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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

**COGNITIVE SKILLS TRAINING IN THE
WESTERN AUSTRALIAN PRISON SYSTEM**



Cognitive Skills Training in the Western Australian Prison System

Office of the Inspector of Custodial Services
Level 27, 197 St George's Terrace, Perth WA 6000

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The Inspector's Overview

BETTER THINKING ALL ROUND

The decision of the Department of Justice to commence, as from the year 2000, Cognitive Skills training for prisoners (the Reasoning and Rehabilitation or RR program) and the related Interpersonal Skills Training Program (ISTP) for officers marked a moment of optimism in the history of correctional interventions in Western Australia. Yet within three years the initiative seemed to have lost momentum. A stock-take seemed to be needed, before the programs faded away altogether.

Normally, this would have been in the form of a thematic review. However, the subject matter seemed to be intellectually complex and controversial. In this context, the problem with a thematic review can be that the Inspector is obliged to express a provisional but nevertheless somewhat committed view in a draft report at a stage that arguably is premature. Accordingly, it was decided to adopt a mechanism that we had not previously utilised – that of the publication of a Discussion Paper.

We were fortunate to be able to commission Professor Anne Worrall, Head of the Department of Criminology at Keele University, U.K., to write this Discussion Paper. It was completed and distributed to a diverse range of stakeholders in July 2003. Numerous comments were received. Thereafter, the Discussion Paper metamorphosed into a Draft Report; this was circulated in April 2004 for further comment.

The consequence of this careful and consultative approach was gratifying – each of the main stakeholders accepted the thrust of the recommendations. As an exercise in effective partnering, this has certainly been a successful model.

As to the substance, the main challenge was to decide whether the arguments for or against cognitive skills programs for prisoners revolved solely, or even primarily, around recidivism outcomes. The 'What Works?' approach to prisoner programs has been a valuable and necessary corrective to a period during which programs were very much input-based. A corollary has been the development of criteria for initial and continuing accreditation, and foremost amongst those criteria has been the question of the impact upon recidivism rates.

A question that had to be confronted and resolved in this Review, therefore, was whether recidivism should be the key determinant of program validity and investment. We have unequivocally taken the position that it should not. As discussed at various points in chapters 4 and 7, the expectations for the RR program focussed not only on recidivism but also on the impact it could have on assisting prisoners to cope with the prison experience, to reduce the risk of self-harm and suicide, to be more manageable, and to gain more from the specialist offender programs that would eventually be made available to them. Thus, the impact upon recidivism was relevant, but did not constitute the litmus test for continuation of the program.

In that context, our recommendations are for continuation of the program – but in a fully committed way. It is either worth doing or it is not. Our view is that it certainly is worth doing for a long enough period into the future to enable it to be properly evaluated against each of the relevant criteria.

The same approach should be taken to the ISTP for officers. From their point of view, it is a form of job enrichment that sets the tone for overall cultural change. This matter is also discussed in the Report, and is tied in with our findings at both the main inspection of Hakea Prison (Report No. 12) and the Thematic report on Deaths at Hakea Prison (Report No. 22).

A research paper published since this Report was finalised (Home Office, Findings 233 – ‘An evaluation of literacy demands of general offending behaviour programs’) suggests that the reading and writing skills and the speaking and listening abilities of a majority of prisoners are below those that are ideally required if they are to benefit fully from programs, including specifically the RR program. This is almost certainly correct. However, the dynamics of the classroom seemed to supply some countervailing support, with both teachers and offenders reporting positively on the overall atmosphere and stating that offenders with poorer literacy skills often benefited from the role and support of more able peers.

The UK research concludes with a recommendation that program materials and manuals should be adapted to accommodate literacy needs – a suggestion in line with our own concerns expressed about the need to adapt the RR program for Aboriginal persons. It also suggests that teachers should be better informed in advance of the skills of each of the offenders who will be participating in a class; in other words, that there should be an initial assessment so that preliminary thought can be given to the optimum level at which to pitch the learning experience. This would seem to be reconcilable with our own recommendations also.

Since the Draft report was completed, the Department of Justice has appointed a Coordinator of the Cognitive Skills Programs. This is welcome. However, our recommendations go well beyond this. It is hoped that the Department can now give the programs full administrative, financial and organisational support so that their value may be realistically assessed.

Richard Harding
Inspector of Custodial Services

30 June 2004

Chapter 1

INTRODUCTION

- 1.1 The Cognitive Skills Program is a program for offenders designed to help them understand their behaviour, increase their ability to resolve problems, manage conflict and improve their communications skills. The program delivered in Western Australian prisons is the Reasoning and Rehabilitation Program (RR) for prisoners; this is mirrored by the Interpersonal Skills Training Program (ISTP) for uniformed prison staff. The Canadian group that developed these programs, T3 Associates, was contracted by the Department of Justice¹ to deliver the Cognitive Skills Program. The Department's contractor at the privately managed Acacia Prison also has a contract with T3 Associates for these programs.
- 1.2 Professor Anne Worrall from the Department of Criminology at Keele University (UK) was appointed by the Office of the Inspector of Custodial Services to review the Cognitive Skills Program in the Western Australian Prison Service and to write a Discussion Paper. This Paper was distributed widely for comment, and this Report takes account of the comments received.²

TERMS OF REFERENCE

- 1.3 The purpose of the review was to identify for discussion issues relating to the implementation and effectiveness of the cognitive skills programs for adult prisoners and officers currently running in Western Australian prisons. In particular, the review examined the:
- Number and frequency of programs;
 - Selection process for participants, and completion rates;
 - Levels of training and support for tutors;
 - Procedures for the monitoring of program delivery;
 - Existence of independent evaluation of outcomes;
 - Obstacles to the effective running of programs; and
 - Suitability of programs for different groups of prisoners.

This Report will examine these issues in the context of both international debate and the original expectations of the Department of Justice, to enable an informed discussion about their efficacy and future development in Western Australia. It will also provide the context for a possible future thematic inspection of treatment programs in Western Australian prisons.³ This is because the Department regards cognitive skills as a precursor program for other specialist offender programs such as the Sex Offenders' Treatment program and the Violent Offenders' Treatment program.

1 The nomenclature at the time of the original contract was that of the 'Ministry'. Subsequently, in 2001, it changed to that of the 'Department' of Justice. For the sake of simplicity, the remainder of this paper will refer to the 'Department' regardless of the precise historical moment to which reference is made.

2 T3 Associates themselves offered an extremely detailed critique. T3 can be contacted by email at t3@cyberus.ca

3 In the 1999/2000 Annual Report of the Inspector, the content, effectiveness and delivery of programs was identified as a matter for thematic review, being central to the issue of correctional value-for-money. Subsequent inspections have reinforced the Inspector's view that, when resources permit, this whole question should be inspected thematically.

INTRODUCTION

MANAGEMENT OF THE INITIAL REVIEW

1.4 Relevant documentation was sought and obtained from the Department as well as from AIMS Corporation (the operators of Acacia Prison); staff and prisoners were interviewed; and on-site visits and observations made. In addition to reviewing relevant international literature, previous reports from this Office and local documentation, discussions took place with Department of Justice personnel, including the Executive Director of Prisons and managers at the Offender Programs Branch. Brief discussions were also held with T3 Associates. In addition to site visits, discussions have taken place with prison officer coaches,⁴ including those with experience of delivery of RR to women and to traditional Aboriginal prisoners.

1.5 Site visits of the following facilities were made:

- The Assessment Centre at Hakea Prison;
- The Training and Specialist Services Branch (TSSB) – discussions with ISTP coach and relevant managers;
- Acacia Prison – discussions with coaches, psychologist and relevant manager;
- Casuarina Prison – discussion with coach;
- Albany Prison – discussions with sample of staff undertaking ISTP, RR coach, observation of RR session;
- Karnet Prison – discussion with coach and observation of RR session;
- Wooroloo Prison – discussion with coach and observation of RR session; and
- Warminda Centre – discussion with coaches and manager delivering RR in the community.

At several of these sites, discussions were also held with prisoner groups and some individual prisoners.⁵ Some sections of the Discussion Paper provoked both strong support and robust criticism from different respondents, and this Report attempts to indicate where strong disagreements have been expressed.

4 'Coach' is the preferred term in public sector prisons for trained prison officer tutors; 'facilitator' is the term used at Acacia Prison.

5 Professor Worrall wishes to put on the record her appreciation for the degree of cooperation and assistance she received at all stages of the review and from all the persons involved. She also wishes to thank all those who responded with comments to the initial draft of the paper.

Chapter 2

WHAT IS COGNITIVE SKILLS TRAINING?

- 2.1 Cognitive skills training is a sub-category of a range of interventions with offenders that fall under the umbrella term ‘cognitive-behavioural approaches’. These approaches have in common a foundation in social learning theory, which stresses the importance of the link between how people think and how they behave:

It [social learning theory] assumes that offenders are shaped by their environment and have failed to acquire certain cognitive skills or have learned inappropriate ways of behaving. Their thinking may be impulsive and egocentric and their attitudes, values and beliefs may support antisocial behaviour. Advocates of this approach believe that, by drawing on a range of well-established cognitive and behavioural techniques, offenders can be helped to face up to the consequences of their actions, to understand their motives, and to develop new ways of controlling their behaviour.⁶

- 2.2 Cognitive-behavioural approaches proceed from the premise that people can be taught to access, understand and alter their own negative thinking processes and thus change their behaviour with assistance from psychologists or (as with cognitive skills) tutors/coaches who have received focused training themselves. Proponents of cognitive-behavioural approaches do not deny the contribution to offending behaviour of social factors such as poverty and lack of opportunities, but they argue that, in terms of *intervention* with offenders, there is very little evidence to suggest that attempts to resolve social problems alone reduce recidivism. By contrast, it is argued that there is now extensive cumulative evidence to suggest that cognitive-behavioural interventions have a positive and significant impact on rates of re-offending. At a fundamental level, however, there remain divisions between psychological and sociological perspectives in criminology.
- 2.3 Over the past 20 years, many psychologists working with offenders have adopted cognitive-behavioural approaches with both individuals and groups. They have been widely endorsed within the ‘What Works’ literature and have become the central feature of treatment programs both in prison and in the community.⁷ A range of programs using these principles has developed, of which Sex Offender Treatment Programs are perhaps the best known. Others include Violent Offender Treatment, Anger Management and Domestic Violence Prevention. These offence-specific programs are not the subject matter of this review.⁸ Here, we are concerned with the generic cognitive skills programs that target the perceived social-cognitive deficits of a range of offenders. The best known and most widely implemented of these is the RR designed in the mid 1980s by a group of Canadian psychologists and prison educators. Since then the program has been used throughout Canada,⁹ as well as in the USA, the

6 This quote appears identically in Vennard and Hedderman (1998) p. 101, and Lipton et al. (2002) p. 80, and is attributed originally to James McGuire, a leading proponent of cognitive behavioural approaches with offenders.

7 In England and Wales, for example, qualifying training for probation officers has been radically restructured on the basis of such approaches.

8 For an overview of the implementation of offence-specific programs in Australia, see Howells & Day (1999); Howells et al (2002).

9 For critical analyses of the use of programs in Canada see Hannah-Moffat (2001) and Duguid (2000).

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UK,¹⁰ Scandinavia, Spain, Germany, Australia and New Zealand. It has been used with offenders in prison and in the community, delivered by prison officers and by probation/community corrections officers. In the latter case, this has been done under the clinical supervision of psychologists.

- 2.4 This Report also covers ISTP, designed by the same Canadian psychologists and aimed at corrections staff. The purposes of this program are three-fold: to inform staff about the RR program being run with prisoners; to enable staff to be role models for prisoners; to create an environment in which prisoners can rehearse and apply their newly learned skills; and to equip officers to better deal with the occupational stresses implicit in dealing with an incarcerated population. The original program consists of seven modules (taking a total of 60 hours' tuition), covering: information gathering; watching, listening and self-expression; problem solving; values; conflict management; emotions management; and integrating skills. It is important to emphasise at this early stage, in the light of the final recommendations of this Report, that ISTP training for officers is a crucial aspect of the cognitive skills approach to prison life.

AIMS, OBJECTIVES AND CONTENT OF REASONING AND REHABILITATION

- 2.5 RR aims to 'disrupt the trajectory of a criminal lifestyle...punctuated by instances of criminal offending'.¹¹ While acknowledging the interaction between social-cognitive deficits and other personal and social factors, the program gives clear primacy to the objectives of a model of change that focuses on a 'skilful and thoughtful [sic] approach...turning problems into opportunities'.¹² Some offenders, it is argued, adopt a criminal lifestyle (of indolence, impulsiveness, substance abuse and anti-social association) as a matter of preference and become 'stuck' in such patterns because of social-cognitive deficits in the areas of:

- Self-control and self-management;
- Interpersonal problem-solving;
- Assertiveness and social interaction;
- Social perspective-taking;
- Critical reasoning;
- Cognitive style; and
- Values reasoning.¹³

The model of change promoted in the RR program seeks to address all these deficits through

10 It is one of several programs that have been accredited by the Home Office Joint Prison-Probation Accreditation Panel. Note, however, that in March 2004 the Prison Service in the UK decided not to continue with cognitive skills programs for prisoners, even though accreditation has not been withdrawn at this stage. The Prison Service also runs its own cognitive skills program, called Enhanced Thinking Skills. It is not clear at the time of writing whether this program also has been discontinued. This matter is discussed further in Chapter 7, below.

11 Porporino and Fabiano (undated), p. 14 and p. 20.

12 Porporino and Fabiano (undated), p. 33.

13 Porporino and Fabiano (undated), p. 18; Robinson & Porporino (2000).

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a curriculum that ‘incorporates a variety of psycho-educational and social-learning techniques to assist offenders in rehearsing both new behaviour and “thinking” skills’.¹⁴

- 2.6 The curriculum (which is copyrighted by T3 Associates¹⁵) consists of nine components delivered in 38 sessions of about two hours each, run three days a week, to a group of between six and ten offenders. The content of each session is highly structured and consists of discussions and interactive exercises designed to raise awareness of a particular skill, practice it, integrate it with other skills and generalise it to real-life situations. For example, the component on social skills addresses many of the daily situations that offenders may find difficult to handle, such as asking for help, persuading others and responding to a complaint.
- 2.7 In the accompanying manuals, tutors are given advice on delivering the program in accordance with the principles of good teaching, and the participants evaluate each session at its end. Beyond the use of this widely accepted educational model, however, is a requirement that the program be delivered with ‘integrity’, by which is meant that it must be delivered in a standardised format in accordance with the strict instructions for each session. This is to provide quality assurance and to enable comparisons to be made for purposes of evaluation. It enables policy-makers and the program designers to be confident that what they think is being delivered in the name of RR is actually being delivered.
- 2.8 The manuals indicate that RR is suitable for most chronic and repeat offenders, with the exception of those with mental health problems or very low intellectual ability or difficulty in learning in a group setting. It is designed for medium- and high-risk adult male offenders, but can be adapted for use with female offenders, Aboriginal offenders and other ethnic minority offenders. It is argued that such adaptations are a matter of ‘responsivity’ (the nature of examples, the style and pace of delivery and so on) rather than presenting any more fundamental challenge to the program design.¹⁶ ‘Responsivity’ is a central concept in cognitive-behavioural approaches and refers to the ways in which the delivery of programs is matched to the therapeutic and learning needs of particular offenders and to their readiness/ability to respond.
- 2.9 Those who deliver the program must be appropriately selected and trained, but do not require any prior academic or professional qualifications. In other words, an implicit objective and core process of RR is that suitably selected prison officers should deliver the program. They are required, amongst other things, to be articulate, sensitive and enthusiastic, as well as having good interpersonal skills, humility and the ability to challenge in a positive and non-demeaning way. They must be given sufficient time and support by their agency to train and carry out their tutoring role properly. They must also be willing to have their session delivery monitored by video for their own development and to provide quality assurance.

¹⁴ Porporino and Fabiano (undated), p. 32.

¹⁵ T3Associates is the business name of an Ottawa-based group of persons who were originally associated with the Canadian developments. The principals are Dr Frank Porporino and Dr Liz Fabiano.

¹⁶ Porporino and Fabiano (undated) p. 59.

EVALUATION – WHY IT MATTERS AND THE EVIDENCE SO FAR

- 2.10 Over the past decade, interventions with offenders have increasingly been subjected to scrutiny. In light of a rapidly increasing prison population, it is no longer accepted that the good intentions of human service professionals can be accepted unchallenged as an infallible indicator of their being worthwhile. Governments expect tangible outcomes from the correctional dollars they allocate. More positively, and in contrast to the pessimism of the ‘nothing works’ era of the 1970s and early 1980s, it is now accepted that some interventions can ‘work’ with some offenders and that we need to find out which, with whom, when, how and why.¹⁷ So programs need to be evaluated regularly and in different settings to see whether they are achieving what they claim to be achieving. This means that they need to be clear about what it is they are seeking to achieve – whether that is a direct reduction in re-offending, or an indirect impact on likelihood of re-offending through changing attitudes and improving skills, or saving money, or simply achieving a constructive use of offender time and producing satisfied and more manageable participants. It is important to know what outcomes the program seeks and to be able to measure those.¹⁸ The RR program claims ‘consistent positive evidence regarding its ability to impact on re-offending’.¹⁹ This Report accordingly finds it necessary to explore that claim, even though impact on recidivism may by no means be the only sustainable basis for cognitive skills programs.
- 2.11 Although there are many evaluation studies of generic cognitive-behavioural approaches in dealing with offenders, there are only a handful of studies specifically evaluating RR. In two recent meta-reviews of evaluation studies,²⁰ only seven studies specifically concerned with RR were identified. The authors were generally positive about the studies but did not name them all.
- 2.12 The review leading to this Report identified a total of ten relevant published studies. Of these, only five were carried out by evaluators who could be described as being genuinely at arm’s length from the program designers. Of these five studies, only one was unequivocally positive and this study (by the Home Office) was not concerned exclusively with RR.
- 2.13 It is important to see how these apparent discrepancies of evidence have arisen. In doing so, this Report is not engaging in what has been termed ‘knowledge destruction’²¹ – or unfair criticism.²² It is not challenging the methodology or validity of any of the studies, or even the underlying theory, but it is arguing that their findings are open to more than one interpretation and that the evidence to support RR is neither as extensive nor conclusive as is sometimes claimed. Readers who wish to obtain more detail about these studies are referred to Robinson and Porporino’s review in Hollin’s *Handbook of Offender Assessment and Treatment*.

17 Tilley (2001).

18 In Chapter 4, paragraph 6, we outline what the Department of Justice expected RR to achieve in Western Australian prisons.

19 Porporino and Fabiano (undated), p. 2.

20 Pearson et al. (2002); Lipton et al. (2002).

21 Andrews and Bonta (1998).

22 For a succinct and scathing, but undoubtedly unfair, criticism, see Gorman (1993).

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- 2.14 The first evaluation of RR took place in 1988, and became known as the Pickering Experiment.²³ The program designers themselves carried out this evaluation. It was a small study of randomly assigned high-risk probationers; the results were very encouraging, showing a significantly lower reconviction rate for participants when compared with a group of similar non-participants.²⁴ The program designers also evaluated a later pilot program involving high-risk prisoners. Again, the sample was small, but this time showed no significant differences in reconviction rates. However, the impact on re-offending was in a positive direction, and there was evidence that prisoners had made progress on program-relevant targets, such as social perspective-taking and attitudes towards the law.²⁵
- 2.15 Subsequently, the program was implemented nationwide with federal prisoners in Canada, and a much larger evaluation study was undertaken. Once more, the program designers themselves carried out this evaluation. The results were reported in 1995.²⁶ Overall they indicated a modest but positive impact on recidivism. When examined in more detail, however, program completion had a significant effect for low-risk offenders only and no discernible effect for high-risk offenders. The program designers do not dispute this, but they question the definition of ‘low risk’²⁷ and refer to the program’s effectiveness when ‘delivered to offenders who showed medium to high *levels of need* (our emphasis) on the social-cognitive deficit area targeted by the program’²⁸ – which is not the same thing as *risk of re-offending*. In terms of offence types, the program had the greatest impact on sex offenders and the least impact on non-violent property offenders. The data was inconclusive for (Canadian) Aboriginal offenders. Of particular interest were the promising findings in relation to programs delivered in the community. The report made the point that ‘offenders gain more when they learn cognitive skills in the settings where they most need to directly apply the new skills – on the street’.²⁹
- 2.16 The first independent evaluation was carried out in 1991 in Colorado, and involved RR being used as part of a specialised probation drug offender program. According to an American review of offender programs for adults,³⁰ while the increased supervision involved in the drug program reduced the number of order revocations, there was little evidence that RR had any additional effect. An alternative interpretation is that those offenders who had the most severe drug/alcohol problems did appear to benefit from the RR enhancement of the drug offender program.

23 Ross, Fabiano & Ewles (1988).

24 T3 Associates have stated, in their response to the Discussion paper, that the fact that the program designers undertook the evaluation themselves was ‘regarded in the meta-analytic reviews of “What Works” as a positive quality (adding to assurances of program integrity), not as a contentious issue of bias.’ However, best research practice normally involves external evaluation.

25 Robinson and Porporino (2000).

26 Robinson (1995); Robinson and Porporino (2000).

27 Porporino and Fabiano (undated) Appendix D.

28 Porporino and Fabiano (undated), p. 62.

29 Robinson (1995) p. 7.

30 Phipps et al. (1999).

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- 2.17 In Wales, a substantial and detailed independent evaluation was carried out on a version of RR known as STOP (Straight Thinking on Probation). The program started in 1991 and was reported on in several publications over the following years, culminating in a final report in 1996. The program was delivered to high-risk probationers and, at the 12-month follow-up period, the results were very promising. By the 24-month period, however, the re-conviction rates for participants and a comparison group were identical, though it is important to note that the treatment group was less likely to receive a custodial sentence for their follow-up offences – there was evidence that their offending was less serious than that of the comparison group. The evaluators themselves are circumspect in their claims:

*...the STOP findings have been widely quoted as lending substantial support for cognitive-behavioural methods of supervision, and their impact may even appear disproportionate for what are in reality fairly modest results from a local study...*³¹

- 2.18 James Maguire carried out another study in Britain in the mid-1990s; it related to five probation-based programs, including RR.³² The number of offenders involved was small and the results for the RR component were promising but statistically non-significant.
- 2.19 Three recent evaluations have been carried out in the UK for the Home Office. These evaluations occurred in a context where government increasingly demands demonstrable value-for-money if program funding is to continue. This ‘value-for-money’ criterion focuses on the reduction of subsequent offending. The first of the evaluations was undertaken by Caroline Friendship and colleagues.³³ This study looked at the recidivism rates of prisoners who undertook either the RR program or a shorter, more widely implemented, home-grown program called Enhanced Thinking Skills (ETS). The period covered was between 1994 and 1996. The study was very enthusiastic about the two programs but made no distinction between them, saying that both worked best with medium-high and medium-low risk prisoners, rather than either high- or low-risk prisoners. In a personal communication, the author advised that RR participants tended to be higher risk than ETS participants, but the conclusions of the study suggest that the programs were actually less successful with high-risk prisoners.
- 2.20 A Further important point is made in the longer version of this study.³⁴ The evaluated programs were running prior to the rigorous accreditation process that the Home Office introduced in the late 1990s, and this meant that they were not necessarily being delivered with the same levels of ‘integrity’ as would now be required. Friendship et al. speculate that it is therefore possible that the success of these programs was due more to the enthusiasm of the tutors and the motivation of the participants than to the content and delivery of the programs themselves.³⁵ This commitment (or ‘therapeutic allegiance’) features widely in the psychology literature.

31 Raynor and Vanstone (2002), p. 89.

32 McGuire, cited in Lipton et al. (2002).

33 Friendship et al. (2002).

34 Friendship et al. (2003).

35 Submissions received in response to the Discussion paper suggested that this is illogical, since the introduction of a requirement for ‘program integrity’ should surely improve effectiveness. We would agree, but the evidence appears to be to the contrary.

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- 2.21 Since the preparation of the first draft of this report, the Home Office has published its Findings in respect of two further evaluation studies of accredited cognitive skills programs (RR and the shorter ETS) in prisons in England and Wales.³⁶ The first of these, by Falshaw et al., found no difference between the two-year reconviction rates for a sample of adult male prisoners who had participated in the program between 1996 and 1998 and a matched group of offenders who had not. The second study, by Cann et al., also found no differences in the one- and two-year reconviction rates between adult men who started the program between 1998 and 2000 and their matched comparison group. However, the second study did find a significant reduction after one year for adult men who completed the ETS program, although this improvement was not maintained after two years.
- 2.22 Importantly, for the purpose of this Report, the study by Cann et al. demonstrated a better result for the ‘home-grown’ program over the imported one. T3 Associates readily accept the need for programs to reflect local cultural assumptions, and an aspect of their program development is to endeavour to take account of this fact.
- 2.23 Both Home Office studies suggest a number of factors that may account for these somewhat disappointing results:
- It is now accepted internationally that reductions in reconviction rates for prison-based cognitive skills programs are variable.
 - Previous positive results may have been due to particularly high levels of motivation among workers and participants (see paragraph 2.20, above).
 - As increasing numbers of programs are being delivered, the quality of delivery may have been adversely affected.
 - Participants may not have been well matched to comparison groups.
 - There may have been a ‘drift’ in selection processes towards lower risk offenders, who are known to be less affected by intervention generally.
- 2.24 Another recent evaluation of cognitive skills programs was undertaken by the University of Cincinnati, Georgia, in the USA.³⁷ This evaluated the RR program across 25 parole sites and three pre-release sites between 1998 and 2000. The sample, which was predominantly of parolees but included some serving prisoners, consisted of both male and female offenders, the majority of whom were African-American. It used the ‘control group’ methodology. The study found small but insignificant differences between the participants and the comparison group in terms both of returns to prison after 30 months and arrest or revocation (of parole) rates after 12 months. The evaluation found that those who achieved the most impressive treatment gains were white and aged between 28 and 32 years of age. Among the women,

³⁶ Falshaw et al. (2003) Findings 206; Cann et al. (2003) Findings 226.

³⁷ Van Voorhis et al. (2003).

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white women did better than ‘non-white’ women; while ‘low-risk’ women participants did worse than ‘low-risk’ women in the comparison group. The study is useful in identifying the characteristics of ‘successful’ groups, and the enthusiasm of coaches featured highly in that analysis.

- 2.25 In challenging the claim that RR has been extensively and positively evaluated, it is not the intention of the Report to detract from the program itself; it is simply that a hard-headed assessment needs to be made. If expectations are too high, disappointments will be correspondingly greater and the risk of disillusionment on the part of the funding agency is increased. In fact, the disappointment of the Prison Service with regard to the Home Office evaluations is evident from the fact that it has now decided to discontinue RR ‘as a result of financial pressures...and reflecting the need to improve our effectiveness in the light of recent disappointing research results’.³⁸ Possibly, this move is a little drastic; but the best that can realistically be said at this stage is that, in terms of reducing re-offending (if that is what is meant by ‘what works’), RR has done no worse and possibly a little better with offenders than many other interventions.³⁹ Of course, this by no means unequivocally constitutes a major breakthrough in the difficult business of reducing recidivism rates.
- 2.26 In a comprehensive and balanced overview of developments in cognitive-behavioural work with offenders, Vanstone⁴⁰ identifies five characteristics of organisations whose practice seems to be most effective:
1. Practitioner curiosity;
 2. Support for realistic evaluation;⁴¹
 3. A critical culture which encourages feedback;
 4. All people in the organisation adopting the same problem-solving approach that they expect of offenders; and
 5. Information systems with the capacity to process the information needed for evaluation.
- This Report adopts these five criteria to assess the ‘health’ and viability of cognitive skills programs in Western Australian prisons.

³⁸ See above, n 10.

³⁹ This is sometimes referred to as the ‘Dodo bird verdict’ after the character in *Alice in Wonderland*, who announced after a race that ‘everybody has won and all shall have prizes’. Contrary to the philosophy of ‘nothing works’, this argument claims that ‘everything works’ to a certain extent and that there is very little difference between many interventions. For a fuller discussion, see, for example, Luborsky et al. (2002).

⁴⁰ Vanstone (2000), p. 179.

⁴¹ For an explanation of the term ‘realistic evaluation’, see Tilley (2001).

Chapter 3

OTHER PERSPECTIVES ON DESISTANCE OF OFFENDING AND THE IMPACT OF COGNITIVE SKILLS PROGRAMS

- 3.1 Extensive as the literature on cognitive-behavioural approaches to offenders is, it is not the only body of literature concerned with ‘what makes them stop’ offending. This chapter will consider briefly three other approaches to understanding the processes which result in offenders reducing or ceasing their offending activity. Two of these approaches – namely *feminist perspectives on offending by women* and *models that focus on offending by Aboriginal people* – are explicitly critical of cognitive-behavioural approaches. In a sense, the points that are made in these contexts have some validity in relation to all ‘special needs’ and culturally differentiated groups, so that the discussion that follows can be regarded as having wider relevance. The third approach – *life course and social exclusion perspectives on desistance from offending* – is not incompatible with other cognitive-behavioural approaches, but tends to be neglected by them.

FEMINIST PERSPECTIVES ON OFFENDING BY WOMEN

- 3.2 Although there is nothing inherently wrong in helping women prisoners to ‘think better’, and although it is not suggested that women think differently from men in any essential sense, there has been criticism about the suitability of cognitive-behavioural programs as vehicles for the rehabilitation of women in prison.⁴² There are two broad criticisms.
- 3.3 First, it is argued that the delivery of the programs is inappropriate – that they do not take account of women’s *responsivity*. By this is meant that the programs need to be adapted for use with women, taking account of women’s different life experiences, providing examples to which women are more likely to relate, perhaps even adopting a different tone and style of tutoring.⁴³ This criticism has been broadly accepted by the program designers, and is also the official Prison Service response in England and Wales. It is acknowledged that women find it very difficult to leave ‘at the door’ the distress many of them have experienced from histories of abuse and domestic violence. Unless this distress is addressed outside the program, it is accepted that women may be unable or unwilling to engage constructively in programs. But underlying this response is a resistance to any suggestion that women’s crime may have different causes from men’s crime. To use the correct parlance, women have broadly the same ‘criminogenic needs’ as men. It should be noted, however, that only one of the evaluation studies cited above – that undertaken by the University of Cincinnati – relates to cognitive skills programs for women. Although that study showed different results for male and female participants, it seems to have been inconclusive.⁴⁴

⁴² It has been pointed out that there is considerable evidence of cognitive-behavioural approaches in general working effectively for women in a range of non-criminal settings, and this is not disputed.

⁴³ Among these considerations is the impact on women prisoners of the differing delivery styles of male and female tutors (facilitators/coaches) and the practice of male and female co-facilitating, as occurs frequently in some treatment programs, such as the sex offenders’ treatment program.

⁴⁴ This point is acknowledged by T3 Associates who comment in correspondence with this Office that ‘we are not convinced that the program was delivered in a gender-responsive way in Georgia’.

OTHER PERSPECTIVES ON DESISTANCE OF OFFENDING AND THE IMPACT OF COGNITIVE SKILLS PROGRAMS

- 3.4 The second, and more radical, criticism is that cognitive-behavioural programs, at a fundamental level, fail to contextualise women's offending within their often long-term victimisation, and arguably proceed on the premise that they have more opportunities for rational choices available in their lives than they actually do. In a now much-quoted UK government statement, it is asserted that women only '*believe* that their options are limited' by 'poverty, abuse and drug addiction'⁴⁵ – implying, provocatively, that a full range of choices is in reality available. A number of writers⁴⁶ have argued that such programs are not part of the process of the 'empowerment' of women, but rather of their 'responsibilisation'. Instead of empowering women to make genuine choices, cognitive-behavioural programs, it is said, hold women responsible for their own rehabilitation.
- 3.5 Feminist criminology is by no means universally accepted, and on one view the notion that women are susceptible to the process of 'responsibilisation' through RR programs or any other means is itself a sexist approach to theory in that it caricatures women as being more impressionable, malleable and passive in their intellectual responses than men. Certainly, it must be said that, in respect of the present review, the testimony of coaches was that women reacted enthusiastically to the program and seemed to enjoy the experience of participating in it.⁴⁷ Nevertheless, these fundamental theoretical points need to be made as they go to the heart of claims that certain approaches to treatment are universally applicable.
- 3.6 The philosophical position of T3 Associates on this matter is that there is indeed a need for a gender-responsive cognitive skills program for women. They have now developed such a program for the English Probation Service. Unfortunately, that program was not available when cognitive skills programs were first introduced into Western Australia, but could now be taken up without further cost if the Department of Justice desired. T3 Associates also state that the program will be evaluated in the UK, with other cognitive-behavioural interventions for women as the comparators.⁴⁸

PERSPECTIVES WHICH FOCUS ON OFFENDING BY ABORIGINAL PEOPLE

- 3.7 Just as there is no suggestion here that women 'think' in essentially different ways to men, so there is no suggestion that Aboriginal people 'think' in essentially different ways to non-Aboriginal people. Nor is it suggested that Aboriginal people commit crimes for fundamentally different reasons. We know that different crimes are committed by different people for a range of different reasons – poverty, anger, greed, despair, revenge, bravado, addiction, to name but a few.

45 Home Office (2000), p. 7.

46 Hannah-Moffat (2001); Kendall (2002); Hannah-Moffat & Shaw (2000).

47 See further paragraphs 5.19–5.20, below.

48 It is not known how that expectation stands in the light of the discontinuance of RR programs described in paragraph 2.25, above.

- 3.8 What may be very different, though, for different groups of people are the *underlying circumstances* that give rise to those precipitating conditions and the *influential factors* that may lead people to desist from criminal activity. One of the major factors that exacerbates the difficulties facing offenders who want to desist from crime is a pattern of frequent and repetitive contact with the criminal justice system. Aboriginal people are subject to high levels of contact and will therefore find it particularly difficult to desist from offending. At the most basic level, they will need a higher level of motivation to desist than will non-Aboriginal people. Additionally, in many cases, there are social, educational and health circumstances that are consistently less conducive to desistance even than those pertaining to many non-Aboriginal prisoners. When there is added to these factors the overwhelming sense of marginalisation and alienation from mainstream Australian societies and, more positively, the alternative structures, traditions and cultures of Aboriginal societies, then the challenge presented to cognitive skills programs is a formidable one.
- 3.9 There is very little literature that directly addresses Aboriginal peoples' experiences of cognitive-behavioural therapy. A paper presented in 2002 in Perth at the Probation and Community Corrections conference, *Making the Community Safer*, provides insight into the therapeutic needs of Aboriginal violent and sex offending males. The paper's main argument is two-fold: first, that it is no longer appropriate for non-Aboriginal professionals to presume to understand the therapeutic needs of Aboriginal offenders; second, that, even where programs have been adapted for use with Aboriginal populations in one country, such as Canada, that does not mean that they are appropriately adapted for use with Aboriginal populations in another country, in particular Australia.
- 3.10 The author argues that increasing numbers of Aboriginal professionals are now working in criminal justice contexts and that 'the gap is now being filled with Aboriginal perspectives on treatment issues from within a cultural knowledge base' that go beyond adaptation to what she describes as the 'cultural philosophical ethos' (CPE) of a program. The CPE of a program is defined as the extent to which it is underpinned by recognition of:
- All that evolves from an individual's layers of understanding, histories, life experiences, knowledge, learning processes, beliefs, values, attitudes, motivations, awareness and sense of self as a human being who belongs to a particular cultural group.*⁴⁹
- 3.11 So, as with women, cognitive-behavioural approaches to offending have been criticised for failing to contextualise Aboriginal offending adequately. However, the recognition of the problem of adapting cognitive skills programs to the needs of Aboriginal participants, and those from ethnic minorities in general, is limited to being one of *responsivity*.⁵⁰ It is argued by the program designers that some diligent adaptation of the RR program is needed to provide 'relevant' examples and perhaps a different tone of delivery and more flexible tutoring,

⁴⁹ Yavu-Kama-Harathunian (2002), p. 8.

⁵⁰ Howells and Day (1999); Porporino and Fabiano (undated), p. 59.

including greater use of Aboriginal tutors. It has not to this point been feasible to carry out any evaluation in relation to the impact of race, particularly Aboriginality, on effectiveness.⁵¹

LIFE-COURSE AND SOCIAL EXCLUSION PERSPECTIVES ON DESISTANCE

- 3.12 The theory underlying life-course or ‘criminal career’ approaches to crime is not incompatible with cognitive-behavioural approaches, but tends to be neglected somewhat by them. Life-course theorists⁵² do not accept that there is anything fundamentally different in the psychology of criminals and so-called ‘normal’ people. ‘Becoming criminal’ is seen as a process of socialisation and identity development, involving a wide range of social and psychological factors. Similarly, the process of ceasing to be a criminal is complex and involves ‘making sense’ of one’s life. As one writer has put it,⁵³ the offender needs to ‘construct a coherent personal narrative’ out of a disorderly and contradictory past.
- 3.13 Central to that narrative must be the belief that offenders are in control of their lives, have put their past behind them and have the ability to succeed in mainstream society. Sometimes this optimism is itself a ‘cognitive distortion’ and an inaccurate assessment of reality; but this will to succeed, or motivation, appears to be a vital prerequisite for desistance. Within this perspective, cognitive programming may well be the catalyst that starts the generation of what has been called a ‘redemption script’, but it is a means to an end rather than an end in itself, and there may be many other experiences that act as similar catalysts.
- 3.14 As will be seen later in this review, many prisoners enjoy and are enthused by their experiences of RR. The life-course approach would argue that what is crucial here is the ability to inspire prisoners to believe in themselves, rather than the specific content or delivery of the program. Such inspiration may also come from other experiences – education, creativity, recreation, employment, religion and, above all, relationships.
- 3.15 Advocates of cognitive-behavioural approaches to working with offenders increasingly acknowledge that, no matter how good a program may be, offenders will not stop offending unless *other influential factors* are also addressed. In contemporary penal policy debate, these factors are referred to under the umbrella term ‘social exclusion’⁵⁴ and include:
- Education;
 - Employment;
 - Drug and alcohol misuse;
 - Mental and physical health;
 - Attitudes and self-control;
 - Institutionalisation and life-skills;
 - Housing;

51 Porporino and Fabiano (undated), p. 59.

52 For an overview of life-course theorists, see Farrall (2002).

53 Maruna (2000).

54 Social Exclusion Unit (2002); Department of Justice, WA (2002a).

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- Financial support and debt; and
- Family networks.

All these factors need to be addressed if the ‘revolving door’ of ‘offending–prison–release–offending’ is to be halted. Cognitive skills may have a significant impact on social exclusion, but it is only one of a number of important interventions.

- 3.16 In 2002, the Department of Justice launched its ‘Reducing Re-offending’ initiative, focusing on the re-entry of prisoners into the community. Drawing heavily on the UK Social Exclusion Unit Report, it set out 13 ‘new actions and services’ to be considered. Among them is a particular emphasis on the provision of treatment for drug offenders, as well as improving education and training in prisons to increase literacy, numeracy and employment-related skills among prisoners. The provision of ‘effective and timely treatment programs’ is here set in the broader context of achieving social inclusion.⁵⁵

SUMMARY OF DISCUSSION SO FAR

- 3.17 In Chapter 2, we outlined the principles and content of the RR program and examined the research evidence relating to its impact on recidivism. Without challenging the credibility or validity of any of the evaluation studies, we argued that RR faces two *internal* criticisms (that is, criticisms that accept the underlying principles of the program):
1. The findings of the limited number of evaluation studies in existence are open to more than one interpretation and do not provide unequivocal support for the program from the perspective of reduced recidivism.
 2. In particular, the absence of Australian evaluation studies must raise questions about the program’s suitability, unadapted, for Western Australian prisoners, particularly Aboriginal people and women.⁵⁶
- 3.18 The first observation is understandable and, indeed, normal; evaluation studies almost never point in a single direction. Further, one would not expect a program that is still relatively young and has only been subject to about ten evaluations to be unambiguously supported. The second observation is important but should not be overstated; its principal thrust relates to Aboriginal offenders, particularly those from a traditional background.
- 3.19 In Chapter 2, we have outlined the *external* criticisms that RR faces from three different perspectives on desistance. We have discussed two perspectives that intersect with the theoretical basis of the program and one that argues that the program’s vision is too limited. Those criticisms are that:

⁵⁵ Department of Justice, WA (2002a).

⁵⁶ In the Western Australian context, many of the women who have participated or would in future participate in RR are Aboriginal, and a substantial proportion of these come from traditional or remote communities.

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1. The RR program, as currently presented in Western Australia, fails to address adequately the different responsivity of female offenders and/or fails to contextualise women's offending behaviour within their often extensive histories of victimisation.
 2. The RR program fails to address the different responsivity of Aboriginal offenders and/or fails to contextualise offending by Aboriginal people within both their history of colonial oppression and the strengths and weaknesses of the different organisation of Aboriginal societies.
 3. The RR program gives insufficient weight to the significance both of social exclusion perspectives and the generation of 'redemption scripts' in the prevention of re-offending.
- 3.20 Thus, it is evident that cognitive-behavioural therapy is not universally supported, though it is equally evident that its adherents are deeply committed to it and confident of its efficacy. The purpose of this Report has been to provide some alternative perspectives against which to examine the appropriateness of particular programs in particular contexts. In the next chapter, we consider the history and policy-making surrounding the introduction of cognitive skills programs in prisons in Western Australia.

Chapter 4

A BRIEF HISTORY OF COGNITIVE SKILLS IN WESTERN AUSTRALIA

- 4.1 Programs based on the principles of cognitive-behavioural psychology are not new to Australia or to Western Australia.⁵⁷ The Department of Justice embraced the model in the mid-1980s, and programs for both violent and sex offenders have been implemented since that time. The specific history of cognitive skills programs is more recent, however. Although the exact chronology of events is unclear, there appear to have been three factors that, in combination, resulted in the decision by the Department to enter into a contract with T3 Associates to run the RR and the ISTP:
- A presentation to prison superintendents by T3 in 1999 following a visit by T3 to South Australia (where cognitive skills programs were already running);⁵⁸
 - The plans to build the first privately managed prison in Western Australia in 2000/2001; and
 - The establishment of the Prisons Improvement Program Steering Committee (PIP) in 1999, which eventually resulted in the Integrated Prison Regime initiative.⁵⁹
- 4.2 The presentation by T3 impressed both prison superintendents and the Department. In particular, the fact that these programs were specifically designed to be delivered by prison officers made them attractive. Not only would they provide skills development opportunities for prison officers, but they would also affirm their rehabilitative role – a role that had hitherto been attributed predominantly to psychologists, social workers and community corrections officers. These factors persuaded the Department to continue consultations about the possible adoption of the programs in Western Australia. The Department also considered that there was enough preliminary evidence of program effectiveness to justify a commitment.
- 4.3 The state's first privately operated prison (Acacia Prison) opened in May 2001, with rehabilitation as one of its key objectives. It was intended to be a leading example of the use of a range of treatment programs for prisoners and, among these, the T3 cognitive skills programs appeared to provide a good generic foundation, on which the benefits of other, more specialised, programs could be built.
- 4.4 The winning tender for Acacia had been submitted in 1998 and had included, as an integral part, a proposal for the introduction of T3 cognitive skills programs. Key Department of Justice prisons personnel were thus aware of this aspect of the bid, as they were involved in the evaluation of the tenders, and it was in this context that the T3 presentation in South Australia was received. As has already been noted, the Western Australian Department of Justice had for many years consistently supported various forms of offender rehabilitation programs. Nevertheless, the signing of the contract for private management of Acacia Prison in early 1999 was regarded by some as a trigger for the public sector to modify some of its views on the purposes of imprisonment. This would involve a cultural change among prison staff as well as changes of regime for prisoners. Hence, the parallel implementation of RR and ISTP promised to be a central plank in the raft of reforms.

⁵⁷ Howells and Day (1999); Howells, K et al. (2002).

⁵⁸ It has been pointed out to the review that T3 Associates received a request from the Department of Justice for a proposal to introduce the programs some 18 months before this presentation. However, the matter did not proceed at that time.

⁵⁹ Department of Justice, WA (2001a). See www.justice.wa.gov.au

4.5 Having agreed in principle to develop cognitive skills programs in Western Australian prisons in 1999, the PIP was presented with three options by its relevant managers: develop a program itself; tender for a program; or buy the program offered by T3. In July it decided on the latter option, and in September 1999 it successfully applied to the State Supply Commission for Sole Provider Status, making a more formal tendering process unnecessary.⁶⁰

4.6 In making this application, the Department of Justice outlined what it expected the RR program to achieve. The list of expectations concentrated on:

- the likely impact of the program on the prisoner's ability to cope with prison life;
- the assistance in making prisoners more manageable within the prison environment;
- the likelihood that cognitive skills programs would enhance the benefit from other specialist programs; and
- the possibility that participation in the program would reduce the risk of self-harm and suicide (a point that was not raised by anyone in the course of the review leading to this Report⁶¹).

It was stated that each of these possible benefits would best be achieved if the program were offered early in a prisoner's sentence. The application also talked about the ability of the program to 'address offending behaviour',⁶² but there was, from the outset, some confusion of expectations, since the difference between 'offending behaviour' (recidivism) and 'behaviour in prison' (prisoner management) was not sufficiently spelled out.

4.7 In 2000, a two-year contract was signed with T3 Associates for the training and continuing support of selected prison officers in the delivery of both programs, together with the provision of all relevant copyrighted manuals and other documentation. A similar contract was signed between T3 and AIMS Corporation – the company that manages Acacia Prison. The contract with the Department of Justice contained an 'in principle' agreement for the extension of the contract for two further periods of two years in 2002 and 2004, to a maximum of six years.

4.8 The financial details of the contract are not the subject of this review. However, Departmental documents indicate that total expenditure on cognitive skills programs in 2000/2001 was approximately \$1 million and the budget for 2001/2002 was a further \$500,000.⁶³ As well as the nominated fees to T3, these costs included implementation costs

⁶⁰ A successful application for 'sole provider status' enables the purchasing Department to bypass state government rules on tendering and deal directly with the chosen supplier – in this case T3. One submission to this Review was extremely critical of this aspect of the arrangement. However, it must be said that the problems that have subsequently been encountered would, for the most part, seem likely to have arisen regardless of the provider chosen. Of course, one or two of the problems were somewhat exacerbated by the fact that the providers were normally resident in Ottawa.

⁶¹ However, in the course of its work leading to a report on deaths at Hakea Prison over the period 2001–2003 this Office reached the conclusion that there was a strong need for the coping ability of prisoners to be enhanced and that a program such as RR would assist in this regard: see Office of the Inspector of Custodial Services (2004), Chapter 1, *passim*, and Chapter 7, [1]–[27].

⁶² Draft application for sole provider status (1999).

⁶³ Department of Justice, WA (2000); Department of Justice, WA (2001c).

such as residential accommodation for trainees, as well as training costs for sufficient numbers of staff to bring the trained personnel up to a critical mass. By Western Australian standards, therefore, the financial and human resource commitments were not insignificant. Unfortunately, the second year budget did not provide for continuing funding for implementation, and this has been a primary source of complaint from prison managers.

- 4.9 There then followed several visits by T3 Associates to a number of Western Australian prisons seeking expressions of interest from prison officers to be trained as facilitators (the term adopted within the public sector is ‘coaches’) of RR and ISTP. Reportedly, there was a lot of interest, but some discouragement from the Western Australian Prison Officers’ Union (which was concerned about resourcing issues, in the sense that the work of officers who were taken off-line would have to be carried out by other officers).
- 4.10 The selection process and criteria followed at that time remain somewhat unclear, but eventually about 25 officers were trained as coaches in 2000. The training consisted of two weeks’ intensive tuition and familiarisation with the RR program. At the end of the training, 13 officers were selected to stay on for a few days’ further training as ISTP coaches. A further 21 RR coaches were trained in October 2001 (including several Community Based Services staff) and a further seven ISTP coaches.
- 4.11 The intention was to implement the ISTP before the RR, on the grounds that the former would help to create the right atmosphere within prisons for the implementation of the latter. It should be noted that, prior to the introduction of ISTP, prison officers had received initial training in interpersonal skills and conflict resolution from a local university. This continued for a short while in parallel with ISTP but has now been dropped altogether. The public sector prisons have not recruited prison officers since 2000 but are planning to do so later in 2003, when ISTP will form part of initial training.⁶⁴ At Acacia Prison, ISTP has been part of initial officer training from the outset, and to this point about 200 officers have received this training.

INTERPERSONAL SKILLS TRAINING PROGRAM

- 4.12 Initially, five public prisons were chosen for the implementation of ISTP, but only three out of seven modules (or 16 out of 60 hours) of the program were delivered. These modules, which were chosen collectively by the coaches under the guidance of T3 and Department of Justice managers, were: information gathering; watching, listening and self-expression; and values. Obviously, delivery of a partial program rather than the full program is less than ideal and is bound to erode the effectiveness of the program.
- 4.13 From the outset, there were problems relating to rostering and suitability of training venues. The key rostering problem was the difficulty experienced by prisons in releasing staff to

⁶⁴ A school of new officers commenced in November 2003 and graduated in February 2004, and a further school of approximately 24 will commence training shortly thereafter.

attend training programs while still covering the core tasks of running a prison. Additionally, it was apparently difficult to find suitable rooms within prisons to house the training programs. As one officer put it: ‘I said to my manager “Where are we going to run the ISTP course?” and was told “I don’t know – find a toilet.”’

- 4.14 Despite these problems, by mid-2001, over 500 officers had attended 43 programs – a good outcome. The following proportions of officers at the pilot prisons had completed the first three modules of the ISTP:⁶⁵

Albany/ Pardelup	100%
Bandyup/Nyandi	91%
Bunbury	51%
Casuarina	36%
Greenough	82%

At this point, the Department made the decision to roll out the ISTP to all prisons, with the aim of completing training by December 2002.⁶⁶ The Internal Audit Branch, reporting in mid-2001, highlighted a number of problems in the resourcing, communication strategies and record keeping of the ISTP, and urged the Department to reiterate its commitment to this and the RR program. However, for the remainder of 2001, it appears that little happened in relation to the ISTP.

- 4.15 In 2002, responsibility for the ISTP passed from the Programs Branch of the Department to the Training and Specialist Services Branch (TSSB), but no additional funds were made available and all proposals to resurrect the program foundered until around November 2002. In other words, the commitment made in mid-2001 had not been honoured to that point. By this time the non-availability of the coaches trained in 2000 was also an issue. Of the 20 officers originally trained in the first two cohorts, it appeared that only nine were working in the metropolitan area by March 2002 and, of these, only two were available. The decision was made to re-start the program at Albany Prison, where all officers had received the first stage of training. The program is now running there on a regular basis (with coaches travelling from Perth and Bunbury). The TSSB estimates that it will take up to 18 months to deliver the ISTP to all prison officers in the state.

REASONING AND REHABILITATION

- 4.16 The progress of the RR program was initially more encouraging. The first programs were delivered in the public sector prisons from January 2001, and in the following two years around 400 prisoners participated in programs:

⁶⁵ Department of Justice, WA (2001b).

⁶⁶ Department of Justice, WA (2001b).

A BRIEF HISTORY OF COGNITIVE SKILLS IN WESTERN AUSTRALIA

Albany	6 programs – 63 participants
Bandyup	6 programs – 65 participants
Bunbury	4 programs – 40 participants
Casuarina	11 programs – 116 participants
Greenough	4 programs – 33 participants
Karnet	3 programs – 30 participants
Roebourne	2 programs – 23 participants
Woorloo	4 programs – 41 participants

Of those prisoners enrolling for these programs, approximately 75 did not complete the program, giving a completion rate of around 80 per cent.

- 4.17 The picture at Acacia Prison was rather different. In early 2001, 26 facilitators were trained by T3. Initially there was a lot of interest among prison officers, who believed that it would enhance their career development and give them worthwhile skills in working with prisoners. However, it has to be remembered that all prison officers at Acacia were new to working in prisons and therefore had to adjust to all aspects of the prison environment as well as to this specialised teaching role. For reasons that will be discussed further below, only four facilitators were still active after a year, and a further 12 were trained late in 2002. In order to make a concerted effort to clear a backlog of scheduled programs, one coach was taken off roster and seconded to programs delivery full-time for a year. At one stage, she was running five treatment programs a week, including three RR programs.
- 4.18 From the opening of Acacia Prison in May 2001 until the end of 2002, 193 prisoners were scheduled to undertake RR. Of those, 90 completed courses, giving a completion rate of only 46 per cent⁶⁷ – as opposed to 80 per cent in the public prisons. Two factors were of particular significance to the low completion rate. First, if they did not wish to attend the program, prisoners were required to sign waivers stating that they understood the consequences of not attending. Predominantly, these ‘consequences’ related to their consideration by the Parole Board for early release – an issue that will be discussed later in this Report. It appears that a number of prisoners mistakenly believed that they would be offered a chance to attend the program at a later date. Secondly, a number of prisoners simply failed to attend the program for which they were scheduled. In contrast to the public sector, it appears that there was little follow-up of these prisoners; consequently, the program was not perceived by either prisoners or other prison staff as having a high priority.
- 4.19 A culture of hostility towards the program also developed at Acacia Prison. Partly this was because the facilitators had expected that there would be a pay incentive, and in the event this was not forthcoming. Also there was some territorial wrangling between the Programs and the Operations side of the Acacia staff, and this tended to exacerbate the scepticism of the uniformed officers who had not been trained as facilitators. This in turn meant that facilitators

⁶⁷ Hicks, S (2003). The author comments, however, that: ‘explanations for offenders failing to participate in programs are not always within the control of prison management or program staff’.

were unable to find colleagues to ‘backfill’ (that is, to cover their other duties), and they were made to feel that they were somehow letting their colleagues down by leaving their units in order to deliver programs.⁶⁸ Consequently, sessions were frequently cancelled or facilitators arrived late or ill-prepared. In such circumstances, there was a real danger that the program was doing more harm than good, by making prisoners annoyed, truculent and frustrated. An attempt was made to change this ‘culture’ towards the end of 2002 but, as will be discussed in the next chapter, other factors continued to make the delivery of the program problematic throughout the period of this review.

- 4.20 No specific arrangements were in place to evaluate the programs, either at Acacia or in the public prisons. Money was set aside by the PIP for evaluation of the whole Integrated Prison Regime initiative, including the cognitive skills programs. Tenders were invited but the decision was made, on financial grounds, not to proceed. No further steps have been taken to date to evaluate the programs beyond an analysis of participants’ feedback questionnaires and coaches’ assessment sheets, which will be discussed in the next chapter. This evaluation hiatus is disappointing.
- 4.21 In June 2002, a series of visits were made and meetings held between staff at Offender Programs Branch of the Department of Justice and a number of public prisons and RR coaches. This confirmed both the commitment and enthusiasm of those delivering the program, as well as the range of implementation problems that needed to be addressed. These included: issues relating to rostering; selection of participants; report writing; support for coaches; and participant evaluation.
- 4.22 More positively, it was reported that the Department’s Education and Vocational Training Unit had apparently found a way to credit some program participants with modules towards the Certificate of General Education for Adults (CGEA). From April 2002 it has been possible for participants in RR to receive dual accreditation and be awarded entrance level CGEA certificates in Oral Communication and General Curriculum Options. Almost 200 certificates have been given for each of these modules, which require evidence of discussion, role-play and group work. The assessment is based on the final program reports by RR coaches, which are forwarded to the Education and Vocational Training Unit by the Offender Programs Branch. However, approximately 100 participants have been denied certification, and the main reason for denial was that there was insufficient supporting evidence in the reports. A small number of participants were not issued with certificates because they already had an existing higher-level qualification. The purpose of the certification has been to encourage prisoners to take greater interest in educational opportunities while they are in prison and on release.

⁶⁸ This Office’s *Report of an Announced Inspection of Acacia Prison* highlights how stretched uniformed staff have been on the ground, helping to explain this apparent hostility even though in other ways the culture and ethos of the staff is fresh, surprisingly relaxed and pro-social: see Office of the Inspector of Custodial Services (2003d), chapter 7, [13]–[23].

- 4.23 At the end of January 2003, the Department of Justice's contract with T3 Associates was, belatedly, extended from May 2002 to April 2004. At the same time, the status of RR was changed from that of a 'project' to that of a 'program', thus becoming fully the responsibility of the Offender Programs Branch of the Department. Responsibility for the ISTP had already passed to the TSSB. Neither of these branches, however, is able to exercise any direct authority over prison superintendents, who are accountable to the General Manager Public Prisons and the Executive Director Prisons. The separate organisational arrangements for line management of prisons, program delivery and staff training mean that there are competing agendas, and no one office or person takes responsibility for coordination of the total package necessary to ensure that prisoners are properly prepared for release.
- 4.24 Historically, the development of cognitive skills programs has been characterised by vision and enthusiasm on the one hand, but a failure to establish appropriate management structures or to secure sufficient continuing resources on the other. Consequently, there has been a mixture of commitment and disillusion among those involved in the delivery and development of the programs. Programs cannot thrive in such an environment. The next chapter attempts to describe the current state of affairs and begins to identify some of the recurring issues that require further discussion.

Chapter 5

THE CURRENT SITUATION – FROM DIFFERENT PERSPECTIVES

REASONING AND REHABILITATION

- 5.1 During the period of the fieldwork undertaken for the purposes of the Discussion Paper and the Report (January to June 2003), 11 RR programs had been scheduled to run in five public prisons. At Albany, two programs scheduled to start in March 2003 ran for only five sessions before the coach took leave. Both programs were restarted at the end of May 2003. At Bandyup a coach was imported from another prison to run one program from November 2002 to February 2003. A second program commenced in the second half of June. At Bunbury, a program ran from December 2002 to March 2003 and a second started in May 2003. At Greenough a program started in late May 2003. At both Karnet and Wooroloo Prison Farms, one program ran from November 2002 to February 2003 and a second program started in April 2003. Programs due to be run at Casuarina were cancelled for operational reasons; no programs have been run at this prison since August 2002 (although a program was started in July 2003).
- 5.2 At Acacia, five programs were scheduled to start in the first quarter of 2003. Of these, only three started and all were subject to varying degrees of session cancellation. The question arises: why is it currently so difficult to run RR programs on a regular basis?

HOW ARE PRISONERS SELECTED FOR THE PROGRAM?

- 5.3 All male prisoners within the Perth Metropolitan area are sent initially to Hakea Prison for formal assessment (that is, for programs, educational and other in-prison needs associated with the development of a sentence plan, as well as health and at-risk status). The respective receiving prisons assess female prisoners and male prisoners in other areas of the state. With a few exceptions, prisoners serving effective sentences of six months or less do not have an Individual Management Plan (IMP) developed; this is justified on the basis of the cost of developing IMPs and lack of sufficient prison time to implement such plans. All other prisoners should have an IMP drawn up.
- 5.4 The assessment interview lasts approximately 45 minutes, and includes a preliminary screening assessment of approximately 15 minutes for cognitive skills. This part of the assessment consists of six questions designed to give an initial indication of prisoners' cognitive functioning and the extent of their insight into their behaviour. Prisoners are then given a score of zero to 11. At present, all prisoners scoring three or more are considered suitable for further assessment. The bar can be varied according to demand, resources and other policy considerations, and has previously been set at a score of four or more. This flexibility is seen by some as subordinating the integrity of the program to pragmatic considerations. Prisoners deemed unsuitable for the program tend to be those with either severe cognitive impairment (who may be recommended for other more suitable programs) or, alternatively, those with existing high levels of cognitive skills (e.g., 'white collar' offenders). Beyond those extreme categories, the consensus seems to be that most prisoners can benefit from participation in cognitive skills programs.

- 5.5 Once assessed, the Assessment Centre at Hakea can electronically book a place on a program at the relevant prison.⁶⁹ At times prisoners are unable to be booked onto a program for which they have been assessed because of the short length of their effective sentence or because all programs prior to their earliest release dates may be booked. In this event, a ‘ghost’ course is placed into the schedule to assist with future planning to determine the real needs for courses. If prisoners who are on scheduled courses become unavailable, then prisoners from ‘ghost’ courses are substituted. Also, if a program is scheduled to run and has not been filled by the assessment process, then prisoners with six months or less effective time to serve may be considered for inclusion on the course.
- 5.6 Recommended prisoners who have been through the process at Hakea and have been transferred from there are then subject to longer assessment by the RR coach at the prison where the program is to be delivered. This ‘pre-test’ takes about 45 minutes and is a more extensive assessment of the prisoner’s suitability. Coaches have the right of ‘clinical over-ride’ and can make the decision that a prisoner is not suitable for participation. However, in order to ensure consistency of practice, coaches are now required to complete brief reports stating the reasons for recommended non-participation (for example, that an offender’s level of cognitive functioning is already quite high and that other offenders should take priority). The fieldwork showed some evidence that these assessments are not always carried out.

HOW MUCH CHOICE DO PRISONERS HAVE ABOUT PARTICIPATION?

- 5.7 Many prisoners appear to believe that, if RR appears in their sentence plan, they will not be released from prison unless they complete the program. To this extent, they believe that the program is compulsory. They are encouraged in this belief by coaches, who appear to emphasise the importance of a positive program report when release is considered by the Parole Board. This perception is a very strong one amongst both coaches and prisoners, very much part of prison folklore. Indeed, some reports to the Parole Board have recommended deferral of parole so that the applicant could undertake or complete a cognitive skills course in prison before release.⁷⁰
- 5.8 Certainly, the situation is complex. On the one hand, all programs – and especially those claiming to be treatment programs – must be voluntary if they are not to infringe prisoners’ human rights. On the other hand, the Parole Board does not, and cannot, make release conditional on a specific program being completed in prison.⁷¹ What it can, and does, do is to require evidence that a prisoner’s risk of re-offending (and causing harm through re-offending) has been sufficiently reduced for it to be manageable under supervision in the community. Completion of an RR program in prison may constitute part of that evidence for some prisoners, or post-release completion of an RR program in the community may be

⁶⁹ The procedure is different in women’s and regional prisons.

⁷⁰ Letter of 4 November 2003 from the then Chairman of the Parole Board to the CEO of the Department of Justice.

⁷¹ See *Varney v Parole Board of Western Australia* [2000] WASCA 393 (15 December 2000).

a condition of parole supervision. What is clear is that completion of RR does not, of itself, contribute significantly to the likelihood of early release unless (a) it appears to bring about the change of attitude and behaviour that indicates risk reduction and (b) other evidence of risk reduction also exists.

- 5.9 Aside from these arguments of principle, it would be unfair if the Parole Board insisted routinely on the completion of RR, given the unreliability of its current delivery. Indeed, it is important to note that the Board does not in fact insist on the completion of RR. A letter from the CEO of the Department of Justice to the Chairman of the Parole Board has now confirmed that ‘it was never intended that Parole release should be contingent upon completion of a cognitive skills program’.⁷² Nevertheless, the perception persists amongst many prisoners and some staff that completion of RR is in effect a pre-condition to release on parole.

WHAT PREPARATION DO COACHES/FACILITATORS MAKE TO DELIVER THE PROGRAM?

- 5.10 The roles and duties of prison officers are dominated by roster considerations. Because prison officers have to work in shifts, the roster dictates who has to be available for duty, when, where and for how long. Preparing for and delivering an RR program cuts across normal rostering because officers have to work in different places at different times (outside of the normal shift pattern).
- 5.11 There appear to be three ways of managing this, one of which is widespread but unacceptable and two of which are acceptable but create other problems. The most common practice appears to be for coaches to be required to arrange their own ‘backfill’ or cover while they deliver sessions. This is an abnegation of management responsibility that puts the onus on the individual coach and their immediate line manager, and it is not surprising that such arrangements frequently break down. Even when they appear to work, they are stressful, causing feelings of guilt in the coach and resentment among colleagues. It means that coaches frequently have no more than half an hour to prepare for a session and the same amount of time (or less) to make notes (essential for assessing participants’ progress) at the end of a session. No time appears to be allocated for writing reports. At one prison, we witnessed a distressed new coach being refused backfill by colleagues at less than half a day’s notice. He had tried to start his first program several days earlier, but had only succeeded in delivering one session. He was obliged to negotiate with colleagues day by day for time to deliver the program
- 5.12 The second and more recent practice is to dedicate a ‘line’ on the roster to program delivery. In this way, the program is formally integrated into the roster and regarded as a legitimate duty. However, this *additional* duty still means that RR coaches are sometimes perceived by colleagues to be avoiding the ‘real’ work of prison, namely, routine operational duties.

⁷² Letter of 19 January 2004.

- 5.13 A third option is to remove coaches from the roster entirely for a period and second them to programs delivery. This is the option that seems to be preferred by coaches, although the ‘roster line’ approach is now the officially preferred option. Some coaches have agreed a time formula which gives them a total of three weeks pre- and post-program preparation and report writing time, and a total of 24–26 hours each week that the program runs (40 hours if two programs are running concurrently). This seemingly generous allocation is regarded as essential by the coaches if they are to fulfil all the requirements of the program and deliver it to ‘best practice’ standards. At the time of the fieldwork preceding this Report, negotiations were taking place with all prisons, but some superintendents were saying that this arrangement would only be possible where there is a generous allocation of staff to a prison.⁷³ They emphasise that, after the first year of the program’s implementation, no additional resources were made available and that this has been the single most significant factor in implementation failure.
- 5.14 The above narrative describes the situation regarding program delivery at the public prisons but, as has been seen, the problems are little different at Acacia Prison.

HOW IS THE RR PROGRAM DELIVERED?

- 5.15 The RR program is delivered in a classroom situation with either one or two coaches presenting the material (teaching). Groups consist of up to ten prisoners, and sessions last for approximately two hours (with a short break after about an hour). The program consists of 38 sessions and, ideally, it runs three times a week for 13 weeks. Sessions typically consist of an introduction by the coach, followed by discussion, paper exercises and role-plays around the theme of the session. Coaches are expected to adhere closely to the RR manual in terms of the choice of topics for each session, the sequencing of material and the use of examples.
- 5.16 Beyond that, coaches have a small degree of autonomy about their personal style of delivery and the creativity with which they present material. They are censured, however, for allowing discussions to continue for too long or to drift away from the specific lessons of the session. Given the underlying assumption of the program that coaches have no previous teaching skills or experience, this rather strict guidance is understandable and provides some assurance of quality control. However, the elevation of this control to a principle of ‘program integrity’ is controversial and will be discussed further in the next chapter.
- 5.17 The program demands high levels of teaching competence from coaches. If the session is to have any impact on prisoners, coaches need to be not only well-prepared, but also to have the confidence and the skills to pick up on verbal and non-verbal cues, keep the group focused and engaged, avoid collusion (or indeed collision) with sabotaging remarks or behaviour,

⁷³ For the past two years, staffing levels have been a contentious matter throughout the Western Australian public prison system, and as a generalisation it can be said that both on-site management and the Prison Officers’ Union seldom miss an opportunity to bring home to Head Office the consequences that, in their perception, follow from inadequate staffing levels. RR programs have certainly been caught up in this bigger battle. The same problem has been encountered at the privately-managed Acacia Prison.

maintain a brisk but not rushed pace, give individual attention where necessary, attend to group dynamics, and so on. In other words, they need to be very good *teachers*. They may not need to have the knowledge and skills of clinical psychologists, but they certainly need to understand the basic psychology of education and teaching and group dynamics. When a session is delivered well, it is clearly tiring for the coach and exhilarating for the prisoners. It is undoubtedly a constructive use of prisoners' time and a very enjoyable experience for most. As a contrast to so much of the experience of imprisonment, the value of this should not be underestimated.

DOES IT 'WORK' FOR ALL PRISONERS?

- 5.18 The sessions observed for this Report consisted entirely of male prisoners and included a range of ages, offence types (including sexual offences) and length of sentences. The groups included Aboriginal and other ethnic minority prisoners.
- 5.19 At the time of the review, there were no programs running for women or exclusively for Aboriginal prisoners. However, discussions were undertaken with coaches who had experience of delivery to both groups. The program appears to have been well received by women prisoners, but coaches with experience of delivering to both male and female groups indicated that women respond to the program very differently. Regardless of the specific topic of a session, women are likely to engage in more wide-ranging and (some might say) 'unfocused' discussion. Others might argue that women more readily make connections across topics and, indeed, across all areas of their lives, and are, therefore, not convinced about the usefulness of partitioning and categorising their experiences. They want to relate the 'lessons' of the program immediately to every aspect of their lives.
- 5.20 In terms of process, some coaches reported that women interact more with each other, being both more supportive and more competitive. They are more demanding of the coach's attention, and will often seek to continue discussions on a one-to-one basis at the end of sessions. It has been suggested that there is a need to adapt the given examples for use with women, but the coaches considered that that is only a minor issue. Of more significance is the generally less predictable and less controllable response of women. Coaches view this difference very positively, but emphasise the need for it to be recognised and taken into account, rather than being viewed somehow as a potential threat to 'program integrity'. It should be noted that a program designed by T3 specifically for use with women offenders was, at the time this Report was drafted, currently being piloted in England and Wales.⁷⁴
- 5.21 As previously discussed, the suitability of the program for Aboriginal prisoners, especially traditional Aboriginal people, is problematic. The program has been delivered, apparently successfully, to Canadian Aboriginal prisoners, with some modifications in the delivery; however, no evaluation of this is available. The program designers believe that the program is

⁷⁴ See paragraph 3.6, above.

suitable for *all* prisoners and that local adaptations are sufficient to make it suitable for Australian Aboriginal prisoners. To this end, some attempt is being made to adapt the program for use with Aboriginal prisoners; however, to date those adaptations are not in an accessible written form and their benefit to the program has not been determined.⁷⁵

- 5.22 There remains a view, however, that such adaptations are inadequate. For some, there is a need to acknowledge that some of the values underlying the program conflict with the values of traditional Aboriginal communities. The concepts of ‘choice’, ‘duty’, ‘negotiation’, ‘assertiveness’, ‘persuasion’, to select but a few, have very different connotations in traditional communities than they do in the Perth Metropolitan area. In response, the position of the program designers now appears to acknowledge the limitations of the program for traditional Aboriginal prisoners within their own communities. Nevertheless, it is argued that Aboriginal prisoners who have to live or associate with ‘mainstream’ Australian society can benefit from acquiring the skills needed to function competitively within that society.

WHAT SUPPORT AND SUPERVISION DO COACHES/ FACILITATORS RECEIVE?

- 5.23 Along with rostering difficulties, lack of support and supervision is the main complaint from RR coaches. Most other treatment programs for prisoners are delivered by psychologists or social workers, who have their own hierarchy of support and supervision through the Offender Programs Branch. RR is a psychology-based program, but in most prisons there are no formal links between the prison officer coaches and the prison psychologists. Acacia Prison is an exception to this and, as mentioned above, this has in itself been a source of some disruption. Consequently, there appear to have been no clear arrangements for the support and supervision of coaches. A half-hearted attempt at a system of mentoring by accredited coaches was established, but does not appear to have worked very well. Recently, the Offender Programs Branch has attempted to provide support and supervision through its psychologist program managers, but this has given rise to some dissatisfaction on the part of both coaches and psychologists.
- 5.24 Coaches argue that the kind of support and supervision they require is not the generic or clinical guidance of psychologists, but the ‘technical’ advice of more experienced coaches. The psychologists on offer may be well-intentioned, but they don’t understand RR – or so it is argued. To an outside observer, the issue appears to be not only one of support, but also something of a territorial struggle for claims of expertise. Since the program was designed so that it could be delivered by prison officers and community corrections officers, the position of psychologists at the level of supervision might appear contradictory.⁷⁶ A convincing view

⁷⁵ The review was told that these modifications were not in a written form but consisted mainly of changes to the order of presenting material within sessions. Additionally, there were changes in style of delivery that, for example, facilitated more collective responses from the group, rather than the singling out of individuals, which was considered to be disrespectful.

⁷⁶ Although the program is designed to be delivered by prison and community corrections officers, it is also delivered by psychologists and others in the UK.

was that coaches have worked hard to develop some level of expertise in the delivery of programs and it is not unreasonable for them to want that acknowledged as ‘special’. They want to retain ‘ownership’ of the program, retaining responsibility for and full involvement in it. Importantly, they want to retain the credit for making it work.

HOW IS THE QUALITY OF RR PROGRAMS ASSURED?

- 5.25 T3 Associates provide initial and continuing training for coaches. They require coaches to record a number of sessions on videotape, and they provide constructively critical feedback on a coach’s performance. There has been some dissatisfaction among coaches about the time taken to return videos from Canada and the lack of specificity in the feedback. As to the first point – timeliness – the chosen technology may have been appropriate when initially selected but is by current standards archaic. It would be comparatively simple technologically to arrange for on-line interactive sessions with the T3 supervisors. The impact of feedback is severely diminished by delay. As to the second point, at a video feedback session observed for this review, the feedback was very specific and, although provided in an overtly supportive manner, was frequently very critical, especially when the coach appeared to have changed the sequence of discussion from that in the manual or spent too much time on a particular point. The most constructive feedback offered consisted of sound advice on classroom teaching skills (for example, how to give instructions clearly, how to use aides-memoires, how to maintain a good pace and so on).
- 5.26 When coaches have satisfied T3 of their competence to deliver the program, they are accredited, and there are now nine accredited coaches, not all of whom are currently active in delivering programs. Coaches are encouraged to deliver their first program with a co-facilitator, but are then required to deliver at least one program alone for the purposes of accreditation. Beyond that, and the making of satisfactory videos, the process of accreditation is beginning to create some dissatisfaction among coaches. As coaches become more knowledgeable, there seem to be the glimmers of some questioning of accreditation decisions, especially among those who have delivered a number of programs apparently successfully and see less experienced coaches being accredited ahead of them.
- 5.27 Experience, of course, does not necessarily equate with competence, and it is impossible to gainsay the judgment of the program designers in this regard. However, one senses that coaches would welcome some clearer statement of the criteria for accreditation. Of particular concern is the fact that accreditation does not appear to take account of administrative competence or diligence in report writing – it appears to be focused entirely on delivery of the program in the classroom. This may or may not be true, and some clarification of accreditation requirements would be welcome.

HOW DO WE KNOW WHETHER OR NOT THE PROGRAM ‘WORKS’?

- 5.28 The RR program in Western Australia has not been fully evaluated independently. However, a limited process evaluation was being undertaken at the time of the fieldwork by the Offender Programs Edith Cowan Project (OPEC). This was based on participants’ feedback and pre- and post-test assessments, and the results have subsequently become available.
- 5.29 Before referring to them, it should be said that evaluation is a contentious issue in itself. This Report does not adopt the view that the only measure of a program’s success is a proven ability to reduce rates of re-offending, even though the purchase of the program in Western Australia appears to have been influenced by its claim to reduce recidivism. Given that claim, however, it is perhaps surprising that little effort has thus far been made to evaluate the program in this regard.
- 5.30 For the time being, attention will turn to the ways in which the progress of participants and their response to the program were assessed. The participants were assessed by the coaches before, during and after the completion of the program. The assessment was psychology-based and consisted of the following dimensions:
1. Ability to recognise that problems exist;
 2. Ability to solve problems;
 3. Self-management;
 4. Ability to think/develop alternatives;
 5. Awareness of consequences;
 6. Ability to achieve goals;
 7. Egocentricity;
 8. Social perspective taking;
 9. Impulsivity;
 10. Cognitive style;
 11. Morals/values;
 12. Critical reasoning;
 13. Motivation to change; and
 14. Motivation to participate in the program.
- 5.31 Coaches are given guidance on completing the tests. Given their lack of formal training in psychology, the question arises whether consistency between coaches can be ensured. What one coach might consider evidence of progress may simply not impress another coach to the same extent. Providing guidance in terms of the categories of behaviour to be considered does not help a coach to decide what does and does not constitute *evidence* within that category. For example, coaches are required to make subjective judgments about what constitutes a ‘good’ or ‘poor’, ‘appropriate’ or ‘inappropriate’ response to a question. The crucial differences between scores of one (poor), three (adequate) and five (excellent) are actually quite subtle, yet, once given, they can have a disproportionate impact on an offender’s future.⁷⁷

⁷⁷ A contrary view was expressed to the review that coaches receive substantial guidance on making assessments, with numerous examples. Our own consultant believes that consistency will come through training and shared experiences.

- 5.32 When coaches have satisfied T3 of their competence to deliver the program, they are accredited, and there are now nine accredited coaches, not all of whom are currently active in delivering programs. Coaches are encouraged to deliver their first program with a co-facilitator, but are then required to deliver at least one program alone for the purposes of accreditation. Beyond that, and the making of satisfactory videos, the process of accreditation is beginning to create some dissatisfaction among coaches. As coaches become more knowledgeable, there seem to be the glimmers of some questioning of accreditation decisions, especially among those who have delivered a number of programs apparently successfully and see less experienced coaches being accredited ahead of them.
- 5.33 At the end of each program, the views of participants are sought by means of a feedback questionnaire. Again, there appears to be no consistency of practice in relation to the completion of these questionnaires and no evidence that they are being collated systematically. Some are forwarded by coaches to the Offender Programs Branch, but there is no system in place to ensure that the forms are completed or that they are all forwarded for analysis. Until recently, some coaches appeared to believe that they were confidential and only to be shared with T3. Bearing in mind these limitations, an independent analysis of the questionnaires has, as mentioned above, been conducted by a researcher from Edith Cowan University. Preliminary findings indicate a high level of satisfaction among participants with all aspects of the program.⁷⁸
- 5.34 The second part of the same research study provides an analysis of the pre- and post-test scores of a sample of participants. This analysis indicates that the average score for all dimensions of the program increased, suggesting a significant average improvement as a result of completing the program (though, as we have seen, the scoring may be rather subjective and a critic might say that it would be a perverse coach who would assess a prisoner as having worse cognitive functioning at the end of a program). A preliminary attempt was also made to link these scores descriptively with available information about post-release re-offending. No conclusions can be drawn on the basis of this information, but the analysis demonstrates the potential for further evaluation to develop those links. This study appears to lay the foundations for a fuller independent evaluation in the future.

INTERPERSONAL SKILLS TRAINING PROGRAM

- 5.35 The ISTP has three aims:
1. To assist officers to work more effectively with those prisoners who undertake the RR cognitive skills program.
 2. To provide a general refresher course for staff to further enhance their skills in working with prisoners.⁷⁹
 3. To assist officers in understanding and coping better with the occupational stresses of working in a prison environment.

⁷⁸ Participants were asked to rate on a score of one to four whether (broadly speaking) the program had helped a great deal (4), helped somewhat (3), didn't really help (2) or seemed to make things worse (1). All average scores were between three and four (Offender Programs Edith Cowan 2003).

⁷⁹ Department of Justice, WA (2002b).

Thus, the success of the ISTP can and should impact upon the RR by helping to create an environment where positive reinforcement is practiced and prisoners are encouraged by staff (who hopefully will possess a more conscious understanding of the areas where prisoners are deficient in their thinking and attitudes).

- 5.36 The ISTP was run on a regular basis at Albany Prison. All prison officers undertook the first stage of the ISTP in early 2002, and they were at the time of our fieldwork (mid-2003) completing the remaining modules. At present this second stage of the program is taking seven days to complete, but has now been reduced to five days with the approval of T3. Successful delivery of this program is dependent as much on the perceived credibility of the facilitators as on their knowledge and teaching skills.
- 5.37 The program has had a mixed reception at Albany. On the one hand, the most frequent comment was that it ‘teaches us what we already do’.⁸⁰ It was not seen as a priority for the prison, and it was viewed as a drain on resources that could be put to better use. Comments about it being more appropriate for other prisons – and for ‘Head Office’ – were also common. The value of the program in helping officers to understand the RR program for prisoners does not seem to have been made clear.
- 5.38 On the other hand, officers thought that the program had been well delivered and was a generally enjoyable experience. They valued having time to get to know colleagues better, and some felt that it had refreshed and confirmed the skills they already possess. Others were prepared to admit to having learned new skills, and several commented that the program had helped them in their personal, as well as work, lives. For newer officers, it provided much insight into the prison environment. There was no significant hostility to the program – the most negative comments were about its irrelevance to experienced officers, who had already developed their own successful ways of dealing with prisoners.
- 5.39 The view was expressed to the review that the limited impact of ISTP on staff was the result, at least in part, of its fragmented delivery, with a gap of up to 18 months between the two parts of the program. In the circumstances it is perhaps not surprising that various points are not getting across to participants and that they are being allowed to focus or dwell on those areas where they feel familiar with the content. It was argued that ‘there is no position of advocacy for the ISTP component, as appears to be the case for RR’. Because of its management history, it has been detached from the management of RR and the Programs Branch. This has left ISTP coaches somewhat isolated, with no quality assurance process or position to oversee and monitor the program. As with RR, we were told that coaches were given insufficient time for learning and preparation.

⁸⁰ Albany Regional Prison has been one of the most successful in Western Australia in terms of its ability to manage prisoners, including those who have posed serious management problems elsewhere. This Office’s *Report of an Announced Inspection of Albany Regional Prison* states as its conclusion: ‘Albany is a healthy prison... The prison’s success is principally due to the quality of its staff and good local leadership. The professional attitude of all staff positively influence their interaction with prisoners’. See, Office of the Inspector of Custodial Services (2003c) p. 48.

- 5.40 There is general agreement that the most appropriate place for the ISTP is as part of initial officer training – with regular refresher opportunities. As such, and unlike RR, ISTP is not a program that requires *evaluation* in the sense of measuring outcomes, though it could be argued that all programs can benefit from an evaluation of the *process* of implementation.
- 5.41 The vision of using ISTP across Western Australia as a means of changing prison officer culture is laudable. The recent work of Liebling and Arnold has established that the total prison environment is crucially influenced by staff attitudes and self-esteem, and that cultural change cannot be achieved without an appreciative understanding of the role of the prison officer. This Office has recently argued, in the context of suicide and general health issues, that the welfare role of uniformed officers should be accentuated.⁸¹
- 5.42 The view was also expressed convincingly to the review that ISTP should be an occupational health and safety priority. For most of the working day, prison officers depend for their own and colleagues' safety not on physical security or means of control, but 'on their mouths'. The smooth running of any prison is dependent on staff-prisoner interaction, and when a prison officer responds inappropriately to a prisoner it is not just his or her own safety that is at risk, but also that of colleagues. Despite this, the implementation of ISTP has been disappointing and current solutions are clearly not permanent ones. Attempts to ensure that all prison officers complete the training are laudable, but need to be properly resourced if they are not to be counter-productive in terms of officer morale. A half-completed task is arguably worse than one that has never been commenced in the first place.

⁸¹ See Office of the Inspector of Custodial Services (2004), [7.39]–[7.43] and Recommendation 9.

Chapter 6

IMPLEMENTATION AND EFFECTIVENESS

- 6.1 This Report has attempted to focus on both the *implementation and effectiveness* of the T3 cognitive skills programs in Western Australian prisons. Implementation issues have been more straightforward than the issues of effectiveness. The most commonly heard comments have been that the programs themselves are ‘the best thing that has happened in Western Australian prisons’ but that implementation failure has rendered them ineffective in all but a handful of prisons. By and large, implementation failure has been readily admitted, though its explanation is not universally agreed.

IMPLEMENTATION ISSUES

- 6.2 It is perhaps putting the cart before the horse to talk about the practical logistics of implementation before discussing the question whether the programs are sufficiently effective to merit continuation. However, as discussed below, this Report believes that the RR and ISTP programs should be continued and strengthened.

Should the voluntary nature of the program be made clearer to prisoners or is it more honest to emphasise the significance of the program in release decisions?

- 6.3 In theory, the program is, and has to be, voluntary and should be made available to prisoners on the basis of individual need. It should not be used as a mechanism for making prisoners more manageable or for obtaining their compliance indirectly through linking the program explicitly with early release. However, prison staff rightly point out that failing to participate has consequences, one of which may be a delay in release. Helping prisoners to understand the subtlety of that argument requires some skill, but that does not mean that it should not be attempted. At present, prisoners believe the program is compulsory if it appears in their IMP and that they will not be released if it is not completed. Prison staff also seem confused about the stance of the Parole Board on this issue. The Board has now clarified that it does not insist on the completion of RR when considering early release.⁸² This should be stated up-front, by way of a prison Notice for the attention of prisoners and as an aspect of their own IMP notifications, so that participating prisoners are under no misapprehension about this.

Should RR be available in all (or most) prisons and as early as possible in a prisoner’s sentence or should it be recognised as preparation for release and made available in a few selected prisons?

- 6.4 It is clear that the initial expectation of the program was that it should have an important settling effect on prisoners early in their sentence, giving them the skills to cope with prison life constructively and making them easier to manage. Additionally, RR was viewed as a good generic foundation on which to build other treatment programs (though it was noted that some prisoners may need to improve their literacy skills before being able to participate in RR).

⁸² See paragraphs 5.7–5.9, above.

- 6.5 Despite the program being scheduled into prisoners' IMPs as early as possible following initial assessment, the current reality is that the program is more often undertaken as an aspect of preparation for release. It must be said that, to the extent that RR provides skills for living in the community and avoiding further offending, it has a useful part to play at this stage. Although not all prisoners are released from minimum-security prisons,⁸³ it appears at present that a minimum-security environment is conducive in terms of both coach availability and prisoner benefit. It has certainly proved difficult to sustain the program in prisons where security considerations override all else. However, that is not in itself a sufficient basis for resiling from the original objectives. The Department should commit itself in principle to delivering RR to eligible prisoners at an early stage in their sentence.

What is the best way to resolve the rostering issues and how much time should coaches be given for preparation and report writing?

- 6.6 It is not acceptable for coaches to be unable to predict their own availability for running RR programs. Nor is it acceptable for coaches to be expected to arrange their own 'backfill', or to have less than half an hour in which to prepare a session, or a similar amount of time to write up sessions or reports. However, as there is currently no ring-fenced funding for RR, there are genuine problems in the allocation of resources to it in some prisons.⁸⁴
- 6.7 There appear to be three options: first, the RR program is not run; second, a distinct line is added to the staff roster to acknowledge the importance of the program and the need to commit a proper amount of time to it; third, the RR coach is taken off the roster for a set period and is given an agreed amount of time (at two prisons this is 24–26 hours per week) for the duration of the program. An additional allocation (for example three weeks) should be made for preparation and report writing. For the remainder of the working week, the coach is available for other duties in the prison, but priority is given to the program. It seems likely that there will be different preferences for the second and third options in different prisons, but the Inspector has recently been advised that the introduction of new rosters in prisons has now provided for the delivery of RR as a part of core prison business. This is the best approach and very much to be welcomed.

What level of support and supervision should be available to coaches and who are the most appropriate people to provide it?

- 6.8 Although T3 Associates provide feedback on videotaped sessions and a certain amount of follow-up training, this does not substitute for regular support and supervision for coaches.⁸⁵

⁸³ This Office's recent *Report of an Announced Inspection of Acacia Prison* revealed that despite its status as a medium-security prison, Acacia is the primary releasing prison in Western Australia. See, Office of the Inspector of Custodial Services (2003d).

⁸⁴ In response to the Discussion Paper that preceded this Report, the General Manager of Acacia Prison has announced a number of operational changes to improve the delivery of the prison's custodial programs. These include the appointment of dedicated custodial programs officers, a dedicated supervisor, improved scheduling and the provision of sufficient time for preparation and post-course activities.

⁸⁵ See also the discussion in paragraph 5.25, above, as to the need for more up-to-date technology so as to achieve more immediate feedback.

Arrangements were originally made for coaches to receive a degree of support and supervision from the Department of Justice, but these do not seem to have been very satisfactory and have fallen into disuse. An embryonic mentoring system has also failed to live up to expectations, largely because insufficient numbers of coaches have gained the necessary experience. As suggested above, feedback should be provided by way of interactive technology.

- 6.9 At the time of the review, a new system was being proposed whereby clinical psychologists working for the Offender Programs Branch are located in prisons, rather than centrally in Perth, and provide support for the delivery of all programs. The argument in favour of this arrangement is that the psychologists are experienced in program delivery generally and can offer advice, guidance and theoretical understanding to prison officers whose training and experience, though intensive, is nevertheless limited to only one program. The counter-argument is that coaches do not need this 'higher' level support, but are in greater need of mentoring by people with specific experience in the RR program. They need the opportunity to de-brief with other coaches and to pool techniques for overcoming specific difficulties. At two prisons, the coaches telephone each other after sessions for precisely this kind of support.
- 6.10 There is no reason, other than financial, why these alternatives should be mutually exclusive, as there is a place for both. However, in a situation of limited resources, there is a need for further discussion about the best arrangement that can be made to achieve quality control and consistency across programs. We have been advised that the Department has now put in place a 'Clinical Supervisor' position to coordinate the cognitive skills program. The associated duties include improving the standards, addressing training and procedural issues to ensure the integrity of the program and exploring other influential factors that affect offender behaviour. Our preferred position is that RR continues to be the primary responsibility of uniformed officers/coaches (and similarly uniformed officers/facilitators at Acacia), with the 'Clinical Supervisor' being very much a facilitator/mentor rather than in any sense a manager/supervisor. To clarify this point further and to symbolize that the program is the responsibility of uniformed staff, the so-called 'Clinical Supervisor' should be re-designated as the 'Cognitive Skills Facilitator'.

SUPPORT NEEDS FOR COACHES AND FACILITATORS

- 6.11 T3 Associates made various arguments that this Report endorses:
- *Program policy and standards support:* a framework is required that clearly outlines the parameters for delivery of cognitive skills (for example, preparation time etc).
 - *Program management support:* Departmental Head Office support and specific institutional support is required to ensure that the resources, time etc are there to get the job done.
 - *Treatment management and quality control:* a process should be put in place, beyond the phase of accreditation as a coach, where there is periodic monitoring to ensure program methods/principles are being adhered to (not to 'censure' but to put coaches back on track and/or correct bad delivery habits they may have developed).

- *Clinical/Psychological support or, preferably, Cognitive Skills Facilitation*: as and when needed, such support should be available for a wide range of issues (for example, advice on managing or motivating difficult individuals within the group, resolving co-facilitation issues etc).
- *Collegial support*: for obvious reasons of networking coaches and facilitators need sufficient time to share practice experience, become reinvigorated etc.

What can and should be done about the large number of officers trained as RR and ISTP coaches who are no longer active in program delivery?

- 6.12 In one sense, there is no need for anything to be done. Those officers who have not left the prison service or moved on to other employment within it are, presumably, undertaking normal shift work. Some have delivered programs and decided that it ‘wasn’t for them’, while others have not even had that opportunity. It is probably too late now to make contact with most of them without it appearing to be a token gesture of concern. However, it seems important to find some way of avoiding the situation that exists in at least one prison where a new coach told the review that his colleagues had told him not to get involved because it would only be a frustrating disappointment. For the future, it is important to discuss how and when coaches should be selected and trained in order to ensure a reasonable prospect of delivering the program.

Can the RR program now be taken over and developed locally?

- 6.13 The question has been discussed whether all training and development in relation to the program could be taken over locally, with only minimal consultancy from T3 Associates. It does seem to the Inspector, however, that locally there is insufficient ballast and maturity for this to be feasible at the present time. The lack of continuity in the programs has brought about this situation. Moreover, there is no obvious countervailing benefit in taking this course in haste at the present time. In the absence of a sufficient or realistic basis for altering the present arrangements, the T3 contract should be extended until 2006. However, the Department should develop the capacity to run this program in-house from 2006 onwards, at the expiry of the next contract.

EFFECTIVENESS ISSUES

- 6.14 Some fundamental questions about the place of cognitive skills programs in prison were identified in this Report and will briefly be reiterated.

What is the RR program for?

- 6.15 The content of the RR program is designed to improve cognitive functioning – problem-solving, social skills, assertiveness, critical thinking, creativity and so on. It is not offence-specific and, arguably, is not even offender-specific. It is the kind of self-improving program from which any one of us might benefit. Seen within its own context, it is not contentious. However, it is dependent upon a predominantly psychological view of offending behaviour with which some commentators disagree. Does it follow from this that the program should not be offered at all?

6.16 Certainly not: the position of the Inspector is that it would not be productive for the Department to commit itself to the support, or rejection, of one theory of crime and criminality in its selection of programs to the exclusion of all others. It is quite evident that there is some validity for some offenders in a psychological theory of crime that philosophically underpins the cognitive skills approach. It is equally evident that there is validity in the sociological approach to crime and criminality that is exemplified in Western Australia by the emphasis upon education, vocational training and re-entry arrangements that constitute part of the correctional regime.

6.17 The Department's view is that the enhancement of cognitive capabilities bears upon the potential for prisoners to benefit not only from other psychological programs but also from the other regime matters. The Inspector endorses this view.

Should qualified psychologists be involved in the delivery of the RR program?

6.18 The view has been expressed that a psychology-based program should have extensive input from qualified psychologists. In Western Australia RR uses 'coaches' who may (and clearly do) make excellent classroom teachers in a heavily circumscribed setting. They acknowledge the expertise of T3 without question and readily accept guidance and criticism from them. They accept the logic of 'program integrity' and, with some notable exceptions, have not had the knowledge, skill or confidence to make substantial adaptations to the program when dealing with different groups of offenders. As one new coach put it, 'It's about product knowledge – if you know your product thoroughly, you can sell it convincingly'. On the other hand, the involvement of psychologists as frontline teachers would arguably be likely to bring to the process greater probing of the values and assumptions of the program, more flexibility in the curriculum, freer use of examples, and arguably greater pedagogic vitality. Would that be preferable?

6.19 There are at least two reasons why the present model, if it were functioning in a well-resourced way, should be retained. First, without wishing to appear in any way patronising, most of the program recipients feel comfortable with the closely-structured approach that prison officer coaches are competent to take. The Edith Cowan University process evaluation demonstrated that fact. Second, involvement of uniformed officers is in line with the underlying objectives of the Improved Prison Regime adopted by the Department and certainly accords with this Office's view of how the role of the prison officer should evolve. Cultural change involves moving prison officers away from the perspective that their jobs are overwhelmingly concerned with custodial order and stability and good order, with welfare issues simply an afterthought. As previously mentioned, we have recommended an enhancement of the welfare role of officers in the context of self-harm prevention. Case management and unit management approaches are, rhetorically at any rate, very much part of Departmental policy. To assign responsibility for RR program delivery to uniformed officers is very much a symbol of, and a positive contribution to, the notion of cultural change and enhanced job involvement. This model should be affirmed, therefore.

- 6.20 However, as previously discussed, there is probably a role for an in-house psychologist as a mentor and adviser to coaches. They have indicated that they feel the need for a more direct link than, in the nature of things, they can have with T3 Associates in their Ottawa headquarters. The role of the Cognitive Skills Facilitator⁸⁶ to which the Department has committed itself should be developed in this context.

Linking RR with ISTP

- 6.21 The significance of linking RR with ISTP is that the vision is given much greater moral and practical coherence. There is an acknowledgement that everyone can benefit from improved cognitive skills and that, especially within the artificial and coercive environment of the prison, anything that encourages more civilised, rational and decent interaction between staff and prisoners is to be commended. Within this more modest vision, cognitive skills programs might be regarded as good in themselves and not necessarily required to demonstrate effectiveness through the evaluation of performance measures. The rationale for permitting officers to continue as the coaches obviously ties in closely with this.

To what extent is RR a psychology-based treatment program and to what extent is it an educational program?

- 6.22 The line between psycho-education and psychotherapy is a thin one, and cognitive skills programs sit very close to it. Although the content of the program is based on cognitive psychology, the offender is *taught*, rather than *treated* or *counselled*. Both the setting and the presentational skills required of the coaches are more educational than clinical.⁸⁷
- 6.23 The history of cognitive skills shows a very close affinity with education. The hybrid nature of the program has been clear throughout this review and has been reinforced by the tension between psychologists and coaches. Apart from the dual accreditation initiative, there has been little discussion of the relationship between the program and educational provision in Western Australian prisons. Mutual awareness of and support for RR would be advantageous.

To what extent is RR a psychology-based treatment program and to what extent is it an educational program?

- 6.24 The RR program is designed as a self-contained package in manual form, which, if adhered to consistently, provides the coach with sufficient theoretical understanding to deliver the program professionally. However, some doubts were raised as to the competence of the coaches to make risk assessments on the basis of a prisoner's response to a program. In other words, whilst their ability to make individual process evaluations (how a prisoner responded, attentiveness in the classroom, participation in group exercises, etc) is not in question, the end-of-course assessments partake very much of the nature of *clinical assessments*. Those who read the reports on RR participants and make important decisions on the basis of those reports may make assumptions about the professional competence of the report writer. If report writers have not received any recognised training in psychology, then this needs to be made clear.

⁸⁶ Our terminology: the Department has used the descriptor, 'Clinical Supervisor'.

⁸⁷ A view was expressed to the review that this was an artificial distinction – that education is therapy and that therapy is educational.

- 6.25 Currently, coaches are given written guidance about how to assess participants, but there appears to be no mechanism for ensuring that one coach's *interpretation* of that guidance is consistent with another's, since no assumptions can be made about a common knowledge-base (as would be the case with qualified psychologists, teachers, social workers and so on). Possibly, the previously discussed notion of having an in-house psychologist (a Cognitive Skills Facilitator) acting in some kind of quality control role would do something to alleviate this problem.

Does accreditation (of coaches) provide quality assurance?

- 6.26 A process of accreditation goes some way to alleviating concerns about quality assurance. Coaches can subject their performance to outside scrutiny and receive confirmation of their competence. The process of accreditation for the RR program requires coaches to have delivered at least one program on their own and to have submitted a number of videotaped sessions to T3 Associates for assessment. By June 2003, nine coaches had been accredited. However there is some concern that accreditation is based solely on delivery performance and does not take account of the coach's ability to meet Department of Justice requirements in terms of administration and, in particular, report writing. This means that it is possible for a coach who fails to complete competent reports to be accredited. There is a need to discuss and perhaps revise the criteria for accreditation, so that they are both transparent and comprehensive.⁸⁸ More broadly, quality assurance must be done on an ongoing basis to guard against program drift.

Does accreditation (of the program) obviate the need for evaluation?

- 6.27 One of the major concerns of this review has been the absence of any Australian evaluation of the program. The position adopted by the review has been that no program is universally efficacious⁸⁹ and that the spirit of the 'What Works' agenda implies an obligation on program advocates to demonstrate *what works, with whom, when and where – and preferably why?* An alternative argument is that, once a program has been evaluated reasonably in a few places at a few times – and the principles of 'international best practice' established – what is required thereafter is to ensure that programs adhere to that 'best practice'. In other words, accreditation – such as that which is undertaken rigorously by the Home Office in the UK – provides a universal 'kite-mark' of quality.⁹⁰
- 6.28 At one level, this may appear to be simply a difference of academic or even ideological approach, but at least two issues challenge the assumption that accreditation is all that is needed. First, as has been made clear, whatever constitutes 'international best practice' in terms of process has not thus far been adhered to in WA. Second, the results of past evaluations have not been as conclusive as is sometimes claimed for the program. For these two reasons alone, the issue of evaluation requires further attention in an Australian context.

⁸⁸ The review accepts that criteria for accreditation exist but is reporting here that those criteria are not always *perceived* to be applied consistently, which is not to imply that they are not applied consistently.

⁸⁹ Or, as Tilley (2001), p. 91, puts it: 'Programs do not work unconditionally'.

⁹⁰ It should be noted, however, that one of the criteria for program accreditation in England and Wales is 'an ongoing commitment to the evaluation of outcomes based on reconviction data'. See, Home Office (2003), p. 8.

- 6.29 Here, again, it seems important to quote directly from the response of T3 Associates to the Discussion Paper, so that their position on evaluation and accreditation is not misrepresented:

Good implementation of correctional programs is a difficult, complicated and time-consuming process where unique, agency-specific issues have to be worked out, many of which require a determined long-term view. Introducing a well-respected generic program like cognitive skills (that has been accredited by panels of independent experts in Canada, the UK, Scotland, Sweden) is not a bad place to start. Implementing that program to 'best practice standards' should be a first priority, and this takes time to do. Ongoing 'process' evaluations of implementation should be conducted from the beginning, to whatever extent and with whatever thoroughness is realistically possible (to examine how staff and offenders are generally reacting to the program, how well it is being delivered, what implementation blockages are occurring, are there offender groups/types who are presenting some special difficulties etc). Outcome (recidivism-based) evaluations should be taken on when implementation has been adequately perfected, but not to try and answer the broad question of 'does it work or doesn't it'.

The Inspector would agree that recidivism is only one relevant measure of effectiveness – but it is an important one that cannot and must not be dismissed.⁹¹

If a local evaluation is undertaken, should it concentrate only on rates of re-offending, or should other measures of success be considered?

- 6.30 It is, of course, well understood that recidivism research is not as straightforward as it may seem. First, whether or not offenders stop or reduce their offending may depend on many factors, of which a specific criminal justice intervention may be only one – and not necessarily the most significant. Offenders commit crime for a variety of reasons (of which a lack of cognitive skills may be but one) and, similarly, they stop committing crime for a variety of reasons – the overall experience of imprisonment, gaining employment, getting older, having stable relationships, becoming a parent, and obtaining good housing amongst others. So it is inherently difficult to isolate the impact of the intervention itself in this process.
- 6.31 It is also difficult to assess whether offenders might have reduced their offending anyway, even without the intervention, or perhaps with a different intervention. For example, given the significance of the impact of some of the coaches on prisoners, a system of high quality mentoring might achieve the same end results as an expensive program. So it is important to try and compare offenders who have been through one intervention with others who have not – or who have been through other interventions. Thus, comparing participants with 'control' groups is also considered good evaluation practice.

⁹¹ In that regard the further comment of T3 Associates that this perspective of research 'wastes taxpayers' dollars and correctional resources that could go elsewhere' is a little disingenuous.

6.32 There are numerous pitfalls if one confines evaluation to a single measure such as reduced re-offending. There may be other measures of success that provide insights into the value of the program. One of these is participant satisfaction, and it is clear from the limited feedback received in Western Australia that participant satisfaction is high, particularly in relation to the coaches and their delivery of the program. Pre- and post-testing assessments provide another measure of success. Other measures of improved social functioning and post-release resettlement could also be explored. Taking these wider factors into account will provide a broader picture of the value of the program for particular offenders in particular places at particular times.

Even if the program can be adapted to suit different groups of prisoners, does it still make value-laden assumptions, which exaggerate the extent of consensus within society and minimise the extent of conflict based on class, race, gender, age, sexuality and ability diversity?

6.33 The debate about the suitability of RR for diverse groups of prisoners has tended to focus at the level of 'responsivity'. Adaptations, where they have occurred, have been confined to the *delivery* of the program. This has been the case, for example, at Roebourne Prison, but no evaluation has been carried out as to the efficacy of delivering the program to Aboriginal prisoners in this slightly modified way. The Department of Justice has acknowledged this deficiency, stating that the first program would be treated as a pilot to enable necessary modifications to be identified.⁹² At this stage, it is unclear whether this process – which is crucial – has in fact moved forward.

6.34 At another level, there might be a valid debate about whether, if offenders' cognitive skills improve, they will live more successfully in society. Some might argue that such optimism is based on a consensus model of society that assumes that, given the chance, we all want the same things, have the same resources at our disposal and behave in cooperation and harmony. There are other models of society which suggest that, given the chance, we would all want different things, would have different resources at our disposal and would be in constant conflict with each other. More crucially, some people would have a lot of power and some would have very little – and the former would not necessarily behave benignly towards the latter. These arguments have particular cogency in the case of a traditional Aboriginal population.

6.35 A response to this might be that cognitive-behavioural approaches do not present *any* particular model of the world and that to suggest that they do is to miss the point of cognitive intervention and delivery of cognitive skills with offenders. The world may indeed be unfair, unjust, hostile and unforgiving but do we make it worse for ourselves with our own thinking or do we try to make it better? Do we try to take control of the one thing we *can* get control of – our own thinking? The answer to this must be in the affirmative.

⁹² Office of the Inspector of Custodial Services (2003b) p. 91.

Chapter 7

DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

- 7.1 Much of the international literature and discussion about cognitive skills programs has focused upon the question of re-offending. This has occurred because these programs have come to the fore very much in the slipstream of the ‘What Works’ literature. From that has followed the accreditation approach, linked to funding. The single-minded and almost ideological rigour of this approach has recently become apparent in the UK Prison Service with the decision to abandon such programs on the basis that they cannot be demonstrated to have produced unambiguously positive results. This decision would seem somewhat premature, given the fact that the evidence did not all point in the same direction. It would perhaps have been better policy to try to identify and implement program adaptations, either procedural or substantive or in terms of participant selection, and to have made further evaluations before taking such a drastic step.
- 7.2 However, Western Australia does not have to be constrained by the British experience. The basis upon which cognitive skills programs have been introduced into the prison system (and also as a post-release program for offenders) went much further than offence reduction. As described in paragraph 4.6, above, the expectations concentrated on the impact of the program, if made available early enough in the sentence, to assist a prisoner in coping with prison conditions both generally and so as to reduce the risk of self-harm or suicide, to be manageable, and to gain more from specialist offender programs that would be received later. Recidivism was not irrelevant, but was never the overriding basis for adopting the program. This ties in with the comments made by T3 in paragraph 6.29, above.
- 7.3 In a recent letter⁹³ the CEO of the Department of Justice reiterated a key aspect of this view:
- This program is essentially a life skills program that is not intended to address offence-specific behaviour although it may well contribute to recidivism reduction... The program achieves maximum benefit when delivered prior to offence-specific programs.*
- 7.4 The case for or against continuation of the program in Western Australia does not solely turn, therefore, on its impact on recidivism. This is a crucial observation, for in itself it shifts the earlier debate about its cultural and gender appropriateness for Aboriginal prisoners and for women to a different level. Do these programs assist coping; are they relevant to self-harm and suicide reduction; are they more manageable and the prison environment thus safer for everyone involved? These questions may not be as cogent to governments as the question of recidivism reduction, but they are legitimate and important ones.
- 7.5 Unfortunately, none of them can be answered quantitatively; the outcomes have not been evaluated in this state from any point of view. Nevertheless, some positive points have emerged. Before referring to them, however, the other inextricable aspect of this approach must be highlighted, namely the involvement of officers as coaches, their associated training, and the extension of ISTP training to all uniformed officers. Western Australia committed

⁹³ See paragraph 5.9 and n 72, above.

itself initially to a whole package, relevant to the whole prison environment, both ‘captors’ and ‘captives’.⁹⁴ In other words, this package of programs constituted at the time a commitment to cultural change – a move towards an environment where prison officers would be more valued and respected through enhancement of the role expected of them. This is a move supported by the Inspector. The bulk of this Office’s previous inspection reports – and most recently its report on deaths at Hakea Prison⁹⁵ – indicate that the welfare role of officers should be encouraged and nurtured.

7.6 Positive points to have emerged from this Report, therefore, include the following:

- RR is undoubtedly a constructive use of prisoners’ time and an enjoyable experience for most of those involved – a welcome contrast to much of the prison experience.
- The group atmosphere during classes was rated as positive, with a majority being attentive and enjoying the class.
- Preliminary findings indicated a high level of satisfaction with all aspects of the program amongst prisoner participants.
- The above finding was also true of both women and Aboriginal participants.
- The participants interacted well with the officer coaches.
- The involvement of officers as coaches is in line with, and gives some substance to, the Integrated Prison Regime to which the Department has committed itself.

7.7 There are enough positive features to justify continuance of cognitive skills training – both RR for prisoners and ISTP for officers. The recommendations that follow are based on the premise that the Department will now give support to these programs without ambivalence. There can be no more ‘doing it on the cheap’; it must be programmed into a prison’s activities and rostering; prisoners must know when they can expect to receive RR; and above all some effort must be made to carry out the tricky evaluations as to the impact of these programs upon the prison regime and environment in the ways identified in this Report.

7.8 These observations can be linked back to Vanstone’s five characteristics of effective practice, referred to in paragraph 2.26 as a touchstone of an organisation’s commitment. These were:

- Practitioner curiosity;
- Support for realistic evaluation;
- A critical culture that encourages feedback;
- A problem-solving culture amongst staff equivalent to that expected of offenders; and
- Effective information systems to underpin evaluation.

7.9 Practitioner curiosity and enthusiasm was initially great and can probably be re-captured. However, this Report has identified deficits in the other four measures of organisational commitment. The recommendations that follow take account of the changes that will be needed if program resumption is to be productive and cost-effective.

⁹⁴ See the famous dichotomy identified by Sykes, G (1958).

⁹⁵ Office of the Inspector of Custodial Services (2004).

7.10 **The Recommendations of this Report**, therefore, are as follows :

- The purposes and objectives of the cognitive skills programs for Western Australian prisoners and prison officers should be clearly articulated.
- Both the RR and the ISTP programs should continue to be available in the public prisons and Acacia.
- T3 Associates should be contracted to run these programs until the end of the option period in April 2006.
- The Department should work out a preparatory or transitional program so as to be able to take over the running of both RR and ISTP in-house (or in conjunction with AIMS) from 2006 onwards.
- Provision should be made for RR program evaluations
 - (a) as to the whole range of process issues identified in this Report as bearing upon successful implementation;
 - (b) as to effectiveness, including re-conviction rates and patterns, safety issues and the prison environment.
- The issues identified in this Report relevant to delivery of programs to Aboriginal prisoners and women prisoners and other special needs groups should be reviewed and addressed.
- In any event, the T3 program for women offenders that has been piloted in the UK should also be piloted, with appropriate adaptation, in Western Australia.
- The Parole Board and the Department should jointly issue a statement clarifying the relevance of RR to parole and related applications.
- RR should be offered early in prisoners' sentences, bearing in mind its likely relevance to the ability to cope with the prison environment.
- The possibility of a refresher course towards the end of a sentence or as a condition of parole should be investigated and closer linkage with the Unit responsible for community-based delivery of cognitive skills programs should be established.⁹⁶
- The accredited coaches still active within the Department should be assessed to determine whether they themselves require refresher training.
- An inventory should be made of other trained coaches so as to ascertain their availability, if re-trained, to participate in RR programs once again.
- Additional coaches should be trained in the light of the previous two recommendations.
- Coaches must be removed from the roster for an appropriate period before, during and after programs are being delivered.
- Coaches should be enabled to de-brief by occasional meetings with each other.
- The system of feedback to coaches must be expedited.
- The role of a Cognitive Skills Facilitator should be explored in a context where it is understood and accepted that RR will continue to be delivered by uniformed officers/coaches.

⁹⁶ The greatest need for prisoners' cognitive skills to guide them arises upon release, as more numerous choices and temptations present themselves. It is at this time that reinforcement would be beneficial.

DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

- Within the Department, links between Education Services and RR should be strengthened with a view to enhancing cross-accreditation where applicable.
- ISTP should constitute a standard aspect of initial officer training, and refresher courses should be offered from time-to-time.
- The remaining backlog of officers who have not received ISTP training should be offered the opportunity as a priority.
- For the time being, the 'new' modified five-day program should be offered as widely as possible over the next one to two years, but in the spirit of a refresher course, with an occupational health and safety emphasis.
- Overall management of RR and its development should be the responsibility of one senior manager, who has a clearly defined relationship with prison superintendents and a clearly defined budget. Consideration should be given to managing the ISTP from the same position to ensure the appropriate relationship between the two programs.
- Each of the above recommendations should be accepted by Acacia and adapted to their own situation in the light of this Report.

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Appendix 1

DEPARTMENT OF JUSTICE RESPONSE TO RECOMMENDATIONS

Recommendations	DOJ Response
1 The purposes and objectives of the cognitive skills programs for Western Australian prisoners and prison officers should be clearly articulated.	The objectives of the cognitive skills program in terms of pro-social outcomes are identified by T3 in the training materials. These are communicated to prisoners and prison officers at the commencement of training. Further work to refine the objectives in terms of evaluation will be considered in the near future in conjunction with T3.
2 Both the RR and the ISTP programs should continue to be available in the public prisons and Acacia.	RR continues to be scheduled on the AIPR system for both public and private prisons. At this present time the schedule extends until 2007. This will be extended to 2010 after consultation with prisons. ISTP training has been planned for both new recruits and existing prison officers in the regional and metro areas.
3 T3 Associates should be contracted to run these programs until the end of the option period in April 2006.	The Department has extended the contract to engage T3 Associates until April 2006.
4 The Department should work out a preparatory or transitional program so as to be able to take over the running of both RR and ISTP in-house (or in conjunction with AIMS) from 2006 onwards.	The Supervisor, Cognitive Skills has commenced an examination of the options available to the Department for future training to deliver the RR and ISTP programs.
5 Provision should be made for RR program evaluations: (a) as to the whole range of process issues identified in this Report as bearing upon successful implementation; (b) as to effectiveness, including re-conviction rates and patterns, safety issues and the prison environment.	Partially agreed. Discussions with OPEC regarding evaluation, have commenced. The funding for evaluations has been factored into the 2004/05 Cognitive Skills budget. The process issues identified in the Report will be progressively addressed as the program is reviewed and refined for successive delivery periods.

DEPARTMENT OF JUSTICE RESPONSE TO RECOMMENDATIONS

Recommendations	DOJ Response
6 The issues identified in this Report relevant to delivery of programs to Aboriginal prisoners and women prisoners and other special needs groups should be reviewed and addressed.	<p>It is acknowledged that further program development is required to ensure that the program is relevant to both Aboriginal and women prisoners.</p> <p>A program development group involving a range of stakeholders from prisons, CJS program staff and the wider community will be established for consultation purposes.</p>
7 In any event, the T3 program for women offenders that has been piloted in the UK should also be piloted, with appropriate adaptation, in Western Australia.	The Supervisor, Cognitive Skills will discuss this option with T3 Associates. If piloted, the program will incorporate the necessary adaptations for delivery in Western Australia.
8 The Parole Board and the Department should jointly issue a statement clarifying the relevance of RR to parole and related applications.	The Parole Board requested clarification of this matter and has been advised that the program is not offence specific. It should therefore not be a requirement for parole. The Department recognises that it needs to formally communicate this information to prisoners and is examining the best method of doing this.
9 RR should be offered early in prisoners' sentences, bearing in mind its likely relevance to the ability to cope with the prison environment.	The Department is fully committed to delivering the program as early as possible in a prisoner's sentence. The Supervisor, Cognitive Skills will also examine the option of offering a short, modularised intervention for prisoners on remand. This option may serve as a pathway into the community-based cognitive skills program.
10 The possibility of a refresher course towards the end of a sentence or as a condition of parole should be investigated and closer linkage with the Unit responsible for community-based delivery of cognitive skills programs should be established.	<p>The option of a refresher course is to be investigated. Linkages with CJS Programs have been established.</p> <p>A joint training school for RR was held with both prison and CJS staff in April 2004.</p>

97 The greatest need for prisoners' cognitive skills to guide them arises upon release, as more numerous choices and temptations present themselves. It is at this time that reinforcement would be beneficial.

DEPARTMENT OF JUSTICE RESPONSE TO RECOMMENDATIONS

Recommendations	DOJ Response
11 The accredited coaches still active within the Department should be assessed to determine whether they themselves require refresher training.	<p>A review of the status of accredited coaches has already been undertaken. It is recognised that some coaches have not had the opportunity to deliver the program on a regular basis. On-the-job refresher training opportunities will be made available for these coaches. Further refresher training will be offered on a case-by-case basis.</p> <p>Training for new and existing coaches in the operational requirements of program delivery, has been scheduled to commence in June 2004.</p>
12 An inventory should be made of other trained coaches so as to ascertain their availability, if re-trained, to participate in RR programs once again.	This has occurred as indicated above.
13 Additional coaches should be trained in the light of the previous two recommendations.	Seven new coaches completed the T3 training in RR on 30 April 2004. These coaches will attend the operational training in June 2004, in preparation for delivery of the program.
14 Coaches must be removed from the roster for an appropriate period before, during and after programs are being delivered.	Agreed. This criteria forms part of the Standards for Delivery of the R and R program.
15 Coaches should be enabled to debrief by occasional meetings with each other.	Agreed. A two-day workshop “Training to Support the Operational Delivery of the R and R Program” was recently held for R R coaches. A strategy for peer support and debriefing has been agreed. There will also be an annual Cognitive Skills Conference to assist with Professional development and this will provide further debrief opportunities.

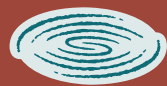
DEPARTMENT OF JUSTICE RESPONSE TO RECOMMENDATIONS

Recommendations	DOJ Response
16 The system of feedback to coaches must be expedited.	The Supervisor, Cognitive Skills will undertake two site visits per year for active coaches and three visits for new recruits. The purpose of the visit will be to observe and give feedback on performance. This process aims to support and guide coaches in delivery of the program.
17 The role of a Cognitive Skills Facilitator should be explored in a context where it is understood and accepted that RR will continue to be delivered by uniformed officers/coaches.	The position created in February 2004 is known as Supervisor, Cognitive Skills and is widely accepted by coaches. It is recommended that this title continue. The Department is committed to delivery of the program by uniformed staff with support from the Supervisor.
18 Within the Department, links between Education Services and RR should be strengthened with a view to enhancing cross-accreditation where applicable.	The principle of dual accreditation is strongly supported. Liaison between education and cognitive skills is underway. Further training will be given to coaches to enable the success of this accreditation process to improve. The Manager, EVTU will be actively involved in this training.
19 ISTP should constitute a standard aspect of initial officer training, and refresher courses should be offered from time-to-time.	ISTP is now a component of Entry Level Training for prison officers both in the metropolitan and regional prisons.
20 The remaining backlog of officers who have not received ISTP training should be offered the opportunity as a priority.	The Department is committed to delivering ISTP to all prison officers. The schedule to deliver this training on a statewide basis has been finalised.

DEPARTMENT OF JUSTICE RESPONSE TO RECOMMENDATIONS

Recommendations	DOJ Response
21 For the time being, the 'new' modified five-day program should be offered as widely as possible over the next 1-2 years, but in the spirit of a refresher course, with an occupational health and safety emphasis.	Partially agreed. The five-day program was successfully trialled and delivered at EGRP in June. Feedback from staff and prison management was extremely positive. Additionally, the Department has negotiated with T3 Associates to design a three-day program in the near future. The five-day model will be delivered until the new program is operational.
22 Overall management of RR and its development should be the responsibility of one senior manager, who has a clearly defined relationship with prison superintendents and a clearly defined budget. Consideration should be given to managing the ISTP from the same position to ensure the appropriate relationship between the two programs.	The Director of Regional and Rural Prisons has been given executive responsibility for the management of RR and ISTP. A Steering Committee is to be established, which will include major stakeholders, to oversee the strategic development of both programs.
23 Each of the above recommendations should be accepted by Acacia and adapted to their own situation in the light of this Report.	Acacia Prison has advised the Department that they are satisfied that the recommendations are achievable and are valid for the short period of time in which the cognitive skills program has been operating.





OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

www.custodialinspector.wa.gov.au

Level 27, 197 St George's Terrace, Perth, Western Australia, Australia 6000
Telephone: +61 8 9212 6200 Facsimile: +61 8 9226 4616