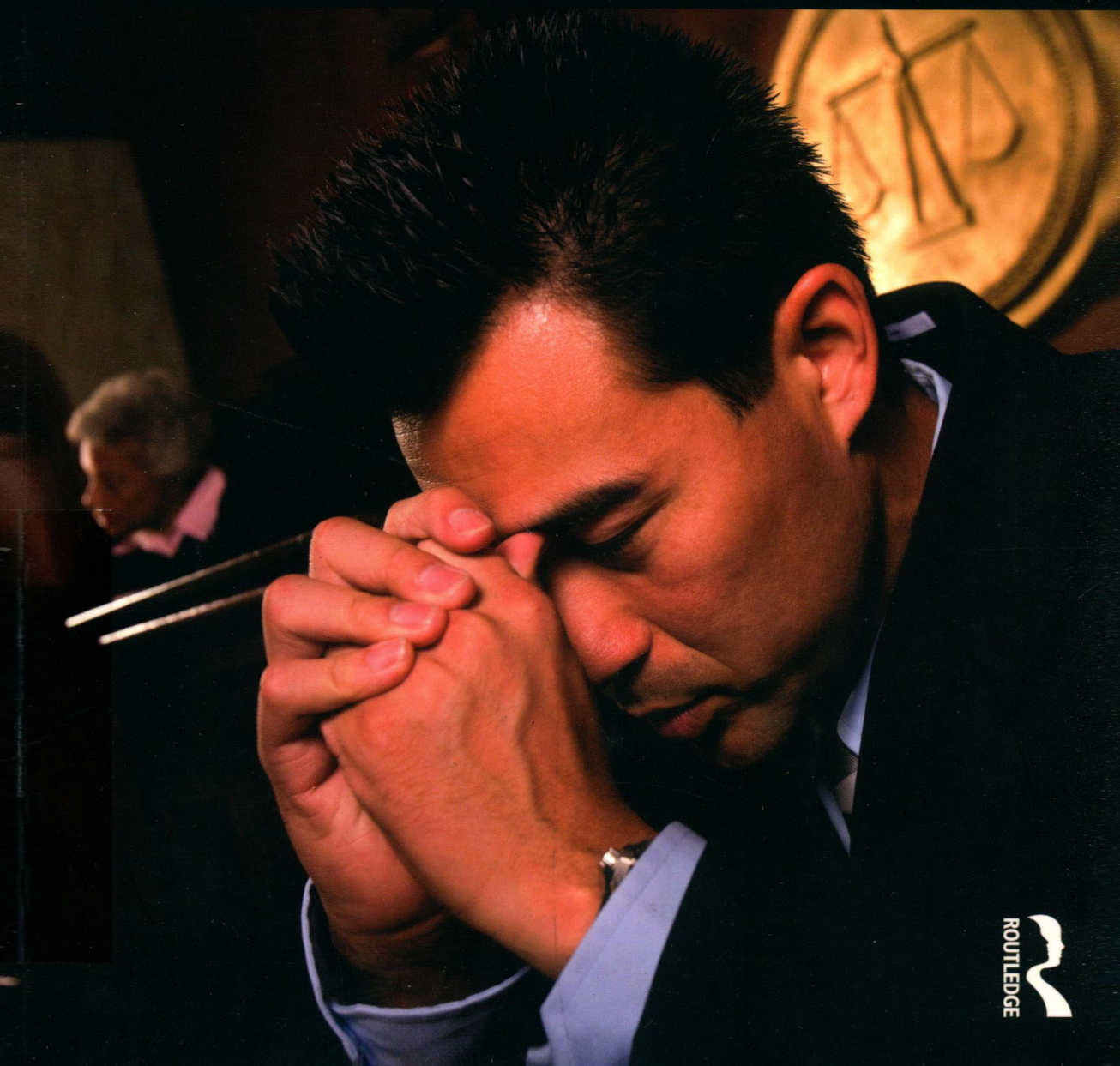


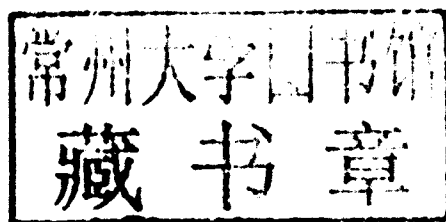
SOCIAL WORK PRACTICE IN THE CRIMINAL JUSTICE SYSTEM

GEORGE T. PATTERSON



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Social Work Practice in the Criminal Justice System

The criminal justice system, with its complex policies and procedures and its focus on deterrence, punishment, and rehabilitation, can be a difficult system to understand. *Social Work Practice in the Criminal Justice System* presents an overview of the criminal justice system, exploring the network of systems which comprise it.

Integrating social work values and a commitment to social justice, this textbook explores how social workers can practice to address social problems within the criminal justice system and promotes the development of knowledge, skills, and critical reflection in this increasingly important area of practice. In addition to covering the four key areas for social work practice—law enforcement, courts, corrections, and legislation—it covers:

- alternative programs and services;
- special populations such as juveniles, women, and sex offenders;
- special topics such as reoffending, wrongful conviction, and racial disparities;
- the application of evidence-based practice principles in criminal justice.

Looking at the challenges and opportunities of social work practice in the criminal justice system, this is the ideal text for social work instructors, students, and practitioners working with or within the criminal justice system. Each chapter includes a summary of social work practice implications, key terms, and suggested further reading.

George T. Patterson is Associate Professor in the Silberman School of Social Work at Hunter College, City University of New York, USA. A certified police instructor, he has both taught criminal justice courses to social work students and trained police officers and recruits.

To my parents, thank you for your gifts

Preface

The purpose of this book is to provide readers with introductory knowledge of the criminal justice system, and basic skills necessary for entry level practice in the criminal justice system. It is anticipated that such knowledge will enhance the education and training that social workers receive to better equip them for positions in the criminal justice system. I am also hopeful that this knowledge will prepare social workers who are employed *outside* of the criminal justice system (e.g., in outpatient mental health clinics and human service agencies without criminal justice service programs) to work with clients having criminal justice system involvement, and act as advocates for legislative and criminal justice reform efforts.

This book is intended primarily for social work instructors, students, and practitioners. In the criminal justice system, social workers are employed in law enforcement agencies, courts, correctional facilities, juvenile residential and detention facilities, and victim assistance agencies. They are police social workers, probation and parole officers, and members of Congress. Some law enforcement and correctional officers, as well as attorneys, also have MSW degrees. Social workers provide assessment and evaluations, counseling, referrals, monitoring, crisis intervention, case management, and advocacy in addition to numerous other services.

Instructors, students, and practitioners in other disciplines such as sociology and criminal justice who have an interest in practice in the criminal justice system will also find this book useful. Practice roles such as advocacy are not exclusive to the social work profession. Practice is also defined broadly at micro, meso, and macro levels, and includes clinical or direct services, research, and policy practice. Consequently, the many practitioners who are not social workers and who provide services to individuals with criminal justice involvement will also find this book useful.

This book is grounded in the need for social workers to balance public safety, a major goal of the criminal justice system, with the principles of the National Association of Social Workers (NASW) *Code of ethics*. The concept of public safety proposes that community residents should be protected from crime and victimization. A plethora of methods attempt to achieve public safety. Social workers have a responsibility to achieve public safety in an ethical manner. The social work profession adheres to ethical values such as social justice which must be considered in public safety efforts. It is important

to point out that the NASW *Code of ethics* applies only to social workers who are members of NASW.

Balancing public safety with ethical responsibilities is not an easy task, particularly for social workers who are employed *within* criminal justice settings (e.g., correctional facilities, law enforcement, probation, and parole) because these are not social work settings. These are examples of host settings in which professional social work is not the dominate profession or mission of the agency.

Ideological differences between social workers and other practitioners employed in the criminal justice system are more than just differences in public safety and ethical ideologies. These differences are also rooted in job descriptions, political and personal beliefs, and worldviews regarding causes and best practices for addressing criminal behavior and treatment. Understanding these differences and having the skills and ability to resolve these differences can facilitate social work practice within the criminal justice system.

The U.S. criminal justice system is a complex system. Usually three components of the criminal justice system are described (law enforcement, courts, and corrections). This book will describe and review four components (legislation, law enforcement, courts, and corrections). Practitioners across these four subsystems include legislators, law enforcement officers, attorneys and judges, correctional officers, and probation and parole officers, among others. Each of the subsystems operates individually and yet is interdependent. These systems are also found at tribal, local, state, and federal levels.

This book is not intended to be an exhaustive review of the criminal justice system. Indeed, each of the chapters in this book could fill the pages of an entire book. It is a vast field to summarize. The field is comprised of multiple services, programs, and reform efforts that are both documented and undocumented. Numerous introductory books have been written as well as numerous specialty books that focus on specific components of the criminal justice system such as courts, corrections, or law enforcement. Additionally, some specialty books focus on critical or emerging issues within the criminal justice system. These issues include court and prison reforms, and police brutality and misconduct, among others. Encyclopedias have also been published that focus on police science, law enforcement, and race and crime, to mention a few.

Several features of this book should be noted. First, a summary of social work practice implications is provided in each chapter. In this way, the practice implications are highlighted relative to the chapter topic and do not become lost within an enormous amount of text. Second, a separate chapter explores pertinent issues for social work practice in the criminal justice system in greater detail. These issues include working within authoritarian and host settings, providing services to mandated clients, and recognizing individuals' rights to self-determination. Third, the application of evidence-based practice principles in criminal justice is discussed in a separate chapter. Fourth, only documented sources were used to describe issues in the criminal justice system and social work practice. As a result of using this approach readers should be able to locate the original source for further review. Readers also are encouraged to examine the Further Reading section at the end of each chapter to consider additional readings on the chapter topic.

The dilemma of including examples of criminal justice reform efforts and innovative programs is that, for every example included in this book, many more are inevitably

excluded. Readers are encouraged to use the skills acquired from this book to seek additional information about reform efforts, services, programs, and critical issues that are not covered. Finally, a list of Key Terms used within each chapter is provided at the end of each chapter.

Many individuals who are involved in the criminal justice system experience social problems that are contributing factors to crime and criminal justice system involvement. Examples of these social problems include alcohol and substance use and abuse, mental illness and co-occurring disorders, juvenile delinquency, gang membership, child abuse, and domestic violence.

The issues facing the U.S. criminal justice system are plentiful. Large numbers of individuals are incarcerated, on probation, or on parole supervision; racial disparities exist in crime, sentencing, and incarceration rates; correctional facilities lack sufficient reentry services to prepare inmates adequately for release; and when inmates are released they often reenter communities that lack job opportunities, adequate housing, health care services, and evidence-based mental health, alcohol, and substance abuse treatments. This too often contributes to high recidivism rates. Moreover, crime legislation can have an adverse impact on certain demographic groups. Providing effective interventions in response to these situations requires that social work practitioners possess specialty practice skills and knowledge, as well as the ability to collaborate with other practitioners in criminal justice and other systems. This is in essence interdisciplinary social work practice.

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I appreciate the helpful comments from the anonymous reviewers who provided comments in response to the initial proposal. These comments were instrumental in helping me to determine which chapters should contain specific subjects. At times it seemed as though the subjects could be covered in several chapters. I would also like to thank the librarians at Silberman School of Social Work at Hunter College and John Jay College of Criminal Justice, both of the City University of New York, for your assistance with identifying, retrieving, and borrowing materials. I sincerely appreciate the invaluable comments from Ann Lewis, Carol Thomas, Charlene Robinson, and Aaron Smalley concerning the case examples, and I am grateful to Joy Luangphaxay for retrieving articles.

Finally, thank you to the many police officers whom I have met in the U.S. and U.K. You have embraced police social work practice and recognized the contributions of police social workers in community policing efforts, and the mental health needs of police officers. A special thank you to the Rochester Police Department and its members for your long-term commitment to police social work practice.

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1

Introduction to the U.S. Criminal Justice System

Chapter Overview

The criminal justice system is comprised of complex organizations that interact with offenders and victims. However, the criminal justice system addresses much more than crime. It affects the daily lives of citizens in many ways. This chapter briefly describes and establishes the U.S. criminal justice system as a system comprised of interdependent subsystems. The four subsystems that form the criminal justice system are: legislation, law enforcement, courts, and corrections. The criminal justice system functions at local, state, and federal governmental levels. American Indian and tribal communities have established separate law enforcement agencies, courts, and correctional institutions. No uniform criminal justice system exists in the U.S. Each state has its own distinct laws that define criminal behavior as well as guidelines used to punish offenders. This chapter also provides an overview of criminal justice perspectives influencing the system, and of theories that explain criminal behavior and victimization; traces the early involvement of the social work profession in the criminal justice system; and examines the size and scope of the system. Finally, this chapter identifies the need to balance public safety concerns, a major focus of the criminal justice system, with ethical social work practice as articulated in the NASW *Code of ethics*.

A Note on Terms Used Throughout the Book

At the onset of this book, it is important to distinguish between several concepts that will appear throughout the book. The term *social work practice* will be used often to refer to social work practice *within* the criminal justice system. Regarding social work practice in the criminal justice system, two types of practice are delineated. Social work practice *within* the criminal justice system is used to reference employment in the criminal justice subsystems that include the legislative arena, law enforcement agencies, the courts system, and corrections. Examples include social workers who are probation and parole officers, and police social workers. Practice *outside* of the criminal justice

system involves employment in human service agencies that are not part of the criminal justice system. However, these agencies offer programs and services to individuals with criminal justice system involvement. Examples include community-based agencies that provide services or transitional housing for offenders reentering communities.

The term *individuals with criminal justice system involvement* refers to individuals who are on probation or parole supervision, those awaiting trial, individuals recently charged with a crime, crime victims, and formerly incarcerated offenders. A point is made that not all individuals are involved with the criminal justice system as a result of crime-related situations. The criminal justice system also intervenes in response to a variety of legal matters such as property issues, and family matters such as custody, guardianship, and divorce.

Four Components of the Criminal Justice System

Most often, three components of the criminal justice system are identified and described. These three components are law enforcement, courts and corrections (Albanese, 2008; Frase & Weidner, 2002; Young & Lomonaco, 2001; Wilson, 2010). Alexander (2008) described a fourth component of the criminal justice system, legislation. Alexander suggested that law enforcement has the responsibility of arresting individuals who commit crimes; the courts have the responsibility for bringing individuals to trial; corrections oversee incarceration, community-based supervision, and monitoring; and state legislatures and Congress have the responsibility for defining criminal acts and punishment guidelines. Ross and Gould (2006) also described four components although their components were courts, law enforcement, corrections, and juvenile justice. In subsequent chapters of this book, these four components will be examined as subsystems within the criminal justice system.

Public Safety and the NASW Code of ethics

This book is grounded in the need to balance public safety, a major goal of the criminal justice system, with ethical social work practice. *Public safety* refers to the efforts of law enforcement, public safety, security, and other officials to protect communities from crime and criminal behavior. The book is grounded in the NASW Code of ethics and the values of the social work profession. Indeed, a profession which has a central function to promote social justice can find many areas in the criminal justice system where the profession can be active. However, fulfilling this mission within the criminal justice system requires specialized knowledge and skills.

Size and Scope of the U.S. Criminal Justice System

Statistics help to contextualize the size and scope of the U.S. criminal justice system and populations with various types of criminal justice system involvement. Statistics are

useful for understanding victimization rates, the numbers of incarcerated individuals, and how widespread an issue can be. Statistics also describe patterns and trends that change when compared over time. It is important to understand how data were collected and analyzed so that the strengths and limitations of the data can be assessed. As we shall see in Chapter 2, this is particularly useful when presenting an issue to legislators about the magnitude of a social problem or crime.

The size and scope of the U.S. criminal justice system and individuals involved with the system are quite impressive. The numbers include not only offenders and victims but also employees and governmental expenditures.

In 2007, family and juvenile courts processed approximately 1,666,100 juvenile delinquency cases, or about 4,600 cases per day. Juvenile delinquency court processing of cases increased by more than 300% between 1960 and 2007 (Puzzanchera, Adams, & Sickmund, 2010).

In 2009, more than 7.2 million individuals were either on probation or parole supervision, or incarcerated in jails or prisons. This figure represents 3.1% of the adult U.S. population or 1 of every 32 adults in the U.S. population. Through 2009, there were 4,203,967 adults on probation, and 819,308 on parole or mandatory conditional release from prison. Also through 2009, 1,613,740 adults were incarcerated in state or federal prisons (1,405,622 were incarcerated in state prisons and 208,118 in federal prisons). By midyear 2009, jails incarcerated 760,400 adults who were either awaiting trial or serving a jail sentence (Bureau of Justice Statistics, n.d.a).

Through June 30, 2009, nearly 1 in every 134 Americans was incarcerated in jail or prison. Black, non-Hispanic males were 6 times more likely to be incarcerated than white non-Hispanic males, and 2.6 times more likely than Hispanic males to be incarcerated. Among females, 1 in every 300 Black females was incarcerated, in contrast to about 1 in every 1,099 white females and 1 in every 704 Hispanic females (West, 2010). Approximately 650,000 individuals are released each year from state and federal prisons (U.S. Department of Justice, Office of Justice Programs n.d.). When these individuals reenter communities they are in need of a variety of community-based services such as substance abuse, health and mental health care, housing, and employment.

Recidivism rates among former offenders are relatively high. Langan and Levin (2002) used four outcomes to assess recidivism rates: rearrest, reconviction, a resentence to prison, and reincarceration either with or without a new sentence. In 1994, follow-up was conducted with approximately 300,000 inmates after their release from prison in 15 states. The data show that 67.5% of former offenders were rearrested within a three-year period. Within the same three-year period, nearly half (46.9%) committed new crimes that resulted in reconviction, 25.4% were resentenced to prison for committing a new crime, and 51.8% were returned to prison for a new sentence or a violation of their release conditions. These violations include failing a drug test, failing to keep parole appointments, or being arrested for committing a new crime.

The primary crimes that resulted in recidivism among former offenders were motor vehicle theft (78.8%), having or selling stolen property (77.4%), larceny (74.6%), burglary (74.0%), robbery (70.2%), and having, using, or selling illegal weapons (70.2%) (Langan & Levin, 2002). The authors reported lower rearrest rates for driving while intoxicated (51.5%), rape (46.0%), sexual assault (41.4%), and homicide (40.7%).