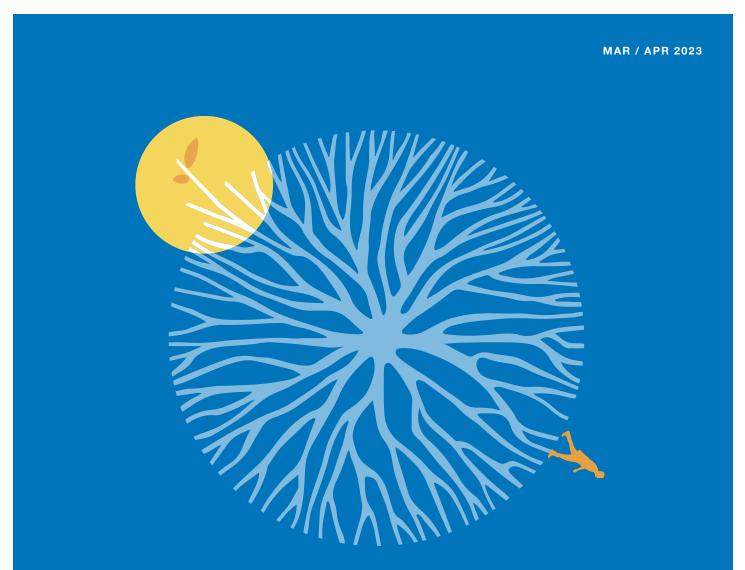
IACFP Bulletin

RESEARCH PRACTICE POLICY



from The International Association for Correctional and Forensic Psychology



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WHO WE ARE

The International Association for Correctional and Forensic Psychology (IACFP)



The International Association for Correctional and Forensic Psychology (IACFP) is an organization of behavioral scientists and practitioners who are concerned with the delivery of high-quality mental health services to criminal offenders, and with promoting and disseminating research on the etiology, assessment and treatment of criminal behavior.

IACFP members are not all psychologists and are not all active in the practice of forensic evaluations or correctional mental health. However, they typically have advanced degrees in behavioral sciences and engage in the administration, practice, teaching or research relating to incarcerated populations and those under community supervision. We have been promoting evidence-based and practitioner-informed practices and research to support correctional and forensic psychologists and other helping professionals who work with justice-involved individuals since 1954. Our goals are to:

- → Promote the development of psychological practice in criminal justice and law enforcement settings.
- → Contribute toward appropriate teaching of the psychology of crime, delinquency and criminal justice.
- → Support the development and application of effective treatment approaches for individuals in the care of the criminal justice system.
- → Stimulate research into the nature of criminal behavior, to exchange such scientific information, and to publish the reports of scholarly studies of criminal behavior.
- → Concern ourselves with relevant public, professional and institutional issues which affect or are affected by the practice of psychology in the criminal justice system.

We are now accepting submissions.

The Bulletin has six issues per year, and is now accepting submissions for our **Jul/Aug 2023 publication**. To inquire how to submit, please email **executivedirectoriacfp@gmail.com** with your thesis topic.

Research Summary: How Accessibility to Behavioral Healthcare Services Influences Incarceration Rates

GENEVRA GALLO-BAYIATES / APRIL 2023

A recent study published in *BMC Health Services Research* examines how access to community-based behavioral healthcare services influences the per capita jail population. Here, we summarize the background, purpose, design, and findings of the research. The full, original article, entitled "The relationship between community public health, behavioral health service accessibility, and mass incarceration," <u>is available here</u>.

Background

Of the 10.3 million people incarcerated in U.S. jails in 2019, 45% reported a history of mental health issues. Those held in jails have been shown to meet the criteria for "serious psychological distress" at levels five times higher than the general population, "with nearly half reporting serious psychological distress in the past 30 days."

Although the U.S. has an incarceration rate three times higher than comparable countries, very little research has been conducted to determine "the interplay between the size of jail populations and community-level behavioral health services."

Purpose

According to the authors: "This study examines how socio-economic, health, behavioral health, and justice factors are related to per capita jail population in U.S. counties." Variables Identified as Significant in Predicting Jail Population Per Capita



High School Graduation Rate



Poor / Physically Unhealthy Days



Psychiatrists Per Capita



County Size (Large vs. Small)



County Size (Medium vs. Small)



Healthcare Costs



Police Per Capita



"The goal of the current study is to bridge the gap in the literature to explore factors related to behavioral health services in the community, as well as the demographics and socio-economic factors, that may predict jail utilization."

This purpose is tied to several factors:

- → As of 2014, 10 times more people with serious mental illness were being held in jails or prisons versus psychiatric hospitals run by the state.
- → Treatment for those with a history of mental illness or displaying serious psychological distress is provided for less than half of those in jails.
- → Structural factors, such as bail laws and changes in housing or employment, lead to more people with mental illness being incarcerated.
- → "Community capacity to treat behavioral health disorders is extremely low;" however, "incarceration may detrimentally impact the physical and behavioral health of a community. Recent estimates indicate that as increases occur in jail incarceration rate, increases also occur in county-wide mortality from substance use and suicide, as well as a range of diseases and injuries."
- → Those living in rural communities have access to fewer providers of mental healthcare, as well as outpatient facilities—and Medicaid is less likely to be accepted.
- Communities with a higher low-income population, as well as those with higher Black and Hispanic populations, have reduced access to behavioral healthcare. This impacts those in need of care to address substance use issues and mental health needs.
- "Limited community mental health services restrict the options communities have to respond to individuals with behavioral health disorders who commit crimes."

Design

The authors examined data from 3,141 counties in the U.S. collected between 2014 and 2019. Sources were as follows:

- → Incarceration trends were examined using data from the Vera Institute.
- → Health, economic, social, and demographic information came from the Robert Wood Johnson Foundation's County Health Rankings & Roadmaps (CHRR), which is compiled by the University of Wisconsin.
- → The Uniform Crime Report was used to examine police data.
- → The U.S. Census was used to determine per capita rates by county for behavioral healthcare services.

Data was reviewed by "a diverse panel of criminologists, psychologists, mental health professionals, biostatisticians, and health economists." Machine learning was then used to identify and select the 12 most important independent variables in determining predictors for per capita jail populations by county.

Findings

After conducting both a statistical analysis and beta regression, the study's authors found several key predictors of jail population and/or incarceration rates. For example:

- → "More physically unhealthy days within the past 30 days predicted a higher per capita jail population."
- → A lower level of behavioral healthcare capacity, higher costs for care, and fewer options for behavioral

healthcare drug treatments covered by Medicare all related to a higher jail population, per capita.

→ In fact,

"behavioral healthcare access and affordability factors were better predictors of per capita jail population than violent crime rate."

- → The only justice system-related variable that predicted the presence of a larger jail population in a community was "a greater concentration of police"—yielding a 16% increase in those jailed for every additional officer.
- → Small counties were found to have the highest jail population per capita. Medium counties' populations were approximately 15% fewer and large counties 40% fewer.

Conclusion

Based on the results of the studies, it's clear that communities with greater access to behavioral healthcare services that are affordable to residents "have significantly lower incarceration rates per county." Meanwhile, "smaller counties that are health resource-challenged, and those that are more policed, have larger per capita jail populations."

Investment and/or focus on improving mental health and behavioral healthcare services, including substance use treatment, may increase a community's ability "to use diversion and/or alternatives to incarceration to decrease the demand for jail beds." This is especially true for smaller counties that possess fewer resources, because "mental health and substance use care have been found to be more cost-effective at promoting recovery and reducing subsequent crime than incarceration."

Rights of Prisoners: Differentiated Approaches to Persons Deprived of Liberty

SILVIA EDITH MARTINEZ / APRIL 2023

On October 10, 2022, the Inter-American Court of Human Rights published its Advisory Opinion No. 29. The decision, adopted at the request of the IACHR, develops the need to adopt differential approaches in prison to guarantee the rights of prisoners in the following groups: (a) pregnant, childbirth, postpartum, and lactation women; (b) children living in prison with their mothers or primary caregivers; (c) LGBT groups; (d) indigenous people; and (e) older adults.

The process of elaboration of the Advisory Opinion had an enormous number of contributions, which is demonstrative of its relevance. The Court itself, in exercise of its contentious jurisdiction, decided in the past numerous cases related to human rights violations in prisons: *Miguel Castro Castro Prison vs. Peru* (2006), *Chinchilla Sandoval vs. Guatemala* (2016), *Hernandez vs. Argentina* (2019), *Mota Abarullo vs. Venezuela* (2020), and *Manuela vs. El Salvador* (2021), among others.

Cross-Cutting Considerations and Singular Developments

Among the cross-cutting considerations for all groups are: the absence of control, poor detention conditions, overcrowding, institutional violence, the widespread use of pretrial detention, and punitive discourse as a privileged tool for addressing social conflict. The Court constructs its decision within a context crossed by these phenomena. The legal question to be resolved does not occur in the plane of abstraction, but in a regionally situated one. Within this context, the Court also addresses the extraordinary challenges that COVID has produced in Latin American prisons. Already entering the legal reasoning, the Court establishes the obligation to use a differential approach in favor of the proposed groups to guarantee equal access to their rights. This approach must not only be differential but also intersectional: it must not treat vulnerability variables in a fragmented way, but rather intertwined. The Court adds that this view not only concerns the groups included in the Advisory Opinion, but rather goes further. That is, it is projected as a general vulnerability analysis approach.

According to the Court, differential measures should not be considered a privilege or discriminatory treatment with respect to other groups, but rather ways of compensating for historical inequalities and/or reversing structural effects. The court recognizes that in the deprivation of liberty "the systems of social domination based on the privilege of some and the oppression of others are also reproduced and exacerbated, such as patriarchy, homophobia, transphobia and racism" (para. 65).

Specific Developments

There are numerous specific developments that the Court makes about each group involved in the Advisory Opinion:

Pregnant, Childbirth, Postpartum, and Lactation Women

Regarding pregnant, childbirth, postpartum, and lactation women, as well as main caregivers (Chapter V), it is emphatic in affirming that only exceptionally could they be detained in prisons. Hand in hand with a criticism of the policies of criminalization of women and the androcentric nature of prisons, the court favors alternative approaches to prison detention.



In the prison sphere itself, the Court makes special use of the Bangkok Rules ("specific guidance guidelines") and details numerous duties. Among them:

- → The provision of food, clothing, hygiene, and sexual and reproductive health benefits in accordance with that state.
- → The prohibition of different practices that it conceptualizes as "obstetric violence" and that it frames in light of the Convention of Belem do Pará. This is an improvement over previous contentious cases, such as *I.V. vs. Bolivia*.
- → Calls to guarantee the contact of women in prison with their family groups outside the walls and, in the case of migrant women, to seek agreements to facilitate family reunification.

Children Housed in Prison with Their Mothers

Regarding children housed in prison with their mothers or main caregivers (Chapter VI), the Inter-American Court highlights the exceptionality of this situation and demands alternative approaches. It dwells on the bonding of boys and girls with their mothers, but points out that the standards could be applicable in detention centers where they live with their parents or caregivers without distinction of gender, "in view of the co-responsibility of both parents regarding the care tasks" (para. 169). It proposes a case-by-case standard, with an "individual and rigorous" evaluation in order to weigh the rights at stake, with the best interest of the child as a primary consideration and taking into account her opinion. The Court requires studying the issue without stereotypes, which is relevant if one thinks of those that weigh on mothers in prison.

With regard to boys and girls in prisons, the Court reviews regional legislation that allows their accommodation there, but reinforces the idea that the penalty should not transcend them and the need to accommodate the spaces to their needs, along with a guarantee of their personal integrity, their private life, their normal development, family contact with the outside world, and access to goods such as food, health, education, and recreation.

LGBT Groups

Regarding LGBTI persons (Chapter VII), the Court begins with the incorporation of intersex persons into the analysis, even though this group had not been explicitly included by the IACHR in the consultation. The court based this consideration on the fact that "they may be exposed to conditions of discrimination and violence in the prison environment that are similar to the experiences of trans people and people with non-binary gender identities" (para. 224).



These standards are not mere program guidelines, but concrete and enforceable intervention mandates. Its satisfaction requires urgent and structural reforms of all that is known, together with effective jurisdictional systems for the control of the execution of sentences.

The Court disputes criminalization based on sexual orientation, gender identity, gender expression, and – here a novelty – sexual characteristics. It highlights the exacerbated violence suffered by the LGBTI collective in prison, the deficit in the prevention and investigation of this violence, and the structural affectation of their rights in the prison environment. On that basis, the Court demands alternatives to prison detention if an LGBTI person's needs, in particular their security, cannot be met.

The Court highlights the limits of the binary prison paradigm and the need to respect gender identity and the opinion of the person regarding the place of prison accommodation, as well as the need to provide options depending on the case and not to use isolation as a way to satisfy the need for accommodation.

The Court also recognizes the right to gender identity and gender expression—not only in the registry dimension but in connection with the right to comprehensive health, particularly with respect to trans people. In this last sense, it advances the standards introduced in Advisory Opinion No. 24 (2017), where the intersection between gender identity and health was not dealt with in detail. Likewise, it regulates broad conditions of access to intimate visits, a matter that had not been previously explored by the Inter-American Court, but was explored by the Commission in the case of Marta Lucía Álvarez Giraldo (Colombia).

Indigenous Peoples

Regarding the indigenous population (Chapter VIII), the Court offers some keys to assess criminal responsibility and the determination of their sentences, due to the overrepresentation in prison that this group presents worldwide.

Then, it analyzes the impact of the prison paradigm on the right of Indigenous Peoples to community life. It calls for the use of alternative measures to prison detention and, in the facilities, demands respect for cultural identity, food, traditions, rites, language, clothing, and the choice of authorities. In addition, it highlights the need not to house Indigenous Peoples far from their communities due to the double penalty that uprooting can represent.

The Elderly

Regarding the elderly (Chapter IX), the Court analyzes the aging processes also in terms of disability, due to the motor and cognitive difficulties that they usually entail. On this basis, it includes in the AO the interpretation of instruments on the rights of persons with disabilities, despite the fact that there was no explicit consultation on them. It establishes broad standards of health and adaptability in prisons, while emphasizing the need to preserve the family life of those who are in this vital stage.

Summary

In short, in Advisory Opinion No. 29, the Inter-American Court systematizes standards that arise from its previous jurisprudence on the prison issue and develops new ones. These standards are not mere program guidelines, but concrete and enforceable intervention mandates. Its satisfaction requires urgent and structural reforms of all that is known, together with effective jurisdictional systems for the control of the execution of sentences.



Silvia Edith Martinez is a lawyer. She earned the designation as a Specialist in Criminal Law from the Torcuato di Tella University and received a Master in Criminal Law from Torcuato

di Tella University. Ms. Martinez is an Inter-American Public Defender who has appeared before the Inter-American Court of Human Rights.

She served on the Inter-American Human Rights Commission designated for the period 2013/2016 and 2016/2019. She has been a Public Defender in Criminal Issues in the Argentine Republic from April 27, 1993 to the present. Ms. Martinez also serves as an Associate Professor of Criminal Law at the School of Law of the Buenos Aires University. She has held this position since 1995. Silvia is considered a Regional Expert of the EUROsociAL Program of the European Union. Previously, she served as the Head of the Prisons Commission from October 2005 to September 2013.

Ms. Martinez is the author of several publications on Prisons and Human Rights.

IACFP Bulletin | Mar/Apr 2023

Research Summary: Need for Probation Staff Training on Mental Health Disorders

GENEVRA GALLO-BAYIATES / APRIL 2023

A recent study funded by the Confederation of European Probation (CEP) features research by Professor Charlie Brooker, University of London, and Professor Karen Tocque, University of Chester, examining the knowledge about and attitudes toward mental health disorders among probation staff in Europe. Here, we summarize the research purpose, design, and findings. The full, original article, entitled "The European survey of probation staff's knowledge of, and attitudes to, mental illness," is available <u>through CEP</u>.

Background for the Study

Mental health disorders are much more prevalent among those within the probation system in comparison to the general population, affecting approximately 40% of those in the probation population. In conjunction with the presence of these mental health issues, suicide is also a higher risk and has a higher occurrence rate among the probation population.

Given the higher rates of prevalence and risk for this population, the ability for probation staff to properly identify the presence of mental health disorders and connect individuals in the probation system with appropriate treatment options can be identified as a clear need. Yet, among many European countries, mental health awareness training is not required for those who qualify as probation officers (e.g., "Denmark, Brandenburg (G), Hesse (G), Nordrhein-Westfalen (G), Schelswig-Holstein (G), Scotland and France").

Among those countries that do require training (e.g., "Austria, England, Malta, Northern Ireland, Romania, and Spain"), only England and France have identified suicide prevention as "an important area to cover." Past studies have shown that probation staff are often trained to identify substance use disorders, with some countries (e.g., "Belgium and Northern Ireland") including education on the effects of "commonly prescribed psychotropic drugs and their side effects." Yet, despite this training, research in those countries has shown that staff still struggle to assess the mental health needs of those in their caseloads and to make "appropriate referrals" to other mental health professionals.

Purpose and Design

For these reasons, this CEP-funded study was conducted to improve the situation across European countries wherein "cases of mental health disorder are frequently missed and referral to the appropriate agency does not occur." By using assessments "of probation staff's knowledge of mental illness and their attitudes to mental illness" to establish a baseline, the organization can then determine how best to increase probation staff's ability to identify and provide referrals for mental health disorders.

From September to November, 2022, probation staff in CEP-member countries were invited to complete an anonymous questionnaire measuring their knowledge and attitudes about mental health disorders. This included:

- → Questions about their employment and training history and
- → A "full set of questions" contained within the Mental Health Literacy Scale (MHLS) developed in 2015 by O'Connor and Casey.

Of the CEP-member countries contacted for the study, 60% participated, with 51% of responses coming from four countries: 1) Ireland; 2) Switzerland; 3) Netherlands; and 4) Croatia. Ukraine, England and Austria encountered



"It seems clear that there is much work to be done, across Europe, to meaningfully increase probation staff's knowledge of mental illness."

circumstances that prevented them from participating, while France, Spain and Italy did not take part. "In total, 467 completed questionnaires were received."

Findings

The authors identified the following results and findings from their analysis:

- → "The overall mean score for the MHLS was 128" among all the probation staff in CEP-member countries that participated.
- → Northern Ireland, Ireland, and the Netherlands "scored significantly higher than the overall average" among all the participants.
- → Belgium, Estonia, Romania, Turkey and Albania "scored significantly lower than the average MHLS score."
- → While neither hours of direct contact nor probation staff's age were seen to influence the MHLS score, it was noted that "females (128) scored significantly higher than males (123)."
- → In addition, "confidence in knowledge and training was strongly correlated with the MHLS score."

"Probation staff display[ed] non-stigmatising positive attitudes to mental illness."

Questions that were hardest to answer pertained to "technical and more in-depth knowledge of mental illness."

- → The majority of respondents reported feeling positive about participating in the study. "Mental health was a key issue for them and many freely admitted their knowledge was lacking."
- → Most participants agreed "that more needed to be done to improve probation staff's knowledge of mental health issues" and many supported "a common core of mental health training for staff across Europe."

Ultimately, the authors concluded that "knowledge of, and attitudes, to mental health, are highly variable across Europe." The high correlation found between mental health knowledge scores and probation staff confidence also "makes the case for mental health training to be available to all probation staff across Europe."

Future research on how such training could most effectively be delivered may be addressed "when the Council of Europe paper on mental health and probation/prisons is published in 2023."

To read the full, original article, <u>click here</u>. The CEP European survey of knowledge of, and attitudes to, mental health disorders will be discussed at the forthcoming CEP Mental Health Expert Group meeting on April 18th. In anticipation that a training curriculum will be developed, Charlie Brooker would be very grateful if you would forward any examples of in-house mental health training. These might be on-line training courses, training based on PowerPoint presentations or paper-based training curricula. Please direct them to <u>executivedirectoriacfp@gmail.com</u>.

IACFP International News, Research, and Resources for Mar/Apr 2023

CHERYLN TOWNSEND / APRIL 2023

We've compiled top highlights from recent research, policy, and practice resources across the world for our latest IACFP International News summary. Our topics for March and April, 2023 include IACFP updates; member access to SAGE Journals; recent research, policy, and practice; and upcoming conferences.

IACFP Updates

IACFP Student Research Award Applications Now Available

IACFP Student Members are eligible to apply for the IACFP Student Research Award. The IACFP Board has approved up to two \$2500 USD research awards for calendar year 2023. Research Award Applications are available <u>here</u>.

Applications for the research awards will be independently evaluated by a 3-member board committee based on the following:

- → Research topic;
- → Research summary;
- → Contribution of the research to the literature and/or practice;
- \rightarrow Alignment with the vision and goals of IACFP; and
- → Preferences noted in the application process (i.e., research that may enhance practitioner practices and outcomes through innovative programs—especially in community corrections—as well as the well-being of practitioners working in applied forensic and correctional psychology settings).

Applications are due 1 June 2023, and award decisions will be announced after the IACFP board meeting on 15 August 2023.

Member Access to SAGE Journals

IACFP provides members with access to SAGE Journals. Please view the infographic on the next page for instructions.

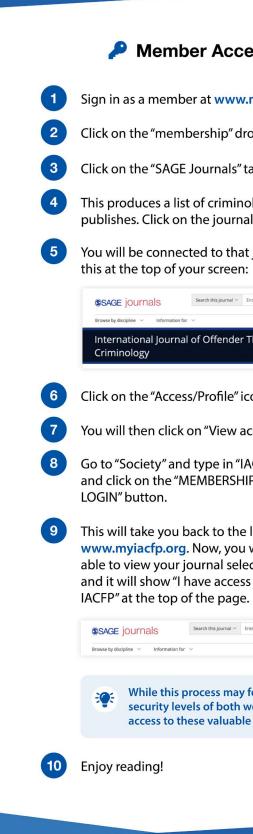
Research

Impact and Importance of Families

The most recent issue of *Prison Service Journal*, Vol 264, January 2023, focuses on the impact and importance of families. Articles include those that examine prison complaints, the experience of imprisoned fathers in the Netherlands, and correctional staff's perspectives of the Employee and Family Assistance Programme in Saskatchewan, Canada.

A New View of Jails: Exploring Complexity Science in Jails-Based Research

The United States National Institute of Justice (NIJ) has published <u>A New View of Jails: Exploring Complexity</u> <u>Science in Jails-Based Research</u>. The article is a follow up to the virtual meeting convened by NIJ in March 2020 with researchers and practitioners to explore the possibilities that arise from rethinking our view of jails. Participants discussed complementing traditional mental models by viewing jails as complex adaptive systems through the lens of complexity science, in which perception, cognition, and action continually interact and affect processes and outcomes.



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This article briefly introduces these concepts of complexity science relevant to jails and suggests areas for further research to help address persistent challenges in the field. The report highlights areas for rethinking information flow, how we perceive safety, and community prevention and reintegration. These areas of discussion may create unique opportunities for justice-involved individuals with mental health challenges.

Policy

Respectful Communication and Mutual Understanding for Black Male Prisoners and Staff

"The experiences of adult black male prisoners and black prison staff," a thematic review conducted by Her Majesty's Inspectorate, explored the experiences of prisoners who identify as black men and what can be done to create opportunities for respectful communication and mutual understanding between black prisoners and staff.

The findings of the thematic review identified many areas for improvement that were embedded within the organization. The response from HMPPS was receptive and demonstrated commitment to both incremental and dramatic change. The report and the response can be found <u>here</u>. The response focused on both justice-involved individuals and the staff who work with them. HMPPS stated:

"It is HMPPS' clear intent for HMPPS to adopt a zero-tolerance approach to racism and discrimination and create an organisation that actively identifies and eradicates the ways racism is built into policies, practices, and overall ways of working.

→ This includes leveraging the strengths and leadership of Black people and other underrepresented groups,

as well as drawing on their lived experiences to effect positive change."

Practice

Juvenile Justice System Transformation

Youth Correctional Leaders for Justice, which has been housed at the Columbia University Justice Lab has been developing a guidebook for leaders and practitioners in juvenile justice who want to transform their juvenile justice systems.

The result is *"Taking on Transformation."* The website is <u>www.takingontransformation.org</u>. It is an incredible guidebook that is interactive, substantive, and addresses the key issues of:

Introduction: The Case for Transformation → Centering Racial Justice & Equity → Partnering with Youth and Their Families → Shifting Roles, Responsibilities & Resources to Communities → Developing a Shared Vision for Transformation → Building Public & Political Will for Change (coming soon) Changing Culture to Align with Vision & Values (coming soon) Changing Culture to Align with Vision & Values (coming soon) Turning Data into Action (coming soon) Aligning Case Decisions with the Goals of Transformation (coming soon) Reducing the Number of Young People Impacted by the System (coming soon) Reforming Youth Justice Policies, Practices and Programs (coming soon) Replacing Youth Prisons with Community-Based Supports (coming soon) Restructuring Resources to Finance Transformation (coming soon)

This is a website that you will want to bookmark for your action planning and reference library.

Europris Newsletter – March Issue

The March Issue of the *Europris newsletter* can be accessed <u>here</u>. Two items that may be of greatest interest to readers are the upcoming International Criminal Justice Summer Course announcement and the feature article. The summer course will be dedicated to mental health issues in criminal justice. The feature article is about a new approach to open prisons in Spain. It is both informative and hopeful that transformation is possible!

Conferences

NCCHC Spring Conference on Correctional Health Care, April 29-May 2, 2023

For additional information on this conference, <u>click here</u>.



NCCHC Correctional Mental Health Care Conference, July 15-16, 2023

For additional information on this conference, <u>click here</u>.



JULY 15-16, 2023 HYATT REGENCY • WASHINGTON, D.C.

SHINING A LIGHT ON MENTAL HEALTH CARE

13 International Association for Correctional and Forensic Psychology

5th North American Correctional and Criminal Justice Psychology Conference (N5), June 22-23, 2023

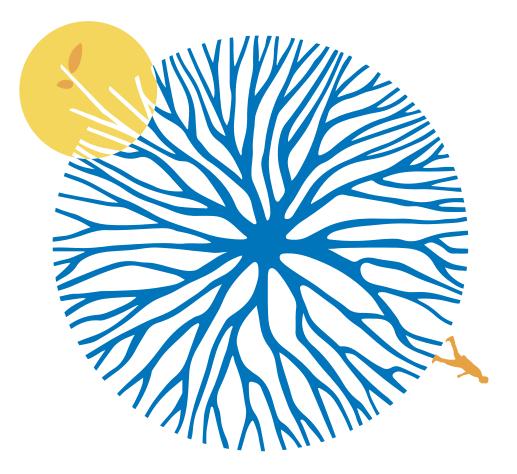
To register for N5, go to this <u>link</u>. IACFP is a sponsor for this event and will also be providing two student travel scholarships. Dr. Jeffrey Metzner and Jim DeGroot, IACFP board members, will be presenting a workshop with Dr. Graham Glancy entitled, "Issues & Challenges in the Use of Restrictive Housing Units with the Mentally III."

June 23





visit cpa.ca/naccjpc for details





International Association for Correctional and Forensic Psychology

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