

ADHD is overrepresented among offenders compared to the general population, and is associated with institutional behavioral disturbance and recidivism. Although these difficulties are not immutable, ADHD is often a missed or misdiagnosed disorder within the CJS, and thus opportunities for effective intervention are contingent upon the accurate identification of the disorder. Providing appropriate staff training in the identification of ADHD and sensitive screening tools is crucial, with effective treatment providing benefits for offenders, the CJS, and wider society.

References available from the first author.

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ARTICLE PUBLISHED

Michael D. Clark, MSW, an At-Large Member of the IACFP Executive Board of Directors, has had an article published recently. He's to be congratulated. The article is titled: The intersection of software and strengths: Using Internet technology and case management software to assist strength-based practice. *American Indian and Alaska Native Mental Health Research*, 23 (3), 48-67.

MEETING NOTICE AND SOLICITATION OF SUGGESTIONS, TOPICS FOR CONSIDERATION, AND OTHER

On behalf of the IACFP Executive Board, I would like to invite all members to join us at the annual business meeting of our Association, Friday, December 2, 2016, 9 am to 11 am, PDT, in Las Vegas. The Board is actively seeking ideas and suggestions from members regarding topics of concern about our Association or our niche in psychology. Please forward your thoughts and comments to me at: jgannon1000@gmail.com. The Board and I look forward to seeing you in Las Vegas. An agenda for the meeting and more details will follow within 30 days via e-mail.

JOHN HOWARD ASSOCIATION OF ILLINOIS CREATED TO AID CRIMINAL JUSTICE SYSTEM

Jennifer Vollen-Katz, J.D., Executive Director of John Howard Association of Illinois

jvollen@thejha.org



JENNIFER VOLLEN-KATZ

Founded in 1901, the John Howard Association of Illinois (JHA) serves as a leading independent voice in Illinois criminal justice reform and as the only group whose public education and policy advocacy work is firmly grounded in routine citizen

monitoring of correctional facilities. Through our monitoring and advocacy work, which involves collaboration with all stakeholders, JHA provides an unbiased and comprehensive view of the workings of the whole criminal justice system in Illinois and a window into the closed realm of our prisons.

The JHA takes its name from one of the first prison reformers, who lived in 18th century England. Drawing from his experiences both as a prisoner and a sheriff, John Howard recognized the intersections between conditions of incarceration and public health. Visiting places of incarceration and making recommendations for improvements, he left a legacy of bringing light to the need for more just and humane treatment for incarcerated individuals.

As the only independent monitor of Illinois' juvenile and adult state corrections systems, JHA is one of very few such organizations in the country. To retain our independence, JHA continues to rely solely on non-governmental funding to support our unbiased monitoring and reporting activities in the public's interest. We were honored in 2015 to be recipients of the MacArthur Award for Creative and Effective Institutions (MACEI) in recognition of our contributions to criminal justice reform in Illinois.

Over the past 115 years, JHA has played a number of different roles within the criminal justice system of Illinois, from assisting with parole and reentry efforts, to serving as Court-appointed monitors of detention conditions, to working on movements to abolish the death penalty and close Illinois' supermax prison. Our current mission encompasses providing independent monitoring of correctional policies and practices and

Our current mission encompasses providing independent monitoring of correctional policies and practices and advancing reforms to achieve a fair, humane, and effective criminal justice system. A large part of this goal today necessarily involves rightsizing and reducing the use of incarceration.

advancing reforms to achieve a fair, humane, and effective criminal justice system. A large part of this goal today necessarily involves rightsizing and reducing the use of incarceration.

In 2015, one of newly-elected Illinois Governor Rauner's first actions in Executive Order 14 was to call for a 25% reduction in the State's prison population by 2025, forming a Commission to recommend strategies to meet this goal, and stating "the John Howard Association and other outside entities have demonstrated that the Department of Corrections is experiencing severe overcrowding, which threatens the safety of inmates and staff and undermines the Department's rehabilitative efforts."

The JHA regularly visits Illinois' juvenile and adult correctional facilities, observes conditions and programs, speaks with incarcerated individuals and staff, and collects data. There is an ongoing learning element to this work, as conditions within facilities may be affected by many dynamics, and often people on the ground do not know or have the funds or agency to influence factors that may result in improvements. Based on information gained through these monitoring visits and from thousands of other ongoing communications, including a privileged mail relationship with inmates, as well as legal and factual research with guidance from local to international sources, JHA produces timely, reliable, unbiased reports informed by all stakeholders, which educate the public, media, and law and policymakers about the realities of life and work inside Illinois' correctional facilities and

(Continued on page 28)

JOHN HOWARD ASSOCIATION *(Continued from page 27)*

make recommendations for improvements. The JHA's monitoring work continually results in policy initiatives and provides timely hard data and facts also used by other advocates and decision makers. Our work often provides needed transparency and accountability that would not otherwise exist. We believe that an informed public is the essential foundation for good criminal justice policy and humane prison conditions.

Through our facility monitoring and objective reporting, research and policy recommendations, public education efforts, and collaboration with state agencies, JHA seeks to bring about change at the facility, agency, and state policy levels. Our unique access and

knowledge, independence, key advisory positions on various boards and commissions, and relationships with the media and advocacy community have given us an influential role in driving justice reform in Illinois. By participating in oversight and widely disseminating our findings and recommendations, JHA helps drive the culture of opinion that influences how we use incarceration to respond to crime and how we treat justice-involved people.

We welcome you to learn more about our work or contact us with any comments or questions: www.thejha.org.

FAMILY AND YOUTH OFFENDING IN SINGAPORE

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The family is often what comes to mind when one considers the antecedents of youth crime. Recent trends in Singapore has shown that the Singaporean family is shrinking with a rising divorce rate, with two-working-parent families becoming more common as compared to the past. These trends impact upon family life, and negative effects can lead to downstream outcomes such as youth offending. Compared to overseas literature, family research in the Singaporean youth offending population has been scarce, perhaps due to constraints in access to this population and the quality of data keeping.

There is a wealth of empirical knowledge in overseas literature which has informed us on the intergenerational transmission of criminality, and the various mechanisms that this can be transmitted through (Farrington, 2011). Apart from parental criminality, one also has to consider sibling criminality which is strongly correlated to youth offending. Additionally, issues such as parental conflict and separation, and ineffective parenting practices have also surfaced as significant factors.

In Singapore, the association of familial factors to youth offending has been shown in a handful of disparate and discrete studies, whereby family factors form a small component amongst other factors of interest. We, hence, sought to profile the family subtypes which exist in our local youth offender population using latent class modeling,



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and to test if family subtype is significant to youth offending outcomes. Case file reviews were conducted with a sample of 3,744 youth offenders who were charged between January 2004 to December 2008; this represented 97% of youth offenders on community supervision and 99% in youth correctional institutions. Official recidivism data was subsequently coded in after the reviews were completed.

Based on eight familial factors of: (a) father criminality, (b) mother criminality, (c) sibling criminality, (d) nonintact family structure, (e) parental conflict, (f) poor parenting, (g) parental psychiatric problem, and (h) parental drug or alcohol abuse, three family subtypes were shown in the Singaporean youth offending sample of: (a) intact functioning families, (b) poorly-managed families, and (c) families with criminality. The intact functioning families demonstrated little risk in all family factors and made up 74% of the sample. Poorly-managed families were found to have the poorest parenting and were more likely to be nonintact, making up 20% of the sample. The last 6% were classified into families with criminality, which had higher probabilities of family criminality, of drug or alcohol abuse and of being nonintact. These family subtypes were then examined in relation to youth offending outcomes.

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FAMILY AND YOUTH OFFENDING *(Continued from page 30)*

Controlling for race and gender, the results demonstrated that the latter two family subtypes were linked to younger ages at first arrest and at first charge, and to higher recidivism.

These findings point to the importance of family-centered work in youth rehabilitation and reintegration, which has led to a shift in our rehabilitation programs to be more family-centered in the government. An example would be the piloting of Functional Family Therapy with our youth offenders by the Ministry of Social and Family Development; an intervention that involves the entire family and which seeks to address relational issues between members whilst providing support for the youth's behavioral problems.

The limitations of a retrospective cross-section study design prevents an examination of trajectories to ascertain causal influences. In this line of thought, the National Committee on Youth Guidance and Rehabilitation (NYGR) has launched a 10-wave longitudinal study entitled "Enhancing Positive Outcomes in Youth Offenders and the Community" (EPYC), which seeks to prospectively examine the ecology and development of three cohorts of youth offenders. This study aims to investigate how and why youths in Singapore offend, abuse drugs, and examine the risk and protective factors for their rehabilitation and reintegration.

Additionally, NYGR has also commissioned a multiple birth cohort study to ascertain the extent to which the intergenerational transmission of criminality exists through analysing the linked administrative data of five birth cohorts. Significant life events can be plotted sequentially in order to identify trajectories, transitions, turning points and transfer. This will aid in developing and refining timely and more optimal interventions in order to break the cycle of criminality and disadvantage.

In the last 2 decades, Singapore has been working hard to tackle juvenile and youth crime, with a stronger focus on upstream measures to reduce and prevent youth crime. The efforts of NYGR has reaped significant rewards, such as a reduction in the number of youth arrested for crime and a significant decrease in school drop-out rates. Future research studies will enable us to have a more macro picture in understanding the life development of the youth offender, to identify good practices for refined interventions, and to be more equipped to respond for effective change.

References available from the author.

FIFTH INTERNATIONAL CONFERENCE ON VIOLENCE IN THE HEALTH SECTOR

The Fifth International Conference on Violence in the Health Sector, will take place in Dublin, Ireland, October 26-28, 2016. In addition to raising awareness, the conference will provide a platform to broaden your view by sharing international developments, with a particular emphasis on best practice research and initiatives to effectively respond to the problem.

This is the largest and most relevant world-wide conference dedicated to work-related aggression and violence within the health and social services sector. The specific aims of the conference are:

- To offer multiple perspectives of violence—including biological, spiritual, experiential, legal, political, and societal—in order to enhance our understanding of the topic.
- To offer a program of presentations at various societal levels of violence.
- To present and exchange experiences in handling violence in order to incite collaborative responses.
- To sensitize stakeholders to the issue of violence in the health and social services sector.

The conference provides a wonderful opportunity to network and establish contacts with a very diverse community

of colleagues engaged in this important area of work. Apart from the geographical diversity of delegates, there is also a multiplicity of perspectives including clinical/service, organizational, educational, research, and regulatory.

In order to maximize the potential contribution of networking opportunities, the conference will include social activities:

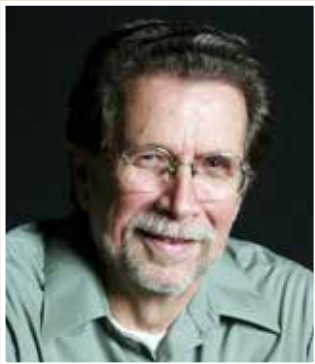
- A complimentary welcome reception on Wednesday, October 26, 2016.
- A special social evening event/conference gala dinner on Thursday, October 27, 2016. (Conference gala dinner is at additional cost).

The conference venue and hotel—Crowne Plaza Dublin Airport, Northwood Park Santry Demesne, Santry, Dublin, Ireland.

Further, we like to acknowledge that the conference is supported by the Department of Transport, Tourism, and Sport, Fáilte Ireland (the National Tourism Development Authority), the Lord Mayor of Dublin, the Dublin Convention Bureau and the Irish industry suppliers. We look forward to welcoming you in Dublin.

VIGNETTES OF GLIMPSES INSIDE

Ronald R. Mellen, Ph.D., Professor, Department of Criminal Justice, Jacksonville State University, Jacksonville, Alabama, and an IACFP Member
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RON MELLEN

this vignette: Nancy B. Mellen, M.A. (Clinical Psychology), Instructor, Department of Criminal Justice, Jacksonville State University, Jacksonville, Alabama, and former Director of a mental health unit in the Arkansas Department of Corrections.



THE BEST MENTAL HEALTH TREATMENT CAN COME IN VARIOUS FORMS AND IT AIN'T ALWAYS PSYCHOTHERAPY

Jesse was a 59-year-old White male sentenced to prison for the possession of drugs and drug paraphernalia. His drug of choice was marijuana. Because of aberrant beliefs and behaviors, he was assigned to my mental health barrack. At our first meeting, Jesse informed me that he was Jesus and that he was Black. I decided not to confront him regarding his being Jesus; however, I did challenge the belief that he was Black. Unfortunately, his commitment to that idea remained fixed.

Jesse entertained the other inmates in the barrack with his behaviors and humorous personality. During the first few weeks after arriving in the unit, Jesse would cover himself with the top sheet off his bunk and, in his words, "become invisible." The other inmates were amused by this behavior and went along with it. When I confronted Jesse's invisibility, his response was surprising. He stated that I must be very, very smart because I could see him. He also constructed a crown out of paper that he would wear around the barrack. However, since inmates were not allowed to wear anything on their heads while in the unit's hallways, I would inherit the crown as he left for meals and pill calls.

After several weeks in prison, Jesse decided he would no longer bathe or get haircuts. These decisions did not go over well with the other inmates, security staff, or me. Not surprisingly, his behaviors continued to become more

bizarre with the passage of time which led to his receiving multiple disciplinaries on a daily basis. Finally, he was taken before the disciplinary court and reassigned to administrative segregation.

After about 3 days in administrative segregation, I received a call from the Hall Sergeant telling me that Jesse had indeed agreed to bathe, get a haircut, and conform to the unit's rules. He was returned to my unit. After his shower, he reported to my office and told me he was ready to conform to the rules, make parole, and go home.

This time Jesse stayed on his medications, acted appropriately, and attended inmate group sessions. In the group sessions, he reported to the members that he now knew he was not Jesus and was White, not Black. Eventually, Jesse got his classification back, made parole, and went home.

A few months later, I received a message from Jesse through the inmate grapevine that he was doing well and staying off drugs. However, and most importantly, he wanted me to know that he would not be going back to prison.



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

ETHICAL FAILURES IN LAW ENFORCEMENT ORGANIZATIONS

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Some officers have asked, “What does this job do to us?” Others have questioned the impact officer misconduct has had on them over the course of their careers. What are the reasons for ethical failures? Are they preventable? How might training be improved?

Two surveys were developed to inquire about current attitudes regarding training in ethics and the effects of ethical failures on law enforcement personnel and agencies. Preliminary interviews suggested that training for officers is perceived as reactive to incidents of misconduct and not very practical. Traditionally, there has been cultural resistance to reporting misconduct, in part due to the lack of “safe” reporting mechanisms. An individual reporting misconduct may feel there are consequences, and the agency may respond with increased inquiry and monitoring of good, ethical performers. Leaders may apply discipline inconsistently and unfairly; they may consult labor laws and city attorneys.

Survey #1, “Ethical Issues in Law Enforcement,” was completed by 47 respondents from the Pacific Northwest. Most were from large agencies and had personal knowledge of an ethics violation by a colleague. Less than half (36%) found their ethics trainings “mostly helpful,” while 24% rated their ethics trainings as “not helpful.” The two most commonly observed types of misconduct were sleeping on duty (69%) and lying (61%). The top two determining factors in whether to report peer misconduct were: (a)

confidence in the agency to reliably and fairly handle the situation (97%), and (b) nature of the behavior (92%). All respondents felt that the agency response to misconduct impacts peers and agency morale more than the misconduct itself. Survey #2, “Ethics and Law Enforcement Leadership,”



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was completed by 49 Oregon Chiefs and Sheriffs, the majority of whom had managed significant misconduct situations. Most (75%) rated lying as the most commonly managed violation. Leaders overwhelmingly felt the way they respond to the misconduct was more critical than the misconduct itself (98%). All agreed that ethical misconduct significantly affects the way coworkers view the law enforcement profession and the agency. The majority (74%) rated their ethics trainings as currently relevant and practical.

A shift toward creating a culture of ethics awareness and career resilience is proposed. This begins with maintaining high standards in recruitment and selection, and hiring ethical individuals with strong character who agree with the core values of the agency. When officers come forward with knowledge of unethical behavior, they are encouraged, protected, and even

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Letters to the Editor

We would like to hear from you about our newsletter. Please let us know if the articles or material provide helpful/useful information. What other articles or material would you suggest or recommend? Please send your letter to: smithr@marshall.edu

ETHICAL FAILURES *(Continued from page 31)*

officers come forward with knowledge of unethical behavior, they are encouraged, protected, and even praised. An impartial ethics consultation system is recommended so that officers can make confidential inquiries without fear of repercussions. This might resemble a board of retired personnel to whom officers posit their observations, questions, and concerns for direction, support, and assistance in reporting.

Training would be consistent across ranks, proactive, and practical, with detailed examples of prior ethical failures so as to engage the material. Realistic scenarios are necessary for officers' understanding of the small steps made from being good employees toward employees engaged in serious misconduct. Gray areas would be explored, along with the rehearsal of ways to address ethical dilemmas. Critical thinking would be applied to everyday situations. Periodic case reviews of fallen employees may be beneficial, once liability concerns are addressed and sufficient time has passed. This will generate practical discussion about ethical issues.

Leadership must model and reinforce core values by being vigilant about the risk that ethical standards will erode over time. What is acceptable and not acceptable behavior in the agency? They must lead by example and be clear and serious about standards and expectations. Individuals need strong, consistent supervision and rewards for ethical performance. Discipline must also be specific, consistent, and fair in order to maintain trust with both supervisors and the community. As we strive to understand the factors that can lead to unethical behavior, we can develop ways to minimize these factors.

Selection, training, and leadership are keys to creating an ethically-aware culture. This will, in turn, increase the probability of ethical behavior and career resilience.

Special thanks to Commander Willie Bose, Attorney Elmer Dickens, and Dr. Steve Winegar.

References available from the author.

RENO CALL FOR PRESENTERS

The American Probation and Parole Association is pleased to issue a Call for Presenters for the 2017 Winter Training Institute to be held in Reno, Nevada, January 8-11, 2017. The underlying goal of this training institute is to provide participants with workshop opportunities that emphasize skill-building, increase relevant competencies, and enhance overall career development. Because of this, preference will be given to workshop proposals that provide evidence of skill-building for

participants (i.e., activities, audience participation, practicing new skills) as well as new research for the field of community corrections. You can access the Call for Presenters here: http://www.appa-net.org/eweb/Training/TI-W17_CFP.pdf National Program Chair: Tania Appling, Training Program Manager, Georgia Department of Juvenile Justice, 3408 Covington Highway, Decatur, Georgia 30032

MICHAEL D. CLARK, MSW, DELIVERS WEBINAR

Michael D. Clark, MSW, an At-Large Member of the IACFP Executive Board of Directors, delivered an invited presentation of "Developing Strengths-Based Indicators for Youth Resiliency" in late August, 2016 via the Indian Health Service's Telebehavioral Center of Excellence. This hour-long webinar was part of the Methamphetamine and Suicide Prevention Initiative (MSPI) webinar series through the Indian Health Service. The webinar was facilitated through joint efforts by the Indian Health Service (IHS) and the National Indian Health Board (NIHB). The IHS, located in Rockville, Maryland, is an agency within

the U.S. Department of Health and Human Services, and is responsible for providing federal health services to American Indians and Alaska Natives. The NIHB, which works closely with the IHS, represents tribal governments—both those that operate their own health care delivery systems through contracting and compacting, and those receiving health care directly from the IHS. Located in Washington, D.C. on Capitol Hill, the NIHB, a nonprofit organization, provides a variety of services to tribes, area health boards, tribal organizations, federal agencies, and private foundations.



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ADVOCATES FEAR MORE HEROIN WITHDRAWAL DEATHS IN U.S. JAILS

In the days following her 18-year-old daughter's first arrest on heroin charges, Stephanie Moyer took solace in thinking she would be safe in jail until she got into a treatment program. However, Victoria "Tori" Herr sounded disoriented on a call home 3 days later. She feared she was dying and begged for something to drink, her mother said.

Herr, who had a 10-bag-a-day habit, collapsed following days of severe vomiting and diarrhea at the Lebanon County Correctional Facility. She spent 5 days in the hospital, then died on Easter Sunday 2015.

Her case is one of at least a half-dozen deaths nationwide during the last 2 years involving jail heroin withdrawal, and advocates fear the number will grow given the nation's heroin crisis. Advocates find the deaths particularly troubling because opioid withdrawal, while miserable, is rarely life-threatening if medication, monitoring, and intravenous fluids are available.

"This is a woman who died because she was detoxing," said Moyer's lawyer, Jonathan Feinberg, who filed a federal civil rights lawsuit July 11, 2016. "Had Tori Herr's withdrawal been treated...she almost certainly would be alive today." Warden Robert Karnes told Moyer that his staff followed "all operational protocols," the lawsuit says. Jail and county officials didn't return calls July 11, 2016, seeking comment.

"This is an emerging, growing problem, and it's hitting communities all over the country. That's exponentially so in jails," said Emma Freudenberger, a co-counsel on the lawsuit. Other withdrawal deaths have been reported at jails around the country:

- In Oregon, a 26-year-old woman wrote increasingly dire notes to jail staff begging for help before she died after six days behind bars in 2014, *The Oregonian* reported.

- Near Detroit, a 32-year-old man lost 50 pounds during a monthlong stay in 2014 as he struggled to withdraw from methadone, opioids, and the anti-anxiety drug benzodiazepine. A jail video shows him lying naked on a stone floor during what his family's lawsuit called his slow, painful death.

- In Colorado, a 25-year-old man died last year after he was prescribed a mixture of drugs to treat his with-

drawal symptoms but never received them, according to his family's lawsuit.

Doctor Eke Kalu, the General Medical Director of the Philadelphia prison system, said quitting heroin is one of the "safer withdrawals" compared with alcohol and some other drugs. The city screens inmates to assess their need for medication or IV fluids. Officials couldn't remember an opiate withdrawal death in the past decade. Officials at Rikers Island, in New York, have long run a methadone maintenance program, which experts believe can help detainees kick their habit and lower the risk of relapse. But smaller jails may lack in-house medical units or sufficient monitoring. Advocates say that can amount to cruel and unusual punishment. Freudenberger believes jail officials in Lebanon should have sent Herr to a hospital earlier.

Herr was staggering by the time she was taken to the medical unit the last night there, according to Moyer's lawsuit. She was given water and Ensure, but resumed vomiting when she returned to her cell, the lawsuit said. Dehydration brought on by constant vomiting and diarrhea can lead to delirium, an electrolyte imbalance, and cardiac damage. Herr also went without oxygen after she collapsed, the suit said. "I'm not a professional, but, as a mother—Day 1—I would have taken her to the hospital if I would have seen her vomiting or not keeping things down," Moyer said.

Herr graduated from high school in 2014 despite using heroin in the final months, something her mother attributes to her long struggle with anxiety. Moyer last saw her 2 days before her arrest, when they talked about an inpatient treatment program. "I told her that her name was Victoria and that's close to 'victorious' and I promised her she would be victorious in getting through it," Moyer said.

This story has been corrected to show that one jail was near Detroit, not in Detroit, and that Moyer last saw her daughter 2 days before her arrest, not 1 day.

Excerpted from an article (by Maryclaire Dale, *Associated Press*) in the July 12, 2016 issue of the *Ledger-Enquirer*, Columbus, Georgia, page 5A.

PRISONS, POLICING AT FOREFRONT OF STATES' ACTION

Faced with overcrowded prisons and evidence that lengthy sentences don't deter crime, more states opted in 2016 to revamp sentencing laws and send some people convicted of lesser, nonviolent crimes to local jails, if they're locked up at all. In an about-face after a half-century of criminal justice policies that favored long-term incarceration, Alaska, Kansas, and Maryland this year joined at least 25 other states in reducing sentences or keeping some offenders out of prison.

The move to end lengthy prison stays for low-level offenders is one of several steps states took this year in reevaluating criminal justice policies during legislative sessions that have wrapped up in all but a few places. Other measures would help offenders transition back into their communities after release and hold police more accountable.

For years, many lawmakers were wary of appearing soft on crime. But states have recently retooled their criminal justice policies in response to tight post-recession budgets, shifting public opinion, and Court rulings demanding they ease prison overcrowding.

"For a long time, the fact that America had more people in prison than anywhere else in the world wasn't something that we were acutely aware of or embarrassed by," said Tim Young, the top public defender in Ohio, where a group of legal, criminal justice and public safety officials and experts are rewriting the state's criminal code. But today, public and political perspectives on the usefulness of incarceration, especially for minor crimes, are changing, said Young, the Vice Chairman of the group. "We have potentially thousands of people in prison who shouldn't be there and we're actually harming public safety by locking up low-risk, low-level felons," Young said.

States are already seeing results from this shift in thinking. The number of state and federal prisoners dropped by 28,600 between 2011 and 2012 after the U.S. Supreme Court ruled that overcrowding violated prisoners' rights to physical and mental health care, and California began diverting nonviolent offenders to serve their sentences in local jails and under community supervision. Between 2013 and 2014, the population in state prisons alone declined by more than 10,000 people, to 1.35 million.

Criminal justice reform advocates in California are hoping to capitalize on that change in public opinion. They're supporting a ballot measure that would shift authority to transfer juveniles into the adult court system away from prosecutors to judges, allow prisoners to receive earlier consideration for parole, and establish new regulations to award time-served credits to people who have completed rehabilitation and education programs. "We see everyday people recognizing that we spend too much money on prisons and that they're ineffective and it's really time to do something different," said Lenore Anderson, Director of Californians for Safety and Justice, which is leading the ballot initiative campaign. Signatures to put the measure on the November 2016 General Election ballot are being verified.

Alaska, Maryland, and Kansas passed bills this year that divert all shoplifting and first-time DUI offenders away from prison, eliminate mandatory minimum sentences for low-level drug offenders, expand parole eligibility, and establish diversion programs for youth offenders, respectively. (Those states worked with The Pew Charitable Trusts to write their new laws. Pew also funds Stateline.) And, in Tennessee, lawmakers changed standards for property theft charges to help reduce the prison population, and established alternatives to reincarceration for offenders who violate conditions of their parole or probation.

Many of the proposals enacted in 2016 strike a complicated balance between boosting support for ex-offenders and ensuring that those convicted of crimes are held accountable. Relaxing sentencing and increasing the amount of good-time credits prisoners can earn toward an early release means hardened criminals might get out of prison sooner than they should, said Maryland Delegate John Cluster, a retired police officer. But he said his state could have gone farther to help offenders with job training and other reentry assistance once they serve their time. "You clean an addict up and you let him out," Cluster, a Republican, said. "[If] he doesn't have a job, in less than a year he's going to be back on the drugs."

Many lawmakers are eager to reduce the expenses that come with running prisons. For example, prison-

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PRISONS, POLICING AT FOREFRONT *(Continued from page 35)*

systems cost taxpayers 14% more than state budgets indicate because they do not factor in expenses like benefits for correctional employees and hospital care for inmates. Prisons also strain local social services, child welfare, and education programs. But still, some elected officials want to build more.

In Alabama, Republican Governor Robert Bentley proposed spending \$80 million to consolidate some of the state's existing prisons and build four new ones. The state has one of the most overcrowded prison systems in the country, operating at 180% of capacity.

The proposal was billed as a way to reduce overcrowding, improve the safety of staff and inmates, and pave the way for better rehabilitation and reentry programs. But Lisa Graybill with the Southern Poverty Law Center, who helped defeat the proposal, said the State should wait to see the effect of sweeping changes to State sentencing laws enacted last year.

The changes are expected to reduce the state's prison population—32,000 in 2014—by more than 4,200 by strengthening community supervision and prioritizing prison beds for violent criminals. “Let's analyze what other sentencing reforms we could make that might further reduce our capacity without necessitating expansion,” Graybill said.

Several states moved to help ensure fewer offenders end up back in prison after they are released. A new Georgia law aims to help people reentering their communities to stay out of prison by removing a lifetime ban on food stamps for drug felons and expanding the state's “ban the box” law, which keeps the state from asking applicants for public jobs to indicate whether they have a criminal record.

Advocates of banning the box say having to fess up to a criminal conviction early in the hiring process disqualifies many capable applicants before they can be interviewed, regardless of how dated or minor their record may be. But business groups argue the law makes it difficult to screen job candidates and puts their establishments at risk for theft.

Already 100 cities and counties and 24 states have passed “ban the box” legislation, according to the National Employment Law Project. Similar laws were

proposed in at least three states—Kentucky, Louisiana, and West Virginia—this year, though none passed.

States also continued to revamp policing policies this year, an effort largely born of public outcry following several high-profile deaths that involved police officers in 2014 and 2015. Many have turned to body cameras to document police interaction with the public and pursue cases of misconduct, though concerns remain about when the cameras should be used and who can access their footage. A May 2016 study from the *European Journal of Criminology* found that the cameras do not reduce police use of force.

Only four states had body camera laws before 2015. Now 25 states have passed laws to regulate the devices. This year, four states—Florida, Indiana, Utah, and Washington—and the District of Columbia enacted new body camera laws. Outcry over police-community relations led the White House to form the President's Task Force on 21st Century Policing, which issued 59 recommendations for states and local police departments last spring.

Suggestions for law enforcement focused on six areas—building community trust, establishing policing policies that reflect local values, using social media and technology to engage with citizens, working with neighborhoods to enhance public safety, training officers to handle various crisis situations, and focusing on officer health and safety. Laurie Robinson, a George Mason University professor and former U.S. Justice Department official who co-chaired the group of police officers, academics, and social justice advocates, predicted policing reforms will be slow to occur, and will rely more on cultural shifts within police departments than legislation.

“A good deal of training currently for young recruits is, not surprisingly, around how to shoot a gun, how to drive, and much less about communication skills,” she said. “And yet so much of their job is about dealing with people.”

Excerpted from an article (by Sarah Breitenbach, *Stateline.org*) in the June 29, 2016 issue of the *Ledger-Enquirer*, Columbus, Georgia, page 10A.

OBAMA SHORTENS TERMS FOR 214 PRISONERS; 67 HAD LIFE SENTENCES

President Barack Obama on August 3, 2016, cut short the sentences of 214 federal inmates, including 67 life sentences, in what the White House called the largest batch of commutations on a single day in more than a century. Almost all the prisoners were serving time for nonviolent crimes related to cocaine, methamphetamine or other drugs, although a few were charged with firearms violations related to their drug activities. Almost all are men, though they represent a diverse cross-section of America geographically.

Obama's push to lessen the burden on nonviolent drug offenders reflects his long-stated view that the U.S. needs to remedy the consequences of decades of onerous sentencing requirements that put 10s of thousands behind bars for far too long. Obama has used the aggressive pace of his commutations to increase pressure on Congress to pass a broader fix and to call more attention to the issue.

One of the inmates, Dicky Joe Jackson of Texas, was given a life sentence in 1996 for methamphetamine violations and for being a felon with an unlicensed gun. He told the ACLU in a 2013 report that a death sentence would have been preferable, adding, "I wish it were over, even if it meant I were dead."

Another recipient, Debra Brown of Tennessee, was convicted of selling cocaine in 2002 and sentenced to 20 years. Both Brown's and Jackson's sentences will now end December 1, 2016, along with most of the rest of those receiving commutations August 3, 2016.

All told, Obama has commuted 562 sentences during his Presidency — more than the past nine Presidents combined, the White House said. Almost 200 of those who have benefited were serving life sentences.

"All of the individuals receiving commutation today — incarcerated under outdated and unduly harsh sentencing laws — embody the President's belief that 'America is a nation of second chances,'" White House counsel Neil Eggleston wrote in a blog post. Eggleston said Obama examines each clemency application on its specific merits to identify the appropriate relief, including whether the prisoner would be helped by additional drug treatment, educational programming, or counseling. He called on Congress to finally pass a criminal justice overhaul to bring about "lasting change to the federal system." Presidents tend to use their powers to commute sentences or issue pardons more frequently at the end of their Presi-

dencies, and Obama administration officials said the rapid pace would continue during Obama's final months. "We are not done yet," Deputy Attorney General Sally Yates said. "We expect that many more men and women will be given a second chance through the clemency initiative."

Though there's broad bipartisan support for a criminal justice overhaul, what had looked like a promising legislative opportunity for Obama's final year has mostly fizzled. As with Obama's other priorities, the intensely political climate of the Presidential election year has confounded efforts by Republicans and Democratic in Congress to find consensus.

Obama has long called for phasing out strict sentences for drug offenses, arguing they lead to excessive punishment and incarceration rates unseen in other developed countries. With Obama's support, the U.S. Justice Department in recent years has directed prosecutors to rein in the use of harsh mandatory minimums. The Obama administration has also expanded criteria for inmates applying for clemency, prioritizing nonviolent offenders who have behaved well in prison, aren't closely tied to gangs, and would have received shorter sentences if they had been convicted a few years later.

Civil liberties groups praised that policy change but have pushed the Obama administration to grant commutations at a faster pace. The Clemency Resource Center, part of NYU School of Law, said more than 11,000 petitions are pending at the U.S. Justice Department and that the group believes 1,500 of them meet the administration's criteria to be granted.

But the calls for greater clemency have sometimes sparked accusations from Obama's opponents that he's too soft on crime, an argument that is particularly resonant this year as Presidential candidates Donald Trump and Hillary Clinton trade claims about who is best positioned to keep the country safe. "Many people will use words today like leniency and mercy," said Kevin Ring of the group Families Against Mandatory Minimums. "But what really happened is that a group of fellow citizens finally got the punishment they deserved. Not less, but at long last, not more."

Excerpted from an article (by Josh Lederman, *Associated Press*) in the August 4, 2016 issue of the *Ledger-Enquirer*, Columbus, Georgia, page 5A.

LAWYERS: CONDEMNED ALABAMA INMATE MENTALLY INCOMPETENT FOR EXECUTION

The U.S. Supreme Court has said death row prisoners must have "rational understanding" that they are about to be executed and why, but lawyers for a condemned Alabama inmate say stroke-induced dementia has left their client unable to pass that test. A three-judge panel of the 11th U.S. Circuit Court of Appeals in Atlanta seemed skeptical of the state of Alabama's arguments that Vernon Madison didn't need to remember the crime he was convicted of to have a rational understanding of it. "If the state of Alabama thinks it can execute people who have no memory of what they did, that's a disconnect for me," Circuit Judge Adalberto Jordan said.

His comment came during arguments in the case of the 65-year-old Madison, who was convicted in the 1985 killing of a Mobile, Alabama, police officer. The appeals court panel in May halted Madison's execution just 7 hours before he was to receive a lethal injection so it could consider his lawyers' arguments that he was not mentally fit to be executed.

Angie Setzer, a lawyer for Madison, told the Court Madison has no independent recollection of the crime and, therefore, cannot rationally understand why the state plans to execute him. Alabama Deputy Solicitor General Brett Talley countered that a person does not need to specifically remember an event to have a rational understanding of it and argued that Madison does understand why the state is trying to put him to death.

Madison was convicted in the slaying of Mobile police Officer Julius Schulte, who had responded to a domestic call involving Madison. Prosecutors said Madison crept up and shot Schulte in the back of the head as he sat in his police car. While the High Court ruled condemned inmates must have a "rational understanding" that they are about to be executed and why, it has left it to lower courts to determine what that means.

At least two strokes, in May 2015 and January 2016, as well as other medical conditions, have left Madison unable to walk independently, disoriented, and with significant memory deficits, Setzer said. A defense expert testified in state court that Madison suffers from vascular dementia and is unable to connect the crime to the planned punishment, Setzer said.

Circuit Judge Charles Wilson asked Setzer why the Court should rely on that expert's testimony when the testimony of a Court-appointed expert seemed to contradict it. The Court-appointed expert didn't disagree with the defense expert's findings but rather interpreted the issues in the case more narrowly and didn't believe those findings applied, Setzer said.

Not all death row inmates with dementia are incompe-

tent to be executed, Setzer said, but a State Court judge improperly excluded evidence of dementia and related impairment when weighing Madison's competence. Talley said the Court-appointed expert found that Madison was able to remember very specific details from throughout his life, which strains the credibility of assertions that he doesn't remember the crime. When pressed by Wilson as to whether the Court-appointed expert ever directly said that Madison remembers the crime, Talley said the expert testified that Madison remembers "the events surrounding the crime." Circuit Judge Beverly Martin said she didn't see anything in the Court-appointed expert's testimony that indicated that Madison understood that he killed the officer and why he was to be executed. As of this writing, the offender has not been executed.

Excerpted from an article (by Kate Brumback, *Associated Press*) in the June 24, 2016 issue of the *Ledger-Enquirer*, Columbus, Georgia, page 6A.

JULY DECLARED EX-PRISONER REENTRY AWARENESS MONTH

July is a time to celebrate independence, but not only from the shackles of British rule, apparently. In the state of Georgia, July, 2016, was declared Reentry Awareness Month to highlight the plight of people released from prison.

The month-long observance is the brainchild of Waleisah Wilson, Founder and Director of NewLife-Second Chance Outreach, Inc., a Columbus, Georgia-based nonprofit that provides job readiness and referral services to formerly incarcerated residents.

Proclamations had been approved by Columbus Council and Governor Nathan Deal, setting into motion a slate of activities. Wilson said NewLife-Second Chance Outreach also expanded services to Russell County, Alabama, in July, and the kick-off for Reentry Awareness Month was held July 9, 2016.

Excerpted from an article (by Alva James-Johnson, *Ledger-Enquirer*) in the June 29, 2016 issue of the *Ledger-Enquirer*, Columbus, Georgia, page 7A.

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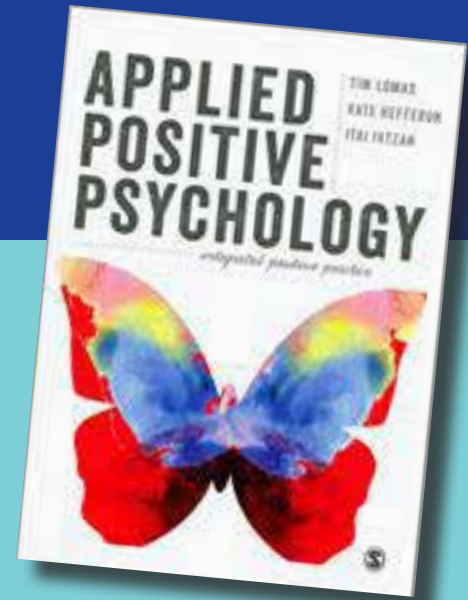
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