



The role of values in forensic and correctional rehabilitation



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ABSTRACT

The principles of forensic and correctional rehabilitation inquiry, key forensic and correctional concepts, and their translation into practice are shot through with normative commitments of one type or another. The degree to which values pervade every level and aspect of research and practice is rarely, if ever, acknowledged. This is a problem, as it means that there may be a tendency to adopt research and practice positions that are ideological in nature and insufficiently justified. In this paper we examine how values of various types guide and shape action at the level of scientific inquiry, influence the construction of rehabilitation theories, and shape the concepts of dynamic risk and protective factors. For each class of normative issues, we propose ways in which researchers and practitioners can acknowledge these challenges while also respecting the factual basis of science.

1. Introduction

The policy of grounding criminal justice practice in scientifically warranted evidence is no longer seriously contested by forensic or correctional practitioners (Bonta & Andrews, 2017; Gannon & Ward, 2014; Taxman, 2017). The expectation is that knowledge claims that have survived scientific scrutiny are more likely to provide reliable information concerning the causes of crime and the practices best positioned to reduce further offending. In part this confidence is due to the way scientific investigation directly counters motivational and cognitive biases by virtue of its objective methods and critical procedures (Douglas, 2009; Haig, 2014). The aim is to control for threats to the validity of findings by ensuring that alternative explanations have been considered and ruled out by sound research design and analytical techniques. The establishment of knowledge generating methods within a critical, dynamic, and open epistemic community offers ongoing support for the evaluation and communication of research. In many respects science is a self-correcting epistemic engine that, once successfully instantiated within an area such as criminal justice, leads to greater understanding and control of problematic behavior.

Scientifically oriented rehabilitation frameworks such as the Risk-Need-Responsivity model (RNR - Andrews & Bonta, 2010; Bonta & Andrews, 2017) have guided the development and evaluation of numerous correctional programs for a multitude of offence types including sexual and general violence. There are reasonable grounds for accepting that programs constructed in line with the RNR principles, including a focus on altering criminogenic needs (dynamic risk factors), are most likely to be successful in reducing recidivism rates

(Andrews & Bonta, 2010). Thus adherence to the relevant correlates of offending seems to be the best way to guarantee successful outcomes. From this perspective, failure to follow the scientific evidence when designing policies and intervention programs is unethical and irrational; scientific inquiry is the best way to discover the causes of offending and this is essentially an empirical process. While it is appreciated that there is a normative aspect to forensic and correctional research and practice, this is viewed as somewhat external to the activity of science. It does not and should not directly make contact with the day to day operation of scientific inquiry; that is, values are not internal to science in this domain. In a nutshell, the mantra is: *follow the evidence and keep values out of the picture*. They are subjective, ideological, and are likely to result in derailment of good research and ultimately what Andrews and Bonta (2010) have termed “knowledge destruction”. While this is a simplification of the viewpoints of empirically oriented researchers in the criminal justice domain, for our purposes it is close enough. There is a stress on detecting factors related to offending and identifying the functional relationships between these factors and subsequent outcomes. The science underpinning forensic and correctional practice is hardnosed, factually based, and value free in its central activities. In fact, in the subject index of the *Psychology of Criminal Conduct* (Andrews & Bonta, 2010), there are no entries at all under the heading of “value” and only one under that of “norm”, and this refers to the definition of crime rather than norms in the sense of standards of values. Although there is a discussion about the values of diversity, autonomy, and collaboration on pages 5–8, this is relatively peripheral to the elaboration of the Risk-Need-Responsivity model. Values appear to be regarded as an “add on” or overlay rather than as

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fundamental to every aspect of inquiry and correctional practice (Andrews & Bonta, 2010).

In our view, the relationship between scientific practice and values is more complex and far reaching than is typically depicted. It is generally acknowledged that the criminal justice arena is essentially a normative one characterized by a number of foundational values such as punishment, deterrence, law, responsibility, guilt, remorse, accountability, harm, redemption and so on. However, less discussion has focused on the ways that values influence forensic and correctional research and practice. For example, values are directly and indirectly related to the practice of science and are integral to its structure and procedures. In addition, every treatment program and intervention model presupposes a specific conception of what constitutes a meaningful and worthwhile life, and relatedly, what is considered to be a successful outcome (Day & Casey, 2009; Day & Ward, 2010). The targets of intervention, typically dynamic risk factors, protective factors, mental disorders, and psychological problems, refer to both factual conditions and valued/disvalued states of affairs; normative elements are built into their meaning. Finally, human beings as cultural animals are motivated by a number of natural and socially acquired needs and interests, all of which contain normative components by virtue of indicating possible future harms or benefits.

In this paper we argue that the research methods used to conduct inquiry, core rehabilitation assumptions and principles, the concepts of dynamic risk and protective factors, and the practices and states that constitute each individual risk factor are all value laden in some important respects. Researchers and therapists in the forensic and correctional domains need to be able to identify the normative components in the various facets of their practice, and to respond in a principled way to the challenges they present. Conducting research and using its findings to guide policy and practice in the forensic and correctional contexts requires engagement in normative debate and argument at a number of levels. For ease of discussion we have grouped these into the three levels mentioned above; scientific inquiry, rehabilitation frameworks, and their core concepts. We believe the degree to which “values go all the way down” into the bedrock of day to day practice is not sufficiently appreciated. There is a pressing need for a systematic exploration of these issues; this paper presents a preliminary step in this examination. For each class of normative issues identified here, we propose ways in which researchers and practitioners can acknowledge these challenges while also respecting the factual basis of science.

2. What are values?

According to Sadler (2005), two notable features about values are: 1) they are *action guiding* in the sense that they provide reasons for action and can be translated into specific goals and plans, and 2) norms reflecting values are used to *evaluate* actions, persons, and outcomes as worthwhile or unworthy. The particular nature of the “worthiness” depends on the type of value in question, and the specific context and set of practices concerned (Tappolet & Rossi, 2016). Thus values are prescriptive in that they communicate to individuals that they “ought” to evaluate certain things highly or “ought not” to do so. Statements containing values can be more or less widely endorsed, but are not normally viewed as true or false. However, they may be considered objective in the sense that actions following on from values can be the result of an impartial (relatively unbiased) inquiry process agreed to by independent decision makers (Douglas, 2009). For example, well designed research and interventions that save lives (while not causing undue harm) are considered valuable. The fact that values emerge from the relationship between persons and their social and physical environments (i.e., refer to persons' priorities) does not necessarily mean that outcomes cannot be objectively evaluated as beneficial or harmful to the individuals concerned (Johnson, 2014). Johnson (2014) highlights the interactional nature of values; arguing that “Some state of affair is valuable for or to some organism, animal, or person. ...nothing

is valuable in itself... but only in relation to how it serves a living purposive organism or group of organisms” (p. 49; italics in the original).

The expression of values can be ordered according to their level of abstraction (D. Cooper, 2004), ranging from normative theories at the most abstract end (i.e., systematic sets of ideas intended to explain why specific actions and properties are right or wrong, good or bad) to specific standards or *norms* at the most concrete end (e.g., spelling out the exact nature of friendship and its particular duties and entitlements). Norms are specific rules partly constituted from general value principles (i.e., what is good), and partly by the practices of those in the community the norms apply to (i.e., what is expected). Norms require people to act in certain ways, for example, most societies prohibit violence and theft, and certain types of social behavior are informally punished or rewarded. In the forensic and correctional domains, norms are especially concerned with respect for authority and social institutions, freedom of speech and movement, vulnerability and protection, and essentially the nature of harm.

Ethical or moral values concentrate on the rightness or wrongness of actions or the good or bad properties of persons and their behavior. In the forensic and correctional domain moral values are evident in the practice of punishment and attention to individual's degree of remorse, compassion, empathy, and willingness to engage in a path to desistance (redemption). Criminal justice systems are based upon collective ethical or moral values, and what is considered harmful varies across time and location (e.g., drug legislation, age of consent). Therefore, ideas about what constitutes harm and what sorts of behavior are ethical are intertwined with the social or cultural values of a group of people.

Social or cultural values are those reflecting the concern of the community to take care of its members by allocating goods and services such as medical care, laws, education, employment, financial regulation, roads and infrastructure maintenance, and environmental control in a fair and reasonable way. The major role of social values is to coordinate the diverse and common interests of individuals in ways that provide overall social stability and protection for communal relationships. When there are different cultural groups situated within the community attention may be paid to ensuring their varying preferences are reflected in the provision of the above services. From a scientific perspective, social problems and priorities of communities are often reflected in the way research funding is allocated, and therefore which topics are selected for investigation.

Epistemic or cognitive values are knowledge generating and conserving, and their role in scientific inquiry is to evaluate the methods utilized to gather evidence to ground and test knowledge claims. Values such as internal consistency, external coherence, explanatory depth, simplicity, fertility, empirical adequacy, and predictive precision guide researchers in their choice of methods used to detect phenomena, the evaluation of this evidence, and the subsequent construction of explanatory theories (Haig, 2014). Epistemic values guide our judgements concerning which sources of evidence are most trustworthy, and what sorts of knowledge we should prioritize. Science is an evolving practice, and what is considered good or valuable research continues to change as methods develop and are refined.

Finally, *prudential values* refer to the goods affecting individuals' level of well-being or quality of life and include such things as food, water, security, mastery, leisure, sense of belonging, community, relatedness, autonomy, knowledge, and spirituality (Ward & Maruna, 2007). In forensic and correctional contexts standards can be applied to evaluate the degree to which policies and programs enable people to obtain access to these goods. For example, whether or not program participants have developed the capacities to formulate goals and plans likely to produce higher levels of well-being, and then to interact with their environments in order to attain these prudential values. It has been suggested that interventions geared towards providing these capacities (and thus increasing the chances of attaining valued outcomes) are likely to direct individuals away from reoffending (Ward & Maruna,

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