

A background image of a pair of scales of justice, rendered in a dark, monochromatic style. The scales are positioned centrally, with the pans hanging from a central beam. The lighting is dramatic, highlighting the metallic surfaces and the intricate details of the chains and weights.

TREATMENT
ENCOURAGEMENT
RESPONSIBILITY

Entering the Business

ENFORCEMENT
CONFRONTATION
PUNISHMENT

This article begins a two-part series on increasing motivation with involuntary clients, focusing on mandated offenders placed under probation supervision by court orders. Motivational Interviewing (Miller & Rollnick, 1991) is an approach that was first developed and applied in the field of addictions but has broadened and become a favored approach for use with numerous populations across a variety of settings (Burke, Arkowitz & Dunn, 2002). In our own field of criminal justice, evidence-based practice as outlined by criminologists has recommended that justice staff be responsive to motivational issues with offenders (Andrews & Bonta, 2003). This series attempts to lend substance to that recommendation with suggestions for direct practice application.

PROBATION STAFF CLAMOR FOR “HOW TO’S” AND SEEK KNOWLEDGE AS THEY WORK HARD TO MANAGE HIGH VOLUME CASELOADS. THE SECOND ARTICLE OF THIS SERIES WILL ADDRESS SUCH STRATEGIES AND TECHNIQUES FOR THE FIELD OFFICER. BUT PATIENCE IS NECESSARY AS MOTIVATIONAL INTERVIEWING (MI) IS NOT JUST A COLLECTION OF TECHNIQUES TO APPLY TO AN OFFENDER. RAISING MOTIVATION LEVELS AND INCREASING AN OFFENDER’S READINESS TO CHANGE REQUIRES A CERTAIN CLIMATE — A HELPFUL ATTITUDE AND A SUPPORTIVE APPROACH THAT ONE WOULD TAKE WITH AN OFFENDER. THIS CLIMATE BECOMES GIST FOR DEVELOPING A HELPING RELATIONSHIP, AND IT IS IMPERATIVE THAT THIS RELATIONSHIP OCCUR BETWEEN AGENT AND PROBATIONER IF ENDURING CHANGE IS TO OCCUR. THIS ARTICLE WILL EXAMINE THIS TYPE OF CLIMATE ACROSS THE CRIMINAL JUSTICE FIELD (THE MACRO PERSPECTIVE), WITHIN PROBATION DEPARTMENTS (THE MESSO PERSPECTIVE) AND INTO THE INDIVIDUAL PAIRING OF ANY OFFICER AND OFFENDER (THE MICRO PERSPECTIVE).

Across the Criminal Justice Field (macro): What Business Are We In?

Duncan, Miller and Sparks (2004), promoting outcome-informed efforts, recall a landmark article by Theodore Levitt, a Harvard business professor. Levitt (1975) recounted the rise of the

of Behavior Change:

Motivational Interviewing for Probation Staff

railroad industry throughout much of the 1800s and into the next century. The railroad industry vaulted to tremendous success as it laid track from city to city, crisscrossing and connecting our continent. Millions of dollars were pocketed by those laying the track and building this nation’s rail infrastructure. The pace of life quickened, and demand rose for speedy travel.

However, as the first baby-boomers began to leave their nests in the 1960s, the railroads were in trouble — actually in serious decline. Why? Railroad executives would answer that it was due to the need for speedier transportation and faster communication that was being filled in other ways (i.e., cars, trucking industry, telecommunications, etc.). That reasoning made no sense to Levitt. To this business professor it begged a question. Duncan, Miller & Sparks (2002: 80) note the irony:

The railroad industry, Levitt (1975) argued, was not in trouble ‘because the need was being filled by others...but because it was *not* filled by the railroads themselves’ (p. 19). Why did the industry not diversify when it had the chance? Because, as it turns out, railroad executives had come to believe they were in the *train* rather than the *transportation* business.

Due to this limiting conception, trucking and airfreight industries prospered while locomotive engines fell into disrepair, parked on rusted track in the back of neglected railroad yards. The railroad industry had come to believe they were in the railroad business instead of the transportation business. >>>

It would seem that probation, as a criminal justice entity, is much like the railroad industry of our past century — for it has come to believe that it is in *probation business* rather than the *behavior change business*. Our field seems primarily concerned with the process of probation — insuring adequate supervision, compliance to probation orders and the completion of mounds of attendant paperwork. Process takes center stage rather than a principal focus on strategies and techniques that will encourage positive behavior change (outcomes).

The problem lies in the mindset that pervades the probation and parole field that allows outcomes to take a back seat to process. Consider a recent lament by a deputy director who manages a fairly large community corrections division. Engaged in a discussion regarding the “business of probation” during a recent training session, he offered his state’s probation officer of the year award as an example. This annual contest awards much more than a certificate or a new wristwatch — the prize is a week-long vacation in the Caribbean! As can be imagined, staff keep a constant eye on their efforts and work hard to win the prize. However, this deputy director noted the field is so process oriented that whatever agent might win this trip would do so because of timely paperwork completion, more face-to-face meetings than required, comprehensive report writing and punctual court appearances. Yet if outcomes were considered, this same officer, enjoying the sun and waves from a relaxing beach-side cabaña, might be embarrassed to know their caseload detailed a 30 percent absconding rate or a 60 percent recidivism rate. Sadly, this situation is not one-of-a-kind. Another state’s officer of the year award is even easier to determine; it is awarded to the staff member who has the highest rate for collection of court fees. Process is king. The business of probation occupies the limelight.

For those who might bristle at this implication, a quick inventory is telling: If your department requires new-agent training, how much of that orientation curriculum involves motivational enhancement training or strategies/techniques to encourage positive behavior change? Consider any continuing education training recently conducted by your department. More often than not, training titles would have included phrases such as, “Managing the...,” “Supervising the...,” “Officer Safety,” “Computer Training,” “Risk Assessment” or the ubiquitous phrase, “How To Deal With The... (sex offender, dually-diagnosed, hostile client,

etc.)” This is not to imply these training topics as unimportant, but rather to point out the sheer absence of any tactical curiosity regarding positive behavior change. Whether training topics or journal articles, both appear pertinent to probation services — not behavior change. The business of probation proliferates. Managing trumps motivating. Supervision obscures relationships. Intimidation overshadows encouragement. Compliance remains in ascendancy. Change is left wanting.

Looking to our past may help us to understand the present, allowing us to examine why we find ourselves in this current state. It would seem we were born into a correctional world that had always known tension between the ideals of punishment and treatment. Our field seems unable to extricate itself from a seemingly hypnotic-hold of a “tough-as-nails” approach. To try and understand how the probation field became mesmerized is to appreciate two swings of the crime control pendulum that have occurred over the last 50 years. Psychological and sociological theories of criminal behavior gained prominence in the 1940s and helped the principle of rehabilitation of offenders (offender treatment) to flourish throughout the 1950s and 1960s (Gendreau & Ross, 1987). However, evidence to support the treatment paradigm did not keep pace by tracking outcomes and building supportive evidence, so the pendulum swing of correctional policy started to move back to the punishment and “just desserts” approach. Rehabilitation lost favor by the late 1970s and began to recede during the 1980s.

One swing followed another as the ideal of punishment lost ground. Clive Hollin (2000) notes, “If the 1980s saw the fall of the rehabilitation ideal, then the early 1990s witnessed a spectacular resurrection... (this) resurrection of treatment can be directly traced to the impact of a string of meta-analytic studies of the effects of offender treatment published towards the end of the 1980s and into the 1990s.” The predominance of punishment had not demonstrated effectiveness, and in many instances, was shown to increase recidivism. With the advent of the 1990s, supervision and treatment has enjoyed more certainty of success (Andrew & Bonta, 2003; Bernfield et al., 2001).

With the current pendulum swing back to treatment, there is a call for motivational enhancement of offenders. With the rise of evidence-based practice, Andrews, et al (1990) details “three principles of effective intervention” that include, (1) risk assessment, (2) targeting criminogenic needs and (3) responsivity. The rubric of “responsivity” is defined as an effort that will “insure that individuals are suited to the treatment intervention. Be responsive to temperament, learning style, *motivation*, culture and gender of offenders undergoing treatment when assigning and delivering programs.” (emphasis added - pps. 374-375)

How then, is probation staff to be responsive to motivational issues and work to enhance offender readiness to change, when a good portion of our criminal justice culture (macro) remains stuck in an

Motivational Interviewing makes a lot of sense to me — I mean, it seems to be a lot like banking. We've got to make a deposit before we can expect to make a withdrawal.

- Training participant, 2005

adversarial get-tough atmosphere? Anthropology may offer an explanation. Steven Pinker, in his 1997 landmark book, “How the Mind Works” notes there are parts of our current human brain and body that once served a survival purpose in our primordial cave-dwelling past. Yet, today these same body parts no longer serve any real function. These anthropological remnants become an appropriate analogy for the tough-as-nails stance that many embrace within our probation field. What worked for the sole emphasis on punishment and penalty (stopping negative behavior), continues only as an obstacle for increasing motivation and assisting change (starting positive behavior).

A Second Pendulum Swing?

We’ve witnessed the pendulum swing between the punishment and treatment camps in our field, yet could there actually be two pendulums? I propose there are two, one that is research-based and another that is practice-based. The research pendulum swings in the foreground, set in motion by criminologists who suggest what course of action will reduce crime. However, I believe there is a second pendulum, with a swing moving in the background, moving much slower and shadowing the first. This pendulum swing involves the atmosphere and attitudes of those who work within the probation field. This article calls attention to this “practice pendulum,” that is created by — but not always in sync with — the research pendulum. To understand this second pendulum is to understand that our field seems shackled by a lag-effect; out-of-date attitudes held by many in the field who seek not only compliance from offenders but dominance and primacy over them as well. This hold-over from the just desserts/punishment era remains alive, suppressing behavior change as it limits an offender’s involvement to passive and submissive roles. The brain is dead, but the body continues.

Within Probation Departments (mezzo): The Obstacle of the “Either/Or”

What about this recent pendulum swing has brought our field back to a focus on treatment? What is this business of behavior change? How does change occur? And more importantly to our field, how can department policy and a probation officer’s efforts increase an offender’s readiness to change? These questions can guide our departments toward a fundamental change in both attitude and objectives. Questions this two-part series will attempt to address.

Change is a process that often takes time. It can occur by sudden insight or dramatic shifts (i.e., epiphanies, wake up calls) but the vast majority of change occurs slowly and incrementally. The Stages of Change theory (Prochaska & DiClemente, 1983) has even mapped out these incremental steps, lending support to the idea that change is a process rather than a point-in-time event. When working with probationers new to our system (or those returning) who may pose harm to themselves or others, initial objectives must begin with offender stabilization. Those who are out of control must be brought

into control, hence compliance becomes an all-important first step in offender supervision. If we did not, we would be neglecting our primary mission of social control at the community’s peril.

It’s time to expose a form of “either/or” conceptualization by probation staff that ends up as a stumbling block for improved outcomes. This block is analogous to brewing tea. To enjoy a cup of tea, it’s not hot water *or* tea leaves, rather it’s hot water *and* tea leaves, the key combination that allows the brew to be served. However, there are those that would strip this sensibility from our own field of probation. Their concrete thinking would have us believe in a limiting contrast; that we either secure compliance *or* increase the readiness to change, that one either imposes sanctions *or* establishes a helping relationship. As a fish might ask, “what water?” this contrast is so pervasive it is seldom noticed or examined. Motivational Interviewing contends that objectives of control and motivation can exist side by side. This “both/and” inclusiveness will be sketched-out later in this article.

Those that show little respect to offenders and adopt an adversarial style are only successful in imposing (once again) another type of unproductive either/or contrast: Either one is tough or soft. A tough, unyielding approach could be characterized as “holding the line.” Those who take a tough approach justify their harsh attitudes and abrasive conduct towards offenders believing this hardened stance is the only true option. To do otherwise would constitute a soft approach which is merely “wanting to be liked” or “trying to be friends.” While heavy-handed advocates may not achieve acceptable levels of success with their adversarial approach, they feel a relief that (at least) they will never be accused of acting indulgent or pandering to the offender. It has long been a reaction in our field to blame the offender when change does not occur (Clark, 1995). Rather than examine our own efforts, a lack of improvement is explained away as more evidence of the intractable nature of probationers.

Why is a tough approach tolerated in our field? How can it be purged? Our field needs to dissuade the “us vs. them” mindset as it becomes a hindrance to all — hampering the officer/probationer relationship, department objectives, offender improvement and ultimately the safety of our communities. Space prohibits a review of the multitude of studies (Miller & Rollnick, 2002; Hubble, Duncan & Miller, 1999) that find a confrontational counseling style limits effectiveness. One such review, (Miller, Benefield and Tonnigan, 1993) is telling. This study found that a directive-confrontational counselor style produced twice the resistance, and only half as many positive client behaviors as did a supportive, client-centered approach. The researchers concluded that the more staff confronted, the more the clients drank at 12-month follow up. Problems are compounded as a confrontational style not only pushes success away, but can make matters worse.

It would seem that those who swagger and take delight in adopting a tough approach do so without knowledge of this large body of research regarding counselor style. It is at this juncture that many >>>

probation staff claim, “We’re not counselors! Our job is to enforce the orders of the court.” This claim only serves to disappoint and underscore that our field remains fixated on the business of probation — not the business of behavior change.

This brings to mind staff who do not adopt this abrasive style but must work around those who do. These staff witness the insensitive attitudes and disrespectful treatment of offenders and become reactive to it. However, much like a crowd that shrinks back in a bully’s presence, these same department colleagues and supervisors fall silent and fail to challenge this callous conduct.

It is understandable why many are reluctant to confront. The defense used by the tough crowd is as insidious as it is absolute. Tough-as-nails staff again evoke an either/or contrast. They contend that to challenge their insensitive behavior could only come from someone who was soft, and staff thought to be soft lack authority and substance. This incredulous mindset shields them from criticism and any subsequent self-evaluation. Shielded because anyone who might call their behavior into question would be thought to lack credibility for the sole reason that they disfavor heavy-handed ways! The criticism, or the person who might raise it, would be dismissed — a priori — as lacking integrity.

I am reminded of a probation supervisor who tried to confront a staff member who was known for intimidation tactics and would brag in back-office chatter about his ill treatment of probationers. When the supervisor tried to contend that his use of intimidation was both unethical and ineffective, the officer confounded the interchange by a numbing use of the either/or contrast.

The officer retorted, “So, what you’re saying is that I should molly-coddle them (probationers)?”

“No” the supervisor answered, “But you can’t use the stick all the time, there are times to use the carrot as well.”

The officer retorted sarcastically, “So, I’m supposed to be their friend, right?”

“No” again replied the supervisor, “But I speak of basic respect.”

“Respect?” cried the officer, “Respect these people after what they’ve done?”

“Look,” the supervisor pleaded, “it’s just not effective to constantly go after them.”

The officer rejoined with a rhetorical question, “So, you’re telling me that hugging them is more effective?”

After several go-rounds the exasperated supervisor finally stated, “I guess what I’m trying to say is that you just need to be a little more ‘touchy-feely’ with those you supervise.”

The probation officer finished the exchange with the mocking statement, “That’s right! When I touch them, I want them to feel it!” Frustrated by the close-mindedness, the supervisor withdrew.

With overwhelming research in hand that a confrontational style inhibits outcomes, it would seem that allowing the voice of those who say the world is flat to coexist with those who know it to be round, brings assurance and honor to no one. Our field cannot rise to become change focused if a confrontational style is tolerated as an acceptable way of doing business. A heavy-handed approach is a backwards style that becomes an obstacle for the field in toto.

A clarification is necessary. Motivational Interviewing considers “confrontation to be the goal, not the counselor style.” That is, the goal of all helping is to create a self-confrontation that prompts offenders to “see and accept an uncomfortable reality” (Miller & Rollnick, 1991, pg. 13). This awareness, of coming face to face with a disquieting image of oneself, is often a prerequisite for intentional change. However, one would not try to impose this awareness by forcing it upon someone through a confrontational style. To do so often makes matters worse. Multiple research studies (Rollnick, Mason & Butler, 1999, Tomlin & Richardson, 2004) repeatedly demonstrate that a harsh, coercive style often prompts a paradoxical response in that the more one is directive and presses, the more the other backs away. Rather than evoking change it causes an offender to become more entrenched in the problem, arguing and defending their current negative behavior. Probation agents are familiar with this backing away. It can take either active or passive forms, gearing up with the strong emotionality of arguing and tense opposition, or alternately, by shutting down through the absence of emotions, as with passive-aggressive silence or a “Who cares?” dismissal.

How probation officers can help an offender to see and examine their situation clearly and change accordingly — all while avoiding the active or passive forms of this paradoxical response — will be outlined in the next article.

Finding the Middle Ground

To understand and further behavior change is to understand the interpersonal climate between officer and probationer that encourages change. Motivational enhancement steers clear of both the hard and a soft approach. The hard approach is overly directive and places offenders in passive, recipient roles. A soft approach correspondingly places the officer in a role that is too passive. A soft approach is also vulnerable to a condition characterized as professional dangerousness (Turnell & Edwards, 1999) where an officer, in attempting to keep a hard-won relationship at all costs, refuses to bring violations to the court’s attention when they should (“I won’t tell this time — but don’t do it again”). Here the officer has swung too far to the opposite extreme and is not directive enough. The hope and belief that the officer can build an alliance and work together with an offender to make things better is not the same as ignoring violations. Believing that offenders are worth doing business with is not at all the same thing as adopting the easiest way of doing business with them.

It would seem neither side wins this debate as both approaches reduce offender outcomes, each for a different reason.¹ An emerging motivational approach finds middle ground by those who understand the both/and inclusion. With motivational interviewing as utilized by probation staff, officers are taught to cooperate with the offender, not the criminal behavior. Probation staff can examine how to impose sanctions *and* build helpful relationships, and with training, agents can build the skills to supervise for compliance *and* increase the offender's readiness for change.

This is not new to our field. Start your own single subject research by asking any probation supervisor to offer a frank (but discreet) evaluation of their department staff they supervise. Many supervisors can easily walk down their department hallways, and with candor, point to the offices of agents who have the abilities to build helpful alliances with offenders without compromising probation orders. These staff seem to understand that compliance and behavior change are not mutually exclusive efforts. What are the traits and skills that make these agents so different? With an eye to effective relationships that are so essential for encouraging change, why are not more probation departments hiring with these inclusive (therapeutic) abilities as criteria for employment?

As noted, there is an abundance of research citing how a confrontational approach repels those we work with and becomes an obstacle for change. Probation departments must speed-up this practice pendulum swing by finding their voice; labeling the tough approach for what it is — an obstacle. Departments must become empowered to establish a climate that will both ensure compliance and foster hoped-for behavior change.

Into the Individual Pairing of Officer and Offender (micro): A Helpful Mix

I am unrepentantly optimistic as movements are occurring both outside our field and within our own ranks. All to help the second pendulum swing of officer attitudes to keep pace. There are efforts underway that sketch a helpful mix for how to hold the line with offenders, while at the same time encouraging positive behavior change in probation work (Clark, 1997; Mann et.al., 2002).

A further contribution involves a critical look at the power attributed to a probation agent and how that power is used. I have argued elsewhere (Clark, 2001) and repeat my contention that a therapeutic relationship in probation work can be established through (1) perspective, (2) role-taking by the officer and (3) skillful negotiations with the probationer.

(1) Perspective

To utilize motivational interviewing, probation staff must adopt a lens, or a way of viewing the offender, that is consistent with the Strengths Perspective (Clark, 1997, 1998). The Strengths Perspec-

tive in the justice field is first and foremost a belief in the offenders' ability to change. Although it would be naïve and disingenuous to deny the reality of the harm inflicted by those we work with, Saleebey (1992) cautions:

If there are genuinely evil people, beyond grace and hope, it is best not to make that assumption about any individual first... even if we are to work with someone whose actions are beyond our capacity to understand and accept, we must ask ourselves if they have useful skills and behaviors, even motivations and aspirations that can be tapped in the service of change and to a less-destructive way of life? (pg. 238)

This strengths perspective embraces the science of "getting up." For the previous 40 years, criminal justice has focused on the science and classification of falling down as evidenced by our sole focus on deficits, disorders and failure.² The strengths perspective pays attentions to what strengths, resources and assets probationers might turn to as they attempt to manage and overcome their troubles. Any probation officer could easily bemoan, "But so many offenders don't care to overcome; they don't believe change is important; they don't seem ready or willing to change." The reader will see in the next installment in this series the techniques that can prompt an offender into taking steps towards positive behavior change — seeing change as something they should do and can do.

(2) Role-taking

There is great power attached to a court. When used appropriately, it can help to change the trajectory of someone's life, bringing health and improvements that radiate throughout a family and across the larger community. But when this power is abused or misapplied, the trauma and pain that results can continue long after court documents yellow with age. Who wields this power that holds such potential for benefit or harm? A helpful motivational perspective answers, "Not the officer!" The locus of power is actually centered in the judicial bench rather than to any individual officer. To bring this power home to roost with the officer is not only incorrect but can limit or stifle the very relationship that becomes the conveyor of positive behavior change. Take for example a short passage included in a chapter entitled, "Ethical Considerations" found within the latest edition of Miller and Rollnick's text on motivational interviewing (2002: 166):

"...consider a counselor who works with offenders on parole and probation and who has the power *at any time* to revoke that status and order incarceration." (emphasis added)

Although this excerpt speaks to the power of "counselors" who work with offenders, it could be argued that the power attributed to the supervising probation officer would be even greater. However, accurately stated, no officer is truly vested with the power to jail an offender, apply new consequences or to increase consequences by personal decision or whim. This is not a case of splitting hairs with

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a play on words. An agent must petition the court. The court then works to substantiate the alleged violations of probation in a formal hearing and it is the court that determines guilt or innocence and imposes additional sanctions where appropriate.

There is no intent to disparage those who may not understand the judicial process, only to point out how pervasive this misperception has become across our culture. The statement that the probation officer "...has the power at any time to revoke that status and order incarceration..." demonstrates something akin to an unfounded urban legend that gains credibility only through the endless retelling. Legend becomes fact. This mistaken attribution of power is not only limiting for the motivational-inclined officer, but an incorrect understanding of probation jurisprudence.

I do not gloss over personal abuses of power, or even systemic bias that prompts disrespectful treatment of offenders. Officers can and do illegitimately grasp at this power base ("I'll lock you up!") or consistently intimidate as a personal style, heaping abuse dissolutely on offenders. However, abuses of power are not specific to probation agents and can occur within any helping endeavor. Abuses may well crop up with greater frequency in the criminal justice field, yet I would assert that this becomes an *ex post facto* argument for the greater expansion, rather than preclusion, of motivational interviewing within our ranks.

Misperceptions are understandable and easy to overlook when proffered from outside the criminal justice field, but far more troublesome when furthered by criminologists within the field. Consider this short treatise from Mills (1980: 46).

The distinguishing feature of corrections that differentiates it from other helping professions is the large amount of socially sanctioned authority, both actual and delegated, carried by the corrections official...The officer must learn to become comfortable with his authority, and to use it with restraint in the service of the officer and client's objectives.

The reaction of some inexperienced officers is to banish the "big stick," and go hide it in the judge's chambers or in the warden's office. Such officers seem to believe that social casework and counseling can proceed in corrections in the same basis as in an outpatient clinic, that their "good guy in the white hat" image is somehow tarnished by the possession of so much power over their clients. Officers who conduct investigations and counseling while denying their own authority are usually perceived as being weak, and are subject to easy manipulation by their clients.

With all due respect, my suggestion is that officers do exactly what Mills cautions against! Motivational interviewing, as utilized within the field of probation, is determined not to personally assume the big stick. It furthers an officer's ability to influence change when they place the stick with the judge, their supervisor or even to use agency policy as a convenient catch-all. This becomes not a weakness as purported by Mills, but rather a strength. When using motivational interviewing with mandated clients, I am mindful of the distinction

of power versus force: greater power to increase readiness to change and improve outcomes can be harnessed with the use of motivational interviewing by establishing fit with a probationer ("Are we together on this?"), than with use of adversarial force from the me vs. you nexus of dominance.³ I believe the ability to create and maintain a therapeutic relationship — so essential to the spirit of motivational interviewing — can only be realized by placing the big stick with others.

(3) *Skillful Negotiation*

Miller and Rollnick (2002: 173-174) detailed a helpful example of this negotiation with probationers. It begins with an honest explanation of the duality of an officer's roles: certainly to supervise and report compliance to probation orders but also to act as a helper and lend assistance:

I have two different roles here, and it is sometimes tricky for me to put them together. One of them is as a representative of the court, to ensure that you keep the conditions of probation that the judge set for you, and I have to honor this role. The other is to be your counselor, to help you make changes in your life that we agree would be beneficial. There are also likely to be some areas we'll discover, where I am hoping to see a change that you're not sure you want to make. What I hope is that by talking together here (when you report), we can resolve some of those differences and are able to find areas of change we can agree on. I'm sure I'll be asking you to consider some changes that right now don't sound very good to you, and that's normal. We'll keep exploring those issues during our time together, and see if we can come to some agreement. How does that sound to you?

Should compliance become an issue, the officer negotiates "How do we (you, significant others and myself) keep them (the judge, the court, agency policy) off your back?"

In training, I find staff new to motivational interviewing have a hard time negotiating these dual roles. Concrete thinking of either/or tends to dominate. "I either supervise or seek compliance (applying sanctions for failure to comply) or I practice motivational interviewing and try to motivate and establish a therapeutic alliance." It's not tea leaves or water; it's a good-enough blend that creates the brew. Helping staff to adopt a both/and conception is central to the business of behavior change.

Our field's ambivalence regarding intimidation and heavy confrontation must be systemically addressed. There is a tiresome practice of privately judging this behavior as reprehensible — yet publicly we say nothing. If behavior change is truly paramount, then intimidation and heavy-handed treatment is inappropriate and must be openly denounced across our field and within our departments. Only then will we stop the false dichotomy of tough/soft which continues to drain our field of its effectiveness. Only then will probation departments be populated with staff that can enforce orders and increase the readiness to change. Only then will a true decision be made as to whether we're in the business of probation or whether we're in the business of behavior change.

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End Notes

¹This is similar to Bazemore & Terry’s (1997) treatise on viewing offenders in a dichotomy as either villains or victims. Those adopting a “tough” approach may well be influenced by the villain view while those adopting a “soft” approach may do so if they view offenders through only a victim lens. A villain lens would reduce outcomes as villains “don’t care” and “don’t want to change.” A victim lens would hold progress back since as victims, they’re not responsible and since they didn’t cause the trouble, they shouldn’t be involved in the resolution. These authors suggest adopting a third view (or lens). Since offenders will come to us as villains or victims, we need to move beyond these limiting views to see offenders with a third lens—as capable and as a resource in the process of change. This “third lens” as proposed by Bazemore & Terry corresponds with a motivational approach (middle ground) that lies between the extremes of “tough” and “soft.”

²A good example of this sole focus is evidenced by our fields skewed use of “risk” factors. The terms “Risk and Protective factors” came from resiliency research, started in the 1950’s. Risk and protective factors were thought to be indivisible, much like the natural pairing of two eyes or two ears—they came as a pair, inseparable from each other yet complimentary to each other. One could not speak of risk factors without noting protective factors as well. However, as evidenced in our field, “risk factors” came to the forefront and now exclusively dominates while “protective factors” are seldom mentioned—much less assessed and integrated in probation plans.

³This contrast of power vs. force, so pertinent to which type of influence should be applied by probation staff can also be found as a book title by David Hawkins (2002) *Power vs. Force: The Hidden Determinants of Human Behavior*. In this book Hawkins states, “Whereas power always results in a win-win solution, force produces win-lose situations...the way to finesse a (solution) is to seek the answer which will make all sides happy and still be practical. ...Successful solutions are based on the powerful principle that resolution occurs not by attacking the negative, but by fostering the positive.” Hawkins concludes, “Only the childish proceed from the assumption that human behavior can be explained in black and white terms. (pps. 138-139) I would contend the “either/or” conception is similar to the “black and white terms” as noted by Hawkins. >>>▲

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