



Journal of
Theoretical & Philosophical Criminology

July/August, 2016, 163-165

Author's Response

Jennifer A. Schlosser, PhD

Let me begin by expressing my sincere gratitude to David Polizzi, for recognizing my work and facilitating this important conversation. I am especially grateful to Roger Schaefer, Lydia Littlejohns, Tony Ward, and Jacqueline Helfgott, not only for reading my book, but for taking the time and effort to craft three very thorough reviews for inclusion in this issue of *JTPC*. In the last stages of writing this manuscript and before I sent the final draft to my editor at Routledge, I had a moment of uncertainty that maybe I hadn't gotten my point across as clearly as I'd hoped. I worried that perhaps in the process of writing about and analyzing data to which I had been so closely tied for so many years, I'd failed to fully articulate the incredible importance of telling this story. Reading these reviews, my concerns abated.

While there is much I've learned from these authors' interpretations of my work, I also know that the point of my research is not easily missed, and that point is this: there is something very wrong happening in our prisons. The misuse of Cognitive Behavioral Therapies (CBT) in prison is either being unintentionally overlooked or purposefully swept under the rug by policymakers and corrections professionals. In either case, the result is that programs like the one I studied are being used in ways that are irresponsible, inhumane, and incredibly dangerous. These authors' reviews reflect that sentiment precisely and I'm grateful for the opportunity to continue this immensely important conversation.

Schaefer, Littlejohns & Ward, and Helfgott provided such clear and thorough summaries of my book that there is no need for me to repeat the details here. In fact, they outline the manuscript better than perhaps I even could. So, rather than reiterating what the work is about, I will take this opportunity to respond directly to the thoughtful concerns and suggestions the authors laid out in their reviews.

To begin, in their commentary Littlejohns & Ward wrote, "Correctional institutions and men in prison arguably have the same ultimate goal: to assist the latter to become productive members of society through earning a stable income and having a supportive living environment." Indeed, all of my participants in prison expressed these very goals, adding that their achievement would also help lead them to accomplish other important successes like resisting drugs, building strong family and community relationships, becoming better parents, and staying out of prison in the future. While I observed these and similar statements from both the men in prison and the correctional institution, the Department of Correction's statements were always qualified with the words "personal responsibility."

As I wrote in the book, the idea of inmates needing to take responsibility for their actions is, on its face, seemingly unproblematic. Particularly, since almost all of them came

from family environments where following the law was viewed negatively, these men had not received the resources and support needed to act in ways that accord with the traditional values of society (i.e. to become law abiding citizens). However, as Littlejohns & Ward aptly note, the institution neglects to acknowledge that “the narrative “correction” approach to behavioral change leaves confused, uncertain, and vulnerable people to make the best they can of a life in which the odds are already stacked against them.” Here, in particular, is where the huge failure of the DOC is most evident. In stating that inmates should take total responsibility and by forcing them to do so while they are incarcerated but providing no concrete solutions to the problems they’ll face post-release, the institution sets them up to fail. Administrators and politicians are then left scratching their heads as they try to “figure out” why recidivism rates continue to rise. By mandating programs like Pathway to Change that fail to connect CBT principles to real-world problem solving tactics, the DOC effectively exposes its true intent not to rehabilitate, but instead to punish.

This point is picked up by Schaefer in addressing the issue of client identification: “as Schlosser discusses, correctional policies and practices are politically dictated and are bound to the will of the voting public, which raises the ever-present question of who is the client? The challenges related to client identification within correctional discourse are exacerbated by the widespread and seemingly uncritical adoption of the Risk Needs Responsivity Model.” Indeed, if the *stated* goal of the DOC is rehabilitation, but the practiced outcome is punishment, it begs the question: to whom is the DOC ultimately responsible? The answer, clearly, is not the inmates returning to the community or their families, but the public, whose call for harsher and harsher punishments for offenders must be appeased. The identification of the voting public as the “client” (for the purposes of political reelection and increased spending) is a core principle behind the widely adopted RNR model of correctional practice.

I am not the first, nor will I be the last critical scholar to note the huge conflict of interest that the adoption of the RNR model presents to the well-being of offenders. However, in our critique of the public-as-client based model of correctional programming, we cannot neglect its intimate connection to the use of Cognitive Behavioral programs in prisons. The public (client) wants to believe that inmates are being transformed into responsible citizens who will desist from crime upon release. In order to address that demand, Departments of Correction have widely instituted CBT based programs like Pathway to Change which promise that inmates will accept responsibility for all of their past, present, and future wrong doings. The public agrees that personal responsibility is desirable, and trusts the DOC to implement these programs without oversight or critique.

This connection is noted in Helfgott’s commentary: “the many years of research on “what works” in correctional treatment and the rise of the Risk Need Responsivity Model (RNR) . . .utilized on a widespread scale in corrections in North America has resulted in a move to evidence-based practice in corrections that includes the use of cognitive-behavioral treatment programs with attention to the RNR.” Clearly, the RNR model is intertwined with CBT programs in prisons across the nation. However, what Helfgott neglects to address is that the RNR, paired with CBT programs relies on a *predictive* principle in determining risks of reoffending. Helfgott notes the breadth of literature supporting RNR and CBT and provides an incredibly thorough history of these models. However, the fact that a program has worked on a meta-level over time does not mean it works in practice on the ground. Human behavior is inherently unpredictable, so attempting to use standardized measures to assess individuals’ risks of doing anything neglects agency, identity construction, environmental context, and socialization. Similarly, ignoring these individualized elements of offenders’ selves also inherently neglects addressing the embedded issues of race, class, gender, and social inequality.

While Helfgott acknowledges that the Pathway to Change program is only loosely based on the principles of evidence-based CBT programs and that it is an egregiously mismanaged program, she seems to view it as an outlier, rather than reflective of the deep issues surrounding both the RNR and CBT models of correctional programming. To my mind, we cannot dismiss the existence of this program as a simply a fluke while ignoring why it was implemented the first place.

Helfgott also took issue with my “presentation of the inmates as victims in places in the book” and noted that “the absence of sufficient background data on the subjects of her study make it difficult to ascertain whether or not the issue of the victim stance (which is a specific thinking error identified in the Criminal Personality model) contributing to deflection of responsibility would or would not be a hindrance to change and reentry success.” Given the absolute neglect of the processes of narrative identity construction and personal experience in the RNR/CBT models, coupled with the humiliating and degrading activities dictated in the Pathway to Change program, I fully believe that the inmates I interviewed (and many others like them) are repeatedly victimized by both inhumane criminal justice policies and the unqualified “experts” designing these programs.

Additionally, Helfgott notes that lacking sufficient background data on my participants makes it difficult to know how “victim stance” may affect their likelihood of recidivism. In fact, as I write in the book, every inmate I interviewed not only avoided victim stance, but also took personal responsibility for their actions. This phenomenon is precisely the basis of my theory of discursive discipline: when “experts” rewrite individual stories and inmates are forced to adopt them as their own under the threat of further punishment.

Finally, Helfgott also addressed issues in my methodological choices for this research. She correctly notes that my data were limited because I did not directly observe a Pathway to Change class in action, nor did I obtain full criminological background data on my participants. I am in full agreement with Helfgott that the observation of CBT based prison classes in action is absolutely necessary to creating a more complete picture of the experiences of inmates participating in these programs. I also agree that what is intended in a program manual is likely quite different from what is practiced in the classroom and so it is imperative that we heed her advice and use mixed methods in future research to better understand what happens in these classes.

It is equally important to note that gaining access to prison data is quite difficult and is often at the sole discretion of the prison administration. Conducting research in prison requires methodological flexibility in order to comply with the mandates of multiple Institutional Review Boards, prison administrators, and legal and ethical considerations. For this reason, it is imperative that researchers work together to fill in the gaps that necessarily exist as a consequence of doing prison research. Where I was unable to create a complete picture, other researchers should look to follow through.

I am confident that as a community of critical scholars dedicated to the improvement of criminal justice policies, our continued perseverance in understanding the inner workings of what goes on behind bars will lead to more humanistic and progressive correctional programming. Working toward the production of social justice requires us to dig deep into the everyday experiences of inmates while remaining critical of policies that seem to operate freely and above reproach.

My sincere thanks again to Roger Schaefer, Lydia Littlejohns, Tony Ward, Jacqueline Helfgott, and David Polizzi. I'm honored to have been able to participate in this important conversation with you.