Community Corrections can make a positive difference to reduce the impact of crime and enhance community safety.

What this means in practice will vary depending on the reader’s perspective. To some, it is what we do now. To others, it is something we used to do many years ago. Whilst for others, it is something we could do better.

The answer should not be a matter of opinion or conjecture, but one underpinned by evidence which is understood by all and which becomes the fabric of our service delivery.

The work undertaken by a Community Corrections officer can be very effective in shaping and changing offender attitudes and behaviour. However, what it means to be a Community Corrections Officer can mean many different things, from a welfare officer to a quasi-police officer.

Whichever role is identified with, most officers go into the job with good intentions, whether they have the view that supporting the offender will reduce crime or the view that being tough and ensuring compliance with an order is the only way to ensure community safety. Good intentions alone however fall short of what we can ultimately achieve. Practice which is underpinned by evidence, understood by all and uniformly applied, best positions NSW Community Corrections to truly make a difference in reducing crime and enhancing community safety. It is also what makes a difference in developing the professionalism of the division, enhancing community and stakeholder confidence, and strengthening the future sustainability of Community Corrections.

It requires us all to constantly review the latest research, and adjust our policy and practices to incorporate new information. It requires us all to challenge our thinking, be open to change, adaptable and agile. It requires us to be clear in how we are to achieve a reduction in crime and enhance community safety, and to develop the tools, systems and processes to support and assist in achieving this goal.

We are in the business of managing risk, a risk which we can mitigate but not eliminate. This will inevitably mean that some offenders will commit serious crimes. We need to foster a culture in which we can objectively look at these cases and learn from them.

This handbook is intended to give the foundation and common understanding of our goals necessary to ensure that we can make a difference in reducing crime and enhancing community safety. Whilst much of it will no doubt reflect current practice and the skills used every day, some of it may also challenge current thinking and assumptions.

As we move forward, I undertake to provide the support and assistance needed to help build upon the good work and expertise already in place throughout Community Corrections. I would encourage you to positively engage with this journey so that together we can ensure that we continue to be effective in making a positive difference to the community.

Rosemary Caruana
Assistant Commissioner
Community Corrections
October 2015
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## Acknowledgement

The expertise and honesty of the many Community Corrections Officers who gave up a significant amount of their time to provide valuable feedback and input into the development of the Handbook is greatly appreciated.
INTRODUCTION
THE PURPOSE OF THE HANDBOOK

Who is the Handbook for?

The Handbook is for Community Corrections officers, their supervisors, managers and senior managers. It is for trainees on their first day as well as staff with decades of experience. For new staff it will provide a guide to what the job is about, and for experienced staff it will provide a reminder of the key skills and purpose of the role.

What does it do?

The Handbook outlines the key theory and skills needed to perform the role of a Community Corrections officer.

The Handbook differs from policy, which provides detail on procedures, key responsibilities and timeframes. While policy changes frequently, the core skills and theory underpinning the role of the officer do not. The Handbook should be referred to frequently and its contents well known to staff.

The Handbook outlines
the key theory and skills
for Community
Corrections in NSW

The below summarises how the Handbook fits in with other key documents.

<table>
<thead>
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<td>Overview of the role of a Community Corrections officer and the key theory and skills needed to perform the role. Can assist with interpreting policy.</td>
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| **Policy and Procedures**                |
| Detailed information on operational procedure and guidelines for day to day business, including legislative compliance, administration, and timeframes. |

<table>
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| **KPIs**                                              |
| Quantitative performance measures. Measures timeframes and frequency of processes needed to support core service delivery, such as timely completion of risk assessments and contact levels with offenders. |
OFFENDER MANAGEMENT FRAMEWORK

Different jurisdictions place different emphasis on the role of community offender management. The management framework utilised by Community Corrections NSW in managing offenders in the community is as follows:

Our objective

Effectively manage offenders to reduce the impact of crime on the community.

How we will achieve it

Assess causes of crime and risks presented by offenders to victims and the community.

Implement evidence based strategies to reduce these risks.

Focus resources where they will have the greatest benefit in reducing reoffending.

Challenge and assist offenders to reduce their criminal behaviour.

Focus on addressing the causes of offending through both direct intervention and referral.

Refer to other services for welfare needs.

Provide sound, accurate and timely advice to assist courts and releasing authorities.

Take prompt action to intervene when risks cannot be managed safely.

Ensure legal obligations are fulfilled.

Clearly communicate the role of Community Corrections to offenders and the community.

Acknowledge that even the best risk management cannot eliminate risk entirely.

Our values

Professional, evidence based and rational decision making.

Improving community safety.

Respect for the interests and rights of both offenders and the community.

Effective and efficient use of public resources.

Transparency and accountability to offenders, courts, and the community.

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THE ROLE OF COMMUNITY CORRECTIONS

The primary purpose of Community Corrections in NSW is to reduce the impact of crime on the community.

This purpose has always been the overall goal of criminal justice systems, even though the means by which it is achieved are diverse. Imprisonment and ‘get tough’ approaches try to reduce crime through incapacitation and deterrence. Rehabilitation tries to reduce crime by seeking to support the offender to change. The Community Corrections role has always encompassed both, although the balance has varied over time.2

There are many dimensions to the impact of crime. In addition to the impact of offending on victims these include fear of crime, economic and social costs, community confidence, and the cost of the criminal justice system to the taxpayer.3 These are not always related to offending; fear of crime is often more closely associated with media and politics than actual crime rates.4 Reducing the impact of crime can therefore be achieved in many different ways, within which Community Corrections plays just one part, albeit a significant one.

For the Community Corrections officer, the main way in which the impact of crime is reduced is to use evidence based practices to change offending behaviour and to provide sound advice to the courts and releasing authorities.

A key part of the role of Community Corrections is interaction with offenders, whether during assessment, supervision or report preparation. When a sound working relationship and rapport is established with the offender and appropriate evidence based techniques are used these interactions are capable of effecting significant behavioural change.5 The Community Corrections officer will access and liaise with a range of external service providers to assist in addressing offender needs, but it is the direct intervention of the officer that can have the greatest impact on reoffending.

The Community Corrections officer works to assist and challenge individuals who will struggle to change, who will at times be resistant or manipulative, and who will often fail repeatedly along the way.

The officer also maintains a position of authority, holding the offender accountable for their order and taking action if community safety is compromised. Balancing the often competing demands between order compliance and working with the offender to change is much more effective than a focus on either compliance or support only.6

Doing this well effectively entails frequently making decisions in conditions of uncertainty, with imperfect information. Offenders will not always be honest, and information from other sources may either be incomplete or unavailable.

Policy and procedure provide a framework for these decisions, but often cannot cover the circumstances of every individual case. There may often be no ‘right’ answer, but a choice between options that will each present different risks. The ability to exercise sound, informed professional judgement supported through consultation with supervisors and management, and to document the reasons for those decisions is critical to the role.

2 For a history of corrections in NSW see Harley (2009) and O’Toole (ed, 2002). See also MacKenzie (2006) and Taxman (2008)
4 Lee (2007)
KEY ACTIVITIES OF COMMUNITY CORRECTIONS OFFICERS

Supervision

Application of intervention and monitoring strategies to influence behaviour and reduce risk.

Includes: parole, intensive correction orders, good behaviour bonds, extended supervision orders, home detention

Intervention is concerned with influencing behaviour change, whereas monitoring is concerned with checking there are no changes to the offender's risk which may require either elevated intervention, or breach action. Supervision also involves liaison with other government and non-government agencies to connect and engage offenders with services. For offenders going onto parole, the supervision process can commence in custody via pre-release case management and work to connect offenders with appropriate services and programs in custody and upon release.

Community service work

The offender is required to undertake work which benefits the community.

Includes: community service orders, intensive correction orders

Community work is typically undertaken either through a community agency (generally not for profit) or work crew supervised by CSNSW. The work administered is a reflection of the sentence imposed by the court, and is strictly monitored to ensure the correct hours are undertaken. Unlike supervision, the amount of work is not linked to the risk or needs of the offender but is solely about the ability of the offender to complete the hours they are ordered to do.

Advice to courts and releasing authorities

Provision of reports that assist courts and releasing authorities to make decisions.

Includes: pre sentence reports, intensive correction assessment, pre-release reports, home detention assessments

Court advice entails assessing offender suitability for various sentencing options, consisting of the above components of supervision and community service work, and providing a report to the court which allows it to make an informed decision when imposing a sentence.

Pre-release advice provides a similar function, advising releasing authorities of the suitability of offenders in custody being released into the community on parole.

The specific conditions and legal requirements (and therefore the policy and procedures) vary for different types of order or report, but the basic management principles and skills needed to manage them do not.

For example, the procedures for submitting a breach report for an offender on a parole order differ from those bond, but the management principles are exactly the same. Having the skills to assess and manage risk is more important than knowing the procedures for submitting the report – the latter can be looked up in the policy manual when needed.
DAY TO DAY TASKS

Community Corrections officers undertake a wide range of activities that support the objective of reducing the impact of crime on the community. Although they are employed in the same job, the day of an officer working in a metropolitan parole unit will be very different from an officer managing community service work in remote NSW, or from an officer with a caseload of offenders on supervision.

The day to day activities that support the functions of a Community Corrections officer include but are not limited to:

- Interviewing offenders at the office and in custody
  - Ensuring offenders are aware of and understand their obligations
  - Motivating offenders to change
  - Developing case plans with the offender
  - Working with offenders to change their thinking to reduce reoffending
  - Providing referrals to appropriate services and programs
  - Monitoring progress with case plans
  - Monitoring compliance with order conditions
  - Inducting and allocating offenders to community service work

- Visiting offenders and their families in the community at their homes and other locations

- Talking to significant others such as family, employers and service providers

- Working with community agencies to facilitate access to services relevant to the offender

- Liaising with police

- Documenting key events, actions and decisions through case notes and reports

- Writing assessment reports to courts advising of suitability for community sentences

- Writing assessment reports for releasing authorities recommending for or against release

- Notifying courts and releasing authorities of breaches of orders

- Giving evidence to courts and releasing authorities

- Undertaking risk assessments of the offender’s likelihood of offending

- Undertaking risk assessment of the offender’s environment and associates

- Preparing offenders for release from custody

- Assisting offenders to transition into a law abiding community life after supervision

- Developing management plans in custody and in the community to reduce the risk of offending

- Liaising with other Community Corrections officers to transition offenders from custody to the community, or between different locations

- Liaising with custodial and programs staff in relation to management of offenders prior to release

- Engaging community agencies to provide work for community service projects

- Oversighting the administration of community service work
ETHICAL CONDUCT

The Department of Justice has a Guide to Conduct and Ethics which all employees must adhere to. In managing behaviour change in offenders, it is important that positive examples are set by staff both towards offenders and each other.

Conduct towards offenders

Community Corrections officers must always be mindful of the power imbalance that exists when dealing with offenders. The capacity to make recommendations which may result in an individual being locked up against their will is something that must always be taken very seriously, in addition to the responsibilities the officer has towards community safety. Officers must always be fair and transparent when dealing with offenders, and should never act based on personal dislike of an individual or to gain undue benefit for themselves.

Offenders may not always behave appropriately, either due to their resistance to supervision or because they hold different standards regarding acceptable behaviour. While officers should not tolerate being abused by offenders, care needs to be taken to distinguish between deliberately offensive conduct (e.g., telling an officer to ‘go fuck yourself’) versus profanity that may be a result of the offender’s frustration or limited capacity to express themselves (e.g., ‘I’m finding this really fucking hard’).

Expectations around behaviours such as punctuality should also be considered with respect to the capabilities of the individual. Officers should always be punctual in attending scheduled appointments with offenders, but also need to understand that many (not all) offenders have poor cognitive function and are lacking in basic skills including time management. It is not reasonable to expect all offenders to be able to adhere to the same standard of punctuality that might be expected of a colleague or a professional in another service.

Conduct in interactions towards offenders should be no different to conduct towards other staff, other professionals, or members of the public.

Conduct towards other staff

All Community Corrections staff should always behave in a respectful, honest and open manner towards others. Any form of bullying or harassment is unacceptable, whether towards offenders, junior staff, colleagues, or management.

Overt forms of this behaviour include shouting at others, making threats, and using derogatory, sexist or racist language. More passive forms include snide or sarcastic remarks, deliberate undermining of other staff or managers, making unreasonable demands of staff, refusing to follow reasonable directions from management, inequitable allocation of work, or refusing to undertake an equitable share of the work within the office.

Where there is disagreement, the focus in the first instance should be on clear and respectful communication either with the other party, or through an appropriate mediator (such as a supervisor).

Poor behaviour should not have to be tolerated by anyone. Although sometimes it can be easier to tolerate or ignore such behaviour than to challenge it, it should be responded to firmly and respectfully whenever it is observed.

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7 Department of Justice (2015)
ROLES OUTSIDE OF COMMUNITY CORRECTIONS

Police

Community Corrections is not responsible for the investigation of criminal offences, and lacks the legal authority to do so.8 Nor is its primary purpose to try and catch offenders out on technical breaches which are not relevant to risk. Being too compliance focused can undermine the effectiveness of Community Corrections in reducing future offending.9 Community Corrections must also only work within the parameters of the offence for which the offender has been convicted and / or the order they are on, and leave police to investigate further allegations of offending.

As an example, an offender is given a community order for driving offences. The offender is believed to be part of an organised crime gang, but has never been convicted of any related offences. While significant information relating to apparent offending can be reported to police, and new charges may constitute a breach of the order, intervention strategies with the offender must be determined on the basis of the driving offences only.

Welfare

Community Corrections is not responsible for providing welfare or therapeutic services unless these are directly related to risk of offending. Many otherwise law abiding citizens may have used illicit drugs or abused alcohol, experienced dysfunctional relationships, or have other issues common to offenders. This does not mean the problem caused the offending. To give some perspective, 42% of the population have used illicit drugs at some time in their life.10

Using the criminal justice system to intervene on issues that are not significantly related to risk of offending is both inappropriate and potentially harmful.11 Numerous other government and non-government agencies exist to provide support services, and referrals to these should be made if a need is identified.12

As an example, an offender is convicted of assaulting their brother following an argument over a debt. The offender is sober at the time of the offence and there is no history of similar offending or aggression while intoxicated. Nonetheless, they disclose that they binge drink heavily on most weekends. The alcohol abuse may present concerns for the offender’s health and warrant a referral to an appropriate service, but may not be a significant risk in terms of reoffending and should not be a focus of intervention or compliance monitoring by Community Corrections.

Courts

It is the role of the courts to determine appropriate sentences. The Community Corrections officer is not to make judgements about the adequacy or inadequacy of that sentence. Decisions on matters such as level of supervision and the commencement of breach action must always be made with regard to the impact on community safety and the long term reduction of offending, not punishing the offender.

On average, Corrective Services NSW manages only around 20% of all offenders convicted of offences in the criminal courts.13 The most common penalties are fines and unsupervised bonds. The punishment associated with a bond is not the supervision, it is the repercussions for breach if the offender fails to stop offending.

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8 A Community Corrections officer is defined under s60AA of the Crimes Act 1900 as a law enforcement officer but, does not possess the various authorities provided to police officers under the Law Enforcement (Powers and Responsibilities) Act 2002
10 Australian Institute of Health and Welfare (2014)
12 These services are not always available due to their own resource limitations. However, Community Corrections is not resourced to cover deficits in other areas outside of our responsibility.
THE CRIMINAL JUSTICE CONTEXT

The link between crime and management by Community Corrections is not direct. There are many steps along the way between a crime being committed and a sentence being given. The below chart gives a very simple outline of what this flow looks like in NSW from offending to management by Corrective Services (including community and custodial management), using data from 2014.

Total offences per year – more than 677,539

- Not reported / detected
- Reported / detected
- Offender not identified or not charged
  - Alleged offender charged
  - 677,539 offences
  - 293,552 offences
  - 124,733 persons
- Not convicted
  - Convicted
  - 24,514 persons to Corrective Services
  - 110,706 persons
  - 86,192
  - 14,027

It is not possible to reliably estimate the total number of crimes committed, as some crimes like graffiti, drug supply and traffic offences have low reporting and detection rates. Despite this it is clear that only a minority of offenders will end up being managed by Corrective Services.

It should also be apparent from the above that even a small change in the rate at which the public report offences, the rate at which police clear up crimes and charge offenders, or the sentencing preferences of the courts, could have a significant impact on what happens in Corrective Services, and therefore to Community Corrections.

A 10% increase in the number of arrests made by police in NSW results in a 2.3% increase in supervised orders within one month, and a 4.1% increase if the increase in arrests persists for longer.¹⁶

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¹⁵ Estimates of general offending are available from sources such as the national Crime Victimisation Survey (Australian Bureau of Statistics, 2015), however these do not include ‘victimless’ crimes such as drug and traffic offences. Some offences are highly susceptible to changes in policing. For example, recorded prostitution offences increased by nearly 500% between 2013 and 2014 due to changes to policing practices in the Kings Cross area.

¹⁶ Wan (2011)
Reoffending

Reoffending is one of the most commonly used measures for assessing effectiveness of criminal justice interventions. Reducing the amount of crime has an obvious positive effect on reducing the overall impact it has on the community.

Although reoffending seems like a simple concept at face value, it is difficult to measure. Offending can be measured several ways, such as by looking at arrests, convictions, or return to custody, and over different time periods. Each method has benefits and drawbacks. For example, arrests data captures far more offences than return to custody, but return to custody tends to better represent the more serious offences that are of most interest to the community.

If an offender convicted of armed robbery commits a minor traffic offence this would show up in arrest or reconviction statistics but would be unlikely to show up in rate of return to custody. This is an important distinction. 61% of offenders convicted of a violent offence in 1994 were reconvicted at some point over the next 15 years, but only 26% reoffended with a violent offence.

**Adults and juveniles convicted in 1994, rate of reconviction over 15 years**

NSW data shows that reoffending continues over a lengthy period of time, with some individuals taking up to 15 years or longer to return to the courts. Nonetheless, the majority of reoffending occurs early on. Over a third of reoffences occur in the first year, and over half within two years. Using a shorter period such as 2 years (as below) is therefore usually a more practical measure for evaluating the impact of various programs and services.

**Inmates released from custody in 2012, rate of return to custody over 2 years**

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17 Any cursory review of criminology papers will demonstrate the wide range of different methodologies for measuring reoffending. See Ringland (2013) for an example of comparison between using police and court based data to measure reoffending in NSW.
18 Holmes (2012)
19 Ibid
20 Data extracted from the Offender Integrated Management System (OIMS), Corrective Services NSW.
Sentenced movements in and out of Community Corrections
(remand and pre sentence advice are omitted for simplicity)

Red arrows indicate breach proceedings initiated by Community Corrections

Notice in particular the links between community and custody. Over 2,000 of the offenders who are in custody at any given time have been recently managed in the community.21

At any given time there are around 1,000 offenders in custody with a breach of parole, and 400 who have been refused parole. A further 700 offenders have a recent history of management on community based orders. The reasons for this are extensive. Offender characteristics and reoffending are obvious factors, but changes to policy, legislation and policing can have an even more significant impact on rate of return to custody than offender behaviour.22

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21 Data extracted from Offender Integrated Management System(OIMS), Corrective Services NSW.
22 Wilson (2005)
PROFESSIONALISM AND EVIDENCE BASED PRACTICE

What is a professional?

The Community Corrections officer is a skilled professional. The term ‘professional’ can be used broadly to simply mean someone who is good at their job, but more specifically it reflects someone with skills acquired through prolonged training and formal qualification.23 Many professions have standards and accreditation processes to ensure that their members both acquire and maintain a certain level of expertise.24 A key feature of many professions is also ongoing dialogue with colleagues about effective practice, and learning from the knowledge and experiences of others.

Being a professional means using the best available research to inform ethical and responsible work practice, rather than relying on personal opinion. This is especially important where robust research contradicts personal opinions. Using research that supports your views and ignoring any that contradicts it is not much better than not using it at all.

Why evidence based practice?

Everyone has a personal view on what will fix crime, formed in part by their own experiences and biases. Some examples include harsher sentencing, more police, early intervention, education, accommodation support, more programs, less immigration, electronic monitoring, boot camps, and so on. Not all are effective.25

The purpose of relying on research and data to inform practice is to ensure that only those strategies which are proven to get results are utilised, and those which either have no effect or are harmful are avoided. When going to the doctor, most people would expect that the treatment they receive is informed by their doctor's knowledge of large scale medical studies on the most effective treatments, as well as their risks and potential side effects, and not just their personal opinions or preferences. The same principles should underpin effective correctional systems. However, punitive measures and ‘get tough’ approaches enjoy public and political popularity, despite repeatedly being shown to be ineffective or counter productive at reducing offending.26 Application of risk-needs-responsivity principles to reduce offending has stronger empirical success rates than policing or widely accepted medical interventions such as chemotherapy.27

Which evidence?

In 1975, a volume of work was published by Robert Martinson and others which looked at 231 different evaluations of correctional treatment programs.28 The conclusion of this work was that nothing works to reduce reoffending. However, there were significant limitations in many of the studies and many of the programs being evaluated were poorly implemented. Consequently, the reliability of the research was limited, and over subsequent decades many more studies have demonstrated effective interventions in what has become known as the ‘what works’ literature. When looking at the research it is necessary to consider the reliability and repeatability of results. A single study is rarely good evidence by itself; if a particular strategy is effective it should achieve results in multiple contexts.29 Factors such as the sample size and research methodology need to be taken into account, as some studies are more reliable than others.

24 Professions with related functions and comparable rates of pay such as teachers, lawyers and psychologists require completion of at least four years full time tertiary study and / or training. http://www.newteachers.new.edu.au/future-returning-teachers/become-a-teacher/ http://www.psychologyboard.gov.au/Registration.aspx, Legal Profession Uniform Admission Rules 2015
27 Bonta & Andrews (2007)
28 Lipton, Martinson & Wilks (1975)
29 A useful tool for this is the meta-analysis, which combines multiple studies. This reduces the odds of a result being due to chance.
Confirmation bias

One of the reasons using research based evidence is so important is that it is difficult to get an objective sense of what works based on individual offenders or personal experience. We already know that even if we do nothing at all some offenders will reoffend and others will not. Observing that one individual did or did not reoffend tells us very little; they may have come back anyway.

A confirmation bias is where a particular view or belief is held because the observer only notices the cases which support their existing view, and not those that oppose it.

Someone who already believes that we should be tough on crime is more likely to remember a news report about a violent reoffence than a successful intervention program, or they may choose to dismiss the latter as irrelevant.

Similarly, a worker in a gaol will see the low risk offenders who have reoffended and returned to custody. They will not see the larger number of low risk offenders who did not return, and are, therefore, less likely to notice their absence. The officer’s views on the integrity of risk assessment and the causes of recidivism will likely be shaped by this direct personal exposure, even though it may not be representative of low risk offenders in general.

No study with a significant group size could be identified with either a 0% or 100% reoffence rate whether for a treatment or control group. All known reoffending studies / statistical analysis have some failures and some successes in every group.


http://www.pameganslaw.state.pa.us/History.aspx


Duwe et al (2008)

Using data vs using judgement

Our brains are terrible judges of risk. We tend to look for easy answers based on emotional instinct rather than taking the effort to process the evidence (this is known as the affect heuristic). In Australia there are an average of 297 deaths from drowning in waterways, compared to 5 from shark attacks in 2014, yet the latter incidents receive more attention and are generally overestimated. As well as confirmation bias from media reporting of shark attacks, sharks instil a stronger fear response than drowning.

A similar example can be observed in responses to child sex offenders. Measures such as residential restrictions tend to be popular because sex offenders trigger strong emotive responses, even though the evidence base may only consist of a single case or ‘common sense’ arguments. Research on residential restrictions consistently shows they have no effect, and at worst do more harm than good. One U.S. study analysed 224 instances where sex offenders on parole had gone on to commit new sex offences. They found no cases where the offender established contact with a victim near a school, park or playground, and only 27 cases where victim contact was made within one mile or less of the offender’s residence.

Although political and popular attitudes are factors that need to be considered as part of a holistic risk assessment, don’t allow public perception or personal bias to be confused with effective practice. This can ultimately result in more harm being done to the community. Work within guidelines to get the best result you can to minimise the risk.
GETTING THE BALANCE RIGHT

Do we need more severe punishments?

Calls for harsher punishment are a staple of law and order debates. In addition to punitive measures such as ‘3 strikes’ laws, the liberal use of capital punishment is an extreme that has a precedent in history. The example of pickpockets stealing from the crowd during the public hanging of other pickpockets provides a vivid illustration of how even this level of punishment can fail to deter.36 Although locking offenders up can protect the community in the short term by incapacitating them, in the long term it tends to make things worse.37

One of the key reasons increasing punishment severity fails to work is that the vast majority of offenders act impulsively and do not evaluate the risk or consequences of being caught.38 Working out the consequence before acting can also be difficult. For example, punching someone in the face could result in anything from minor bruising, to a concussion or broken nose, to death.

Consistency and certainty of punishment is far more effective in behaviour change than increasing the severity.39

Do we need more support for offenders?

In the Cambridge Somerville youth study a group of 506 juvenile delinquents was randomly split into treatment and control groups.40 The treatment group was given access to counselling, academic tutoring, extracurricular activities, summer camps, and a range of other programs and supports. The control group had to simply report as required for supervision.

Follow up studies conducted at 10 and 30 years found that the high support treatment group had gone on to become involved in more frequent and serious criminal activity than the control group.

The idea of providing high levels of welfare support to address the causes of crime is appealing, but attention to detail is important. One likely explanation for this result was that the type of support given did not seriously challenge any antisocial thinking. Instead, it focused solely on a welfare approach which both built unrealistic expectations about their own entitlements (possibly increasing antisocial thinking) and made the juveniles dependent on the program.

To be effective, offender support needs to challenge anti-social behaviours, promote pro social alternatives, and build self-efficacy.41

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36 Anderson (2002)
37 For example, Smith et al (2002), Petersilia (2003). However, see also Poynton & Weatherburn (2013) for research which indicates longer sentences can be more effective than shorter ones when applied to community based sanctions.
38 Anderson (2002)
40 McCord (1992)
41 See for example Trotter (2015) for a summary of the contemporary evidence on intervention techniques.
PERFORMANCE MEASUREMENT

The integrity of day to day service delivery is an essential part of being effective in reducing the impact of crime.\(^4^2\)

For example, the Canadian ‘Black Box’ study found that supervision was ineffective not because the supervision model prescribed by policy was flawed, but because probation officers simply did not adhere to it on a day to day basis.\(^4^3\)

Getting a balance between the content of intervention (quality) and how often and how quickly it is delivered (quantity) is necessary for program integrity. Focusing on one at the expense of the other is not effective.

For example, consider if any of the following are likely to be effective:

- An offender attends an interview for 5 minutes every week to report that there have been no changes.
- Interviews for a high risk offender are thorough and target the correct needs, but are infrequent and irregular.
- A comprehensive case plan completed a month late; by when 40% of high risk offenders are back in custody.
- A case plan completed within a week that doesn’t address any of the offender’s needs.

The matrix below shows some of the potential implications for quality and quantity. These are assessed in Community Corrections by the Standards and Key Performance Indicators (KPIs), respectively.

<table>
<thead>
<tr>
<th>Quality and quantity</th>
<th>Quality but no quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Standards and KPIs both met)</td>
<td>(Standards met but not KPIs)</td>
</tr>
<tr>
<td><strong>Risk assessments are timely and accurate</strong></td>
<td>Risk assessments are accurate but delayed</td>
</tr>
<tr>
<td>- Offenders receive the correct level of service from the start of supervision</td>
<td>- Level of service is incorrect during early (and most critical) stages of supervision</td>
</tr>
<tr>
<td><strong>Case plans are comprehensive and up to date</strong></td>
<td>Case plans are comprehensive but outdated</td>
</tr>
<tr>
<td>- Sound intervention plans in place from the start, and are maintained during supervision</td>
<td>- Intervention strategies have no accountability in implementation.</td>
</tr>
<tr>
<td><strong>Interviews are regular and focused</strong></td>
<td>Interviews are focused but irregular</td>
</tr>
<tr>
<td>- Intervention is targeted and appropriate, and at sufficient frequency to effect change</td>
<td>- Intervention is targeted and appropriate but too infrequent or irregular to be effective</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quantity but no quality</th>
<th>No quality and no quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>(KPIs are met but not Standards)</td>
<td>(KPIs and Standards not met)</td>
</tr>
<tr>
<td>Risk assessments done quickly but inaccurately</td>
<td>Risk assessments are inaccurate and delayed.</td>
</tr>
<tr>
<td>- More likely that some offenders will receive the wrong level of service</td>
<td>Case plans are superficial and outdated.</td>
</tr>
<tr>
<td>Case plans are current but superficial</td>
<td>Interviews are irregular and superficial.</td>
</tr>
<tr>
<td>- Key risk factors omitted, responsivity principle neglected, unlikely to be effective</td>
<td></td>
</tr>
<tr>
<td>Interviews are frequent but superficial</td>
<td></td>
</tr>
<tr>
<td>- Lots of offender contact but no targeting of appropriate needs.</td>
<td></td>
</tr>
</tbody>
</table>


\(^{4^3}\) Bonta et al (2008)
THE IMPACT OF CRIME ON THE COMMUNITY

What is the impact of crime?

Crime has an impact on the community in many different ways. These include but are not limited to:

- Trauma to victims, their families and friends
- Feelings of lack of safety in the broader community
- Financial cost to persons and property
- Experience of imprisonment for offenders
- Impact on families and children of offenders who are imprisoned
- Financial cost of maintaining police, courts, and corrections
- Health and social costs
- Cost of insurance premiums and other risk mitigation strategies

The estimated net economic cost of crime in Australia is $47.5 billion. Of this, around one third is the cost of maintaining the criminal justice system.

Other indirect impacts extend from the fact that the criminal justice system is paid for by the taxpayer. This means that if the cost of crime (whether due to increased police, gaols, or other factors) increases, funds available for other public services such as health and roads may be reduced.

Different offences also have significantly different impacts. A serious sexual assault or homicide will cause significantly more harm to both the people directly affected and the wider community than a traffic violation.

The average estimated economic cost of a homicide is $2.7 million per offence.

The average estimated economic cost of a theft from a retail store is $96 per offence.

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44 See for example Graycar (1997), Mayhew (2003), Smith et al (2014)
45 Smith et al (2014)
What is the community?

Public and political sentiment tends to view ‘criminals’ as distinct from ‘the community’. In other words, the community consists of everyone who is not a criminal.

Nonetheless, a large proportion of the community have committed a crime at some point, including current police officers and politicians.\(^{46}\) Even most of the more serious offenders who go to gaol will eventually live back in the community. Failing to recognise this can unnecessarily stigmatise offenders and undermine efforts at reintegration.\(^{47}\)

- Over 100,000 persons receive criminal convictions each year in NSW. Around 10,000 receive imprisonment.\(^{48}\)
- 10% of all persons born in NSW in 1984, and 15% of males, had at least one criminal conviction by age 21.\(^{49}\)
- 29% of all Australian adults admit to illegally downloading copyrighted material, with 54% of young adults (under 25) admitting to doing it on a regular basis.\(^{50}\)
- 42% of all Australians have admitted to trying illicit drugs, with 15% having used within the previous 12 months.\(^{51}\)

To put this in perspective, this equates to around 1.1 million people who have recently used illicit drugs in NSW alone. Less than 0.01% (one hundredth of one percent) of these people will commit offences which result in a prison sentence.

Reducing the impact of crime

Reducing reoffending is a key strategy for reducing the impact of crime, not all of equal relevance to Community Corrections. These include:

- Ensuring that community perception is informed by fact rather than myth.
- Educating the community to improve confidence and understanding of criminal justice systems.
- Using resources efficiently to minimise taxpayer cost and maximise benefit.
- Support services to assist victims and their families.
- Using the least restrictive strategies for reducing risk without compromising safety.

As cost of intervention is itself an impact, the cost of the intervention should be considered against the benefit. For example, the cost of providing intensive supervision to a low risk offender may exceed the potential benefit.

Some contributors to the impact of crime are difficult to control. Sensationalist media reporting can have an adverse impact on community perception of safety, as well as encourage populist government responses to crime which are more likely to make the problem worse.\(^{52}\) It is important to recognise that this can occur regardless of how effectively Community Corrections does its job, and to be aware of this rather than influenced by it.

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\(^{46}\) Approximately one in every 40 serving police officers in NSW has a criminal conviction (Fife-Yeomans, 2014), as well as NSW politicians, including the leader of the NSW Labour party (Gerathy, 2015).


\(^{48}\) NSW Bureau of Crime Statistics and Research (2015)

\(^{49}\) Hua et al (2006)

\(^{50}\) Intellectual Property Awareness Foundation (2014)

\(^{51}\) Australian Institute of Health and Welfare (2014)

\(^{52}\) Halstead (2015), Lee (2007)
WHAT DOES SUCCESS LOOK LIKE?

Good case management skills are about managing people, not statistics. Even so, using statistics and research is important in understanding what approach to managing people works best. This means setting small goals and realistic expectations for the officer and the offender. Change is not easy for any established pattern of behaviour, whether smoking, poor diet or lack of exercise, and offending is no different.

**JOHN**

**Assessed risk level (LSI-R):** High

**Criminal history:** Extensive over 10 years. Robbery, assault, theft.

**Criminogenic factors:** Impulsivity, poor empathy, criminal peers, drug abuse.

**Compliance with supervision:** Poor; long history of breaching for non-compliance.

John commences supervision. Before long he starts using drugs and is given a warning. He is directed into a new cognitive skills program, and successfully completes it. 2 years later he has managed to avoid further contact with police, and is on a disability pension in stable accommodation.

We have 100 new high risk offenders just like John. Usually 90 out of every 100 reoffend within 2 years. All the offenders did the new program and this time 80 of them reoffend. Is this a success?

**PETE**

**Assessed risk level (LSI-R):** Medium low.

**Criminal history:** Minimal. Drink driving and one prior drug possession.

**Criminogenic factors:** Alcohol abuse.

**Compliance with supervision:** Good; reports when required and follows direction.

Pete commences supervision. He is generally compliant and wants to do the right thing. He is referred to the same cognitive skills program as John. 2 years later he has managed to avoid any further contact with police, is employed and living in stable accommodation.

We have 100 new medium-low offenders just like Pete. For offenders like Pete 15 of every 100 will normally reoffend within 2 years. The same program is delivered to all the offenders in this group and 20 reoffend. Is this a success?

Which group was the most successful? Although most of Pete’s group did not reoffend, they became worse after completing the program than they were before. For John’s group there was a significant improvement after doing the program, even though the majority reoffended.

These sorts of effects across large groups are very difficult to judge when looking at individual offenders or even individual caseloads. Either John or Pete could have been amongst those individual cases that reoffended in each group, but it would not have changed the success or failure of the group overall.

A single Community Corrections officer is likely to come across fewer of the high risk offenders like John, although they will work a lot more intensively with them, and a lot more of the lower risk offenders like Pete. They may not have personally seen any successes from the high risk group. Without knowing the outcomes for all 200 offenders it would be easy to come to the conclusion that the program failed for the high risk group and succeeded for the lower risk one.

Even with a large reduction in offending, for a high risk group most will reoffend
DIFFERENT WAYS OF DEFINING SUCCESS

When managing offenders with complex needs and a high risk of offending, focusing on small steps is an important strategy. Setting realistic expectations and working to achievable goals can help to avoid either the officer or the offender becoming too pessimistic.

You cannot stop offending for one year until you have stopped it for one month.
You cannot stop offending for one month until you have stopped it for one week.
You cannot stop offending for one week until you have stopped it for one day.

When managing individual offenders the significance of these small gains can be easy to overlook. Delaying reoffence by one month or one week may not seem like much of an improvement, but small successes with one offender can add up when repeated across a larger population. Also remember that learning requires repetition; even if it doesn’t work this time, the intervention done with an offender may mean that a better outcome is more likely next time.

What would happen if the same outcome was repeated with 5,000 offenders? ⁵³

- 96 fewer offenders in custody at any one time
- 96 fewer victims each year
- 5000 fewer victims each year
- 416 fewer offenders in custody at one time
- 416 fewer victims each year
- 1,250 fewer offenders in custody at one time
- Over $90 million saved in cost of prisons alone

⁵³ All figures are derived mathematically to illustrate the principle. For example, 7 days x 5,000 equals 35,000 days spent in custody if 5,000 offenders were inside for one week each. 35,000 divided by 365 gives 96, which is the average in custody on any given day. Note that using the same basic logic, 96 fewer offences (and therefore victims) would occur during that year.
CHANGING BEHAVIOUR

Perhaps the most significant role that Community Corrections can play in reducing the impact of crime is in changing offending behaviour. The main strategies that can be undertaken to achieve this goal are as follows.

### Intervention by the Community Corrections officer

Intervention by the Community Corrections officer involves interviews using motivational and cognitive behavioural techniques to get offenders to change their behaviour. When the right techniques are used it can be one of the most effective interventions available. Unlike other services which may be focused on goals such as improving offender health and wellbeing, the officer will be working to address links between the problem (eg drugs, aggression) and the offending behaviour.

**Advantages**
- Targets offending behaviour and its causes, welfare is not a priority unless linked directly to offending
- Can be delivered at every supervision contact, from the very start of the order
- Does not require lengthy interviews, intervention can be short and sharp (ie 15-25 mins)

**Disadvantages**
- Requires more effort to keep interviews focused, challenge the offender and work on anti-social attitudes

### Programs

Programs generally involve the same principles as intervention by a Community Corrections officer, but in a more structured groupwork environment that provides a different dynamic.

**Advantages**
- Efficiency gains from providing intervention to multiple offenders at once
- Group dynamic can mean offender is challenged by peers, rather than just by authority figures

**Disadvantages**
- Often a delay from the start of the order to when the offender can start the program
- Not all offenders will be comfortable in a group environment
- Suitable programs not always available at all locations

### Referral to other services

A wide range of government and non-government services exist to provide numerous services targeting issues such as mental health, housing, drug and alcohol abuse and various other needs.

**Advantages**
- The Community Corrections officer does not have the time or resources to manage every need
- Can be referred to quickly for any needs, whether criminogenic or not
- Provides additional ‘dosage’, meeting the higher level of intervention needed for high risk offenders

**Disadvantages**
- Services are not always available, or are unwilling to work with certain offenders
- Services are often focused on the welfare of the offender, not the offending
- Does not replace intervention which is focused on offending (eg linking drugs to criminal behaviour)
WORKING WITH OTHER SERVICES

Directly taking on either of the police or welfare roles can skew the balance needed to effectively undertake the role of a Community Corrections officer. However, having a positive working relationship with police and other service providers who do undertake these roles is necessary for effective management that covers all aspects of offender welfare, reduced reoffending, and community safety.

Working with Police and intelligence services

Cooperation with police and Corrective Services intelligence (CIG) can provide the officer with useful information to inform supervision, as well as providing information that assists those agencies to do their jobs more effectively.

A positive and cooperative working relationship with local police is important, but the boundaries must be maintained particularly when dealing directly with offenders. To maintain a working relationship with the offender it is important that they understand the different roles.

Where there are significant concerns or indicators regarding safety of the offender, other individuals or the community, police should be engaged. Similarly, liaison with police can assist with obtaining behavioural information that may be of use in challenging the offender, assessing the risk presented by an offender or the need for breach or further intervention. For example, the offender may be reporting positive progress but police report that they have responded to incidents where the offender was intoxicated or aggressive.

Providing information to police and CIG can also assist in more effective policing. It is not the role of Community Corrections officers to investigate possible new offending, but during the course of routine home visits, offender interviews and liaison with other third parties relevant information may come to light that generates concern. This information can particularly assist intelligence services to build a bigger picture of criminal networks and activities that would otherwise not be possible from looking at any individual offender on their own.

Working with other services

Community Corrections does not have the resources to deal with all of an offender's needs, and must retain a focus on reducing offending. Nevertheless, the offender will still need to address their own wellbeing and welfare. Further, some offence related needs will be able to be addressed by other agencies.

Other services include government agencies such as Family and Community Services, Health, Housing and non-government organisations such as youth workers, family support workers, employment agencies, alcohol and other drug counsellors. Offenders are able to access these as members of the general community.

Particularly for more complex offenders, an understanding of the order requirements and caseplan goals by other agencies can assist in reinforcing the goals where needed, avoid duplication, and provide a different perspective for working with the offender. Of particular benefit, setting up services through other agencies can also assist in continuing to provide support after the order has finished.

It is important to remember that, similar to the relationship between Community Corrections and police, other service providers are there to work with the offender and not to enforce the legal order. Their aims and objectives will similarly differ at times from those of Community Corrections. Other agencies will often have more of a person centred approach to the individual rather than consideration of broader community safety or legal compliance. At times this can also mean reluctance to work with offenders who are resistant and do not want treatment, or who have histories of more serious violent or sexual offending.
ADMINISTERING ORDERS

All of the activities undertaken by Community Corrections are governed either directly or indirectly by legislation and orders of the court. While behaviour change is the primary focus of intervention, the Community Corrections officer also needs to ensure that the order is being complied with and that appropriate action is taken when there is either a significant / reportable breach or the risk to community safety becomes unacceptable.

Balancing these demands and deciding when and how to act entails a great deal of professional judgement, particularly since high levels of condition enforcement do not influence reoffending.\textsuperscript{54} Even where a breach of conditions needs to be reported, how the officer manages the situation can have a significant bearing on the recommendations made to the court or releasing authority.

For example, a parole order prohibits drug use. The officer may be mandated by policy to report a breach upon discovering the offender has used.

However, depending on what other risk factors are present the manner in which the officer responds to the breach at a case management level could mean the difference between the order being revoked and the court or parole authority allowing supervision to continue.

- The officer ceases to work with the offender and recommends revocation. The offender makes no progress in addressing their drug use, and the parole authority will have no option but to revoke.
  
  OR

- The officer continues to work with the offender to address the drug use and implements strategies which may allow the parole authority to consider either a formal warning or no action.

What is a reasonable direction?\textsuperscript{55}

A common condition on many community orders is to comply with reasonable directions of a supervising officer. This is a very broad condition which is not clearly defined in legislation, and gives a large amount of discretion to the supervising officer. What is reasonable for one offender may be unreasonable for the next. It should be considered with regard to the following:

- Is it related to risk of offending or to community safety?
- Is it consistent with the other conditions of the order or the intent of the court?
- Is it consistent with the offender’s current or recent criminal history?
- What would happen if the offender did not comply? Breach, warning, or nothing?
- Is the offender capable of complying?
- What is the impact on the offender, as compared to the impact if they do not comply?
- Are there any reasonable alternatives that would achieve the same outcome?
- Are there any legislative or policy requirements that require the direction to be issued?

- Would you be comfortable explaining why you gave the direction?


\textsuperscript{55} Reasonable direction is not defined in legislation or well defined in the common law. It is taken to have its ordinary meaning.
The purpose of a case plan is to provide a clear framework for the management of an offender, with a focus on reducing the risk of reoffending and its consequences. The case plan outlines key risk factors and intervention strategies, provides a means to keep supervision focused on criminogenic need, and maintains accountability.

What a good case plan should look like:

**Structured and realistic**
Case plans must be based on the best practice principles of risk-needs-responsivity, and provide a structured, realistic and practical guide to the case management of an offender. This should include attention to the responsivity principle, ensuring that the intervention and monitoring strategies identified are appropriate for the offender.

**Clear and concise**
A good case plan is clear and concise, provides a synopsis of an offender’s relevant risks, needs, responsivity issues, strengths, and legal obligations, and clearly identifies appropriate casework steps to address these.

**Appropriate to the type of risk**
The case plan must be underpinned by a sound assessment of the offender’s risks and factors contributing to offending, using verified information where possible and practicable. The plan must be commensurate with the level and type of risks identified. High risk / high consequence offenders demand more detailed plans and intensive intervention and monitoring, while low risk / low consequence offenders require less detail and minimal intervention and monitoring.

**Able to be used by anyone**
The case plan should be able to be easily and clearly understood by any staff member, whether in the community or in custody, who may come into contact with the offender. The case plan must always reflect the offender’s current circumstances and strategies, to allow any staff member to utilise it as required.

**Involve the offender**
The offender should be involved in the development of the plan where possible, and have an awareness of their responsibilities within the plan. The offender should also be involved in reviews of the plan, to provide feedback on progress and areas for improvement.

**Relevant to custody and community**
The key principles of a case plan should be the same whether it is developed for an offender in the community or in custody. The main differences relate to the environment in which the offender is being managed.

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56 This section adapted from the Guide to Case Plans, which sets out the policy requirements for case plans
Case plan structure

The key components of a case plan are factors, goals and steps.

- **Factors** identify key risks, needs, responsivity issues, strengths and legal obligations
- **Goals** identify the objectives to be achieved by case management
- **Steps** identify the specific strategies to be used to achieve goals / manage risks

Casework steps must identify the specific strategies to be utilised to achieve goals and manage identified factors. These strategies may include but are not limited to:

- Referrals to services or programs.
- Employment or education related activities.
- One to one work with the offender through reporting or home visits.
- Working with the offender’s family / partner or other supports.
- Monitoring and information verification through contacts with police and other third parties.

If an offender is already engaged in a particular strategy at the time of plan development, for example, counselling or pharmacotherapy, this must be reflected in the plan.

Casework steps must be practical and realistic, taking into consideration:

- The overall level of risk and consequences.
- The offender’s personal resources and responsivity.
- The offender’s family and community resources.
- Resources available to the supervising office / correctional centre.
- Any overriding restrictions such as security, AVOs etc.
- Community and government agency service provision.
- Treatment programs available.
- Available time on the order / sentence.

The purpose of each casework step should be clear. For example, if an offender is required to report to the office it should be clear as to what the focus of interviews will be, rather than simply indicating how frequently they will be conducted. This might include challenging criminal thinking and attitudes, monitoring order compliance or changes in risk factors, or modelling pro social behaviour, but should be adapted to suit the specific offender.

Steps should be realistic, time framed and measurable wherever possible and appropriate to do so. This enables progress against the plan to be evaluated during reviews, keeping supervision focused and accountable.
RISK, NEEDS, RESPONSIVITY AND CONSEQUENCES
## RISK

The risk principle is the first component of Risk-Needs-Responsivity (RNR) which is one of the most researched and validated models for reducing reoffending. The risk principle states that interventions to reduce reoffending will be most effective when delivered to those offenders who are at highest risk.\(^{58}\)

Although offenders are often described as high risk or low risk, it is more accurate to say that the individual has characteristics that place them in a group with a certain probability of reoffending. Overall reoffending predictions for the group are generally very accurate, but it is not possible to identify which specific individuals will or won’t reoffend.

### The graphic to the right illustrates the difference between a group of high risk offenders and a group of low risk offenders before program intervention. This represents the average rate of reoffence over 2 years.

<table>
<thead>
<tr>
<th>Low risk group</th>
<th>High risk group</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Image" /></td>
<td><img src="image2.png" alt="Image" /></td>
</tr>
</tbody>
</table>

Notice that both groups contain individuals who will offend and those who will not, but in very different proportions.

Would an effective intervention be more likely to reduce offending overall if delivered to the top or bottom group?

### Why we work with high risk offenders

The risk principle states that intervention must be targeted to offenders at highest risk of offending. If we have 100 offenders with characteristics that place them in a high risk category, we can be fairly certain that around 90 of them will reoffend unless something is done. Although we don’t know exactly which 90, and so have to give treatment to everyone, we can be fairly confident that most of the people in this group who are given treatment will benefit. There is significant research to support the targeting of medium to high risk offenders as being effective in reducing offending.\(^{59}\)

### Why we don’t work with low risk offenders

If we have 100 offenders with characteristics that place them in a low risk category, we know that around 10 of them will reoffend. The problem is that we do not know which 10 specific individuals. In order to provide intervention to the 10 out of 100 who will reoffend, it also has to be provided to the 90 who won’t. If the intervention we use provides a 10% reduction in reoffending, then a 10% reduction amongst those 10 offenders is only one. In sum, we have to provide treatment to 100 offenders to prevent a single reoffence. Even more importantly, providing treatment to low risk offenders who don’t really need it can elevate risk and make things worse.\(^{60}\)

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\(^{58}\) Andrews & Bonta (2015)


Using risk assessments

In order to assess which offenders require intervention and which do not, a thorough risk assessment of each offender is needed. If the assessment is not correct, then the wrong level of intervention may be provided.

CSNSW uses the Level of Service Inventory – Revised (LSI-R) and other specialised risk assessment instruments (e.g., Static-99R, Stable-2007) to assess risk of reoffence. These assessments are well established as reliable predictors of risk, but they require the information in the assessment to be accurate and up to date, and to be consistently interpreted.

A common error, particularly in high profile cases, is using confirmation bias by looking at the case of an individual low risk offender who does reoffend as ‘proof’ that the assessment was wrong. By definition, if low risk means a 10% chance of reoffence then 10 out of every 100 individuals are expected to reoffend. There should be no surprise when it happens. Likewise, we expect 10% of high risk offenders will not reoffend.

The value of using actuarial assessments applies equally in areas such as medicine, economics and other skilled professions associated with making judgements about long term probabilities. A reason people often believe they can make better predictions is confirmation bias and the use of hindsight; they notice their successful predictions and underestimate how often they make incorrect judgements.

Protective factors

While the focus in risk assessment tends to be on the negatives, or what can go wrong, it is important not to neglect the positives. Consider the following questions:

- What is the likelihood of this offender committing a further offence?
- What is the likelihood of this offender maintaining a law-abiding lifestyle?

These are different sides of the same question, but the word ‘risk’ tends to lead towards thinking about the negative consequences only. Remember to look for factors that may assist in preventing reoffence, and incorporate these into management strategies as well. These factors may be positive (or protective) things which give the offender incentives to avoid offending, such as a job, supportive family, or stable accommodation. Acknowledge and reinforce these factors, and be especially careful that any other strategies do not interfere with them unless justified by the risk. For example, weigh up the need to speak with an offender’s employer with the possible impact on the offender’s employment.

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64 Kahneman (2011)
The needs principle specifies that case management should focus on an offender’s risk factors that directly relate to the offender’s criminal behaviour. Risk factors that are directly linked to criminal behaviour are commonly referred to as criminogenic needs. It is important to note that criminogenic needs will not be the only needs an offender has, rather, they are the factors that most directly lead to offending behaviour. The needs principle ensures resources are targeted on reducing offending, as opposed to meeting other needs which may fall outside of the scope of criminal justice intervention.

Although each case will be unique, some criminogenic needs are more common and provide stronger prediction of reoffending than others. The table below shows 8 of the most significant criminogenic factors identified through the research. A larger correlation coefficient means the factor is more strongly associated with risk.

<table>
<thead>
<tr>
<th>Criminogenic need</th>
<th>Correlation with offending</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>History of anti-social behaviour</td>
<td>.25</td>
<td>Lengthy criminal history</td>
</tr>
<tr>
<td>Antisocial personality pattern</td>
<td>.25</td>
<td>Impulsive, adventurous pleasure seeking, restless aggressive and irritable</td>
</tr>
<tr>
<td>Pro-criminal attitudes</td>
<td>.27</td>
<td>Rationalisations for crime, negative attitudes towards the law</td>
</tr>
<tr>
<td>Social supports for crime</td>
<td>.28</td>
<td>Criminal friends, isolation from pro-social others</td>
</tr>
<tr>
<td>Substance abuse</td>
<td>.18</td>
<td>Abuse of alcohol and/or drugs</td>
</tr>
<tr>
<td>Family/marital relationships</td>
<td>.18</td>
<td>Inappropriate parental monitoring and disciplining, poor family relationships</td>
</tr>
<tr>
<td>School/work</td>
<td>.13</td>
<td>Poor performance, low levels of satisfactions</td>
</tr>
<tr>
<td>Lack of pro-social recreational activities</td>
<td>.21</td>
<td>Lack of involvement in pro-social recreational/leisure activities</td>
</tr>
</tbody>
</table>

The strongest predictors of criminal behaviour from the above table are pro-criminal attitudes and pro-criminal associates. These have stronger associations with offending than factors such as substance abuse, dysfunctional families and accommodation, which tend to be viewed as more ‘obvious’ causes of crime.

This is especially relevant for Community Corrections, because most external services focus on addressing these other factors, and do not target the underlying attitudes which contribute most to offending.

For example, drug treatment programs that utilise risk-needs-responsivity principles are effective in reducing crime; even if they don’t reduce drug use by the same amount. It is not necessarily the drugs themselves that cause the crime, but the underlying anti-social cognitions that lead to both the crime and the drug use.

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65 Andrews & Bonta (2015), correlations averaged across 8 separate meta-analyses; note that the correlation for recreational activities is only based on one meta-analysis.
66 Prendergast et al (2013)
Assessing needs

The identification of needs commences at the time an offender’s risk of re-offending is being assessed. The results of the LSI-R can assist in identifying needs which contribute to overall risk, but do not provide an analysis of how these factors contribute to the offending. Using LSI-R domain scores, despite being recommended in some of the assessment literature, only identifies factors which have a correlation to offending in general. It does not establish causation between the item scored and the criminal behaviour for that individual.

Undertaking an exercise such as offence mapping early on can provide a sound basis for identifying criminogenic needs. Offence mapping is detailed further on in the Handbook (page 54), and provides a means of exploring the contributing factors leading up to an offence as well as overarching lifestyle and cognitive factors. Using the factors identified through the offence mapping process should give a good foundation for determining appropriate intervention needs.

Non Criminogenic Needs

Other needs such as poor feelings of self worth, anxiousness, physical health, or any others not directly related to offending (which may at times include factors like drug use – see below) may also require assistance. Any intervention in these areas should not be at the expense of intervention with criminogenic needs, and should wherever possible be managed through referral to other services. Some non-criminogenic needs may be more closely related to responsivity.

Over 70% of offenders managed by Community Corrections have recent substance abuse issues.67

<table>
<thead>
<tr>
<th>Drugs lead to crime.</th>
<th>Crime leads to drugs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The association between drugs and alcohol and crime is very well established.68</td>
<td>Not all research supports the hypothesis that drug use causes criminal behaviour.</td>
</tr>
<tr>
<td>A large majority of offenders managed by Corrective Services in custody and in the community have histories of substance abuse.</td>
<td>Underlying factors such as risk taking and anti-social attitudes may be a common cause for both offending and drug use.70</td>
</tr>
<tr>
<td>Drug use contributes to a range of behaviours, including acquisitive crime in order to finance addictions, and behavioural problems such as heightened aggression and reduced inhibitions.69</td>
<td>Offending can precede drug use, particularly in violent or predatory offenders.71</td>
</tr>
<tr>
<td>It also contributes to often harmful illicit activity connected to drug manufacture and supply.</td>
<td>Recall that over 1.1 million people in NSW have recently used illicit drugs; more than 10 times the number of people convicted of offences in the same timeframe, and 40 times the number sentenced to management by Corrective Services.72</td>
</tr>
</tbody>
</table>

67 Van Doorn & Jayawardena (2013)
68 Payne & Gaffney (2012), Nordstrom & Dackis (2011),
71 Gordon et al (2004), Faraboe et al (2001), Hergamin et al (2004). Also consider that since possessing illicit drugs is an offence, the individual must by definition commit an offence prior to their using drugs. For instance, the average person with pro-social attitudes is unlikely to take up methamphetamine use on a whim.
RESPONSIVITY

The responsivity principle is perhaps the least understood component of the Risk-Needs-Responsivity model. Responsivity is simply about creating strategies to get the best response on the part of the offender. This involves matching the delivery of services to the ability and learning style of the offender, as well as considering logistical, cultural and socioeconomic factors that may influence engagement with interventions.\(^{73}\)

When all three elements of risk, need and responsivity are implemented, reductions in reoffending of almost 40% can be achieved, compared to just over 20% when only risk and needs are implemented alone.\(^{74}\)

Responsivity has two components: general and specific responsivity.

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**General responsivity**

Intervention should be structured and underpinned by a cognitive behavioural approach. This is the most effective means of achieving behaviour change.

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**Specific responsivity**

Intervention should be based on an offender’s strengths, their ability and their motivation, as well as their personality and bio-social characteristics. In practice, intervention should be individualised by building on an offender’s strengths and removing any barriers that may impact on an offender being able to participate in intervention.

In addition to the application of the general responsivity principle, intervention with each offender should be adapted to suit that offender’s individual characteristics. This is applying the specific responsivity principle.

Characteristics that may affect intervention include:\(^{75}\)

- Offender motivation to change.
- Level of rapport with the supervising officer.
- Psychological characteristics (eg mental disorder, anxiety, intelligence).
- Biological variables (race, gender).
- Cultural and social factors (eg Indigenous, distrusting of authority, attitudes towards women).
- Learning style.
- Environmental and economic factors (eg access to transport, housing).

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\(^{73}\) Melton et al (2014)  
\(^{74}\) Andrews & Bonta (2007)  
\(^{75}\) Cohen & Wetzel (2014)
Examples of responsivity in practice

Responsivity includes being aware of communication and learning styles. If the offender has limited verbal skills and a concrete style of thinking then intervention should ensure that abstract concepts are kept to a minimum and there is more behavioural practice than talking.

Mental health is often associated with offending but by itself is more closely associated with responsivity than as a risk factor in its own right. An offender’s ability to function in interviews or during a group program will be affected if they are anxious, depressed, or psychotic. This doesn’t mean that work can’t be done on offending issues, but that appropriate treatment strategies and sensitivity to the symptoms is needed.

Although often not well understood conceptually, responsivity can also be very simple. For example, sending a reminder SMS, e-mail or making a phone call prior to appointments can assist with offenders who have poor time management. Similarly, being flexible around reporting with offenders who have child care or work commitments can also help offenders remain compliant and keep supervision focused.

Assessing an offender’s characteristics and considering these when developing a case plan is just as important as assessing risk and identifying criminogenic needs.

If a particular intervention does not fit an offender, it may be necessary to either find an alternative or implement strategies to try and improve the likelihood of success. Often it will not be possible to find the perfect fit for an intervention, so some compromise will need to be made to find the best option.

The components of case planning that are most relevant to responsivity include:

- Involve the offender in developing the case plan
- Ensure the strategies are realistic and achievable

Responsivity is also an important part of ongoing contact with an offender. The appropriate way of interacting with an offender may change in every interview depending on the offender’s mood, motivation, and factors such as relationships, accommodation, mental health, and any recent drug or alcohol use. Being aware of and adapting to these changes as they occur will assist in keeping the offender engaged.

Skills and theoretical models such as motivational interviewing and the Good Lives Model (both detailed on pages 58 and 69 respectively) are predominately focused around engaging with offenders in a way that is meaningful and productive to them, and can provide useful tools to achieve this.

Managing responsivity

What constitutes a risk factor and a responsivity factor will vary from offender to offender.

For some offenders substance abuse may be more closely related to responsivity, and their ability to function to engage in other interventions, than to directly causing their offending behaviour.

Remember that responsivity is a means to an end. The key purpose of responsivity is to get the offender to effectively engage with their risk factors. The specific strategy is not as important as ensuring the risk factor is addressed effectively.

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76 Petersen et al (2014), Skeem at al (2014), Prins et al (2015); Similar to drug use the relationship can be complex, however other criminogenic factors have stronger predictive value than mental illness. In other words, it is when factors such as anti-social attitudes are combined with mental illness that offending is more likely.
Consequence is significant in terms of monitoring offender compliance and looking for any changes to the risk level. When working with limited resources, it is far more important that priority is given to regularly checking information for a high consequence offender, as compared to an equivalent risk but low consequence offender.

Consider the following:

<table>
<thead>
<tr>
<th>Medium risk offender</th>
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</thead>
<tbody>
<tr>
<td>Medium risk offender on parole</td>
</tr>
<tr>
<td>Medium risk offender on parole for violent offences</td>
</tr>
<tr>
<td>Medium risk offender on parole for violent sexual offences</td>
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<tr>
<td>Medium risk offender on parole for violent sexual offences against children</td>
</tr>
</tbody>
</table>

In each case the risk in terms of the likelihood of reoffence has been assessed as the same. About half of all medium risk offenders can be expected to reoffend. Clearly there is another important dimension, namely the potential consequences of that offending.

Note that consequences are not just limited to the risk of harm to others, but also to the offender and to community confidence. For example, the consequences associated with breach of a parole order are more significant than for breach of a good behaviour bond.

The consequences of offending do not alter the basic strategy for intervention, using the Risk-Needs-Responsivity principles. In other words, the principles of effective intervention do not change because the offence is more serious.

**Intervention vs monitoring**

One way of thinking about this is to look at similar offences such as drink driving and drink driving occasioning death.

In each of these cases the behaviour of the offender may be exactly the same; they got into their car after drinking too much and attempted to drive home. The first was picked up by police and the second crashed; neither of which was an outcome that was planned by the offender.

The behaviour that needs to be changed is getting into the car whilst intoxicated, not the act of crashing. The intervention for both offenders should subsequently be targeted at the same action. However, the latter offender will most likely have received a custodial sentence and be subject to parole, whilst the former will more likely have a good behaviour bond.

The consequence of a breach of parole is far more likely to result in a return to custody for the offender. Community expectation around management of someone who has caused a death and is on parole is also much higher. The ongoing management of the parolee needs to be more rigorous in terms of checking compliance and monitoring for any changes, even though the intervention strategy is the same.
In summary, the Risk, Needs, Responsivity model underpins the supervision model employed by Community Corrections. The table below provides an overview of the practical application of the model.

<table>
<thead>
<tr>
<th>Principle</th>
<th>What it does</th>
<th>What it means</th>
<th>Tools to use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk</td>
<td>Who to intervene with</td>
<td>Spend more time working with medium to high risk offenders. Minimise time with low risk offenders; refer elsewhere if possible.</td>
<td>LSI-R Static 99 Sex Offender Supervision Assessment</td>
</tr>
<tr>
<td>Needs</td>
<td>What to target</td>
<td>Ensure interventions are targeted to address factors which lead to offending. Non offending related needs to be dealt with by referral.</td>
<td>Offence mapping LSI-R domains</td>
</tr>
<tr>
<td>Responsivity</td>
<td>How to intervene</td>
<td>Ensure the interventions being used are suitable for the individual offender. Work to motivate and engage the offender.</td>
<td>Motivational interactions Cognitive behavioural intervention Look at past success and failures Involve the offender in their own plan</td>
</tr>
<tr>
<td>Consequences</td>
<td>Who to monitor</td>
<td>The most serious offenders receive the most checks. Monitor risk factors more closely but keep intervention aligned with risk level.</td>
<td>Community Impact Assessment</td>
</tr>
</tbody>
</table>
Using the model to determine supervision levels

Risk, Needs, Responsivity and consequences are used to govern service delivery levels for supervised offenders. The risk and consequences for an offender are put together into a risk matrix, with the type and level of supervision being commensurate with the nature of the risk. The table below shows how these concepts fit together.

<table>
<thead>
<tr>
<th>Consequences of reoffending or breach (CIA)</th>
<th>High consequence</th>
<th>Moderate consequence</th>
<th>Lowest consequence</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Monitoring</td>
<td>Low monitoring</td>
<td>Moderate monitoring</td>
<td>Lowest monitoring</td>
</tr>
<tr>
<td>Low Risk</td>
<td>Low intervention</td>
<td>Moderate risk</td>
<td>Moderate risk</td>
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<tr>
<td>Low Intervention</td>
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<td></td>
<td>Lowest intervention</td>
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<table>
<thead>
<tr>
<th>Likelyhood of reoffending (LSI-R)</th>
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<td>Low consequence</td>
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<tr>
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<td>Highest intervention</td>
<td></td>
<td>Moderate risk</td>
<td>Moderate risk</td>
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</tbody>
</table>
The Risks, Needs, Responsivity and consequences model and its tools are not perfect, and have limitations. However, despite the limitations, the model is one of the most robust available. Being aware of the limitations assists in using the model more effectively.

- Actuarial tools are reliant on data which may not always be representative of actual behaviour. For example, using convictions may underestimate risk where there is significant undetected or uncharged offending.77
- The cutoffs for risk are not absolute. A low range medium risk offender is only slightly higher in terms of risk than a high range low-medium offender. Distinct cutoff points are simply practical for delineating service levels.78
- The LSI-R could be enhanced through the use of other tools. The return of a slight increase in accuracy needs to be balanced against the additional resources required. Alternately, simple assessments based on simple measures such as number of prior convictions can be almost as accurate as more complex tools.79
- Inter-rater reliability is an issue with some assessment items, ie different assessors don't always score the same information the same way.80
- Actuarial tools can (but not always) at times be less accurate at predicting different or more specialised populations of offenders. For example, the LSI-R is less reliable in predicting reoffending with Aboriginal women, and in predicting sexual reoffending.81
- Consequences are even harder to estimate, because serious consequences are rarer, and have a much lower baseline. Consequence also contains multiple elements that are not always directly related to harm. A serious high profile offender who commits even a relatively minor offence can have major repercussions on the criminal justice system, and therefore on offender management generally.82
- The risk-need-responsivity model has been frequently misapplied and misunderstood, for example, by focusing on the risk component of the model at the expense of needs and responsivity.83
- The needs based approach has also been criticised for its emphasis on negative factors, and for emphasising impact on the community over offender needs and strengths of the offender, in contrast to other models such as the Good Lives Model (page 69).84

Despite these limitations, there is a wealth of research supporting the effectiveness of the Risks-Needs-Responsivity model as the dominant model in offender management. There are no significant studies demonstrating the efficacy of models such as the Good Lives Model, other than as an enhancement of the responsivity principle itself.85 Although other models emphasise other outcomes such as offender wellbeing, the primary point of providing intervention and support for the offender is reducing the impact of their offending on the community. A happy and healthy offender is not necessarily a positive outcome from the criminal justice system perspective if they keep on offending.

77 Sreenivasan et al (2000)
79 Ringland (2011)
80 Austin et al (2003)
81 Watkins (2011), Scottish Executive Central Research Unit (2001)
82 See for example the public and government response to John Lewthwaite's reoffence whilst on parole in 2006, which involved a relatively minor reoffence and resulted in parole revocation, reinstatement of high intensity monitoring, and legislative change.
83 Polaschek (2012)
84 Ward & Maruna (2007)
85 Andrews et al (2011)
Decision Making in a High Risk Environment

WEIGHING UP ALTERNATIVES AND PROVIDING REASONS

Making decisions under conditions of uncertainty with imperfect information is an integral part of working in Community Corrections. Offenders will not always be honest, third parties will not always be forthcoming, and information can be slow to arrive.

Good risk management means making sound decisions. This may mean decisions about a case management strategy, a recommendation in a report, how you interact with an offender, or how you manage your workload.

A SOUND DECISION IS LOGICAL AND CONSISTENT WITH INFORMATION AVAILABLE AT THE TIME

Sound decision making is about acting in a logical and rational manner based on whatever evidence is available at the time, and seeking additional evidence, opinions or advice where necessary (and if possible).

Hindsight can be useful for learning lessons to improve for next time, but is a poor means of judging whether the decision was appropriate at the time it was made. A sound decision is not necessarily one which leads to a good outcome, nor is an unsound decision always one that leads to a bad outcome.

Looking at the decision not the outcome

Consider someone who regularly drives home after a night of heavy drinking. This is obviously a bad decision, yet they will probably on many occasions get home without incident. One night they collide with another car, killing the occupants. The decision to drive on that particular night is no better or worse than the decisions made on the other nights.

On the other hand, another heavy drinker decides to catch a taxi home each night. This is obviously a much better decision. One night the taxi is hit by another car (perhaps our drink driver) and he is killed. It is tempting with hindsight to say that he made a bad decision to get into the taxi, but objectively it was still the right thing to do.

The same logic applies to case management. A bad outcome is not necessarily evidence of a bad decision, nor is a good outcome evidence of a sound decision.

Try to think about why you are trying to solve the problem and what is the most important part of the outcome, rather than focusing solely on the solution. There might be an alternative that achieves the same objective, or a more efficient way that you had not considered.

One way to do this is to look for reasons which might prove your point of view wrong or argue an opposing course of action. Asking for other people’s opinions can be especially helpful for this, whether a supervisor or a colleague.

It is always easier to think of reasons which support what you already think, but seeking alternative views and arguments for doing the opposite will generate much more robust decisions.

SOMETIMES SOUND DECISIONS WILL STILL END UP WITH BAD OUTCOMES
## Framework for decision making

<table>
<thead>
<tr>
<th>Outcomes</th>
<th>What outcome are you trying to achieve?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>What is more important; what happens now, or what happens in the long term?</td>
</tr>
<tr>
<td></td>
<td>What aspect of the outcome is meaningful, and what is just procedure?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Information available</th>
<th>What information do you have to base your decision on?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>What information is necessary to make an informed judgement?</td>
</tr>
<tr>
<td></td>
<td>How reliable is that information?</td>
</tr>
<tr>
<td></td>
<td>If key information is not known, what is a likely worst case scenario?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policy and Legislation</th>
<th>What are the requirements of policy and legislation?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Is there a strict requirement, or some flexibility?</td>
</tr>
<tr>
<td></td>
<td>Are you relying on ‘the way things have always been done’, or sure your knowledge is current and up to date?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Risks</th>
<th>What are you most uncertain about, and what would the consequences be?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>To the community?</td>
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<tr>
<td></td>
<td>To the offender?</td>
</tr>
<tr>
<td></td>
<td>To the organisation?</td>
</tr>
<tr>
<td></td>
<td>To yourself / other staff?</td>
</tr>
<tr>
<td></td>
<td>Now, and in the future?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Action</th>
<th>What course of action best balances all of the relevant risks?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Addressing one risk can mean exacerbating another; consider what the priorities are.</td>
</tr>
<tr>
<td></td>
<td>Use of limited resources; focus on the most important risks.</td>
</tr>
<tr>
<td></td>
<td>Does a quick fix now mean a worse problem later on, or the same problem coming back?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alternatives</th>
<th>What would a different decision mean?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>What is the most likely outcome of doing it differently?</td>
</tr>
<tr>
<td></td>
<td>Is there a better option?</td>
</tr>
<tr>
<td></td>
<td>What would be the most likely outcome of doing nothing at all?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Justification</th>
<th>Could you justify the decision later on if you had to?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>If the outcome was positive?</td>
</tr>
<tr>
<td></td>
<td>Even if the outcome was negative?</td>
</tr>
<tr>
<td></td>
<td>Are the major issues documented?</td>
</tr>
<tr>
<td></td>
<td>Would you be comfortable giving evidence in court if needed?</td>
</tr>
</tbody>
</table>

If unsure, seek a second (or third) opinion. Making a sound decision is not usually about coming up with the right answers, it is about having good reasons. Following policy by rote without thinking things through can result in actions which comply with procedure, but constitute poor risk management.

Decision making in any situations involving potentially serious consequences or controversy should always be done in consultation with supervisors. Seeking advice can also provide alternative angles, further knowledge, and new solutions, and helps ensure the soundness of the decision.

**SEEKING GUIDANCE FROM A SUPERVISOR CAN GIVE SUPPORT TO THE DECISION AS WELL AS PROVIDING AN ALTERNATIVE POINT OF VIEW**
Examples of decision making

Accommodation assessment for an offender being released to parole

- Are there any benefits to this accommodation?
  - Affordability, support, availability?
- What are the risks presented by the accommodation?
  - Are these risks unique to the address or are they likely to be everywhere?
  - Will the risks outweigh the benefits?
  - Can something be done to manage the risks?
- Where is the offender likely to go if this location is found unsuitable?
  - Will that be likely to be better or worse?
  - What if they are refused parole?
  - What needs to happen next to find somewhere else?
  - What will happen if they are released at the expiry of the sentence?
- What would the likely response be if the offender was released to go to a different address and then soon after moved back to the current address without permission anyway?
- What if the offender were to be released and then became homeless a week later?

Breach report recommendation following disclosure of drug use by a parolee

- What attempts has the offender made to address the issue?
  - Did the offender volunteer the information readily, and are they seeking help?
  - What level of intervention is necessary (if any) to manage the drug use?
- How likely is it that the offender would need to commit other offences to support their level of use?
  - How much are they using?
  - What other financial means do they have?
  - What has their pattern been in the past?
- Are there other risks associated with risk of offending because of the drug use (eg violent behaviour)?
- What strategies can be implemented with the offender to address the issue?
- Are there other related issues that led to the drug use, or is the drug use the primary problem?
- How significant a factor has drug use been in his offending behaviour?
- Are they any social supports/strengths the offender could utilise to manage the drug use?
- How will re-entering custody affect the offender?
  - Will accommodation, employment, relationships, etc be affected?
  - How long are they likely to serve (eg near end of sentence)?
  - What will be the prospects if they are released at end of sentence?
  - Will it disrupt any intervention gains made?
- How might the way the breach is managed influence how the offender responds to supervision in the future?
- Is further information available (eg. from police, service providers, family, employers, records)
MAINTAINING INTEGRITY AND TRANSPARENCY

A Community Corrections officer is in a position of responsibility for both community safety and offender management. The role has a certain level of power to influence the outcomes for offenders, including their liberty. The officer is a public servant, and has an obligation to ensure that they act in a manner that best accords with the public interest.

### Integrity

All employees in the public sector are expected to act in a manner which is in the interests of the public. Acting with integrity means earning and sustaining public trust.

The decisions made by an officer may significantly impact the community.

### Procedural Fairness

Includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and to be provided with an opportunity to respond.

Offenders need to be given the opportunity to provide a response to decisions made regarding their management. The information on which Community Corrections makes decisions is frequently imperfect, and it is possible for mistakes or misunderstandings to occur. Since the liberty of the offender can be affected, it is important that appropriate rigour is applied to ensure this process is fair. This simply means justifying decisions openly and responding to concerns raised, not giving the offender an advantage.

### Transparency

As public officers, officers have the responsibility to record all information collected, actions undertaken and the basis for all decisions made. This enables the work to be subject to public scrutiny and to be accountable for the work performed under their role.

Records can be scrutinised at any time by both staff within CSNSW or requests received from agencies external to the organisation.

Some of the principles for acting in the public interest are:

- Carry out duties in a professional, competent and conscientious manner.
- Act in good faith in providing advice or service that is honest, impartial and comprehensive, irrespective of personal views.
- Be courteous, respectful and responsive in dealing with colleagues, offenders, their families and members of the public.
- Be mindful of duty of care and safety of yourself and others; be aware of the impact you can have on the lives of offenders, the community, your colleagues, and the reputation of the organisation.

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Department of Justice (2015)
WHEN IT GOES WRONG

Most officers have at some time dreaded that an offender they are supervising or had recommended for release to parole will commit a serious offence while under supervision. While most staff will be lucky enough to avoid those cases that make headlines, given enough time and enough offenders it is likely that eventually something will go seriously wrong, no matter how well the officer does their job.

In NSW there is an average of around 87 murders per year.\(^{87}\)

The population of NSW is 7.5 million.\(^{88}\)

Suppose that out of this population 16,500 people were randomly selected off the street in NSW.

Over the next five years the probability of one of those 16,500 people committing a murder is 61\%.\(^{89}\)

Community Corrections manages 16,500 people at any one time. Even if these people were not offenders the odds of one becoming a murderer are not insignificant, simply due to the large numbers.

An alternate way of thinking of this is that the probability of a certain event might be one in a thousand (0.1\%). In a population of 16,500 you would still expect to see that event occur 16 or 17 times; because it will happen once in every thousand. Clearly it is not reasonable to base offender management around an event that has a one in a thousand chance of occurring, but it should not be a surprise that it does happen occasionally.

Offenders represent a group which has a higher risk than average. Some offenders will present with risk factors that place them at more obvious risk of serious offending, but even a low risk first time driving offender has some small probability of committing a serious crime.\(^{90}\)

THINGS WILL GO WRONG WITH ENOUGH TIME AND OFFENDERS

28\% of parolees will reoffend while on parole, with 7\% committing violent offences.\(^{90}\)

The number of these which involve the most serious offences such as murder is, however, very small.

In NSW, fewer offences occur when offenders are released to supervised parole than without.\(^{91}\) Like the examples given on page 22, it is this overall reduction in offending that matters most. Some individual incidents are inevitable.

\(^{87}\) Goh & Ramsey (2014)
\(^{88}\) Australian Bureau of Statistics (2011)
\(^{89}\) Cumulative probability of 344 (ie 86 x 5 years) events occurring in a population of 7.5 million, where one of those events occurs in a randomly selected sub group of 16,500.
\(^{90}\) Weatherburn & Ringland (2014)
\(^{91}\) Wan et al (2014)
The benefit of hindsight

The media love to use hindsight. For example, if all that is known is that a parolee has just murdered someone, it is likely to be assumed that the decision to release them to parole was wrong. Facts may be distorted and misrepresented in order to make a more sensational story. This is something over which limited control can be exercised.

Irrespective of the conclusions of the media, all serious incidents need to be reviewed to identify anything which could be useful to help reduce the risk of similar occurrences again. This is not about trying to lay blame, but ensuring continuous improvement.

Identifying systemic or significant risk management deficits should be the focus of reviews, and should encompass all layers of management, not just the officer. Care must be taken to differentiate these factors from minor procedural anomalies or administrative processes. No case can be managed perfectly. With hindsight it is always easy to find something that could have been done differently. Criticism should not be made of actions or decisions that would otherwise have been acceptable or had little significance at the time they were made, based on the information known at the time. Ultimately, it is the offenders who have been or might be convicted of a serious crime, who are responsible for these actions.\(^\text{92}\)

Case studies – decision making

An offender fails to report. The officer does not follow up immediately, because although the offender is terrible at keeping specific appointments, they are very reliable in reporting regularly. The officer expects they will turn up within a day or two, and had deliberately scheduled the appointment early in the week in anticipation of this. They are aware that for this particular offender the main goals of supervision will be distracted if they focus on reporting times. The next day the offender commits a serious violent offence, having relapsed to drug use a few days earlier.

Was the decision to not follow up the offender immediately a sound decision?

The more flexible approach to reporting took into account reliability as a responsivity issue, and worked with the offender to allow other more important issues to be focused on. It is also quite possible that an earlier follow up may not have changed the outcome, particularly if the offender had already relapsed and decided not to respond. Although in this case the outcome was negative, it was still a sound strategy. For other offenders a more structured approach, and use of reminders, may have been more effective. Documenting this strategy in the case plan would also be important.

What if the offender had a pattern of deliberately missing appointments to push boundaries?

A parolee is charged with driving whilst unlicensed. He has been otherwise compliant, and his offending history relates to drug use and property offending. The offender has been bailed, and the officer decides to give the offender a written warning and submits a breach report to SPA recommending no further action. Several weeks later the offender drives again, and hits and kills a child at a pedestrian crossing.

Was the decision to recommend no action a sound decision?

It is tempting to use the outcome to make a judgement, but evaluation of the decision should be based only on what was known at the time. In this case the decision could be justified, and both the court and SPA had supported it.

Could a recommendation for revocation also have been a sound decision?

\(^{92}\) Ogloff (2011). This report reviewed the management of several cases of parolees in Victoria who had committed murder while under supervision, and provides a good example of a constructive approach to reviewing serious incidents.
MANAGING SERIOUS INCIDENTS

Everyone has a role in managing serious incidents, which begins before anything happens. Ensuring appropriate risk management systems and documentation are in place when managing all offenders beforehand is as important as the response after the event.

Reducing the risks in daily practice

| Community Corrections officer |
|-------------------------------|-----------------------------|
| Ensure documentation is always up to date and accurate, and reflects the rationale for key decisions |
| Think through decisions and ensure reasoning is sound, consult with others as needed |
| Endeavour to complete work to a high standard, and provide feedback to management if unable to do so |
| Always seek feedback from supervisors for any decisions which may be contentious |
| Ensure actions are consistent with approved case plans, or sound reasons are provided as to otherwise |

<table>
<thead>
<tr>
<th>Local management</th>
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<tbody>
<tr>
<td>Provide oversight and support of key decisions and service delivery</td>
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<tr>
<td>Ensure feedback is given to staff on any issues needing improvement as they arise</td>
</tr>
<tr>
<td>Focus on significant processes and outcomes, not minor procedural or policy deficits of little significance</td>
</tr>
<tr>
<td>Ensure staff are aware of their roles and responsibilities and have appropriate skills and training</td>
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<tr>
<th>Senior management</th>
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<tbody>
<tr>
<td>Provide oversight and support of key management decisions</td>
</tr>
<tr>
<td>Ensure feedback is given to local management on any issues needing improvement</td>
</tr>
<tr>
<td>Ensure local management are aware of their roles and responsibilities and have appropriate skills and training</td>
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<tr>
<td>Ensure appropriate standards of service delivery are being consistently met on an ongoing basis</td>
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</table>

Responding after an incident

<table>
<thead>
<tr>
<th>Community Corrections officer</th>
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<tbody>
<tr>
<td>Provide prompt and honest feedback following incident as requested</td>
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<tr>
<td>Undertake required reporting procedures</td>
</tr>
<tr>
<td>Access appropriate support services (eg EAPS) if needed</td>
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<table>
<thead>
<tr>
<th>Local management</th>
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</thead>
<tbody>
<tr>
<td>Provide support to affected staff</td>
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<tr>
<td>Ensure staff are aware of other support services available</td>
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<tr>
<td>Avoid making judgements using hindsight bias, consider what was reasonable at the time</td>
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<tr>
<td>Examine whether the role of management in oversight of the case before the incident was adequate</td>
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<tr>
<td>Don’t focus on minor procedural or policy deficits of little significance</td>
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<table>
<thead>
<tr>
<th>Senior management</th>
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<tr>
<td>Provide support to local management</td>
</tr>
<tr>
<td>Avoid making judgements based on hindsight bias, consider what was reasonable at the time</td>
</tr>
<tr>
<td>Don’t focus on minor procedural or policy deficits of little significance</td>
</tr>
<tr>
<td>Identify any themes or issues that may indicate systemic issues in need of improvement</td>
</tr>
<tr>
<td>Implement a measured response which is proportionate to the issue, if any is required</td>
</tr>
</tbody>
</table>
ROLE CLARIFICATION

From the first contact with an offender, a supervising officer should commence defining the parameters of their role and the offender’s responsibilities. This ensures that both the officer and offender have a common understanding of what is required of them.

The offender’s understanding of roles

There is considerable research supporting the use of role clarification skills in achieving improved outcomes for offenders. If an offender understands their obligations under the order and the role of the officer in supporting this, it will enhance the offender’s ability to engage with the supervision process.

Role clarification involves clear communication with offenders about:

- the purpose of involvement by Community Corrections
- the expectations of Community Corrections
- the offenders’ responsibilities under their order

Offenders will often make assumptions about the role of Community Corrections, based on their own prior experiences or from information they have received from others. Common misperceptions of offenders regarding their supervising officer include:

- the officer is an adversary and wants to catch them out
- the officer is a friend or advocate and should provide whatever help they ask for

These views can lead to unrealistic expectations, entitlement, disappointment or resentment from the offender. For example, an offender who perceives their officer as an advocate will be angered and disappointed when breached for non-compliance. Furthermore, misperceptions can also be a responsivity issue and present a barrier to the supervision process.

Offenders need to be aware of the compliance, monitoring and support roles undertaken by Community Corrections, and the overall purpose of supervision. From the outset the offender should be made aware that the focus of interview sessions will be on the offence and behaviours that led to the offending. Although the offender will participate in this process, they will not set the agenda.

Setting boundaries

As part of the role clarification process, officers must establish and enforce boundaries in their relationship with offenders. This is about maintaining a professional relationship and building self-efficacy in the offender. Some offenders command more from their relationship with their officer due to issues such as mental health, personality disorders, isolation and long term institutionalisation. In some cases dependency may also constitute a form of manipulation; where the offender takes over supervision by constantly setting the agenda around their personal needs and avoiding any discussion regarding their offending. The best protection against inappropriate client dependency is regular and frequent role clarification. This involves clear limit setting with the offender around the purpose of contact, the expected frequency of contact, and addressing any unacceptable behaviours as soon as they occur. Setting clear parameters also assists with time management, and can be used to prevent the offender taking over supervision.

93 Trotter (2015)
94 Sieh (2006)
Firm and fair

Execution of authority and control needs to be firm, fair and consistent. The Community Corrections officer must define what constitutes breach action and what will and will not be tolerated. This should involve highlighting to the offender that the officer is there to work with them rather than to try and catch them out, but that at the same time the offender is expected to comply with their order, and that it is in the offender’s interest to be honest and direct. Notably, the actions of the officer must back up what they say.

Confidentiality

Explaining the notion of confidentiality is also important in building a positive working relationship, both in the discussions between the offender and officer and with respect to any third party contacts. The offender should be aware of the type of information which will be sought through other parties and, where applicable, provide consent. Offenders should be cautioned that there are limitations to confidentiality, particularly in relation to threats of violence, self-harm or re-offence. Clarifying what information is passed onto other agencies, such as police, courts or service providers, should also be canvassed.

The officer-offender relationship

The concept of role clarification ties into the importance of worker relationship skills. The quality of the officer-offender relationship is likely to influence each and every interaction between the officer and offender.

There is evidence to suggest that officer-offender relationships that balance support and authority (as opposed to being either welfare or authoritarian) are essential to successful supervision outcomes. However, this may only be effective if combined with other effective practice skills such as pro-social modelling and motivational interviewing.

In summary

Offenders need to have a clear understanding of:

- The purpose of supervision and what is expected of them
- The structure and purpose of interviews
- The case plan and the reasons for the interventions
- The role of the officer and expectations the offender can have of the officer in interviews, interventions, case plans and the monitoring of compliance with the offender’s order
- Compliance parameters
- Issues related to confidentiality

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96 Skeem (2008)
Cognitive behavioural intervention is simply a process of changing how people think in order to change how they behave. It is one of the most effective theories of behaviour change, and underpins many of the strategies that can be implemented by Community Corrections officers. At the core of the cognitive behavioural approach is the recognition that cognitions or thoughts are essential in determining behaviour. Anti-social thinking and cognitions are one of the biggest predictors of an offender’s likelihood of reoffending. Examples might include “I’m entitled to do what I want”; “other people do worse things than me” and “I don’t care about getting a job, welfare suits me”.

Cognitive behavioural intervention has been shown to be reliably effective with a range of personal problems and behaviours particularly relevant to criminal justice such as substance abuse and anti-social, aggressive, delinquent and criminal behaviour in both community and institutional settings. Contrary to the belief that higher risk offenders may be less amenable to treatment, studies on cognitive behavioural interventions have shown that the beneficial effects are greater among offenders at higher risk of recidivism than those of low risk.

Cognitive behavioural intervention typically involves the following:

- **Assessment**: Identify problems and symptoms that require attention
- **Personal Education**: Develop awareness and understanding of the problem; this detail is then used to challenge thoughts and feelings
- **Goal Setting**: Identify goals and strategies to achieve
- **Practice of Strategies**: Practice strategies using activities such as role play
- **Homework**: Practice strategies in daily life

Moving beyond the welfare or monitoring role, the cognitive behavioural approach in offender supervision requires the officer to take on a more active and direct role in the change process, that is, to become a change agent.

**The role of the Community Corrections officer as a change agent is to:**

- Provide exercises for offenders to learn and practise self-awareness skills
- Assist the client in recognising and identifying the consequences of these behaviours
- Teach the client to change from pro-criminal to pro-social thoughts and behaviours
- Provide opportunities to use the skills, provide feedback, encourage and reinforce the use of these new skills.

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97 Landenberger & Lipsey (2005)  
98 Beck 2011  
99 Bonta et al (2007-06)  
101 Ibid  
102 Bourgon (2011)
Distorted thinking

A person’s belief system can distort the way a person views reality, their social interactions and their interpretation of everyday experiences. This in turn can lead to behaviours such as offending.

Characteristics of distorted thinking may include:

- Immature or developmentally arrested thoughts
- Poor problem solving and decision making
- An inability to consider the effects of one’s behaviour
- An egocentric viewpoint with a negative view or lack of trust in other people
- A hampered ability to reason and accept blame for wrongdoing
- A mistaken belief of entitlement, including an inability to delay gratification, confusing wants and needs, and ignoring the rights of other people
- A tendency to act on impulse including a lack of self-control and empathy
- An inability to manage feelings of anger
- The use of force and violence as a means to achieve goals

Working with an offender on changing these distorted thinking patterns and attitudes is more subtle than simply getting an offender to admit that their drug use or aggression is a problem. It involves challenging some of their core beliefs and attitudes about how they see the world around them which lead to these behaviours in the first place.

Example – Different responses to conflict with a partner

<table>
<thead>
<tr>
<th>Event</th>
<th>Belief / Thought</th>
<th>Feeling</th>
<th>Belief / Thought</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disagreement with partner</td>
<td>Power is control. Compromise is weakness.</td>
<td>Anger</td>
<td>Forceful If I yell to show how angry I am, I will be heard.</td>
<td>Aggression, yelling</td>
</tr>
<tr>
<td></td>
<td>Communication and compromise sorts out problems.</td>
<td>Frustration Tolerance I need to be understood, not feared.</td>
<td>Discussion, negotiation</td>
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</tr>
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The above shows the role of underlying beliefs leading to alternative pathways of feelings, thoughts and ultimately actions. Thus, shifting an offender’s attitude towards resolving conflict can lead to more positive behaviours.

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103 Milkman & Wanberg (2007)
Cognitive behavioural interventions in practice

Cognitive behavioural intervention is a relatively simple principle that underpins techniques such as offence mapping, motivational interviewing skills, cognitive dissonance and pro-social modelling.

Using cognitive behavioural techniques with offenders can improve a range of skills such as problem solving, critical reasoning, moral reasoning, self-control, impulse management and self-efficacy. Ownership of responsibility for change is important for this approach, and working to motivate the offender to change is necessary for interventions to be effective.104

Where there are multiple needs identified, prioritise the primary criminogenic needs. For example, an offender's impulsivity may be a risk factor for both drug use and offending, and therefore should be an initial focus of supervision interviews. Referral for drug and alcohol counselling may supplement and support this approach. Cognitive behavioural intervention is more effective in reducing criminal behaviour when used in conjunction with support such as employment, education and training and mental health counselling.

Case plans

In case planning, cognitive behavioural components can be incorporated into the supervision intervention of the case plan, listing what particular criminogenic needs will be focused on. Clarifying the purpose of contact with the offender during interview is particularly important.

Consider each of the following case plan strategies for weekly contact:

<table>
<thead>
<tr>
<th>Report to office</th>
<th>Weekly, as per Service Delivery Standards.</th>
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<tbody>
<tr>
<td>Report to office</td>
<td>Weekly. Interviews to focus on motivating offender to address anti-social cognitions regarding use of violence, entitlement, and acceptance of criminal peers.</td>
</tr>
<tr>
<td>Report to office</td>
<td>Weekly. Interviews to focus on relapse prevention strategies, managing high risk situations, and impulse control.</td>
</tr>
</tbody>
</table>

Although the latter two examples may seem like they would take considerably more time, this is not necessarily so. Keeping interviews focused and controlling superfluous discussion instigated by the offender (for example, their health, details of their week, problems with Centrelink etc) can result in effective interventions that take no longer than regular supervision. For example, an intervention program implemented in Canada based around officer interview skills, achieved 47% reductions in reoffending compared to ordinary supervision – with an average interview duration of around 26 minutes for both.105

104 Ibid
105 Bourgon et al (2009)
OFFENCE MAPPING

When offenders are asked about their offence they may say that it “just happened”, that they didn’t really mean to do it, or that they acted impulsively without thinking. This can be their perception even if there is an obvious pattern of similar offending behaviour.

While many crimes are impulsive in the sense that they are unplanned, there is always a chain of events that precede an offence and make it more likely to happen.

Actively working with an offender to sequentially unravel the attitudes, beliefs, thoughts and behaviours that led up to their offending can provide insight into why it happened. Further, it can assist in developing a plan to target factors that will reduce the risk of it happening again.

What is an offence map?
An offence map is a tool based on cognitive behavioural theory that helps offenders identify and recognise their individual pathways to offending. This structured, step by step approach explores the who, when, where, what and why of offending behaviour. Offenders visually map out their thoughts, feelings and behaviours in the lead up to, during and after their offence.

When to use offence mapping?
An offence map should be completed at the commencement of supervision because it provides a solid foundation on which to build a case plan and identify targets for intervention.

Use the offence map to discuss with the offender alternative choices they could have made along the chain of events that could lead to a different outcome. Also, look at what attitudes and beliefs influenced these choices. These decision points and attitudes can become the basis for intervention work during supervision. The map should be revisited regularly, particularly if high risk events associated with the offence pathway arise.

Offence mapping can be a useful tool for identifying factors which underpin offending specifically, but can also be used to map out related problem behaviours, such as drug use or aggressive outbursts.

Background factors
Background factors are those longer term issues that don’t necessarily contribute directly to the offence (although they may), but which create an environment in which the circumstances leading to offending are more likely to arise.

Environment and lifestyle
Lifestyle issues such as substance abuse, associates, relationship problems, financial problems, or unemployment can create an environment where offending is more likely. Geographic and social environments can also contribute, where the offender lives or works, and who they regularly associate with.

Attitudes and negative thinking
Anti-social attitudes are one of the biggest predictors for reoffending, and underpin decisions the offender makes about how to behave, who to associate with, and whether to engage in behaviours such as drug use or crime. \(^{106}\) Attitudes such as ‘the world owes me a living\(^{107}\), ‘some people deserve to be beaten up’, or ‘it’s ok to steal if you are in need’ can enable criminal behaviours by providing internal justifications to the offender. It is difficult to act in a manner that contradicts core beliefs or attitudes (see cognitive dissonance chapter), and often offenders have adapted anti-social thought patterns.

\(^{106}\) Bonta & Andrews (2015)

\(^{107}\) Disney as a criminogenic factor. See the Grasshopper and the Ants (1934)
Background
• Environment
• Negative beliefs and attitudes
• Lifestyle choices

Build Up
• Early warning signs
• Poor decisions

Offence
• Physical state
• Thoughts
• Action

ATTITUDES AND BELIEFS CAN BE SIGNIFICANT IN ENABLING THE SITUATIONS AND SPECIFIC THOUGHTS WHICH LEAD TO OFFENDING

Related to attitudes is the offender’s general emotional state. For example, an offender who has a strong sense of entitlement will be more likely to be frustrated and angry at their situation than one who accepts responsibility for themselves. Help the offender to see the links, for example, between feeling angry about their life situation generally, and taking out their feelings of anger on a specific person.

Seeking immediate gratification
Immediate gratification is a tendency to block feelings and thoughts that cause discomfort and / or seeking reward immediately because there is no identified benefit to delaying such behaviour. This is associated with impulsive behaviour.

Offenders will not think through actions, but will prioritise short term gain over long term. Often the longer term goals (eg being drug free) involve short term discomfort and are harder to achieve than short term gains (eg the high from using). It is important to acknowledge that the immediate gratification does serve a purpose, and is pleasurable for the offender.

Build up
The build up consists of the specific events, actions and emotions preceding the offence in the days or sometimes weeks before the offence.

Poor decisions
The process highlights decisions made which, at the time, appear to be quite unconnected with offending but which ultimately play a major contributing role. A seemingly irrelevant decision could include going to the pub, meeting with mates, driving or walking on a route which passes a pub or drug dealers house.

Discuss with the offender that it is important to have a clear understanding of the process of offending, so that in future they are able to take charge of their decisions and make better choices. During the process of discussion and filling in more information, emphasise the points in the sequence of events where the client made ‘choices’.

Early warning signs
Warning signs can include feelings such as tiredness, boredom, irritability or situational events such as a partner being away, friends/associates coming around, having no money, or the anniversaries of significant events.

Assist the offender to identify the early warning signs before they escalate into offending. Identify the points where the offender could have made a different choice and done something differently. Try to identify three alternative responses the offender could have made, and follow through the possible results of taking these.
Mapping forwards and backwards

Working through the first stage of an offence map can be a little like cognitive behavioural intervention in reverse.

Start by getting the offender to start by explaining what happened at the time of the offence, then in the day and week before, then unpack your thoughts and feelings at each stage. This process can help raise the offender’s awareness of how seemingly irrelevant thoughts and decisions contribute to their actions.

If the offender is resistant, or this approach is not working, the offence map can be done in different ways. It is not necessary to follow the pathway back to front, but it can be built up in any way that works for the officer and the offender. The below examples show two linear approaches, but a mixed approach could also be used. For instance, map the day of the offence backwards, and the week of the offence forward.

**Mapping Forwards**
- Tell me what was happening the week before the offence?
- How did that make you feel?
- What happened next?
- (continue to work forward to the offence)

**Mapping Backwards**
- Tell me about the offence.
- What did you feel like at the time?
- What had happened to make you feel that way?
- (continue to work back to explore the week beforehand)

For offenders who deny the offence, or want to debate details, focus on the circumstances surrounding the offence and their feelings and thoughts, rather than getting into a factual argument.

For each key point in the offence map, include the following:

- **Thought**  
  What was the offender thinking at the time? Were there any general beliefs or attitudes which made them think that way?

- **Feeling**  
  How did that make them feel?

- **Behaviour**  
  What was their behaviour?

---

Women are there to look after their husbands.  
Entitled  
Controlling  
When my wife stuffs up dinner it shows she doesn’t care.  
Angry  
Abusive
Translating an offence map into intervention strategies

The below gives an example which starts from background attitudes and works down to the thoughts immediately preceding the offence. Consider how the higher levels enable the lower ones. Could the precursors to the offence be avoided if the thought processes above them were different?

Try to identify different pathways and corresponding intervention strategies at each layer, from background attitudes down to the offence. If the offender has the means of stopping the chain of events at multiple points in the offence cycle they will be more likely to succeed than if the focus is just on one key point. This way if one strategy fails (eg improving communication to reduce stress and conflict at work) the next one might pick it up (eg finding a different activity than going to the pub when stressed).

If the offence map is completed at the beginning of supervision it can be used as a reference point for staying on track during interviews. The map can be referred back to whenever there are occurrences of the thought patterns that were identified in the lead up to the offence.
Offender resistance can sometimes be a signal to stop, reflect on resistance or change strategies. Using motivational interactions, officers can "roll with resistance" to work around it. A key concept of rolling with resistance is that an offender cannot push if they have nothing to push against. By listening, and taking the time to understand the source of an offender’s resistance, head to head arguments can be minimised.

Instead, the offender is allowed to explore their views and is guided towards change through dialogue. This approach encourages offenders to develop their own solutions to the problems that they themselves have defined rather than forcing suggestions on them.

Of course, there will also be times where circumstances dictate that a direction needs to be given and the offender has no choice or say. However, if a motivational approach is able to be taken, the outcome is likely to be more successful and easier for both the officer and the offender in the long term. Motivational interactions include the skills below:

**Reflections**

The officer reflects back what they have heard the offender is saying or expressing in a way that shows they have heard what they said. The officer can repeat or rephrase what an offender has said, summarise/restate the content or emotion, point out mixed feelings, emphasise part of what an offender has said, or point out a connection between two statements. Simple acknowledgment of the offender's disagreement, emotion or perception can permit them to continue openly. It's important to reflect just the important elements of what they have said to keep the conversation moving forward, rather than to try and reflect everything.

A simple restatement of the offender's views may also encourage them to acknowledge parts of what they have said are unreasonable, and can assist with problem recognition.

**Express empathy**

Empathy involves trying to see the world through the offender’s eyes and ensuring they feel understood. Validating an offender’s comments through empathic reflection allows offenders to safely express their views, feelings and thoughts, while feeling understood. This approach establishes rapport, meaning offenders will be more likely to divulge their own experiences and to be receptive to gentle challenges by the officer about anti-social behaviour, attitudes and beliefs. It is also important that the officer does not reinforce any anti-social attitudes or values. The officer needs to show that they can understand the offender's perspective but not condone antisocial attitudes or the negative behaviour that may result.

**Active listening**

Active listening involves verbal and non-verbal communication which are consistent with the reflections, and demonstrate attentiveness. Giving a reflection in the wrong tone can give the message that the officer has heard what they have said but don’t care, or don’t respect their views. Be mindful of tone of voice, body language such as maintaining eye contact and facial expressions. Also be aware of the officer’s tone and body language.

**Develop discrepancy**

Identifying inconsistencies between the offender’s values and what they have said or done. For example, stating that they care about their family, while continuing to engage in behaviours that cause their family harm. Care must be taken not to challenge too forcefully but use techniques such as reflections to get the offender to identify this themselves. Developing discrepancy is based on the idea of increasing cognitive dissonance (detailed further on page 65).
## Motivational interactions skill guide

<table>
<thead>
<tr>
<th>Skill</th>
<th>Description</th>
<th>Example</th>
</tr>
</thead>
</table>
| **Straight reflection**    | A reflection is a reasonable guess as to what the original meaning of what an offender's comment was and gives voice to this guess in the form of a statement. | *Offender:* You've probably never even used drugs.  
*Officer:* You feel like maybe I can't understand where you're coming from. |
| **Amplified reflection**   | Reflecting back what the offender has said in an amplified or exaggerated form. The intent is to encourage the offender to articulate the other side of ambivalence. Exercise caution as overstating too far can elicit resistance. | *Officer:* It sounds like you are saying that you had no choice, and that you had to commit the offence.  
*Officer:* It sounds as though you are giving 100 per cent of the responsibility for the offence to the other person/victim and that you had no responsibility for what you said or what you did. |
| **Affirmations**           | Can diminish defensiveness and reflects a respectful relationship.           | *Offender:* I can do this on my own without your help.  
*Officer:* Once you make up your mind about something you can get it done. |
| **Double sided reflection**| This emphasises the role of choice and highlights discrepancies in what the offender is saying. Try to use “and” as the conjunction in a double sided reflection because “but” is like saying “never mind what I just told you”. | *Officer:* What I hear you saying is that on the one hand you are trying to change your thinking and behaviour, and on the other hand you are still struggling to understand that what you have done was wrong. |
| **Shifting focus**         | This is where attention is shifted away from “the problem” by focusing on areas of least resistance. | *Offender:* OK, maybe I've got some problems with drinking, but I'm not an alcoholic.  
*Officer:* I'm not worried about whether or not you are an alcoholic. I am worried though, as you are, about the problems drinking is causing you. |
| **Reframing**              | This involves acknowledging the validity of the offender's observations, but offering a new meaning or interpretation for what they are saying. It invites another way of perceiving the situation. | *Offender:* My wife is always nagging me about taking pills. That's all she ever talks about - always telling me I'm addicted.  
*Officer:* She must really care about you. |
| **Summarising reflection** | Reflect and challenge.                                                       | *Officer:* I notice that you spoke about feeling very angry with your partner at the time. How did you feel during those times? What else was happening or not happening in your life that made you angry? |
| **Agreement with a twist** | Commence by acknowledging in a way that agrees with the offender. It’s hard to argue with someone who is agreeing with you. The twist is a reframe that builds on what the person has said and highlights a key thought. | *Offender:* I can really hold my alcohol. It just doesn’t affect me the way it does other people. I'm still standing when everyone else is passed out.  
*Officer:* You don't feel the effects of alcohol the way others do. That must be concerning. |
| **Emphasising personal choice and control** | Rebellious offenders are invested in their choices and are afraid of losing control. Placing emphasis on personal control can work well with this type of offender. | *Officer:* I can see how you are a good father, a good husband, a good provider and a respected colleague. How then were you able to give yourself permission to commit (the offence)? |
Open questioning

Open questioning is a key communication skill of motivational interviewing that enables thinking to be challenged without talking at the offender or telling them what to do. It encourages the offender to keep talking, as they command more than a one word answer or shoulder shrug in reply. Open questions usually commence with: “What…”, “Where…” , “Why…” , “How…” , “Describe…” , “Tell me more…”.

Open questioning requires the offender to think about how to respond.

When an officer's aim is to encourage an offender to think about an answer and actively participate in conversation, open-ended questions should be used. The more offenders are encouraged to engage in dialogue about a behaviour change, the more likely they are to take positive steps towards decisive action. Closed questions limit answers to “yes” or “no” or similar one word responses. They are used for specific information gathering and to confirm or refute facts.

Consider the difference:

<table>
<thead>
<tr>
<th>Do you have a problem with alcohol?</th>
<th>What problems do you feel your alcohol use has caused for you?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does your drinking affect anyone else?</td>
<td>How do you think your alcohol use affects others around you?</td>
</tr>
</tbody>
</table>

Open questioning facilitates conversations with offenders and requires them to generate their own answers, solutions and action plans. They are encouraged to think about the underlying reasons for why they engage in certain behaviours. Open questions can also help to reduce the resistance that is evoked by lecturing, advice giving or jumping to solutions.

The Stages of Change and strategic open questions

The Stages of Change is a model which offers a useful framework to conceptualise the incremental processes offenders pass through as they change a particular behaviour.\textsuperscript{10} There are key open questions of motivational interviewing that are aligned with each stage. These can be strategically incorporated into your interviews once you identify where your offender is in the change process. Offenders will oscillate between stages as they talk themselves in and out of change, and the means by which open questions are used can influence this process.

\textsuperscript{10} Prochaska & DiClemente (1982)
## Moving through the stages of change

The table below provides an overview of the stages of change and a general guide to relevant open questions.

<table>
<thead>
<tr>
<th>Stage of change</th>
<th>Offender behaviour</th>
<th>Goal of intervention</th>
<th>Example open questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-contemplation</td>
<td>Not considering change. Lack of awareness.</td>
<td>Explore the problematic behaviour. Avoid arguments. Seek to understand their experience.</td>
<td>How has (behaviour) caused trouble for you? What do you think might happen if you continue it? How do you feel about it?</td>
</tr>
<tr>
<td>Contemplation</td>
<td>Aware of problem but ambivalent about change. They may have fears and concerns about how change might look and feel. Still weighing up the pros and cons of changing.</td>
<td>Assist recognition of how the benefits of the new behaviour change outweigh the benefits of the old behaviour. Explore what the change would look like.</td>
<td>What is good about (behaviour)? Why is it in your life? What could you gain if it was gone? What might you feel like if it was taken away?</td>
</tr>
<tr>
<td>Preparation</td>
<td>Offender begins to plan and commit to change.</td>
<td>Support self-efficacy to help offender believe that change is possible. Start to identify key steps in the change process.</td>
<td>What strategies could you use? What is the first thing you might need to help achieve your goal? How would you know you are making the changes? What has worked in the past?</td>
</tr>
<tr>
<td>Action</td>
<td>The necessary steps to achieve change are undertaken.</td>
<td>Ask open questions around action/change and develop a change plan that is realistic. Acknowledge obstacles that will come their way.</td>
<td>Where might you struggle? What would help you to overcome the difficulties? What do you need to do next?</td>
</tr>
<tr>
<td>Maintenance</td>
<td>Work to maintain and sustain long term change.</td>
<td>Help offender identify potential difficulties and challenges and discuss options and supports to manage them. Revisit the benefits of the change and support self-efficacy.</td>
<td>When you made changes previously what worked well? What has been happening for you so far? When things got in the way in the past, what did you try?</td>
</tr>
<tr>
<td>Relapse and lapse</td>
<td>Relapse to old behaviour. This can be used as an opportunity to learn about sustaining maintenance in the future.</td>
<td>Work to establish what went wrong, build resilience, and keep focused on goals. Focus on what has been learnt as a result that can be used to do better next time. Acknowledge that change can be difficult, and look at positives before the relapse.</td>
<td>What do you think went wrong? What were you doing before it happened? How were you feeling before that happened? What might you do differently if you were in that situation again? What was working well before this happened?</td>
</tr>
</tbody>
</table>
RESPONDING TO RESISTANCE

Resistance to change is very common when working with offenders, because they are mandated to be there rather than because they want to change. This is one of the major differences between the work undertaken by Community Corrections compared to other human services agencies, who tend to work with voluntary clients. Effectively managing resistance is critical to the work of a Community Corrections officer. Managing resistance is a key component of motivational interactions.

Purpose of resistance

Resistance is a normal psychological coping strategy that helps people to avoid change, particularly when they are not ready and the agenda is set by someone else.111

Resistant behaviour such as anger or defensiveness are the coping strategies people adopt to deal with feeling vulnerable or threatened, or unsure of what a particular change will mean for them. It is an active process that has the potential to become an obstacle to change, even where the change will benefit the individual who is resistant to it. It is quite normal for people to be resistant to change, whether in relation to offending behaviour or more mundane everyday routines or activities.

Officer contribution to offender resistance

When offenders present with resistant and challenging behaviour it is often perceived that they are “in denial” or “unmotivated”. Labelling the offender by thinking of them as “just a junkie”, “a wife beater” or “a child molester” can be similarly unproductive.112 If this is conveyed in the officer’s communication with the offender they are likely to feel attacked or criticised and less likely to engage. As a natural defensive response they may become even more strongly opposed to intervention. In a way, attacking the offender for refusal to change justifies their position to themselves and allows them to play the victim.

Enforcing non-negotiable, prescriptive legal orders and managing immediate risks to community safety does at times require directions to be given to offenders. However, enforcing compliance does not equate to long term positive behaviour change.113

Having an argument with an offender over something which will not have a big impact on offending (such as reporting on time or a monitoring schedule) could also increase resistance in other more important areas (such as engagement in drug treatment). Indeed, engaging in pointless arguments may benefit the resistant offender because it allows them to avoid more difficult conversations about their offending. Many offenders have been through that process many times before and are comfortable with negotiating it. A balanced approach between enforcing directions and giving leeway is more beneficial in reducing the longer term risk of reoffending.114

111 Miller & Rollnick (2013)
112 Arguably the term ‘offender’ can also be unhelpful. Some officers prefer the term ‘client’ for this reason, however this is also problematic as it over emphasises the support role. The courts and the community are our foremost clients.
113 Heardnen & Millie (2003)
114 Skeem & Manchak (2008)
Recognising offender resistance

The table below outlines different forms of offender resistance, and gives some possible suggestions for responding. These are not prescriptive, and each officer should adapt responses based on their own strengths and the responsivity of the individual offender.

<table>
<thead>
<tr>
<th>Type of resistance</th>
<th>Description</th>
<th>Example</th>
<th>Possible responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disagreeing</td>
<td>Offender disagrees with a suggestion and gives no alternative.</td>
<td>Yes, but …</td>
<td>Check to see you are using open questions and active listening skills. Focus on the core criminogenic needs and goals the offender has stated.</td>
</tr>
<tr>
<td>Discounting</td>
<td>Offender disregards suggestions.</td>
<td>I’ve already tried that</td>
<td>Pay attention to what has / hasn’t worked for the offender in the past. Don’t forget the responsivity principle.</td>
</tr>
<tr>
<td>Interrupting</td>
<td>Offender interrupts in a defensive manner by talking over or cutting off.</td>
<td>But … I’ve heard enough</td>
<td>Don’t make the same mistake by interrupting or talking over the offender.</td>
</tr>
<tr>
<td>Sidetracking</td>
<td>Offender changes the direction of the conversation.</td>
<td>I know you want to talk about my drinking, but I was hoping you could help me with…</td>
<td>Evaluate the direction the offender is going in; if it’s relevant it might be ok to acknowledge, but come back to the original point.</td>
</tr>
<tr>
<td>Unwillingness</td>
<td>Offender expresses a lack of desire or unwillingness to change or an intention not to change.</td>
<td>You want me to do that as well? I’m not doing it</td>
<td>Be aware of the difference between resistance to change and resistance to follow a specific direction / do what you want them to do. Maybe there is something else the offender would be willing to do that would also change the behaviour.</td>
</tr>
<tr>
<td>Blaming</td>
<td>Offender blames other people for problems.</td>
<td>It’s not my fault. When my partner starts … I wouldn’t have a problem if it wasn’t for the cops</td>
<td>Although they may be trying to avoid responsibility, remember that peer associations and relationships can be very significant risk factors. Focus on how the offender can control their response to other people rather than trying to dismiss the argument altogether.</td>
</tr>
<tr>
<td>Arguing</td>
<td>Offender contests the accuracy, expertise or integrity of the officer.</td>
<td>I don’t care what the research says - it won’t work for me</td>
<td>Focus on goals the offender has and what they think is needed; turn the tables and make them the expert who has to explain their position. Explore what has worked for the offender in the past and why.</td>
</tr>
<tr>
<td>Challenging</td>
<td>Offender challenges the accuracy of what is being said.</td>
<td>Counselling might work for some people, but it doesn’t help me at all.</td>
<td>Explore what the offender believes will work for them and how they might be able to still meet the requirements of their order.</td>
</tr>
<tr>
<td>Type of resistance</td>
<td>Description</td>
<td>Example</td>
<td>Possible responses</td>
</tr>
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<td>--------------------</td>
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<td>-------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Minimising</td>
<td>Offender suggests that the officer is exaggerating risks or dangers.</td>
<td>I didn’t hit her that hard…</td>
<td>Be aware of your own biases and judgements towards certain types of offending / offenders. Try to avoid getting into a debate about how serious the offence was and focus on specific facts or patterns of behaviour.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>It really isn’t that bad.</td>
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</tr>
<tr>
<td>Excusing</td>
<td>Offender makes excuses for their behaviour.</td>
<td>I know I should, but…</td>
<td>Ask open questions to elicit what the resistance to change is about. Use cost benefit analysis to look at benefits of change.</td>
</tr>
<tr>
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<tr>
<td>Ignoring</td>
<td>Offender shows evidence of not following or ignoring the officer.</td>
<td>The offender response indicates that they are not listening.</td>
<td>Using active listening skills, reflect that you have noticed the offender changing topic / giving an answer that is unrelated / not listening. Explore with them why they are disinterested.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Their answer is not related to the question.</td>
<td></td>
</tr>
<tr>
<td>Deny</td>
<td>Offender refuses to recognise problems, co-operate, accept responsibility or take advice.</td>
<td>I didn’t use drugs…don’t know how the urine result is positive.</td>
<td>Try to find anything that the offender will concede to, no matter how small, and build from there.</td>
</tr>
<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td>Rationalising</td>
<td>Offender provides reasons why there isn’t really a problem.</td>
<td>Substance use may be a problem for other people, but not for me…</td>
<td>Deploy discrepancy to get the offender to identify the counter arguments.</td>
</tr>
<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td>Reluctance</td>
<td>Offender expresses reservations and reluctance.</td>
<td>I could change but it’s easier not to</td>
<td>Work through the costs and benefits of changing and not changing.</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td>Pessimism</td>
<td>Offender makes general statements about themselves that are pessimistic or defeatist.</td>
<td>What’s the point?</td>
<td>Identify any positive gains the offender has made already, get them to identify associated negative thinking. If they have any pro-social supports (e.g. family, friends), explore how they might feel.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>I’d be better off back in prison</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>I’m just a failure</td>
<td></td>
</tr>
<tr>
<td>Justifying</td>
<td>Providing reasons that their behaviour is the right thing to do.</td>
<td>What I’m doing makes sense</td>
<td>Some offenders may see some criminal justice intervention as a worthwhile cost of doing business, and / or a badge of honour. Challenge by weighing costs and benefits, but be careful not to reinforce their views.</td>
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<tr>
<td></td>
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</tr>
<tr>
<td>Squaring off</td>
<td>Offender takes an oppositional stance.</td>
<td>You don’t care about me</td>
<td>Reflect back the offender’s own goals; it’s not about the officer, but what the offender wants.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>You don’t know what you’re talking about</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>You have no idea what it’s like for me</td>
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</tbody>
</table>
COGNITIVE DISSONANCE

Not all resistance by offenders is necessarily related to reluctance to change or hostility to supervision. Sometimes offenders may desire to change, or hold certain values or beliefs, but struggle to achieve this in practice. The conflict between the offender’s values and / or their behaviour is known as cognitive dissonance, and can create a very uncomfortable feeling.

Cognitive dissonance is the stress or discomfort experienced when an individual holds conflicting beliefs or their beliefs are inconsistent with their actions. Behaviour change can be very difficult, particularly when the offender lacks the skills to use alternate behaviours, or when dealing with issues such as substance abuse. For example, they may value their family, but engage in destructive behaviours such as substance abuse and aggression that cause harm to the people they love. Therefore, an easier response is to develop thoughts that support or rationalise their behaviour, which make them feel more comfortable about themselves.

In order to seek consistency between their expectations and their reality and reduce dissonance, offenders may change their belief, change their behaviour or change their perception of the behaviour.

Consider the example of drug use. The offender believes that drug use is harmful for themselves and their family but is still using drugs. They may do the following to reduce the associated cognitive dissonance:

<table>
<thead>
<tr>
<th>Method</th>
<th>How</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change belief or rationalisation</td>
<td>Telling themself things that lessen the distance between the two dissonant elements. This is one of the easiest and most commonly utilised responses.</td>
<td>“My drug use is not that bad, I can control it” “My drug use just affects me, not anyone else”</td>
</tr>
<tr>
<td>Change the action</td>
<td>Stop the behaviour. Implement changes in lifestyle. This can be very difficult.</td>
<td>Cease drug use.</td>
</tr>
<tr>
<td>Change perception of the action</td>
<td>Have an experience that shifts perception of how beneficial or harmful the action is. Find out new information. Observe someone else. The effectiveness will depend on how strongly ingrained the behaviour is at the time.</td>
<td>Only associate with other drug users and thus avoid being confronted with negative effects of drug use. Unplanned examples that shift perception the other way might be observing another user overdose, or having a near death experience.</td>
</tr>
</tbody>
</table>

115 Festinger (1957)  
116 McLeod (2014)
The offender may deal with cognitive dissonance by rationalising their behaviour instead of changing their actions. These thinking patterns may make it appear like the offender is being dishonest or manipulative, even though the underlying motivation may be there. For example, an offender’s stated desire to stop using drugs may not seem genuine when they keep doing it. Alternately, they may appear to value drug use because they have coped with the dissonance by reducing the importance of their cognitions, focused on the positive effects of their use and minimised the consequences.

**Cognitive Dissonance in Practice**

It is important to note that offenders may be able to identify the benefits of changing their thinking or their behaviour but may not yet be ready to make any changes.

Highlighting the discrepancy in the offender’s behaviour and values can create a shift in the offender’s thinking – a realisation that something must change.

This might include tools such as increasing awareness of the behaviour through a diary, offence mapping to create the links between the behaviour and the consequence, or analysing the costs and benefits.

A cost benefit analysis is one tool that can be useful in unpacking discrepancies.

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>No change</td>
<td>What is good about this behaviour?</td>
</tr>
<tr>
<td>Change</td>
<td>What are the benefits once I have made some changes?</td>
</tr>
</tbody>
</table>

Some of the questions that can be used after completing the tool are:

- Do you think that the good things that you get from (behaviour) last for a long time or for a short time?
- Do you think the not so good things that happen from (behaviour) last for a short time or for a long time?

The offender can then set goals of things that they can try and do over the next few weeks to get a benefit for themselves and for the people they care about.

There are a number of other things that may be at play including where the offender is in the cycle of change, and whether there are other factors in the offender’s life that are acting as barriers to change. Importantly, what may also be at play is the relationship the offender has with their officer. If a positive and respectful relationship has not been developed, then offender buy-in to an intervention strategy is unlikely.
**PRO-SOCIAL MODELLING**

Many offenders will engage in anti-social behaviour because they are not confident in utilising pro-social alternatives. When officers model and reinforce pro-social values and actions and challenge pro-criminal attitudes and behaviours, compliance with supervision is increased and reoffending is reduced.\(^{117}\)

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**REDUCING OFFENDING IS MORE THAN SIMPLY TAKING AWAY THE NEGATIVE BEHAVIOUR. IT NEEDS TO BE REPLACED BY SOMETHING POSITIVE.**

- Identify positive or pro-social comments or behaviours as they occur in interactions with offenders.
- Reward those comments and behaviours wherever possible.
- Model pro-social expressions and actions.
- Challenge antisocial or pro-criminal attitudes and/or behaviours.

The pro-social modelling approach emphasises that Community Corrections officers serve as an anti-criminal model and reinforce pro-social values consistent with: social inclusion, leading a law abiding lifestyle, positive regard for the criminal justice system, fairness, consistency, legitimacy and reliability.

Pro-social modelling and reinforcement requires officers to:

- Identify positive or pro-social comments or behaviours as they occur in interactions with offenders.
- Reward those comments and behaviours wherever possible.
- Model pro-social expressions and actions.
- Challenge antisocial or pro-criminal attitudes and/or behaviours.

Pro-social modelling focuses on reinforcement of positive statements which builds rapport, provides the offender with feedback and makes positive behaviours more likely. Many offenders have not experienced positive reinforcement, and can find praise more satisfying than material reward.\(^{118}\) Similarly, and equally important, any antisocial thoughts or attitudes must also be challenged. The table on the following page (Pro Social Skills Guide) expands upon undertaking these tasks during supervision.

**What to look out for**

Officers can inadvertently reinforce the attitudes/behaviours expressed by offenders that that they are trying to prevent, if they are not attentive to their own expressions of antisocial attitudes and body language. Examples include:

- Inadvertent use of body language such as smiling while the offender recounts criminal behaviour
- Making collusive comments in agreement with their frustrations such as ‘The police seem to be having a go at you lately. They never leave you alone do they?’
- Accepting the offender’s excuses for their offending behaviour.
- Expressions of cynicism regarding some agencies or aspects of the criminal justice system
- Adopting “con talk” to show offenders how “down to earth” the officer can be and to gain their acceptance
- Giving rewards for uncooperative behaviour by allowing the offender to avoid discussing their offence and interventions, through argumentation or allowing the offender to set the agenda

**BE CAREFUL TO AVOID INADVERTENTLY REINFORCING NEGATIVE BEHAVIOURS OR ATTITUDES THROUGH BODY LANGUAGE OR EFFORTS TO BUILD RAPPORT**

**Cultural issues**

Pro-social modelling aims to operate with cultural sensitivity. Punctuality, work ethic, domestic violence or child neglect may mean different things in different cultures. In forming views about what is pro-social in a given situation the officer should discuss with the offender their cultural background and take this into account. Notably, while it is useful for the officer to have an understanding of underlying differences, cultural values and practices, it does not excuse illegal behaviour or anti-social attitudes which increase risks of re-offending.

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\(^{117}\) Trotter (2009), Trotter (2012), Cherry (2005)

\(^{118}\) Taplin (2002), Hawken & Kleiman (2009)
### Pro-Social Skills Guide

<table>
<thead>
<tr>
<th>Skill</th>
<th>How to incorporate into supervision</th>
<th>Tips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify pro-social comments and behaviours</td>
<td>Actively listen and highlight any pro-social comments and behaviours articulated by the offender.</td>
<td>There may be instances where what is pro-social and what is not pro-social are difficult to differentiate. For example, an offender has ceased heroin use but started drinking alcohol, or a violent offender takes up martial art classes.</td>
</tr>
<tr>
<td></td>
<td>• Acknowledging the negative consequences of offending for the offender, the victim, and the community.</td>
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<tr>
<td></td>
<td>• Rejection of, or placing more realistic limits on, rationalisations or justifications for offending.</td>
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<tr>
<td></td>
<td>• Reduced association with criminal others and increased association with anti-criminal others.</td>
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<tr>
<td></td>
<td>• Efforts to achieve more a pro-social lifestyle, such as job seeking, finding a hobby or sport</td>
<td></td>
</tr>
<tr>
<td>Reward/reinforce pro-social comments and behaviours</td>
<td>Act as a source of reinforcement for the offenders’ anti-criminal expressions and efforts particularly if they relate to their compliance, attitudes or offending.</td>
<td>Officers need to be careful not to praise or reward dishonest or frivolous comments about how an offender has changed if it is incongruent with their behaviour. The officer needs to avoid being 'conned' and should avoid reinforcing behaviour which attempts to do this.</td>
</tr>
<tr>
<td></td>
<td>• Strong statements of approval, support, and agreement with regard to what the offender has said or done.</td>
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<tr>
<td></td>
<td>• Active listening and reflections.</td>
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<tr>
<td></td>
<td>• Elaboration of the reason approval is being offered (explain exactly what it is that is being agreed with).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Expression of positive reinforcement should be above the levels of support that is normally provided.</td>
<td></td>
</tr>
<tr>
<td>Modelling pro-social expressions and behaviours</td>
<td>Consistently demonstrating the behaviour and attitudes expected from the offender.</td>
<td>Recognise that offenders may have good reasons to fear or distrust pro-social behaviour e.g. anxiety about attending a job interview. The officer may be able to work with the offender to assist with modelling skills for specific scenarios where they lack confidence.</td>
</tr>
<tr>
<td></td>
<td>• Remain courteous and treat offenders respectfully. Offenders can learn to respect others through the experience of being respected by the officer.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Being reliable, punctual and managing time. Being available for scheduled appointments or ringing to reschedule with sufficient notice.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Displaying common courtesies such as greeting and addressing offenders politely, thanking them for reporting.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Preparing for interviews (being familiar with their backgrounds prior to appointments).</td>
<td></td>
</tr>
<tr>
<td>Challenging antisocial or pro-criminal attitudes and behaviours</td>
<td>Pro-criminal expressions include the specific attitudes, values, beliefs, rationalisations, and techniques of neutralisation articulated by offenders that imply criminal conduct is acceptable. These include:</td>
<td>It is important that disapproval and confrontation do not overwhelm the intervention. Challenging is most effective when officers explore the anti-social attitudes, discuss the reasons why offenders feel and act the way they do; and suggest alternative ways of looking at the situation.</td>
</tr>
<tr>
<td></td>
<td>• Negative attitudes towards the law, courts, and police.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Tolerance for breaking the law; “they have insurance, it’s ok”.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Identification and association with criminal others; “Drug users understand what I’m going through”.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Continuing to seek out risky situations or circumstances (e.g. the same old bar scene) rather than avoiding them.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Denial, blaming, rationalisation for crime, minimising.</td>
<td></td>
</tr>
</tbody>
</table>
DESISTANCE & THE GOOD LIVES MODEL

Offenders can and do cease their offending behaviour. Achieving change for offenders also entails exploring their strengths in addition to their risks, needs and responsivity. Desistance theory places an emphasis on the strengths of offenders and exploring these through the relationships in their lives. The Good Lives Model has been aligned with desistance theory and provides a framework for working with offenders to achieve this.

Desistance

Desistance is defined as the state of stopping and staying stopped from offending.\textsuperscript{119} Theories about desistance have attempted to understand and explain how and why offenders stop offending and stay stopped. They suggest that relationships rather than simple intervention or programs are involved in the behaviour change process. At the core of desistance theory is the strengths of the individuals such as the relationships in their lives and the offender’s own motivation and decision making\textsuperscript{120}. Desistance can be seen as identifying obstacles that stand between an offender and ceasing re-offending. For example:

- stigma of their criminal history
- problems in getting work
- giving up dependency on alcohol
- disassociating from criminal friends and
- poor financial circumstances.

A desistance focus looks at helping offenders to help themselves with the ultimate aim of managing risk. In order for offenders to desist from offending they should be given the knowledge, skills, opportunities and resources to live a good life, which takes into account their particular preferences, interests and values.\textsuperscript{121}

The Good Lives Model

The Good Lives Model is a strengths-based rehabilitation framework that focuses on assisting offenders to develop and implement meaningful life plans that are incompatible with offending. It assumes offending results from difficulties in seeking to achieve life goals through positive means.\textsuperscript{122}

Whilst the Good Lives Model does not have significant research evidence supporting its efficacy, and should not be seen as an effective model for intervention in its own right, it provides a strong theoretical model that aligns with the Responsivity principle within the Risks-Needs-Responsivity model.

The Good Lives Model focuses on primary human goods or life goals which, if the offender was able to attain, would make their life better. These may include:

- Health and physical safety
- Relationships and friends
- Peace of mind
- Happiness / pleasure
- Being good at what we do – either in work, hobbies, or both
- Learning and having knowledge in areas that interest us
- Independence
- Having meaning in life
- Being part of a group
- Creativity

\textsuperscript{119} Ward 2010
\textsuperscript{120} Moffat (2014)
\textsuperscript{121} Ward and Maruna, 2007
\textsuperscript{122} Willis et al (2013)
The Good Lives Model in practice

While some people can attain life goals through hard work, discipline, fortune, luck and opportunities, for others, achieving even one life goal is a source of constant struggle and knock backs. This can promote resilience in some people, but for others it may lead to a negative view of themselves and others.

As everyone has a different idea of what a good life entails, it is important to work with the offender in identifying what a good life would look like for them and how that life could be achieved. If the officer seeks to assist offenders to identify what they want their life to look like and how to get there without hurting others, or themselves, desistance may be achieved.

However, it is important to remember that the primary focus for Community Corrections is always reducing offending, not simply improving the wellbeing of the offender. At times these objectives may conflict, for example, when a goal the offender has increases their risk, or when breach action is necessary for community safety.

Considering what caused the offender to take a short cut to achieve their goals can demonstrate to the offender how the short cut is an obstacle rather than a means to attaining that life goal. For example, by exploring the negative long term consequences of drug use or aggression despite the short term benefits that the offender may enjoy.

The following questions can assist in identifying what is important to an offender.123

- What ways can you obtain these goals?
- How will you know you are achieving these?
- What problems are likely to arise that may prevent you achieving these?
- What strategies can you use to minimise the risks?

Offenders that have completed programs such as the Custodial Based Intensive Treatment (CUBIT), CUBIT Outreach (Core – Moderate), the Deniers Program, the Self Regulation Program for sex offenders (SRP) and the Violent Offenders Therapeutic program (VOTP) have all completed a Good Lives Model plan as part of the program. These plans can be found at the back of the Treatment reports or can be requested from the program facilitator and are useful to integrate into case plans and supervision interview sessions.

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123 Willis, Prescott and Yates, 2013
ADVICE TO COURTS AND RELEASING AUTHORITIES
REPORT WRITING

Report writing is a major part of the work undertaken by Community Corrections. Each year more than 40,000 reports including pre-sentence, post-sentence, pre-release and breach reports are provided to courts and releasing authorities. These reports are the major way in which Community Corrections interacts with the criminal justice system. Reports are a highly visible reflection of the quality of the work being done by Community Corrections, both in respect of the reports themselves, and the content of the reports detailing how offenders are being managed.

What is the impact of reports?

When preparing a report it is important to consider the potential impact both on offenders’ lives and the general community. It is also important to ensure the information contained in the report is accessible and useful to the court or sentencing authority.

The impact of reports provided by Community Corrections on offenders’ lives cannot be understated. These reports can influence a decision to sentence an offender to custody, release an offender from custody or return an offender to custody, and the utmost care must be taken when a person’s liberty is at stake.

Reports also influence other decisions such as the sentencing options available to an offender (particularly where there are legislative requirements), the conditions included on an offender’s order, or whether an offender is allowed the opportunity to complete an order.

In the majority of cases, officers complete a report and have no further involvement in the process until the result is received. Court attendance occurs only on rare occasions when the court or sentencing authority requests it. However, attendance in court is one of the best ways in which to learn or be reminded of the impact of reports on offenders, and of their accessibility and utility to the court or sentencing authority.

Types of reports

- **Sentencing reports** influence the sentence imposed on an offender, and the subsequent management of that offender. Being stringent when assessing suitability for sentencing options can send more offenders to gaol, being too lenient can set them up to fail.

- **Pre-release reports** influence the decision whether to release an offender or not. The pre-release processes can assist in motivating offenders to utilise their time in custody positively or maintain compliant correctional behaviour. Community protection needs to be balanced with supporting the offender to integrate back into the community and addressing criminogenic risk factors. Pre-release reports also make recommendations regarding the conditions that will be imposed upon the parolee.

- **Breach reports** detail the offender’s compliance to the order. The outcome can lead to incarceration or removal of supervision. It can also affect the offender’s perception and understanding of order compliance and the role of the officer in this process.
What is a quality report?
A number of elements combine to produce a high quality report, and reports written by Community Corrections involve some elements that are not necessarily a feature of reports written by other organisations or in other contexts.

- Collecting and verifying information.
- Writing clearly and concisely.
- Analysing information to make sound conclusions.

Verification
Information collected for Community Corrections reports comes from a number of sources. These include CSNSW records, documents provided by the court or releasing authority, the offender and relevant third parties. A list of these sources is included in most Community Corrections reports, and the reports are submitted to courts and releasing authorities on the understanding that the information contained within is verified or it is indicated otherwise.

Collecting and verifying information is the first step in preparing a report, and it is critical in ensuring that courts and releasing authorities can rely upon Community Corrections reports as a source of true and correct information.

Clear and concise
Regardless of the quality of information collected, a poorly written report can cause the court or releasing authority to lose confidence in the contents and conclusions of the report.\(^{124}\)

When writing or vetting a report, it is important to remember that the audience of the report (including judicial officers, releasing authority members, prosecution and defence solicitors, offenders, etc) does not have a detailed knowledge of the operations, policies or terminology of Community Corrections. Additionally, reports will be carefully read and dissected during the current proceedings, and the same will continue to occur when the report is used for other purposes in the future.

Sound conclusions
The conclusion of Community Corrections reports usually involve either an assessment of suitability or a recommendation as to a course of action. A high quality report will be structured so that the content flows logically to the conclusion.

The conclusion must be consistent with the contents of the report, and must not leave the reader questioning how the conclusion was reached. In addition to internal consistency, the report also needs to take into consideration other reports prepared by CSNSW and other organisations and address any apparent inconsistencies. If recommendations have changed since previous reports, then sound reasons need to be provided for the change.

Bias can occur in both the form of advocating for an offender or portraying an offender negatively. This may be apparent in the language of the report, the information that is included or not included in the report, or in a conclusion that is not consistent with the contents of the report. Remember that any critical information which has the potential to substantially alter the conclusion could be introduced by other means (eg the offender’s solicitor, or the prosecution) and be used to challenge the report.

\(^{124}\) The opposite can also be true; an overly complex and dense document can cause considerable discombobulation.
Provisioning evidence to court

All Community Corrections reports are subject to the author being called before the court or releasing authority to give evidence. A request for attendance from the court or prosecution must be complied with. Requests from the defence are to be made to the court, and are also to be complied with on advice from the court. Court attendance when requested is expected of officers to ensure due process and transparency, and a subpoena is not required to compel the attendance of a report author.

Before giving evidence, officers should ensure they are prepared by reviewing the case, obtaining the offender’s case history and making copies of all relevant electronic material to take to the hearing (regardless of whether the evidence is being given in person or via audio link).

When giving evidence, officers should refer to their notes as required, ask for questions to be repeated or clarified if it is not clear what is being asked, and advise the court if they do not know the answer or are not qualified to answer a question.

When attending a court or releasing authority, officers should remember the formal nature of the proceedings and ensure they represent Community Corrections in a commensurate manner - including presentation, the way in which they address the court or releasing authority, and providing assistance to the court or releasing authority as far as possible.

Giving evidence

- Be prepared by reviewing notes and reports
- Be clear, concise, and factual
- Be respectful to the court and others
- Refer to notes if you need to
- If you don’t know, say so
- You are there to be objective, not defend a position
- Don’t take questioning personally

Procedural fairness

Reports written by Community Corrections officers can result in individuals losing their liberty, sometimes for lengthy periods. It is important that the offender is afforded the opportunity to reply, to ensure the integrity of the decision. This is not just a matter of giving the offender due process, it is also about ensuring that unnecessary harm to the offender (and cost to the community) is avoided by not imprisoning offenders where it is unnecessary.

Due process is most important in cases where offenders are disadvantaged or unpopular (for example, child sex offenders), because it is in these cases that it is easiest to begin to allow bias and assumption to cloud decision making.125

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125 Kirby J. in Fardon (2004, HCA 46)
Community Service Work

ADMINISTERING COMMUNITY SERVICE WORK

Community service work is unpaid work that is undertaken by offenders at agencies which has benefits to the community. Offenders subject to intensive correction, community service, community clean-up and fine default orders participate in community service work. Community service work is undertaken at a wide variety of agencies with non-profit status and contributes a significant number of work hours to the community every year. It is a scheme which has wide support from the community.

Community Corrections plays a significant role in community service work in NSW by:

- assessing offenders’ suitability for community service work;
- recruiting the agencies that provide community service work; and
- administering orders that include community service work.

Participation in community service work can have significant benefits to offenders. Offenders are held accountable for their actions, they undertake a pro-social activity and may have exposure to positive pro-social models. For some offenders, it is one of the few opportunities they have to be engaged in a work environment.

The completion rates for community service orders are relatively high. In recent years, an average of 82% of community service orders were completed.126

Lower risk offenders are more likely to complete an order than higher risk offenders, because they are generally more stable and capable of complying with a regular schedule of work. They are also, on average, less likely to turn up to work sites under the influence of drugs or alcohol, or to engage in problematic behaviours. Nonetheless, each offender must be assessed on individual merit.

Community service work simultaneously promotes a number of the purposes of sentencing. It is:

**Punitive** in that offenders are required to work in their own time without pay;
**Rehabilitative** in that offenders learn new skills (which may assist with future paid employment), engage with the community and interact with pro-social others; and
**Reparative** in that offenders are compensating the community for their offending.

Community service work orders and supervised good behaviour bonds serve differing purposes. Whereas the latter focuses on intervention with offenders to address their risk factors, typically those sentenced to community service work are generally in a lower risk category and would be less likely to benefit from supervision. Community service work provides an option to magistrates to demonstrate punitive and reparative sentences have been imposed upon the offender. Furthermore, offender participation in a pro-social activity can serve a rehabilitative function.

Although not its primary purpose, community service work has also been found to have a positive impact on reoffending in NSW. Offenders subject to community service orders are significantly less likely to re-offend than similar offenders subject to unsupervised good behaviour bonds.127

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126 Department of Police and Justice (2014)
127 Snowball & Bartels (2013)
Developing relationships with community service work agencies

An integral part of assessing offenders for community service work is the availability of work. It is the responsibility of Community Corrections to find work for all offenders referred for assessment, including those living in rural areas, who are elderly, have disabilities, medical conditions or mental health problems, and those with offences that make them difficult to place.

This requires a concerted and continued effort to source community service work and find innovative ways to provide community service work. In addition to larger agencies that can place multiple offenders, consideration should be given to smaller agencies that may only be able to place a small number of offenders (or a single offender) but can accommodate those offenders’ individual needs. Providing community service work in the Community Corrections Office is another creative option.

The administration of community service work

In administering orders that include community service work, it is the role of Community Corrections to assist offenders to complete their order. While it is ultimately the offenders’ responsibility to comply with their order, the nature of the population means they may not prioritise and organise their community service work well.

Additionally, orders that include community service work are not designed to test whether offenders can attend work on every scheduled occasion of their own volition. The same types of responsivity factors that arise in supervision also apply to community service work.

Community Corrections can assist in improving completion rates by using strategies such as:

- sending phone, written and electronic reminders
- recruiting an offender’s significant others to encourage attendance and provide practical support
- being aware of offenders with special needs who may require individualised assistance
- providing organisational and time management advice
- discussing or arranging transport
- including community service work in supervision discussions (where applicable)
- ensuring good communication if multiple officers are working with the same offender
- being flexible in temporarily or permanently rescheduling work days
- matching offenders to agencies and changing work placements mid-order if the placement is not a good match
- making contact with offenders to address any issues that arise
- encouraging offenders to make contact if they are having difficulties
- quickly chasing up failures to attend and resolving any associated problems.
The role of Community Corrections in assessing offenders for community service work is particularly significant. This is because most orders involving community service work cannot be made by a court unless the offender is assessed as suitable for the order by Community Corrections. Therefore, when assessing offenders for community service work, it is always important to bear in mind that assessing an offender as unsuitable puts them at risk of receiving a more serious penalty (most notably, full time imprisonment).

When assessing offenders for community service work, it is also important to note that the assessment is not an assessment of the offender's likelihood of completing the order. It is an assessment of whether the offender is a suitable person to undertake community service work and whether there is work available. Whenever possible, offenders should be given the opportunity to undertake community service work. It is the responsibility of the offender to comply with their order, not the responsibility of the assessing officer to prevent failure to comply.

### Considering suitability for community service work

- **Have they failed to comply with community service work previously?** If so, how recently was this? Have circumstances changed at all?
  
  Prior failure should never result in automatic unsuitability. Each case should be freshly assessed on its merits at the point in time the assessment is being undertaken.

- **Is there any substance abuse that is likely to mean the offender is unable to attend or function at work?** Are they able to stop using for periods of time? What is their level of functioning generally?
  
  Drug use does not automatically render an offender unsuitable for community service work. A holistic assessment of the offender's current functioning, taking into account their drug use, should guide the decision as to suitability.

- **Are there any medical issues which may affect the ability of the offender to work?**
  
  Information regarding medical conditions may be required to assist in finding a suitable work placement for an offender.
  
  This information may be obtained in a variety of ways, eg. from file information, by contacting service providers, or in reports provided by the offender.

- **Where will the offender be able to work?** If a work location cannot be established at assessment, due to transience, homelessness, or incarceration, consider whether the offender would otherwise seem generally suitable to work once this can be resolved. Consider in terms of the offender simply changing address shortly after sentence.
Workload is frequently viewed as a matter of staff welfare. While this is very important, it should also be seen as a matter of quality control. It is necessary to have a manageable caseload that can be looked after properly and where the officer is able to meet service expectations.

Quality versus quantity in supervision

Take an average group of 60 offenders who are on average medium risk of offending. Ordinarily around 30 (50%) of these offenders will reoffend within 2 years without intervention. As a single caseload, 60 medium risk offenders is significantly in excess of the agreed workload, while 40 medium offenders is about a normal caseload.

The table below shows the difference between keeping a manageable caseload and an excessive caseload. In the below example it is assumed that the size of the caseload is managed in line with current policy guidelines.

This assumes that the officer with a manageable caseload provides high quality supervision, which utilises behaviour change techniques, adheres to the Risk-Needs-Responsivity and consequences approach, and complies with service standards. An officer with excessive workload is more likely to have less time to work with the offender and be able to only provide basic supervision focused on referrals and crisis management. High quality supervision can reduce reoffending by around 20%, but basic supervision by as little as 5% or not at all.\(^{128}\)

Note that a smaller caseload does not automatically mean better supervision; the officer has to use their time effectively and using evidence based principles, and work with the offender to achieve change.

However, an excessive caseload can reduce the effectiveness of the officer to do their job properly.

<table>
<thead>
<tr>
<th>Caseload</th>
<th>Standard of supervision</th>
<th>Effect size</th>
<th>Normally reoffend</th>
<th>Actually reoffend</th>
<th>Overall outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 not supervised</td>
<td>None</td>
<td>0%</td>
<td>30</td>
<td>30</td>
<td>No change</td>
</tr>
<tr>
<td>60 supervised (high workload)</td>
<td>Basic</td>
<td>5%</td>
<td>30</td>
<td>28-9</td>
<td>1-2 offences avoided</td>
</tr>
<tr>
<td>40 supervised (normal workload)</td>
<td>High</td>
<td>20%</td>
<td>20</td>
<td>16</td>
<td>4 offences avoided</td>
</tr>
</tbody>
</table>

Although the difference between basic and high quality supervision for one caseload is a reduction of only 2-3 reoffences, applied across the state this would result in an overall reduction in reoffending of 13%.

Making caseloads smaller still does not achieve further gains, because too many offenders start to miss out on intervention. In addition, the skills and capabilities of the officer have to be exceptionally high to continue to get any benefit from smaller caseloads. Effective intervention means balancing both quantity and quality.

\(^{128}\) For example, Trotter & Evans (2012), Bonta et al (2011), Taxman (2008), Solomon et al (2005). The low officer support group from the STICS study was used as a reference point as it is the most realistic in terms of current NSW capabilities.
What is a reasonable caseload?

The definition of a reasonable caseload is highly subjective. That smaller caseloads can assist to reduce reoffending is established in the research literature – but only if done in conjunction with other strategies. Further, this research is based around comparisons to large caseloads of anywhere from 85 to over 120 offenders.\(^{129}\)

In many international studies the concept of ‘intensive supervision’ is based on caseloads approximately equal to a mixed caseload in NSW. For example, under the intensive supervision probation program in Des Moines, Iowa a full caseload of high risk offenders is 30 offenders, with the usual number under ‘regular’ supervision being 50.\(^{130}\) Currently an equivalent NSW caseload of high risk offenders only would be between 15 and 28 offenders, depending on the consequences of offending. A full caseload of a mixture of cases representing the average spread of medium to high risk cases (but no low risk offenders) would equate to 32 cases.\(^{131}\)

Total caseload numbers are only one part of the picture. An essential part of managing workload is staying within the boundaries of what is required by the job.

Everyone is responsible for maintaining reasonable workloads

<table>
<thead>
<tr>
<th>Community Corrections officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reasonable effort is made to undertake allocated work in a timely and efficient manner.</td>
</tr>
<tr>
<td>Organise time effectively.</td>
</tr>
<tr>
<td>Keep caseload up to date to minimise last minute crises, and assist others who may have to cover any absences.</td>
</tr>
<tr>
<td>Remain familiar with current service standards and policies.</td>
</tr>
<tr>
<td>Stay within the scope of the role, working on challenging offending behaviour and mitigating risk to the community, and avoid undertaking police or welfare roles.</td>
</tr>
<tr>
<td>Adhere to Risk, Needs, Responsivity and consequence principles, and utilise cognitive behavioural interventions.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Local management</th>
</tr>
</thead>
<tbody>
<tr>
<td>The work allocated to officers is within agreed parameters (ie 140 hours).</td>
</tr>
<tr>
<td>If workload for the office exceeds what can be reasonably managed locally, action is taken to shift resources or remove the work that is the lowest priority (as per policy and procedures).</td>
</tr>
<tr>
<td>Ensure any local procedures which are put in place do not impose unreasonable demands on officers which fall outside of policy and procedures, such as imposing extra tasks.</td>
</tr>
<tr>
<td>Appropriate adjustments are made to workload to account for variables not captured by data, such as part time work agreements, personal circumstances of staff, travel time, and court duty.</td>
</tr>
<tr>
<td>Communicate with staff regularly regarding their ability to undertake the work, and support and manage as needed.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Senior management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall service levels and resourcing are kept in alignment. Ie respond to increased workload, by reducing service requirements through policy change, or increasing resources.</td>
</tr>
<tr>
<td>Parameters set for work management are generally realistic.</td>
</tr>
<tr>
<td>Resources are reallocated to align to demand by moving staff or work where necessary.</td>
</tr>
</tbody>
</table>


\(^{130}\) Jalbert et al (2010)

\(^{131}\) A T3 High is allocated 9 hours. A caseload of 15 offenders equals 135 hours. A caseload of 2 x T3 High (9hrs), 3 x T2 High (7.5 hrs), 6 x T1 High (5hrs), 2 x T3 Med (4 hrs), 9 x T2 Med (3.5 hrs) and 10 x T1 Med (3 hrs) equals 32 offenders and 140 hours.
WORK-LIFE BALANCE

Everyone has lives outside of work, and balancing this with the demands of work is something most people value. Looking after your own welfare is an important goal in itself, as well as affecting the ability to do well at work. Everyone has a responsibility towards maintaining a healthy work environment by both taking steps to look after themselves, and ensuring they play their role in supporting the office as a whole.

The personal lives of staff do not get left at the front door to the office, nor does the effect of work life always remain contained within the office. From time to time everyone will be affected by work issues in their home life, and vice versa.

For a full time worker, the majority of the week is spent at work and it is therefore important that this is not a consistent source of stress and unhappiness. Being motivated to help others, or to do a job well, often means a willingness to do extra or put in more time. In moderation this can be very beneficial. However, eventually there comes a point where the more you stretch the less effective you become, and the more likely you are to produce poor quality work.

Working harder or longer hours eventually becomes unsustainable and compromises the efficiency or effectiveness of the work, not to mention the harm to your own wellbeing and potentially others around you. Recognising that sometimes doing a bit less and looking after yourself can actually be more productive in helping others is important.

Read the case study to the right. Think about how this might apply in the office; situations such as completing a case plan, deciding when to breach, or what recommendation to make in a pre-release report.

Is it going to be better for the quality of your work to work through and try and get all your work done in one hit, or to have small breaks when you start to get tired?

WHY BREAKS MATTER

One Israeli study of over 1,000 parole decisions found that, even after controlling for variables like risk and behaviour in custody, the likelihood of an offender being released was around 65% if the judge had recently had a meal break, reducing to almost 0% over the next few hours.

The likelihood of release jumped back up to around 65% as soon as the judge had another break.

Decisions to release are harder to make and require lengthier reasoning. As judges became tired they would default to the ‘easier’ option of parole refusal.

Even though the size of the effect was very large, none of the judges had suspected this was happening until after it was measured and shown to them.

Many similar studies support the importance of factors such as rest and nutrition on the ability to make difficult decisions.

Having regular breaks and something to eat is not just looking after yourself, it is looking after your caseload.
Time management strategies

Keeping work hours under control means using work time effectively to do work and taking appropriate rest breaks to rejuvenate.

Some strategies to manage work time effectively are:

- Prioritise and organise your workflow. Is it clear which tasks (or offenders) take priority? Do you have an awareness of tasks for the day, week and month ahead, or are you just working on whatever you happen to notice next?

- Be realistic about what you can fit in one day when planning your work. Underestimating how long things will take can create time pressure and stress.

- Structure time at work. This could include reporting days, or admin days. Is there scope for short periods of “do not disturb” to eliminate distractions and disruptions?

- Utilise the flex-time agreement - leave early if you are having a low or unproductive day, recharge and come back and put in a few extra hours when you are refreshed. The success of flexible work arrangements requires 'give and take' by managers and employees and a shared responsibility to make the arrangements work.

- Do difficult tasks in the morning when you are more refreshed. Break tasks and goals into small manageable portions (eg. instead of doing all overdue assessments and caseplans in one block, do one or two a day).

- Take short breaks. Go for a walk outside to recharge your energy levels, or even a walk to the kitchen for a cup of tea.

- Set boundaries around your start and end times, and don’t take work home.

- Maintain focus. If you spend a substantial part of work time making personal phone calls, sending e-mails, looking up news on the internet, or chatting to colleagues you will have less time to work on your caseload, and will spend longer at the office. Socialisation is important but keep it in proportion, and try to structure it where possible (eg have your lunch break with your colleagues).

- Organise your work environment. Is it conducive to effective completion of tasks or are you forever looking for that lost note, report or file? Is information clear and accessible to other staff when required?

- Communicate with others effectively. Good communication between management and staff is important to ensure that everyone has realistic expectations, and

- Avoid duplication or inefficient systems. Don’t spend hours on cross checking reports, manually maintaining spreadsheets or work management systems unless they actually save time overall.

- Stay up to date on policy and procedures. You might be doing some tasks unnecessarily, or in a more complicated way than you need to. It also means you’ll be working the same way as others, which creates more efficiency when work is transferred.

- Learn from others. Who appears to be the most organised and in control person at work? Can they assist you to develop systems to keep tasks on track?
Stress management

The detrimental effects of stress upon work performance are well established. Some stress is a normal part of the working environment and will ebb and flow. A certain stress level can motivate and achieve completion of tasks. However, consistent and long-term stress becomes unsustainable and will lead to burnout which does not help either the affected individuals or the work location as a whole.

Some strategies to help manage stress can include the following:

- Take control of your thoughts and attitudes – you may feel powerless but you always have control over your thoughts, feelings and the way you deal with problems. Re-frame problems- is it a failure or a learning experience? Is your self-talk contributing to your stress level? Can you change your attitude?

- Taking care of your physical and emotional health will make you more resilient to stress. This includes a healthy diet, exercise and getting enough sleep. Can you make time for your interests or social relationships?

- Recognise the signs of stress. Utilise flexible hours and leave to take time away from work. Take regular breaks at work, take time out to walk around (give your eyes and brains a rest).

- Look at the bigger picture – take perspective. Can you learn to accept some situations that cannot be changed and come to terms with this? What is most important to you?

- Engage with professional external support – the Employee Assistance Program (EAP) is available to all staff including those in regional locations. 94 percent of EAP participants reported positive outcomes and improved work performance after EAP intervention was implemented.132

- Consider a change – taking a break or changing your current work environment can renew your energy and coping ability. What about a parole unit or community service work? Are there any Expressions of Interest that might be suited to your skills? Is it practical to try and change locations?

- Talk it over with someone who is attentive, supportive and empathic. Discuss with unit leaders and managers about workload and personal issues affecting work. Debrief following stressful interactions with offenders.

132 Australian Safety and Compensation Council (2005).
The role of managers

It is the responsibility of managers to ensure staff manage their time effectively and implement strategies to assist staff to avoid persistent elevated stress levels. It can be a challenging task to balance staff welfare needs and operational service delivery needs. However, striking this balance is critical due to the interdependence of these factors. Work-related stress accounts for the longest stretches of absenteeism, and is one of the most expensive areas for workers compensation claims. It is well established that the negative effects of stress include absenteeism, staff turnover, lack of commitment to work, litigation, decreased productivity and poor morale. Managers need to be mindful of:

- Ensure equitable distribution of work rather than overloading high achievers or those willing to put in long hours. While some staff members carry shortfalls from elsewhere in the office, skewed work allocation can encourage others to maintain or develop poor habits.

- Be aware of staff indicators of stress and take action to avoid burnout.

- Manage office leave to provide a balance between ensuring everyone has reasonable access to leave when they need it, versus maintaining operations to the required standard.

- Recognise and address the balance between socialising to create positive working relationships and extraneous conversation which cause distraction.

- Leadership and management decisions set the workplace dynamics and can be conducive or detrimental to creating a productive team.

- Have a good oversight of service delivery – ensure that you maintain a balance between quality supervision, compliance with performance indicators and staff welfare.

- Staff communication – do you understand what your staff are trying to communicate? Are you motivating and encouraging staff to work more effectively and achieving work-life balance?

- Reflect upon your own stress levels – stressed managers can have negative impacts upon employees by being overly critical, self-focused or micro-managing to impose control.

- Encourage professional development initiatives as this can alleviate stress or motivate staff. Put processes in place for staff to be made aware or reminded of policy updates, allow workload considerations to factor in further training required, support staff in work related interests such as organisation visits to gain a better understanding of services, participation in projects or collaboration with other organisations to improve offender management.

133 Safe Work Australia (2013)
References


References


_Fardon v Attorney-General (Qld) (2004) HCA 46._


References


References


Ministry of Justice (2013) *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. 90
References


O’Toole, S (2002) Corrections in Australia, Butterworths, Chatswood NSW.


References

Queensland Community Corrections (2015)


Safe Work Australia (2013), The Incidence of Accepted Workers’ Compensation Claims for Mental Stress in Australia, Safe Work Australia, Canberra.


References


