

# **FIXING BROKEN LENSES:** **TOWARD HUMANISTIC PRACTICE IN PROBATION**

by Dr. Ron Corbett

## **EDITOR'S NOTE:**

This article is based on the keynote address delivered by Dr. Corbett at APPA's 37<sup>th</sup> Annual Institute in Indianapolis on August 13, 2012.





In July of this year, an article appeared in the New York Times that did not concern corrections directly, but still reinforces profound lessons for all us in this field. Titled "Healing One Village at a Time" (Rosenberg, 2012), it reports on a study by the Global Mental Health Center at Columbia University. In response to a report by the World Health Organization documenting a severe epidemic of clinical depression in poor countries, a plan was developed to train qualified teams of health workers to conduct interventions with depressed adults. The trained workers did not materialize but the efforts went forward anyway, relying on volunteers who often did not have education beyond the secondary level. These lay therapists, so to speak, had a few weeks or sometimes a few days of training in such things as listening skills. The results were astonishing: Rates of depression in such countries as Uganda, Pakistan, and India were reduced by 75-90 percent. I will come back to this study a bit later.

I write not as any self-proclaimed expert but as a fellow traveler in community corrections, who began his career almost exactly 38 years ago and who has tried, along the way, as all of you have, to deepen his understanding of this noble profession we share and unwrap the secrets of interventions that can change lives. A quote from T.S. Eliot captures this journey which many of us find ourselves on. In his poem "Little Giddings", Eliot writes, "We shall not cease from exploration. And the end of all our exploring will be to arrive where we started and know the place for the first time" (Eliot, 1943, p. 39).

That exploration has taken me across several decades, each with its own dominant focus and reigning theory. The 1970s saw the preeminent goal of rehabilitation give way to the notion, captured in the famous and widely misunderstood study by Robert Martinson (1974), that Nothing Works. The 1980s saw the advent of Intensive Probation Supervision and other intermediate sanctions as a response to a crisis of confidence in traditional models. The 1990s saw a turn toward a more surveillance and enforcement-oriented approach, embodied in electronic monitoring and GPS and police-community corrections partnerships. And, finally, the 2000s turned our collective attention to Evidence Based Practices (EBP) and learning from research about what works and how that translates into best practices. Obviously these decades offered more than these single notes but those themes did serve as focal points.

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I missed this last decade (let's call it the EBP Era) because I was otherwise engaged as a state court administrator, from 2000 to 2010. I returned to probation two years ago, like a latter day Rip Van Winkle, awakening to a new, wondrous and mysterious world. I began to immerse myself in the major research of the last ten years or so. Having been away for a while, I was unencumbered with the prejudice of settled views. I had shaken off the previous conventional wisdom. On monthly ride-alongs with probation officers (PO), I could observe their work with fresh eyes, not anymore the veteran observer but instead someone who was looking to learn anew. I came away changed in ways I did not anticipate. We all hope to grow and mature in our basic beliefs and professional convictions over time but these changes are most often incremental and not radical departures. In my case, I became a born again probation official. Echoing the poet T. S. Eliot, I felt I knew the place (probation) for the first time.

## **SNAPSHOTS FROM A CAREER**

I will explain that journey I took, but not right away. First, an interlude, snapshots from my career, with lessons that add to the newspaper story I started with.

All POs have particular cases that always come back to them, often because they were an unexpected success, or a tragic failure or endlessly comical. Over the years, I kept recalling the case of Paul D., a case that fit none of those descriptions particularly. Paul was arrested for running a bike stealing syndicate with other 16 year olds. It was a very unremarkable case. Paul was required to attend school regularly and observe his mother's reasonable rules, which he mainly did not do. So I called him in and did what all POs do in such circumstances: I read him the riot act or started to. He had his head buried in his lap (he was the sad-sack type of probationer, not the bold and assertive type) so as I got into a full gallop on my high horse, I asked him to pick his head up and look at me. He did and I saw that one of the lenses in his glasses had a major crack on the diagonal, large enough so that it was clear that he could not see through that lens. I stopped in my tracks - something more important than my disappointment in him struck me all at once. Paul's mother barely got through the month financially and was constantly worrying about bills, which left her very short-tempered with Paul. She had no means to fix his glasses or get him a new pair. Paul was no doubt deeply embarrassed by the condition of his glasses. At the time, I worked for a wonderful Chief Probation Officer. He has an arrangement with the local bank, which sponsored a small emergency fund for needy cases. I excused myself from the office and went to see the Chief. He called the local bank and they agreed to cover the expenses of a new lens and recommended a local optician. I went back to the office and explained to Mrs. D. that if she had no objection, I was going to take Paul to get his glasses fixed and we could pick up the conversation later. Paul got his glasses fixed and things got slowly better with him. So why does this case stay with me? I think it is because it taught me a valuable lesson about falling back too easily and thoughtlessly on my authority and role instead of attending to the mundane but significant human drama that unfolds in front of us every day. So much depends, I learned, on fixing broken lenses.

## **CHANGING ROLES, BUILDING RELATIONSHIPS**

In 2009, the leaders of a program we run in our agency entitled *Changing Lives through Literature* (CLTL) asked me to write a brief essay for their new website, reflecting on my experiences with the program. The program works this way: Probationers who have an appropriate reading level are assigned as part of their probation to a literature seminar where they read short pieces (plays, short stories, or novellas) focusing on themes related to justice, personal struggle and courage in difficult circumstances. The seminar is led by a local college-level English teacher and a judge and probation officer attend and participate in each session, as equals with the probationers. They all - officials and probationers alike - sit around a seminar table. The program began in 1991 and is thriving and growing to the present day. The University of Massachusetts recently completed a second major study and found greater declines in reoffending for the participants compared to a matched control group (Schutt, Deng, and Stoeher, 2012).

I told the leaders that I would focus on the role of the judge, not only in the *Changing Lives* program but in drug courts and otherwise. These are a few excerpts from what I wrote:

**Dateline 1975** — Brookline Municipal Court, MA. Juvenile session in the late afternoon. Veteran street worker Dave Wizansky approaches a recently appointed probation officer. Ron, I think this new judge is really going to make a difference. He approaches the cases in a very different way. Did you notice how he always addresses the juvenile directly? That rarely happens. These kids are used to being talked about, or at, or around. They are not used to being talked to. And that is what Judge Shubow does.

**Dateline 1995** — Henderson House, Weston, MA. A meeting of judges, probation officers and educators involved in or supporting the *Changing Lives Through Literature* program. Each participant is asked to offer a reflection on the program and its power. A probation administrator mentions how empowering it is for probationers to sit with judges and educators and get treated as equals at the discussion table.

**Dateline, 2005** — University of Massachusetts, Lowell, MA. A graduate class in criminal justice. A judge and staff from Ayer District Court discuss the workings of their drug court. The probation officer coordinating the program suggests that the attention from the judge and the heart-to-heart communications that take place each week between judge and drug court participant account for much of the program's effectiveness.

Each of these vignettes strikes a common theme and illustrates a basic truth about the latent - and commonly overlooked - power of relationships in the administration of justice. In these examples, the relationship implicated is that between a judge and the judged.

Some traditionalists might say: What is this talk of relationships? Our judicial system requires that the judge distance himself/herself from individual defendants. This is a proceeding, not a relationship. Professionalism and objective decision-making rules out any sort of "relationship". And yet, something very much along those lines seems to be happening.

Could it be that judges themselves can be instruments of transformation? That their way of relating to - even more, *being with* - offenders can act, in the language of social science, as an independent variable, impacting outcomes for offenders under the court's supervision? In *Changing Lives through Literature*, does the substance of the reading material and the ability to master the assignment help? No doubt. But I am convinced that it is the collegiality and mutual respect shared around those seminar tables among faculty, judges, probation officers and probationers that is the key. It turns out that treatment matters - that is, it is how the probationer is treated that, again, seems to make the vital difference.

I think this is a profound lesson. Beyond the details of a sentence or the particulars of probation conditions and treatment requirements, there are - inescapably - relationships. Scores of interviews over the years with ex-probationers have taught me how discerning they are about how they were treated by judges, probation officers and treatment staff. Were they alive to these officials? Was attention paid to them and their individual circumstances? Would anyone remember their name? These were their worries.

For me, the magic of *Changing Lives through Literature* lies in the wholly unconventional relationship it establishes among court (and university) officials and offenders. The *Changing Lives through Literature* discussion table literally levels the playing field. The judge is looking across to, and not down at, the probationers. The judge and probation officer are listening to and valuing their views. It is a dialogue for which there is no time in our customary interactions.

## **THE POWER OF DIALOGUE**

Martin Buber would be pleased. Buber, philosopher and educator in the first half of the twentieth century, taught at the University of Frankfurt and Hebrew University in Jerusalem. His preeminent work was an essay entitled *I and Thou* (1970), an examination of the way human beings encounter and engage with each other. In what Buber called *It* relationships, other people were objectified, treated as means to an end, communicated with, characteristically, in a monologue. Each group was blind to the other's essence. In *I and Thou* relationships, mutuality and receptivity to the other prevail; it is an encounter without prejudice, without gain or utility in mind. It is characterized by genuine dialogue. Perhaps veteran street worker Dave Wizansky had read Martin Buber.

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Back to my reading the recent research and the sea change in belief and perspective. Across a wide variety of leading studies - featuring such scholars as Don Andrews (Dowden and Andrews, 2004), Chris Lowenkamp (Lowenkamp, et al; forthcoming) and Jennifer Skeem (Skeem, et al; 2012), to name a few - it is clear that there is overwhelming support for what I would now call a return to an older, more traditional, and - here is the key word - **humanistic** approach to the work we do. I read the research of the last decade or so to say that the vital difference in succeeding with our cases - whether we are probation officers or judges is not **what we do** but **how we are** with those on our caseloads. Those qualities of empathy, caring, dignity, respect and fairness are not the means to an end but the end in themselves, not values in support of an intervention but the intervention itself. Before we have risk-needed, cognitively restructured and motivationally interviewed our probationers, it is first and foremost how we fill the space in our actual encounter with probationers that will be the life-changer.

Let me add to this research support in three ways. In May of 2012, a report on a multi-site evaluation of drug courts, sponsored by the National Institute of Justice, was released. Let me read you its key finding: The primary mechanism by which Drug Courts reduced substance and crime was through participants' perception of and attitudes toward the judge. (Rossman and Zweig, 2012, p. 4) Similarly, a long line of work by Tom Tyler (2006), formerly of NYU and now at the Yale Law School, finds that conformity with the orders of such public officials as judges and police officers is a

product not so much of the substance of the order itself but whether it was presented in a fair and respectful manner. Finally, a recent evaluation of the *Changing Lives* program by the University of Massachusetts found a greater reduction in reoffending for those in the program compared to a matched sample (Schutt, Deng and Stoehr, 2012).

How is it that the minimally trained lay counselors are so effective in Uganda and elsewhere? Those findings - and related findings on the effectiveness of therapy by highly trained professionals - all point in the same direction: patients respond to the fellow-feeling, the concern, and support they receive from another human being more than the particulars of any technique.

I do not mean to diminish the tools of our trade. We have learned a great deal from research about the instruments and programs and supervision practices that contribute to lowered recidivism. But we must not be in thrall to the mystique of technique. It is our capacity for humane and authentic encounter, for the just and fair exercise of our important authority that lays the foundation for all that follows. It is what explains the success of those lay counselors in Uganda, of the judges who give so much of themselves in problem-solving courts, of the probation officers whose sensitive interactions on the streets and in the homes of offenders preserve the dignity of each human being they deal with and thereby set the stage for positive change.

The good news about these findings is that we are resource-rich - if we want to be - in the most important resources available

to us. These essential human qualities are in potentially infinite supply and, paradoxically, replenish themselves - in ourselves and in others - as we use them.

Within two blocks of my office in Government Center, Boston, is a plaque commemorating the work of John Augustus, on the site of the old police court where he first appeared. It is a pleasure - and a matter of pride - for Massachusetts probation folks like myself to point out that plaque to visitors. Because it is on a main thoroughfare, I pass it on foot regularly. I can't help but think that if that bronze image of Augustus could speak, he would say to me, well, it took you a while but you did finally figure it out. >>>

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