

# THE STRENGTHS PERSPECTIVE IN CRIMINAL JUSTICE

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### PRELIMINARY QUESTIONS

This chapter will introduce the application of the strengths perspective to the field of criminal justice. As the development of a background is important for any sketch, four preliminary questions are asked to establish a backdrop:

1. *Why does criminal justice focus almost exclusively on problems, failure, and flaws when it is an offender's strengths, resources, and aspirations that propel law-abiding behavior?*

Problems are important and certainly call for our attention, but criminal justice departments who have adopted the strengths perspective understand that *problems do not include directions on how to get us past the trouble*. Problems may get the ball rolling and start the process, but that is not the same as saying problems will finish the job. Change always comes from a person's place of power and strength. Criminal justice certainly knows this on some level, yet systemically the methods and practices to elicit, amplify, and utilize strengths are not in place.

2. *Why does our field occupy itself with punishment when a host of new meta-analytic research has proven that the exclusive use of punishment—in the absence of treatment—increases criminal behavior?*

The persistent nature of the problem arises in the very efforts to solve it. The attempted solution has become the problem. Even though these meta-analyses (Gendreau et al., 2002; Gendreau, Little, & Goggin, 1996; Gibbs, 1986; Taxman, 1999) are very clear that pure punishment makes things worse, the field of criminal justice has found it difficult to transition away from harsh and heavy-handed tactics to more motivational interventions (Walters, Clark, Gingerich, & Meltzer, 2007). Criminal justice seems like a massive naval vessel trying to alter its course. It doesn't "turn on a dime," thus, leaving any change of directions to be a slow and cumbersome process.

Treating offenders as subhuman entities that need punishment to change has been not only tolerated, but in some instances applauded. A good summation is offered by Viets et al. (2002), “There is no reason to believe that offenders respond to fundamentally different principles of learning, thinking, and motivation than the rest of humankind. Confrontational approaches . . . become a self-fulfilling prophecy, engendering evasiveness and resentment while doing nothing to decrease the likelihood of repeat offenses” (p. 27). With our criminal justice departments geared toward punishment and slow to change, then hear again the words of Oliver Hazard Perry: “We have met the enemy, and they are ours.”

3. *Why do we construct solutions solely from our point of view, when we are not the ones being asked to change?*

If officers don't listen to those they supervise, they may fall prey to establishing court plans that are more for the officer than they are for the probationer. Consider that effectiveness rates for working with offenders have not improved since the 1960s (Clark, 2007). During this five-decade span, all punishment and offender treatment has had one frame of reference—it has occurred from the criminal justice professional's point of view. Telling offenders *why and how*—why they should change and how to go about these alterations has not brought the intended results. Can criminal justice change perspectives to one that may possibly offer more productivity—the offender's point of view? With little or no formal training to help them understand human motivation, criminal justice staff continue to predominantly advise, castigate, and coerce. Without knowledge of the mechanics of human behavior change, conditions and efforts so critical to assist change are ignored or left to wither. Burnett (2004) points out that it has now been about forty years since Matza's (1969) influential call for criminologists to adopt a method of “appreciation” in which the aim is to comprehend and to illuminate the subject's view and to interpret the world as it appears to him or her. It was almost fifteen years ago that Berg (1994) suggested, “Stay close to the client's definition of the problem and possible solutions, since it is he or she who will be asked to do the necessary changing” (p. 36). Could this be the decade that we finally turn to this sensibility?

4. *When receiving probation services, probationers only spend an average of one-third of one percent (.03 percent) of their lifetime with their probation officer (Farrell, 2002). So, if probationers end up changing, where does it come from?*

It is a stretch to think large lifestyle changes are enacted because of what criminal justice staff do. The far more convincing notion is that the bulk of change comes from what offenders do. Stephen Farrell (2002), a noted criminologist in Great Britain, states, “. . . continued concentration upon ‘what the officer/probation services does’ inevitably misses a huge number of other factors which are at play when people desist or persist.” (p. 175). Even newly minted criminologists would concede that most change is self-change, whether it occurs via contact with the criminal justice field, from participation in treatment, or through self-determination. Will criminal justice ever begin an earnest investigation into the other 99.7 percent of a defendant's life to find what intrinsic reasons for change may exist—and what indigenous resources await to power those changes?

## A BASELINE

The field of criminal justice has developed over time to deal with crime and justice. It's a huge complex that consumes billions of dollars annually and affects millions of citizens and their families. Consider these recent figures:

- More than 7 million men and women are currently under some form of criminal justice supervision in the United States (U.S. Department of Justice, 2006).
- Among nations, the United States has one of the world's highest rates for incarcerated citizens, ranking with the most oppressive societies (Walters et al., 2007).
- The rate of U. S. adult residents placed under correctional supervision nearly tripled between 1980 and 2005 (USDOJ, 2006).

When one reviews these figures, the oft-heard labels of “crisis” and “epidemic” regarding the state of this field seem wholly justified. Why is our criminal justice system an entity that cannot seem to stabilize? Worse yet, why is this a system that seems to be in a state of perpetual growth? There are several reasons for a field that seems to have all the earmarks of a “growth industry”:

- Major social problems scorch opportunities and resources. Poverty, inadequate health-care, and the paucity of gainful employment at a living wage continue in the absence of public policies and social programs to address these significant problems. Desolation and despair abound and the lack of prospects (social capital) becomes a root cause for a good portion of illegal activity.
- A second reason is a philosophical orientation toward offenders that creates a self-fulfilling prophecy. A lack of compassion and a penchant to label offenders as unsavory, dangerous, and disreputable only serves to perpetuate a climate of fear towards this group—and a reason to distance and separate them from the rest of society. There is a mindset that if ever a group were to deserve the label of “others”—reprehensible, undeserving, and beyond help—then offenders represent this class. Offenders are a group in our society whom it is generally acceptable, even laudable, to abuse and disparage because “these people” need or deserve it. We justify this treatment believing it is good for them and for society. We collectively imagine that degradation and contempt, even beyond measured punishment, somehow makes them better, and makes us a safer and a more just society. Enter a world where one act can make you deviant, but a thousand good acts may not bring redemption.
- A third reason is a willingness to rely solely on the use of punishment as a means of addressing drug addiction and crime. The public erroneously believes in the effectiveness of punishment for reducing crime and making our streets safer. A domino effect is created where punishment does not bring the results, which issues a call for more of what's not working. Politicians fall prey to the public's cry, believing they must be seen as the toughest on crime in order to be elected to office. All of this prompts

the enactment of new laws that call for harsher punishment and longer sentences. This situation twists into a never-ending pretzel of futility.

As bleak as this all sounds, *I do not wish to share in the pessimism that nothing is good and nothing seems to get better!* Over my career, I have seen too many advances and improvements in the field of criminal justice to indulge in cynicism and gloom. It is the premise of this chapter that many of the advancements underway in the field of criminal/juvenile justice are being propelled by a strengths perspective, whether the actions are unwitting or intentional.

### A PHRASE FOREVER LINKED: “CRIME AND PUNISHMENT”

Crime. Punishment. To become aware of how culturally linked the two issues have become—and to understand how truly ineffective they are in tandem—is to begin to appreciate the central benefit for the application of a strengths approach to this field. Delivering punishment via the criminal justice system in the United States is a truly complex social act. Hollin (2002) notes that the key point to focus on with respect to the administration of punishment are the *outcomes to be achieved*.

- If the criminal justice field seeks *retribution*—that is, to answer crime with painful responses and impose sanctions for the criminal behavior—then the punitive measures ladled out (arguably) achieve that outcome.
- If the criminal justice field seeks *incapacitation* for public safety—that is, to lock someone up behind bars and thereby prevent them from committing any more crimes—then inflicting a loss of freedom (e.g., punishment) will achieve that outcome as well.
- However, if the criminal justice field seeks to *change behavior*—that is, to supplement prosocial behavior to override and eliminate antisocial criminal behavior, then the achievement of this outcome is highly uncertain. (pp. 245–246).

Using punishment to change behavior is the foundation to deterrence theory. However, Hollin (2002) continues by citing that punishment has not proven effective for either general or specific deterrence. For *general deterrence*, or the notion that punishing criminals will deter other members of society from committing crimes, the returns on punishment for deterring the actions of others have been poor. It is also doubtful that punishment lends itself to *specific deterrence*, or the notion that it deters the specific person and motivates long-term behavior change at the individual level. Rather, new meta-analyses notes that punishment, in the absence of any treatment, *increases* criminal behavior (Walters et al., 2007). Hollin (2002) concludes that on either level (society or individual) “punishment demonstrably fails to motivate offenders to change” and wonders what the criminal justice field will turn to as alternative methods for changing behavior (p. 246).

## THE TWO Cs OF PROBATION HISTORY—CONTROL AND COMPLIANCE

At its most elemental level, the field of criminal justice—as an extension of our government—is charged with public safety and preserving order. To “speak the language” and be considered a true member in the world of criminal justice, one must understand the levels of success that loom for the average correctional professional.

The first level can be determined in how one answers the question: *Is it strengths based to handcuff a citizen and lock him or her up in a detention center?*

If you answered, “yes—under certain circumstances,” you’ve attained the critical first level for understanding how strengths-based practice is implemented within this field. When someone is out of control and is harming others, placing self and those around them in physical jeopardy, then appropriate authorities taking control is certainly warranted. Restraint is necessary to stabilize and bring into control those who have lost all control.

It is at the next level—compliance—where further differences begin to emerge between those that think they understand the application of a strengths approach and those who truly do. Compliance is conceptualized as a waystation, an incremental stop on the journey to behavior change. We can always use the court’s authority to have probationers parrot back to us what we want to hear, but deference is not change. Conformity is not transformation.

In the face of frustration, staff will often take the stance of “We didn’t come find you (offender), you found your way to us (court, probation department) through your illegal behavior, now it’s your task to take our direction and cooperate.” Although seemingly correct, this a posture that creates resistance. With confrontation initiated, this stance will inevitably have to rely on coercion and heavy-handed methods to achieve cooperation. Human motivation is much more complicated than establishing what is the “right” or “wrong” thing to do—and it is created out of a host of cultural, gender-based and community-specific resources and dynamics. Gaining compliance to ensure stability following an out-of-control situation is imperative, and demanding obedience is important for crisis situations. However, a strengths-based doctrine does not believe obedience is a lofty goal—even dogs can be taught to obey.

Compliance, while part of a continuum of control, cannot rest as a final goal. Behavior change is always in ascendancy with strengths-based practice. In community corrections, it is important to be able to appreciate how internal and external forces work together to facilitate positive behavior. Because we work with a mandated population, change might begin because of external pressure (e.g., conditions of probation), but later can be continued for internal reasons (e.g., probationer sees personal benefits). The process would ideally take the form of the incremental stages, “I have to change, I need to change, I want to change.” Officers can choose to use strategies that move change to the “inside” or just as easily allow compliance to remain pressure-driven and superficial. It is important for those who seek to increase a defendant’s readiness to change to understand where change comes from.

## ADDING ONE MORE: THE 3 Cs OF STRENGTHS PERSPECTIVE —CONTROL, COMPLIANCE, AND CHANGE

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 grist for developing a helping relationship—and it is imperative that this relationship occur between agent and probationer if enduring change is to occur. This chapter continues to sketch a criminal justice field that begins to form an atmosphere for assisting behavior change. I will examine this type of climate across the criminal justice field (the macro perspective), within probation departments (the mezzo 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 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). That reasoning made no sense to Levitt. To this business professor it begged a question. Duncan, Miller, and Sparks (2004) 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." 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. (pp. 81–82)

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 it was 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—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—ensuring 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 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 his or her 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 are 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. Whither change?

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 fifty 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 (2001) 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” (p. 10). 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 enjoyed more certainty of success (Andrews & Bonta, 2003; Bernfield et al., 2001).

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 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 retribution continues only as an obstacle for employing strengths 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? This author (Clark, 2006) has proposed earlier 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 have noted 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. The strengths perspective assists the practice pendulum, which 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 departments toward a fundamental change in both attitude and objectives.

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 this were not true, 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 who 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. This contrast is so pervasive it is seldom noticed or examined. The strengths perspective contends that objectives of control and motivation can exist side by side. This "both/and" inclusiveness will be sketched out later in this chapter.

Those who 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 toward 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 (Hubble, Duncan, & Miller, 1999; Miller & Rollnick, 2002) that find a confrontational counseling style limits effectiveness. One such review (Miller, Benefield, & 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 the staff confronted, the more the clients drank at twelve-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. When a strengths perspective is adopted, confrontation is still present but in a vastly different form. Confrontation changes to become an effort to have probationers confront themselves. Two motivational experts, William Miller and Stephen Rollnick (1991), note that the goal of helping with those locked into self-defeating behaviors is to create a "self-confrontation" that prompts mandated clients to "see and accept an uncomfortable reality" (p. 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"—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 his or her 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 his or her situation clearly and change accordingly—all while avoiding the active or passive forms of this paradoxical response? Criminal justice staff need to find the “middle ground.”

### **Finding the Middle Ground**

To understand and further behavior change is to understand the interpersonal climate between officer and probationer that encourages change. A strengths approach steers clear of both the hard and 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 he or she 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. An emerging strength-based approach finds middle ground by those who understand the “both/and” inclusion. With a strengths perspective utilized by probation staff, officers are taught to cooperate with the probationer, not the criminal behavior. Probation officers 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 defendant’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 the department staff they supervise. Many supervisors can easily walk down their department hallways—and with candor—point to 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 Probationer (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.

**Perspective.** To become versed in assisting change, 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 perspective 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. (p. 238)

This strengths perspective embraces the science of “getting up.” For the previous forty years, criminal justice has focused on the science and classification of “falling down” as evidenced by our sole focus on deficits, disorders, and failures. The strengths perspective pays attention to what strengths, resources, and assets probationers might turn to as they attempt to manage and overcome their troubles.

**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 result 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 in 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):

. . . 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 (p. 166).

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 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 fully 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.

The strengths model does not gloss over personal abuses of power, or even systemic bias that prompts disrespectful treatment of defendants. 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 probationers. 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 a strengths perspective within the ranks of criminal justice.

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):

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. (p. 46)

With all due respect, a strengths-based orientation would suggest that officers do exactly what Mills cautions against! A strengths approach, 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 he or she places the “stick” with the judge, the 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 a strengths approach 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 strengths perspective, 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. I believe the ability to create and maintain a therapeutic relationship—so essential to the work of assisting behavior change—can only be realized by placing the “big stick” with others.

**Skillful Negotiation.** Nowhere is the adage “wearing two hats” more appropriate than with a probation officer in the field of criminal justice. 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; 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 that staff new to the strengths perspective 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 a strengths perspective 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 systematically 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” that 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.

## THE BUSINESS OF BEHAVIOR CHANGE

Historically, motivation has been viewed as something that resides within the offender. Probation officers hope for enough motivation to make some progress but often end up frustrated when they find very little. Regardless of amount, motivation has usually been thought to be a characteristic of offenders—it’s theirs to give (“cooperative,” “workable”) or theirs to withhold (“resistant,” “poor attitude”). Within this model, the probation officer becomes an enforcer of a legal contract, but not necessarily an active participant in the behavior change of the offender. Here is a common description of an officer’s role:

The probationer, in consultation with his lawyer, negotiates for probation supervision (and conditions) in lieu of jail time. In our initial meeting, and throughout our work together, I tell the probationer what is expected of him and make it clear what the penalties will be should he fail to comply. We have regular meetings to verify that he is making progress on his conditions, and I answer any questions he might have. If he breaks the law or shows poor progress

on his conditions, I see to it that appropriate sanctions are assessed. Throughout the process, the probationer is well aware of the behavior that might send him to jail, and if he ends up there, it's his own behavior that gets him there.

Reflected in this statement is an officer who is essentially cut out of the change process, except as an observer. The strengths perspective in criminal justice champions the idea that we don't have to wait for the offender to "get motivated"—motivation is interactive. There may be quite a lot we can do to raise motivation, even during brief interactions.

## Understanding Motivation

How we understand motivation will directly affect what we do (or don't do) to increase it. Understanding motivation involves five important issues.

1. *Motivation is changeable.* Motivation is not a fixed trait like height or eye color; it can be increased or decreased. Although there will always be some factors that are out of our control, there may be quite a lot we can do to raise motivation.
2. *Motivation predicts action.* Motivation predicts how likely an offender will begin an action and carry through with it. Motivation to change is not a guarantee of action, but it does predict the likelihood that a client will change. Because of this, motivation is fundamental to behavior change.
3. *Motivation is behavior-specific.* To say an offender is "unmotivated" in a global sense (as a personality description) is to misunderstand how motivation works. For example, some offenders may not be motivated to "stop drinking" but may feel the need to work on their anger. They may be reluctant to comply with a certain condition of their probation, yet have a strong desire to "get off probation."
4. *Motivation is interactive.* Motivation changes because of relationships between people. Exchanges between the officer and probationer have the potential to increase or decrease the offender's perceived importance and confidence for change. The questions and statements that an officer chooses can influence what an offender talks and thinks about, and subsequently how he or she behaves.
5. *Motivation can be affected by both internal and external factors, but internally motivated change usually lasts longer.* Consider two offenders who agree to complete a substance abuse evaluation. One agrees to the evaluation to avoid jail, while the other agrees because he or she is concerned that his or her drug use is causing family problems. Both may be compliant, but the second is more likely to make changes that lower the probability that he or she will engage in future criminal behavior. Research repeatedly finds that internally motivated change is far more enduring over time (Deci & Ryan, 1985; Viets et al., 2002).

Given the right situation, most probation officers would strive to help offenders toward behavior change, but few are equipped with the right tools. Simple notions of what things "should" motivate offenders are often insufficient. Change, when it happens, seems to be the result of a combination of factors—a sort of motivational "alignment"—rather than increased levels of just one factor.

The findings regarding motivation suggest at least four conclusions:

1. In probation services, the interaction between a probation officer and offender can have a large impact on a probationer's motivation. The way a probation officer interacts with an offender can raise or lower motivation.
2. Often, the things that we assume would be motivating to an offender simply are not. Thus, motivation is a process of finding out what things are most important to a particular individual, as well as what plan will work best for attaining them.
3. Not all moments are created equally. There seem to be "teachable" windows where people are more receptive to feedback from their environment and more interested in trying out new behaviors. Looking for where the momentum is, rather than where it is not, seems to be a sensible first step.
4. A desire to achieve an outcome (importance), belief that it can be achieved (confidence), and a belief that the new behavior is freely chosen (autonomy), seem to be the optimal conditions for change.

### **The Strengths Perspective—Embracing a Helpful Style**

No two offenders are alike—they enter our probation departments with a complex array of different experiences, traits, values, and personality styles. So if offenders come to a probation department, each with their individual characteristics, what conclusion could be reached if one heard mainly arguing and resistance talk coming from any one probation office or cubicle? It would stand to reason that it is not the offenders who are responsible for the negative responses, but rather the officers' approach. Probation officer style can be a major determining factor whether the offender comes down on the side of resistance, or alternately, increases his or her readiness to change during probation meetings. An officer's "style" is simply the way he or she relates to probationers. As noted earlier, one style can be tough as nails and coercive, while another style can be more encouraging and motivational.

Consider this example of officer style. In departments where intake and supervision are separated, supervising POs report that the ease or difficulty of their first meeting with a new probationer is heavily influenced by what happened during the intake interview. An officer from a small probation department gave this description:

For the initial appointment, I can predict what kind of attitude the offender will show up with depending on which of the two intake officers this person met with. If I see one name, I know the person will be reluctant to come in and I'll spend a portion of my time trying to undo all of the damage that has been done. If I see the other name, not only do I know the client will show, I know I will have a hard time living up to the positive image that this person created of a probation officer. It's like night and day—actually, more like heaven and hell!

### **Accurate and Balanced**

There is a great difference between accurate information gathered and reported on a probationer and information reported in a balanced fashion. While no probation department would knowingly allow inaccurate information to be presented, many allow unbalanced

information—as common practice. Consider a scenario by placing yourself in the hypothetical position of a mandated client. You have run afoul of the law. You have admitted guilt for a crime and now are in between the hearing where you admit guilt and the subsequent hearing where you will be sentenced. You are required by the court to keep an appointment to meet with a supervising officer who will draw up a plan to report to the court as to how to resolve your situation—how you are to be sentenced. You are fortunate enough to be assigned a male officer who seems fair and concerned about your case. As you first meet and take a seat in his office, he describes his role and begins to gather information about “who” you are (background information in general) and “what” you have done (law-breaking behavior in specific). During the interview, the officer seems efficient and attentive. As you discuss your failures and your successes, you feel relieved and somewhat hopeful that this just may turn out “okay.” The interview concludes and your next “appointment” is actually your sentencing hearing.

When you arrive for this scheduled court appearance, your officer (or your attorney) hands you a copy of this investigation report that has been filed about you, your life, and what the court should “do” with you. As you take a minute to read this report, you’re shocked to find that the only information that has been recorded within lists all of your failures and flaws. Very few, if any, of your strengths, past successes, skills, talents, or resources are listed. You’re quickly called into the courtroom and once your hearing is underway, should you find your voice to object to the unbalanced nature of this report, you may well be in for a surprise. In all probability, the officer would respond to your objection by claiming the report is “accurate” and that he “stands by” the information presented. Further, he defends that he can easily confirm that “all information reported is correct.” There is a high probability that your objection would be dismissed.

This supposed scenario is actually repeated on a daily basis across the criminal justice field. The greatest problem with *accurate yet unbalanced* reporting is that only half of this court defendant has been brought forward. The strengths perspective would caution that the most important half, the half that represents the greatest advantage for building solutions, is left ignored and more importantly, unused. Attorneys and the legal profession are not trained to appreciate a balanced view. Seligman (2002) reports, “Pessimism is seen as a plus among lawyers, because seeing troubles as pervasive and permanent is a component of what the law profession deems prudence. A prudent perspective enables a good lawyer to see every conceivable snare and catastrophe that might occur in any transaction” (p. 178). Unfortunately, a trait that makes a good lawyer does not translate into allowing balanced reporting.

For those familiar with sentencing reports, the bias toward an exclusive focus on the defendant’s failures and flaws is easy to spot. Once jurisdiction has been established and the court process moves disposing (sentencing) of a case, a troubling scenario can arise. Officers who have moved to a strengths approach find obstacles. In attempting to bring a balanced view of the defendant into the courtroom, they can end up belittled. In giving equal voice to a defendant’s successes as well as his or her failures, to speak of potential or possibilities as well as pathologies, the balanced perspective can be dismissed by attorneys who believe the officer has become “too close” to the defendant and is thought to have “lost perspective” due to this closeness. All in one disapproving criticism, the advantage of a balanced report is reframed as a negative and the balance—so necessary for best decisions—is jettisoned. Content is now confounded.

## POTENTIAL TROUBLE SPOTS: ENFORCING PROBATION ORDERS AND DELIVERING SANCTIONS WITHOUT LEAVING A STRENGTH-BASED STYLE

One of the things that makes probation officers unique is their conspicuously dual role. We help the probationer to plan, but dispense sanctions if he fails; we ask for honesty, but also report to the court. Indeed, it is understandable why some officers have a hard time navigating this dual role. The tendency is to move to one side—to become too harsh or too friendly—when a more middle-of-the-road approach is called for. In reality, probation officers are more like consultants, in that we manage the relationship between court and probationer. This is not as far-fetched as some would believe. In truth, we neither make decisions for the probationer nor for the court. If we treat the position from the perspective of a consultant, we can avoid some of the pitfalls inherent in this dual role. Adopting this middle-of-the-road stance makes us not only an effective advocate for the court, but also allows us greater power to influence the actions of the probationer. The strengths perspective can make change more likely, but it is by no means a magic bullet. When violations occur, there are several strategies for keeping a motivational edge.

**1. Explain your dual roles (become the “go-between”).** A strengths perspective encourages officers to be honest with offenders about all aspects of their probation, including conditions, incentives, and sanctions. Officers should fully explain up front to the probationer about their dual role—yet do so as someone who represents “both sides.” For instance:

I want to make you aware that I have a couple of roles here. One of them is to be the court’s representative and to report on your progress on the conditions that the court has set. At the same time, I act as a representative for you, to help keep the court off your back and manage these conditions, while possibly making some other positive steps along the way. I’ll act as a “go-between”—that is, between you and the court, but ultimately you’re the one who makes the choices. How does that sound? Is there anything I need to know before proceeding?

**2. Address Behavior with an “Even Keel” Attitude.** Adopting a new approach like the strengths perspective is clearly a process. Even after an initial training, there is a common pitfall for many officers when compliance problems occur. At some point, if a probationer remains ambivalent (e.g., lack of progress), they believe it makes sense to move out of a motivational style and switch over to more coercive and demanding strategies. Staff who initially found the benefits of motivational work will justify heavy-handed tactics—perceiving them to be a natural response to resistance, even remarking that difficult offenders seem to be “asking for it.” A critical idea is missed—there is a difference between enforcing sanctions based on lack of progress and switching styles to a more heavy-handed approach. One can enforce court orders and assess sanctions as appropriate, without leaving motivational strategies behind.

Force, for all its bluster, can often make a situation worse. This is especially true when addressing violations. Offenders may already be on the defensive about their progress, and an agitated officer can make the offender’s attitude worse. For this reason, we suggest that officers address violations with an “even keel” attitude, addressing the behavior, dispensing the appropriate sanction, but not getting agitated or taking the violation personally.

Motivationally inclined officers offer their support—and their regrets—to the probationer who might be considering a violation of probation orders:

**PO:** We've talked about this before. In another two weeks, you will be in violation of this court order. We have also talked about how it is up to you. You can certainly ignore this order, but sanctions will be assessed.

**Probationer:** "Darn right I can ignore it—this is so stupid!"

**PO:** "It seems unfair that you're required to complete this condition. It feels to you like it might be a waste of your time."

**Probationer:** "Yeah. I can't believe I have to do this!"

**PO:** "It's important that I tell you that my (supervisor, judge, responsibilities, policy, position) will demand that I assess a consequence if it's not completed before the next two weeks."

**Probationer:** "You don't have to report this."

**PO:** "Unfortunately, that's part of my job. I have to follow orders here. So, this will be something I'll have to do."

**Probationer:** "You mean you can't just let it go?"

**PO:** "No, I don't have a choice. But—you have a choice, even if I don't. Is there anything we can do to help you avoid these consequences before the end of the month (next meeting, court deadline)?"

**Probationer:** "I'll think about it, it just seems unfair."

A confrontational approach is always an option, but at this point simply recognizing the offender's reluctance, and fairly informing him or her about what is likely to happen, improves the likelihood that a decision for compliance will eventually overtake the emotions of the moment.

In this example, the officer refuses to leave the middle, neither defending the court's order, nor siding with the offender to stop the sanction. When it comes to the specific sanction, the officer defers to the court, and re-emphasizes a collaborative relationship: "How do we (you, significant others, and myself) keep them (the judge, the court, agency policy) off your back?" Finally, the officer emphasizes the offender's personal responsibility. Offenders don't have to complete their conditions; they always have the option of taking the sanction.

The strengths perspective steers clear of both the hard and soft approaches. The hard approach is overly directive and defends the court's authority ("You better do this!," "Drop the attitude, you're the one who broke the law," "Don't blame the court"). Less examined is the soft approach. This approach leaves the officer defending the probationer ("I won't tell this time—but don't do it again," "Do you know what the court would do if I brought this to its attention?"). A positive alliance is not the same as ignoring violations to keep a good relationship at any cost ("You better get it together or I'll have to do something"), nor is it the same as allowing the situation to become personal and attempting to "out-tough" the offender ("I'll lock you up!"). Both approaches miss the mark because they prevent the officer from occupying the middle ground.

A motivational approach is about finding the middle ground as a consultant who works with both sides (the court and the offender). Officers can work in partnership with the

offender, while still being true to their court roles. Officers can respect personal choice, but not always approve of the offender's behavior. By their skills and strategies, agents can supervise for compliance and, at the same time, increase readiness for change.

## REJOINDERS FROM THE STRENGTHS PERSPECTIVE

In an effort to move from problem talk to solution talk, answers are advanced from the strengths perspective to the four troublesome questions that opened this chapter.

1. *Why does criminal justice focus almost exclusively on problems, failure, and flaws when it is an offender's strengths, resources, and aspirations that propel law-abiding behavior?*

*Response:* Exceptions are found in a growing number of departments who have begun to practice from a strengths perspective (Clark, 2007). It is true that problems do not include directions on how to get us past the trouble and that change always comes from someone's place of power and strength. To increase mediocre outcomes, the field of criminal justice will need to learn how to elicit, amplify, and reinforce a probationer's strengths. Further, these methods will need to become both *customary and expected*.

There is no need to reinvent the wheel. Criminal justice can turn to the field of forensic social work and the strengths perspective as we import this new body of knowledge. Strengths assessments (assessments that are both accurate and balanced) have been developed and are readily available. Organizational procedures and practice methods that increase cooperation, motivation, and a probationer's readiness to change are in use and can be imported by the interested officer or department manager.

2. *Why does our field occupy itself with punishment when a host of new meta-analytic research has proven that the exclusive use of punishment—in the absence of treatment—increases criminal behavior?*

*Response:* A good share of the mediocre outcomes that criminal justice suffers from can be traced to the field's reliance on punishment to change behavior. In tandem to this has been allowing mere compliance to the court's authority to be positioned as a "good enough" goal. I suggest that it is only through the strengths perspective that we can move off this "freeway to failure." The strengths approach does not endorse "coddling" or "rewarding" offenders for their misbehavior—however, we are emphatic in our call to relinquish interventions that makes this situation worse. This chapter has made the call for criminal justice to move beyond compliance and strive for positive behavior change.

A demanding task is to first change a department's culture if the true "business" of behavior change is to take root. However, the old adage is applicable here: "The master's tools will never be allowed to dismantle the master's house." Probation departments must overcome several decades of a "get-tough" mindset. Departments will find it difficult to change the practice efforts of their staff without first adopting a strengths climate within their policy and procedures. The seasoned administrator knows the effort

required here—this will not happen by calling a special staff meeting to make a declaration (“change by announcement”). Assistance is available by turning to a considerable body of knowledge and skills that has been assembled by the strengths approach.

3. *Why do we construct solutions solely from our point of view, when we are not the ones being asked to change?*

*Response:* We’ve spent decades spinning and constructing interventions from our point of view (e.g., “This is what offenders need”). Mary McMurrin (2002) suggests, “A different and potentially more useful perspective is to look at motivation to change from an offender’s point of view” (p. 5). Criminal justice departments reap a windfall for changing their philosophy of intervention. When probation departments import the strengths perspective, they can access interventions that are borne from a collaborative exercise, calling the field toward a shared view of what drives a person’s motivation. A key point is that intrinsic motivation, or internal reasons that fuel the impetus to change, are engaged by elicitation (pulling it out) rather than installation (pushing it in). The strengths perspective could well be construed as a “science” of utilizing an offender’s perspective. As applied to criminal justice, McMurrin (2002) continues, “Whether in compulsory or voluntary treatment, it seems that the most reliable way to influence behavior change is through an empathic, empowering approach” (p. 8). Interesting that both of McMurrin’s suggestions noted in this response represent indirect references to the strengths perspective.

When someone commits a crime and enters the criminal justice system, two questions beg to be asked, “How did you get into this mess?” and “How can you get out of it?” It would seem that over 100 years ago, the field of criminal justice decided that the first question was the important one. Consequently, much of the history of working with probationers has shown an interest in causation and the differing ways to answer this first question. In the last decade, a growing number of strengths-based practitioners have begun to focus solely on the second question. They care much more about initiating behavior change (action) than ascribing causation. As the field of criminal justice attempts to move beyond compliance to increase a defendant’s readiness to change, a piercing question is posed that juxtaposes outcomes with solutions: “*Do you want to be right or do you want to be successful?*” You don’t need to incorporate the probationer’s perceptions, nor establish any collaborative relationship to be “right” in how the problem is viewed or how interventions are plotted. However, if one wants to be successful with mandated populations, then the probationer’s views and a collaborative relationship are a must.

4. *When receiving probation services, probationers only spend an average of one-third of one percent (.03 percent) of their lifetime with their probation officer. So, if probationers end up changing, where does it come from?*

*Response:* One of the most comprehensive studies to date on the outcomes of probation services was completed by Farrell (2002) in the United Kingdom. His project, “Tracking Progress on Probation,” studied both the efforts of the officers and the outcomes of the probationers. Two important differences in this study: (A) The line of inquiry was not to examine punishment or treatment in the traditional sense, but “obstacles” to healthy lifestyles and how these obstacles were,

or were not, overcome; and, (B) rather than the common line of inquiry or “official view,” this study sought out and included the views and perceptions of both the officer *and the probationer*. The results of this study point the way to the strengths perspective:

The elements which this study has most frequently found to be of most help in assisting probationers to overcome obstacles and avoid further offending have not come from officers, etc., but from the probationers themselves (their motivation) and from changes in the nature of the social contexts in which they lived. (p. 213)

This outcome points to the larger context of a probationer’s life and places the theatre of change where it belongs; on the probationer and all that surrounds him or her. Once again, criminal justice does not need to reinvent the wheel but can import policies and procedures that account for the person-in-context (person-in-the-environment). This has long been the venue of social work in general and the strengths approach in specific.

## **CONCLUSION: TAKING CRIMINAL JUSTICE “BACK TO THE FUTURE”**

Forensic social work and the strengths perspective are not new to criminal justice. The strengths movement in criminal justice may seem to be a contradiction of terms, yet historical roots can be found in this field. Although criminal justice has not rallied to strengths work to the extent of other disciplines, it can lay claim to being one of the first to try it. A historical view of probation by Lindner (1994) indicates that police officers were the first discipline in the late 1800s to work with probation clients. Police were quickly replaced by social workers who were favored because they brought a more positive focus to supervision. So, too, with juvenile justice. Early youth pioneers developed strengths-based models for adolescent work. Jane Addams, who was heralded for founding the modern juvenile court system in this country, promoted the principles of the strength perspective. However, the juvenile court system would never embody the youth development principles Addams promoted.

This chapter closes with thoughts of importing this past into future endeavors of the justice field. What might happen if we hired and trained correctional staff for their abilities to assist behavior change? What if large numbers of correctional staff were trained in seeking balanced assessments, increasing resources and intrinsic motivation, and viewing offenders in a more respectful way? How would it affect outcomes if all stakeholders in crime were invited into a process of resolution and offenders were generally seen as preparing for change (like those entering treatment), rather than sub-human cons? What if we assumed that the central purpose of the criminal justice field is not to enact vengeance, but to assist the readiness to change?

I believe this can occur as I have seen happening in the here-and-now within probation departments that are in the process of adopting a strengths orientation. Is it so surprising that profound changes can happen, in professionals and in systems, in relatively short periods to time? Perhaps, just perhaps, over the next two decades we will look back on today’s criminal justice practices as archaic and ask in disbelief, “If we were trying to change criminal behavior to make us all safer, how could this coercive mindset and heavy-handed practices ever have occurred?”

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## DISCUSSION QUESTIONS/EXERCISES

1. Why does the field of criminal justice seem so preoccupied with punishment and incarceration? Who benefits from such a perspective?
2. Why do you think that the United States incarcerates many more people, often for longer periods of time, than any other Western nation?
3. A major conundrum in the field is that people seem to think that it is either punishment or treatment. But it can be both. How would that look?
4. If you worked in the criminal justice system, say as a probation or parole officer, how would you begin to incorporate a strengths approach in your practice?
5. Talk to a probation officer and present your view of a strengths approach. Ask what his/her view of it is in the juvenile justice system.

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