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## In This Issue:

- 4 MENTALLY ILL OFFENDERS ISOLATED ARBITRARILY
- 6 LEGAL, CLINICAL, AND ETHICAL IMPLICATIONS OF LEGALIZED MARIJUANA
- 8 ASSESSING JUVENILES' COMPETENCE TO STAND TRIAL
- 10 U.S. SUPREME COURT: NO EXPERTS ON EYEWITNESS TESTIMONY NEED APPLY....
- 11 MENTAL HEALTH IN CORRECTIONS CONFERENCE 2014
- 12 STATES CONSIDER REVIVING OLD-FASHIONED EXECUTIONS
- 13 PRISON LABOR SPARKS DEBATE
- 18 VIGNETTES OF GLIMPSES INSIDE
- 19 PSYCHOLOGY AND LAW: RESEARCH AND PRACTICE
- 20 THE NURTURE VERSUS BIOSOCIAL DEBATE IN CRIMINOLOGY: ON THE ORIGINS OF CRIMINAL BEHAVIOR AND CRIMINALITY
- 21 THE GEO GROUP: EMPLOYMENT OPPORTUNITIES
- 22 FORENSIC USES OF CLINICAL ASSESSMENT INSTRUMENTS
- 23 PSYCHOLOGY RESOURCES FOR STUDENTS AND OTHERS
- 24 FEDERAL BUREAU OF PRISONS
- 25 THE NATIONAL PSYCHOLOGIST NEEDS YOUR HELP!
- 26 NEWS FROM AROUND THE U.S.
- 27 NCCHC BOARD APPOINTS THOMAS JOSEPH AS PRESIDENT
- 28 CONGRATULATIONS TO DR. GANNON
- 28 MAKING PRISONERS ACCOUNTABLE: ARE CONTINGENCY MANAGEMENT PROGRAMS THE ANSWER?
- 29 TAKE ADVANTAGE OF IACFP BENEFITS
- 30 THIS SHOULD BE DEATH KNEEL OF CAPITAL PUNISHMENT
- 31 AMENDED 2014 ELECTION TIMETABLE FOR THE IACFP OFFICE OF PRESIDENT ELECT
- 31 VICTIM ADVOCATES BECOME A CRUCIAL LINK BETWEEN PROSECUTORS AND FAMILIES

## BRAINS AT WORK: CJ ON THE ROCKS, PASSION WITHOUT REASON?

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**RICHARD ALTHOUSE**

I do not believe that suggesting our ship of criminal justice is “on the rocks” is an overstatement. Despite 30 or more years of America’s sociopolitical “do the crime, do the time” wars on crime and illicit drugs, even for the most casual student using Google, Yahoo, or Bing to delve into America’s criminal justice system can easily and rather quickly uncover sobering, if not compelling data, that show that the realities of our anti-crime and illicit drug war efforts have been much more costly and perhaps harmful than successful. Barkan and Bryjak (2014) point out that despite 2 decades of falling crime rates, America has an incarceration rate that has quadrupled since 1990. Consequently, many of our prisons and jails have been filled beyond capacity for years, now with over 2.2 million individuals incarcerated in them. Further, we have the highest recidivism rates in the world with around 60% of offenders released from prison being re-incarcerated within 3 years, adding to the overcrowded conditions.

As a result of increasingly punitive federal and state legislation fueling our rising incarceration rates, many states have been forced to struggle to pay for their expanding correctional systems, and many facilities

still struggle and periodically fail to provide adequate medical and mental health services to inmates, occasionally leading to expensive litigation. These struggles have contributed to the evolution of an expanding for-profit prison industrial complex that profits from crime and incarceration. For those invested in this process, more crime is better. Crime by whom?

There is compelling evidence that our criminal justice system is not as objectively blind as our status of justice suggests it should be, but instead has been and still is racially, economically, and gender-biased, focusing on nonviolent and low frequency violent crimes generally committed by poor and/or minority males while ignoring the much more pervasive and damaging white-collar crime committed by majority Caucasians. There is compelling evidence that these biases are not only reflected in the major media news networks, but have infected the prosecutorial, judicial, and sentencing processes that, through implicit biases, have contributed to the disproportionate incarceration of minorities and the economically insecure—particularly for drug offenses—and often for longer periods of incarceration (Spohn, 2009).

Yet, despite the increasing threats of punishment, over 20 million property and violent crimes occur annually, and despite our death penalty, there is a homicide about every 30 minutes, usually, by

*(Continued on page 3)*

# INTERNATIONAL ASSOCIATION FOR CORRECTIONAL & FORENSIC PSYCHOLOGY

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## BRAINS AT WORK *(Continued from page 1)*

shooting. Despite President Nixon's declaring America's War on Drugs back in the 1970s, by 2010, over 26 million Americans aged 12 or over used illicit drugs, 3 million for the first time, and 7 million Americans used medical drugs for nonmedical reasons. Ironically, despite tough antidrug penalties, some notable politicians, including President Obama, have admitted using the very drugs whose use these laws have prohibited. So much for deterrence.

Experts have long argued that the war against drugs has produced much more harm than the drugs themselves, and has contributed to the increase, not decrease, of illicit drug use on a global scale. Yet, recommendations for alternative approaches to more effectively managing the problems associated with the recreational use of illicit drugs were, and have been, largely ignored by politicians who favor continuing a war that more objective evidence has persistently shown to be racially biased and largely ineffective in reducing illicit drug use. The annual cost? Over \$51 billion of taxpayers' money.

Finally, despite our "get tough on crime" attitudes, data suggest that 60% of serious offenses are not reported to the police. Of every 1,000 felonies, only 15% lead to an arrest, only 1% lead to a conviction, and only 1.5% result in incarceration. And for all this, taxpayers are being billed approximately \$260 billion a year to pay for America's brand of criminal justice.

While there have been on-going public debates over the years by politicians regarding the necessity and success of their "war on crimes" effort in managing crime in the interests of public safety, other experts have been generally in agreement that these efforts have not been very successful. Some (Barkan et al., 2014) are not surprised and wonder if, taking everything into account, our 30 years of war on crime and drugs have been worth it. Their conclusion is very pointed: "No" (Barkan et al., 2014, p. 13). Even more puzzling to me is this. Their conclusion is not revelatory. For at least a decade, if not longer, criminal justice experts have claimed that our "get tougher on crime" legislation was becoming increasingly costly to implement without convincing evidence of substantive effects on reducing overall crime rates, suggesting that our ship of criminal justice was headed for some very serious rocks unless it changed course. As we know, it did not. If anything, it increased speed.

The result? Not only do we have more justice than we can afford (as opposed to more unjust justice than we should

have), one could easily argue that our justice system has become very skewed in its efforts, and that its effectiveness in reducing overall crime rates remains more philosophically speculative than factual. Further, some experts have argued over the years that our criminal justice system has, on balance, produced much more harm than good.

So, why have we persisted in attitudes about crime and offenders in ways that data has rather persistently suggested are quite costly yet not very effective, and have not clearly been in the overall interests of the very outcome we purport to want: public safety? Why, despite continuing evidence that punishment has a very poor track record as a deterrent, in 2010, 67% of a sample of the American public reportedly thought courts in their area were not punitive enough with criminals, and continued to support the death penalty for murder (Barkan et al., 2014, p. 11). The answers, my friends, are to be found in the source of all our decisions: our brains.

Aristotle: "Law is reason, absent passion."

Aristotle reportedly once said, "Law is reason, absent passion." Applying Aristotle's notion to America's legal system, it is easy to understand why we persist in pursuing our highly punitive, costly, but questionably effective efforts at managing crime and illicit drug use.

Neuroscientists could easily argue that our generally punitive and costly, but questionably effective, criminal justice efforts are primarily the result of our legislators' frontal lobes being hijacked by our social amygdalas, the little part of our brain that is central to our anger and fear responses in the face of perceived threat. While the limbic system has

projections into our orbital frontal cortex in which evaluations ordinarily occur, our more primitive brain areas (e.g., the thalamus) have a deeper instinctual and somewhat disinhibiting effect on later developing brain mechanisms since their primary purpose has been to help us to assess and move quickly out of danger in the face of threat. Any of us who have tried to think and problem-solve clearly and dispassionately when angry, fearful, or highly anxious, know it is very difficult, if not impossible. In neurological circles, this result is referred to as being "hijacked by our amygdala." Under this circumstance, it is very difficult to be "smart" on crime when our neural responses to crime—

*(Continued on page 4)*

## BRAINS AT WORK (Continued from page 3)

either real or imagined—engage our more fundamental fear, anger, and anxiety neural networks that call for action absent reflection.

Such hijackings can lead to social contagion, leading to far-reaching sociopolitical responses to crimes that may seem to address the cause(s) of our distress in the short run, but upon later reflection and objective analysis reveal disastrous longer-term consequences. Unfortunately, for the same reasons, it also can lead to greater difficulty acknowledging emotionally-driven mistakes in judgment later.

Is it possible to change our brains to do better here? Yes, although it is not easy. However, until we learn how to better manage our emotional responses to crime in the interests of being smarter and more effective in the inter-

ests of public safety, it is easy to conclude that our brand of criminal justice will continue to flounder on the rocks of passion, absent reason.

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## MENTALLY ILL OFFENDERS ISOLATED ARBITRARILY

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Stephen Ragusea's recent article, reprinted in the April 2014 *IACFP Newsletter*, raised a number of issues about prison mental health care. As a correctional practitioner, I can't disagree with his analysis, but I would hasten to say this is not a new problem. For decades, numerous authors as well as the federal courts have identified problems about sufficient access to care as well as the quality of correctional mental health services, but fixing the problem has proven more elusive than identifying it.

Based on my experience, this topic endures because we have oversimplified its causes and been hesitant to go where the facts lead us for solutions. For example, limited access to care is not simply the result of clinicians being overwhelmed by the sheer size of the mental health population, although it is a factor. Similarly, poor quality services are not the result of psychologists and academics not trying hard enough to develop innovative practices. These are legitimate issues, but only small pieces of the puzzle.

The larger issues persist because we are reluctant to critically examine the widespread use of segregated housing to manage the mentally ill, and the extent to



THOMAS WHITE

which that affects our ability to provide sufficient access to quality services for our most at-risk offenders.

### Segregation as a Default Solution

For several decades, the exploding prison population essentially outpaced the system's ability to keep up. Out of necessity, administrators relied on segregated housing or special housing units (SHU) to remove and isolate violent, predatory offenders from the population to maintain institution stability. But that poorly nuanced approach quickly evolved into the de facto management solution for almost any problem offender, sweeping up marginally functioning but nonviolent mentally ill offenders as well. Even today, anyone who cannot be housed in general population must, by default, go to segregation if or until they can go back to general population. For thousands of chronically mentally ill offenders that can mean months and

*(Continued on page 5)*



## MENTALLY ILL OFFENDERS *(Continued from page 4)*

sometimes years of SHU isolation simply because inpatient psychiatric beds are unavailable and other housing options cannot compete with SHU as an equally viable management alternative.

As the population of mentally ill offenders in SHU grew, the traditional, lock-down paradigm came under considerable scrutiny, but even in the face of obvious shortcomings, it persisted relatively unchanged. This is largely due to a shared industry belief that every problem offender needs the high level of security afforded by SHU, regardless of why they were there. While this may be true for violent criminals, it does not have the same universal applicability to most mentally ill offenders who are in prison primarily because they cannot function in society, not because they are criminals.

What's more, even with little empirical support for the underlying assumptions, the model was replicated time and again, up to and including the proliferation of large supermax facilities. This is despite the fact they are very expensive, labor-intensive operations that have always been viewed, even by the correctional industry, as the wrong place to house mentally ill offenders. Nevertheless, in spite of the criticism, the status quo, lock-down philosophy has prevailed creating a self-justifying chicken and egg scenario where building more SHU capacity crowds out resources for other housing options, which in turn necessitates more SHU capacity, etc., etc, etc. Clinicians, too, are held hostage to the standard SHU routines and must work around the daily unit activities just to have access to offenders to fulfill basic policy requirements. To actually talk with offenders, even mentally ill ones, typically requires jumping more hurdles, such as having staff escorts, competing for minimal interview space or avoiding other time and scheduling conflicts. To compensate, whenever possible clinicians provide services at the door of the offender's cell, which has become an accepted standard of care for non-crisis SHU contacts. But, this is less than ideal because cell-front interviews offer little privacy, comfort, or opportunity for meaningful involvement. It is insufficient for identifying and/or providing timely intervention for all but the most obviously disordered offenders.

As such, high-risk offenders can go for long periods of time receiving little individual, one-on-one attention unless they experience psychotic episodes or engage in

outbursts of violence, self-injury, and, in some cases, attempted suicide. At that point, everyone responds to the crisis, but with few permanent housing options other than SHU, any gains are short-lived.

Unequivocally, there are too many mentally ill people in our prisons, but regrettably, that is not likely to change in the near future. At the very least, we must accept that they are here, that they are going to be here, and we must develop the treatment capacity to actually address that reality. We must begin approaching the treatment needs of this population more realistically, as well. We must recognize that this is not a homogeneous group that defies adequate treatment simply because it is so large. Rather, there are many different levels of severity represented in this population that are at very different levels of risk.

The data clearly show SHU houses many members of that at-risk group who account for a disproportionate number of the problems we experience. It is that identifiable, high-risk group almost exclusively housed in SHU that should be the immediate focus of our treatment efforts.

### **Developing a New Paradigm**

The first step in that process is confronting head-on the mindset that the only alternative to general population is segregation. Once correctional systems begin using SHU more judiciously, they must ensure that the few mentally ill offenders who are placed there are adequately treated according to a realistic standard of care. That standard should not be based on what works best for SHU, but what works best for the offender and what procedural modifications are needed in SHU to guarantee that quality care is available. But, it is equally unrealistic to insist that our only option for managing severely mentally ill offenders is to put them in SHU where they are locked in isolation, seen periodically through the door, and often act out before receiving sufficient attention.

In the end, this is a larger societal problem that affects many stakeholders in addition to psychologists and other correctional practitioners. But we can't simply sit back and wait for society to change while conducting business as usual. We can stop giving tacit approval through our acquiescence and speak out to top-level decision

*(Continued on page 6)*

## MENTALLY ILL OFFENDERS *(Continued from page 5)*

makers in corrections, government, and health care about the need for a more nuanced approach to population management and move aggressively to reform the industry's use of segregation to manage nonviolent, mentally ill offenders.

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## LEGAL, CLINICAL, AND ETHICAL IMPLICATIONS OF LEGALIZED MARIJUANA

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Recently, the APA Ethics Office was approached with a question: What implications does the legalization of marijuana in two jurisdictions have on psychology ethics? The question has no immediate or obvious answer.

Issues will undoubtedly emerge over time as psychologists work within these jurisdictions and between jurisdictions that have different legal approaches to the use of marijuana. Nonetheless, the question offers an opportunity to begin thinking about the implications of evolving jurisdictional laws that govern the use of substances.

A useful framework is to consider the question from three closely-related perspectives: legal, clinical, and ethical. This analysis isolates a specific kind of question and then examines how the different kinds of questions interact. Thus, the analysis offers a two-step process.

From the perspective of the *Ethical Principles of Psychologists and Code of Conduct* (2002, amended 2010), a central standard is 2.01(a), Boundaries of Competence: “(a) Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.”



STEPHEN BEHNKE

The issue raised by standard 2.01(a) is whether it is within the boundaries of the treating psychologist's competence to work with an individual who is using this particular substance. From the perspective of the *Ethics Code*, there is no distinction among substances – for example, between marijuana and alcohol.

The psychologist must have the appropriate knowledge and skill to treat an individual with the particular pattern of use or gain the requisite knowledge and skills in the ways that standard 2.01(a) identifies. For this reason, there is an inextricable nexus between the ethical and the clinical, insofar as the *Ethics Code* says that the psychologist must have the appropriate clinical competence. New laws on the use of a particular substance do not seem directly relevant to this aspect of the analysis.

Ethical standard 2.01(f) may bring in the law in a manner that standard 2.01(a) does not: “(f) When assuming forensic roles, psychologists are or become reasonably familiar with the judicial or administrative rules governing their roles.” Standard 2.01(f) places the ethical mandate for competence into forensic contexts. In a forensic context, the legal status of a substance that a client is using may be highly relevant to a forensic assessment.

Consider a psychologist who is conducting a child custody evaluation. Two parents live in separate jurisdictions, one of which has legalized the use of marijuana, the other has not. Both parents use marijuana in similar

*(Continued on page 7)*

# LEGALIZED MARIJUANA

(Continued from page 6)

ways regarding the amount and frequency. The evaluator may find it appropriate to take into consideration that in one jurisdiction, the parent is using a substance that is illegal.

In this scenario, clinical considerations regarding substance use may be less relevant—if relevant at all—in comparison with the legal considerations of a parent who is engaging in an illegal activity. The clinical perspective may enter the analysis when the psychologist poses the question: Why would an individual engage in a behavior that may be directly contrary to that individual's stated goal, i.e., maximizing access to his or her children? In this instance, the legal, ethical, and clinical questions converge.

One can easily imagine other types of assessments where the legal status of an activity could be relevant. Ethical Standard 9.01(a), Bases for Assessments, states: "Psychologists base the opinions contained in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, on information and techniques sufficient to substantiate their findings. See also Standard 2.04, Bases for Scientific and Professional Judgments."

Standard 9.01(a) is not limited to forensic contexts. For certain jobs, knowingly engaging in activities that are illegal can be perceived as a reflection of one's judgment. This consideration may be especially important for assessing individuals for leadership positions. Again, the legal, ethical, and clinical converge, insofar as ethical standard 9.01(a) states that it is appropriate to take the legal status of an activity into consideration when such information substantiates a psychologist's recommendation, report, or diagnostic or evaluative statement. Likewise, evaluations in a criminal context may depend to a substantial degree on whether an individual is abiding by the law or engaging in illegal behaviors.

How the evolving legal status of marijuana will affect psychologists' work is an interesting and important question that has no immediate or obvious answer. The nuances and contours of the question will necessarily emerge over time, and the APA Ethics Office will follow the issue with interest.

One especially intriguing area will be that of social stigma. Although social attitudes toward marijuana are changing, it is still viewed with suspicion—much more so than is alcohol—by a substantial segment of

our society. It will be important to examine how such attitudes "seep" over into evaluations of marijuana use even in jurisdictions where it has been legalized.

Ethical Standard 2.04, Bases for Scientific and Professional Judgments, states: "Psychologists' work is based upon established scientific and professional knowledge of the discipline. See also Standards 2.01a, Boundaries of Competence, and 10.01b, Informed Consent to Therapy."

Part of the challenge for psychologists in jurisdictions that have recently legalized marijuana will be to examine the extent to which their work—grounded in research, data, and clinical experience—is interpreted and applied by decision makers whose attitudes may be influenced by factors that do not have a basis in the "established scientific and professional knowledge of the discipline" of psychology.

When psychologists have a reaction of "Wait, that's not what I was saying about the research," they may consider Ethical Standard 1.01, Misuse of Psychologists' Work: "If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation."

Psychologists may look to the research regarding marijuana to see where and how social attitudes deviate from the data. Although it is much too early to know exactly how evolving marijuana laws will affect the application of the *Ethics Code*, it is reasonable to assume that ethics educators across jurisdictions will have ample opportunity to think about this interesting ethical question as time goes on.

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# ASSESSING JUVENILES' COMPETENCE TO STAND TRIAL

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In criminal proceedings, forensic psychologists must, at times, address the competency of juvenile defendants to stand trial. As with adult defendants, an inquiry regarding competence to stand trial starts with the criteria set forth by the U.S. Supreme Court in *Dusky vs. United States* (1960). The core questions to be addressed involve: (a) the defendant's "present ability to consult with his lawyer with a reasonable degree of rational understanding" and (b) whether the defendant has a "rational as well as factual understanding of proceedings against him."



**MARTIN ZEHR**

These standards do not easily lend themselves to formal psychological assessment, but courts making such legal determinations have long relied on consultation with psychologists to resolve these questions. The first prong of this inquiry includes cognitive as well as behavioral elements. From a cognitive perspective, the "ability to consult with his lawyer with a reasonable degree of rational understanding" implies a certain, but unspecified, level of general intellectual functioning sufficient for effective expressive and receptive communication at a plain language level.

If the juvenile defendant lacks a minimal understanding of the nature and implications of pending criminal proceedings, the psychologist-evaluator can indicate whether there is assessment-based evidence to support a conclusion that the juvenile is capable of acquiring a sufficient basic legal knowledge to understand and participate in his case with the assistance of counsel.

What is not required is a specific minimal IQ or level of vocabulary, although measures of either, in conjunction with observations of the defendant's general comprehension and ability to express himself, will be relied on by courts making competency determinations. "Ability to consult" also incorporates a behavioral component, i.e., the implicit question of the defendant's ability to comport his behavior to the requirements of courtroom decorum, which may be criti-

cal, especially if the defendant is a younger juvenile. Failure to meet minimal standards for any of these elements is not the end of the inquiry. If "present ability" is determined insufficient for participation, most courts have the authority to order the temporary transfer of defendants to facilities for restoration to competency when the prospect of remediation of knowledge or ability is determined to be adequate to warrant this intervention.

The "rational as well as factual understanding" requirement includes the defendant's comprehension of the pending charges, the purported factual basis of the allegations underlying the charges and important components of the criminal justice system, e.g., the roles of counsel, judge, witnesses, and jury, as well as processes, including presentation of evidence and plea bargaining.

"Rational" understanding also includes an adequate comprehension of the seriousness of the pending charges and a realistic appraisal of short-term and long-term consequences associated with any of the possible outcomes of the criminal proceedings. For the juvenile defendant, these consequences can include exclusion from critical career and educational opportunities not contemplated by the young adult who has limited real world experience.

When working with adolescents where questions of maturation come into play, the psychologist must address questions that may not be routine in competency assessments for adult defendants. Key among these are the juvenile defendant's grasp of the element of risk inherent in criminal proceedings and the associated ability to adopt a future orientation in weighing the risks associated with trial and plea bargaining.

Especially with younger juveniles, the facility for appreciating the implications of matters such as pleas, penalties, and waiver of rights may be problematic. This problem is often compounded by the concomitant lack of an ability to understand the concept of a long-distant personal future and the possible consequences of decisions and actions taken in the course of the immediate involvement in the criminal justice system.

*(Continued on page 9)*



## ASSESSING JUVENILES' COMPETENCE (Continued from page 8)

Thus, the consequence of an adjudication (in most jurisdictions, the equivalent of a conviction for adults) for such matters as employment prospects as an adult may not, without assistance, come to the awareness of a juvenile defendant. These developmental concerns are compounded by the state of the criminal justice system in this country generally, in which over-burdened public defenders, with insufficient time and resources, have the responsibility of defending juveniles who, by definition, have less familiarity with the workings of the criminal justice system than the average adult defendant. The majority of juvenile defendants, like their adult counterparts, are indigent and, therefore, reliant on the often minimal representation available through appointed counsel.

The field of criminal competence assessment with juveniles is a natural outgrowth of the general interest in civil and criminal legal competencies and has attracted increased attention of scholars and practitioners. For those who practice in this area of forensic assessment, I strongly recommend Thomas Grisso's *Evaluating Juveniles' Adjudicative Competence: A Guide for Clinical Practice*, a comprehensive primer addressing the theoretical and practical aspects of this forensic subspecialty. Psychologists may also avail themselves of resources with a focus on particular jurisdictions, e.g., publications like *Juvenile Crime and Consequences in Kansas (2011)*, a guide published by Kansas Legal Services under a grant from the MacArthur Foundation.

Strictly speaking, psychologists conducting juvenile competency evaluations are not advocates, since their involvement is at least indirectly the result of a court order, and competency determinations in criminal as

well as civil legal matters are always the prerogative of the court.

The psychologist-evaluator can provide assistance to the defendant to have real access to his/her rights in criminal proceedings, by making the court aware of the psychological status of the defendant and accommodations that can be implemented to increase the probability that the defendant has a fair, participatory day in court, with a full realization of the potential impact of the proceedings. Except in extreme cases involving severely impaired or flagrantly psychotic defendants, courts are reluctant to find defendants permanently lacking competence to stand trial, and the psychologist in consulting with the court and counsel may be expected to state the preconditions for restoration to competency, raising ethical concerns in some instances. Assessing juveniles' competence to stand trial, as you can see, provides a unique set of challenges and potential rewards for the practitioner.

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# U.S. SUPREME COURT: NO EXPERTS ON EYEWITNESS TESTIMONY NEED APPLY....

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Simon (2012) points out that identification by eyewitnesses is the most common form of identification in the investigative and prosecutorial process. One estimate is that some 77,000 suspects are identified by eyewitnesses in the United States every year. One would think it is a rather simple process: one sees the perpetrator or one doesn't. Alas, if that were only true. Data from real life cases show that just under 45% of witnesses actually pick the suspect (not necessarily the real perpetrator), and a large body of research has shown that in line-ups where the suspect is not present, almost one-half of witnesses pick someone who is, by definition, an innocent filler (Simon, 2012, p. 53). Convicting defendants on the basis of such identifications raises serious policy issues because these identifications are "habitually presented at trial with great confidence" (Simon, 2012, p. 54). Recognizing the natural flaws inherent in such testimony, in 2011 APA, noting the many circumstances that can lead to eyewitness testimony being flawed and manipulated, supported the position that there should be a national policy regarding how law enforcement agencies gather eyewitness identification. Absent that, APA advocated individual states allow defendants to call expert witnesses to explain the many vagaries of such testimony to the court and juries, and perhaps go further by requiring courts to provide that service to defendants identified by eyewitnesses.

While many states have developed instructions to police regarding how eyewitness testimony should be gathered, and others also allow defendants to directly question eyewitnesses or allow expert testimony regarding the pitfalls of such testimony (e.g., New Jersey, Oregon, and Connecticut), others do not (e.g., New Hampshire). Given the potential consequences of flawed and inaccurate eyewitness testimony, this is an important procedural component in any criminal or civil case, and one would think all would endorse having national guidelines regarding procedures that would, insofar as is possible, ensure the accuracy of eyewitness testimony. Think again. The U.S. Supreme

Court does not. On January 11, 2012, the court ruled that the U.S. Constitution does not require a special judicial inquiry into the potential unreliability of eyewitness testimony in criminal cases when there has been no proven police misconduct. In their opinion, existing jury-based safeguards were sufficient to prevent unreliable testimony. Really? Garrett (2012) points out that 190 of the first 250 folks exonerated by DNA evidence had been convicted because of mistaken eyewitness testimony. So much for jury-based safeguards. We recommend that readers research their state to see if what, if any, safeguards there are that maximize the accuracy of eyewitness testimony, and if eyewitness testimony experts are allowed, if not required, to provide the court and the jury with information regarding the flawed process that data suggest is inaccurate almost 50% of the time.

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## CORRECTIONS

We noticed that in our April 2014 issue of the newsletter, we mistakenly indicated on page 1 that the piece titled: "News From Across The U.S." was on page 23 when it was on page 24 instead. We apologize. Also, the title of that segment was supposed to read: "News From Around The U.S." on pages 1 and 4. Our error.

# MENTAL HEALTH IN CORRECTIONS CONFERENCE 2014

*Richard Althouse, Ph.D., Immediate IACFP Past President and Chair of the IACFP Executive Board  
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The Mental Health in Corrections Conference (MHCC) was held at the University Plaza Hotel in Springfield, Missouri, April 11-13, 2014. The theme for this year was “Upsetting the Status Quo: New Perspectives on Corrections, Reentry and Recidivism.” Plenary speakers included Ellis McSwain, Chairman of the Board of Probations and Parole for the state of Missouri; Ted Strader, the Executive Director of COPEs, Inc., and Managing Partner of the Resilient Futures Network; Doctor David Pate, Associate Professor at the University of Wisconsin, Milwaukee; Doctor Robert Powitzky, retired Chief Mental Health Office of the Oklahoma Department of Corrections and now a consultant; and Doctor Brian Kinnaird, Associate Professor of Criminal Justice at Bethany College in Lindsborg, Kansas. The conference provided 19 workshops for attendees, focusing on variables influencing recidivism, updates on treatment of sex offenders, and community-based reentry programs, as well as issues related to correctional mental health, among others.

Overall, the conference was well organized, thanks to Doctor Jennifer Baker and her tireless and dedicated support staff, and provided those new to these correctional areas with updates on a variety of topics. For veterans in the criminal justice system, it seemed to be



variations of the same ol’ same ol’ about concerns voiced 10, 20, even 30 years ago and why was it taking so long to effect any meaningful change? It was that question that I discussed in my presentation “Why is Reentry So Hard? The Role of Implicit Cognitions.” A number of older professionals at the conference remarked that several presentations simply talked about how folks either identified or more effectively coped with the obvious status quo of high incarceration and recidivism rates, reentry problems, the need for better treatment of the mentally ill—especially those in administrative segregation—and the management of sex offenders. From my perspective, it might have been more appropriate if the conference focused on how we might intervene to reduce incarceration rates and recidivism, or better manage and treat sex offenders, and/or improve our efforts to care for the mentally ill offender. Nonetheless, the well-attended conference was considered an overall success, many participants seemed quite pleased with the quality of the organization and presentations, and plans are already in the works for next year’s conference scheduled for the same April weekend at the same conference center. Watch for information about it as the time approaches.

# IACFP

## IN CASE PEOPLE ASK

The International Association for Correctional and Forensic Psychology provides a forum for exchanging ideas, technology, and best practices among correctional mental health professionals and others in the international criminal and juvenile justice communities.

[iacfp.org](http://iacfp.org)

## STATES CONSIDER REVIVING OLD-FASHIONED EXECUTIONS

With lethal injection drugs in short supply and new questions looming about their effectiveness, lawmakers in some death penalty states are considering bringing back relics of a more gruesome past: firing squads, electrocutions, and gas chambers. Most states abandoned those execution methods more than a generation ago in a bid to make capital punishment more palatable to the public and to a judicial system worried about inflicting cruel and unusual punishments that violate the U.S. Constitution.

But to some elected officials, the drug shortages and recent legal challenges are beginning to make lethal injection seem too vulnerable to complications. “This isn’t an attempt to time-warp back into the 1850s or the wild, wild West or anything like that,” said Missouri state Representative Rick Brattin, who this month proposed making firing squads an option for executions. “It’s just that I foresee a problem, and I’m trying to come up with a solution that will be the most humane yet most economical for our state.”

Brattin, a Republican, said questions about the injection drugs are sure to end up in court, delaying executions and forcing states to examine alternatives. It’s not fair, he said, for relatives of murder victims to wait years, even decades, to see justice served while lawmakers and judges debate execution methods.

Like Brattin, a Wyoming lawmaker this month offered a bill allowing the firing squad. Missouri’s attorney general and a state lawmaker have raised the notion of rebuilding the state’s gas chamber. And a Virginia lawmaker wants to make electrocution an option if lethal injection drugs are not available. If adopted, those measures could return states to the more harrowing imagery of previous decades, when inmates were hanged, electrocuted, or shot to death by marksmen. States began moving to lethal injection in the 1980s in the belief that powerful sedatives and heart-stopping drugs would replace the violent spectacles with a more clinical affair while limiting, if not eliminating, an inmate’s pain.

The total number of U.S. executions has declined—from a peak of 98 in 1999 to 39 last year. Some states have turned away from the death penalty entirely. Many

have cases tied up in court. And those that carry on with executions find themselves increasingly difficult to conduct because of the scarcity of drugs and doubts about how well they work.

European drug makers have stopped selling the lethal chemicals to prisons because they do not want their products used to kill. At least two recent executions are also raising concerns about the drugs’ effectiveness.

Recently, Ohio inmate Dennis McGuire took 26 minutes to die by injection, gasping repeatedly as he lay on a gurney with his mouth opening and closing. And on

*“Some states have turned away from the death penalty entirely. Many have cases tied up in court. And those that carry on with executions find themselves increasingly difficult to conduct because of the scarcity of drugs and doubts about how well they work.”*

January 9, 2014, Oklahoma inmate Michael Lee Wilson’s final words were, “I feel my whole body burning.”

Missouri threw out its three-drug lethal injection procedure after it could no longer obtain the drugs.

State officials altered the method in 2012 to use propofol, which was found in the system of pop star Michael Jackson after he died of an overdose in 2009.

The anti-death penalty European Union threatened to impose export limits on propofol if it were used in an execution, jeopardizing the supply of a common anesthetic needed by hospitals across the nation. In October 2013, Governor Jay Nixon stayed the execution of serial killer Joseph Paul Franklin and ordered the Missouri Department of Corrections to find a new drug.

Days later, the state announced it had switched to a form of pentobarbital made by a compounding pharmacy. Like other states, Missouri has refused to divulge where the drug comes from or who makes it.

Missouri has carried out two executions using pentobarbital—Franklin in November 2013, and Allen Nicklasson in December 2013. Neither inmate showed

*(Continued on page 13)*



## STATES CONSIDER *(Continued from page 12)*

outward signs of suffering, but the secrecy of the process resulted in a lawsuit and a legislative inquiry.

Michael Campbell, Assistant Professor of Criminal Justice at the University of Missouri-St. Louis, said some lawmakers simply don't believe convicted murderers deserve any mercy. "Many of these politicians are trying to tap into a more populist theme that those who do terrible things deserve to have terrible things happen to them," Campbell said.

Richard Dieter, Executive Director of the Death Penalty Information Center in Washington, D.C., cautioned that there could be a backlash. "These ideas would jeopardize the death penalty because, I think, the public reaction would be revulsion, at least from many quarters," Dieter said.

Some states already provide alternatives to lethal injection. Condemned prisoners may choose the electric chair in eight states: Alabama, Arkansas, Florida, Kentucky, Oklahoma, South Carolina, Tennessee, and Virginia. An inmate named Robert Gleason, Jr. was the most recent to die by electrocution, in Virginia in January 2013.

Missouri and Wyoming allow for gas-chamber executions, and Arizona does if the crime occurred before November 23, 1992, and the inmate chooses that option instead of lethal injection. Missouri no longer has a gas chamber, but Attorney General Chris Koster, a Democrat, and Missouri state Senator Kurt Schaefer, a Republican, last year suggested the possibility of rebuilding one. So far, there is no bill to do so.

Delaware, New Hampshire, and Washington state still allow inmates to choose hanging. The last hanging

*"Some states already provide alternatives to lethal injection. Condemned prisoners may choose the electric chair in eight states: Alabama, Arkansas, Florida, Kentucky, Oklahoma, South Carolina, Tennessee, and Virginia. An inmate named Robert Gleason, Jr. as the most recent to die by electrocution, in Virginia in January 2013."*

in the U.S. was Billy Bailey in Delaware in 1996. Two prisoners in Washington state have chosen to be hanged since the 1990s — Westley Allan Dodd in 1993 and Charles Rodman Campbell in 1994.

In recent years, there have been three civilian firing squad execu-

tions in the U.S., all in Utah. Gary Gilmore uttered his famous final words, "Let's do it," on January 17, 1977, before his execution, which ended a 10-year unofficial moratorium on the death penalty across the country. Convicted killers John Albert Taylor in 1996 and Ronnie Lee Gardner in 2010 were also put to death by firing squad. Utah is phasing out its use, but the firing squad remains an option there for inmates sentenced prior to May 3, 2004. Oklahoma maintains the firing squad as an option, but only if lethal injection and electrocution are deemed unconstitutional.

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Excerpted from an Associated Press article (by Jim Slater) in the January 30, 2014 issue of the *Ledger-Enquirer*, Columbus, Georgia, page A8.

## PRISON LABOR SPARKS DEBATE

On weekday mornings, when most Columbus, Georgia, residents are just starting their day, hundreds of Muscogee County Prison inmates are already on the job. In shifts starting as early as 6:30 am, they are dispersed throughout the city to collect trash, clean city buildings, dig ditches, maintain roadways, and work at

locations such as golf courses, the animal shelter, and the recycling center.

The program, now the largest county prison work camp in Georgia, has existed for more than 135 years, according to the Muscogee County Prison website. It

*(Continued on page 14)*

## PRISON LABOR *(Continued from page 13)*

saves the city between \$17 million and \$20 million annually, officials said. Local entities also benefit from funds the program receives from the state.

"The most compelling reasons for our existence are revenue and custody of state and county offenders," the prison website reads. "The inmate subsidy paid to Muscogee County Prison by the State of Georgia is \$20 per inmate per day. Based on 528 state inmates, our inmate subsidy receipts should reach more than \$3.8 million dollars per year, which is deposited into the Columbus Consolidated Government's general fund. Also, we provide inmates the opportunity to earn their GED, as well as 'on-the-job-training (OJT)' to help prepare them to return to society as productive citizens."

But for some in the community—and across the nation—such monetary incentives raise concerns about the motives of a prison system disproportionately populated with Black males, a group that has provided cheap labor throughout American history. Critics believe there's a "prison industrial complex" that has allowed private businesses and government entities to profit from the rapid expansion of the U.S. inmate population, which today is one of the largest in the world.

Michelle Alexander, author of *The New York Times* best-seller *The New Jim Crow*, links the rise in the U.S. prison population to the War on Drugs launched by President Ronald Reagan in the 1980s, resulting in mandatory drug sentences that disproportionately affected Blacks.

Local law enforcement officials have said they don't keep track of drug arrests by race. But last year the *Ledger-Enquirer* obtained arrest statistics from the Georgia Uniform Crime Reporting Program showing

- The program is the largest county prison work camp in Georgia and has existed for more than 135 years.
- Using prison labor served the city between \$17 million and \$20 million annually, city officials said.
- Each prisoner costs the city about \$13,256 annually, which doesn't include health care benefits the city provides.
- Of the more than 500 inmates at the prison, about 385 leave the prison for work each day and about 104 work inside the prison doing food service, laundry, and cleaning the dorms.
- As of February 19, 2014, 378 of the inmates were Black, 149 White, 26 were Hispanic, and three were Asian.
- All inmates are required to work. Those who refuse are placed in isolation/segregation.
- Inmates are minimum to medium security and have committed lower-level crimes than those in a state prison. They also have shorter sentences and are closely supervised.

that Blacks accounted for 74% of arrests on marijuana possession charges. The local data correlated with national statistics released by the American Civil Liberties Union showing that Blacks were arrested at four times the rate of Whites for the use of marijuana, despite both groups using the drug at the same rate.

"Today, due to recent declines, U.S. crime rates have dipped below international norm," Alexander wrote in her book. "Nevertheless, the United States now boasts an incarceration rate that is six to 10 times greater than that of other industrialized nations—a development directly traceable to the drug war." Locally, civil rights organizations such as the National Association for the Advancement of Colored

People have tried to rally the community around the issue. Johnnie Warner, Director of the Columbus Black History Museum, has been among those pushing for change. He and some friends recently founded the American Freedom Society, a group that meets weekly to discuss the problem. "How could you have profit in a prison system?" Warner asked at a recent meeting. "You know the American way: If there's money in it, they are blinded from humanity."

Last month the controversy surfaced at Columbus Council when the Reverend Richard Jessie, a local minister, called the county prison work program "slavery" and said he wouldn't celebrate Martin Luther King Jr. Day because of it. Jessie received swift rebukes from City Manager Isaiah Hugley and Councilor "Pops" Barnes, both Black men. Hugley said he took exception to the suggestion that he, as a Black man, would be associated with slavery. He and Barnes said the program

*(Continued on page 15)*

## PRISON LABOR *(Continued from page 14)*

***“Hugley said he hasn’t changed his mind, either. Each prisoner costs about \$13,256 annually, which doesn’t include health care benefits the city provides, he said. And he believes the labor they provide is a good trade-off.”***

is a benefit to inmates because it teaches them job skills and responsibility.

“I verbalized what my position on that is,” Barnes said recently. “And I don’t have anything more to say about that.” Hugley said he hasn’t changed his mind, either. Each prisoner costs about \$13,256 annually,

which doesn’t include health care benefits the city provides, he said. And he believes the labor they provide is a good trade-off.

“What I see, being a department head here and as city manager, is that the prisoner has an opportunity to interact outside the jail with society,” he said. “That prisoner gets to gain valuable work experience that will help that person to reenter society with skills that will hopefully get them some type of employment that won’t get them back into the system again.”

“And what the city of Columbus gets out of it,” he added, “we get the value of the labor those prisoners can provide while they gain experience as carpenters, electricians, plumbers, and maintenance workers. And that labor saves the taxpayers dollars because we would have to hire persons who would be on the government payroll. There’s a savings to the city, we know, of somewhere between \$17 and \$20 million.”

At the same time, Hugley said he understands the concerns about inequities in the justice system. “Do I think there’s uneven justice based on the number of African Americans in prison? I would say yes,” he said. “When we’ve got Blacks making up 13.8% of the nation’s population, but they make up 31.1% of the prison population, a red flag goes up for me...I don’t know what’s going on with all of that, but there appears to be a disparity. And, as an African American, that disparity concerns me,” he added. “It’s disturbing when you look at the statistics. And so I can understand how one might see that.”

### Convict Leasing

Last week dozens of people gathered at the Columbus Public Library to watch “Slavery by Another Name,” a film focused on forms of forced labor for thousands of African Americans from the Civil War to World War II. The screening was part of a film series organized by Columbus State University’s (CSU’s) Department of History and Geography, which received a grant from the National Endowment for the Humanities to educate the community about civil rights issues and initiate dialogue.

The film, based on a book by Pulitzer Prize-winning author Douglas A. Blackmon, tells the stories of slaves and their descendants who were arbitrarily arrested after the Emancipation Proclamation and forced to work in coal mines, lumber camps, brickyards, railroads, quarries, and farm plantations under horrendous conditions. Gary Sprayberry, Chairman of CSU’s Department of History and Geography, said there’s a big difference between today’s prison system and the convict lease system of the post-slavery era—but that there’s also reason for concern.

“In the convict lease system, prisoners were leased out to private enterprises and were routinely flogged, humiliated, starved, and denied access to any form of decent health care,” he said. “When they died, their bodies were routinely discarded, buried in unmarked graves, and their families were never notified of their fates. Today, prisoners obviously have more rights,” he said. “But they are still utilized as cheap sources of labor, saving local governments millions. And if the accused happens to be poor and can’t afford proper legal representation, he or she is more likely to end up behind

bars and more likely to end up being used by the county to perform menial, backbreaking tasks.”

***“The majority of these guys want to go outside the wire,” he said. “They want to be on the truck. An idle mind is not good. Time really drags if you’re doing nothing. The busier we keep them, the quicker the time goes.”***

### How the Program Works

Muscogee County Prison Warden Dwight Hamrick said his top priorities are to provide the Columbus Consolidated Government with labor and to rehabilitate the inmates.

*(Continued on page 16)*

## PRISON LABOR *(Continued from page 15)*

He said there are a total of 576 beds—528 are for state prisoners and 48 for prisoners from the local county.

About 385 inmates leave the prison for work each day and about 104 work inside the prison doing food service, laundry, and cleaning the dorms. Of those who do outside detail, about 300 to 350 work for the city's Public Works Department. The inmate census on February 19, 2014, showed 378 Black, 149 White, 26 Hispanic, and three Asian.

Hamrick said he doesn't get caught up in debates about the demographics of the prison population or comparisons to slavery. "I'm not the judge. I don't sentence anybody to prison," he said. "I don't see Black or White. I see inmates with blue stripes on their pants."

All inmates are required to work, he said. Those who refuse to work are placed in isolation/segregation cells. "The majority of these guys want to go outside the wire," he said. "They want to be on the truck. An idle mind is not good. Time really drags if you're doing nothing. The busier we keep them, the quicker the time goes."

Prisoners who work on sanitation, golf course, recycling, and landfill details earn \$3 per day, while those who do jobs such as facility maintenance, street beautification, and transportation get nothing. Those who earn money receive a payment once they're released

***"He said all the inmates are minimum to medium security and have committed lower-level crimes than those in a state prison. They also have shorter sentences and are closely supervised."***

***"Are they a threat to society? Yes, they are inmates," he said. "But we don't have murderers and rapists. They wouldn't be eligible for a county facility."***

are closely supervised.

"Are they a threat to society? Yes, they are inmates," he said. "But we don't have murderers and rapists. They

wouldn't be eligible for a county facility."

Hamrick said GED classes are not mandatory, but some men take advantage of the opportunity to better themselves. In 2012, 41 men earned OJT certificates and 10 received GEDs. Last year, the number of OJTs dropped to 26 and GEDs increased to 29. He said most of the prisoners come from other parts of the state and leave Muscogee County when they're released, so the prison

has no idea how many get jobs as a result of the program.

Hamrick said the prison is currently 16 beds short but has been able to keep up with the city's demand for work: "But if the number of inmates were to fall significantly, I would be on the phone calling the Georgia Department of Corrections and saying, 'I can't fulfill my obligation for outside and inside detail.' But I've never had to make that call. Unfortunately, there's a lot of crime out there, so we always have inmates."

Public Works Director Pat Biegler said prison labor saves the department about \$140,000 a week. She says the department receives 45,000 to 50,000 calls for service a year, and the inmates play a significant role. Yet, there's always a demand for more workers.

"If you know anything about Public Works, there is always more work than people to do it because we have so many public roadways, so many miles of ditches, so many miles of sidewalks, so many facilities," she said. "If you look at the volume of things the city needs to take care of, there will never be enough people to do everything. So certainly we could use more."

Biegler said the new recycling center was designed with inmates in the plans. But the prison has a certain capacity, she said, and without building additional space, there's a natural cap that exists.

"We really have reached the cap and availability of

***"In 2012, 41 men earned OJT certificates and 10 received GEDs. Last year, the number of OJTs dropped to 26 and GEDs increased to 29. He said most of the prisoners come from other parts of the state and leave Muscogee County when they're released, so the prison has no idea how many get jobs as a result of the program."***

*(Continued on page 17)*



## PRISON LABOR *(Continued from page 16)*

inmates from within the prison,” she said. “So if I were planning another program, I would not be looking at using inmates.”

Biegler said it's not a racial issue. She believes the program allows inmates to gain skills they need to apply for jobs in the future.

“When I look at the groups of inmates that I see during the day, there are White faces there, too,” she said. “The whole issue of racial justice and equality is one that's way above my head, to be honest. I'm an engineer. I'm kind of straight forward. I don't view it that way. I see people who have broken the law. They are serving their time, and for the most part, as far as I know, are willing to get out and work. And that's a far cry from slavery in my opinion.”

*“The whole issue of racial justice and equality is one that's way above my head, to be honest...I see people who have broken the law. They are serving their time, and for the most part, as far as I know, are willing to get out and work. And that's a far cry from slavery in my opinion.”*

get an extra meal and some have sentences reduced for good service. “We look for ways to incentivize that program,” he said. “They're in jail awaiting trial. It gives people something to do.”

### The 13th Amendment

Warner of the Columbus Black History Museum said Columbus' prison labor program started at the stockades where slaves were held overnight in preparation for auction houses. After the Emancipation Proclamation, Black men were taken there and formed into chain gangs. They were later moved to convict camps.

He said, “the Emancipation Proclamation prohibited slavery, except as punishment for crime whereof the party shall have been duly convicted.” And that's why

he believes Black men are being exploited today.

“You do a crime, you must pay the time,” he said. “My problem is, we did not teach them that the 13th Amendment allows slavery as a punishment for crime. If we fail to teach our children properly and thoroughly about the U.S. Constitution, we take away that food and knowledge our children need to secure their freedom,” he added.

Warner said he understands the mentality of many of the young men in prison. He grew up in a low-income neighborhood in Cleveland, Ohio, where men hustled to make a living and going to jail was a rite of passage.

“My mother would always say if a man didn't know how to make a dollar, he wasn't a man,” he said. “And she would always say, ‘I don't know what you're going to be, but I want you to be good at it. If you're going to be a pimp, you be the best pimp. If you're going to be a hustler, you be the best hustler. If you're going to be a doctor, you be the best doctor.’”

In 1979, Warner was hanging with the wrong group of friends while on leave from the military. He said they were driving in a stolen car and got arrested. Warner said he spent a week in jail. He remembers the chains on his hands, across his belly, and around his feet.

“I felt like an animal, a slave,” he said. “And I said, ‘This ain't for me.’” Warner said the charges were later dropped and he was sent back to the military. He then turned to the Bible and it changed his life. He also began reading history and developed a sense of identity.

Warner said that's what's missing in the lives of many Black men today. He also believes society has exploited their lack of self-worth. “I believe they needed a continuation of cheap labor, and knowing the mindset of these young men, they used it for their own personal gain,” he said. “We didn't want to change their mindset because we needed free labor.”

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Excerpted from an Associated Press article (by Alva James-Johnson) in the February 23, 2014 issue of the *Ledger-Enquirer*, Columbus, Georgia, page A1.

# 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**

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

I've used the offender events in my correctional counseling classes for years and the students responded with interest. I started to craft these events into a book, but the thought also came to me that readers of *The IACFP Newsletter* might find the events interesting and possibly also open the door for others to share some of their similar experiences. Another vignette titled: *A 46 IQ* follows below.



## A 46 IQ

There was a ubiquitous hunger in her eyes and her face smiles unless she was enraged. That emotion would erupt as a primeval force and with great regularity. Nineteen years old, with a 46 IQ and doing time in the DOC.

Her crime? Burglary driven by hunger. She was sitting in the glass of a broken window, on the curb of the rural grocery store, that had provided a gateway to the bread. She was still eating when the sheriff's officer arrived. That combination had played out too many times for the rural county judge who was beyond exasperation with her.

The present moment and its needs were the totality of her world. There is no past moment, there was no future; just the eternal now. But in prison, as in the free world, when you can't connect past with present, the same mistakes, like ghosts of unknowing, haunt you.

For her, an ever-deepening depression and rage was the fruit of languishing between punitive time and days on four-point. That's where handcuffs and leg irons keep a person securely anchored to a concrete block. Four-point is the last resort when three PRNs can't calm down your violent behavior. Her emotional pain was relentless and, more than once, seeing

that emotional pain had melted the hearts of other female inmates, if only for a nanosecond. That brief experience of compassion would scare the watching inmates, as if she had experienced Satan spawn.

The COs were also vulnerable though their experience varied. A CO would live out his/her compassion until the inmate spit in or clawed his face. Then his rage slipped out like water between the fingers of a fist. The officers could end up confused wondering which was more frustrating...compassion or rage?

This inmate has one obsession, which was to become pregnant. A desire to give that which she eternally hungered for, but had never known. I guess some folks die into hell and others are smilingly born into it.

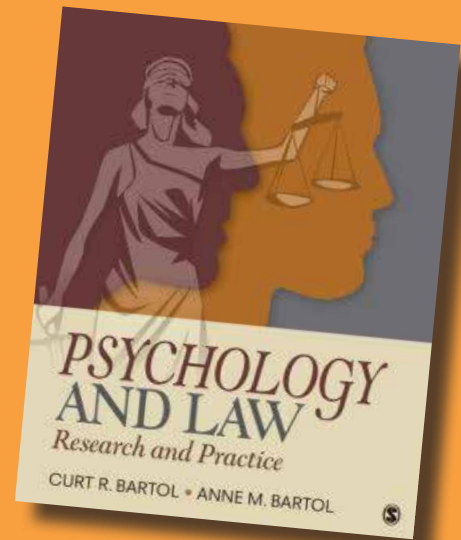


*If you would like to submit a brief article like Dr. Mellen's, the vignette model used by him would be an excellent way to share similar experiences with others in the newsletter.*

# ***Psychology and Law: Research and Practice***

***Published 2014***

**Curt R. Bartol  
Anne M. Bartol**



ISBN: 9781452258911

*Psychology and Law: Research and Practice* offers the definitive perspective on the practical application of psychological research to the law. Authors Curt R. Bartol and Anne M. Bartol emphasize throughout the text the various roles psychologists and other mental health professionals can play. Insight is offered into the application of psychology in criminal and non-criminal matters. Topics such as family law, insanity, police interrogation, jury selection and decision making, involuntary civil commitment, and various civil capacities are included. This comprehensive text examines complex material in detail and explains it in an easy-to-read way. The authors emphasize the major contributions psychological research has made to the law, and encourage critical analysis through examples of court cases, high-profile current events, and research.

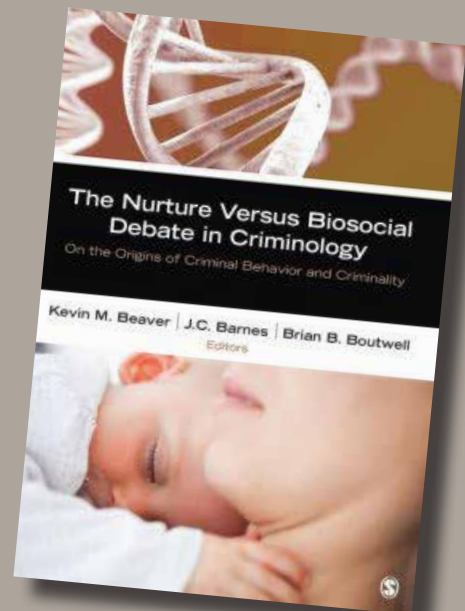
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Brian B. Boutwell**



ISBN: 9781452242255

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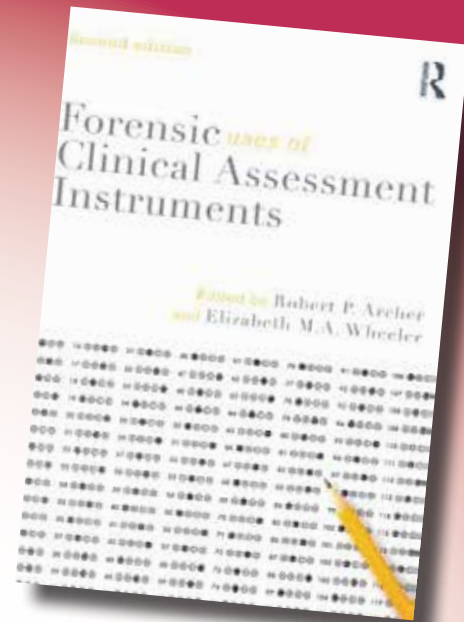
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# ***Forensic Uses of Clinical Assessment Instruments***

***2nd Edition***

***Published 2013***

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This book provides, in a single volume, an extensive, research-based evaluation of the most popular clinical assessment tools as applied in forensic settings. These widely used instruments often require important modifications in their administration and interpretation when used for forensic purposes, and it is vital that the clinician is intimately familiar with their correct application, as well as their limitations. The test instruments included are analyzed by senior figures in the field of psychological assessment who are uniquely qualified to discuss them because they have either had a crucial role in the development of the tests, or they have dedicated their careers to advancing our understanding of these clinical assessment measures. Each chapter begins with a summary of the development of the assessment instrument in its more traditional applications in clinical settings, and then considers its utilization in forensic settings. The types of forensic issues which have been addressed with that instrument are reviewed, and an illustrative case example is given which reflects the types of uses and limitations of the assessment technique when applied in a forensic context. New in this edition are a chapter on the MMPI-2-RF and separate chapters for the adult and youth versions of the Hare Psychopathy Checklist. Psychologists using assessment instruments in applied forensic settings will find this to be a valuable and practical source of information, as will attorneys wishing to gain an understanding of the application of these psychological assessment approaches in the courtroom.

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# PSYCHOLOGY RESOURCES FOR STUDENTS AND OTHERS

The most prominent and recognized accrediting association for psychology programs is the American Psychological Association (APA). Joined by nearly 140,000 members comprised of researchers, educators, clinicians, consultants, and students, the APA is the largest scientific and professional organization representing psychology in the United States.

Though several of the top online psychology colleges offer degrees from associates to doctoral, the APA will only recognize accreditation for doctoral degrees in clinical, counseling, and school psychology. According to the Association of State and Provincial Psychology Boards (ASPBB), which is responsible for the licensure and certification of psychologists throughout the United States, most states require psychologists to have a degree from an APA-accredited program.

The APA confers accreditation based on eight specific areas:

**Eligibility:** The program must be located within an institutionally-accredited school and offers the doctoral level of psychology, has a minimum of 3 years of graduate study with an internship and has non-discriminatory policies and operating conditions.

**Program Philosophy, Objectives, and Curriculum Plan:** The program must offer instruction and practice in the many foundations of psychology that are relevant to the professional field and also coincide with the institution's educational philosophy.

**Program Resources:** The program must be supported by a sufficient number of core faculty and administrative support, and it must have an institution with the appropriate facilities to achieve its educational goals.

**Cultural and Individual Differences and Diversity:** The program must make all efforts to respect diversity in both attraction and retention of student and faculty from differing cultural backgrounds, as well as including diversity in the curriculum.

**Student-Faculty Relations:** The program must demonstrate that students and faculty members are mutually respectful and that students have adequate access to faculty members to voice questions or concerns.

**Program Self-Assessment and Quality Enhancement:** The program must demonstrate that its students

have the ability to achieve success through their own actions and motivation.

**Public Disclosure:** The program must provide written materials and other communications that appropriately represent itself to the public.

**Relationship with Accrediting Body:** The program must follow the policies and procedures published by the accrediting body and must inform the accrediting body in a timely manner of any programmatic changes.

Despite there being nearly 300 institutionally-accredited online psychology schools in the U.S., there is no accredited online psychology program that has received APA accreditation. Even the best accredited online psychology university does not have degrees that are APA-accredited.

## Degrees

Students studying at an accredited online psychology college should expect to take several courses designed to build foundational and applicable knowledge in the following key areas:

**Biological Psychology:** Students will study unusual patterns of behavior, emotion, or thought, focusing on areas such as depression, obsession, compulsion, sexual deviation, and eating disorders.

**Cognitive Psychology:** Students enrolled in an accredited online psychology school will learn about mental processes, including how people think, perceive, remember, and learn, as they attempt to understand how people acquire, process, and store information.

**Developmental Psychology:** Accredited online psychology degree students will understand the psychological changes of the human mind and behavior throughout the lifespan, from infants to the elderly. In addition, students enrolled in accredited online psychology classes will develop several important skills.

**Communication:** Students learn how to effectively connect with their peers, faculty, and patients both face-to-face and in writing.

**Research:** Students will learn how to use experimental and observational methods, in order to systematically gather and evaluate information about human

*(Continued on page 24)*



# RESOURCES (Continued from page 23)

experience and behavior.

**Statistical Analysis:** Students will gain the skills necessary to decode numerical information in order to discover what the numbers seek to convey.

## Careers

In order for anyone to practice psychology, they must first obtain licensure in their state. Licensure does not automatically transfer between states, so it is important to review a state's particular requirements. In addition, only graduate degrees in psychology can lead to licensure.

Students with an online associates degree in psychology or online bachelors degree in psychology can enter careers in human or social services, such

as case management or career counseling. However, many choose to pursue a graduate degree. With an online masters degree in psychology students can find themselves working in several settings, from private practices to hospitals, or even in law enforcement as a forensic psychologists. Students who hold an online doctoral degree in psychology practice in the fields of clinical, counseling, and school psychology, and they can teach at the collegiate level. For more information, go to: [accreditedonlinecolleges.org](http://accreditedonlinecolleges.org)

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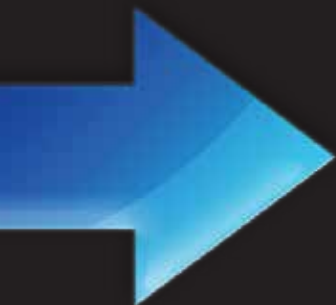
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## NEWS FROM AROUND THE U.S.

**GEORGIA**—A new law in Georgia requires the Georgia Board of Corrections to create a certificate program to ensure that ex-offenders are ready to come back into the community and find jobs. The program will require inmates to complete treatment plans and vocational training while in prison

and adhere to the plans once they're released. Language in the law cautions employers to exercise due care when hiring offenders in the prisoner reentry certificate program and also provides employers a certain level of protection from negligent hiring liability.



**WASHINGTON, D.C.**—Nonviolent drug offenders serving time in federal prison could be eligible for early release under new U.S. Department of Justice clemency guidelines. Offenders seeking clemency and, as of this writing, must meet the following criteria: (a) currently serving a federal prison sentence longer than current mandatory sentences for the same offense, (b) are non-violent, low-level offenders without significant ties to large-scale criminal organizations, gangs, or cartels, (c) have served at least 10 years of their sentence, (d) do not have a significant criminal history, (e) have demonstrated good conduct in prison, and (f) have no history of violence before or during their current imprisonment.



**TEXAS**—A judge ordered Texas prison officials recently to disclose the supplier of a new batch of lethal injection drugs to attorneys for two inmates set to be executed, but she stopped short of revealing the identity of the manufacturer to the public. The ruling by state District Judge Suzanne Covington came after the Texas Department of Criminal Justice argued that threats against execution suppliers are growing in danger. The agency recently obtained a threat assessment from law enforcement officers and pictures on the Internet suggesting physical harm against pharmacists making the drugs.

A federal judge in April 2014 halted two executions in Texas, declaring that the state's prison system must disclose to defense attorneys more information about the supplier of a new batch of lethal injection drugs. Texas officials have insisted the identity of the drug



supplier must be kept secret to protect the company from threats of violence and that the stock of the sedative pentobarbital falls within the acceptable ranges of potency. Defense attorneys say they must have the name of the supplier so they can verify the quality of the drug and spare condemned

inmates from unconstitutional pain and suffering.



**OHIO**—Ohio officials are boosting the dosages of its lethal injection drugs and are standing by the January 2014 execution of an inmate who made unusual snorting and gasping sounds leading to a civil rights lawsuit by his family that called for a moratorium. Ohio's new policy increases the amount of the sedative used in the two-drug combination and raises the amount of the painkiller; officials are making the change to allay any remaining concerns resulting from the January execution.



**CALIFORNIA**—A decision by the California Supreme Court now allows sex offenders to frequent parks and beaches across the state. Predator bans in Orange County had made it a crime for registered sex offenders to be in public parks, whether or not they had done something criminal. The ruling points out that unless the offenders are on probation or parole and, even if they have molested hundreds of children, they may still go to parks. In 2011, Orange County banned sex offenders from parks and beaches unless they had written permission from the sheriff. Parents are now more concerned than ever.



**NEW YORK**—The New York Assembly is considering a bill that would prevent sex offenders from attending group mental health or chemical dependency therapy sessions that include sexual assault victims. Some Senators in the Assembly say that it's common sense that victims should be protected from further suffering by being thrown into sessions with sexual predators.



**WASHINGTON, D.C.**—The U.S. Labor Department  
(Continued on page 27)

## NEWS FROM AROUND (Continued from page 26)

ment has released its 2014 ranking of the 20 fastest growing occupations in the nation and lists industrial-organizational psychologists as number 1 with a median pay of \$83,580 a year and an expected growth by 53% from now to 2022.



OKLAHOMA—Oklahoma's law governing executions is unconstitutional because privacy provisions prevent anyone from learning about the drugs used to execute the condemned. Oklahoma County District Judge Patricia Parrish ruled that the secrecy laws prevent the courts and inmates from getting information about the drugs that are used in executions, thus preventing individuals from exercising their rights under the U.S. Constitution.



GEORGIA—In 1989, Columbus, Georgia began the Victim-Witness Assistance Program for six counties and continues today. Victim-witness advocates sit with families during trials, escort them weeping from the courtrooms, and explain to them how the justice system works. The federal 1984 Victims of Crime Act created legislation for a national victims-compensation fund using fines from federal prosecutions and authorized states to establish similar compensation funds for crime victims. The six-county Columbus-based program also helps crime victims understand how they may make use of these funds if they suffer serious injury or property loss.



GEORGIA—Prison labor in the Columbus, Georgia area is being questioned. About 400 prisoners are dispersed daily to collect trash, clean city buildings, dig ditches, and maintain roadways. Because African-American males make up the majority of the county system supplying the inmates, concerns have arisen by the NAACP and the Southern Anti-Racism Network and the Black History Museum and Archives, among others. It is pointed out that the African American males in this mix are mostly poor and can't afford decent legal representation. They are then convicted and sent to work as cheap labor. Many are saying that the Columbus prison labor program, the largest in the state, is designed to keep Black men in prison as a cheap source of labor for the city government. Currently the program saves Columbus between \$17 and \$20 million a year.



TEXAS—State District Judge Suzanne Covington, in late April 2014, ordered Texas prison officials to disclose the supplier of a new batch of lethal injection drugs, but she stopped short of revealing the manufacturer to the public. The Texas Department of Criminal Justice argued that threats against execution suppliers are growing. The agency obtained a threat assessment from law enforcement officers and pictures on the Internet suggesting physical harm against pharmacists making the drugs.

## NCCHC BOARD APPOINTS THOMAS JOSEPH AS PRESIDENT

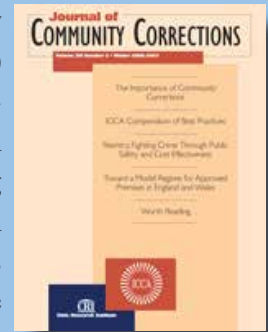
On May 1, 2014, the National Commission on Correctional Health Care (NCCHC) appointed Thomas Joseph, MPS, CHE, as President and CEO. Our IACFP's Dr. Edwin I. Megargee currently serves as IACFP's liaison to NCCHC and sits on the NCCHC Board of Directors.

The new President and CEO comes to NCCHC from the American Society for Blood and Marrow Transplantation where he was the Executive Director

for the past 6 years. Prior to that, Mr. Joseph was with the Society of Critical Care Medicine; he has been in the medical association management field for more than 25 years, including time with the American Academy of Pediatrics, the American Dental Association, and the College of Healthcare Executives. We congratulate Mr. Joseph and wish him a very successful tenure as NCCHC's new President and CEO.

## CONGRATULATIONS TO DR. GANNON

Doctor John L. Gannon, our Executive Director, had his Megargee Honorary Lecture, presented at the International Community Corrections Association (ICCA) Annual Research Conference in Reno, Nevada, September, 2013, accepted for publication in the *Journal of Community Corrections* and it appears in the Fall 2013 edition (volume 23, number 1, pp. 7-12). In the article titled: "Bringing Scientific Thinking to Criminal Justice Work," Dr. Gannon discusses the forces that block remediation and a reading of evidence-based practice that may be controversial (the evidence rules out what doesn't work, rather than rules in what works). Doctor Gannon reviews the current debates and dialogues in corrections using Kuhn's scientific revolution thesis to shed light on these debates, and, in some cases, disagreements between various schools of correctional thought. He concludes by introducing his concept of folk criminology and the folk practitioner and what can be learned from paying attention to the evidence. An edited version of his article and ICCA's presentation also appears in our January 2014 issue of *The IACFP Newsletter*.



## MAKING PRISONERS ACCOUNTABLE: ARE CONTINGENCY MANAGEMENT PROGRAMS THE ANSWER?

Paul Gendreau, O.C., Ph.D., Shelley J. Listwan, Ph.D., Joseph B. Kuhns, Ph.D., M. Lyn Exum, Ph.D.\*  
paulgend@bell.net

ARTICLE TO BE PUBLISHED IN A FORTHCOMING ISSUE OF *CRIMINAL JUSTICE AND BEHAVIOR*

### Abstract

Doctor Gendreau and his co-authors point out that there has been renewed interest amongst some prison policymakers to hold inmates more accountable for their actions. The belief is that inmates require more structure and discipline in their daily activities and need to demonstrate that they have earned privileges that could lead to their early release. The study draws attention to a long-forgotten prison treatment literature known as contingency management (CM) which has the potential to meet the goals of an accountability management perspective. A meta-analysis and narrative review was undertaken to determine the utility of CM programs for improved inmates' performance (e.g., prison adjustment, educational/work skills) and to generate a list of program principals for managing the programs effectively. The study finds that CM programs provide robust gains in a variety of behaviors (pro-social behaviors, education, work assignments, etc.) in prison settings. The authors provide a list of "what works" principles, categorized into implementation and treatment strategies for administering effective CM

programs in prison. They conclude by pointing out that for any success to be achieved, prison administrators would need to: (a) create a prison environment with therapeutic integrity, (b) provide training for officers and staff in CM procedures, (c) create a more rigorous set of ethical principles that would help prevent CM programs from turning into punishment regimens, and (d) increase professional resources in general.

\* Paul Gendreau, O.C., Ph.D., is Professor Emeritus, Department of Psychology, University of New Brunswick, Saint John, New Brunswick, Canada, Shelley J. Listwan, Ph.D., is Associate Professor, Department of Criminal Justice and Criminology, University of North Carolina Charlotte, Charlotte, North Carolina, Joseph B. Kuhns, Ph.D., is Associate Professor, Department of Criminal Justice and Criminology, University of North Carolina Charlotte, Charlotte, North Carolina, M. Lyn Exum, Ph.D., is Associate Professor and Graduate Coordinator, Department of Criminal Justice and Criminology, University of North Carolina Charlotte, Charlotte, North Carolina. Doctor Gendreau accepted an appointment to the Department of Justice and Criminology, University of North Carolina Charlotte, Charlotte, North Carolina as Visiting Scholar during the collection of data for and the writing of this article.



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## THIS SHOULD BE DEATH KNELL OF CAPITAL PUNISHMENT

As fervently as some may support the death penalty by lethal injection, when the process becomes the least bit messy, most of us would prefer to hide. Oklahoma began lethal injection in America. And the state has brought the nation the latest sickening example of the method's problems. On the evening of April 29, 2014, Oklahoma death row inmate Clayton Lockett's execution went wrong. It was unclear when the sedative rendered him unconscious. He writhed and clenched his teeth, appearing to struggle against his holds as prison officials injected his vein with the drugs.

Prison officials reacted quickly as Lockett's execution turned from an antiseptic medical procedure into a debacle. They hastily pulled the execution chamber's curtain shut, lest the witnesses present be forced to watch the condemned actually fight to hang on to life.

That's not how we like this show to go. In America, we like the capital punishment to be more like a monitored death in hospice care, a permanent sedative ushering a long good night.

That dishonesty is the basis for how we've reached a legal and moral conundrum. Increasingly, states are taking steps to keep the drugs they are using a secret, along with the identities of the scantily-regulated compounding pharmacies where they buy the drugs, and even how the payments are being made. This makes it impossible to determine whether or not the new, ever-evolving lethal drug cocktails administered meet the constitutional standard of sparing the condemned from "cruel and unusual" punishment.

The American way of execution is in legal crisis—that much is obvious regardless of whether one is for or against the death penalty. States can't defend the use of drugs they won't name, nor can citizens demand that justice be done to those on death row.

Naturally, there is a sadist's view of what happened to Lockett. The chorus began shortly after Lockett was declared dead of a heart attack, 43 minutes after his ordeal began. "It's an execution, not a tea party," remarked one online commentator.

In the minds of many, cruel and unusual was just what Lockett deserved. In 1999, he forced 19-year-old Stephanie Neiman to watch as her grave was dug. He shot her as she stood in it. The gun jammed. He shot her as she begged for her life. Then, the teenager was buried, alive.

Nobody disputes Lockett's guilt or the horror of his crime. But what was done to Lockett was an unjustifi-

ably gruesome act of homicide. And the United States' obsession with finding a more comfortable, "humane" way to commit government-sanctioned homicide has led us to this place.

It began as a Republican state legislator tried to save face and appear harsh enough, conservative enough, among his peers. How familiar that sounds as a recipe for bad legislation.

Representative William Wiseman's conscience was troubled when the U.S. Supreme Court confirmed the constitutionality of the death penalty in 1976, giving states the option to reinstate it. When that vote came up in Oklahoma, Wiseman voted in favor.

"I knew it was wrong, and I should have voted against it. But I didn't," Wiseman told Mother Jones in 2005. (He died in a plane crash in 2007.)

To assuage his guilt, Wiseman took another step. He wrote the legislation that brought lethal injection to the state of Oklahoma. His goal was to find a less heinous way to kill. One day after Oklahoma passed it into law, Texas followed suit, using Wiseman's bill as a prototype.

Today, more than 30 states have the death penalty and almost all of them use lethal injection. The problem is, key chemicals used to make the deadly drugs are no longer available and stocks are dwindling. Sodium thiopental, for example, is no longer made in the United States, and the European Union has taken great pains to restrict manufacturers there to provide it to governments that will use it for executions. In response, state authorities in the U.S. are trying new drug combinations, often with horrifying results.

The day may not be far off when states must abandon the fiction of medically sterile execution and go back to the messier, less "humane" methods of old. When that happens, it's a good bet public support of the death penalty will erode quickly (it currently stands at 55%). The electric chair sometimes sets inmates on fire. Hanging can decapitate. The firing squad is too violent for most. Try as we might, we will not find a humane way to commit an inherently inhumane act—putting a person to death—and as long as we do, we put our nation under a moral cloud.

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Excerpted from an article (by Mary Sanchez, *Kansas City Star*) in the May 11, 2014 issue of the *Ledger-Enquirer*, Columbus, Georgia, pp. B1, B3.

## AMENDED 2014 ELECTION TIMETABLE FOR THE IACFP OFFICE OF PRESIDENT ELECT

The IACFP Executive Board is soliciting nominations for the office of President Elect. Members may self-nominate, nominate another member, or nominate a non-member. Please send nominations to Mr. Michael D. Clark, Chair of the Nominating Committee, by August 1, 2014, using his e-mail address: build-motivation@aol.com

Individuals who accept their nominations will be required to submit to Mr. Clark a biographical abstract of up to 250 words using his e-mail by August 15,

2014 or sooner. The IACFP President, Dr. Ed Dow, will publish nominee abstracts in our October 2014 newsletter and will also have voting ballots and pre-addressed stamped envelopes prepared and inserted into the October issue with instructions to return completed ballots by November 12, 2014. Election results will be published in our January 2015 newsletter to coincide with the new President Elect taking office for the 2015-2017 term.

## VICTIM ADVOCATES BECOME A CRUCIAL LINK BETWEEN PROSECUTORS AND FAMILIES

They are hands to hold, shoulders to cry on, voices for those too sad to speak. Victim-witness advocates sit with families during trials, escort them weeping from courtrooms, and sometimes are called upon to explain to them the complications of criminal justice.

Now a quarter-century old in Columbus, Georgia, the program benefitting crime victims and their families started in the summer of 1989, 5 years after passage of the federal 1984 Victims of Crime Act. The legislation created a national victims-compensation fund with fines from federal prosecutions and authorized states to establish similar compensation funds for crime victims.

"Today the Columbus-based Victim-Witness Assistance Program for the six-county Chattahoochee Judicial Circuit has six full-time caseworkers and four volunteers in training," said Shelly Hall, the Program Director.

They compensate for what had been a deficiency in criminal prosecutions—victims and families often were ignorant of what was expected of them and left to fend for themselves if they suffered from serious injury or property loss. The police had their job to do; the prosecutors theirs; but no one's job was to focus on helping the victims, or in homicide cases, the survivors.

Some police and prosecutors aren't suited to empathy. Their job is to fight criminals, not care for the bereaved.

"I've got prosecutors who are hired specifically for their abilities in the courtroom, and that is not always consistent with someone who will hold a hand and let somebody cry on their shoulder," said District Attorney Julia Slater. "I've got some assistant DAs who are real bulldogs in the courtroom, and that's what I want because that's what they're hired to do is to fight in court. And sometimes we need a victim's advocate who has a different role, who is there to be empathetic with the victim and not to fight with the defendant."

Also crucial is maintaining contact with victims and their

families, to ensure they're up-to-date on court appearances and other news. "They are critical to our communication with victims," Slater said. "They do things that we don't do, like victims' assistance programs, victim compensation. They have resources that we don't have at all...If we're preparing for indictment, or preparing for trial, they step in and help us with those victims as far as communication with them, notice of dockets, and literal hand-holding in the courtroom."

Sometimes they stand in for families who want to read "victim-impact" statements before a judge sentences an offender, to tell how the crime affected them. Sometimes relatives who thought they could read those statements find they cannot. They start to sob and can't see the words through their tears, nor speak clearly.

"I have known, on more than one occasion, a family member take the piece of paper they had intended to read to the judge, turn to the victim advocate with tears in their eyes and say, 'I just can't read it.' And the victim advocate can then stand and read from the paper on behalf of the victim, who's just unable to carry on, given the emotions of the situation." In homicide cases, helping families keep alive the memory of those lost to crime is part of the job. The courtroom experience is a trial for the survivors, too. Crime-scene photos, autopsy photos, gruesome testimony from medical examiners, all come into evidence. That's too much for some to endure.

Victim advocates let them know it's coming up and sit with them if they want to stay. "They will literally go to court with the victim and hold their hand, if necessary, during the court process, and become a shoulder they can cry on, again, quite literally," Slater said.

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Excerpted from an Associated Press article (by Tim Chitwood) in the March 23, 2014 issue of the *Ledger-Enquirer*, Columbus, Georgia, page A5.

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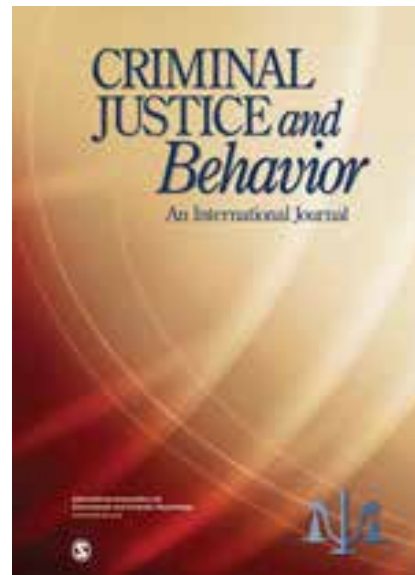
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