Examining the Stress and Conflict in Practice Experienced by Social Workers Working within the Criminal Justice System and Exploring how they Cope

by

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Abstract

The purpose of this research is to examine the tensions between the ethics, values and principles of the social work profession and the risk assessment and risk-based case management approach within the criminal justice system, and to do so from the front-line social worker perspective that explores the disjuncture in practice and how it is addressed.

The method used for this research is a phenomenological qualitative research design. The participants recruited for this research study were a purposive sample of seventeen (17) individuals who possess a social work degree and who work within the Canadian criminal justice system as probation officers with adult clients.

This dissertation examines the stress and conflict in practice reported by social workers working within the criminal justice system. This research identifies specific areas of conflict and explores the ways in which social workers working within the criminal justice system are adapting social work ethics, values and principles to cope with the stress and conflict in practice. Findings indicate ongoing degree of disjunctive distress in practice which suggests that burnout is still a threat for many social workers working within the criminal justice system.

Subsequently, an important theme throughout this research is the idea of burnout and self-care, and respondents called for attention from both the criminal justice system and social work educators to address those concepts. All respondents stress the need for social workers to work within the criminal justice system, and the belief that those who are able to maintain social work values in practice are a great ally for clients. All respondents acknowledge that there is an undeniable need from the standpoint of offenders within the criminal justice system for social workers to be a present and active ally for their basic needs and well-being. Conclusively, these findings indicate a need for an alliance between the ethics, values and principles of the social work profession and the criminal justice system.
Introduction

One of the objectives of the criminal justice system is to protect the public and reduce recidivism, while the aim within the social work profession is to enhance human well-being and help to meet the basic human needs of all people. There is an unmistakable difference between these two objectives, and this research explores how the tensions between the two are addressed in practice by social workers working within the criminal justice system.

For the research, front-line criminal justice social workers were asked about their work within the criminal justice system and whether they experience tension in maintaining their social work values in practice. The research explores in depth their reported tensions and looks at ways to improve and address those tensions on a personal and professional platform. The front-line criminal justice social workers were also asked how they cope with conflict in practice and they provided practical suggestions on how they can cope and avoid burnout while at the same time maintain ethics, values and principles in practice.

The purpose of this research is to examine the tensions between the ethics, values and principles of the social work profession and the risk assessment and risk-based case management approach within the criminal justice system and to do so from the front-line social worker perspective that will explore the disjuncture in practice and how it is addressed.

To explore the tensions between social work practice and the risk-based case management approach within the criminal justice system, this study examines in depth the lived-
experience and personal observations of social workers working within the criminal justice system and uses a phenomenological qualitative research design method via open-ended interviews with criminal justice social workers (Creswell, 2013).

Little is known about how social workers within the criminal justice system address and work with the conflicting main principles in practice. Examining the opinions and experience of social workers who work with offenders within the criminal justice system adds to knowledge about how the risk-based case management approach is being applied in practice and with offenders. Additionally, the research also examines the strengths and limitations of this practice from a social work practitioner’s perspective. This study explores and provides a platform to bridge the framework of social work theory and practice with the risk assessment and case management approach from the perspective of social workers in the criminal justice system and how they are coping within the criminal justice system.

Many social workers are employed within the criminal justice system as probation officers and this phenomenological qualitative research study explores the lived-experience of those social workers. They were asked to discuss their experience as probation officers and the challenges they experienced while working from a social work education base and social work perspective within the context of the criminal justice system.

Among these lived-experiences, social workers were asked to identify what they believed to be the main values of the criminal justice system and the main values of the social work
profession. Many reported that there were significant conflicts in practice and that they felt disjuncture in practice while working in the criminal justice system and trying to maintain their social work values, ethics and principles. Consequently, within this research, social workers were able to identify and describe the direct areas in practice that they felt produced tension; what they believed caused the tension; what the tension looked like in practice; and, the direct consequences from a personal and professional perspective. In addition, social workers identify and describe ways to reduce the tension in practice and provide suggestions to apply social work values, ethics and principles into the criminal justice systems’ approach.

The literature which follows will review some of the research associated with the current risk assessment tool and case management approach within the Canadian criminal justice system. Some of the literature supports the current risk-based case management approach, while other research is critical of the approach. This dissertation explores from a social workers’ perspective the lived-experiences of social workers who use the current risk assessment tool and case management approach, and then links it back to the existing literature.

Some of the following chapters examine the tension associated with social workers working within the mandates and policies of the criminal justice system, specifically the risk-based case management approach and breach policies. This discussion is important because many social workers work within mandated agencies -- such as the criminal justice system, child welfare agencies and health care providers -- have stand-alone mandates and agendas which
creates conflict for social workers who are educated and trained to work within the realm of social work values, ethics and principles. It is important to understand what effect this has on social workers, and how social workers manage within these situations. Particularly, this research is significant because it provides the direct opinions of social workers working within the criminal justice system, and sheds light on their experience when trying to incorporate their social work education into practice.

Although many social work degree programs are geared towards creating generalist social work practitioners, there remains the challenge of teaching social workers to incorporate their social work values, ethics and principles into real-life practice and within a multitude of different environments. The lived-experience surrounding the struggles that social workers face in incorporating social work theory into practice in bureaucratic environments is rarely discussed in social work education or literature. This research is intended to create a platform for their thoughts and feelings, as well as provide social workers with an opportunity to voice their lived-experience of any inconsistencies between social work ethics, values and principles in practice, their experience in coping with any tension and how they believe it could be improved.

This research is invaluable as it explores the opinions of social workers who use the current risk assessment and case management approach within the criminal justice system. In Canada, the current risk assessment tool and case management approach is used with all offenders and has significant implications for offenders within the criminal justice system. This
research was conducted from a front-line social worker perspective to get a clear picture of how the current risk assessment tool and the risk-needs-responsivity case management approach is used within the criminal justice system. It was also intended to explore how social workers felt it benefited the client, as well as explore any limitations, conflicts and struggles described by social workers in practice.

This research also examines ways social workers working within the criminal justice system have adapted their practice to rectify for the conflict between social work theory and practice, and ways they have coped and reduced the tensions in their practice. This research is valuable because there is much to be learned by what criminal justice social workers have experienced in practice, and what they have done to cope. This research also provides a platform to talk about individual social work frameworks that work best in conjunction with the criminal justice system to implement social work values, ethics and principles into practice and help the offenders.

This is an important research topic because despite employment of social workers throughout the criminal justice system, there is little scholarship in North American on criminal justice issues identified by social workers (Reamer, 2004). The social work profession is sensitive to cultural and ethnic diversity, and strives to end discrimination, oppression, neglect and other forms of social injustice (Reamer, 2004). Subsequently, a social workers “moral obligation to confront social injustice is relevant within the criminal justice field itself,
considering the evidence of discrimination and oppression within the field” (Reamer, 2004, p.220). Many social workers described discrimination and oppression in practice within the criminal justice system and indicated it stems from the risk assessment and risk-based case management approach used within the criminal justice system. Within this research, criminal justice social workers were also able to communicate ways they believe could still reduce risk of reoffending, but with a more client centered anti-oppressive and anti-discriminatory framework that also helps clients address their basic human needs.

In previous research, social workers in bureaucratic agencies reported struggling to uphold their social work values, ethics and principles (Rhodes, 1991). Research also suggests when there is a disconnect between ones’ values and behaviour, it causes disjunctive distress and tension, and when it is not addressed, it can turn into burnout (DiFranks, 2008). Not only did this research explore in depth where there are conflicts in practice between social work values, ethics and principles when working within the criminal justice system, it also examines ways to address and cope with this tension so that other criminal justice social workers who may be experiencing disjunctive distress have some guidance and coping strategies to avoid burnout.

This thesis is organized in eight (8) chapters.

The first chapter (Chapter 1) examines prior research and literature surrounding the values, ethics and principle of social work profession and the role of social workers working within the criminal justice system. The chapter then proceeds to contrast the concept of risk and
the notion of need within the social work profession and the criminal justice system. Within this contrast, the literature exploring the process of assessing risk and assigning need from a “one size fits all approach” is discussed from a critical perspective. Subsequently, the chapter proceeds to explore the literature outlining what is lacking within the current risk assessment and case management approach within the criminal justice system from a social work perspective. One of the main criticisms presented in this chapter is the lack of consideration for responsivity amongst the one-size-fits-all-approach from a social work perspective and highlights the lack of consideration for issues such as trauma, ethnicity, gender and mental health within the risk and need assessment approach of the criminal justice system.

In consideration of the criticism associated with the current risk assessment and case management approach within the criminal justice system, literature exploring how social workers fare when they are unable to practice with the values, ethics and principles of the social work profession are also explored. Subsequently, chapter one (1) also examines the associated research when social work values, ethics and principles are restricted and the link between ethical tension in practice, the feeling of disjuncture and the concept of burnout. Literature associated with burnout and the need for organizational change as opposed to, or in connection with, individual prevention is also examined as it relates to social workers maintaining a role within the criminal justice system not only as justice employees but also social workers.
The second chapter (Chapter 2) describes the methodology and details the phenomenological qualitative research design used to explore social workers’ experiences working within the criminal justice system. Chapter two (2) also describes the participants and how the participants were recruited, how the research data was gathered as well as the thematic data analysis process used. Chapter two (2) concludes with the limitations of the methodology and research design.

The third chapter (Chapter 3) describes the notion of role definition of social workers working within the criminal justice system by respondents, and details the struggles expressed by the respondents in balancing the different roles, values, mandates and principles of the social work profession and the criminal justice system.

The next chapter (Chapter 4) relays the opinions and experiences of participants with the practice of assessing risk and identifying needs with the current risk assessment tool and working with the case management approach within the criminal justice system from a social work perspective. Chapter four (4) also examines in depth the term “need” as respondents frequently discussed the epistemological differences between the theory and practice of assessing and addressing needs from a social work perspective and in practice within the criminal justice system.

The following chapter (Chapter 5) describes the tensions and disconnect experienced by respondents in practice when trying to maintain social work ethics, values and principles while
working in parallel with the mandates and policies of the criminal justice system. This chapter touches on the concept of disjuncture, stress and burnout as described by many respondents.

The last main theme is presented in chapter six (Chapter 6). This chapter describes how social workers reported coping with the tensions and conflict they experienced when working from a social work perspective within the criminal justice system. The chapter also relays some advice from the participants to future social workers who are considering working within the criminal justice system.

The following chapter, chapter seven (Chapter 7) is the discussion and implications section wherein the four (4) main themes identified in the research data are linked to the prior literature, what it adds to the literature exploring the experience of social workers working within the criminal justice system, and how they coped with the tensions and conflict experienced in practice.

The final chapter is chapter eight (Chapter 8) and will be the conclusion chapter that identifies what this research contributes to the social work profession and discusses practice suggestions and directions for future research.
Chapter 1: Literature Review

As mentioned above, the focus of this research was to create a platform for social workers working within the criminal justice system to report their lived-experiences and personal observations when trying to incorporate social work values, ethics and principles into practice when working within the criminal justice system.

Accordingly, the next section of this dissertation will discuss the literature surrounding the role and purpose of the social work profession as detailed in the core competencies of social work education. Specifically the main values, ethics and principles of the social work profession will be outlined. In addition, in order to explore compatibility in theory and practice, the main values and mandate of the criminal justice system will also be examined.

Literature examining the definition of risk and need from a social work perspective, as well as within the criminal justice system, will also be detailed in this chapter as it pertains to the core values and mandates of both the justice system and the social work profession. The literature exploring a “one size fits all” approach in social work will also be examined as the current approach to risk assessment and management within the criminal justice system is assessed from a standardized risk assessment tool.

The concept of responsivity and intersectionality will be discussed as a criticism of the current risk assessment tool and case management process, as it is applicable to social work values and the process of working with offenders within the criminal justice system. Amongst
the criticism, literature identifies factors and individual characteristics amongst the population involved within the criminal justice system that should be accounted for in order to properly assess risk and identify needs. Specifically, literature has found trauma, gender, mental health and ethnic background (with a focus on Aboriginal offenders) as important factors for a more accurate assessment of risk and need and to acknowledge within the case management approach. However, as will be discussed below, none of these factors are considered within the current risk assessment and case management approach. Social work education encourages social workers to adopt a client-focused and anti-oppressive approach when working with clients. Literature suggests that the current risk-based case management approach is not cohesive with social work values, ethics and principles.

With this in mind, literature exploring the consequences of practicing social work from an approach that is not consistent with social work values, ethics and principles will also be examined. As a result, literature describing ethical tension, disjuncture and burnout within the social work profession will be considered.

The concept of burnout will also be described in more depth with respect to the literature surrounding the consequences for social workers and whether there needs to be an organizational change for social work in different settings, or if it is something individual social workers are responsible for from an individual prevention perspective.

Lastly, literature surrounding social work, social workers and self-care will examined.
Who and What is a Social Worker?

The International Association of Schools of Social Work (IASSW, 2014) offers a global definition of the social work profession as an academic discipline and practice-based profession that promotes social change and development, social cohesion, and the empowerment and liberation of people.

Within the global definition of the social work profession, the IASSW (2014) also encourages social workers to enforce principles of social justice, human rights, collective responsibility and maintain respect for diversity. Furthermore, the IASSW (2014) encourages social workers to adopt a multidisciplinary approach (social sciences, humanities, Indigenous knowledge, etc.) when engaging with people.

The Canadian Association of Social Workers (CASW, 2014) articulates that “the primary mission of the social work profession is to enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, and oppressed” (p.1). According to the Canadian Association of Social Workers (CASW, 2014), social workers are committed to the betterment of society by improving the lives of individuals, families, groups and/or communities. Social workers are expected to adhere to a professional code of ethics which includes five core values (Turner, 2002).

According to the Code of Ethics of the National Association of Social Workers, social workers are to provide a service to humanity; make a commitment to social justice and social
change; maintain the belief in human dignity and worth; have integrity; and work with professional competence (Turner, 2002). Heinonen and Spearman (2006) identified social work as “a sophisticated means of helping that is based on a purposeful set of values” (p.23). Social work as a profession strives to help individuals solve their problems by facilitating empowerment and encouraging self-efficacy (CASW, 2014). Similarly, the National Association of Social Workers acknowledged that “social workers respect the individual’s right to make independent decisions and to participate actively in the helping process” (p.1). Furthermore, social work is concerned with individual and personal problems, but it is also attentive to broader social issues such as human rights and social justice (CASW, 2014).

Rhodes (1991) acknowledged the central importance of ethical issues in social work and the need for ethical standards to be taught to social workers to set a “professional standard by which individual social workers can be guided as they encounter ethical issues in their practice” (p.15). Subsequently, because the NASW Code of Ethics is based on the values of professional social workers, social work education has emphasized ways to incorporate education about the code and its application into the curriculum (Stoesen, 2006).

DiFranks (2008) conducted a survey of a national sample of social workers and found that “nearly 60 percent…felt that ethics was integrated into each course” (p.172) and that “77 percent of respondents felt they are familiar or very familiar” (p.172) with the NASW Code of
Ethics. As a result, DiFranks (2008) indicated that “reading the code has become the trend in social work ethics education” (p.172).

An important component within social work ethics education is the field placement experience. In its Educational Policy and Accreditation Standards, the Council on Social Work Education identifies field placements as the signature pedagogy of social work education (CSWE, 2016). “Signature pedagogy is a central form of instruction and learning to socialize students to perform the role of practitioner- it contains norms with which to connect and integrate theory and practice” (CSWE, 2008, p. 8). These forms of teaching serve the purpose of preparing students in the profession’s fundamental ways of thinking, performing, and acting within practice and with social work ethics, values and principles (Wayne, Bogo & Raskin, 2010). As a result, social work education does not only educate students about the social work values, ethics and principles, they also get practice experience in a wide range of settings. During this time, students are expected to review and examine the social work values, ethics and principles within a supportive and educational experience and identify their professional self.

At this time it is important to clarify the terminology of social work values, ethics and principles. According to Rhodes (1991), a principle is a code of conduct used as a basis for action. According to Fenton (2012) a value is a moral principle considered to be of great importance to the individual. As mentioned above, social work is based on a code of conduct which describes main values to be maintained as defined by the Social Work Code of Ethics (e.g.
NASW or CASW Code of Ethics). Accordingly, a social work value is a moral principle as laid out in the Social Work Code of Ethics. Similarly, Reamer (2000) indicated that social workers are instructed with teachings on how to act in accordance with social work duties and obligations that conforms to their professionally endorsed principles. Similarly, according to Rhodes (1991), the ethical basis for social work is based on the guidelines (or values) that one is taught in social work education, and “ethics is defined in terms of what a person ought to do in relation” (p.15) to the values within the social work profession. Furthermore, since a value by definition is a moral principle, and Rhodes (1991) indicates that the terms ethics and morality can be interchangeable, it can be proposed that the term values and ethics can be interchangeable. However, even though the terms values, ethics and principles are related in theory, there are differences. For example, individuals are not always able to act in accordance with their beliefs (values and principles), but this does not make them unethical. For example, DiFranks (2008) examined what occurs to an individual from a mental and emotional perspective when a belief and behaviour are discrepant. Reamer (2000) also examined what occurs when a person encounters conflicting professional duties and obligations. The epistemological distinction between the discourse of values, principles and ethics is beyond the scope of this dissertation, but it is important to note the difference between behaviour (value) and belief (ethics) as it relates to the term disjunctive distress which will be discussed in more depth below.

Heinonen and Spearman (2006) described the characteristics of generalist social work as the ability to practice in a wide range of settings with a particular set of principles, values and
knowledge. Hepworth, Rooney, Rooney, Storm-Gottfried and Larsen (2006) stated that social workers are committed to assisting clients to attain needed resources, making social institutions more humane and responsive to human needs, and demonstrating respect for and acceptance of the unique characteristics of diverse populations.

Hepworth et al., (2006) indicated that direct social work practice is characterized by multiple roles. One of these roles is the helping process, which Hepworth et al., (2006) assert “focuses on problem solving” (p.33). The assessment process is crucial for determining the problem and laying the groundwork for “subsequent implementation of interventions and strategies aimed at resolving client’s problems” (Hepworth et al., 2006, p.34). Turner (2002) identified a social work assessment as “the process of gathering, synthesizing, and evaluating pertinent information to design an appropriate and effective intervention strategy” (Turner, 2002, p.143). In other words, an assessment is a process of gathering information about the client, the situation, and other relevant factors and integrating that information into an evaluation of the problem, which will then be used as the foundation to provide a plan of support, protection, management or assistance for the client (Walker & Beckett, 2003). Walker and Beckett (2003) stated that “assessment is the foundation of the social work process with service users” (p.6). Royse, Badger and Station-Tindall (2009) defined a social work assessment as a process that attempts to estimate deficiencies, determine needs and establish the best treatment plan (Royse et al., 2009). Some also suggest that a social work assessment should identify risk, needs and strengths (Turner, 2002; Hepworth et al., 2006, Heinonen & Spearman, 2006).
Social workers are employed in a variety of settings. For instance, social workers practice within family services agencies, children’s aid agencies, general and psychiatric hospitals, school boards, welfare administration agencies, private practices, the criminal justice system and correctional institutions (to name a few). As a result, social workers use different assessments in different agencies, contexts and roles. Agencies often have their own assessment guidelines, and in some cases are very clear on what information they need in order to plan for intervention because of differences in mandate, philosophy, theoretical orientations, and intervention approach (Turner, 2002). Direct social workers working with individuals, families, groups, etc., draw on contrasting theories of human behavior, use different models of practice, implement diverse interventions, and assist a wide variety of clients (Hepworth et al., 2006).

However, all social workers share a common goal of trying to assist individuals in coping more effectively with life challenges and enhancing wellbeing (Hepworth et al., 2006). Social workers also share a value base that all people can change. As a result, social workers try to help individuals solve their problems by encouraging empowerment, volition and by facilitating self-efficacy (CASW, 2014).

Social workers are committed to enhancing the well-being and needs of all people, especially those people who are vulnerable and oppressed. Brownell and Roberts (2002) identified offenders as one of the most marginalized, neglected, oppressed, vulnerable, and devalued groups in our society. Correspondingly, Hannah-Moffat (2000) also acknowledged
individuals within the criminal justice system as one of the most oppressed populations, but specified that female offenders are even more disempowered than male offenders in this system. Furthermore, Gutierrez, Wilson, Rugge and Bonta (2013) recognized that Aboriginal offenders have been more socially, culturally, and economically marginalized within the criminal justice system than non-Aboriginal offenders.

Social workers are guided by the fundamental values and theoretical purpose of the social work profession. As mentioned above, Heinonen and Spearman (2006) characterized the social work profession as the ability to incorporate a particular set of principles, values and knowledge into a wide range of settings. Research suggests there are some fundamental differences in the theoretical orientation of the social work profession and the current risk-based case management model within the criminal justice system. For example, Fenton (2012) reported that there are many epistemological differences between the mandate of the criminal justice system and the social work profession. The purpose of this research is also to highlight the areas of tension and conflict between social work and the criminal justice system from the front-line perspective.

Fenton (2012) postulated that social workers would feel disjuncture working within the criminal justice system because of the policy and mandate of the system. Literature suggests that a person’s values influence their behaviour (Abbot, 1988). Accordingly, Fenton (2012) identified disjuncture as a term used to describe a state of ethical stress experienced when one cannot base their behaviour upon their values. DiFranks (2008) examined “the NASW Code of Ethics and the
problems it causes social workers in terms of the discrepancies between belief in its tenets and behaviours in implementing it” (p.167). DiFranks (2008) found “disjuncture when belief and behaviour scores were discordant; lower disjuncture occurred when behaviour was congruent with the code, and disjuncture increased with incongruent behaviour” (p.167). DiFranks also found there “were significant disjuncture score differences among different work setting, with the highest score among social workers in public agencies” (p.167).

Rhodes (1991) described the role of a social worker working within a public agency as having a "double life" or "dual role”. Rhodes (1991) examined ethical dilemmas in social work practice and examined the concept of social workers working in a bureaucracy and the struggles they encounter trying to balance a dual role of employee and helper. Consequently, Rhodes (1991) described how social workers within a bureaucracy, "instead of providing care and empowerment, they become a force of social control” (p.141).

Similarly, Fenton (2012) stated that social workers within the criminal justice system experience disjuncture because they are being pulled in two directions: to protect the public and help the clients achieve a state of well-being. Fenton (2012) acknowledged that social workers practicing with offenders within the correctional risk-based case management approach are not as effective as they could be. It is important to consider the consequences of having employees who experience disjunctive distress as it has significant implications for practice, the profession and personal well-being. This postulation will be examined in more depth below.
Social Workers within the Criminal Justice System

Brownell and Roberts (2002) identified the role of social workers practicing within the criminal justice system “as front line social workers who complete presentence reports, risk assessments, mental health and substance abuse counseling, group therapy, community outreach, and social service and employment advocacy for offenders” (p.2). Brownell and Roberts (2002) identified that the main tasks of the social work practitioner within the criminal justice system is to assess and treat offenders. McNeill, Bracken and Clarke (2010) stated that “criminal justice social work is practiced by people who work for correctional services, offender management services, and probation departments” (p.11). McNeill et al., (2010) acknowledged “the most common work for social workers within the criminal justice system are tasks involving providing presentence reports to judges, supervising and assisting offenders undertaking community based sentences and assisting ex-prisoners in their resettlement or re-entry to the community” (p.2).

As mentioned above, one of the primary roles of a social worker working within the criminal justice system is to complete risk assessments and case management plans. As a result, social workers are often left trying to find a balance between protecting the public and enhancing the welfare of the offenders. Mattaini and Kirk (1991) stated risk assessment as the process of identifying risk, while risk management as the action plan to reduce risk. In recent years, risk assessment and risk management have come to dominate the field of social work and social care within the criminal justice system. With this comes the expectation that social workers will meet
the clients’ needs, while also ensuring that those deemed to be at risk—be they individuals or the public at large--are afforded protection. What this means is that social work continues to grapple with the issues of care versus control that lay at the heart of practice. Brownell and Roberts (2002) acknowledged that “the tension between social control and social support is an ongoing and necessary one with which the social work profession must continue to struggle” (p. 2). Reamer (2004) encouraged an alliance between the social work profession and the criminal justice field.

**Risk and the Criminal Justice System**

Risk is a fundamental concept within the criminal justice system and has become one of the most prevalent ways of describing and treating offenders (Curran, 2010). Risk assessment has become a tool for understanding human relations in the social science disciplines, and in the practice of human service professionals working directly with individuals (Curran, 2010). Maurutto and Hannah-Moffat (2006) identified risk as a key organizing principle of contemporary correctional practice and offender management (Maurutto & Hannah-Moffat, 2006). Literature within risk and crime has firmly established the notion that not all offenders present the same degree of risk to society (Sokolov, 2009; Bonta, 2002). All offenders will eventually be released in the community and recidivism has been described as a powerful measure to evaluate the performance of the criminal justice system (Nielsen, 2003). As a result, risk assessments and a case management approach are used within the criminal justice system to
identify the criminogenic risk factors in the hope that these factors can be reduced and offenders can return into the community as law abiding citizens.

Over the past 30 years, structured offender risk assessment instruments have become widely used in corrections and probation (Bonta, 2002). Actuarial tools are currently used within the Canadian criminal justice system to assess and classify offenders as “very high”, “high”, “medium” and “low” risk to recidivate (Reisig, Holtfreter & Morash, 2006). Risk assessment tools are administered to all offenders once they enter the criminal justice system within the area of community corrections. As a result, all offenders are assigned a level of risk and a corresponding case management plan. The risk-based case management approach within the criminal justice system is founded on the risk-need responsivity principles (Bullock, 2011). Risk assessments identify the criminogenic risk/needs and provide a guiding framework for intervention strategies with the risk-needs-responsivity approach (RNR).

In Canada, the Level of Service/Case Management Inventory (LS/CMI) is the most commonly used risk assessment instrument within the criminal justice system (Andrews, Bonta & Wormith, 2004). The LS/CMI assessment tool is based on a social learning perspective of criminal behavior called the Psychology of Criminal Conduct (PCC) which proposed that the causes of crime are to be found within the individual and their social learning environment. Ogloff and Davis (2004) stated that “the PCC is grounded in the principles of social learning theory (Bandura, 1975) which, in turn, draws upon differential association theory (Sutherland,
and operant conditioning (Skinner, 1938)” (p.230). The PCC is “a theory concerned with individual differences in criminal behaviour, making it a particularly useful guide for both assessing the risk of recidivism and planning rehabilitation attempts” (Ogloff & Davis, 2004, p.230). Furthermore, the PCC provides directions for assessment of offenders and their classification for treatment (Andrews & Bonta, 1994; Ogloff & Davis, 2004).

The LS/CMI was founded on research supporting the “Big Eight” criminogenic needs and was produced by Andrews, Bonta and Wormith (2004). The “Big Eight” criminogenic needs factors as identified by Andrews et al., (2004) are Criminal History, Education/Employment, Family/Marital, Leisure/Recreation, Companions, Alcohol/Drug Problem, Procriminal Attitude/Orientation and Antisocial Pattern (Andrews & Bonta, 2006; Andrews, Bonta & Wormith, 2004). It is important to note that as per the social learning theory, in order for these factors to be a significant predictor of criminality, there needs to be a prior history of criminal behavior (criminal history) that reflects the reinforcement history for antisocial behavior. In addition, criminal history is the only criminogenic risk factor that cannot be changed.

The RNR approach is a prevention model, and the focus is to reduce risk through the identification of criminogenic needs. Andrews and Bonta (2006) identified the risk principle by stating that more intensive services should be applied to higher risk offenders. The need principle specified the dynamic risk factors directly related to offending should be targeted (Andrews & Bonta, 2006). The responsivity principle stated that treatment approaches should match the
individual learning styles of offenders (Andrews & Bonta, 2006). The term “gender responsive” is frequently used in literature on female offenders to reflect salient distinctions between the risk and treatment needs of women and men (Brennan, Breitenbach, Dieterich, Salisbury and Van Voorhis, 2012). Andrews and Bonta (2006) introduced the concept of responsivity in response to the notion that there are different factors that may affect or impede an individual’s response to intervention (Ogloff & Davis, 2004). Cunningham & Griffiths (1997) stated that the criminal justice system and corrections have the responsibility to match the treatment needs of an offender with the appropriate treatment programs if they are to successfully address criminogenic needs in programming for everyone.

Does One Size Fit All?

Literature by Andrews and Bonta (2006) suggests that the LS/CMI and its theoretical framework applies across offender demographics, and that that criminogenic risk/needs are universal predictors of risk that can be generalized across offenders. Furthermore, “the developers argue that actuarial risk instruments, and the theoretical framework on which they are based, are gender neutral and apply to all offenders” (Holtfreter & Cupp, 2007, p.363). Proponents of the current risk assessment tool also postulate that criminogenic needs “are universal predictors of risk that can easily be transported internationally” (Maurutto & Hannah-Moffat, 2006, p.43). Similarly, Hanson’s (2009) research also suggests that the same risk factors apply to different offender groups. The policy implication of this research suggests that risk
assessment procedures designed for general offenders are likely to be broadly applicable across offender types (Andrews, Guzzo, Raynor, Rowe, Rettinger, Brews, & Wormith, 2012). As a result, the current risk assessment tool utilized within the criminal justice system adopts a “one size fits all” approach (Andrews et al., 2012). The risk assessment process and LS/CMI tool is completed with all offenders, regardless of crime, gender, ethnic group, or mental health.

However, as mentioned above, social workers are committed to demonstrating respect for the unique characteristics of diverse populations (Hepworth et al., 2006). In their research, Farrow, Kelly and Wilkinson (2007) indicate that the “one-size-fits-all” approach to the risk-based practice within the criminal justice system ignores the multi-dimensional nature of the individual offender. In addition, the “one size fits all” approach to risk assessment also neglects and oppresses diverse population groups such as females, Aboriginal offenders and those offenders with mental health illnesses. The “one-size-fits-all” approach also neglects to consider any individual or intergenerational trauma.

Farrow et al., (2007) acknowledged that the variety of individuals involved in the criminal justice system is often obscured by overarching labels, such as that of “offender”. In their research, Farrow et al., (2007) draw a focus on the multi-dimensional nature of the individual. For example, Farrow et al., (2007) distinguish that an offender may have a mental illness, but clarify that mental illnesses themselves are diverse. Furthermore, Farrow et al.,
(2007) also acknowledge that the same offender will also have experiences associated with their gender and ethnic group.

Intersectionality refers to the intersections between different marginalized groups, or groups of minorities, specifically the study of the interactions of multiple systems of oppression or discrimination (Crenshaw, 2010). For example, intersectionality raises the issue of understanding that the oppressive lives of women are not only shaped by gender alone, but also by other elements (Shields, 2008; Crenshaw, 2010). “Gender, ethnicity/race and class are interlinked social categories rather than separate variables linked to one individual…and that neither ethnicity, nor gender exists or is constructed without the other, and that the meaning of all social categories varies according to the social context” (Althoff, 2013, p.397). Intersectionality postulates that not all minority groups are the same and to assume they are a uniform group moreover oppresses them further (Crenshaw, 2010). For example, a woman can be from the same ethnic group as another woman, however be of a different socioeconomic class and sexual orientation. In addition, one woman may come from a history of significant childhood trauma, while another may not. Subsequently, although both women are from the same ethnic group, their life experiences could be significantly different. Intersectionality also acknowledges that women or men of the same ethnic groups can also be differentiated with respect to past trauma and mental health which is important to consider when working with clients.
More research is needed with regard to intersectionality, risk/need factors and the criminal justice system. Until there is more research exploring the validity and reliability of the current risk assessment and case management approach amongst these individuals, it is unclear to what extent the LS/CMI and the current case management approach are valid interventions and predictors of risk or needs for these individuals. However, it is important to note that there is substantial literature which suggests the concept of intersectionality has been overlooked within the criminal justice system. This is problematic for social workers working within the criminal justice system because it undermines their abilities to do social work and thwarts their potential to help offenders. Some of the important concepts that the “one-size-fits-all” approach of the criminal justice system misses from a social work perspective will be discussed below. Specifically, the literature surrounding trauma, Aboriginal offenders, female offenders and those offenders with mental health issues will be explored below as they challenge the “one-size-fits-all” approach with respect to offender risk assessment and case management within the criminal justice system.

**Trauma:**

Within social work education, there has been a growing recognition about the impact of trauma on an individual (Van der Kolk, 1996). For example, the Council on Social Work Education (CSWE, 2008) stated “the rationale for prominent attention to trauma in social work…can be found in the many studies that document the widespread prevalence of trauma
exposure and its lasting impact across the life course on all the populations served by social workers” (p.4). As a result, the CSWE (2008) proposed that “standards for competent practice in response to trauma are an ethical obligation of the profession” (p.4). As a result, social work education has been attentive in incorporating trauma-informed practice into a core competence expected of all social workers working in practice.

Van der Kolk (1996) defined trauma as the physical, emotional or psychological results from an adverse life experience that overwhelms an individual’s capacity to cope and to adapt positively. Van der Kolk (1996) also indicated that trauma can result from one or more events, and be a result of a direct or indirect experience. Some examples of events that may cause trauma are child abuse, domestic violence, sexual or physical abuse, a natural disaster, war, a serious accident or illness, or a sudden death (Van der Kolk, 1996; Ardino, 2011; Levin, 2011). Reactions to adverse life experiences may be “experienced not only by people who experienced the trauma first-hand, but by those who have witnessed or heard about the trauma, or been involved with those immediately affected” (Levin, 2011, p.1). As mentioned above, trauma is an individual’s reaction to an adverse life experience. However, as suggested by literature, individuals respond differently to adverse life experiences and what may be traumatic to one person may not be for another in the same circumstance (Van der Kolk, 1996). Furthermore, although there may be some common reactions after a traumatic event, trauma does not impact everyone the same (Van der Kolk, 1996, Levin, 2011, Smyth, 2013). Research also suggests individuals may have short-term or long-term behavioural, emotional and/or health problems
associated with experiencing trauma. According to Smyth (2013), the impact of living through a traumatic event can result in a range of behavioral and health problems including post-traumatic stress disorder, substance abuse, depression, anxiety, and childhood and adult behavioral disorders. Van der Kolk (2007) also explored the complexity of adaption to trauma and identified that “trauma can result in “acting-in” behaviours, such as self-harm, suicide, and depression, and “acting-out” behaviours, such as harm to others and criminal activity” (p. 182).

Within the context of social work, criminology and the criminal justice system, research such as that by Van der Kolk (2007) has suggested a link between unresolved childhood trauma and anti-social behaviour (Baer & Maschi, 2003, Ardino, 2011). For example, Ardino (2011) indicated that trauma from “child abuse and neglect, poverty, sexual molestation, and witnessing violence are, among others, the most common risk factors for post-traumatic reactions, aggression, and anti-social behaviour” (p.1). Research has also suggested a link between trauma and criminality (Ardino, 2011, Garbarino, 2002, Widom & Maxfield, 2001). Ardino (2011) explored “the trajectories and post-traumatic mechanisms in offenders” (p.1) and indicated “an interlink between traumatic experiences and criminal behaviour revealing that offenders present a higher prevalence of Post-Traumatic Stress Disorder and associated symptoms when compared with the general population” (p.1). Ardino (2011) also suggested that “trauma consistently appears to be the connecting factor for multifaceted expressions of violence- endured or perpetrated” (p.1). Tam and Derkzen (2014) examined trauma among women offenders and indicated that “while many offenders of both genders have been exposed to trauma, the rates are
higher among women offenders…and there is a strong association between trauma exposure and women's offending behaviour” (p.1). In their research, Browne, Miller and Maguin (1999) also examined female offenders and found that approximately 70 percent of the women reported experiencing some type of physical, sexual or emotional abuse in their childhood.

Although the research does not prove a direct correlation between childhood trauma and adult offending behaviour, the literature does suggest an association between having untreated or unresolved trauma and later adult behaviour disorders (Smyth, 2013, Baer & Maschi, 2003, Ardino, 2011). For example, within his research of the literature surrounding trauma and offending behaviour, Ardino (2011) concluded that “the antisocial acting out of unresolved childhood trauma may be a consistent feature in the behaviour of offenders” (p.2).

This is important for social workers working within the criminal justice system to consider when working with offenders because as Knight (2015) indicated “many practitioners encounter trauma survivors in settings like…corrections…where these individuals are particularly likely to require or seek out services” (p.25). Knight (2015) postulated that within these settings “survivors’ sense of urgency regarding their current problems-in-living, coupled with the limited role that many practitioners play in meeting their clients’ needs, often results in the history of past trauma being overlooked, along with the impact that this may have on current functioning” (p.25). Knight’s (2015) research suggests that although some clients may have obvious presenting problems such as housing concerns or a drug and alcohol addiction,
responding to the surface problem will not help the client long-term if there is untreated and unresolved trauma. Subsequently, Knight (2015) stated that “practitioners who do not attend to survivors’ past, and the relationship it plays in the present, undermine their ability to deal with the underlying trauma and the present-day challenges that brought them into treatment in the first place” (p.25).

Although there is substantial research on the importance of trauma-informed practice within the social work profession, currently the criminal justice system does not assess for trauma within its risk-based case management approach to working with offenders. Not only would the inclusion of this information be important for accurate intake assessments for risk prediction with offenders, this information would be crucial for case management planning with all offenders. In addition, the exclusion of trauma-informed practice within the criminal justice system limits a social worker’s ability to meet the standards for competent practice in response to trauma as an ethical obligation of the profession as described by the CSWE (2008).

**Intergenerational Trauma:**

As mentioned above, trauma can occur anytime an individual experiences an adverse event that threatens or causes harm to their emotional and/or physical well-being (Van der Kolk, 1996) and that reactions to adverse life experiences may be “experienced not only by people who experienced the trauma first-hand, but by those who have witnessed or heard about the trauma, or been involved with those immediately affected” (Levin, 2011, p.1). Bombay, Matheson and
Anisman (2009) explored trauma and indicated that traumatic experiences may also have intergenerational consequences. Bombay et al., (2009) explained that trauma has “effects on well-being, and by influencing appraisal processes, coping methods, life styles, parental behaviours…and through …traumatic experiences may have adverse intergenerational consequences” (p.6). Similarly, BraveHeart and Debeurn (1998) described the lived-experiences of the descendants of survivors who did not experience trauma themselves but were still impacted by intergenerational trauma. Evans-Campbell (2008) also provided a definition of intergenerational trauma as: “a collective complex trauma inflicted on a group of people who share a specific group identity or affiliation, ethnicity, nationality or religious affiliation…it is the legacy of numerous traumatic events a community experiences over generations and encompasses the psychological and social responses to such events” (p.320).

Much of the literature regarding intergenerational trauma characterizes the residential school experience as a key component within the cycle of trauma experienced by Aboriginal peoples (Gagne, 1998; Menzies, 2007). Menzies (2007) explored the notion of intergenerational trauma within Aboriginal communities and stated “the cumulative impact of trauma experienced by both children and their parents as a result of Canada's residential school policy continues to have consequences for subsequent generations of children” (p.373). Similarly, Gagne (1998) explored intergenerational trauma and the cycle of abuse and trauma and indicated that it was the loss of parenting skills, culture and sense of community that perpetuates the cycle of trauma with Aboriginal peoples. Furthermore, Shepherd, Luebbers and Dolan (2012) also talked about
intergenerational trauma and indicated that “the disintegration of Aboriginal society and their separation from their land have inflicted pain, anger, and depression that have been passed on down through generations” (p.394). As a result, Nielsen (2003) stated that Aboriginal offenders “are different from others…at a very basic level because their history is different: the loss of cultural identity, spirituality, language, and the loss of self-esteem that is based in not having a respected place in the history of the colonized country” (p.69).

As mentioned above, there has been a growing body of literature exploring the notion of intergenerational trauma within Aboriginal communities and the cycle of abuse and trauma experienced by Aboriginal peoples (Gagne, 1998; Menzies, 2007; Shepherd, Luebbers & Dolan, 2012; Nielsen, 2003). An extensive review of the literature associated with intergenerational trauma and Aboriginal peoples is beyond the scope of this dissertation, however the literature mentioned above does raise some additional concerns and implications for social workers working with Aboriginal offenders from a “one size fits all” risk assessment tool and case management approach within the criminal justice system.

Since social workers working within the criminal justice system are mandated to work with Aboriginal offenders from the risk-based case management approach, the exclusion of exploring intergenerational trauma with their clients limits a social workers’ ability to meet the standards for competent practice in response to trauma as an ethical obligation of the profession as described by the CSWE (2008).
There are also other limitations social workers encounter when working with Aboriginal offenders from a “one size fits all” risk assessment tool and case management approach within the criminal justice system that will be discussed below.

**Aboriginal Offenders:**

There continues to be a growing focus on Aboriginal offenders within the Canadian criminal justice system. Aboriginal offenders continue to be disproportionately represented at all levels of the Canadian criminal justice system (Juristat, October 2012). Over-representation of Aboriginal people in the criminal justice system is a problem across Canada, but it is “overwhelmingly severe” in Manitoba (Juristat, October 2012).

Literature suggests that the development of actuarial risk assessment instruments within the criminal justice system has been largely based on research concerning male Caucasian offenders (Gutierrez et al., 2013). A few predictive studies have compared characteristics of Aboriginal offenders with non-Aboriginal offenders (Gutierrez et al., 2013; Bonta, LaPrarie & Wallace-Capreta, 1997; Bonta, 1993). Literature has suggested that Aboriginal offenders are different from non-Aboriginal offenders in a number of ways (Shepherd, Luebbers & Dolan, 2012). Shepherd et al., (2012) reasoned that “it is conceivable that Indigenous offenders may experience separate risk factors indicative of their history and cultural experiences” (p.394). Furthermore, research also suggests that a lack of cultural identity has been proposed as risk factors specific to Aboriginal male offenders (Nielsen, 2003). Gutierrez et al., (2013) found that
the current risk assessment tool positions “Aboriginal offender in an unfavorable light, as most risk instruments score Aboriginal offenders higher risk than non-Aboriginal offenders” (Gutierrez et al., 2013, p.85). Consequently, researchers have questioned whether the predictive validity of the current risk assessment tools and criminogenic risk/need factors is generalizable across ethnic groups – specifically Aboriginal offenders (Gutierrez et al., 2013; Shepherd et al., 2013; Bonta et al., 1997).

This has significant consequences for the successful treatment and intervention strategies with Aboriginal offenders. Nielsen (2003) stated that Aboriginal offenders “do not participate in, complete, or benefit as much as non-Aboriginal offenders from rehabilitation programs designed for non-Aboriginals” (p.71). Research has suggested that Aboriginal-specific programs are more effective for Aboriginal offenders (Nielsen, 2003). Currently, Aboriginal offenders are still expected to participate in treatment programs to target their criminogenic needs as identified by the risk assessment tool. Case planning with Aboriginal offenders in custody and community corrections is still based on a level of risk and criminogenic needs as identified by the current risk assessment tool (LS/CMI).

It is important to note that although the term “Aboriginal” is often indicative of a homogeneous group, and as discussed with the concept of intersectionality, there are many differences amongst Aboriginal people (Moore, 2003). For example, the term Aboriginal includes Métis and Aboriginal offenders with registered Indian status who live on or off a
reserve (Moore, 2003; Gutierrez et al., 2013). Not acknowledging the unique criminogenic needs amongst Aboriginals off and on reserves, as well as Métis and Inuit people, only further oppresses those offenders (Moore, 2003).

**Female Offenders:**

The identification and measurement of risk with female offenders has become an increasingly important issue in criminal justice. The increased attention placed on risk assessment tools for female offenders is a direct result of a notable escalation in the number of women entering the criminal justice system in recent years (Blanchette & Brown, 2006). Hannah-Moffat (2009) indicated that much of the research on criminogenic needs adopts the premise that men and women share the same dynamic factors, and that the same theories of offending apply to both genders. However, research has empirically demonstrated that there are differences in the motivational factors and pathways that lead women and men to commit crime (Brennan et al., 2012; Steffensmeier & Allan, 1996; Sokolov, 2009; Hannah-Moffat, 2009). In addition, research also suggests that women have criminogenic risk/needs that are unique and exclusive to women (Brennan et al., 2012; Steffensmeier & Allan, 1996; Sokolov, 2009; Hannah-Moffat, 2009).

Brennan et al., (2012) examined women’s pathways to crime, and identified many key psychosocial risks and needs characterizing female pathways to crime that are substantively different from those in the prevailing research on male offenders. For instance, Brennan et al.,
(2012) identified criminogenic risk/needs factors in areas of “abuse and trauma, parental issues, relationship dysfunction, self-efficacy, safety, depression and anxiety” (p.1482) that are unique to female offenders, and do not apply to male offenders. Sokolov (2009) examined the difference in male and female offender populations and also reported that female offenders have significantly different characteristics than male offenders. For example, Sokolov (2009) found that women are more likely to be vested with child care responsibilities; have more health problems; be repeat victims of physical and sexual abuse; suffer from psychological, emotional disorders, and eating disorders; and have more substance abuse problems than males (Garland, 1997; Sokolov, 2009; Hannah-Moffat, 2010). Sokolov (2009) also reported that “there have been some research findings that suggest that women with a history of suicide or self-injurious types of behavior are at a greater risk for violent recidivism (p.28). Although these criminogenic risk/need factors are relevant to female offenders, they are not assessed as a criminogenic risk/need on the current risk assessment tool (Garland, 1997; Sokolov, 2009; Hannah-Moffat, 2010). Not only would the inclusion of this information be important for accurate intake assessments for risk prediction with female offenders, this information would be crucial for case management planning with female offenders (Hannah-Moffat, 2010).

However, as mentioned above, case management planning is based on the criminogenic needs identified by the current risk assessment tool. As a result, many of the criminogenic needs that are specific to female offenders are not being addressed (Hannah-Moffat, 2010). Hannah-Moffat (2010) stated that a meaningful assessment of female needs is essential to the provision
of appropriate individual interventions. Being treated equally should mean both groups have access to the same quality of assessment tools and intervention strategies, and these assessment tools and intervention strategies should be built specifically for each, from the ground up.

**Mental Health:**

Farrow et al., (2007) stated that mentally disordered people remain among the most vulnerable and marginalized in society (Farrow et al., 2007). McInerney and Minne (2004) suggest that “mentally disordered offenders have special problems; their offending places them apart from other psychiatric patients and major mental disorder separates them from most offenders” (p.43).

O’Malley (1996) explored the notion of prudentialism which refers to “the construct of governance which removes the key conception of regulating individuals by collectivist risk management, and throws back upon the individual the responsibility for managing their own risk” (p.261). Curran (2012) acknowledged how the risk assessment tool was amended to not only measure static criminogenic risk factors but also dynamic criminogenic risk factors. According to Curran (2012), “this construction gives risk to the transformable risk subject, who unlike the fixed or static risk subject, is amenable to targeted therapeutic interventions to reduce risk of criminality” (p.55).

With the risk-based case management approach, the criminal justice system adopts the notion of “responsabilizing” offenders, which renders them responsible for their own
rehabilitation (Hannah-Moffat, 2000). Within this approach, “crime is the outcome of poor choices or decisions, and not the outcome of structural inequalities or pathology” (Hannah-Moffat, 2005, p.41). Similarly, as described by O’Malley (1996), “one aspect of the risk discourse is that underlying structural conditions are assumed to be permanent features of neoliberal society, and the focus shifts to manipulating the environment or the effects of problem behaviors” (p.191). All the while, “any seasoned professional in the criminal justice field understands that poverty, mental illness, addiction, racism, and other vulnerabilities account for a remarkably large portion of criminal behavior” (Reamer, 2004, p.220). The social work profession is attentive to broader social issues such as human rights and social justice (CASW, 2014). However, within this approach to working with offenders, the broader social issues are ignored. For example, to blame offenders for their criminality “renders class, race and gender inequalities invisible by removing structural and systematic causes from the equation” (Curran, 2010, p.54). In addition, this approach also assumes that all individuals are capable of making rational decisions. This perspective is apparent within the Cognitive Behavioral Therapy (CBT) approach to working with offenders. The CBT approach focuses on the internal behaviors and internal thought processes associated with criminal behavior, and emphasizes individual accountability for offending. As a result, criminality is presumed to be caused by a flawed thinking process of the individual offender (Pearson, Lipton, Cleland & Yee, 2002).

Statistics suggest that 50 percent of individuals with a Fetal Alcohol Spectrum Disorder (FASD) have a history of confinement in a jail or prison (Streissguth, Bookstein, & Barr, 2004).
When a person with FASD commits a crime, it may be because the person did not fully understand the consequences of their actions (Streissguth et al., 2004). Such a person, who does not grasp the cause and effect of their actions, may not be able to benefit from the lessons learned by being punished for unacceptable behavior (Streissguth et al., 2004). Statistics suggest that 94 percent of individuals with FASD also have a mental illness (Streissguth et al., 2004). The number of individuals with mental health illnesses in the correctional system has substantially increased over the past few decades (James & Glaze, 2006). According to Redlich, Liu, Steadman, Callahan and Robbin (2012) “the disproportionate representation of persons with serious mental illness (schizophrenia spectrum, bipolar, and major depressive disorders) in the criminal justice system, especially in prisons and jails, is well studied and undisputed” (p.1). Literature suggests that offenders with psychiatric diagnoses have a high prevalence in correctional samples relative to the general population (Steadman, Osher, Robbins, Case, & Samuels, 2009; James & Glaze, 2006). Research suggests that “people who develop major mental disorders are more likely than those without such disorders to commit criminal offences” (Farrow et al., p.101). Literature also suggests that a dual diagnosis is a risk factor for recidivism (Messina, Burdon, Hagopian & Prendergast, 2004). However, “the link between offending and mental disorder is unclear and offending is not necessarily a consequence of mental disorder” (Farrow et al., 2007, p.101).

While Andrews, Bonta, & Wormith (2004) state that the level of service/risk need responsivity has potential applicability with mentally-ill offenders, there is limited research that
examines the utility of the RNR model and its associated risk assessment tool (LS/CMI) with mentally-ill offenders. It is beyond the scope of this dissertation to examine all of the challenges of working with mental health offenders within the criminal justice system. However, with regards to the issues discussed above and the current risk-based case management approach, it would appear that offenders who suffer from mental health illnesses are being neglected, oppressed and disempowered within the criminal justice system.

It is important to note that besides assessing for antisocial personality disorder, an offenders’ mental health status is not considered within the current correctional risk-based case management approach. While a major mental disorder is measured as a “non-criminogenic, minor need”, it is only considered as a responsivity factor in relation to the offender’s readiness for the case management plan. For example, according to Public Safety Canada, “treatment providers may need to first deal with an individual’s debilitating anxiety or mental disorder in order to free the individual to attend and participate fully in a program targeting criminogenic needs” (Public Safety Canada, 2014). There is widespread agreement that people suffering with mental health illnesses are not best served within the criminal justice system. For example, Ogloff and Davis (2004) acknowledged the shortcomings within the criminal justice system and stated “correctional and justice systems cannot meet the needs of offenders with mental health issues” (p.237).
The above are some of the critiques and limitations identified by the literature with respect to areas that could cause tension and disjuncture in practice for social workers working within the criminal justice system. As indicated, the mandated practice of assessing all offenders by the same criminogenic needs, the same risk assessment tool and working with them from the same case management approach does not take into account the unique characteristics of the client and neglects to consider issues of intersectionality. Furthermore, omitting things such as trauma, ethnic background, gender and mental health is detrimental for competent social work practice. Social workers who are trained in social work education and are aware of the core competencies and code of ethics should be aware they are neglecting these important areas when working with the risk-based case management approach mandate within the criminal justice system.

The next section will explore the link between ethical tension in practice, the concept of disjuncture and burnout within the social work profession.

Link between Tension in Practice, Disjuncture and Burnout:

In social work practice, social workers are frequently challenged by ethical dilemmas (Reamer, 2000). Reamer (2000) defined an ethical dilemma in social work “when social workers encounter conflicting professional duties and obligations, whether in…administration, community organizing and advocacy, research, or policy formulation conflicts among…duties that you are obligated to fulfill” (p. 6). “Ethics provide clarity on questions or morality and
provide guidance as to how things should be, and identify responsibilities of people” (Loweberg & Dolgoff, 2000, p. 2). In the context of social work, professional ethics set out standards that are applicable within the social worker role (Loweberg & Dolgoff, 2000). Literature suggests that ethical dilemmas generally relate to “ethical teaching and education that conforms to professionally endorsed principles” (DiFranks, 2008, p.169).

As mentioned above, DiFranks (2008) examined disjuncture between beliefs and behaviours amongst social workers in different work settings. DiFranks (2008) defined disjuncture distress as “disjuncture that occurs by dilemma-induced distress, which occurs when belief and behaviour are discrepant” (p.169). Consequently, DiFranks (2008) established that in some workplace settings and situations, social workers had to make decisions and behave in ways that were in contrast to their code of ethics. DiFranks (2008) identified situations that produce disjunctive distress as “negative stressors” (p.167).

In exploring social work and workplace stress, Van Heugten (2011) indicated that terms such as distress, stress, stressors, and burnout are often interchangeable. Van Heugten (2011) defined stressors as demands that are often placed on social workers. Van Heugten (2011) indicated that stressors can be positive or negative. These demands on social workers are not uncommon. However, when these demands/stressors are negative, they produce stress which then equates to distress and feeling the demands placed upon them cannot be dealt with in a healthy way. Similar to DiFranks (2008) definition of disjuncture, Van Heugten (2011) defined
distress as “when our inner or outer resources to manage pressures are out of balance” (p.17). Van Heugten (2011) also stated that distress “has a negative effect on us and we may begin to feel discomfort, tension, tiredness or negative thoughts and feelings…over time…anger, frustration and irritation” (p.17).

As previously noted, Fenton (2012) indicated that there are many epistemological differences between the mandates and practice approaches between the criminal justice system and the social work profession. As a result, literature suggests that (Fenton, 2012) social workers working within the criminal justice system may encounter ethical dilemmas that may in turn increase their stress and disjunctive distress. This is problematic for social workers working within the criminal justice system because literature suggests that negative stress (disjuncture and distress) has been associated with burnout (Van Heugten, 2011). According to Edelwich (1980), burnout can be defined as “a progressive loss of idealism, energy, and purpose experienced by people in the helping professions as a result of the conditions of their work” (p.14). Maslach & Jackson (1981) identified dimensions of burnout with characteristics of emotional exhaustion, depersonalization and feelings of incompetence. The *Maslach Burnout Inventory* is a common method in social work of measuring self-reported feelings across those three domains wherein “high levels of emotional exhaustion and de-personalization accompanied by low levels of personal accomplishment indicate burnout” (Holland, Allen & Cooper, 2013, p. 3146).
Edelwich (1980) indicated the conditions for burnout range from “insufficient training to client overload, from too many hours to too little pay, from inadequate funding to ungrateful clients, from bureaucratic or political constraints to the inherent gap between aspiration and accomplishment” (p. 14). Collins and Parry-Jones (2000) also indicated feeling a lack of control over one’s role and a loss of capacity to determine the scope of one’s role within an agency and with a client can also lead social workers to burnout. “Social worker burnout is a serious problem because it can adversely affect the quality and stability of social services” (Kim, Ji & Kao, 2011, p.258).

Burnout can have physical, cognitive, emotional or behavioural consequences (Van Heugten, 2011). For example, Kim, Ji and Kao (2011) found “that burnout can adversely affect the physical health of social workers, with higher levels of burnout leading to more physical health problems” (p.264). Kim et al., (2011) found “that social workers with higher initial levels of burnout reported more headaches, gastrointestinal problems, and respiratory infections” (p.264). Bailey (2006) reported that burnout can also lead to “heart disease, stroke and sudden cardiac death….an increased likelihood of type II diabetes, male infertility and sleep disorders” (p.11). Savic (2015) examined structural changes of the brain in relation to occupation stress and found “occupational stress was found to be associated with cortical thinning as well as with selective changes of subcortical volumes, with behavioral correlates” (p.1554). Similarly, Tei, Becker, Kawada, Fujino, Jankowski, Sugihara, Murai and Takahashi (2014) explored burnout and empathy-related brain activity and found that burnout relates to difficulty in recognizing
one’s own emotional state and weakened emotional regulation. Kim at al., (2011) also found that burnout and poor “physical health can lead to diminished job performance, including absenteeism and turnover” (p.264). As mentioned above, Van Heugten (2011) also reported behavioural consequences of burnout as “tiredness or negative thoughts and feelings…over time…anger, frustration and irritation” (p.17). On an emotional level, Maslach & Jackson (1981) indicated social workers experiencing burnout may feel overextended and exhausted, develop an impersonal response when working with clients, feel incompetent and feel like an underachiever in their work with clients. As a result, literature has suggested that social workers who feel high disjuncture may also experience high distress that can eventually turn into burnout and have significant negative effects on the individual from a personal and professional level.

Burnout- A need for Organizational Change and/or Individual Prevention?

As discussed above, burnout can have significant consequences on a physical, cognitive, emotional or behavioural level (Van Heugten, 2011; Kim at al., 2011; Bailey, 2006; Maslach & Jackson, 1981). Literature suggests that social workers are “considered an occupational group at above average risk for burnout” (Soderfeldt, Soderfeldt and Warg, 1995, p.638). Cooper (2015) conducted a study exploring burnout among social workers in the UK and found “high levels of emotional exhaustion in the majority of respondents (73%) with one in four (26%) reporting high levels of de-personalization, which describes the process of becoming emotionally hardened towards service users” (p.1). Some of Cooper’s (2015) research participants indicated that the
“greatest stress and anxiety is largely from the agency” (p.1) they work for and identified that the
“issue is with the department and the torture they put us through” (p.1). As previously noted,
Edelwich (1980) indicated the conditions for burnout are when social workers feel they do not
have enough training, have too many clients, are working too many hours, are not getting paid
enough and when there are bureaucratic constraints. Similarly, Soderfeldt et al., (1995) also
explored the literature related to factors that cause burnout among social workers and found that:
“work in public sector, role ambiguity, dissatisfaction with agency goals and difficulty providing
services to clients” led to burnout (p.641).

What is interesting to note is that much of the literature on social work and burnout
identify the causes of burnout within the organization or work place, and often appeals for
organizational and work place changes (Soderfeldt et al., 1995; Mandell, Stalker, de Zeeuw,
French and Harvey, 2013; Cooper, 2015). For example, Soderfeldt et al.,’s (1995) research
recommended that organization need to change to “define work objectives clearly, provide a
supportive environment, create low work pressure, increase job security, give adequate training
and increase financial resources” (p.643) in order to prevent burnout. Similarly, Mandell,
Stalker, de Zeeuw, French and Harvey (2013) also examined social worker satisfaction,
emotional exhaustion and burnout and recommended improving working conditions from an
organizational position for social workers to prevent burnout. Furthermore, Soderfeldt et al.,
(1995) also recommended that “social work students should be taught ways to fight bureaucratic
control on behalf of clients and in their own interests” (p. 643).
However, what are those social workers already in practice to do when “the organization” has no intention of changing and the option of fighting for change may just add another dimension of stress to a social worker who is already on the verge of burnout? Research has suggested an individually-oriented preventative approach to assist social workers avoid burnout. For example, Gilham (2014) conducted a literature review to explore ways to prevent and deal with burnout among social workers. Gilham (2014) stated that in order to prevent burnout, individuals should engage in behaviours around: “goal setting and time management, positive thinking and avoidance of negative thinking, using relaxation techniques…building and maintaining support networks, changing one’s response to or adapting to distressing events and self-monitoring one’s stress” (p.4). Smullens (2012) proposed that social workers engage in self-care activities that include “receiving support from mentors or a peer group…and personal endeavors that are non-professional activities” (p.2). Norcross (2000) outlines the importance of being mindful and having self-awareness in one’s everyday life to prevent burnout. Mahoney (1997) suggested individuals engage in pleasurable activities in order to reduce burnout. The theme that all these individually-oriented preventative approaches to burnout in the literature have in common is that they are all examples of exercising self-care. Accordingly, Monk (2011) and Jackson (2014) indicate the best way to prevent and repair burnout is the self-care approach.

Monk (2011) defined self-care as “the way a person tends to their emotional, psychological, physical, and spiritual well-being” (p.4) and reports that self-care is “foundational to maintaining health and wellness as a social worker, since it serves to mitigate the occupational
hazards relevant within the social work profession” (p.4). Jackson (2014) explored the social work profession and self-care and identified self-care as the “over-looked core competency” (p.14). The British Columbia Association of Social Workers (BCASW, 2011) also recognized self-care as “an ethical imperative”. However, Monk (2011) indicated that within many organizations there is “very little ongoing support, training, or mentoring for enhancing or ensuring self-care among social workers” (p.4) and postulated that it is often the responsibility of the individual to exercise self-care.

The dialogue between social workers working within the criminal justice system and how they cope with the disjunctive distress is something that has not been explored from a Canadian perspective. As a result, this research will examine how social workers working within the criminal justice system cope with the tensions explored above.

**Literature Review Summary:**

The literature surrounding “what” makes a social worker was examined above. It suggests that some of the main values within the social work profession are to enhance human well-being and help meet the basic human needs of all people (CASW, 2014). Encouraging and working toward broader social issues such as human rights and social justice was also a prevalent theme within literature surrounding the description of who was a social worker and what a social worker does (CASW, 2014)..
The literature also acknowledged that social workers are employed in a variety of settings, and that they are expected to know and maintain the NASW Code of Ethics in all settings (Turner, 2002). Social workers are also expected to apply social work theory into practice and maintain social work values while in school and throughout their careers (Heinonen & Spearman, 2006; Wayne, Bogo & Raskin, 2010). There is also an acknowledgement that because social workers work in so many diverse settings, that social workers may need to adopt a dual role, especially when working in public agencies such as child welfare or the criminal justice system (Rhodes, 1991). This is because many public agencies have their own mandate, which may not be in cohesion with some of the ethics, values and principles of the social work profession (Rhodes, 1991).

Literature surrounding social workers within the criminal justice system was explored. Research has suggested that criminal justice social workers are often tasked with the dual role of social control and social support, and must find a balance between public protection and enhancing the welfare of the offender in order to be successful social workers and justice system employees (Brownell & Roberts, 2002; Reamer, 2004).

The notion of risk within the criminal justice system was explored and literature suggests the definition of risk within the criminal justice system is associated with criminogenic factors and measured to assist in creating a case management approach with the primary aim of reducing reoffending and to protect the public (Maurutto & Hannah-Moffat, 2006). However, within the
notion of risk and risk assessment, the word ‘need’ is used to describe criminogenic risk factors within the criminal justice system (Bullock, 2011). This definition of the word “need” is not cohesive with the definition of need within the social work literature. For example, social work literature defines needs as self-identified by clients, and in relation to the well-being and survival of the client. Consequently, the concept of need within the realm of social work is very different from that of need within the criminal justice system. This has not only led to some confusion among criminal justice social workers in practice, it has also misrepresented the intervention intention within the criminal justice system by appearing as though they are addressing individual needs as opposed to the needs for public protection.

Although some literature suggests that the current LS/CMI risk assessment tool is a valid predictor of level of risk and in identifying risk factors among all individuals within the criminal justice system (Bonta et al., 2006), other literature suggests the LS/CMI is a “one-size-fits-all” approach that ignores individual characteristics such as gender, ethnic background, trauma and mental health issues, as well as other features associated with intersectionality (Farrow et al., 2007; Althoff, 2013; Sokolov, 2009). As a result, while some research supports the validity of the LS/CMI, other literature suggests different areas that should be assessed when working with offenders. Not having a valid risk assessment tool is problematic because not only does it jeopardize public protection, it also impacts rehabilitation and treatment effectiveness.
Amongst the areas highlighted as important when working with offenders, literature has suggested the concept of trauma as significant to consider and acknowledge when assessing risk and planning for case management as it has been tied to criminality (Van der Kolk, 1996; Levin, 2011; Smyth, 2013).

Ethnic background, specifically the cultural and history of Aboriginal offenders has also been an area of focus within the social work and criminal justice literature as there are many unique characteristics within this ethnic group that suggest different responsivity factors to consider (Gagne, 1998; Luebbers & Dolan, 2012). Background on the creation of the LS/CMI indicates that it was a risk assessment tool created for, and from, male Caucasian offenders, and there is some criticism to suggest that it may not be valid for Aboriginal offenders (Gutierrez et al., 2013). There is also criticism to suggest that the LS/CMI is not a valid predictor of risk or needs of female offenders (Brennan et al., 2012; Hannah-Moffat, 2009). Other literature suggests mental health is also not considered within the LS/CMI and does not provide a clear picture of risk or case management intervention strategies with offenders suffering from mental health illnesses (Hannah-Moffat, 2000; Ogloff & Davis, 2004).

With consideration of the literature presented above about defining a social worker by their social work education, NASW code of ethics and social work values, it is important to explore how social workers feel about working within the criminal justice system as an agency, and about utilizing the mandated LS/CMI risk assessment and case management approach with
their clients. Although social workers are prepared to work in a variety of settings, the literature recognized that not all social work values, ethics and principles can fit seamlessly into all practice settings. For example, DiFranks (2008) established that in some work place settings and situations, social workers have had to make decisions and behave in ways that were in contrast to their code of ethics. The terms “disjuncture distress” and “ethical stress” within the realm of social work has been used to describe the feelings associated with the inability of social workers to base their practice on social work values (DiFranks, 2008; Fenton, 2015). Literature has suggested that in situations of high disjunctive distress, individuals have a greater propensity for burnout (DiFranks, 2008); burnout has been described as having negative physical, cognitive, emotional and behavioural consequences (Van Heugten, 2011).

Literature has suggested that social workers are at an above average risk for burnout (Soderfeldt, Soderfeldt & Warg, 1995) and that it should be the responsibility of the individual to self-care to avoid burnout. In some cases literature has defined it as an over-looked core competency within the social work profession (Jackson, 2014). However, literature has also suggested there needs to be organizational change within the agencies that are causing high disjunctive distress among social workers to adopt different practice approaches (Soderfeldt et al., 1995; Mandell et al., 2013).

This dissertation will explore the front-line experiences of social workers working with the current risk assessment tool (LS/CMI) and case management approach within the criminal
justice system. It will describe their personal experience in relation to any tensions they have found within practice and discuss their coping strategies.
Chapter 2: Methodology: Qualitative Research Design

The research was intended to capture the thoughts, feelings and experiences of social workers working as probation officers within the criminal justice system, and to explore any tensions in practice and in turn, how they cope with any disconnect between social work values, ethics and principles within the criminal justice system. The method used for this research was a phenomenological qualitative research design. One of the advantages of using a qualitative approach is that it can provide rich detailed information and insight into the emotions and motivations of the research participants.

This chapter will start with describing the participants and how the participants were recruited. It will then explain why the phenomenological qualitative research design was used to explore social workers’ experiences working within the criminal justice system and proceed to describe the research tool, research data and how thematic data analysis process was used. This chapter will conclude with the limitations of the methodology and research design.

Participants:

The participants recruited for this research study was a purposive sample of individuals who possessed a social work degree and who worked within the Canadian criminal justice system as probation officers with adult clients. Participants were recruited by email.

Participants were recruited by an email sent to the administration staff at Adult Probation Units from my University of Manitoba email address. The email asked administration staff to send the email to Area Directors of Adult Probation Units, and asked them to forward the email
to their unit staff. The email outlined the research study and requested participants who worked as probation officer with adult clients and who possessed a social work degree to volunteer in a research study. The email requested volunteers to participate in a one (1) hour face-to-face open-ended question interview at a location of their choosing. Participants expressed interest by contacting the writer by the university email provided, personal phone or face to face contact. Please find a copy of the recruitment email in Appendix A. All participants were provided with, and signed, an informed consent form with details about the study. Please find the informed consent form in Appendix B.

There were seventeen (17) research participants who volunteered to participate in the research study. However, the data from one (1) participant had to be omitted due to a recording error. Amongst the participants, many reported a Bachelor of Social Work degree as their highest education, while others reported further education up to a Master’s degree of Social Work. Participants reported possessing a Social Work degree anywhere from three (3) months to fifteen (15) years. Participants also reported working within the criminal justice system anywhere from three (3) months to twenty (20) years.

The interviews were scheduled for a minimum of one (1) hour. Some participants talked longer than one (1) hour while other interviews were less than one (1) hour. Interviews were conducted at a time and place as determined by the participant. As a result, some of the
interviews were conducted in a restaurant, a city park, and participants’ homes as well as in some instances the participants’ vehicle.

It was determined that after seventeen (17) participants were interviewed, many of the respondents were reporting similar thoughts, feelings and experiences. As a result of obtaining repetitive results, I believed that I had reached saturation and that sixteen participants were appropriate for the validity of research study.

Research Methodology:

According to Campbell (2011) phenomenology research “begins with an experience and, through the narration of participants, of either a shared single incident or shared condition, and investigates the effects and perceptions of that experience” (p.1). Similarly, Creswell (2007) indicated that phenomenology is focused on the description of the lived-experiences of the participants and the researcher must relay their narratives without bias. Kvale (2006) defined qualitative research interviews as "attempts to understand the world from the subjects' point of view, to unfold the meaning of peoples' experiences, to uncover their lived world prior to scientific explanations" (p.481). Kvale (2006) indicated that qualitative research interviews can be exploratory in nature, used to gain insight into interesting or unexpected finding and to emphasize intellectual understanding. In qualitative research interviews, open-ended questions are used to explore the thoughts, feelings and attitudes of respondents. Cohen & Manion (1994) stated that qualitative interviewing is used to elicit information in order to achieve a holistic
understanding of the interviewee’s point of view or situation. According to Creswell (2007), the open-ended questions should focus on the participants’ experience with the phenomenon under study and on the factors impacting that experience. Creswell (2007) also indicated “questions should focus attention on gathering data that will lead to a textual…and structural description of the experiences, ultimately provide an understanding of the common experiences of the participants” (p. 61). Open-ended responses to interview questions provide quotations, which Patton (1987) stated are the main source of raw data and the data used for analysis. Patton (1987) indicated that quotations "reveal the respondents' levels of emotion, the way in which they have organized the world, their thoughts about what is happening, their experiences, and their basic perceptions” (p.11). Patton (1987) also attributed the “task for the qualitative evaluator is to provide a framework within which people can respond in a way that represents accurately and thoroughly their point of view” (p.12).

As mentioned above, this research was exploratory in nature and examined the lived-experiences of social workers working within the criminal justice system. This research was intended to create a platform for research participants’ thoughts and feelings, as well as provide participants with an opportunity to voice their lived-experience of any inconsistencies between social work ethics, values and principles in practice, their experience in coping with any tension and how they believe it could be improved. As a result, participants were asked to talk about their practice experience working with social work values, ethics and principles specifically within the criminal justice system, and identify any areas specifically within the criminal justice
system that were causing them to feel a disconnect. The purpose of the research was to explore disconnect between social work values, ethics and principles within the bureaucratic environment of the criminal justice system, and exploratory questions were used to elicit the experience of the participants. The research was intended to explore the experiences of criminal justice social workers, relay any disjunctive distress and explore how they were coping. As a result, criminal justice social workers were asked for their direct lived experience as they would be best suited to provide this information.

The research instrument used for this research study was an open-ended interview guided by a list of questions administered to a purposive sample of participants which were social workers who were currently working with offenders on probation within the Canadian criminal justice system. The interviews were administered on a face-to-face and one-to-one dialogue basis and recorded by voice-recording software on a handheld Apple device. The interviews were manually transcribed to a Microsoft Word document.

**Research Tool:**

There were sixteen (16) standardized open-ended questions in the structured interview format. Open-ended questions were used to allow respondents to express their thoughts, feelings and attitudes in their own words. The interview was structured wherein all questions were asked exactly as worded and the same questions were asked of each interviewee. However, the interview process was informal where in some instances the questions were asked in a different order to allow for a more natural flow of the interview. Also, additional questions were used in
some interviews for the purpose of probing or to ask for clarification of the answers provided by
the participant. An informal interview process was used to increase validity because it allowed
me the opportunity to probe for a deeper understanding of the respondents’ thoughts, feeling and
attitudes. Please find the questionnaire attached as Appendix C.

Research Data:

The standardized open-ended interview questions were intended to explore the direct
practice experience of social workers working within the criminal justice system, what their
experience was using a risk-based case management approach, and how their experience related
to their social work ethics, values and principles. The standardized open-ended interview
questions also attempted to explore and extrapolate any tensions experienced by social workers
working within the criminal justice system. If any tensions were disclosed, the interview also
explored how respondents coped with that tension. Subsequently, the data collected was the
opinions, perspectives and experiences of social workers working within the criminal justice
system. Specifically, the raw data were the themes and quotations provided by the respondents.

As mentioned above, the interviews were audio-recorded and then transcribed word for
word. The completed transcribed interview was then compared with the audio recordings for
validity. After the transcription process was completed, the interviews were manually analyzed
for similar words, content and themes.
Thematic Analysis:

Braun and Clarke (2006) define thematic analysis as “a method for identifying, analyzing and reporting patterns within data” (p.79). Braun and Clarke (2006) also report that thematic analysis allows for rich, detailed and complex description of the data gathered. Braun and Clark (2006) stipulated there are six (6) steps to thematic analysis: “1- familiarizing yourself with your data, 2- generating initial codes, 3- searching for themes, 4- reviewing themes, 5- defining and naming themes and 6- producing the report”. (p.77). Described below is how I completed the six (6) steps of thematic analysis as described by Braun and Clarke (2006).

When doing a thematic analysis, Braun and Clarke (2006) stressed the importance of familiarizing one’s self with the data. In order to familiarize myself with the data, I facilitated all the interviews and audio recorded them. I listened to each interview approximately three (3) times. I also manually transcribed all the data by listening to the data and typed it out in a text.file. I saved each interview individually to a Word document file. In order to ensure I did not miss or incorrectly transcribe any of the audio data, I listened to the recording of the interviews a second time once the transcribing was completed and compared it to the transcript. I also read and reread all the transcribed Word document interview files a minimum of two (2) times each.

Braun and Clark (2006) suggest that after familiarizing one’s self with the data, initial codes should be generated from the data. Carpenter and Suto (2008) define codes as "shorthand labels - usually a word, short phrase, or metaphor - often derived from the participants' accounts,
which are assigned to data fragments defined as having some common meaning or relationship" (p. 116).

I generated initial codes from the data manually. I reviewed all the Microsoft Word documents of the interviews and after familiarizing myself with the data, I went through the interviews with the highlighting function on Microsoft Word. I highlighted many words and phrases within the interviews and in the margins of the Word document I made notes about potential themes.

After I had reviewed all sixteen (16) Word documents for the sixteen (16) interviews, I went back to each interview one by one and “copy and pasted” the highlighted words and phrases into a separate Word document (A). Once I had converted all the highlighted words and phrases into a separate document (A), I then created a second Word document (B) wherein I “cut, copy and pasted” the words and phrases from the document (A) into the second document (B) into sections with other similar words and phrases. During this time, while the highlighted words and phrases in the initial document (A) were re-examined and grouped with similar words and phrases into sections in the second document (B), some of the initial words and phrases did not fit within the sections and were left on the first Word document (A). After all the words and phrases were grouped in sections in the second document (B), the remaining words and phrases left on the first document (A) were then re-examined and if they still did not fit into any sections in the second document (B), they were discarded.
The words and phrases within the second document (B) were then re-examined and different level of sections, groupings and themes emerged to form main themes and sub-themes. After all the words and phrases were re-examined and refined on the second document (B), four (4) broader level themes emerged. The four (4) broader level themes were then determined to be the main themes of: 1-Role Definition, 2-Risk Assessment, 3-Tension and Disconnect identified by Social Workers working within the Criminal Justice System and 4-How Social Workers Cope within the Criminal Justice System. These four themes emerged from the thematic analysis.

The final step indicated by Braun and Clark (2006) to thematic analysis is to produce the report. Braun and Clark (2006) advise that in this step it is imperative “to provide sufficient evidence of each theme using vivid examples from your data” (p.97). As a result, many direct quotes from respondents are provided within the research findings below to give breadth and depth to the themes extrapolated.

It is also important to note that this writer has a history of working as a criminal justice social worker, and as a result was able to speak a similar “language and culture” as the research participants. The implications from this writer having experience working within the criminal justice system provided for a more relaxed dialogue amongst research participants who could use terms freely, and may have provided a sense of comradeship amongst research participants which could have enabled research participants to engage more freely because this writer was not necessarily an “outsider”. Speaking the same “language and culture” also provided research
participants with an opportunity to be honest and straightforward with their experiences, thoughts and feelings.

Limitations:

There were some limitations or disadvantages as a result of the methodology chosen. One of the limitations with this research design was around the time frame asked for scheduling interviews. While many participants had no difficulty committing to the one (1) hour minimum time as per requested for the interview, some participants chose to complete the interview over their lunch hour and were conscientious of the time and as a result, some of their answers appeared rush in order to complete the interview in one hour. To alleviate this sense of urgency, I offered to allow for another interview time if the hour was not enough for the respondent, but many respondents indicated they were busy and only had time to meet on one occasion. As a result, some of the answers for certain questions felt rushed and perhaps I was not able to capture the full breadth or depth of the respondent’s experience or opinion.

Furthermore, a limitation with respect to the veracity of the data was the lack of a method of triangulation of the data. According to Creswell (1994), the process of member checking or respondent feedback is a technique used to check the accuracy and validity of data by using the respondents to check on the veracity of the data and the interpretation of the data. I was unable to do member checking because of the difficulty with following up with respondents. As a result, I was not able to guarantee the clarity and meaning of the answers to questions for later
interpretation. However, I was able to ask clarifying questions during the interviews which allowed the respondents to elaborate, or reword an answer that I may have misunderstood or had the potential to be misconstrued. In addition, I did listen to the recordings and check the accuracy of the data on various occasions before, during and after the transcription process. In addition, my Ph.D. Advisor Dr. Denis Bracken also checked a sample of the voice recorded interviews to my typed transcriptions to also guarantee the accuracy of the transcriptions to the verbal recordings. In order to ensure the veracity of the data, I was also in frequent contact with Dr. Bracken to talk about many of the themes and concepts I gathered from the transcription, and was able to check back on the transcripts with him for deliberation and analysis.

Another limitation I experienced with this research design was in allowing the participants to pick the location of the interview. As mentioned above, a few participants chose to conduct the interview in a restaurant. As a result, some of the interviews were interrupted by wait staff or by having items brought to the table. These interruptions often caused respondents to lose their train-of-thought or become distracted from the interview. It would have been more advantageous if I had picked a standardized interview location and situation with a good ambience.

A complication arose with the method of audio recording I chose. I initially only had one device recording the interview and was relying solely on the recorder for the interview data. However, on one occasion the recording device malfunctioned and the entire interview was lost
and the participant was unable to meet another time. As a result, this interview and the research participant had to be discarded from the research study.

Due to the occurrence that there were some spontaneous questions asked of some and not of others within the interview process, this also causes a weakness and limitation in the research methodology. It could have added additional breadth and depth to the research study if all participants were given the opportunity to answer the spontaneous questions that came up in some of the interviews. For example, vicarious trauma was a theme identified in later interviews that had all participants been asked a probing question around vicarious trauma, coping and self-care, those findings could have enriched in that area.

A final limitation was that because it was a small sample size and all respondents were from one urban centre in Canada, results of this study may not be generalizable to other cities and provinces in Canada. In addition, the findings of this study can also be criticized for not being generalizable because they are the opinions, perspectives and lived-experiences of the participants.
Chapter 3: Role Definition

Introduction:

This chapter will explore the notion of role definition for social workers working within the criminal justice system. It will start with exploring what respondents identified as the core values of the social work profession and the main values of the criminal justice system. This will be followed by several sub-themes.

The first sub-theme will be about the notion of accountability and the struggles that social workers feel working within the criminal justice system when it comes to identifying who the client is and who they are working for.

The following sub-theme will explore the tensions described by social workers working from a welfare model within a control-based environment.

The next sub-theme will examine what respondents describe as their role of oppressor from working within the control-based mandate of the criminal justice system.

Lastly, the chapter will conclude with respondents identifying that they lack discretion within the criminal justice system.

Definition of Social Work Values and Criminal Justice System Values:

One of the main themes extrapolated from the research data was the idea of role definition as an area of tension described by social workers employed within the criminal justice system.
system. Many described their individual source of tension as rooted in the realization that they are trained and educated to possess a skill set of social work values, ethics and principles, but when they enter the criminal justice system, they are expected to work with a different set of values. Furthermore, many respondents felt they were often forced to choose between their social work values, ethics and principles and the mandate of the criminal justice system.

Respondents were asked to describe what they believed to be the main values both of the social work profession and the criminal justice system. Respondents described important social work values as being respectful, non-judgmental, facilitating autonomy and self-determination, and working from an anti-oppressive and empowerment approach. For example, Respondent #3 described social work values as an:

“inherent dignity and worth of all persons and respecting difference and diversity...right to self-determination...and allowing them to have some decision-making, social justice...fairness for everyone and equality...advocating for people who might not, or can’t for themselves or are in a marginalized position, and then...making sure that in our role we put other, our clients’, interests before our own so we don’t have personal bias”.

Respondent #12 also touched on the value of advocating for their client: “...upholding their dignity, client’s dignity...knowing that they have a right to their decisions, and they have a right for clean housing, food, shelter, to be safe, and to live a happy life. They have that right”.

Other respondents described what they felt were important by connecting social work values to good social work practice. For example, Respondent #4 described social work values as:
“..respect first and foremost and whether or not you agree with someone’s life and what they are doing or whatever it might be, I think you need to accept that they are who they are and try to build on their capacities, everyone has got some sort of capacity….and always be a support for them but I don’t think it’s us just telling people what to do and how to do it, I think it’s going along with them and helping support them and create new opportunities and…building skills and encouraging independence and autonomy…encouraging the client to be who they choose to be”.

Respondent #2 described social work values in terms of exercising good social work skills: “…in social work what I remember learning in school is that you were supposed to be client-centered…and you are trying to help the people you support with their goals…and empower them to live, live a good life, good defined as, you know, part of their values”.

Respondent #7 identified one of the main social work values as the ability to listen to the client: “..having that ability, listening to what the person is saying and the importance of listening to what they want”. Respondent #12 also talked about the importance of building rapport with clients: “getting to know the clients and building rapport so that they can eventually trust me, so I guess trust is important”. Other respondents identified social work values in terms of good social work practice methods such as working with clients from a holistic and community-collaborative approach. For example, Respondent #15 described good social work practice as:

“..to look at individuals from a holistic perspective. So wrap-around-services are number one…and to work from and with individuals from the ground up, you can’t address one area while ignoring a number of other different areas…so I think collaboration from a community perspective is number one”.

Participants were also asked to identify the main values of the criminal justice system. While it is important to note that criminal justice does not possess a monolithic or universal set of values, the research question was intended to relay the current perceived focus of the criminal
justice system as determined by the research participants. Subsequently, while some respondents defined the main values of the criminal justice system as public safety, rehabilitations and reducing recidivism, others indicated the main values were ensuring law and order, accountability, punishment and retribution.

Respondent #11 echoed the belief of many respondents when they talked about the risk management focus and intensified control: “I think the main values of the criminal justice system are...reduce recidivism, reduce repeat offences, protecting the public ...following the laws outlined in the criminal code”. Similarly, Respondent #12 stated: “I think one of the main values is just public safety, we need to keep the public safe…, rehabilitation… giving them the tools that they need so that they don’t make any more charges, so that they don’t get in any more trouble, they don’t hurt people.”

Respondents typically agreed that the two main values within the criminal justice system were public safety and reducing recidivism. However, respondents who agreed that public safety and reducing recidivism were the two main values of the criminal justice system often disagreed which value was the first priority. While some stated reducing recidivism was the main value of the criminal justice system, others indicated keeping the public safe was the number one priority. For instance, some agreed with Respondent #9 when they stated: “number one is to reduce recidivism; number two is to keep society safe”. It is also interesting to note that amongst those who indicated they believed keeping the public safe was the most important priority; the most
commonly reported means of achieving this end was by breaching offenders. For example, many respondents were in agreement with Respondent # 4 when they stated:

“Public safety is number one you know I think we, rehabilitation right and you know working on client needs and all that, I think that is also a value, but I think that if we are talking about the number one value that it is going to go back to public safety…you are going to do the things you have to do to keep the public safe… I just think there is an emphasis on you know punishment and you know severity and keeping the public safe”.

Respondent # 1 echoed the tendency to rely on breaching to keep the public safe:

“So I’m protecting the public from risk from that….reducing recidivism because my clients aren’t committing crimes when they are incarcerated right. Umm and the offenders and clients are feeling better because of that and if they can’t well, then they are being breached because well to reduce harm to other people so, that’s basically what I’m doing in my job everyday”.

When asked to compare the differences between the values of the criminal justice system to that of the social work profession, all respondents described conflict between the two approaches. For example, Respondent #1 outlined the two approaches and indicated: “Criminal justice has been law and order and punitive and retribution…and social work is client focused and empathy and relationship building and rapport and those two things are kind of like oil and water”. Many agreed with Respondent #10 when they stated:

“I would say that there are times where they are in conflict, the principles of the social work profession and, if we go back to that respect and equality and human rights, and then when it comes with the criminal justice system, I guess the difference between that would be the risk need responsivity…identifying what those risks are with the client, but the need is really the condition of the Probation order…so it’s just the priorities and where they fall”.
The idea that the criminal justice system and the social work profession have different priorities was something conveyed by all respondents. As mentioned above, many respondents identified the social work profession as a client-based helping profession, wherein they identified the criminal justice system as an agency concerned with protecting the public.

Notion of Accountability…Who is the client?

The notion that public safety was a priority over a client-focused approach is one of the tensions identified by social workers working within the criminal justice system. For example, Respondent #2 indicated:

“The criminal justice system is tricky because at the end of the day it is the public safety that you are looking at and that is your job so you know part of me wonders if, especially in probation, you are by extension part of the court system and maybe there are other agencies that can work with people with more of a social work approach but in that particular role, you know, you at the end of the day were responsible for breaching people if they did not follow their probation conditions”.

Respondent #2 also talked about the lack of discretion and the expectation that one adheres to the rules within the criminal justice system: “you know and then there was no leniency or discretion or being able to give context to voice, it was just that was the rules and those rules were there for the safety of the public”.

In addition, the tension of having to identify who the client is, and acknowledging that it is not always the client in front of them made it difficult for some participants to identify their role. Respondents voiced disjuncture about having to be accountable for public safety as opposed
to the best interest of your client. Respondent #2 talked about the tension experienced while following the policies and procedures when they are not in the best interest of your client:

“You are a government agent which means you are a representation of all these policies that need to be enforced and sometimes who’s not benefited in that is your client. And in an agency like probation, the person in front of you, isn’t even really your client, the client is the public.

Respondent #2 also talked about how this approach causes conflict for social workers:

“So right there, there is a conflict and a lot of tension in your job because you know, the public is an abstract thing and it can be a feel like a very narrow confines that you have and restrictions that you have to work in and as a social worker, to bring out those values can be really difficult”.

Many respondents acknowledged that as social workers, they are responsible to uphold social work values, principles and ethics. As a result, many respondents had no hesitation in stating they were accountable to their clients. Respondent #2 identified some of the responsibilities they feel working as a social worker within the criminal justice system: “You are trying to help the people you support with their goals…and empower them to live…a good life, good defined as you know part of their values”.

However, respondents also described the expectations bestowed onto them as employees of the criminal justice system. Many reported they are expected to do a job specific to protecting the public, and exercise a power over approach when clients are not compliant. Some respondents viewed their role as being servants to the court and the mandate of the criminal justice system. Respondent #7 identified some of the expectations of the criminal justice system
with respect to mandates and policies: “I do what I have been mandated to do, by following what the outline of our job, doing our job as best as taught to do it…. by tools we are given, if what the client is being asked to do, if the client is not doing it, we…have the old mighty breach”.

Many reported these two responsibilities are counterintuitive and acknowledged a difficulty in balancing the responsibilities and expectations of both roles. Respondent #4 indicated: “We have to balance two things, one huge set of people (public), and…our clients and how do you balance the needs of both? And sometimes it just doesn’t go well together very well”.

The difficulty balancing these conflicting needs is something many expressed as stressful as there are consequences for failing within each role. Many participants admitted that the responsibility they have for ensuring public safety has significant consequences if not fulfilled. Accordingly, some admitted that the repercussions of failing to maintain the responsibilities bestowed upon social workers working within the criminal justice system outweighed the alternative options. For instance, many echoed that of Respondent #3 when they talked about the consequences of not maintaining the responsibility to public safety:

“...I think it’s more the fear of, you know if something bad happens, like for example, say I don’t breach somebody…and I’m not following the policy, and then something explosive happens, where does that leave me for my career? And what if somebody gets hurt as a result of it?”
Some indicated that in most instances, the public safety trumps over ensuring the well-being of the client. For instance, Respondent #3 stated: “Sometimes I have to breach somebody in fear that somebody else is going to get hurt or you know that I am going to get in trouble for not doing that”.

That is not to suggest respondents believed public safety was more important than offender well-being. However, many reported that some of their clients are dangerous to the public, and in order to protect the public and the client, criminal sanctions are warranted. For example, respondent #1 stated:

“What I’ve had to come to terms with is the fact that our clients are dangerous….they hurt people, they are violent. We have to do that to protect the public and that is absolutely very important…we breach them…we are preventing them from doing something a lot worse”

However, respondent #1 talked about how that is not always the case for all offenders: “but some of them… sometimes that is not necessarily the case”.

While some respondents indicated breaching policies were sometimes the accountable way to keep the public safe, others indicated that breaching is not always the best way and as social workers we have other tools. For example, Respondent #12 explained an alternative approach to keeping the public safe:

“We don’t want people to get hurt, we don’t want people to get hurt in the public and at the end of the day they, people we work with, hurt people. So how do we help them not
hurt people? And I think that is where the social work values come in and that’s how we help them not hurt people”.

However, some participants indicated that there were some policies within the criminal justice system that were not fair to the client, but were made to give the impression of public accountability. For example, respondent #8 explained:

“If someone is unassessed on a risk assessment, we have to breach without any question if they miss their initial reporting appointment…we are mandated to breach them, no matter what. Regardless of what the situation is. It’s a policy we have to do, we breach and we leave it with other people who get to use the discretion, like the Crowns and the Courts”

The notion of public accountability is important within the criminal justice system because the system needs the public to believe they are competent at keeping the public safe. However respondents felt like some of the policies and practices within the criminal justice system were made to the detriment of those within the system. Respondent #8 explains the discontentment with some criminal justice policies:

“I think a lot of the policies and decisions within the criminal justice system are driven by public perception and not by what is best for the public or what’s best for the client to become healthier and more positive. And so if you are guiding policies and procedures from public perception, and the public perception, the general public tends to be people who don’t understand the system and don’t really know how it actually functions then you are inevitably going to have policies and procedures that don’t necessarily work”.

Some respondents also talked about how difficult it was to work on the well-being of their clients in situations where policy dictated the way they could work with their clients. For example,
Respondent #3 described how policy within the criminal justice system impacted the way they work with clients:

“You get these court probation orders and that are the limits within which you can support your client. So for example to have to support somebody with you know has an alcohol addiction, when one of their conditions is you cannot drink…there’s not a lot of room for harm reduction when there is such strict constraints given to you from a system that doesn’t necessarily have a mandate to rehabilitate people but to protect the public right”.

Respondents also indicated that some of the policies and procedures within the criminal justice system negatively impacted their working relationship with the client. Many respondents indicated building trust with their clients is an important concept when working within the social work realm. However, a few of the respondents indicated that the implementation of the some criminal justice policies fostered distrust. Respondent #12 explains how a policy within the criminal justice system can negatively affect trust: “We have the intake process you know where we meet with clients and if they don’t show up we have to breach them right away? Like that kind of already creates that distrust”. For instance, Respondent #1 described how challenging it can be to work with a client once the trust is gone:

“I breach everyone at least once over their probation period because our system pretty much sets them up for failure, and then the trust is gone and then they don’t want to tell me anything, so I can’t help them in a way. I can’t meet on those social work relationship and needs because…that relationship is gone so it makes it a lot harder to be a social worker”.
As mentioned by Respondent #1, respondents also indicated some policies and practices were oppressive to certain clients and believed some set some them up to fail. Respondent #9 elaborated on this:

“The two systems are in conflict with the breach policy. Especially when you are dealing with mental health clients who are out in the community, they don’t have access to supports in the community and yet we expect them to perform normally but they don’t have that ability. I believe we set up those clients for failure”.

Respondent #15 also indicated: “I think that sometimes orders can be so onerous that it sets an individual up to fail…and I think that sometimes policy can come in the way of what needs to happen to see someone be successful”.

Acknowledging that some of the policies within the criminal justice were not in the best interest of the client and in some cases set them up to fail, respondents reflected back on how the criminal justice systems priority is in public perception and accountability, and not so much with helping the client. As a result, many respondents voiced their frustration of maintaining accountability to the public at the expense of being responsible to the client. Respondent #2 stated: “It’s questioning if you are doing a good job right. And I mean maybe yeah you are doing a good job because you’re following all the agency rules but for me…I felt like I wasn’t doing my profession justice because I was pushing an agency mandate that I didn’t believe in, or that I didn’t really feel helped people”.

Other respondents talked about their sentiments around maintaining accountability within the criminal justice system with respect to doing a “good job” in the eye of their superiors and
auditors. The notion of “doing a good job” within the criminal justice system was different from what social workers perceived to be effective practice. Many agreed with Respondent # 5 as they stated:

“We have mandates to meet and timelines and big caseloads, and to be able to advocate for someone and to really ensure that there is equality, it’s not really doable and I don’t know if it is really supported because as long as our assessments are done and we meet with the client a certain amount of times a month, that’s how we you know we are seen as a competent worker here”.

Respondents also reported feeling as though social work values, ethics and principle were often overlooked by the expectations of standards based practice. For example, Respondent #5 stated:

“When you go in for these supervision meetings, its standards based. It’s like how many outstanding closings do you have, or are all your risk assessments done on time? It’s never about quality, it’s never about your interaction with your clients… never once would I be asked about my rapport with the client, or if they feel empowered, or if I’m using a strength based approach when I meet with my clients, or if I’m being degrading and telling my clients to do this and they don’t have any say…those things are never looked at”.

Subsequently, many respondents indicated they felt that their value as an employee within the criminal justice system was based on the image they projected to the public and their superiors within the criminal justice system. To elaborate, respondent #5 also stated:

“Accountability is a big thing with us…I think that is a value within our system right now…image is a big thing too…like we say we are delivering these programs and…probation officers meet with clients but what is the content of that look like, so we say we are doing it”
Respondent #5 also talked about why the value of image is detrimental to clients and why this approach was problematic:

“But I don’t know if our values really look at best practices and research based practice and keeping current with changes….values are based on image a lot in our system, and efficiency, they really value efficiency. I mean it’s necessary but someone carrying a case load of 50-70 is seen as something really crucial but again how much time are we spending with those people? So the value is efficiency rather than value of service”.

The Tension: Care vs. Control

The difference between being an accountable and efficient public servant or a client based service provider is also mirrored in the care vs control model debate. For example, wherein the justice model of control, the focus is on achieving the image of accountability, efficiency and control over the client for public safety, the welfare model of care stresses the importance of helping the client attain basic human needs and achieving mental, physical and emotional well-being. Many participants expressed a confusion over whether their role within the criminal justice system was to assist offenders reduce criminality by assisting them to attain client needs and well-being (rehabilitation), or to control offenders so the rest of society is safe (public safety). Respondent #1 talked about the control model:

“We have to do that to protect the public and that is absolutely very important. And I understand we are doing that. So that’s important, and if we breach them for doing something, we are preventing them from doing something a lot worse…that’s a very heavy thing to do to someone, to take away their freedom and put them into custody”.

Respondent #3 talked about the problem with the control model from a social work perspective:

“I think…allowing people to determine what they want for themselves and having to breach
people is very conflicting, because we are mandating people to do stuff when maybe they aren’t ready to do that or they don’t want to do that or they don’t recognize it as a problem”.

Whereas Respondent #10 talked about what the welfare model looks like in practice:

“I fit the best that I can. I still use the same theories and my values, beliefs and principles of social work, I still respect my clients, I still talk about, listen to them, attentive listening, and networking and self-determination that still, I encourage the strengths, the strengths perspective when working with clients, and I really make it, make them have a choice”.

Respondent #10 also talked about the importance of being client-focused with the client:

“…although it is a condition to do counselling, I want to make sure they have choices, if it’s a counselling to an agency that they feel more comfortable with, it’s not always my recommendation. So I really get them involved in the case management planning”. Respondent #4 talked about the difficulty in balancing both the care and control model:

“So I feel like you have to go from both sides. Like you want to be really supportive and really responsive and then on the other hand you need to say “this has to get done, I don’t care where you are at, and this has to get done…so you are working with 2 complete opposite”

Respondent #4 also talked about how the care and control model can be seen as two separate practice approaches:

“I don’t want to say worldviews, but kind of like different thoughts, right, like you have to do two complete opposite ways of doing your work - so that’s not easy. Like you are supposed to be responsive like ‘let’s work on…and then this has to get done, and like you were trying to work with me and I was …and yeah whatever, now we just need to get it done’. It’s just like 2 opposites. It’s hard”.

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As a result of this tension between the model of care or control, many reported that it was difficult to work with individual clients within the criminal justice system from a social work approach because it is based on control. For example, Respondent #2 stated:

“In social work you are supposed to be client-focused...and promote autonomy and the focus is on the individual…whereas when you enter a system like the criminal justice system, what I found is like, your client wasn’t the person in front of you…your client in the end that trumped any other decision was public safety. So your client ended up being...protecting the good and safe society which meant that decisions had to be made sometimes at the cost of the participant or client in front of you”.

Furthermore, Respondent #8 also indicated:

“I feel like social work is really driven by the individual and what the individual wants. But when you take the individual out, and you start making your decisions based on other people, I think then it puts social work values and what I believe to be best for somebody and criminal justice system, they very much come into conflict, and because your employers are the justice system, you kind of have to go with that”.

Many respondents agreed with Respondent #9 when she stated “social work focuses on putting the client first. The criminal justice system focuses on putting the safety of society first...that’s direct conflict”.

These quotes highlight the notion of role definition and the struggle many social workers identified while working within the criminal justice system. Many indicated they felt like they had to push aside their social work values and just follow policy and procedures within the criminal justice system. For example, while many identified their role as a criminal justice system employee such as Respondent #15 said: “my job here is to work from a justice
perspective”. Respondent #10 elaborated: “I have obligations as a probation officer to report...to the court and do the necessary allegations, breaches, so you know, my job is on the line. So I definitely follow through with my departments responsibilities as a probation officer”.

Respondent #9 agreed and indicated: “I cope with sticking to what my departments wants, expects from me, the responsibilities of a probation officer. So that will take precedence in a lot of ways”.

**Role Conflict and Power Dynamic:**

Respondents identified one of the main struggles working within the criminal justice system was being aware of the anti-oppressive practice approach encouraged in the social work profession, but working within the authoritative approach and mandate constraints of the criminal justice system. Many reported feeling helpless and powerless in their own role of social worker within the criminal justice system. Some respondents identified their role as oppressor because of the control they possess. Respondent #10 touched on the role conflict when they stated:

“The social work values address security and safety, self-determination, like that, and then the mandate of the criminal justice system focuses on the appropriate degree of control and supervision…it’s that control piece that is the strain, that’s the conflicting...the control verse the self-determination”.

Respondent #1 explained the power dynamics of working within the criminal justice system: “it’s pretty much a lot harder to build a relationship with your clients as a Probation Officer because of that power balance. I have so much more power over my clients now because I can
take their freedom away”. This struggle was furthermore exemplified by Respondent #7 when they talked about cohesion and feeling like an agent of social control: “when you have a Probation Order mandate, it has a specific set of things that need to happen, umm and in doing that, in forcing those conditions, it is social control to a great degree”.

Many also believed they oppressed their clients when conditions and timelines were imposed on them. Respondent #4 exemplified this belief when they said:

“I think social work is often meeting your client where they are at. You hear that a lot in your classes; you know “meet your client where they are at, where they are? What do they want to work on? What are they motivated to do? But within in probation specifically, you’re given an order (Probation Order), you’re given what you need to do (conditions) and you’re given a timeline. It doesn’t really take into consideration where the person is at, it is just saying this is what needs to be fixed and you have this much time to fix it in”.

Many respondents found the job of probation officer to be extremely challenging when working with clients because they felt it was against social work principles, values and ethics. Many related to Respondent #5 when they said:

“We have mandates from the courts, like this client needs to take addictions programming or anger management and that you know, we are told what the client needs to do and we don’t have a choice in the manner and they don’t get to decide if it’s appropriate for them”.

Respondent #5 also talked about the respect for readiness of clients and mandated treatment:

“I have had many clients who aren’t ready for addictions programming for whatever reason, they have their own mental roadblocks or whatever else going on in their life and if they don’t do it within a period of time, they go back to custody and that really does go against social work values”.
Furthermore, Respondent #7 identified it as a problem because:

“You are telling them what they need to do, you are telling them that they need to get this done, and its according to my plan for you, “with you”, but that might not be what the person sees as their best interest. What we are telling them to do may not be helping them”.

Lack of Discretion in Role

This tension was furthermore exacerbated by the idea that social workers do not feel as though they have any discretion when working with clients who have court-ordered conditions for specific treatment like anger management. For instance, Respondent #5 stated:

“A lot of the time, as social workers, we aren’t given that professional discretion, for whatever reason. I don’t know if they think it is lack of confidence on our side…but they don’t say programming as directed by your PO and giving us the chance to work under those social work values and give the clients that opportunity to have that buy in”.

Many indicated the lack of discretion was challenging because as social workers they recognize that external behaviours such as poor coping skills and/or anger management problems could be indicators of larger, deeper problems that the individual is facing. However, because anger management programming is often mandated by the courts as a probation condition, and as being employees within the criminal justice system and having a specific job to do and a timeline to do it, they often felt as though their helping role was limited and they were not helping as much as they could with their social work skills. For instance, Respondent #7 and many others recognized that:
“One of the things we push is anger management, well I shouldn’t say push, one of the things we utilize a lot is the anger management program…but it doesn’t, it addresses how a person can deal with anger as it comes up, it points out a few things and it gets people to look at maybe where the anger is coming from, but very superficially. It’s meant so that person can control their behavior in the immediate time”.

Respondent #7 talked about the importance of looking at the client from a holistic perspective and looking at what may be the underlying reason for their externalizing behaviours:

“Sometimes what’s more important than that is to deal with where all these feelings are coming from, why this person experiencing anger, and sometimes intertwined with coping mechanisms, coping through drugs and alcohol…and what you want to do is work with that individual to explore where these feelings are coming from so that they can through insight, maybe have a better understanding and change their thinking, the cognitive behaviour aspect of it”.

Respondent #7 also contrasts this approach with that of the criminal justice system:

“And our mandate, the LS/CMI, the way we case plan, doesn’t always accommodate for that because we have to make sure we cover off what the court has mandated us to do…they are not getting, they are not truly getting the services they need to deal with things long term”.

Summary:

This chapter explored the notion of role definition of social workers working within the criminal justice system. Respondents indicated that they believed the main values within the criminal justice system to be significantly different than the values within the social work profession. Many respondents also described a source of disconnect they experienced as rooted in the realization that they are trained and educated to possess a skill set of social work values, ethics and principles, but when they enter the criminal justice system, they are mandated to work
with a different set of values. For example, many respondents described important social work values as being respectful, non-judgmental, facilitating autonomy and self-determination, and working from an anti-oppressive and empowerment approach. However, respondents reported that they perceived the main values of the criminal justice system to be public safety, rehabilitation and reducing recidivism, ensuring law and order, accountability, punishment and retribution.

Respondents also talked about the notion of accountability and the struggles that they experience while working within the criminal justice system. Many respondents indicated that they often felt conflicted with respect to who they were serving and whether it was the client, the public or the criminal justice system. This was evident when respondents described their alliance with a welfare model but also within a control-based environment approach. Many respondents identified that this was a source of disconnect between social work values and principles and practice within the criminal justice system. Furthermore, many respondents indicated that this made them feel as though they were acting as oppressors to their clients and it was in direct conflict to the anti-oppressive practice instructed within social work education. Lastly, respondents also talked about how their lack of discretion within the criminal justice system was frustrating and in many cases damaged the rapport with clients. The implications for a lack of discretion within an organization such as the criminal justice system, and the perceived importance and value for the role of a professional within an agency for organizational effectiveness will be explored in more depth later in this paper. Specifically, the importance of
discretion (Lipsky, 1980), the acknowledgment for the value of a professionals’ approach (Evans, 2011) for organizational effectiveness (Wooditch, Duhaime & Meyer, 2016) will be introduced.

The following chapter will explore some of the beliefs and opinions associated with the current risk assessment tool (LS/CMI) and the case management approach within the criminal justice system from a social workers perspective.
Chapter 4: Risk Assessment

Introduction:

This chapter will explore the concept of risk and the assessment of risk as discussed by social workers working within the criminal justice system. It will start with exploring what respondents defined as risk and needs from a social work perspective and what risk and needs look like within the criminal justice system.

The first sub-theme relates to the differences of risk and need as identified by social workers working within the criminal justice system.

The following sub-theme presents the tensions described by social workers working with the current risk assessment tool and case management approach within the criminal justice system. Specifically, the beliefs associated with using the LS/CMI risk assessment tool and the “Risk-Needs-Responsivity” approach within the criminal justice system is explored from a social work perspective.

The next sub-theme relates to the notion of responsivity, and the tensions associated with using a “one size fits all” model when working with clients. Respondents discussed factors this approach misses, and identified gender, ethnic groups, offender type and mental health as areas of contention because they are not assessed with the current risk assessment tool.
Respondents also offered suggestions on how to make the current risk assessment process “better” which is the final section and sub-theme of this chapter.

**Concept of “Risk” and “Need”:**

Identifying risk level and treatment needs of offenders is something assessed within the criminal justice system. Subsequently, one of the roles identified of social workers working within the criminal justice system is that they must assess clients’ risk and needs, and create case management plans. This process is referred to as the risk-based case management approach (Andrews, Bonta & Wormith, 2004). Within the risk-based case management approach, a risk assessment tool is used to identify risk factors which are also identified as criminogenic needs. Within criminal justice system, risk assessment tools are used to measure level of risk and identify the criminogenic needs that require intervention in order to reduce recidivism.

As mentioned above, the criminogenic needs assessed within the criminal justice system have been identified by James Bonta, Don Andrews and Stephen Wormith and are measured with the Level of Service Case Management Inventory (LS/CMI) risk assessment tool (Andrews, Bonta & Wormith, 2004). The concept that the professionals are qualified to identify the risk and needs of their clients has been identified by some respondents as an example of how autonomy is stripped away from the client. Furthermore, although the words “risk” and “need” are concepts well known within the social work profession, many respondents indicated that the words “risk”
and “need” differ significantly in meaning when used in the context of the criminal justice system.

**Risk and Need within the Social Work Profession and Criminal Justice System:**

Respondents described an epistemological difference between the definition of risk and need from that of a social work perspective and from within the criminal justice system. For example, Respondent #2 acknowledged the different contexts wherein need can be defined: “…depending on where you work, need is defined differently, the idea of a social work need… is our basic human needs… everybody has a need to belong, to feel valued, to safe shelter, food, all that stuff. So it’s that focus on individual empowerment and growth”. Many agreed with Respondent #8 when they stated: “In social work and psychology and most social sciences, you look at a basic hierarchy of needs… a basic need of a person is shelter, housing, things that enable them to live on a day to day basis”.

While some expressed the concept of need within the criminal justice system to represent the value of keeping society safe, others identified the needs as a way to reduce reoffending. For example, Respondent #14 stated that within the “criminal justice system, the need is always community safety”. Other respondents agreed with Respondent #3 when they stated the needs within: “the criminal justice system are focusing on their criminogenic needs so the reasons that they are offending and not their day-to-day needs that they might need”.

Many also expressed confusion with why criminogenic risk factors are also defined as “needs” within the criminal justice system. Respondent #2 highlighted some of the confusion
that many others expressed with the interchangeable terms between risk and need within the criminal justice system:

“Criminogenic need is based on the LS/CMI which is totally different. Well criminogenic need makes me think of risk and that makes me confused, I don’t know if I would call those a need…criminogenic need…the disjunction…two different definitions. Risk factors and needs…Bonta defines them as needs. So then, the needs from the criminal justice system are predefined based on the risk assessment tool that we use for those criminogenic needs”.

Differences between “needs” within the criminal justice system and the Social Work Profession:

Respondents compared the differences between the concepts of need within the criminal justice system to that within the social work profession and identified significant epistemological differences. Respondents also identified some of the struggles they experienced when working with clients from the definition of needs from the criminal justice system standpoint as opposed to the social work perspective. Respondent #4 talked about the different purposes for the identification of need within the criminal justice system and the social work profession: “I think the needs within justice are what do we need to do for this person to keep the public safe and to keep the public healthy, and for social work, what do we need to do to keep this person healthy”. Respondent #7 agreed and contrasted the different meanings of the word need within the criminal justice system and the social work profession:

“It’s the need of the individual and the need of protection of society. So the need of the individual is social work, and the need of the public safety is the criminal justice system.”
The needs within the criminal justice system are often defined as criminogenic needs and the needs within the social work profession are basic human needs of the individual”.

Many agreed with Respondent #12 when they discussed the limitations in practice when determining needs within the criminal justice system as compared to the social work profession:

“I feel like it is very clear cut, these are their needs in justice system…their needs are alcohol/drug, family and marital, education and employment, leisure/recreation, all that kind of stuff. But you know there might be other needs that might not be those, and social work, they [the client] leads their needs…like they lead their needs in social work…and in the criminal justice system it’s almost like we lead their needs”.

Respondent #12 also identified the importance and focus on the “Big Eight” criminogenic needs within the criminal justice system and how there was little room for other factors to be considered when they stated: “in our box of our eight criminogenic needs…which ones do we need to focus on…there is not a lot of room for other things to happen”. Respondent #3 also acknowledged the different focus between the social work profession and the criminal justice system and talked about what could be missed: “…for example housing, somebody, that may be a need for somebody to live, and in our risk assessment we don’t focus on that at all or a need for working to better relationship with kids, we don’t focus on that at all”. Respondent #1 talked about how the focus on criminogenic need and how they are often in conflict of basic human needs:

“Because what’s defined as a criminogenic need is in regards to LS/CMI is addiction and education and employment, it isn’t housing, isn’t poverty, isn’t food … those aren’t considered criminogenic needs, like housing and food isn’t considered a criminogenic need but it is a social work need for sure”

Respondent #1 clarified the differences with an example between criminogenic need and basic human need and how it causes a conflict:
“If you are stealing because you are hungry, that’s not considered criminogenic for some reason but it should be. So that’s a huge conflict right there actually but that’s what I do a lot as a probation officer, I try and help find housing and helping guide them to find soup kitchens and food banks but that’s not considered criminogenic”.

Participants also talked about the harm in identifying the needs of clients for clients.

Respondent #2 stated:

“With the risk assessment, it brings out criminogenic needs quite clearly and has a starting place for you to support somebody in meeting those needs. However, from a social work side, those needs are always named for people and not by people. So it would be me doing a risk assessment on somebody and then me telling them I have identified that you have a problem with alcohol, you have a messed-up family, and you have no friends. So now that is what we are going to work on. Whereas, for that person they may have felt that those weren’t the major problems in their life”

Respondent #2 also provided an example of something a client may identify as a need but would not be considered a need within the criminal justice system and the bigger implications in misidentifying clients’ pathways and how it can cause tension:

“Maybe for them the major problem for them that they have been struggling with is that maybe they never pursued the career they wanted to right and because of that and because that was never identified by them as a need the rest of the needs were a consequence of that and so there is some tension in labelling for people what their needs are”.

Respondent #4 also reflected many respondents’ concerns with responding to only criminogenic needs and not the needs associated with well-being:

“I don’t think criminogenic needs cover the well-being needs because you know with people, some of their needs will be housing or food or clothing or safety and…we don’t deal with them as criminogenic need as something that we are mandated to work on, like here are these other things that you need to work on, but you should keep them in mind because they could influence all this other stuff and you know those are the building
blocks- Maslow’s hierarchy of needs, you need to have these basic needs before you can get to that self-actualization and working on all these other things you know”.

Similarly, others respondents also talked about how clients’ mental, physical and emotional well-being could impact their behaviour and be the root of the criminal behaviour or criminogenic risk- need. For example, Respondent #7 linked the client’s lack of emotional well-being to the criminogenic risk factor of alcohol abuse:

“Sometimes what’s more important…is to deal with where all these feelings are coming from, why this person experiences anger, and sometimes intertwined with…coping through drugs and alcohol…because the base need, the needs the client may have that is causing the criminogenic needs may not be the same. One leads to the other I guess, or it can”.

Similarly, Respondent #1 linked the client’s lack of physical well-being to their criminal behaviour:

“I spend a lot of time with the housing stuff…they are breaking into places that they aren’t supposed to be in and that’s illegal because we don’t have squatting rights in Manitoba…that’s not reflected at all in our risk assessment tools but that is a huge problem”.

Respondent #8 talked about the difficulty of trying to help clients rehabilitate into law-abiding citizens when their basic well-being and needs are neglected:

“We are left to, and instructed to, by policies and procedures to address those things…and those are typically the things that are at the end of the spectrum, not at the beginning. So you can’t affect much change from things that are at the end when you have not touched on or dealt with the things are the beginning of the spectrum, like the very basic needs of a person”.

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The Risk Assessment Tool

As mentioned above, many respondents identified how needs defined within the social work profession are different from the needs recognized within the criminal justice system. Similarly, respondents also acknowledged that they understood that the risk assessment tool within the criminal justice system was structured to assess criminogenic needs and not necessarily to assess client well-being. As a result, many respondents identified advantages in having a standardized risk assessment tool within the criminal justice system. For example, Respondent #2 stated: “any system needs a tool where you can synthesize a whole bunch of information in order for you to categorize and treat people according to what their needs are”. Accordingly, many respondents acknowledged that there was a place and purpose for a risk assessment tool within the criminal justice system. For example, Respondent #15 stated:

“The purpose of the LS/CMI is to develop an assessment; it is an assessment tool to determine the highest need areas and to determine what a person’s level of risk is to reoffend. Level of risk and recidivism is important for the successful work as a probation officer. You want to know the LS/CMI risk level and needs in order to work with the offender”.

Participants also reported that having a standardized risk assessment tool helped when working with clients. Some indicated that it assisted in directing the intake appointments. For example, Respondent #3 stated: “it gives you questions, a basis of questions to start working with people”. Respondents also indicated they were able to gain more information about their client with the structure of a risk assessment tool. Many agreed with respondent #5 when they indicated that the LS/CMI: “…has assisted, like it does help you to get to know your client. You
may not think to ask everything that is in the assessment, and you talk about family and companions, and alcohol and drugs stuff. It’s a stepping stone, it’s a prompt”.

Respondents also stated that having the risk assessment tool did assist in identifying important areas related to recidivism. For instance, Respondent #7 said:

“That it points out what the largest areas of concerns are based on the criminogenic needs. So if a person behaviour is being influenced by drugs or alcohol use, it will point that out. If there are other issues that need to be looked at it will point that out as well so that you can know what your starting base is and what areas need to be looked at in getting this person to stop their behaviours that is hurting society”.

Furthermore, Respondent #17 indicated:

“I think the LS/CMI does do a good job of highlighting some of the needs that the client may be struggling with and it also assigns them a risk so it allows you to bring a client that is maybe more unstable or needy into your office more often than they may choose to come in, allowing you to work more closely with them”.

However, respondents also reported limitations of using the current risk assessment tool.

Many indicated they questioned the validity of the current risk assessment tool within the criminal justice system. Specifically, respondents questioned the extent to which the risk assessment tool could accurately predict a level of risk and identify criminogenic needs for all offenders. While respondents recognized the importance of assessing clients for risk and needs, they also talked about their apprehension with assessing all clients from one tool. Many respondents criticized the “one size fits all” approach. For example, Respondent #2 stated:

“It’s based on criminogenic so, it works for what it was designed for but to get a true reflection of risk and need of an entire person I don’t think that it does that but then I also
question whether if there can be any one assessment used for everybody to do that. The idea of one size fits all’.

Respondent #4 elaborated: “I think it was designed for general and when you go that general you can’t be specific about anything really, right, because you have to do youth, adult, male, female, 20 years old, 50 years old….so I don’t think that it really can encompass everything”.

Furthermore, Respondent #8 stated:

“I don’t think that the LS/CMI is valid for everyone, and I think the LS/CMI is really valid for a cookie cutter, umm average person and nobody that ends up as an outlier, And as it turns out, outliers within the criminal justice system don’t appear to be such outliers anymore. There are very few cookie cutter criminals anymore and a whole lot of people with a whole lot of stuff”.

Respondents also criticized the process of using a standardized tool to assess a person without context. Respondents indicated how context is important when working with people because there is always a bigger picture. For example, Respondent #8 talked about how things get overlooked when you have an assessment tool with specific criteria: “I think that you are missing a huge part out, so what you look at, you are scoring very well for what you look at, but you are not looking at the whole part of a person”. Correspondingly, Respondent #13 talked about how without context, it is difficult to get a true reflection of the client: “If you do not know social dynamics, generational impacts, educational impacts, lack of housing…if you don’t understand the social dynamics, you can’t possibly understand the depth of the client”.

Respondents talked about how context is important when evaluating risk because there are many factors to consider between male and females that could reflect differently for
criminality. For example Respondent #2 talked about a hypothetical example of a female client and talked about some of the life factors that may impact their risk assessment score: “…you have a baby and are 16… and you are not going to finish high school… It’s not necessarily because of deviant behavior, unless we want to look at being pregnant at 16 as deviant behavior, but that choices are made for you because you are a mother”. Respondent #2 contrasted some of the challenges a female offender may experience as oppose to a male and how these factors impact the process of assessing risk:

“Your role becomes defined as a mother and you don’t have the same opportunity to advance your education and employment like men do because there is not… you have an added responsibility for the rest of your life so your options are limited to get you out of the criminogenic need category whereas I guess it can be argued that men don’t have the same restrictions when it comes to parenting… So that’s why that risk assessment tool made it hard to reflect the reality of women when assessing risk”.

**Risk-Need-Responsivity:**

The risk-need-responsivity model is an important concept within the criminal justice system (Andrews, Bonta & Wormith, 2004). The model guides the practice for working with clients within the criminal justice system. The risk principle states that the level of service should match an offender level of risk for reoffending (high, medium or low). The need principle states that criminogenic need factors need to be identified and treatment is to focus on those factors. The responsivity principle stated that treatment and interventions methods used must match the attributes, capabilities and learning styles of the individual offender. The risk-based case
management approach is an intervention model used within the criminal justice system to identify and address the risk-needs-responsivity factors of each offender. As mentioned by many of the respondents, the scoring portion of the LS/CMI consists of the “big 8” which identify the criminogenic risk-needs factors. While amongst those are criminal history, social patterns and attitude/orientation, Respondent #1 also indicated: “…it is very clear cut, these are their needs in the justice system…their needs are alcohol/drug, family and marital, education and employment, leisure/recreation, all that kind of stuff”.

While determining responsivity factors are a part of the case management process, many respondents stated that the risk level and criminogenic needs are the two main priorities when working within the criminal justice system. Some respondents talked about how they are mandated to score the risk level and identify the criminogenic needs in the risk-based case management approach, but that responsivity factors are not as critical to the case management process. Subsequently, some respondents agreed with Respondent #16 when they admitted: “…and when someone comes in for an LS/CMI, I’m only doing the first section. Like I’m only doing the scored portion…the other things aren’t even taken into consideration as a risk factor”.

Many respondents indicated that the process of identifying responsivity factors is not part of the “scoring” part of the LS/CMI and that responsivity factors are assessed in a succeeding section in the LS/CMI. Many voiced frustration that there were two separate sections to the LS/CMI and that certain responsivity factors were not “scored”. For example, Respondent #10
stated: “the risk assessment itself…doesn’t include things like race, class and gender in the scoring section...So when it talks about responsivity considerations and it’s the second section that is not a scoring section”.

Respondent #17 also stated:

“I think that the responsivity factors in the LS/CMI are not given enough weight and those are very specific to female offenders. I think the LS/CMI is missing mental health issues, lack of supports, trauma, and lack of resources for female offenders… I think it over or under represents risk a lot of the times and it doesn’t account for cultural issues, for trauma, for a variety of other factors”.

Respondent #16 talked about the difference between the scoring and non-scoring section of the LS/CMI and explained that the criminal justice system puts importance on the criminogenic risk and need factors:

“You wouldn’t even be asking initially any of the additional questions about trauma and housing and basic needs based off the tool. If we were just sitting down to do an LS/CMI assessment then no. I mean, in the second section there is accommodations and other things you touch on…by that point it’s so far down in the assessments it’s not something that is scored”.

However many agreed with Respondent #16 when they stated: “…but I mean we are human beings right, there is so much more than just scoring points on a sheet. Like there is so much more that goes into it, different experiences, different coping skills, different backgrounds, umm...I think all of that has to be taken in too”.
**Responsivity**

**Gender Responsivity:**

Many respondents talked about gender responsivity as being an issue that has gained significant importance within the criminal justice system. Respondents discussed how the criminal justice system has taken multiple approaches in practice to be more gender responsive with respect to their programs and services. For example, Respondent #10 identified the importance of being gender responsive within the criminal justice system:

“We definitely want to make sure that if we are not providing a service that works for individuals that we are willing to change those services and add more or eliminate services that we offered in the past that haven’t been effective and a big change right now is being gender responsive”.

However, many respondents pointed out that although programming and services have changed to be more gender responsive within the criminal justice system, the current risk assessment tool has not changed. Respondent #12 stated:

“If we are going to have programming specifically for men and women, we should have an assessment specifically for men and women. You know if we are wanting a jail specific for women, like you know… like it seems we are trying to make a lot of things gender specific, but we are not doing the basis of what we work off of as being gender specific”.

As previously mentioned, the current risk assessment tool within the criminal justice system was created around the idea that there are specific pathways and factors related to criminality. However, many respondents criticized the research findings supporting the current risk assessment tool, stating that it was research conducted with male offenders only.
Consequently, many respondents reported that the current risk assessment tool within the criminal justice system was not valid for female offenders. For example, Respondent #10 stated: “gender is not mentioned in the risk assessment tool …having some knowledge that women weren’t actually screened for creating the LS/CMI, and looking at statistics and whatnot, they weren’t part of the process, so that’s a bit alarming as well”.

Respondent #10 indicated it was problematic to use an assessment tool created for males without research on female offenders because: “women have different pathways to crime, women are typically less violent, women typically get into crime through abusive relationships or they have been…women’s victims have been somebody who probably exploited them at some point”. Respondent #10 also stated that there is research indicating females have different pathways to offending: “there is some research, that if there is a theft, it has something to do with poverty, and getting their basic needs met, it’s kind of how women initially get into the justice system”. Respondent #16 also talked about the different pathways to offending specific to females and stated: “…especially with female offenders, looking at trauma, looking at their different pathways to offending, I feel that now so they are being identified but not necessarily with looking at risk factors. Like those aren’t taken into consideration”. Furthermore, Respondent #3 explained: “It’s a tool made for men by men and…female offenders are different than male offenders which a lot of research is showing, so we are treating everybody the same and that’s a problem”.

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However, some respondents did indicate they had been told that the risk assessment tool was proven to be valid for female offenders. Many agreed with Respondent #5 when they stated: “I think there should probably be a separate risk assessment tool for women, although the LS/CMI and the manuals and the “research” says it is applicable to females, I don’t know that I necessarily see that in practice without the addition of some factors”. Respondent #16 talked about the need for a difference in the approach to assessing risk with male and female offenders: “..if there was a gender responsive tool, like if there was a LS/CMI for male and a LS/CMI for females…I know that the need is definitely different and the approach that we take and how we work with them, definitely need to be different”. Respondent #17 also stated: “I think that the responsivity factors in the LS/CMI are not given enough weight and those are very specific to female offenders”. Subsequently, many agreed with Respondent #4 when they stated: “I don’t think it was a tool designed to predict risk in females”.

**What It Misses:**

The basic assumption behind the responsivity principle is that all offenders are not the same. As a result, the criminal justice system acknowledges that there are many factors that should be considered when working with individuals. Respondents indicated that there are many factors to consider when working with offenders that do not “score” on the current risk assessment tool. Consequently, respondents indicated that these factors are often missing from the risk-based case management planning yet have implications for how offenders respond to supervision and interventions within the criminal justice system. Respondents stated these factors
are missing from the risk assessment tool which consequently might result in mismatching of offenders risk level, needs and responsivity factors. Many cited the initial problem stemming from the legitimacy of the risk assessment tool itself and the “one size fits all” scoring section. For example, many agreed with Respondent #5 when they stated:

“We are taught to look at eight criminogenic factors but I think there are so many more needs that aren’t looked at. For example, with women, we don’t look at child care and real family dynamics, that kind of thing. For indigenous people, our LS/CMI doesn’t have an indigenous focus, a lot of the questions aren’t even directly applicable to someone that is of indigenous descent, from certain communities…it misses a lot of what is going on with that population”.

Many respondents voiced a concern that the data supporting the current risk assessment tool was based on research with Caucasian males therefore rendering the tool unsuitable for non-Caucasian people. For example, Respondent #10 stated: “With the risk assessment, going back to it…when the risk assessment was following those individuals for, to get their data…my understanding is that that it was predominately males, and white males”. Respondent #10 furthermore explained:

“There was a meta-analysis done examining predictability of the LS/CMI with Aboriginal offenders and it’s in regards to the LS/CMI, and its concerns are that the risk assessment paid little attention to the race and gender, so umm...and then the development used primarily male Caucasian offenders”.

Consequently, many respondents also indicated that they did not think the current risk assessment tool within the criminal justice system was a valid measure of risk or need for many others. For example, Respondent #8:
“I don’t believe it meets the needs of Aboriginal people, I don’t believe it meets the needs of immigrants, the new immigrants that I have worked with, I don’t believe it meets the needs of females, I don’t believe it meets the needs of Aboriginal females. I think it meets the needs of a middle-class person who has done very predictable criminal activity”.

**Offender Type:**

Respondents also talked about how the risk assessment tool also does not predict risk or need accurately with different types of offenders, such as sex offenders and white collar criminals. As previously mentioned, the current risk assessment tool within the criminal justice system is created around the notion that there are specific pathways and factors related to criminality. However, many respondents criticized the research supporting the current risk assessment tool stating that it is only based on research with regard to Caucasian males and traditional street crime. For example, Respondent #14 stated:

“I don’t think it addresses all of true criminogenic needs. And I mean, I am going back to that whole types of offenders. How there are different types of offenders, there are different motivations for crime, and I think it only truly addresses traditional street crime”.

Respondent #14 highlighted the differences between offender types and talked about how the current risk assessment process does not account for individual needs:

“Going back to that different types of offender, I have an offender on my caseload who is a women, I had a couple actually, elderly women, like older than 65 and under the age of 90…and it doesn’t address what their needs are, it doesn’t even address ok they have gambling addictions, like it doesn’t address that, it doesn’t address the fact they have probably been stealing for the last 75+ years and that has never been addressed….the risk assessment does not address those at all”.

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Mental Health:
Respondents also identified other responsivity factors they felt lacked attention within the current risk assessment process. For example, many respondents acknowledged how important mental health is within the helping profession but stated that mental health factors are not considered within the current risk-needs assessment process. For example, Respondent #9 stated: “the social work profession puts an issue like mental illness first. Whereas the criminal justice system looks at the criminogenic factors first and they may not at all involve mental health”. Many respondents agreed with Respondent #1 when they stated: “there is no mental health stuff in the LS/CMI and mental health stuff is one of the number one thing we see coming through these doors”. Many respondents agreed with Respondent #9 when they stated the LS/CMI is:

“…not enough when you have mental health clients. It’s not accurate enough with mental health clients…it needs an additional scoring component for mental health issues and for mental health clients to be factored in to the first section of the LS/CMI because the first section is where the risk score comes from”.

Respondents talked about how not accounting for mental health is problematic when working with offenders because sometimes the underlying mental health behaviors could be an aggregate factor to their criminal actions. For example, Respondent #12 stated: “how do you help somebody with an attitude problem, when they don’t even think they have an attitude problem because…they might have schizophrenia or FASD”. Respondent #4 elaborated:

“I think for a lot of clients there are a lot of things that aren’t those criminogenic needs that we also need to focus on as well because if you have someone who is
developmentally delayed or FASD, that’s not something criminal but it is going to impact the choices that they make”.

Furthermore, Respondent #8 talked about how post-traumatic stress disorder is not considered on the LS/CMI and indicated that the needs around trauma are not identified: “I don’t think that the LS/CMI at any point has recognized trauma and how that fuels anything that happens in a persons’ life, yet all we talk about now in social work and just about any other social services school is trauma and we are working on trauma”.

How To Make It Better:

As mentioned above, many respondents were able to identify strengths associated with the current risk assessment tool. Many respondents acknowledged the tool is “better than nothing”, that it provides a starting point to open dialogue and identifies factors for a case management plan with the client. For example, Respondent #2 stated:

“...is the best we can do right now and there still needs to be tools to assess risk and manage it, which is what both those do because again it is very easy as a front line worker to use and to conceptualize where the big risks are and to make a plan to reduce those risks”.

Subsequently, none of the respondents suggested discarding the current risk assessment tool. However, many respondents had suggestions on how to make the tool better. All of the recommendations came from firsthand experience working within the criminal justice system. One of the main recommendations mentioned by respondents was making the tool more reflective of the individual it was assessing. Many agreed with Respondent #10 when they stated
that the assessment tool needs to be valid for everyone: “we could do more, we could make it better by including race and gender, umm...or class. We need to make sure it works for everyone and not just a small margin of people”. Respondent #4 talked about the move towards being gender responsive within the criminal justice system and stated:

“If we are going to have programming specifically for men and women, we should have an assessment specifically for men and women...we are wanting a jail specific for women...it seems we are trying to make a lot of things gender specific, but we are not doing the basis of what we work off of as being gender specific...I don’t know what it would look like, but currently it doesn’t look gender specific to me when I use it”.

Many agreed with Respondent #9 when they stated: “I would recommend a separate format for male and a separate format for female clients”.

Respondents also identified the area of trauma as something significant among many clients well-being but not covered within the LS/CMI. For example, Respondent #8 stated trauma and gender were two layers that were significant to consider and impacted the risk assessment and case management process but is not considered with the current risk assessment tool: “…trauma, I think extra layer when you talk about…trauma and ethnicity. Put all those...together...and if you add gender to that and the issue of intersectionality”. Respondent #9 talked about how the LS/CMI misses mental health issues and suggested adding a component:

“I think overall it is a good tool, but it’s not enough when you have mental health clients. It’s not accurate enough with mental health clients. It needs an additional scoring component for mental health issues and for mental health clients to be factored in to the first section of the LS/CMI because the first section is where the risk score comes from”.
As a result, many respondents indicated there should be a section within the LS/CMI that is geared more towards exploring trauma and mental health issues as this does impact working with the client as well as intervention strategies used.

Many respondents also stated that they believed there should be an Aboriginal specific risk assessment tool because the current risk assessment tool does not capture many of the issues related to those of Indigenous descent. For instance, as mentioned above, Respondent #5 when they stated: “…for Indigenous people, our LS/CMI doesn’t have an Indigenous focus, a lot of the questions aren’t even directly applicable to someone that is of Indigenous descent, from certain communities, it misses a lot of what is going on with that population”.

As mentioned above, respondents indicated they were aware the data gathered to create the current risk assessment tool was based off a white Caucasian population sample. Respondents stated there needs to be more research done with Aboriginal offenders to examine the unique characteristics of this population and to explore if there are different pathways to crime that should be considered that may be more reflective of the risk factors and needs of this population group. One respondent in particular stated that the factors present on a First Nations reserve are exponentially different than an urban setting. Furthermore, there also needs to be recognition that the needs of male and female Aboriginal offenders may also be different as well and to explore these populations separately.
Using the Word “Need”

Respondents also criticized the wording of the tool suggesting the word “need” is not appropriate for what is identified by the LS/CMI. Many reported that the language of criminogenic need is misleading in the sense it is not the same thing as treatment or well-being needs. For example, some respondents identified a struggle with identifying the risk factors as a “need” even with the word “criminogenic” in front of it as it suggests it is a need of the individual. For example, Respondent #2 stated “when it comes to needs in respect to social work values because you cannot capture, the tool was not designed to capture social work needs….right, it’s based on criminogenic”.

The concept of criminogenic need is something to suggest how the criminal justice system can approach the client to work to reduce the propensity to offend. It is a need within the system to point out the factors that lead to criminality. In essence, criminogenic needs are more so the needs of the practitioner working within the criminal justice system and how they do their job of protecting the public by reducing the risk of the offender to commit crime. To elaborate on that concept, the identification of criminogenic needs is not to increase the well-being of the client being assessed but more to identify the factors that put clients at risk to reoffend. Respondent #3 indicated “I don’t think their well-being is something that we or the risk assessment tool is intended to focus on”. Respondent #2 agreed and stated: “when it comes to needs in respect to social work values…the tool was not designed to capture social work needs”
Summary:

Many respondents indicated there was a significant epistemological difference between the definition of need within the criminal justice system and the social work profession. Respondents identified the definition of need within the criminal justice system is in the framework of recidivism, while the concept of need within the social work profession is in contrast to that of the well-being of the client. Subsequently, respondents identified substantial disconnect between the approach within social work of working with clients to satisfy their basic human needs and that of the mandate of the criminal justice system to reduce recidivism by working on criminogenic needs. Furthermore, many respondents indicated that the function of assessing and identifying the clients’ needs for the client is an oppressive and power-over-practice approach, which many reported caused them tension because it is contradictory to the main values within the social work profession.

The concept that the professionals are qualified to identify the risk and needs of their clients has been identified by some respondents as an example of how autonomy is stripped away from the client. Furthermore, although the words “risk” and “need” are concepts well known within the social work profession, many respondents indicated that the words “risk” and “need” differ significantly in meaning when used in the context of the criminal justice system.

Many respondents indicated limitations to the risk assessment tool and criticized the risk-need-responsivity approach. One of the major criticisms of respondents is that the current risk
assessment tool within the criminal justice system does not account for responsivity considerations. For example, respondents indicated that the current risk assessment tool does not account for gender responsivity considerations. In addition, respondents also noted the current risk assessment tool does not account for ethnic differences, offender type or the mental health status of the client. Respondents indicated that these limitations caused significant disconnect between social work ethics and values and practice within the criminal justice system. However, many respondents postulated suggestions to make the current risk tool “better”. One of these recommendations was to change the word “need” to a word that is more reflective of criminogenic risk factors and not one synonymous to basic human well-being.

The next chapter will explore the tensions and disconnect identified by social workers working within the criminal justice system. The chapter will explore how the tension in practice affects them from a personal and professional perspective.
Introduction:

This chapter explored the challenges identified by social workers when they tried to incorporate social work values, principles and ethics into practice within the criminal justice system. As previously mentioned, many respondents identified a conflict between the values and principles within the social work profession and the mandate of the criminal justice system.

The first sub-theme identified the ethical dilemmas indicated by respondents over the feelings of having a dual role within the criminal justice system and exploring whether the role or employee or helper takes precedent.

The next sub-theme explored the internal disconnect with respect to the dual role described by respondents and exploring the idea of “selling out” and burning out.

The following sub-theme described the frustration respondents felt about not being understood as a social worker within the criminal justice system. Respondents also described some of their personal and ethical conflicts felt from working within the criminal justice system and talked about the intrinsic worth of maintaining social work values despite the tensions of being expected to fulfil dual and conflicting roles within the criminal justice system.
The next sub-theme explored disconnect between social work theory and practice as experienced by social workers working within the criminal justice system.

The last sub-theme detailed some of the struggles social workers experienced in practice as a result of the dual role and mandate of the criminal justice system.

Social Work within the Criminal Justice System:

As mentioned above, respondents described important social work values as being respectful, non-judgmental, facilitating autonomy and self-determination, and working from an anti-oppressive and empowerment approach. Many respondents also indicated building rapport as an important ideal within the social work profession. However, many respondents described disconnect between social work ideals and practice within the criminal justice system.

As mentioned above, respondents defined the main values of the criminal justice system as public safety, rehabilitation and reducing recidivism, while others indicated the main values were ensuring law and order, accountability, punishment and retribution. When asked about the differences of the values of the criminal justice system and those of the social work profession, all respondents described conflict between the two approaches. For example, as mentioned previously Respondent #1 outlined the two approaches and indicated: “Criminal justice has been law and order and punitive and retribution…and social work is client- focused and empathy and relationship building and rapport and those two things are kind of like oil and water”. As
mentioned previously, Respondent #10 also identified the conflict between the criminal justice system and the social work profession as the differences in priorities when they stated:

"The principles of the social work profession and, if we go back to that respect and equality and human rights, and then when it comes with the criminal justice system...identifying what those risks are with the client...so it’s just the priorities and where they fall”.

Respondent #9 also identified the differences in priorities when they stated: "Social work focuses on putting the client first. The criminal justice system focuses on putting the safety of society first. That’s direct conflict”.

While all respondents identified a strong understanding of the principles, ethics and values of the social work profession, many respondents stated they did not know how to use these skills appropriately within the criminal justice system. Specifically some criticized the generalist approach taught within social work education, and indicated they did not believe it properly prepared them for real world social work practice. For example, Respondent #2 stated:

“We sit through three years, four years of social work, and it’s all kinda touchy feely, and there is a lot of theory but no practical advice given on what your role will be, because it’s a generalist degree right, so you go out into the work having no idea of what social workers actually do”.

Many respondents cited the mandate of the criminal justice system and the social work profession as two very different approaches to working with clients. Among these differences are the expectations of being an employee vs a helper, using a framework that does not fit social work ideals (“one size fits all”), and having no discretion when working in a complex human
services field (mandate vs messy real life). Furthermore, many respondents felt as though working in an environment with conflicting priorities internally and externally made it difficult to navigate their role, work in and for assessing self-efficacy. Respondents reported disadvantages for the client as well as for themselves.

**Ethical Dilemmas over Dual Role: Employee and Helper- Which Takes Precedent?**

Many respondents indicated that there are challenges associated with being employed as a probation officer within the criminal justice system and trying to maintain the values, principles and ethics of the social work profession. Respondents all reported a strong commitment to social work values, ethics and principles but also reported an internal and external struggle when it came to implementing these social work ideals within the criminal justice system. Many respondents indicated they did not know how to navigate or work in the criminal justice system as both a social worker and government employee. For example, as identified by Rhodes (1991) above, many respondents described their role as a social worker working within the criminal justice system as a "double life" or "dual role". Many respondents reported challenges associated with satisfying the dual role or “helper and supervisor”. For instance, Respondent #16 stated: “…looking at that dual role of having to work with someone where you do have an order in place, at the same time when they do have issues and struggles where they need to work through...that can be the conflict”. Respondent #10 talked about how adopting the role of government employee is in direct contradiction to that of social work ideals when they stated:
“The social work values address security and safety, self-determination, like that, and then the mandate of the criminal justice system focuses on the appropriate degree of control and supervision and support...it’s that control piece that is the strain, that’s the conflicting. So that’s the strain. The control versus the self-determination”.

As mentioned in the literature above Rhodes (1991) examined ethical dilemmas in social work practice and examined the concept of social workers working in a bureaucracy and the struggles they encounter trying to balance a dual role of employee and helper. It is important to note that the struggles described by social workers working in a bureaucracy extends to other agencies in addition to the criminal justice system (such as child welfare agencies), and that tension within practice is not unique to the criminal justice system. However, Rhodes (1991) literature echoed many of the experiences and opinions expressed by the respondents. For example, Rhodes (1991) examined how social workers within a bureaucracy, "instead of providing care and empowerment, they become a force of social control" (p.141). Many respondents echoed this feeling and described facilitating their role within the criminal justice system was a dual role among working with their social work values and principles. Specifically, respondents acknowledged a struggle when they talked about being a "pusher of policy" or a "government agent" and a "social worker". This was exemplified by Respondent #2 when they stated:

"I could not make sense of that in my head, I was supposed to have all these values of social work in my head and I was still going to school...and...after an entire class about how these systems hurt our clients and...how...we need to go out into the field and work anti-oppressively and…I had to go to work and…I knew that wasn’t the reality. I knew
that I was going into this job and I had to be this pusher of a policy that I didn’t believe in and it was a really bad feeling”.

As a result of this experience, Respondent #2 indicated they felt as though: “I wasn’t a social worker. I was a government agent”.

A common theme found while discussing the roles of social workers within the criminal justice system was that many of the respondents indicated they did not know their place within the system or how to navigate their position within the system for themselves or their clients. For example, Respondent #2 stated: “how am I supposed to help someone else navigate that system...that I didn’t know how to navigate through”. Many respondents stated the mandate and policy were clear within the criminal justice system, but that good practice within the criminal justice system did not equate to what is good for the client. Many respondents indicated that this in turn made them feel like they were ineffective or not competent as social workers for their clients. For example, Respondent #2 said:

“It’s questioning if you are doing a good job right...maybe...you are doing a good job because you’re following all the agency rules but for me...I was a bad social worker…I felt like I wasn’t doing my profession justice because I was pushing an agency mandate that I didn’t believe in, or that I didn’t really feel helped people”.

Many respondents also felt that by pushing a policy or mandate that they did not really feel like they helped their clients. Respondents indicated that working amongst systematic factors and with little discretion it was difficult to find a balance and help their clients.
Respondent #2 explained:

"It was a very helpless feeling… there was very little discretion you had… as policy got tighter and tough on crime thing your ability to use your discretion to maybe help was limited…it was always towing that line of when you were an enforcer of justice and when were you supposed to be helping people”.

As mentioned above, the notion that public safety was a priority over a client-focused approach is one of the tensions identified by social workers working within the criminal justice system. Another related tension is identifying who the client is within the criminal justice system. While many social workers identified the individual as the client in most circumstances, within the criminal justice system, many respondents indicated they are mandated to ensure public safety first. For example, Respondent #2 talked about the tension experienced while following the policies and procedures when they are not in the best interest of your client:

“You are a government agent which means you are a representation of all these policies that need to be enforced and sometimes who’s not benefited in that is your client. And in an agency like probation, the person in front of you, isn’t even really your client…the client is the public”.

Respondent #2 furthermore indicated:

“The criminal justice system is tricky because at the end of the day it is the public safety that you are looking at and that is your job… you are by extension part of the court system… you know and then there was no leniency or discretion…it was just that was the rules and those rules were there for the safety of the public”.

As discussed above with the role definition of social workers within the criminal justice system, some identified their primary job as to ensure public safety. For example, as mentioned above, Respondent #7 stated: “I do what I have been mandated to do, by following what the
outline of our job, doing our job as best as taught to do it…. by tools we are given, if what the client is being asked to do, if the client is not doing it we…have the old mighty breach”.

Rhodes (1991) stated that "bureaucratic structures operate steadily to direct workers to be responsive to their agency more so than to clients". For those social workers who indicated public safety was paramount, according to Rhodes (1991) they were acting more as a part of the bureaucracy and enforcer of social control. Some respondents described this approach as abandoning their social work approach to ensure job security. For example, Respondent #15 said “my job here is to work from a justice perspective”. Respondent #10 elaborated: “I have obligations as a probation officer to report...to the court and do the necessary allegations, breaches, so...my job is on the line. So I definitely follow through with my department’s responsibilities as a probation officer”. Respondent #9 agreed and indicated: “I cope with sticking to what my department wants, expects from me, the responsibilities of a probation officer. So that will take precedence in a lot of ways”. Furthermore, Respondent #8 also indicated “because your employers are the justice system, you kind of have to go with that”.

However, many respondents identified one of the main struggles working within the criminal justice system was being aware of the anti-oppressive practice approach encouraged in the social work profession, but working within the power over, oppressive and authoritative location of the criminal justice system. Many reported feeling helpless and powerless in their own role of social worker within the criminal justice system. As mentioned above, Respondent
#10 stated that: "the mandate of the criminal justice system focuses on the appropriate degree of control and supervision". Furthermore, Respondent #7 identified why this was problematic because:

“...you are telling them what they need to do, you are telling them that they need to get this done, and its according to my plan for you, ‘with you’, but that might not be what the person sees as their best interest. What we are telling them to do may not be helping them”.

**Internal Disconnect over Role: Sell Out or Burnout?**

Those who indicated that public safety was paramount did not describe as much tension in practice as those who indicated a client-first-approach was the primary focus. However, as cautioned by Respondent #8 when they talked about the struggle of the dual role “if they start seeing themselves as a probation officer as opposed to a social worker, then eventually they are going to feel like they sold out”. Respondent #13 identified that there were some social workers within the criminal justice system who have abandoned social work ethics, values and principles: “and I do see it in persons that I have met, who are probation officers who have a very clinical sanitized black-and-white view of their clients…and a lack of compassion and a lack of empathy”.

Respondents indicated there are differences in the way social workers approach working within the criminal justice system. Many reported that social work ethics, values and principles belong in the criminal justice system and can influence one’s approach, and longevity within the
criminal justice system. For example, Respondent #13 indicated: “I honestly see a difference in the way I approach things versus somebody who is only in it for the job, only in it for the money. I think you really have to truly care about the job we are in, and if you are only in it for the money, I see you burning out very quickly”.

Other respondents talked about how social work values are not encouraged or monitored within the criminal justice system which makes it easier for some to just abandon their social work ideals. For instance, Respondent #5 indicated:

“We could go through our entire careers just taking a client in, saying are you following your conditions, is your address the same, yes yes yes, you’ve done the one anger management program that has been recommended, awesome, we will see you in two weeks. We could go our whole careers like that. And I’ve seen that from social workers, so in terms of competence, I don’t know. That social work value is not really monitored. And access to increasing our competence and making sure we are competent is also not something in the justice system is something you see”.

Respondents also reported feelings of frustration from how competency is assessed within the criminal justice system. While social work is based on providing care and empowerment for the client, within the criminal justice system, assessments, probation conditions and case recordings take precedence. Respondents stated they felt more responsible to the criminal justice system and its mandate rather than their clients. For example, Respondent #5 elaborated on this:

"We would look a lot better as employees if we had all our stuff in on time and...it is definitely not aligning with the social work...We want to be seen as competent and do a good job at our jobs and stuff like that...We have mandates to meet and timelines and big
caseloads...and as long as our assessments are done and we meet with the client a certain amount of times a month, that’s how we...are seen as a competent worker here”.

Respondent #5 also talked about the disenchantment they felt with approaching their role within the criminal justice system from a social work perspective and how there is no acknowledgment from maintaining the values, ethics and principles of the social work perspective:

“...and like supervision, even if you look at that, how our organization is set up, I’ve gone through two managers now and it’s when you sit down and we are supposed to be all about social work and our mandate is to increase public safety right, but when you go in for these supervision meetings, its standards-based, it’s like how many outstanding closings do you have, or are all your risk assessments done on time?”

Respondent #5 criticized the criminal justice system because:

“It’s never about quality, it’s never about your interaction with your clients, you know so, I could get through this job really easily by just doing those things, and never once would I be asked about my rapport with the client, or if they feel empowered, or if I’m using a strength-based approach when I meet with my clients, or if I’m being degrading and telling my clients to do this and they don’t have any say, and those things are never looked at”.

Respondents also reported that going beyond the expectations of completing assessments, probation conditions and case recordings is not supported. For example, Respondent #5 indicated that:

“...going beyond that a lot of the time is not necessarily supported, like going out there is the community and setting a vulnerable client up with all of these services and you know making sure they have their basic needs met, you know maybe speaking out about why maybe they haven’t had their needs met...that’s not really praised in our work at all".

Many respondents indicated a direct ethical dilemma when compromising social work ideals for their "role" within the criminal justice system. For example, Respondent #3 indicated:
“I also feel terrible when I feel like I am compromising social work values for the justice system because that’s what my role is...it can be hard sometimes”. Respondent #7 talked about the conflict of choosing one’s job expectations over utilizing social work values and principles: "the conflict comes in...when you know that a person needs help...and you are not doing that because you need to get other stuff done [i.e. satisfying probation conditions]”. Subsequently, many respondents acknowledged the importance of maintaining social work values, ethics and principles when working with clients within the criminal justice system. They reported there is not only an extrinsic value but also an intrinsic need for social workers to maintain their values, ethics and principles. Respondents stated that social workers working within the criminal justice system have to maintain their social work ethics, values and principles for their commitment for service to their clients. For example, Respondent #13 stated: "I truly believe social work belongs in the criminal justice system". Respondent #8 also voiced the importance of maintaining social work values, ethics and principles while employed within the criminal justice system because "there is a need for us". Respondents reported that the clients within the criminal justice system have universal rights and are human beings with needs. For example, respondent #3 indicated that social workers must uphold a “worth of all persons". Furthermore, Respondent #12 touched on the value of advocating for clients' rights within the criminal justice system and indicated there is an importance in: “…upholding their dignity, clients’ dignity...knowing that they have a right to their decisions, and they have a right for clean housing, food, shelter, to be safe, and to live a happy life. They have that right”.

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With the role conflict between whether one is a social worker or government agent, respondents talked about the internal disconnect and frustration that can be felt. Respondent #8 talked about the struggle of the dual role when they stated:

“If they start seeing themselves as a probation officer as opposed to a social worker, then eventually they are going to feel like they sold out. And if they see themselves as a social worker who is working within the criminal justice system, they are going to be conflicted a lot of the time and frustrated”.

Frustrations Around Not Being Understood as a Social Worker Within the Criminal Justice System:

While many respondents stated that social work is becoming more pronounced within the criminal justice system, others acknowledged that others within the criminal justice system do not recognize the need for social workers within the criminal justice system. Furthermore, some respondents also expressed frustration surrounding misinterpretations around the role of social workers within the criminal justice system. Respondents indicated the misunderstanding around social workers role within the system is from within the system and outside the criminal justice system. Also, some respondents indicated they initially misunderstood their role within the criminal justice system.

As mentioned above, some respondents talked about not being recognized within the criminal justice system as social workers. For example, Respondent #8 stated "I think part of the issue is that I don’t know that the criminal justice system sees probation officers as social
workers”. Respondent #10 also described feeling as though their role within the criminal justice system was not understood by others as social work:

"I do think there is some tension, with the criminal justice system and the social work profession, one that comes to mind is the Manitoba Institute of Registered Social Workers doesn’t acknowledge probation officers as social workers. So we are not registered. So that’s a bit disappointing”.

Respondent #10 voiced frustration because they indicated: “we do social work within our jobs as probation officers. We do a lot of the counselling…supporting, networking, connecting…respect, accountability, growth and development…but yet we are not considered social workers”.

Other respondents indicated they felt recognized as social workers within the criminal justice system, but also stated they felt as though they were not respected by others working within the criminal justice system because of their social work approach with clients. For example, Respondent #8 indicated they felt: “not valued…I don’t feel very valued as social worker from the system as a whole”. Respondents talked about how others within the criminal justice system sometimes misinterpreted their approach to working with clients. For example, Respondent #4 and Respondent #8 indicated how others working within the criminal justice system described the social work approach to working with clients within the criminal justice system as a "hug a thug” approach or being "too soft” with clients. Respondents also talked about how they felt their role as an employee within the criminal justice system was misconstrued and not considered social work by others also outside the criminal justice system. For example, Respondents 10 talked about how:
“It’s disappointing, you know you graduate with social work and its very diverse, you can work in a hospital setting, in a school setting, child and family, we are all social workers….but when it comes to the justice system, and then now we aren’t in the helping role?...that’s what we are trying to do, we want to be in the helping role…this is a helping role”.

Other respondents talked about their expectations as a social worker entering the criminal justice system and indicated it was not what they thought it would be. Respondents indicated they experienced disjuncture from expecting the criminal justice system to be more client-focused. For example, Respondent # 5 indicated:

“Coming into the system I was expecting to see a lot more social work values present within our work but I think they don’t necessarily line up, for example, like social justice and advocating for our clients, like that kind of thing, standing up for inequality, and all that kind of stuff. That’s what I thought that this was going to be”.

Respondent #5 talked about their expectations and contrasted it with the reality of practice within the criminal justice system and indicated:

“I thought I was going to be more of a social worker in that sense but we have mandates to meet and timelines and big caseloads, and to be able to advocate for someone and to really ensure that there is equality, it’s not really doable and I don’t know if it is really supported because as long as our assessments are done and we meet with the client a certain amount of times a month, that’s how we, you know, we are seen as a competent worker here”.

Respondents also talked about how the criminal justice system as a whole makes it difficult for social workers to use social work skills within system because of how it is structured. For instance, Respondent #2 indicated: “it can feel like a very narrow confines that you have and restrictions that you have to work in and as a social worker to bring out those
values can be really difficult”. However, many respondents identified a need for social workers within the criminal justice system because of this. Respondent # 9 indicated that social workers: “…have to be here, they are the ones that provide the reason and the balance. If they aren’t there, you get really punitive individuals in the justice system and it becomes very black-and-white and there is no rehabilitation”.

Respondent #13 indicated:

“...We already know that social work has slowly but surely -- no matter how much people like to think otherwise -- has continued to progressively get further and further into the justice system. And it is playing a key role...That in itself tells me somebody wants to hear what I have to say about this individual’s life and how that life impacted their legal situation. So yes, there is definitely a trend towards the justice system stopping and saying...we need to understand the social and psychological aspects of this person’s life".

Personal and Ethical Conflicts of Working within the Criminal Justice System and the Intrinsic Worth of Maintaining Social Work values

As mentioned above, many respondents described feeling conflicted when exercising their dual role of helper and supervisor/enforcer within the criminal justice system and some indicated they put their job as criminal justice employee above their ethical duty to work within the values of the social work profession. Many of these respondents talked about ethical struggles they experienced on an internal level and described their experiences as a personal and ethical dilemma. Many also indicated that maintaining social work values, ethics and principles have an intrinsic worth to the respondents and in instances where they have felt they abandoned their social work values; it has impacted their own well-being. For instance, many respondents
talked about the importance of staying true to their core values and the disharmony they felt when they were neglected.

Other respondents talked about burnout and low job satisfaction as a consequence of abandoning social work values, ethics and principles. For example, Respondent # 2 stated: "I’m already burnt out” and went on to state:

"It was the weight of a lot of stuff and how you just go into shell shock. And you just stop caring and you have people coming to you and that is a very dangerous place to be when you lose your passion for the role of social work because then I found myself just dealing with the rules because that was easier”.

Respondents also talked about feeling guilty as a result of abandoning social work values, ethics and principles within the criminal justice system. For example, Respondent #4 indicated: "the strain is on you, sometimes you feel frustrated and guilty”.

Respondents voiced the importance of maintaining social work values, ethics and principles while employed within the criminal justice system because if social workers abandon them, they many not only burnout but could also become unhappy people. For instance, Respondent #8 stated: "we end up being the bitter, crusty, mad at the government, or mad at social work or start looking at people like cons, and a lot of those things where you know we don’t end up as happy people”.
Disconnect between Social Work Theory and Practice Within the Criminal Justice System:

As discussed above, many respondents indicated they had concerns about some of the policies and practices with respect to social work practice within the criminal justice system. For example, many respondents identified that the “one size fits all” approach is utilized within the criminal justice system from risk assessment, case management and numerous policies, specifically around breaching. Subsequently, many respondents identified that the “one size fits all” approach to risk assessment within the criminal justice system is in conflict with social work ideals.

As mentioned in the previous section, many of the respondents voiced their frustration at working with all clients of different ethnic groups, gender, and mental and cognitive health status with the same assessment tool and case management approach. Furthermore, many respondents indicated that they questioned the validity of the current risk assessment tool and questioned the extent to which the risk assessment tool could accurately predict a level of risk and identify criminogenic needs for all offenders. For example, Respondent #2 stated “I question whether if there can be any one assessment used for everybody to do that. The idea of one size fits all”.

Many respondents talked about their apprehension with assessing all clients from one standardized assessment tool. Not only did respondents voice concerns about using the current risk assessment tool, they also described how using the tool made them feel. All respondents indicated they use the current risk assessment tool and case management process when working
with all clients. Many respondents identified having to use the current “one size fits all’ risk assessment process as frustrating and discouraging because it is against social work values. For example, many respondents indicated they felt significant distress with using a tool they did not think was appropriate or reflective of the needs with their clients. Respondents described three main criticisms associated with this practice approach.

One of the main criticisms between social work theory and practice within the criminal justice system from respondents was that the sample used for the creation of the current risk assessment tool was based on a specific demographic of offenders and it is not applicable to all offenders, specifically female offenders and offenders of different ethnic groups. For instance, Respondent #2 stated: “to get a true reflection of risk and need of an entire person I don’t think that it does that but then I also question whether if there can be any one assessment used for everybody to do that. The idea of one size fits all”. Respondent #8 also indicated that: “I don’t think that the LS/CMI is valid for everyone, and I think the LS/CMI is really valid for a cookie cutter, average person”. Respondent #8 furthermore stated this was problematic because: “nobody that ends up as an outlier, and as it turns out outliers within the criminal justice system don’t appear to be such outliers anymore, there are very few cookie cutter criminals anymore and a whole lot of people with a whole lot of stuff”. Respondent #4 elaborated: “I think it was designed for general and when you go that general you can’t be specific about anything really, right, because you have to do youth, adult, male, female, 20 years old, 50 years old, right, so I don’t think that it really can encompass everything right”.

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While many respondents voiced their frustration with using the “one size fits all” approach in direct practice, other respondents identified literature refuting the validity of the current risk assessment tool. For example, Respondent #10 talked about some of the literature they have read with respect to the current risk assessment tool and ethnic groups:

“There was a meta-analysis done examining predictability of the LS/CMI with Aboriginal offenders and it is in regards to the LS/CMI, and its concerns are that the risk assessment paid little attention to the race and gender...and then the development used primarily male Caucasian offenders”.

Respondent #3 focused specifically on literature indicating that there is a difference between male and female offenders and stated: "It’s a tool made for men by men and...female offenders are different than male offenders which a lot of research is showing, so we are treating everybody the same and that’s a problem”. Respondent #1 also stated from experience that: "working with female offenders is very different than working with male offenders that is for sure”. Many respondents agreed that working with female offenders is different than working with male offenders and indicated that in order to work with female clients successfully, more than just the risk assessment and case management planning has to happen. For instance Respondent #16 stated: “there is a lot of work to be done with female clients that are necessarily not done within the LS/CMI and case management planning; there is a lot of branching off from the risk assessment tool itself”.

However, many respondents reported that this was a conflict because they are not given the time or tools to go over and above to accommodate to their clients’ needs. As a result, many of the respondents indicated they felt conflicted when using the current risk assessment tool and
the “one size fits all” approach in working with clients. Another significant criticism between social work theory and practice within the criminal justice system was the use of the word “need” within the criminal justice system and within the risk assessment tool and case management approach. As mentioned above, respondents discussed the differences between the concepts of “need” within the criminal justice system and those within the social work profession, and identified significant epistemological differences. For instance, the word “need” in the context of the criminal justice system is in relation to the concept of criminality and recidivism. Criminogenic needs are factors that increase the risk for criminality, and once met would reduce the propensity to re-offend. The social work profession uses the word “need” to describe some necessity lacking for an individual and once that necessity is satisfied the well-being of the individual would improve. For example, as mentioned above, Respondent #2 acknowledged the need from a social work perspective: “the idea of a social work need… is our basic human needs… everybody has a need to belong, to feel valued, to safe shelter, food”. Similarly, Respondent #8 stated: “in social work… you look at a basic hierarchy of needs… a basic need of a person is shelter, housing, things that enable them to live on a day to day basis”. However, most of the respondents agreed with Respondent #3 when they stated the needs within: “the criminal justice system are focusing on their criminogenic needs so the reasons that they are offending and not their day to day needs that they might need”. Consequently, many respondents reported that they felt the well-being and basic human needs of their clients were being neglected, while the criminogenic needs were the only "needs" acknowledged and mandated
within the criminal justice system. Respondents reported this caused tension because of their commitment to social work values, ethics and principles.

Another area of tension identified by social workers working within the criminal justice system was the practice expected of them of identifying the "needs" of their clients for a case management approach. As mentioned above, many respondents indicated that a core value of social work is for clients to exercise autonomy and identify their own needs. However, by identifying the "needs" of a client and in turn delegating the conditions of a working relationship with the client, oppresses the client. Furthermore, telling the client their needs and case management plan removes the clients’ autonomy and power of self-determination. Many respondents also stated that mandating a client to work on needs not identified as needs by the client disregards the research on readiness to change and the stages of change required to make a significant life change to improve one’s life. Respondent #2 talked about how the risk assessment tool identifies the problem for the client, and the limitations of identifying a client’s needs for them when they stated:

“With the risk assessment, it brings out criminogenic needs quite clearly and has a starting place for you to support somebody in meeting those needs. However, from a social work side, those needs are always named for people and not by people. So it would be me doing a risk assessment on somebody and then me telling them I have identified that you have a problem with alcohol, you have a messed-up family, and you have no friends. So now that is what we are going to work on”.

Respondent #2 talked about the conflicting idea of needs from the criminal justice system and the social work profession and talked about working from a client-centered approach that may be
more helpful in identifying the root of the problem:

“Whereas, for that person they may have felt that those weren’t the major problems in
their life and maybe for them the major problem for them that they have been struggling
with is that maybe they never pursued the career they wanted to and because of that and
because that was never identified by them as a need the rest of the needs were a
consequence of that….and so there is some tension in labeling for people what their
needs are”.

Respondent #4 talked about the differences with a social work approach and a criminal justice
approach and talked about the challenges of mandating a client to address a need when they
may not be ready to:

“Social work is often meeting your client where they are at. You hear that a lot in your
classes, you know meet your client where they are at, where are they are, what do they
want to work on, what are they motivated to do? But within in probation specifically,
you’re given an order (Probation Order), you’re given what you need to do (conditions)
and you’re given a time line. It doesn’t really take into consideration where the person is
at, it is just saying this is what needs to be fixed and you have this much time to fix it in”

Respondent #4 also criticized the practice of mandating a client to address pre-determined needs
in a specified period of time and stated:

“I think that is one of the biggest issues is that we are given a time line and we are trying
to get people ready to be in that place but you might go to the end of the order and they
might not be in that place for whatever reason and for whatever has happened in their
life, especially people with trauma, it takes longer than 18 months to get to that place
where they are ready to do a program”.

Respondent #16 also talked about the damage to the rapport with the client when mandating
treatment:

“They are being put into a program they don’t want to participate in. There could be lots
of reasons that they might not be sharing about why they don’t want to go and we are
forcing them into it. And I mean forcing someone into something that they are not ready
for it just breaks down. It breaks them down, it breaks down the relationship between us and the client, you know, ultimately it could just be a breach and have them circling in the system”.

Furthermore, another tension described by respondents with respect to social work theory and practice is the notion social workers should be working with clients from an objective baseline. Social workers should not have an ulterior motive or agenda for pushing clients into programs or treatments. However, with the reality of social workers being employed by the criminal justice system, their employment is based on their ability to do their job. Consequently, some respondents reported that identifying and addressing the criminogenic needs of the client is more self-serving for the social worker within the criminal justice system in order to maintain their job than it is for the client to achieve any sort of well-being. As a result, the social work value of "right to self-determination…and allowing them to have some decision making" (Respondent #5) as well as that principle of being "objective" (Respondent #4) is compromised. Respondent #2 summarized a social work approach to working with clients as:

“.being client centered…it was almost like in social work they taught you how to be a blank slate…to have all these good values about compassion and empathy and you know and honesty and transparency and to not have any agenda so you could be a blank slate to help those who you are working with”

Respondent #2 contrasted the social work approach and summarized the tension associated with the approach within the criminal justice system:

“Working in an agency with a really strong mandate like the justice system means that you are not a blank slate and that you already have an agenda that you have to push, and that is your job. You are a government agent, which means you are a representation of all
these policies that need to be enforced and sometimes who’s not benefited in that is your client”.

Another tension identified by social workers within the criminal justice system between social work theory and practice within the criminal justice system was the idea that the policies and practices within the criminal justice system were geared more towards appeasing the public than for assisting the client. This made respondents feel as though they were not actually working for the client. For example, Respondent #2 stated: “In an agency like probation, the person in front of you, isn’t even really your client, the client is the public. So right there, there is a conflict and a lot of tension in your job”. Respondents indicated this was a tension because many reported that they were taught that social work is client-focused. Respondents also indicated that they speculated that some of the policies and practices within the criminal justice system were more for public accountability and in place to depict a sense of social security. Subsequently, respondents indicated that they thought the criminal justice system catered to public perception more so than for the well-being or rehabilitation of the clients. For example, Respondent #8 explained the disconnect with some criminal justice policies: “I think a lot of the policies and decisions within the criminal justice system are driven by public perception and not by what is best for...the client to become healthier and more positive”. Respondent #9 talked about how there is disconnect between social work theory and practice and used the breach policy as an example when they stated: “the two systems are in conflict with the breach policy”. Respondent #1 elaborated and talked about how the breach policy was in conflict with social work values:
“The number one problem I have with the breach policy is when they don’t report right away when they get sentenced and …they don’t really know what’s going on and…nothing is explained to them the way it should…or they have mental health issues or low IQ and they don’t report here within 24 hours…so we breach them and they go back into custody. I don’t think that’s very social work”.

Respondent #15 also indicated: “I think that sometimes orders can be so onerous that it sets an individual up to fail…and I think that sometimes policy can come in the way of what needs to happen to see someone be successful”. Respondent #2 elaborated on how they felt in their role within the criminal justice system as: “this pusher of a policy that I didn’t believe in and it was a really bad feeling…I wasn’t a social worker. I was a government agent”.

Acknowledging that some of the policies within the criminal justice were not in the best interest of the client and in some cases set them up to fail, respondents reflected back on how the criminal justice system’s priority is in public perception and accountability, and not so much with helping the client. As a result, many respondents voiced their frustration of maintaining accountability to the public at the expense of being responsible to the client. Respondent #2 stated: “It’s questioning if you are doing a good job, right. And I mean maybe, yeah, you are doing a good job because you’re following all the agency rules but for me, it was always my social work education that was always very anti-oppressive and working against the system and then when you find yourself in the system, it amazed me how hard it was to work for peace and reconciliation in a system that was broken and how stressful that was for me to feel like I was a bad social worker and I think that was the biggest thing. I felt like I wasn’t doing my profession
justice because I was pushing an agency mandate that I didn’t believe in, or that I didn’t really feel helped people”.

Respondents also described having a lack of discretion with respect to the practices and policies within the criminal justice system which postulated the tension. Subsequently, many respondents indicated that this made them feel powerless and incompetent as social workers. For example, Respondent #8 stated:

“We are mandated to breach them, no matter what. Regardless of what the situation is. It’s a policy we have to do, we breach and we leave it with other people who get to use the discretion, like the Crowns and the Courts. They are the ones who get to use the discretion, but the people who are supervising them, have that discretion taken away”.

Many respondents agreed with Respondent #1 when they stated: "I think I should be able to use my discretion on that policy because sometimes I feel like that person deserves a little bit of a chance…some low risk clients, low and medium, like I would maybe not breach them right away. That’s my opinion”.

Respondent #5 described their personal struggle with this approach and stated:

“We have mandates from the courts, like this client needs to take addictions programming or anger management…we are told what the client needs to do and we don’t have a choice in the manner and they don’t get to decide if it’s appropriate for them”

Respondent #5 indicated it was a personal struggle because it was not a very client-focused approach and in some instances sets the client up for failure: “I have had many clients who aren’t ready for addictions programming for whatever reason. They have their own mental roadblocks or whatever else going on in their life and if they don’t do it within a period of time, they go back
to custody”. Respondent #5 stated that the lack of discretion and mandated practices within the
criminal justice system are challenging from a personal perspective because:

“…really does go against social work values and a lot of the time, as social workers, we
aren’t given that professional discretion, for whatever reason. I don’t know if they think it is lack of confidence on our side…but they don’t say programming as directed by your
PO and giving us the chance to work under those social work values and give the clients
that opportunity to have that buy-in”.

Challenges in Building Rapport:

Many respondents identified rapport building as an important concept within the social
work profession. Many respondents indicated that within the helping profession, having a
meaningful relationship with a client could significantly impact the outcome of treatment.
Respondents also indicated that having a good rapport with a client could also work to reduce
recidivism. For example, Respondent #5 stated: "I think if you could form real relationships with
the people that you are supporting there might be more opportunity to work to reduce the
recidivism”.

However, respondents indicated that because of the timelines, mandates and policies
within the criminal justice system, the ability to forge a meaningful relationship with the client is
often challenging, as described by Respondent #16:

“I think that rapport is key, you really have to build relationships with your clients. And I
think that anything after that, like you can’t rush the LS/CMI, you can’t rush and sit down
and get this done, there needs to be that rapport. Or anything else after that is not going to
go well or it’s just going to be a fight all the way”.

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Many respondents talked about the expectation of the criminal justice system to complete the risk assessment process within the first or second time of meeting the client. This process was identified as a tension because the risk assessment tool asks for personal and sometimes private information and in some cases could overwhelm the client. In addition, since the current risk assessment tool is so generalized and standardized in structure, it lacks the capability to dig deeper and get to know any features of the client outside the breadth of the scope of the tool. The notion that the risk assessment process should be completed within the first two sessions with the client or within a specified time limit was also troubling for respondents. For instance, Respondent #16 talked about the challenges of the risk assessment process in the sense of it being goal focused around assessing risk, and how it could damage building rapport by being so time-sensitive and focused around risk:

“I think a big piece of it would be rapport…you know the expected process, when we did training for the LS/CMI, it should basically take you no more than 30 minutes, and you know here we go, get it done and get it in, we are looking at risk….and I think the quote was ‘we are in the risk business, not the fairness business’ which it sort of really takes away from the personal experiences that people have been through”.

Respondent #16 also criticized the current risk assessment process because it is very impersonal and intrusive:

“It becomes very impersonal and to me that is really against the social work portion of it where you want to validate, you want to listen, you want to have people feel that you know what they are going through. And I mean you are meeting someone pretty much for the very first time and expecting all this personal information from them…and you know it can’t always be a 25- or 30-minute process”.
Some respondents indicated that the risk assessment tool is detrimental to establishing rapport because it is problem-focused and can be seen as judgmental. For example, Respondent #5 stated that the assessment process is:

“…very judgment-based. Like the way the questions are worded, it’s very negative...it’s very negative and condescending. It’s like I’m the professional here, you are the offenders. You know it’s an offender risk-based assessment, even how it is titled. It’s very oppressive”.

Respondents also talked about the high caseloads and work expectations within the criminal justice system and how it affects the relationship with the client because they are only meeting with the client for a short time. Respondents indicated that having a high caseload and expectations to see clients regularly makes it difficult to establish a rapport or even get to know the client and what is going on in their life. Respondents indicated the high caseloads and regular rotation of clients in their office makes it challenging to get to know the client on a deeper level because each client is generally given a specified time slot. Respondents indicated that in many cases they need to schedule multiple clients a day, one after the other, and often have to cut clients off and prioritize talking about the criminogenic factors or probation conditions. For instance, Respondent #5 stated:

“In an ideal world...be able to actually have relationships with the people that you are working with which is another social work values, this whole idea of relationships. I mean as it is now you see people for 15 minutes and that is it and they are gone. So you really have no idea what is really going on in their life until something happens and then you have to breach them”.

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As indicated above, respondents also talked about how identifying clients’ needs and mandating them to address certain criminogenic needs can also be detrimental to establishing rapport with a client. For example, Respondent #16 also talked about the damage to the client relationship when mandating a program: “they are being put into a program they don’t want to participate in...and we are forcing them into it. And I mean forcing someone into something that they are not ready for...it breaks them down, it breaks down the relationship between us and the client”. Respondents also talked about the breach policy and how it impacts the ability to establish or maintain a relationship with a client. Respondent #1 talked about how breaching damages rapport:

“I breach everyone at least once over their probation period because our system pretty much sets them up for failure, and then the trust is gone and then they don’t want to tell me anything…and then that relationship is gone so it makes it a lot harder to be a social worker”.

**Summary:**

This chapter examined the challenges as described by social workers working within the criminal justice when trying to incorporate social work values, principles and ethics into practice. Many respondents cited the mandate of the criminal justice system and the social work profession as two very different approaches to working with clients. Respondents also identified many different core values and objectives within the social work profession and the criminal justice system. Subsequently, respondents described disconnect between social work theory and practice within the criminal justice system.
Respondents indicated they experienced an ethical dilemma over their dual role of social worker and criminal justice system employee. Respondents indicated that important social work values such as facilitating autonomy and self-determination were shadowed within the criminal justice system in order to satisfy the mandate of the criminal justice system. Respondents also indicated that rapport building with their clients within the criminal justice system was also thwarted as a result of the power-over approach and objectives of the criminal justice system. Respondents stated that they struggled between facilitating the role of a helper and acting as an enforcer and supervisor within the criminal justice system. Respondents also indicated they were often conflicted on which role should take precedence.

Respondents reported that working in an environment with conflicting priorities made it difficult to navigate their identity as social workers. As a result, many respondents indicated that this conflict caused extreme disadvantages for the client as well as for the respondents themselves. Subsequently, many respondents identified the importance of maintaining social work values within the criminal justice system and postulated that it was essential and necessary. Respondents also described struggles they experienced in establishing rapport and maintaining a working relationship with clients within the criminal justice system.

The next chapter will explore how social workers cope with the tension of having a dual role within the criminal justice system. The chapter will examine how social workers have found
ways to incorporate social work values and ethics into practice, and will address some of the recommendations social workers have for a better practice within the criminal justice system.
Chapter 6: How Social Workers Cope Within The Criminal Justice System

Introduction:

As mentioned above, many social workers working within the criminal justice system indicated they felt disconnected when trying to maintain and utilize their social work values, ethics and principles in practice. Consequently, this chapter explored how criminal justice social workers reported coping with the tension they experienced in practice.

The first sub-theme explored the need for social work within the criminal justice system. The following sub-theme discussed some of the ways respondents indicated they have been successful in incorporating social work ethics, values and principles into practice within the criminal justice system. Within this sub-theme, respondents discussed how they were able to maintain a client-focused approach, and ways they have found to build rapport and advocate for their client.

The sub-theme of adopting a wrap-around approach to working with clients was also explored as many respondents indicated it was the best approach to empower the client.

The next sub-theme was that of finding ways to cope with policies and practices within the criminal justice system.

The sub-theme of self-care was also explored as social workers indicated they felt personal as well as professional tension.
The final sub-theme relayed advice by respondents for future social workers entering the criminal justice system with suggestions and opinions indicating the two professions need to work together for the sake of the client.

The Need for Social Workers within the Criminal Justice System

All respondents indicated that there was a need for social workers within the criminal justice system. For example, Respondent #13 indicated: "I truly believe social work belongs in the criminal justice system". Respondent #9 also talked about the need for social workers within the criminal justice system: “…they have to be here. They are the ones that provide the reason and the balance. If they aren’t there, you get really punitive individuals in the justice system and it becomes very black-and-white and there is no rehabilitation”. Respondent #13 also stated that social workers are in fact playing a key role within the criminal justice system: “We already know that social work has slowly but surely, no matter how much people like to think otherwise, has continued to progressively get further and further into the justice system. And it is playing a key role”.

As indicated by many of the respondents, the role of social work within the criminal justice system is very important. As a result, many respondents talked about some of the coping strategies they used to maintain social work ideals while working within the criminal justice system. Some respondents, such as Respondent #9 indicated that they "find a way that works best with my social works values and with the criminal justice system”. Respondent #8 also
indicated that "there is a possibility of figuring out for each individual person how you can make those two things meld together so that you can continue to do the job". Respondent #8 also stated:

"There is a need for social workers. If everybody that was involved within the criminal justice system did not have social work values, then there wouldn’t be a lot of out-of-the-box thinking. So there is a need for us. We just have to figure out how to get those two things to work".

Some respondents who indicated they were able to find a balance of maintaining their social work roots and still work within the criminal justice system reported there could be a dual role of social worker and criminal justice system employee. Respondent #5 described finding this balance as an art: "in terms of social work...there are some people who strike a really healthy balance between meeting the mandate but also supporting their clients and building rapport, and it’s an art".

Some respondents indicated they used a client-focused approach. For instance, Respondent #9 explained their social work approach that adopts a client-focused approach, with consideration of public safety as well:

“I consider the client part of society, so it’s important for me as a social worker/probation officer to put the client and society at equal, at equally. So it’s a balancing act because it is also not safe for a client to be out in society if they are at a high risk to harm themselves also. So, when I look at a client on my caseload, I look at how safe are they in society for themselves and how safe are they for others. But I don’t take the equation of the client out of it, like I feel the justice system does".
Client-Focused: Autonomy and Self-Identified Needs First

Many respondents indicated regardless of the bureaucratic pressures within the criminal justice system, they put the client first. Furthermore many respondents indicated they would assist their client with the needs they self-determine before they would address the criminogenic needs mandated by the criminal justice system. In addition, respondents also stated that they often address social work needs before criminogenic needs. For instance, Respondent #1 indicated that when they meet with a new client, they work with them "on what they are most willing to work on". Similarly, Respondent # 8 stated that they: “…as much as possible let the client guide where they go and what’s important to them”. Respondent #8 talked about why they address the clients’ self-identified need first and stated the client is often the expert in their own life and often knows what their urgent needs are: “I have no idea the things that have happened in their lives before…I wasn’t in it. I have no idea what it…looked like. They can tell me, and they can tell me what they need…but they can tell you what they want, and then you can help them figure out how to get there”. Respondent #8 also talked about the importance and value of starting where the client is at as compared to the process of simply assigning a need to them:

“Starting where a person is at…I think is really an important value… in the criminal justice system…say ‘well this is how you can make it better, and this is the way you should go to do it’. It’s the easiest, it’s the fastest, but it may not be the right route for them and only they know that and I think that is kind of hard but those are the values I hold dear”.

Furthermore, Respondent #1 also stated that they do not necessarily focus on criminogenic needs but rather on social work needs. For example, Respondent #1 stated: “I would approach the
social work needs first. I’m not disagreeing with the criminogenic needs but...we need to take both into consideration...like housing and food isn’t considered a criminogenic need but it is a social work need for sure”. Respondent #1 justified their approach by explaining that the first priority should be for a client to have their basic needs met but it is not always the case when considering criminogenic needs when they stated: “If you are stealing because you are hungry, that is not considered criminogenic for some reason but it should be….I try and help find housing and helping guide them to find soup kitchens and food banks but that’s not considered criminogenic”. Respondent #4 explained why it is imperative to keep social work needs in mind when working with a client because it is the baseline for when working on well-being which could also reflect on criminality:

“You should keep them in mind because they could influence all this other stuff and you know those are the building blocks, Maslow’s hierarchy of needs. You need to have these basic needs before you can get to that self-actualization and working on all these other things you know”.

Respondent #4 made a connection between basic human needs and criminality when they postulated:

“how can you expect to change your behavior and your thought process when you have nowhere to sleep and you have no food? You can’t even focus on anything that deep when you are trying to figure out ‘how am I not going to get all my stuff stolen tonight because I’m sleeping under a bridge?’”.

Many respondents identified some of the social work needs as urgent concerns and reported they are addressed often before criminogenic needs. Some respondents referred to basic human needs as urgent concerns and explained the importance of addressing the urgency in the clients life before being able to work on other factors. For example, Respondent #10 talked about the what
the client defines as an urgent concern and related it back to a social work approach to practice and talked about why it was important to address those needs first:

“An urgent concern is… if there is something that is getting in the way of someone’s basic needs… and it could be, what urgent is defined to the client…. because sometimes you may think something is not an urgent concern, but again, if it’s an urgent concern for them, then you have to address it because it is something that is on their mind….it’s something that they need to work through”.

Respondent #13 identified the importance of being client-focused and considering the social factors in an individual’s life even with respect to criminality and stated:

"I place much more value on the person themselves and all the social factors because if we address the legal situation without addressing all the social ramifications in that person’s life -- and I’m not saying we are able to address all the social factors but if we don’t at least make an effort to say there is clinic to go for this resource or that resource -- if we don’t address those issues, how do we expect the client to avoid becoming re-involved in the justice system?"

However, many respondents also acknowledged their job responsibilities within the criminal justice system and indicated there needs to be a balance. For instance, Respondent #10 stated: “It’s a balance. You have to figure out what they want, and then try to fit it the best you can to the conditions of their probation order. So that’s how I address offenders’ needs”. Nevertheless, most respondents who reported disconnect also reported a way they have found to cope within the criminal justice system. For example, another approach mentioned by many was the use of community services and the idea if they couldn't help the client directly, they would refer them to an agency that could.
Wrap-Around Approach: Community Supports and Referring the Client

As mentioned above, engaging with community supports and resources is a practice encouraged within the social work profession. Subsequently, many respondents talked about how they felt that when working within the criminal justice system, the needs identified by the client are frequently not something they can help satisfy. In situations where respondents were not able to help the client with their specific basic human needs, many respondents indicated they found it useful to refer them out to community supports and resources. For example, many respondents indicated that while working within the criminal justice system, there was no time to work with the client to advocate for their rights. For instance, Respondent #5 stated: “we have mandates to meet and timelines and big caseloads, and to be able to advocate for someone and to really ensure that there is equality, it’s not really doable”. As a result, many indicated they coped with this limitation by working with the client to identify appropriate services to assist the client.

One respondent described the process of accessing community supports as a "wrap-around approach" and stated that it helped them cope with the reality that they may not be able to help the client in the ways the client needs. By adopting a “wrap-around approach” to working with clients, respondents reasoned that even though they may not necessarily be able to help with what the clients needed, they could find them a support group that could assist them. For example, many respondents talked about trauma and that many of their clients identified significant trauma in their life, but that the criminal justice system does not give the tools or means to assess or deal with trauma. As a result, respondents indicated that although they didn’t
have the time or tools to work with the client on trauma, they could refer them to a support group for trauma. In addition, respondents identified some of the usefulness of adopting a “wrap-around approach” for clients to help address various individual needs. Respondents talked about finding a balance by leaning on other agencies for help to work with the client from a holistic perspective. For instance, Respondent #15 stated:

"I like to look at individuals from a holistic perspective. So wrap-around services are number one...I like to work from and with individuals from the ground up. You can’t address one area while ignoring a number of other different areas. So I think collaboration from a community perspective is number one".

Respondent #15 furthermore defined the “wrap-around approach” and the advantage of adopting a holistic approach for long term and after care:

“Working from a wrap-around approach in terms of working with all their collateral and all their other systems, or maybe they don’t have other systems involved in their life and identifying those resources so that once I am out of their lives, there are going to be other people there to support them and developing that support network. Collaboration; dealing with the person as a whole, a holistic approach".

Respondent #15 also explained the usefulness and importance of wrap-around services for helping clients address needs they do not have time to work with them on:

"Wrap-around is really just speaking about…my job here is to work from a justice perspective, but for someone to be successful, if they are lacking adequate housing, if they can’t put food on their table, if they have involvement with child and family services and they are fighting to get their kids back right now -- if all those other pieces or issues aren’t being addressed, then how can I expect them to successfully complete probation?"
Many other respondents also reported the importance of connecting clients with resources and identified it as a core value within social work. For instance, Respondent #13 talked the social work approach of working together and connecting with:

“…facilities as resources, and get to know supports. Networking is huge… that’s one of the biggest things about social work that I really loved, is the networking. That there really are enough agencies, facilities, programs out there to do all the work that is required…if we would just work together”.

Other respondents also identified the good-practice approach of connecting the client with community supports that the client identifies and feels comfortable with. For example, Respondent #10 talked about the process of encouraging autonomy with the clients in their approach to treatment: "I really make it, make them have a choice. Although it is a condition to do counselling, I want to make sure they have choices…if it’s a counselling to an agency that they feel more comfortable with, it’s not always my recommendation”. Respondent #15 summarized the importance of recognizing their professional limitations and reaching out for community supports for clients within the criminal justice system as a coping strategy when they stated:

"Building those skills and tools within the individual to help identify who to reach out to when those issues come up because I can’t be all things to this person. And I try not to be. Although I am a social worker at heart so I do have that helping need to try and over extend myself but that is unrealistic”

Respondent #15 talked about using other agencies as a strength for not only the client but also from a practice approach: “…so right from the get-go the goal is to identify who are the
collaterals, who are those community members that can support you in this area and in this area and this area...So that our time can be used most wisely…the balance is leaning on the network for support”.

Building Rapport and Digging Deeper

As mentioned above, another area of tension identified by respondents working within the criminal justice system was the difficulty of building rapport with clients. Many indicated that within the criminal justice system, job competency was not based on the actual work with clients but rather on adhering to the policies and mandates. For instance, Respondent #5 identified job competency within the criminal justice system as: "..if we had all our stuff in on time...we have mandates to meet and timelines and big caseloads...and as long as our assessments are done and we meet with the client a certain amount of times a month, that’s how we...are seen as a competent worker here”. As a result, many identified that building rapport with clients was often disregarded and not considered a priority within the criminal justice system. However, many respondents indicated that building rapport was an extremely important principle within the social work profession. Subsequently, to cope with the tension respondents indicated they utilized a social work approach to building rapport whenever they could. Some respondents indicated they were able to approach practices within the criminal justice system from a social work perspective. Other respondents indicated they adapted practices within the criminal justice system to have more of a social work approach. For example, some respondents indicated that to
inspire rapport building they found ways to encourage the client to have power within the relationship. For instance, Respondent #9 stated that by giving the client the power to determine their own treatment path, it motivates them and encourages rapport building:

“By giving them control in their own movement towards wellness. By asking them what they would like out of this. What they would like to achieve? Where they would like to go with it? And looking at motivational interviewing, what is of interest to them, what motivates them? And working with what motivates them”.

Other respondents indicated that they worked from a social work approach and as a result made small adjustments in practice within the criminal justice system to encourage the process of rapport building. For example, some respondents stated they reworded and modified the current risk assessment tool and process so that it comes across as less judgmental and not problem-focused. For example, Respondent #5 indicated:

"I find that I often really want to deviate from what the actual risk assessment asks and how they want us to ask those questions because it damages my professional rapport...I’ll ask the questions the way I want to ask them, which is totally different if someone from upper management sat in on my interview they would probably not support the way I’m asking.

Respondent #5 also elaborated on their social work practice approach and indicated: “I like to ask very open-ended questions. I like to give them the opportunity to speak without directing the question and framing it as a problem, Tell me about your alcohol and drug use? and such…but that is not how we are told to ask those questions”.

Another way respondents indicated they encouraged rapport building via a social work approach within the criminal justice system was that they put aside their obligation to policies
and mandates and took the time to get to know their clients. For example, although some respondents indicated that the risk assessment is encouraged to be done "in one visit and within 30 minutes", many respondents stated that they take their time with the risk assessment process. For example, some respondents indicated that they complete the risk assessment in two visits so they can spend more time getting to know the client and working on building rapport. These respondents also stated that they try to "dig deeper" with the client and uncover their actual needs from a social work perspective. For example, Respondent #13 indicated that they: “..typically have made the effort over and above, to dig deeper, to ask more pertinent questions, more personal questions, or in-depth questions, or however you want to look at it, and I’ve used that social work perspective when I’ve done so”.

Likewise, many respondents described how they use the current risk assessment tool as a guide or baseline when meeting with their clients but also expand on certain areas in order to get to know the client better. For instance, Respondent #5 identified the current risk assessment tool as "a stepping stone, it’s a prompt”. Respondents indicated that it is often by expanding on the current risk assessment tool that they are able to really get to know the client and identify the social work needs. For example, Respondent #3 stated: “it gives you questions, a basis of questions to start working with people” and Respondent #13 stated: "I have to incorporate over and above. So I take each of the eight criminogenic needs and then I start building on each of those sections”. Respondent #15 talked about the importance of attaching a social work perspective to the current risk assessment too:
"The LS/CMI without the social work values attached to it would be a very different tool because where those subjective questions come into play…if you are not looking at the bigger picture and asking the right questions to get a good capture of, you know, like of the person’s family, their relationships, their companions, what they are doing in their spare time and so forth, if you are not getting a big picture, how are you supposed to...develop a meaningful case plan moving forward?".

In addition to fostering rapport, Respondents also discussed the tension around the LS/CMI not being responsive to certain populations and stated that asking questions "over and above" in the risk assessment process helps some respondents feel as though they are being sensitive to the unique needs of the individual. For example, Respondent #13 also reported that they: "...use the Gladue factor questioning when I do my LS/CMI’s because I do believe that a person’s culture, their ethnic background, and their spiritual beliefs, all of that does have a huge role in why they did what they did”.

Other respondents also talked about being transparent with their role as social worker within the criminal justice system and the expectations of the client within the criminal justice system. Respondents indicated that they build rapport by being open and honest because it clarifies their dual role to the client. Respondents also indicated this process fosters trust. For example, Respondent #8 stated:

"A lot of people think that trust within the criminal justice system, or trust with a probation officer is ‘Oh I won’t put you in jail’. I don’t think that is trust at all. I need my clients to know that I have their best interests at heart and so that doesn’t mean that means they will never go to jail”.

Respondent #8 also talked about how they maintain transparency and honesty to build trust and
are clear about their role: “I think that trust is I tell them I am going to do something and I do it. And if I can’t do it, I explain to them why and I walk them through the process of how I wasn’t able to, and I hold to my word and I don’t make promises that I can’t keep”. Respondent #8 felt this practice was important because it demonstrated to their client that they were not just a criminal justice employee, but also that they had the client’s best interests in mind as well in so much that:“…they see that I am doing things not just on paper that the criminal justice system wants, but that I also want their lives to be better and I help them be a part of that process. I let them tell me”. Respondent #17 also stated:

“I think that you have to be completely transparent with your client and consistent with your client at all times so they understand the dual role and they understand that...you have a job to do, however you still have that compassion and a willingness and desire to support them”.

Respondent #5 also talked about the importance of being upfront with the client about the dual role and the lack of discretion:

"I’ll try and give them as much discretion as possible, I’ll try and be very open too with where I don’t have discretion. Like I try to be a social worker in the sense that I’ll say hey policy says, that if you don’t show up twice, policy says that I have to breach you, and I want you to know that right up front. I don’t want to trick you, it’s not a trick”.

Coping with Mandated Breaching/Advocating for the Client in Court

As described above, another tension identified by social workers working within the criminal justice system was the rigidity around certain policies and mandates. For instance, some respondents talked about how the criminal justice system seemingly set some clients up to fail by imposing unrealistic expectations and how some of the policies and mandates within the criminal
justice system are not reflective of good social work practice. For instance, Respondent #15 indicated: “I think that sometimes orders can be so onerous that it sets an individual up to fail…and I think that sometimes policy can come in the way of what needs to happen to see someone be successful”. Some respondents indicated the conditions within probation orders can be unrealistic for some clients because it puts a time frame on rehabilitation. For example, Respondent #4 explained:

"Within in probation specifically, you’re given an order (Probation Order), you’re given what you need to do (conditions) and you’re given a timeline....and we are trying to get people ready to be in that place but you might go to the end of the order and they might not be in that place for whatever reason...especially people with trauma, it takes longer...to get to that place where they are ready to do a program”.

Other respondents talked about how specific policies, such as the breach policy is in conflict with social work values because having a "one-size-fits-all" breach policy is not reflective of social work ideals because it does not consider the circumstances surrounding an individual. Subsequently, Respondents identified that as social workers it is important to consider the individual and environment because there may be extenuating circumstances like misinformation, mental health issues or low IQ that could account for the behavior. In addition, the notion that submitting a breach would result in a punitive approach from the criminal justice system for some clients who did not have a criminal intent behind their actions made this practice extremely oppressive.

For instance, Respondent #9 talked about how social work values and the breach policy
within the criminal justice are in conflict: “The two systems are in conflict with the breach policy”. Respondent #1 elaborated and indicated that:

“the number one problem I have with the breach policy is when…they don’t report right away…they don’t really know what’s going on and they have this whole new system and…nothing is explained to them the way it should be by their lawyers or they don’t really know what’s going on in court, or they have mental health issues or low IQ and they don’t report here with 24 hours…so we breach them and they go back into custody. I don’t think that’s very social work”.

In addition, Respondent #9 also stated:

"The breach policy is that you must report in person within two days of your release from custody or your sentencing, and for someone who is totally psychotic and does not have access to medications, maybe can’t afford them because they have been kicked out of income assistance so many times, so they have no supports, and they are disoriented and psychotic -- they have no ability to get in and do what the Court wants them to do. And we are forced as probation officers/social workers to breach them when they don’t come in. I feel as though that is one example of the conflict between the principles of social work and the criminal justice system”.

Respondent #9 furthermore elaborated on why they felt there was tension with the breach policy causes them tension coming from a social work perspective:

"When you are dealing with mental health clients who are out in the community...we expect them to perform normally but they don’t have that ability. I believe we set up those clients for failure. The ones that have mental health issues....we are punitive when we don’t need to be that punitive with a mental health client".

Respondent #17 also stated: "I think a lot of times your desire to work through a problem with an offender and address their trauma and really support them to make positive changes is inhibited by your mandate to breach them".
As a result, many respondents indicated they felt tension associated with the process of enforcing mandates and policies they did not agree with. Some respondents reported they held off on submitting breaches because they felt guilty, while one respondent indicated they use their discretion and sometimes don't submit the breach at all. For example, Respondent #4 indicated: "I feel guilty sometimes; I’ve been putting off a breach, a programming breach for a while because I feel badly I have to do it". While Respondent #1 indicated they used their discretion and made a choice sometimes not to breach:

"Each and every single one of us choose how we follow the breach policy, right...like if it’s a waste of court’s time and a waste of everybody’s time and sometimes honestly I don’t even listen to that and I let it slide and I don’t breach them and I’m supposed to be because it’s our mandate".

Respondent #15 talked about the concept of discretion but also indicated most mandates within the criminal justice system are:

"Black or white....we do have some discretionary ability in terms of how many times we can let something slide I suppose, or the excuses that we are willing to accept for some things. But for the most part, its black or white. Here is the list of rules that you are expected to follow".

Similarly, almost all respondents agreed with Respondent #2 when they stated: “you are a government agent which means you are a representation of all these policies that need to be enforced”. Subsequently many respondents also agreed with Respondent #9 when they stated: "I am hired as a probation officer so I follow what the directive is. I don’t disobey it". Yet, many respondents stated there was a way to balance both social work ideals and the job expectations, policies and mandates of the criminal justice system. For instance, some respondents indicated
they would follow the policies and mandates of the criminal justice system but would also go over and above to incorporate social work values into practice. Many respondents described instances wherein they submitted a breach but would advocate for their client in court. For example, Respondent #13 described a situation wherein they were able to advocate for their client who missed a curfew call and they ended up breaching due to policy:

“So the law says there is zero tolerance so I had no choice but to breach him. However, given that situation, I was also able to inform his lawyer and the crown that this is the situation with this individual. You know this is what’s going on, it’s a first time offence, you know, so the charges were disposed of, so in that sense I did my job”

Respondent #13 also described how going the extra mile allowed them to find a balance between their dual role

“I…did go the extra mile to say you know what, I honestly believe, and even though this is what I have to do for my job, I honestly believe that this individual was home and the minute he found out his phone was disconnected from the wall, he was calling the next morning and leaving a voicemail and he had made all of his other curfew calls without fail for the weeks prior to that. So in that sense I think it sort of balances itself out”.

Respondent #9 also indicated they would advocate for their client at court: "If I believe that the client is really trying, I will, at the point that the client is at court, I will advocate on his or her behalf".

Other respondents indicated they would try everything possible to connect with the client that they knew had extenuating circumstances before they submitted the breach even though it was not their job to track down clients, they would go over and above. For instance, Respondent #9 stated they:
"...blend the social work principles with the criminal justice system...I look at extenuating circumstances...I do everything I can to contact the client and have the client understand what is going on, that means phone calls, that means letters, that means contacting the collaterals, I bend over backwards to try and get the client on track. I do literally everything I can ethically to get the client on track."

Respondent #8 also talked about how they uphold their social work principles and values and frequently go over and above for their clients and stated that they:

"...make sure that the things that I do outside of my job are things that I feel are the right things and that are good for people. And that make me feel like a good person. And when I have a situation where things are in conflict and I have to make a choice that I don’t think is the right one under who I am as a social worker...that I do something else for them. Meaning, if there is a decision that I have to make about a policy and procedure, like I have to breach...I don’t have discretion, but I make sure a way of handling it the best way I can....it involves a lot of “over and above stuff”.

Self-Care

As mentioned above, there are many external tensions described by social workers working within the criminal justice system. However, respondents also indicated they experienced internal disconnect such as stress, guilt and burnout as a result of these external tensions. For example, Respondent #4 indicated: "the strain is on you, sometimes you feel frustrated and guilty". Respondent #2 also stated: "I’m already burnt out". Some respondents described shutting down emotionally and as Respondent #2 described it as: "just dealing with the rules because that was easier". Respondent #14 indicated they coped with this internal conflict by shutting down: "I've developed a strong ability to separate emotional “me” from professional
“me”, so I don’t take things personally. Or at least I try really hard not to. Yeah I have a little emotion switch that I can turn on and off which is probably not the healthiest thing”.

Many other respondents talked about the importance of self-care and how they sought support from their colleagues and other strategies to help them when they are feeling stressed, guilty or burned out. Respondent #1 indicated the importance of self-care and personal well-being because the job is challenging: "You gotta take care of yourself. For sure. You gotta take care of yourself...because this job isn’t easy. It’s not easy at all". Respondent #17 talked about the importance of having supportive people you can talk to after a difficult situation: "...having a good support system at home and outside of work and also debriefing with other co-workers to see how they have handled similar situations, talking with management and sort of working through some of the feelings associated with it". Respondent #1 also talked about the importance of debriefing with co-workers and having the option to vent: "You gotta debrief with your coworkers. Definitely have to vent, have to vent". Respondent #13 also talked about venting and leaving work at work in order to cope: "Venting, learning to talk things through with other coworkers, trying really hard not to take it home". Similarly, Respondent #14 also acknowledged the importance of having supportive co-workers: "I have...some really supportive co-workers...and I talk it out with them, and they are super encouraging".

Respondent #1 talked about the importance of having a balanced life and having personal fulfillment outside of the job: "You really gotta make sure you are level-headed outside of your
job. You gotta have, like, things going on in your personal life that are fulfilling to you".

Respondent #14 also stated about self-care: "And have really good self-care. Self-care, you know burnout, burnout is going to make you apathetic towards things…if you are sick, go home".

Advice for Future Social Workers Working within the Criminal Justice System:

While many respondents acknowledged the importance of self-care for any future social work practitioner entering the criminal justice system, many respondents also had other advice to help reduce the tension from the start. While some respondents cautioned others about the difficulties associated with maintaining social work values, ethics and principles within the criminal justice system, others maintained it was possible and gave suggestions to prepare for the tension from the start and to think creatively about strategies to cope with the existing conflict.

For example, some respondents cautioned others to consider why they want to work within the criminal justice system and that there needs to be an understanding that social work values can’t always be exercised within the system, such as Respondent #5 when they stated:

"If you are really intent on really being a social worker, really having those values, I would really consider why you are coming to this organization….don’t be pulled in, if that’s really what you want, don’t be pulled in by the income and the stability and the 9-5 and the etc etc. Like if social work values are your true values, follow that, because I have had to compromise that. And you can’t do it all, you can’t connect with everybody, and you can’t help everybody. The system is not going to support you to do that, so just be aware of that. That’s what I would say to someone incoming".
Many other respondents gave advice from their experience entering the criminal justice system such as Respondent #17 when they advised that it was important from the beginning: “...to understand the policies really well and to understand, to really have a good sense of their own values and the values associated with social work so that you can make decisions, informed decisions, and feel good about the decisions you are making”.

Respondent #2 also supported that assertion and reiterated how important it was for social workers entering the criminal justice system to be mindful of the agency’s mandate and their personal ethics, values and principles as a social worker:

"Be very very clear about the values and the mandate of that system and understand what they are and be very very very clear about your values. And I think, I think part of it when I went in, I didn’t really have a good idea of what I was getting into, so a lot of that processing I did was on the job, which I don’t think was necessarily helpful for the people that I was serving or my own part in that field...But I think if you were to go into it, knowing that there was going to be a tension, and maybe having some strategies beforehand on how to reconcile that, or even an idea that you know or skills enough to live in that tension and still have a clear idea of still implementing those values in that job, you still stand a good chance of maintaining a long career and doing good for the people you serve”.

Other respondents talked about the value of maintaining social work values and ethics while working within the criminal justice system because they will always apply and be an assist in practice. For example, Respondent #10 advised to:

"..uphold the same values and principles, they still apply...and those skills will definitely be widely used in the job that we do. It’s high risk, it’s intensive. You go from assist
suicide intervention], to talking about leisure and recreation, so very light issues to very heavy issues, trauma, all of it. So you are going to need those skills”.

Respondents also acknowledged the importance of learning coping skills from other social work practitioners and if it works, implementing it into their own practice. For example, Respondent #11 stated:

"Try to talk to different people that you work with because then you get a different sense from different people like how they work with clients in the criminal justice system or how they do things, what is their perspective. So I would say try to talk to a lot of different people, or work with, or under, a lot of a few different people can be something that would be good to do”.

Respondent #11 talked about some of the social work skills they found valuable and how to implement them into practice to build rapport with the clients: "I would say ask the clients like as many questions as you can and really try and talk to them and get to know them because...if you do that you are going to be able to have better relationships with them”. Respondents #11 also advised future practitioners to be sensitive and respect the diversity of the client within the criminal justice system and stated:

“be sensitive to each client because they are all different, everyone is different and some are going to be quick to share a lot of different things with you right away and others take time, and other people don’t want to share a lot of things with you and I think you have to respect that and the balance of what you need to do as part of your job, like I don’t think it is helpful to expect all clients are going to be one way or the other or share a whole lot of information with you”.

One respondent also advised to always use the social work value of being non-judgmental and not to do the work for the client and to foster autonomy. The value of being non-judgmental was important because many other respondents also talked about how although you
are working with offenders within the criminal justice system many of them are also victims. For examples, Respondent # 7 stated:

"Don’t take on the clients’ problems. Understand them and have the appropriate empathy, and work with them as best you can but don’t do the work for them. And don’t become emotionally overwhelmed with the things you hear, with the stories, the recounting of the things and experiences they have had, and that goes in the other way too, because some of the things our clients have done are pretty horrific, and if you paint them with that brush, you can’t have the appropriate empathy that you need, the appropriate patience that you need, you are clouded in terms of what you can tell them, you can’t feel certain ways about them, good or bad".

Respondent #2 acknowledged the importance of remembering that everyone has a history and that many of the clients social workers work with within the criminal justice system are also victims in some context and the importance of acknowledging that their clients are also: "people who were victims". Furthermore, Respondent #10 also stated the importance of remembering that: "...because we are dealing with victims, so we don’t want to take advantage of them either, they are vulnerable people".

Respondent #14 also advised new social workers within the criminal justice system to be mindful of their thoughts and opinions and to recognize that the clients are the experts of their life when they stated: "Know yourself and know your own personality and know that you are not…you don’t know everything. I learn more from my clients...they are truly the expert in the situation".
Summary:

Many respondents reported that there was conflict while working within the criminal justice system and when trying to maintain and utilize their social work values, ethics and principles in practice. However, as mentioned above, all respondents indicated that there was a need for social workers within the criminal justice system. Some respondents also indicated that they believed social workers play a key role within the criminal justice system. Subsequently, as indicated by many of the respondents, the role of social work within the criminal justice system is very important.

In order to find a balance between being a social worker and a criminal justice employee, some respondents talked about adopting an “over and above” approach when working with clients in the criminal justice system. Respondents often described their role as a criminal justice employee as separate from that from social work, but also acknowledged that by having a social work education they also felt it was important to maintain those ethics, values and principles of the social work profession in practice. As a result, respondents stated maintaining social work ethics, values and principles was challenging and outside of their criminal justice job description, but working for the client was something they felt was possible and that there was a way to incorporate social work ethics, values and principles into practice.

Respondents who indicated they were able to find a balance with maintaining their social work roots and still work within the criminal justice system reported that there could be an
amalgamation of the dual role of social worker and criminal justice system employee. Many respondents indicated they had to “work harder” to find a fit, but were successful and talked about some of the coping strategies they used to maintain social work ideals while working within the criminal justice system.

One of the coping strategies that was expressed throughout the chapter was the understanding to not set aside social work values, ethics and principles because they did not coincide with the “bigger picture” or overarching mandate of an agency, but to find ways to make the values fit on the ground level when working with the client. For example, even though most of the respondents acknowledged that the primary focus of the criminal justice system was to facilitate public protection, respondents also indicated that social workers working with offenders have the opportunity to help their client attain greater well-being in a multitude of ways. In a sense, respondents indicated they coped by shifting their mindset from having the responsibility of protecting “society”, and focused more on working for and with the actual client in front of them.

In order to maintain social work values, ethics and principles, respondents indicated that they used their social work skills when working with the client. For example, respondents described using a strength-based and client-focused approach and stated they facilitated autonomy when it was possible. Respondents acknowledged that although the criminal justice system required them to use the LS/CMI and case management approach, respondents indicated
that they frequently asked other questions in addition to those on the LS/CMI to discover basic needs, and explore individual characteristics. Respondents indicated that they were able to incorporate social work skills into their approach when working with clients by purely listening to the client, showing respect, having empathy and treating the client as an individual. Many of the respondents identified the importance of maintaining social work skills in practice because it also empowers the client by giving them a voice to express their own needs. As mentioned above, some respondents also indicated a struggle with building rapport with clients within the criminal justice system. However, many respondents indicated they were able to build rapport by incorporating social work skills into practice. For example, respondents described the social work skill of active listening to improve rapport building amongst clients.

In order to cope and maintain their social work values, ethics and principles, respondents also described acknowledged their limitations and described the advantage in working with other agencies and connecting clients to community supports. As mentioned above, respondents described having limited time to work with clients. Subsequently, some respondents indicated they recognized when they could not assist with a certain need, but were able to help by connecting the client with an agency that could (i.e. housing, food banks, employment programs, etc.). As a result, some respondents identified that by adopting a “wrap-around approach”, they were able to cope better with their role.
Many respondents reported that working as a social worker within the criminal justice system was challenging from a professional and personal perspective and all respondents indicated some source of stress and conflict while being social workers within the criminal justice system. In addition, respondents stated that it is not only is it challenging, it is also hard work. As a result, another theme that emerged from the research was the notion and importance of self-care. While some respondents identified feeling “burned out”, other respondents talked about the ways they exercise self-care in order not to burn out. Respondents described reaching out to others and seeking positive support and guidance as useful safe-care strategies. As advice for other social workers who are considering working within the criminal justice system, many respondents stressed the importance of trying to find a way to meld social work skills into practice within the criminal justice system as it is not only rewarding for the client but also for the social work practitioner.
**Chapter 7: Discussion and Implications:**

There are many ways criminal justice social workers can maintain and facilitate a successful dual role in practice by implementing social work values into practice within the criminal justice system. This research explored in depth the tension experienced by social workers working within the criminal justice and offered practice suggestions to improve and address the current tension experienced by criminal justice social workers on a personal and professional platform. The contribution of this research on future practice will be to inform the criminal justice system on the specific areas of disjunctive distress experienced by social workers working within the criminal justice system. This research also aimed to provide criminal justice social workers with some practical suggestions on how to cope and maintain social work ethics, values and principles in practice, and how to reduce burnout from an individual perspective.

It is important to acknowledge that the issue of disjunctive distress and burnout is not specific or a unique issue for criminal justice social workers. As indicated by Rhodes (1991) social workers working within other bureaucratic agencies such as the child welfare, income assistance and health care (to name a few) “all seem caught up by organizational forces well beyond their control” (p.133) and much of “their work may be determined more by institution rules than by client needs, and they often find themselves mired in routinized procedures defining a narrow range of clients problems” (p.133). As a result, although this dissertation details specific tensions experienced by social workers working within the criminal justice
system, the similarity of these experiences to those attributed to social workers in other bureaucratic settings should signal that there is a larger pattern of disjunctive distress and burnout amongst social workers in bureaucratic settings and this pattern should be explored more in depth. Similarly Rhodes (1991) also acknowledged that there is a need for the “restructuring of organizations and social systems” (p.133) but “while such changes are essential, they give little guidance to the practicing social worker in her daily life within a bureaucracy” (p.133). As a result, Rhodes (1991) is suggesting there is a need for social change from a systems perspective with respect to helping to reduce disconnect and burnout for social workers working with such organizations, but looking at the problem from a systems approach does not necessarily help the person in the current environment. Rhodes (1991) called for “guidance to practicing social workers in her daily life within a bureaucracy” (p.133). As a result, the results of this research are important because not only does it identify and give description to the tension experienced within the bureaucratic organization of the criminal justice system, it also provided some guidance to navigate the disconnect in practice and potential coping strategies for social workers to cope with disjunctive distress and burnout amidst such bureaucratic settings.

As mentioned above, many of the respondents described how their lack of discretion within the criminal justice system was frustrating, and they believed damaged their ability to exercise competence within their role of social worker professional. They indicated the lack of exercising discretion within the criminal justice system limited their social work practice skills,
and resulted in damaged their rapport with clients, and rendered them feeling as though others questioned their competency as a professional.

Lipsky (1980) examined front-line workers in government agencies and introduced their role as that of street-level bureaucrats. Lipsky (1980) characterized the role of a street-level bureaucrat as that of having a consistent and direct interactional role with clients, and identified the necessary power for them to exercise a degree of discretion over the services and sanctions received by their clients. Similarly, Wooditch et al., (2016) examined street-level discretion and organizational effectiveness in probation services and indicated that “a byproduct of the rational structure of bureaucracies is that it permits…workers to exercise a great deal of discretion” (p.39) and identified “discretion as the means by which law…is translated into action” (p.39). As a result, both indicated that exercising discretion is an important derivative of workers within an agency such as the criminal justice system. However, as identified by many of the respondents, they did not feel as though they were able to exercise any degree of discretion with their clients and also indicated they did not believe they were recognized as having any professional merit as social workers. Evans (2011) explored the role of the professional and suggested that the professional status of social workers working within a bureaucratic agency “influences both the nature of their discretion and the way in which this is managed” (p.368). As indicated by many of the respondents, the professional status of social workers working within the criminal justice system appeared to be devalued, and as result there is a lack of granted permission to use their discretion, even when it is the best interest of the client and public safety. Evans (2011) reported
there appears to be clear evidence that the criminal justice system “attempts to control and direct practice” (p.381) at the expense of social work skills, principles and values. Wooditch et al., (2016) also acknowledged this lack of professional discretion, and reported that “probation departments are constantly in search of ways to rein in the discretion of their officers” (p.42), but stated that this is damaging to the organization as a whole because “the discretion of public servants is a necessary component of democracies” (p.42).

This chapter will review the experiences described above by social workers working within the criminal justice system, and discuss their personal observations in relation to the tension and conflict they experienced when trying to maintain their social work ethics, values and principles in practice. The purpose of social work education is to prepare students to work in a variety of settings while maintaining specific core competencies. In theory, social work ethics, values and principles are best practice and should be maintained at all times. However, sometimes in practice social workers are put in situations wherein their ethics, values and principles are challenged. Working in social services is extremely challenging because life is multifaceted. As a social worker, you not only have an obligation to uphold the main values of your place of employment, but also maintain the commitment to the social work profession and your clients. A social worker has a core set of competencies that are meant to navigate them through dilemmas, but as described above, maintaining social work values, ethics and principles in all circumstances is not always easy. Upholding social work ethics values and principles gets complicated when a social worker is employed with an agency that has a different idea of who
the client is, and how to work with them. Although the term “social work” is an umbrella concept used to describe a profession geared towards enhancing an individual’s well-being and promoting social justice, social workers can be employed with different job titles that in turn may challenge their personal and professional role definition and social work practice, and in turn have consequences to their personal well-being. Burnout is a term that is turning up more in social work literature, and the concept of self-care is also becoming more of a common theme.

In Chapter 3, respondents talked about their experience and personal opinions about the challenged associated with role definition amongst social workers working within the criminal justice system. Within this chapter, respondents conveyed experiences that reinforced the literature suggesting that social work education is geared towards identifying and instilling specific beliefs, theories and practices among social work students. When examining the concept of “what” makes a social worker, respondents expressed a clear understanding of what the values, principles and code of ethics are within the social work profession. As described by the Canadian Association of Social Workers (CASW, 2014), respondents repeated that the “primary mission of the social work profession is to enhance human well-being and help meet the basic human needs of all people” (p.1). Respondents basically identified the main values word for word when they said that the main values of the social work profession are to enhance human well-being, foster autonomy and help the client with their basic human needs. Respondents also expressed a commitment to a client-focused and anti-oppressive approach within the social work profession which was also an important approach detailed by the CASW (2014).
However, one of the main themes within this chapter was the idea of role definition as an area of tension described by criminal justice social workers. The notion of a dual role for social workers when working in a bureaucracy was examined by Rhodes (1991) and the stressors associated with such a position has been examined in agencies such as child welfare and the criminal justice system. Similarly as described by Rhodes (1991), respondents indicated they knew their role as social workers, however, once they became employees of the criminal justice system, some of main values of the social work profession conflicted with the main values of the criminal justice system and they were not necessarily expecting it. Specifically, respondents identified the main values of the criminal justice system as public safety and to reduce recidivism, wherein they defined the aim of the social work profession as that of a welfare-model approach. Subsequently, many respondents indicated that there was a detachment between social work theory and practice when working as a probation officer within the criminal justice system. Respondents indicated a sense of disappointment in the mismatch of theory to real life practice within social work education and described being unprepared to adjust or balance the two approaches. Some respondents indicated that they felt there were two separate and incompatible approaches and described feeling conflicted over which approach to uphold. Reamer (2000) identified an ethical dilemma in social work as “when social workers encounter conflicting professional duties and obligations” (p.6). Literature suggests that ethical dilemmas generally relate to “ethical teaching and education that conforms to professionally endorsed principles” (DiFranks, 2008, p.169). DiFranks (2008) defined disjunctive distress as a mental and emotional
stress that occurs when belief and behaviour are discrepant. Accordingly, respondents indicated they were feeling disjunctive distress as a result of trying to work from what they believed was two separate and incompatible practice approaches.

The implications of these findings are that social workers working within the criminal justice system are feeling torn when not only tasked with identifying who their client is (public vs offender), but also in how to go about working with their client. Respondents talked about feeling the pressure of being expected to uphold the large task of protecting the public and being accountable to the public, while also being held responsible to their direct supervisor and the criminal justice system to “do their job” and abide by the mandates and policies. Similar as that described by Rhodes (1991), respondents talked about feeling as though “instead of providing care and empowerment, they became a force of social control” (p.141). However, at the same time, respondents also described feeling the ethical duty of being a social worker to the client. As a result, social workers reported they felt confused and ethically torn when identifying who they should feel accountable to as each “group” had different wants and needs that sometimes were in conflict. For example, while the criminal justice system is focused on identifying criminogenic needs to satisfy the public need for protection, the individual may identify different human needs they want to focus on in order for their own well-being. Respondents acknowledged the importance of public safety and maintaining their employment, but also expressed a commitment to be client-focused and maintain their integrity to the social work profession. As a result of this tension between accountability and who should get priority, many respondents expressed ethical
stress and feelings of uncertainty in outlining their dual role as a social worker and an employee within the criminal justice system. Not only did respondents report feeling stressed about failing within either role, many reported feeling like they were being inadequate social workers because they were adopting a dual role and not being strictly client-focused. In their research, Fenton (2012) also had similar findings when examining social workers working within the criminal justice system and described the feelings of disjuncture experienced by criminal justice social workers as from being pulled in two directions (public protection and trying to be client centered).

Respondents also talked about how difficult it was to work from a social work approach in situations where criminal justice policy dictated the way they worked with clients and how some policies and procedures negatively impacted their working relationship with the client. Rhodes (1991) also examined how social workers felt when working in bureaucracy settings and found social workers often felt ethical stress associated with the dual role and the impact it has when working with clients. Much like in Rhodes (1991) research, respondents stated some of the policies and practices were in fact oppressive and disempowering to some clients. Respondents talked about the difference between being an accountable and efficient public servant and a client-based service provider, comparing it to a care vs control model with identified distress over the power dynamic of enforcer and helper. Respondents also voiced frustration at not having any discretion within their role as criminal justice employee and felt that they were frequently damaging the chance of building rapport and facilitating any change within their
client as a result. Fenton (2012) also acknowledged social workers reporting a lack of discretion and ability to make decisions as a source of disjuncture and ethical stress.

The implications of these findings are that social workers within the criminal justice system are reportedly feeling as though they are part of the problem and not necessarily helping the clients as much as they could because of policies and practices of the criminal justice system. Respondents appeared to accept that in many situations, the main values of the criminal justice system are the priority, and within the dual role situation, social work values are often coming in second. Subsequently, respondents also expressed disappointment with themselves in the sense they were pushing to one side their role as social worker and their social work ethics, values and practice principles in order to satisfy their role as criminal justice employee. This was evident when respondents voiced frustration and resentment when having to choose a course of action with which they do not necessarily agree but is a policy or mandate. When individuals have to make decisions and behave in ways that are in contrast to their beliefs and values, the propensity is increased for ethical stress and burnout as pointed out by Fenton (2012). As a result, by exploring the criminal justice social workers experience with defining their role, it seems there is already a tension creeping into practice. The implications of ethical stress, disjunctive distress and burnout will be discussed in more depth below. However, much of the findings from this research are similar with those in the literature review exploring social workers experience working in a bureaucracy and finding there is ethical stress from the environment in which they
work. Respondents reported feeling they were not doing justice for their clients or the social work profession and in turn were disappointed with themselves.

In Chapter 4, the concept of risk and risk assessment was explored. As described by Mattaini and Kirk (1991) and Maurutto and Hannah-Moffat (2006), risk assessment is the process of identifying the risks and needs associated with an offender, and the case management process is the action plan to reduce the risks and needs of the offender. Curran (2010) identified that risk was a fundamental concept within the criminal justice system and has become one of the most prevalent ways of describing and treating offenders. However, respondents struggled because many seemed to suggest it was not the best practice and did not maintain or uphold social work ethics, values and principles because it was narrow in focus and did not consider individual factors or allow the client to have a voice.

Similar to the criticisms presented by Farrow et al., (2007) with respect to the “one size fits all” approach of the LS/CMI risk assessment tool, respondents also reported significant concerns with the validity of the risk assessment tool. Not only did respondents report the risk assessment tool misses the mark on identifying welfare needs, respondents also indicated that they felt LS/CMI was too simplistic to address the broad characteristics of individual offenders.

In their research, Farrow et al., (2007) acknowledged the multi-dimensional nature of the individual and the term “offender” does not represent one specific population group. Crenshaw (2010) also postulated that not all minority groups (such as “offenders”) are the same and to
assume they are a uniform group moreover oppresses them further. Crenshaw (2010) noted the term intersectionality and indicated it referred to the intersections between different marginalized groups and the understanding that there are interactions of multiple systems of oppression or discrimination on an individual. Shields (2008) raised the issue of understanding that the lives of women are not only shaped by gender alone, but also by other elements.

Respondents criticized the risk assessment tool currently used within the criminal justice system because, and much like the literature suggested, that they felt it was based on a “one size fits all” approach and that it was not appropriate for working with the populations they have observed. As indicated by Farrow et al., (2007) not all offenders are the same, and as with concept of intersectionality as indicated by Crenshaw (2010) and Shields (2008), acknowledging that women or men of the same ethnic groups can also be differentiated with respect to past trauma and mental health which is important to consider when working with clients.

Respondents talked about how the current risk assessment tool did not account for important individual factors such as trauma, gender, ethnic background or mental health. This was voiced as a concern from many respondents because most described working with clients wherein one or all of these factors were an issue for their client but felt the needs associated with trauma, gender, ethnic background and/or mental health were overlooked based on the risk assessment tool and process. Specifically, one respondent described a personal experiences working with a client who was a victim of trauma, and seemed to suggest that they felt as though
the current risk assessment tool impeded their ability to help the client from a trauma-informed practice approach. As suggested by Van der Kolk (2007), the lack of attention to trauma-informed practice within the criminal justice system could be detrimental to not only public protection, but also to the rehabilitation of offenders as they suggested a link between unresolved trauma and anti-social behaviour. Knight’s (2015) research also suggested that social workers cannot help the client long term by only addressing the current presenting problems if there is untreated and unresolved trauma in their history because there is a deeper issue. Respondents also voiced frustration in only addressing the presenting problems as they relate to criminality and identified it as a “Band-Aid” solution.

Many respondents voiced a concern with the current risk assessment tool being a “one size fits all” approach when working with Aboriginal offenders. Similar to the findings of Gutierrez et al., (2013), respondents indicated the current risk assessment tool was based largely on research concerning Caucasian male offenders. Respondents also agreed with Shepherd et al., (2012) that Aboriginal offenders are different from non-Aboriginal offenders. As a result, many respondents indicated that they did not believe the current risk assessment tool was a valid predictor for need or risk amongst Aboriginal offenders.

Respondents also voiced criticism of the current risk assessment tool because it was based on research with male offenders and many stated it did not account for the unique risk and needs associated with female offenders. As mentioned above, previous research has suggested
that men and women share the same dynamic factors and that the same theories of offending apply to both genders (Hannah-Moffat, 2009). However, as described by Brennan et al., (2012) female pathways to crime are substantively different from those in the prevailing research on male offenders. Much like the previous research suggested, respondents indicated that from their experience working with female offenders, they did not believe a “one size fits all” risk assessment tool was appropriate for females because it did not address many of the needs that are specific to female offenders. Many respondents voiced a similar finding as Hannah-Moffat (2010) with respect to identifying a need for a specific and meaningful assessment tool for female offenders as essential in the provision of appropriate individual intervention for female offenders.

Respondents also voiced a concern with the current risk assessment tool being a “one size fits all” approach when working with clients who have an assessed or unassessed mental health condition. As indicated by McInerney and Minne (2004), the findings suggest that respondents agreed that “mentally disordered offenders have special problems” (p.43). Respondents talked about the challenges of working with mental health offenders and discussed how the current risk assessment tool within the criminal justice system is not able to identify the needs or risks associated with mentally disordered offenders. The findings also suggest that respondents also agreed with Ogloff and Davis (2004) who stated “correctional and justice systems cannot meet the needs of offenders with mental health issues” (p.237).
In consideration of these criticisms associated with what the current risk assessment tool “misses”, many respondents voiced their frustration because they believed the criminal justice system was not considerate of the social work literature underlying the importance of these factors when working with clients. Respondents also revealed a sense of guilt in acknowledging all these shortcomings in the current risk assessment tool, but continuing to use it because it was mandated within the criminal justice system. Many respondents also indicated that they felt they were doing a disservice to their clients because they were trying to fit them all inside a box and tick off criteria that may not necessarily be applicable to them. Furthermore, they also felt they were missing important information for the best social work practice with their client. Many respondents expressed frustration with themselves for nevertheless using the tool and assessing their client with a tool they felt was not valid or comprehensive, simply to fulfill the mandate of the criminal justice system. It is also interesting to note that while some respondents reported feeling guilty, others justified it indicating they were doing their job, but nevertheless acknowledging that it was at the expense of adhering to social work beliefs and principles. This acknowledgement accounts for the disconnect between values and behaviour and many of the respondents who justified their actions also described disjunctive distress throughout their interview.

Another overarching theme within Chapter 4 was the discontentment expressed by respondents with the term “need” as it is currently associated with the risk assessment and case management approach in the criminal justice system. The findings indicated that respondents
were quick to differentiate between the concept of risk and the assessment of risk and needs within the criminal justice system and the social work profession. As discussed in the literature review above, respondents acknowledged an epistemological difference between the definition of risk and needs within the criminal justice system and the social work profession. For example, respondents agreed with Bullock (2011) when they identified the definition of risk and needs within the criminal justice system to be in the context of control, public protection and in terms of recidivism. However, respondents identified the definition of risk and needs within the social work profession as in terms similar to that identified by the CASW (2014) such as welfare, individual safety and personal well-being. The findings suggested that respondents identified the difference in practice between risk and needs from a criminal justice and social work profession and determined the social work needs of offenders were being overlooked by the primary focus on public protection. For instance, much like Curran (2010) identified, respondents also deduced that the risk and need assessed within the criminal justice system was the evaluation of the likelihood of reoffending and the criminogenic factors needed to be addressed for public protection. In other words, the needs were identified in the context of public safety and protection. While Hepworth et al., (2006), identified the assessment process in the social work profession as crucial for determining the problem, and laying the “groundwork for interventions and strategies aimed at resolving client’s problems” (p.34), respondents stated the criminal justice systems’ assessment process identifies the client’s problem for them as criminality and the interventions are based solely on reducing criminality.
While Royse et al., (2009) defined a social work assessment as a process that attempts to estimate deficiencies, determine needs and establish the best treatment plan, respondents criticized the current assessment process as being outcome driven and only associated with reducing criminality. Respondents criticized the current risk assessment process indicating that it did not assess the well-being or needs of offenders. Respondents identified the risk and needs assessed in social work are an exploration process to assist in working with the client to identify welfare needs for the well-being of the individual (Turner, 2002). The findings indicated that respondents felt misled by the word “need”, especially in consideration of their social work education. For example, respondents criticized the use of the word “need” within the context of the criminal justice system because it did not correlate with their understanding of what basic human needs looked like from social work education. In addition, respondents also reported feeling as though their hands were tied when trying to address their clients’ basic human needs because most of them were not assessed or addressed on the LS/CMI or the case management plan framework.

The implications for the mismatch between the theoretical basis of risk and needs assessment from a social work perspective and that which is within the criminal justice system only further pushes respondents to reflect on their practice and role, acknowledging they are moving further away from the needs of their clients and more to the policies and practices of the criminal justice system. The fact the LS/CMI is a mandated assessment instrument also indicates that criminal justice social workers have no discretion but to do the assessment, remove
autonomy from the client and tell them their needs when in fact it is not even “their” needs, but the needs in order to reduce risk for public protection. In other words, these needs are their needs, but as defined by the instrument.

All respondents acknowledged a need for a risk and needs assessment tool to assist in determining the level of risk and needs of an individual within the criminal justice context. However, respondents also expressed a need for consideration of professional discretion and judgment within the framework to allow for a more social work and client-focused approach. All respondents felt that the LS/CMI was lacking in contents in some way. Respondents talked about some of the shortcomings of the LS/CMI and case management approach and offered practical suggestions that could make the contents, structure, process and quality of service better for clients within the criminal justice system.

One of the suggestions echoed by many respondents was to give more time for rapport building. Other suggestions by respondents were to account for such characteristics as ethnic background, trauma, gender and mental health status within the risk-needs assessment and case management approach. Respondents also suggested the idea of having separate risk assessment tools for male and female offenders, as well as for male and female Aboriginal offenders. Respondents also suggested adding more social work values, such as assessing for basic human needs as well as criminogenic needs in the LS/CMI. The implications of implementing these suggestions would create a risk-need assessment tool that literature suggests would be more valid
for different populations of offenders as well as assist to address not only risk and needs from a control perspective but also a welfare model. In addition, criminal justice social workers would then not feel as though their social work values, ethics and principles were disconnected from their work within the criminal justice system and therefore, they would be able to maintain their social work education in theory and practice. This would be a benefit for not only social work practice and practitioners, but also for the clients within the criminal justice system.

As mentioned above, many social workers working as probation officers reported a disconnect when trying to satisfy their role expectations within the criminal justice system and attempting to maintain social work values, ethics and principles. They also expressed internal conflict in determining how to proceed when they feel that they are unable to maintain social work ethics, values and principles in all situations. Consequently, some of the findings throughout Chapter 5 detailed the feelings and experiences respondents had with regard to the conflicting values of the social work profession and the practice expectations within the criminal justice system.

One of the main themes that emerged in Chapter 5 was respondents detailing their feelings of tension, internal disconnect and ethical stress within a dual role. As the literature suggested by Rhodes (1991) and Fenton (2012), respondents acknowledged the differences in priorities within the criminal justice system and the social work profession. Respondents
acknowledged, as suggested by Fenton (2012) that in many cases they were working for public safety and not necessarily in the best interest of the client.

With respect to the internal discord, respondents talked about their personal struggles with implementing some of the policies and practices within the criminal justice system that they felt were not in the best interest for their client. As a result, many respondents indicated they frequently experienced ethical dilemmas and internal discord over their dual role. Furthermore, respondents described various work situations that triggered ethical dilemmas and internal conflict as a result of how they were expected to work with their clients. In consideration of identifying and reporting ethical dilemmas, respondents acknowledged a personal moral dilemma with having to knowingly disregard good social work practice in order to do their job effectively as a criminal justice system employee. As mentioned above, Fenton (2012) postulated that social workers within the criminal justice system feel as though they are being pulled in two different directions because of conflicting priorities.

Respondents talked about the concept of “selling out” on social work values. Many respondents felt as though they had to pick sides and talked about the negative consequences associated with choosing either one. The findings suggest that some respondents felt if they “didn’t sell out” they would “burn out”. Respondents appeared to suggest that in order to satisfy their job expectations within the criminal justice system; they had to sell out on some of the social work values because if they continued to try and work from a social work value approach,
they would burnout as the criminal justice system was not accommodating to this approach. DiFranks (2008) established that in some workplace settings and situations, social workers had to make decisions and behave in ways that were in contrast to their code of ethics. The findings suggest that respondents felt at some time they had to make a decision they believed was in contrast to their social work code of ethics. Much as DiFranks (2008) predicted, behaving in ways that contradict one’s ethics, values or principles correlates with stress and negative emotions. The findings indicate that many respondents felt they acted at some time in contrary to their social work ethics, principles or values and as a result reported feeling poorly about themselves from a professional and personal perspective.

Van Heugten (2011) explored stress social workers experience in the workplace and talked about the negative stressors experienced by social workers. Van Heugten’s (2011) research also correlated negative stress, disjuncture and distress with burnout. With respect to social work, Edelwich (1980) defined burnout as “a progressive loss of idealism, energy, and purpose experienced by people in the helping profession”. Collins and Parry-Jones (2000) also indicated feeling a lack of control over one’s role within an agency and a loss of capacity to determine the scope of one’s role can lead to burnout. The findings indicate that many respondents acknowledged there is little autonomy for themselves as employees and for the offenders within the criminal justice system. The findings described the respondents’ belief that the criminal justice system is not client-focused and maintains a power-over approach. These findings suggest that respondents feel as though they are working in an environment that is in
conflict with social work values and feel a lack of control over one’s role as well as a lack of control when working with clients. As described by Fenton (2012) and Van Heugten (2011), respondents are identifying the working conditions for disjunctive distress and in turn, burnout.

Kim et al., (2011) stated “social work burnout is a serious problem because it can adversely affect the quality and stability of social services” (p.258). Maslach and Jackson (1981) indicated that social workers experiencing burnout may develop an impersonal response when working with clients. The implications of these findings suggest that criminal justice social workers may be fundamentally influenced by the criminal justice system and may be disengaging from their social work values. The implications of social workers working within an agency that they feel is in contrast with social work values, and by adopting the agencies approach and abandoning their social work values, are that they are in turn threatening the integrity of social work and the social work profession. The implications of social workers abandoning social work values to be efficient criminal justice system workers is also significant for the offenders as they would not be getting the help or service they deserve.

While some respondents appeared to report a sense of hopelessness in integrating social work values into practice within the criminal justice system, there were others who appeared motivated to find a fit.

Although the findings in Chapter 5 explored the theme of tension and conflict between social work ethics, values and principles in practice within the criminal justice system,
respondents also hinted that they still had hope there could be a better fit. For example, if respondents had given up hope of amalgamating social work ethics, values and principles into the criminal justice system, they would not continue to maintain their grasp on their social work identity. Instead, respondents talked about their frustration at not being identified as social workers and how others working within the criminal justice system do not identify them as social workers. As the literature presented by Rhodes (1991) notes, when working within a bureaucracy the individualism of an employee is sometimes suppressed and in turn branded as a representative of the agency. Specifically, Rhodes (1991) found that the identity of a social worker working in a bureaucratic agency could sometimes get stifled and fused into that of an employee. Although the findings suggested that many respondents felt repressed as social workers while working within the criminal justice system, respondents also expressed an unwillingness to abandon their social work roots or identify. Many respondents expressed frustration as being representatives of the criminal justice system, and communicated a desire to be recognized as a social worker within the system. This is encouraging for the integrity of the social work profession as it appears some respondents are fighting for the recognition as a social worker within the system. Furthermore, while most respondents described situations wherein they struggled to maintain social work ethics, values and principles, many respondents were also able to talk about ways they were successful in integrating social work values, ethics and principles into practice.
Many respondents also described the intrinsic worth of maintaining social work ethics, values and principles from a personal and practice approach within their role assigned within the criminal justice system. These social workers appear to be the ones that are committed to maintaining the integrity of the social work profession and provided some personal practice experience and guidance for other social workers working within the criminal justice system.

Respondents who reported maintaining social work values, ethics and principles in practice appeared to separate their dual role as working within a context and having multiple stakeholders, but nevertheless being committed to putting their client first whenever possible. These respondents talked about the ways they were able to utilize social work skills in a variety of contexts. Amongst the social work skills that respondents described were transferable within the criminal justice system were implementing a strengths-based and client-focused approach; fostering rapport by active listening; empowering the clients by listening to the needs expressed by the client; and, adopting a wrap-around approach with other agencies to facilitate autonomy outside of the criminal justice system. Some respondents indicated they were able to do all of the above while still dealing with the bureaucratic pressures associated with being a criminal justice employee. For example, these respondents stated they were still aware of deadlines, practices and policies within the criminal justice system, but were able to satisfy the needs of all stakeholders by adjusting the process throughout their interactions with the client. The implication of this approach is that there is hope for social workers working within the criminal
justice system to maintain their social work values, and find a way to make the balance work for all stakeholders.

Exploring successful ways to implement social work values within the criminal justice system was discussed in more detail in Chapter 6. The findings from this chapter also examined ways criminal justice social workers reported coping with the conflict and tension experienced in practice. Although many respondents identified a disconnect between social work values and some practice approaches and processes within the criminal justice systems, respondents were also able to describe ways in which they found they could manage with the gap. As identified by Heinonen and Spearman (2006), social work is “a sophisticated means of helping that is based on a purposeful set of values” (p.23). Many respondents identified practice values such as active listening, showing empathy, respect and honesty worked to build rapport and enrich their connection and relationship with their clients. The CASW (2014) described the social work profession as a means to help individuals solve their problems by facilitating empowerment and encouraging self-efficacy. Respondents talked about the importance of facilitating empowerment and encouraging self-efficacy within the criminal justice system and talked about ways in which they tried to enable this in their relationship with the client. Many respondents talked about how through their rapport with the client, they were able to exercise social work values. For instance, respondents talked about their efforts to get to know the offender before administering the LS/CMI, and by asking additional probing questions while doing the LS/CMI that would assist in giving clients a voice and in identifying other needs and urgent concerns.
Some respondents indicated they had difficulties in building rapport with clients based on the dual role of social worker and criminal justice employee. However, for those who indicated they utilized social work values and skills to build rapport, they stated they made the effort to take the time to “dig deeper” with clients, listen to their clients and really get to know their client which fostered better rapport building. Respondents also stated that they took the time to go over and above their job description -- sometimes at the expense of the bureaucratic demands, high workloads, time constraints and in essence their job security -- and put the focus first on the client and their self-identified urgent concerns. Although findings suggested there is always the option to simply administer the LS/CMI, tell the client their criminogenic needs and enforce the conditions of the probation order, respondents indicated that taking on a client-focused social work approach benefitted not only the client, but also worked on the core issues that could also reduce the risk for future criminality and in turn increase public safety. Respondents who adopted a client-focused approach also indicated they felt better about their personal and professional self. Those respondents who also talked about adopting a client-focused approach also seemed to have more job satisfaction and did not appear to be discouraged with the challenges of a dual role. Fenton (2012) identified the process of being able to behave in accordance with one’s beliefs as a means to decrease disjunctive stress. As a result, it would appear those respondents who found a way to fit social work skills into practice experienced less disjunctive stress and would have more personal and professional gratification.
Many respondents talked about having high caseloads and little time to work with clients on non-criminogenic needs. As mentioned above, Edelwich (1980) identified dimensions of burnout and stated client overload was a condition for burnout. Maslach and Jackson (1981) talked about feelings of incompetence as another condition for burnout. As a result, based on these two factors, there is the propensity for many criminal justice social workers to burn out. However, some respondents acknowledged these limitations within the criminal justice system, and adopted a social work approach to help not only themselves but also their client. Some respondents talked about adopting a wrap-around approach as a useful way to work with clients and described it as a holistic way to work with a client wherein many needs, besides just criminogenic needs, can be addressed with the help of other service providers and agencies. Integrating other service providers in a case management plan with a client has many benefits for the client and the social worker. For instance, having others work with the client on things like housing and job skills, removes the responsibility off the criminal justice social worker as being the only helper role to the client. A wrap-around approach in case management also helps the client connect with service providers who may be able to provide services even after the probation order is over. Furthermore, integrating other service providers increases the resources and funding available to assist the client significantly. As a result, respondents talked about having awareness of the limitations of being a criminal justice social worker, but also awareness of what other services are available for the client and connecting them with those services.
Respondents who reported this practice approach appeared to feel more competent and did not report feeling as exhausted as others.

Respondents also talked about feeling better about their practice approach when they were able to advocate for their client in court if they did not agree with the mandated breach policy within the criminal justice system. Although respondents acknowledged that attending court to advocate for their client was time away from their job requirements, they described it as a way to cope in situations of an ethical dilemma (not wanting to breach but being mandated to breach under certain circumstances). Respondents also indicated advocating for their client in court also allowed them to have some discretion within their role expectations.

The implication of these findings is that there appears to be a way to adhere to social work values within the criminal justice system. Many of the respondents talked about how it was most possible on a one to one personal relationship level. Some of the respondents indicated the process of using social work skills was an “over and above” approach as opposed to the skills expected with their job description within the criminal justice system. However, those who committed to maintaining social work skills reported less disjuncture and appeared less discouraged than those respondents who struggled to maintain social work ethics, values and principles. As a result, these findings appear to suggest that adhering to social work values and utilizing social work skills within the criminal justice system could be a reflection of the individual social workers’ personal values and commitment to social work practice.
However, with that being said, with respect to the literature explored above about the concept of burnout -- feeling as though one is continually working within a system that does not support their core values and continually puts them in ethical dilemmas, and causes them to behave in ways that contradict their beliefs -- could lead to burnout. While some respondents reported finding a balance, others appeared to be struggling. The struggle reported by some respondents is concerning because as mentioned above, feelings of ethical tension and disjunctive distress may cause an individual in time to give up on social work values and adopt the role of criminal justice employee because they may not find a balance and it is “easier”.

Subsequently, the implications of social workers burning out within the criminal justice system could jeopardize the integrity of the social work profession, affect the social workers emotional, physical and psychological well-being, and be detrimental to the service provided to the client. Consequently, this may cause social workers to leave their employment with the criminal justice system or stay within the criminal justice system but abandon their social work values. This is problematic for offenders, because as stated by Brownell and Roberts (2002), offenders are one of the most marginalized, neglected, oppressed, vulnerable and devalued groups in society and social workers are committed to enhancing the well-being and needs of all people, especially those who are oppressed and vulnerable. If social workers are not able to help offenders within the criminal justice system, who will? Social workers owe it to their clients, in all environments, to maintain their social work ethics, values and principles.
Literature on social work and burnout has identified the causes of burnout within the work place and has appealed for organizational and work place changes (Cooper, 2015). Other literature on social work and burnout has identified a personal responsibility of the social worker for the proactive prevention of burnout. Smullens (2012) and Gilham (2014) encouraged professional and personal self-care activities that can prevent burnout. Norcross (2000) encouraged social workers to be mindful and self-awareness of their physical, emotional and mental well-being in everyday life to prevent burnout. Mahoney (1997) suggested individuals engage in pleasurable activities in their professional and personal life to reduce burnout. Although there appears to be ample of research on preventing burnout, Monk (2011) and Jackson (2014) talked about ways to repair burnout and postulated to repair burnout, there needs to be a self-care approach enabled by the social worker.

Within the findings, many of the respondents talked about burnout and feeling deflated and defeated at times, but also talked about the importance of self-care. Many of the respondents talked about the individual and proactive steps they used to reduce, repair or protect themselves from burning out. Many of the respondents talked about having positive supports in their life and maintaining a healthy lifestyle in their personal life. Similar to Smullens (2012), respondents proposed engaging in self-care activities that include receiving support from supervisors or coworkers. Many respondents talked about the value of leaning on other coworkers and social workers. Some respondents also talked about turning to social work values, ethics and principles as a means to self-care. However, there appeared to exist a gap in the findings with respect to
specific self-care strategies such as physical fitness, travel opportunities, creative writing or drawing, or even having a self-care plan amongst the participants.

Furthermore, as mentioned above, not all respondents stated an adherence to social work values in practice. Perhaps more education around finding a balance in practice and ways to handle ethical dilemmas as more than just “adhering to social work ethics, values and principles in all situations” would be better social work education. These findings do suggest a gap and a need for more social work education on ways to find a fit and amalgamate social work practice into bureaucratic environments. These finding also suggest that more opportunities for self-care in social work education and within the criminal justice system could be beneficial for front-line social workers. These findings also express a need for social workers working within the criminal justice system to reach out to other social workers who may be struggling to find a balance, and share with them their experiences in managing and maintaining successes within the dual role of social worker and criminal justice employee. The findings suggest while some respondents seem to have found a balance, others are still struggling. The findings also suggest that some social workers working within the criminal justice system could benefit from the guidance of other social workers in stressful times and ethical dilemmas associated with maintaining social work values in a variety of situations.

When asked to provide advice for future social workers choosing to work within the criminal justice system, respondents stressed the importance of staying true to social work values
and finding the balance that works for the individual. Respondents stated the need for social workers to work within the criminal justice system, but also the need to maintain their social work ethics, values and principles if they are going to help the clients. Respondents encouraged future social workers to maintain their social work roots. In order to do this, many respondents talked about ways to implementing social work skills, and foster a client focused and strength based approach when working with clients within the criminal justice system.

As mentioned above, Brownell and Roberts (2002) acknowledged in their research in 2002 that “the tension between social control and social support is an ongoing and necessary one with which the social work profession must continue to struggle” (p. 2). Although it would have been uplifting to discover there was an equal footing for social work values within the criminal justice system today, findings suggest there is still work left to do in order for social workers working within the criminal justice system to be able to connect social work theory into practice. As indicated by Fenton (2012), there are still significant challenges for social workers to implement social work values, principles and ethics into practice.

Brownell and Roberts (2002) identified offenders as one of the most marginalized, neglected, oppressed, vulnerable, and devalued groups in our society. Correspondingly, Hannah-Moffat (2000) also acknowledged individuals within the criminal justice system as one of the most oppressed populations. All respondents stressed the need for social workers within the criminal justice system, and the belief that those who are able to maintain social work values in
practice are a great ally for clients. All respondents acknowledged that there is an undeniable need from the standpoint of offenders within the criminal justice system for social workers to be a present and active ally for their basic needs and well-being. Reamer (2004) encouraged an alliance between the social work profession and the criminal justice field. Smith (2005) also stated that “effective probation practice is likely to be informed by values and skills that are recognizably within the tradition of social work and concludes that despite pressures to abandon social work as a basis for probation practice, it is not obvious what the alternative could be” (p.621). Subsequently, these findings indicate a need for an alliance between the ethics, values and principles of the social work profession and the criminal justice system.
Chapter 8: Conclusion

This dissertation examined the stress and conflict in practice reported by social workers working within the criminal justice system. It identified specific areas of conflict as identified by the lived-experiences and thoughts of social workers working within the criminal justice system. This dissertation also explored the ways in which social workers working within the criminal justice system indicated they coped with the stress and conflict in practice. The findings suggested that social workers working within the criminal justice system are experiencing disjunctive distress, but are also finding ways to cope with the areas of conflict by finding ways to adapt social work ethics, values and principles into practice. However, many of the respondents also described some ongoing degree of disjunctive distress in practice with social work values, ethics and principles in some capacity within the criminal justice system, which suggests that burnout is still a threat for many social workers working within the criminal justice system.

The findings are significant because it makes a contribution to the literature available identifying the stress and tension experienced by social workers working within the criminal justice system. It described the areas within the criminal justice system wherein social workers found it difficult to implement their social work values and principles in practice, and demonstrated how it made them feel from a personal and professional standpoint. These findings are also significant because they demonstrate the ways criminal justice social workers cope
within the criminal justice system and ways to adapt social work values and principles into practice. Many of the respondents described a commitment to social work ethics, values and principles and talked about the ways they have implemented social work values and principles to change the criminal justice system from the inside. One of the most significant findings is that social workers felt they were able to maintain social work values and principles by adhering to social work practice skills in their approach with clients. Although many respondents talked about feeling as though they had a dual role to maintain, working with the client from a client focused and strength based social work approach was the most common method described by respondents as coping with the dual role, and not losing their social work roots.

The findings indicated that most of the respondents identified some source of tension in practice while working within the criminal justice system. Many respondents reported feeling conflicted in defining their role, and noted significant differences in the values upheld by the social work profession and the criminal justice system. Respondents described the main values of the criminal justice system as public protection and to reduce recidivism. Respondents identified some of the main values in the social work profession as a client-focused vocation geared towards helping clients achieve a greater sense of well-being, attain basic human needs and to promote empowerment and social justice. Those respondents who indicated they were able to intervene with clients by facilitating the clients’ basic human needs and by adopting a wraparound practice approach of working with other agencies were able to report more positive experiences within the criminal justice system. Those respondents who took the time to dig
deeper and work on building rapport with their clients also indicated they felt more connected with a social work approach.

Respondents also differentiated between working in the social work profession and the criminal justice system in terms of accountability and indicated the social worker is responsible to the client, while the criminal justice employee is accountable to the public and the hierarchy within criminal justice system. The differences in practice approaches and accountability resulted in many of the respondents describing confusion in defining their role as criminal justice social workers. Many respondents described a role conflict with a struggle in finding a balance between the practice model of care or control. Subsequently, respondents expressed tension in determining who the client is that they are working for. Respondents described significant role conflict and power dynamics, and talked about the impact it had on their client and themselves. However, those respondents that described maintaining a commitment to their client in front of them, and being accountable to their client with respect their intervention approach appeared to be ways of adapting their practice to correlate with a social work approach.

One of the most significant struggles was described by respondents as an internal and external pull between being a helper or an enforcer of policy and control. Respondents also described feeling stuck picking one or the other because of the lack of discretion they experienced. However, some respondents demonstrated areas in the front line practice with
clients that they were able to use discretion and adopt more of a helper capacity than an enforcer of policy and control.

While the findings suggest that some social workers reported feeling as though they need to pick one role or the other (helper vs. policy enforcer), many respondents talked about ways of being both and finding that balance. Those who struggled with the dual role seemed to suggest there needs to be more of a focus on a client-focused welfare approach on the front line when working with offenders. However, those who indicated they adapted their practice to find a balance indicated they ensured a more client-focused welfare approach themselves.

While some respondents expressed a need for a ground-floor approach within the criminal justice system wherein social workers can be social workers and maintain their values confidently, without being afraid of being “hung out to dry” in the public and professional realm if there are any shortcomings, other respondents indicated they did not work from a fear approach and worked with the notion of being accountable to the social work profession and their client. While some respondents expressed a desire to be seen as professionals and to be given discretion in situations wherein they maintain strong beliefs that their social work ethics, values and principles are in jeopardy, other respondents indicated they saw themselves as professions with discretion in the situations they felt were against social work ethics, values and principles and acted accordingly without getting approval from the “system”.
Although respondents described ways in which they adapted social work principles and values within the criminal justice system, many respondents were nonetheless dissatisfied with the current risk assessment tool (LS/CMI) and case management approach within the criminal justice system. Respondents relayed that they believed that the current risk assessment tool missed the mark on defining the needs of clients, and indicated they felt as though the current risk assessment tool did not differentiate between offenders; it was not gender responsive, did not consider ethnic background or trauma and was not sensitive to mental health. Specifically, many respondents made reference to the LS/CMI not being an appropriate measure of assessment for risk or need for female offenders, or Aboriginal offenders, and most damaging for female Aboriginal offenders. In addition, although, this was not mentioned specifically by respondents, female Aboriginal offenders who are also suffering from mental illness and/or trauma are also furthermore oppressed with the LS/CMI from the onset of their experience within the criminal justice system. The consequences of this error are significant for female Aboriginal offenders wherein statistics already indicate that they are over-represented and increasing in population within the criminal justice. Not only does misidentifying the risk and needs of female Aboriginal offenders reduce public safety from a criminal justice perspective, it also victimizes and oppresses them within the system from a social work perspective.

Respondents indicated the LS/CMI adopted a “one-size-fits-all” approach and lacked validity amongst any population that was not male and Caucasian. Respondents criticized the “one-size-fits all” approach and as a result also expressed resentment, frustration and
disappointment in having to administer the tool as part of their job. The implications for using an assessment tool that the practitioner does not “buy into” will inevitably cause conflict in practice as it is inevitable the practitioner will not “buy into” the case management approach that follows. This not only has significant consequences for the client who may not be getting a suitable risk-needs assessment, but also for the social worker’s job satisfaction and personal fulfillment as being a “best practice” social worker. Many respondents called for a revamping of the current risk assessment tool and talked about the need for more research and evidence-based practice for working from a responsivity perspective, as well as identifying basic human needs that would improve clients’ well-being. Respondents expressed an acknowledgement that the current risk assessment tool within the criminal justice system assesses criminogenic needs associated with risk and criminality, and not the client’s needs associated with welfare or well-being. Many respondents indicated they adjusted their personal practice to a more social work approach and asked additional questions to get the information that was important and associated with urgent concerns and basic well-being, but that this practice often doubled the workload and was not conducive to best practice.

All respondents acknowledged a need for social workers within the criminal justice system. Respondents all agreed there was a place for a risk and needs assessment tools within the criminal justice context. One of the consistent findings amongst the respondents was the recommendation that the criminal justice system implement a more comprehensive risk assessment tool. Specifically, respondents called for a risk assessment tool created with respect
to intersectionality and responsivity, and from the ground up for female offenders, Aboriginal offenders and to consider mental health factors. Respondents also talked about trauma-informed practice and indicated it had an important place in the case management approach for working with offenders and for treatment purposes.

Respondents described their direct experience of the tensions and disconnect in practice when working within the criminal justice system and trying to maintain their social work ethics, values and principles. They reported what Fenton (2012) described as disjunctive distress in the sense they believed they should act one way, but felt they had to behave in a way contrary to their beliefs. As a result, respondents described situations wherein they experienced ethical dilemmas and felt internal disconnect. Many reported feeling as though their “hands are tied” and talked about low job satisfaction. Findings suggest there is considerable tension and conflict between social work ethics, values and principles in practice when working within the criminal justice system. As mentioned above, respondents described feeling ethical stress and disjuncture when they could not incorporate social work values into practice. In turn, the implication of these negative stressors and experiences, as described by Fenton (2012) increases the propensity for burnout. Consequently, some respondents described feeling burned out and talked about leaving their employment with the criminal justice system. Many respondents indicated that something needed to change in order for social workers to be able to uphold social work values and stay working within the criminal justice system. The next step is to explore how the criminal justice
system can be improved to allow for more social work practice that can help both the client and society.

Respondents talked about some of the work practice requirements with respect to issues of workload – such as completing risk assessments and case management plans, inputting running records of interactions with clients, etc. – combined with high caseloads and stated they often felt like they did not have enough time to spend with their clients. Many respondents stated they often completed the bare minimum in order to stay afloat. Respondents reported sacrificing rapport building because they did not have the hours to allocate to one client knowing they had assessments to input, case plans to create, running records to input and in some cases, breaches to complete. Respondents stated this was taxing on them from an ethical and personal well-being perspective as they felt negative stress and pressure to keep the paperwork up-to-date, and as a result, damaged their ability to work from a client-focused approach. It is important to note that respondents did not indicate the criminal justice system was intentionally disconnected with the social work profession, nor had any particular practice principle not to facilitate the clients’ well-being or not to use social work ethics, values and principles. The criticisms most often raised by respondents were that social work values, ethics and principles were hindered by some of the job requirements within the criminal justice system, such as timelines for risk assessments; assessment tools that are not responsive to some offenders; strict breaching policies; and, a lack of discretion and client-directed practice. The findings in this study largely agree with the research produced by Fenton (2015) exploring criminal justice social workers in Scotland. For
example, Fenton (2015) found within their study of the criminal justice in Scotland that:
“agencies do not directly deter workers from addressing welfare needs and helping where they can, but when time is short and workloads are high, the bureaucratic, procedural tasks associated with risk monitoring take priority” (Fenton, 2015, p.1427). Current findings also suggest that respondents do find ways to implement social work values, principles and ethics into practice-but reflecting on Fenton’s (2015) research, it appears as though each social worker must have the ambition and drive to do it over and above their job description. While reducing caseloads and increasing the time available to be spent with clients was something that also seemed to be a logical fix for this issue, the commitment to social work values, ethics and principles and the ability to think outside of the box and finding ways to adapt and implement social work practice with the client is another fix to bring in more of social work to the criminal justice system. It would appear that currently, if social workers want to practice from a social work perspective, there is no one stopping them but also no one telling them directly how to do it. The amalgamation of social work skills into practice within the criminal justice system currently appears to be a personal feat, but still something that is possible.

The research findings suggest although the criminal justice system does not discourage social work skills, it also does not encourage it or provide opportunities for social work to flourish. It also indicates that the criminal justice system lacks as an arena for social workers to gather research on evidence-based practice and to improve on social work theory from a criminal justice system perspective. This is a drawback as there is no current forum or opportunities for
social workers to strengthen their skill set or improve the current risk assessment and case management approach from a social work perspective within the criminal justice system. A recommendation for an increased presence of social work values, ethics and principles within the criminal justice system is postulated, and more research exploring the benefits of social work within this realm, not only for the social worker or the client, but also for the well-being and safety of society is needed. Although it was only mentioned by one respondent, the use of motivational interviewing, as well as the Stages of Change Model (Prochaska & DiClemente, 1983) is an area in which social work skills might be better recognized by the criminal justice system.

The Stages of Change Model (SCM) (Prochaska & DiClemente, 1983) postulates that in order for change to occur, the individual needs to be ready and willing to change. The SCM model supports the notion that guidance may assist in the development of change, however, ultimately asserts that change is self-guided, self-directed and an individuals’ choice (Prochaska & DiClemente, 1983). The SCM model stipulates that by expecting behavior to change simply by telling someone they have to change, especially if they are in the pre-contemplation stage of change, it is not going to work (Rooney, 2009). Furthermore, the SCM stipulates that change does not happen in one stage, and highlights that individuals are in control of when a stage is completed, and determine when it is time to move on to the next step. (Rooney, 2009; Prochaska & DiClemente, 1983). As a result, the SCM model dictates that internal change cannot be externally imposed (Rooney, 2009). The SCM model challenges the risk-based case management
model, and proposes that compulsory treatment programs are not effective for all offenders. Motivational interviewing has been determined as one method to assist individuals recognize they may be resistant to change and to help them move through the stages of change, but is done from a client-focused approach with a emphasis on demonstrating empathy with an environment indicative of acceptance and collaboration, with an emphasis on client autonomy (Miller & Rollnick, 2013). This approach could increase the presence of social work values and principles within the criminal justice system and be beneficial for not only the criminal justice social worker or client, but also for the well-being and safety of society.

The broad implications from the experiences recounted above suggests the criminal justice system could benefit from allowing social workers to utilize their social work values, ethics and principles more in practice. Allowing social workers to hone on their social work skills would increase job satisfaction among social workers and also facilitate an evidence-base and best practice approach for working with clients from a social work perspective. Respondents have demonstrated ways in which utilizing social work skills in practice has increased rapport building, as well as encouraged and facilitated opportunities for social workers to advocate for their clients. As a result, the dual role of social worker and criminal justice employee is possible when fundamental beliefs of social workers and the CASW code of ethics are promoted. This research suggests a call for efforts to develop a more client-focused approach and to improve on the accountability to the clients. The findings also suggest the criminal justice system needs to
work collaboratively with the social work profession to determine ways that an amalgamation between the two can be fostered.

Incorporating research on social work and desistance from inside the criminal justice system could be a valuable direction for future research. Desistance is the process by which a person stops offending (King, 2013; Farrall, 2002). Within desistance literature, it is suggested that the factors which boost desistance are those changes in an individuals’ life that the individual determines as meaningful and attributes value to (King, 2013; Farrall, 2002). Therefore, the meaning that the offender attaches to a factor (employment, self-esteem, etc.) is as important as the change itself (Farrall, 2002). In other words, desistance literature defines the offender as the key partner in deciding what work needs to be done (Maruna, 2012).

Encouraging and supporting self-efficacy and empowerment strategies is also a value process within the social work profession. However, as mentioned above, the present criminal justice system does not facilitate self-determination within the risk based case management approach. In addition, incorporating more information and education to criminal justice system employees on ways to desistence, such as the Good Lives Model (Ward & Steward, 2003) and incorporating and assessing these principles from inside the criminal justice approach could also be a valuable arena for future research.

The Good Lives Model (GLM) of offender rehabilitation is a strength-based approach and seeks to “equip individuals with the necessary internal and external conditions to secure
primary human goods in socially acceptable and personally meaningful ways” (Ward & Stewart, 2003). The GLM looks at understanding people as fundamentally seeking to meet their basic needs for autonomy, relatedness, etc. and, when conventional routes are blocked, being susceptible to unconventional or illegal means (Ward and Maruna, 2007). Within the GLM approach, individuals are regarded as active, goal seeking beings who seek to acquire fundamental primary human goods (Wilson & Yates, 2009). It is believed that all meaningful human actions reflect an attempt to achieve primary human goods (Ward & Stewart, 2003). Ward and Steward (2003) indicate that primary human goods are objective and emerge out of basic human needs. As a result, acknowledging basic human needs, as well as assisting with ways of securing primary needs, could be a beneficial approach within the criminal justice system.

As indicated by Smith (2005), there is research to suggest that “effective probation practice is likely to be informed by values and skills that are recognizably within the tradition of social work” (p.621). Allowing the social work profession a dialogue within the structure of the risk assessment and case management approach to working with offenders is also a valuable direction for future research. Facilitating more social work approaches within the criminal justice system would be beneficial to allow for more opportunities to increase public protection by potentially increasing the well-being and basic needs of offenders.
Social work education can also be geared more towards preparing social workers for dual roles. Many social work undergraduate programs are focused on providing generalist social work skills that are transferable to a variety of contexts. However, the findings suggest social work education should be directed more at exploring and explaining situations wherein ethical conflicts and disjunctive distress may be present, especially in the context of when working within a bureaucracy, and assist students to develop ethical problem-solving skills with consideration of the core competencies.

An important theme throughout this research was the idea of burnout and self-care, and respondents called for attention from both the criminal justice system and social work educators to address those concepts.

One suggestion is that the Canadian criminal justice system increase professional training from an individual and structural level to assist employees to help identify and deal with job related stress. Finn and Kuck (2005) examined stress among probation officers in the United States and found the implementation of stress reduction programs in various States were reported to be effective in helping to prevent and relieve officer stress. Finn and Kuck (2005) conducted a case study of stress reduction programs in the United States and found nine (9) stress reduction programs. The stress reduction programs varied in operations and services but amongst them was the implementation of a “staff resource centres…that conducted stress management training and promotes staff participation in wellness programs” (p.9) and the “Stomp Out Stress” stress
management training program which consisted of “four training modules that educated participants about the nature of stress” (p.9) (Finn & Kuck, 2005). Amongst the suggestions around stress programs and education was the notion of exploring the nature of stress from both personal and organizational sources, and a communication module to help people learn how to talk about stress (Finn & Kuck, 2005). Finn and Kuck (2005), also found that information around wellness and self-care was also part of a stress reduction programs, and one program focused on “relaxation and deep breathing, physical and mental wellness, stress prevention and management, and healthy lifestyle choices” (Finn & Kuck, 2005, p.10). Another stress reduction program focused on physical exercise and encouraged exercise on the job by urging every employee to “walk, jog, cycle or participate in any other physical activity during the work day” (Finn & Kuck, 2005, p.11). Subsequently, it would appear as though other criminal justice agencies have tried to address job related stress among probation officers and it would appear time for the Canadian criminal justice system to as well.

The findings also suggest a need for more social work education to outline the conditions for burnout, and ways social workers can prevent and recover from burnout. Although research suggests that social work education is moving more towards the recognition of burnout and education around self-care, there are still those social workers who may have graduated without this knowledge. For those social workers, perhaps they could benefit from a more pronounced stress management and wellness forum within agencies such as the criminal justice system by social work educators coming into these agencies (such as the criminal justice system) and
educating on burnout and self-care on a more regular basis. However, once again this would need to be done with the collaboration of the agencies which once again calls for more collaboration between the social work profession and the criminal justice system.

However, within the classroom, findings suggest that social work education should also focus on educating social work practitioners on the need for organizational and workplace change in conditions of burnout and how to do this. It would appear social workers could also benefit from more information on personal accountability and proactive individual prevention approaches for burnout. Social workers working within the criminal justice system need to be aware of the negative stressors they may encounter, what they can do about it and how they can improve it. This would be an area of future research that could be beneficial to the social work profession as well as the criminal justice system.

An overarching theme reported by respondents was the need to cope within the criminal justice system. Respondents talked about how they frequently had to take care of themselves and find coping strategies inside and outside of the job to help them cope mentally, physically and emotionally. These findings can be used to help other social workers within the criminal justice system and for program development for stress reduction programs within the criminal justice system.

However, in conclusion, if social workers want to stay within the criminal justice system and if the criminal justice system wants to keep social workers, something has to be done to have
more of an approving ground and place for social work ethics, values and principles within front-line practice. As mentioned above, keeping social workers within the criminal justice system is important because social workers bring much to the “table” when working with clients within the criminal justice system. In addition, social workers need to have more coping skills and opportunities to learn stress reducing techniques in order to find ways to avoid burning out, and to use their social work skills within practice. More research, practice information and dialogue around the importance of social work ethics, values and principles within the criminal justice system needs to be available to successfully give social workers a platform within the criminal justice system.
References


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Appendix A: Recruitment Email

From: Cindi Saj [mailto:umsajc@myumanitoba.ca]
Sent: June-29-15 3:35 PM
To: Kahler, Jan (JUS)
Subject: participants needed for a research study

My name is Cindi Saj and I am a Social Work PhD student at the University of Manitoba. I am conducting an exploratory research project on how social workers within the criminal justice system work with the risk-based case management approach. I would request that you email all staff who work with random assault offenders in Winnipeg and outside areas (Brandon, etc) who may be interested in participating in my research. I would require an hour of their time and I would meet with them at a place of their convenience for a one to one interview with myself. They will be provided with a 10$ gift card to Tim Horton's for their time. I can be reached at umsajc@myumanitoba.ca or 204-890-2535. All participation is voluntary, the results will be anonymous and all identity in the report will be confidential because names will be changed for the written results.

Thank you very much.

Cindi
Appendix B: Informed Consent Form

Informed Consent Form – Probation Officer Interview

Study Title: Social Work and the Risk-Based Case Management Approach with Female Random Assault Offenders within the Criminal Justice System in Winnipeg, Manitoba.

Principal Investigator: Cindi Saj, Ph.D. Candidate, Social Work, University of Manitoba 204-945-0365, cindi.saj@umanitoba.ca

Research Supervisor: Dr. Denis Bracken, Professor & Associate Dean, Faculty of Social Work 204-474-9264, denis.bracken@umanitoba.ca

This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

You are being invited to be interviewed by the principal researcher regarding your experiences as a social worker using the risk-based case management approach with female offenders within the criminal justice system in Winnipeg, Manitoba. This research is being conducted by Cindi Saj as a dissertation research topic for the PhD program, under the supervision of the PhD Advisor, Dr. Denis Bracken at the University of Manitoba. The research will examine the risk-based case management approach with female random assault offenders within the criminal justice system from a social work perspective. The primary goal of the research is to better understand the experiences of social workers working within the criminal justice system and with the risk-based case management approach with female offenders in Winnipeg. The research will also examine the practice experience of social workers working within the criminal justice system who facilitate the risk-based case management approach (risk assessment and case management plan). Interviews will be held during the day in any location that provides reasonable privacy and is agreeable to both of us. The interview is not expected to exceed two hours in length.
The research will include the views front line social workers working within the criminal justice system. The research will take the form of interviews with social workers working within the criminal justice system (Case Managers/Probation Officers) and female offenders currently on Probation. If you agree to participate, you will meet with me individually for a personal one to one interview. You will be asked a series of questions about your experiences as a social worker within the criminal justice system in Winnipeg, and other topics related to female offenders and the risk-based case management approach. In the course of the interview, I will ask you questions about your experience with the Level of Service/ Case Management Inventory (LS/CMI) and case management planning. Specifically I will be focusing on your experience facilitating the process and how it relates to you and your opinion of what is helpful. I will also be exploring the strengths and limitations of the risk based case management approach, as well as any tensions present within the social work and criminal justice approach. I will also be exploring how you cope with any tensions experienced in theory and practice.

With your consent, the interview will be audio recorded. If you do not consent to being recorded, the interviewer will take notes.

Please note that sharing one’s experience carries with it the risk of experiencing emotional distress. With this possibility in mind, a list of counselling resources in Winnipeg has been attached to this consent form for your assistance. There may be some direct benefits to you in terms of having the opportunity to describe your experiences that you may have found distressing. More long-term, you will be contributing to a more informed understanding of the social workers perspective of the risk-based case management approach with female offenders within the criminal justice system in Winnipeg. Although this research is primarily directed toward the production of academic reports, I hope that it will also provide practical suggestions for service providers and others in terms of criminal justice policy and practice.

Following the interview, I may need to contact you for further information or clarification, which would only involve brief conversations over email or telephone. This contact will be optional and I will ask separately for your consent to do so. At the end of the project, which will be in 06/17, you will have the option of receiving a brief summary of the findings. Also, with your consent, I may wish to contact you for future research projects on the experiences of social workers within the criminal justice system, but you are under no obligation to agree to be contacted for this purpose.
At the end of the project, I will be presenting my findings in my dissertation paper. In addition, I may attempt to publish my findings or presenting them at professional conferences. However, in all cases I will do so without revealing identifying characteristics such as names, addresses, and specific employment details. Nonetheless, given the relatively small population of social workers within the criminal justice system in Winnipeg, there is a risk that some elements of your story may be identifiable to others. I will only use quotations from the interviews after removing identifying details, so they cannot be attributed to any single person.

The only persons who will have access to information collected in the project are my research supervisor and me. All information will be kept strictly confidential. Documents related to the interviews will be stored on my password-protected personal computer. Tapes and handwritten notes, if any, will be stored in a locked cabinet in my home. I will transcribe interviews and, in the process, remove all personal identifiers. Data containing personal identifiers will be destroyed immediately after the course has ended, in 06/17. All documents will be shredded and/or deleted one year later, in 06/17.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate. In no way does this waive your legal rights nor release the researcher from her legal and professional responsibilities. You are free to withdraw from the study at any time, and/or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

The University of Manitoba may look at your research records to see that the research is being done in a safe and proper way. This research has been approved by the University of Manitoba Psychology/Social Research Ethics Board. If you have any concerns or complaints about this project you may contact any of the above-named persons or the Human Ethics Secretariat at 474-7122. A copy of this consent form has been given to you to keep for your records and reference.

If you agree to each of the following, please place a check mark in the corresponding box. If you do not agree, leave the box blank:

I have read or had read to me the details of this consent form. ()
My questions have been addressed. ()
I, __________________ (print name), agree to participate in this study. ()

I agree to have the interview audio-recorded. ()

I agree to be contacted by phone or e-mail if further information is required after the interview ()

I agree to have the findings (which may include quotations) from this project published or presented in a manner that does not reveal my identity. ()

I agree to be contacted for future research on temporary migration conducted by the researcher. ()

Do you wish to receive a summary of the findings? ( ) Yes ( ) No

How do you wish to receive the summary? ( ) E-mail ( ) Surface mail
Addres: ___________________________________________________

Participant’s Signature ___________________ Date _____________

Researcher’s Signature ___________________ Date _____________
Appendix C: Research Questions for Participants

Social Worker Interview Questions:

1- How long have you been doing social work? When did you graduate and where else have you worked as a social worker?

2- How long have you been working as a social worker within the criminal justice system?

3- What do you feel are the main values of the social work profession?

4- What do you feel are the main values of the criminal justice system?

5- Are the principles of the social work profession and the criminal justice system ever in conflict? For example, do you see a difference between the conceptualization of need within the criminal justice system and the social work profession?

6- Has the risk assessment process assisted you in working with female offenders? If so, how?

7- Has the risk assessment process within the criminal justice system ever hampered your ability to work with female offenders? If so, when and how?

8- Have you found that using a risk-based case management plan been helpful to you in your work with offenders? If so, how?

9- Have you found that using a risk-based case management plan impeded your ability to work with female offenders? If so, how?

10- What do you think about the LS/CMI? Is it an effective risk assessment tool and accurate representation of the level of risk with female offenders? Why or why not?

11- Do you feel as though there is a strain between the principles and values of the social work profession and the mandate of the criminal justice system? Is so, can you describe this strain? For example, how does the strain affect you? How does it affect your clients?

12- If you feel as though there is a tension between the social work profession and the mandate of the criminal justice system, how do you as a social worker fit within the criminal justice system? How does this make you feel?
13- How do you cope with tension between social work theory and practice within the criminal justice system? For example, how do you cope when social work principles and values are pushed aside to implement the mandate of the criminal justice system?

14- What are some words of advice you would give a social work practitioner new to working within the criminal justice system?

15- How do you as a social workers working within the criminal justice system protect the public from risk, reduce recidivism, and enhance the well-being and needs of offenders?

16- Do you believe the risk assessment and case management approach within the criminal justice system enhances human well-being and help meet the basic human needs of all people?