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## Motivational Interviewing for Probation Staff: Increasing the Readiness to Change

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*“Motivational Interviewing makes a lot of sense to me—I mean, it seems to be a lot like banking. We’ve got to make a deposit before we can expect to make a withdrawal.” (Training participant, 2005)*

**THIS ARTICLE BEGINS** a two-part series on increasing motivation with “involuntary clients,” focusing on mandated offenders placed under probation supervision by court orders. Motivational Interviewing (Miller & Rollnick, 1991) is an approach that was first developed and applied in the field of addictions but has broadened and become a favored approach for use with numerous populations across a variety of settings (Burke, Arkowitz & Dunn, 2002). In our own field of criminal justice, evidence-based practice as outlined by criminologists has recommended that justice staff be responsive to motivational issues with offenders (Andrews & Bonta, 2003). This series demonstrates practical ways to respond to that recommendation.

Probation staff clamor for “how to’s” and seek knowledge as they work hard to manage high-volume caseloads. The second article of this series will address such strategies and techniques for the line officer. But patience is necessary; Motivational Interviewing (MI) is not just a collection of techniques to apply *on* an offender. Raising motivation levels and increasing an offender’s readiness to change requires a certain “climate”—a helpful attitude and a supportive approach that one takes *with* an offender. This climate becomes hospitable to developing a helping relationship—and this relationship must occur between agent and probationer for enduring change to take place. This article will examine this type of climate across the criminal justice field (the macro perspective), within probation departments (the mezzo perspective), and within the individual pairing of any officer and offender (the micro perspective).

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### **Across the Criminal Justice Field (macro): What Business Are We In?**

Duncan, Miller and Sparks (2004), promoting outcome-informed efforts, recall a landmark article by Theodore Levitt, a Harvard business professor. Levitt (1975) recounted the rise of the railroad industry throughout much of the 1800s and into the next century. The railroad industry

vaulted to tremendous success as it laid track from city to city, crisscrossing and connecting our continent. Millions of dollars were pocketed by those laying the track and building this nation's rail infrastructure. The pace of life quickened and demand rose for speedy travel.

However, as the first baby-boomers began to leave their nests in the 1960s, the railroads were in trouble—actually in serious decline. Why? Railroad executives would answer that it was due to the need for speedier transportation and faster communication that was being filled in other ways (i.e., cars, trucking industry, telecommunications, etc.). That reasoning made no sense to Levitt. To this business professor it begged a question. Duncan, Miller & Sparks (2002: 80) note the irony:

The railroad industry, Levitt (1975) argued, was not in trouble “because the need was being filled by others...but because it was *not* filled by the railroads themselves” (p. 19). Why did the industry *not* diversify when it had the chance? Because, as it turns out, railroad executives had come to believe they were in the *train* rather than the *transportation* business.

Due to this limiting conception, trucking and airfreight industries prospered while locomotive engines fell into disrepair, parked on rusted track in the back of neglected railroad yards. The railroad industry had come to believe they were in the railroad business instead of the transportation business.

It would seem that probation, as a criminal justice entity, is much like the railroad industry of our past century—for it has come to believe that it is in the *probation business* rather than the *behavior change business*. Our field seems primarily concerned with the process of probation—insuring adequate supervision, compliance with probation orders and the completion of mounds of attendant paperwork. Process takes center stage rather than a principal focus on strategies and techniques that will encourage positive behavior change (outcomes).

The problem lies in the mindset that pervades the probation and parole field that allows outcomes to take a back seat to process. Consider a recent lament by a deputy director who manages a fairly large community corrections division. He offered his state's “probation officer of the year award” as an example of the “business of probation.” This annual contest awards much more than a certificate or a new wristwatch—the prize is a week-long vacation in the Caribbean! As can be imagined, staff work hard to win the prize. However, this deputy director noted that the field is so process-oriented that the agents who win this trip do so because of timely paperwork completion, more face-to-face meetings than required, comprehensive report writing and punctual court appearances. Yet if *outcomes* were considered, this same officer, enjoying the sun and waves from a relaxing beach-side cabaña, might be embarrassed to know that his or her caseload detailed a 30 percent absconding rate or a 60 percent recidivism rate. Sadly, this situation is not one-of-a-kind. Another state's “officer of the year” award is even easier to determine: it is awarded to the staff member who has the highest rate of collection of *court fees*. Process is king. The business of probation occupies the limelight.

For those who might bristle at this implication, a quick inventory is telling: If your department requires new-agent training, how much of this orientation curriculum involves motivational enhancement training or strategies/techniques to encourage positive behavior change? Consider any continuing education training recently conducted by your department. More often than not, training titles would have included phrases such as, “Managing the...,” “Supervising the...,” “Officer Safety,” “Computer Training,” “Risk Assessment” or the ubiquitous phrase, “How To Deal With the...(sex offender, dually-diagnosed, hostile client, etc.)” This is not to imply that these training topics are unimportant, but rather to point out the sheer absence of any tactical curiosity regarding positive behavior change. The business of probation proliferates. Managing trumps motivating. Supervision obscures relationships. Intimidation overshadows encouragement. Compliance remains in ascendancy.

Looking to our past may help us to understand the present. The correctional world we operate in has always known tension between the ideals of punishment and treatment. Our field seems

unable to extricate itself from a seemingly hypnotic hold of a “tough-as-nails” approach. To try and understand how the probation field became mesmerized is to appreciate two swings of the crime-control pendulum that have occurred over the last 50 years. Psychological and sociological theories of criminal behavior gained prominence in the 1940s and helped the principle of rehabilitation of offenders (offender treatment) to flourish throughout the 1950s and 1960s. (Gendreau & Ross, 1987) However, evidence to support the treatment paradigm did not keep pace by tracking outcomes and building supportive evidence, so the pendulum swing of correctional policy started to move back to the punishment and “just desserts” approach. Rehabilitation lost favor by the late 1970s and began to recede during the 1980s.

One swing followed another as the ideal of punishment lost ground. Clive Hollin (2000) notes, “If the 1980s saw the fall of the rehabilitation ideal, then the early 1990s witnessed a spectacular resurrection... (this) resurrection of treatment can be directly traced to the impact of a string of meta-analytic studies of the effects of offender treatment published towards the end of the 1980s and into the 1990s.” The predominance of punishment had not demonstrated effectiveness, and in many instances, was shown to increase recidivism. With the advent of the 1990s, supervision and treatment has enjoyed more certainty of success (Andrew & Bonta, 2003; Bernfield et al., 2001). With the current pendulum swing back to treatment comes a call for motivational enhancement of offenders. With the rise of evidence-based practice, Andrews, et al. (1990) details “three principles of effective intervention”: 1) risk assessment, 2) targeting criminogenic needs, and 3) responsivity. The rubric of “responsivity” is defined as an effort that will “insure that individuals are suited to the treatment intervention. Be responsive to temperament, learning style, motivation, culture and gender of offenders undergoing treatment when assigning and delivering programs” (emphasis added - pps. 374-375).

How then, can probation staff respond to motivational issues and work to enhance offender readiness to change, when a good portion of our criminal justice culture (macro) remains stuck in an adversarial “get-tough” atmosphere? Anthropology may offer an explanation. Steven Pinker, in his 1997 landmark book, *How the Mind Works*, notes there are parts of the human brain and body that once served a survival purpose in our primordial cave-dwelling past—yet today these same body parts no longer serve any real function. These anthropological remnants become an appropriate analogy for the “tough-as-nails” stance that many embrace within our probation field. What “worked” for the sole emphasis on punishment and penalty (stopping negative behavior), endures only as an obstacle for increasing motivation and assisting change (starting positive behavior).

### *A Second Pendulum Swing?*

We’ve witnessed the pendulum swing between the punishment and treatment camps in our field, yet could there actually be *two* pendulums? I propose that there is one research-based pendulum and another practice-based pendulum. The research pendulum swings in the foreground, set in motion by criminologists who suggest what course-of-action will reduce crime. However, I believe there is a second pendulum, moving in the background, much more slowly and shadowing the first. This pendulum swing involves the atmosphere and attitudes of those who work within the probation field. This article calls attention to this “practice pendulum” that is created by—but not always in sync with—the research pendulum. To understand this second pendulum is to understand that our field seems shackled by a lag-effect; out-of-date attitudes held by many in the field who seek not only compliance from offenders but dominance and primacy over them as well. This hold-over from the “just desserts”/punishment era remains alive, suppressing behavior change as it limits an offender’s involvement to passive and submissive roles. The brain is dead, but the body continues.

An example of how shackled our field has become can be seen in a recent discussion I had with a training participant following a Motivational Interviewing session. The probation agent approached my podium at the conclusion of a session: Agent: Interesting training session, but now you’ve got me thinking.

MC: What’s on your mind?

Agent: Well, I'm thinking that I should probably shake hands with my probationers.

MC: You don't? Agent: No. I was hired out of the prison.

There's a "no touch" policy inside facilities.

We [staff] can't touch, they [inmates] can't touch. Nothing's allowed, not even hand-shaking.

MC: But... [pause] you're working probation now, you're not working in the prison any longer.

Agent: Yea. That's why this training's got me thinking. I mean, yesterday I was walking a new case to the lobby door and he stuck out his hand to shake with me. I got a little angry and said, "I don't shake hands! When you get dismissed, maybe then I'll shake your hand."

MC: Wow. Pretty hard to make the kinds of connections we've been talking about in this training session if you won't even shake hands.

Agent: Yea. That's what's got me thinking.

MC: Must be hard to make the transition over from prison. But, hey, don't be too hard on yourself. How long have you been in this job [community-based probation]?

Agent: Four years.

Four years! I was left speechless. I understood—at that moment—that I had been wrong to assume even the most basic conditions of a helping relationship might be in place across our field. Allow me to draw an analogy to this agent's response. This interchange could well be akin to hiking many miles into a barren desert only to cross paths with someone who was sweltering in a thick winter jacket. Incredulous, you might ask, why would one wear such bizarre attire in the blazing heat of the day? You would be shocked to hear the nonsensical answer, "Four years ago I use to hike in the cold northern latitudes!"

The Center for Strength-Based Strategies began an inquiry to assess other probation departments, only to find that this practice of refusing to shake an offered hand is not uncommon. A basic act of respect like returning an overture to shake hands can be denied. How has this "business of probation" become an enterprise so belligerent to behavior change? There are two facts about those we work with: 1) offenders are human, and 2) offenders have committed a crime. It is of grave concern that some officer attitudes and behaviors might seem contentious to the first of these two immutable facts.

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### **Within Probation Departments (mezzo): The Obstacle of the "Either/Or"**

Despite such obstacles, what about this recent pendulum swing that is refocusing our field toward treatment? How does this business of behavior change occur? And more important to our field, how can department policy and a probation officer's efforts increase an offender's readiness to change? These questions can guide our departments toward a fundamental alteration in both attitude and objectives.

Change often takes time. Though it can occur by sudden insight or dramatic shifts (i.e., epiphanies, "wake up calls"), the vast majority of changes take place slowly and incrementally. The Stages of Change theory (Prochaska & DiClemente, 1983) has even mapped out these incremental steps, lending support to the idea that change is a "process" rather than a point-in-

time event. When working with probationers new to our system (or those returning) who may pose harm to themselves or others, initial objectives must begin with offender stabilization. Those who are out-of-control must be brought into control; hence, compliance becomes an all-important first step in offender supervision. If we skipped that step, we would be neglecting our primary mission of social control at the community's peril.

It's time to expose a form of "either/or" conceptualization by probation staff as a stumbling block for improved outcomes. This block is analogous to brewing tea. To enjoy a cup of tea, we need not hot water alone *or* tea leaves alone, but rather hot water *and* tea leaves, the key combination that allows the brew to be served. However, some would strip this sensibility from our own field of probation. They would have us believe that we *either* secure compliance *or* increase the readiness to change; *either* impose sanctions *or* establish a helping relationship. This contrast is so pervasive that it is seldom noticed or examined. Motivational Interviewing contends that objectives of control and motivation can exist side-by-side. This "both/and" inclusiveness will be sketched-out later in this article.

Those who show little respect to offenders and adopt an adversarial style only succeed in imposing (once again) another type of unproductive either/or contrast: Either one is tough or soft. A tough, unyielding approach could be characterized as "holding the line." Those who take it justify their harsh attitudes and abrasive conduct towards offenders as a necessity for control. To do otherwise would constitute a soft approach that is merely "wanting to be liked" or "trying to be friends." While heavy-handed advocates may not achieve acceptable levels of success, they feel relief that (at least) they will never be accused of acting indulgently or pandering to the offender. It has long been a reaction in our field to merely blame the offender when change does not occur (Clark, 1995). Rather than examine our own efforts, we explain away a lack of improvement as more evidence of the intractable nature of probationers.

The "us vs. them" mindset hampers the officer/probationer relationship, department objectives, offender improvement, and ultimately the safety of our communities. Space prohibits a comprehensive review of the multitude of studies (Miller & Rollnick, 2002; Hubble, Duncan & Miller, 1999) that find a confrontational counseling style limits effectiveness. One such review (Miller, Benefield and Tonnigan, 1993) is telling. This study found that a directive-confrontational counselor style produced twice the resistance, and only half as many "positive" client behaviors, as did a supportive, client-centered approach. The researchers concluded that *the more staff confronted, the more the clients drank at twelve-month follow up*. Problems are compounded as a confrontational style not only pushes success away, but can make matters worse.

It is at this juncture that many probation staff may protest, "We're not counselors!— our job is to enforce the orders of the court." This claim only underscores our field's, fixation on the business of probation—not the business of behavior change.

Staff who do not adopt this abrasive style must work around those who do. These department colleagues and supervisors witness the insensitive attitudes and disrespectful treatment of offenders; however, much like a crowd that shrinks back in a bully's presence, they fall silent and fail to challenge this callous conduct. In a recent discussion with a deputy chief of a large probation department, this manager bemoaned that his department was rife with those who refused to shake hands with probationers —yet defended this beleaguered tolerance as proof that he was *progressive* in allowing diversity of officer styles (!).

It is understandable why many are reluctant to confront, because they realize they are likely to be labeled as "soft"—and staff thought to be soft lack authority and substance with those favoring a "tough" approach. The criticism, or the person criticizing, would be dismissed—a priori—as lacking integrity.

I am reminded of a probation supervisor who tried to confront a staff member known for intimidation tactics and for bragging in back-office chatter about his ill-treatment of probationers. When the supervisor argued that his use of intimidation was both unethical and

ineffective, the officer retorted, “So, what you’re saying is that I should mollicoddle them [probationers]?” “No,” the supervisor answered, “But you can’t use the stick all the time, there are times to use the carrot as well.” The officer retorted sarcastically, “So, I’m supposed to be their friend, right?” “No,” the supervisor replied again, “But I speak of basic respect.” “Respect?” cried the officer, “Respect *these* people after what they’ve done?” “Look,” the supervisor pleaded, “it’s just not effective to constantly go after them.” The officer rejoined with a rhetorical question, “So, you’re telling me that hugging them is more effective?” After several go-rounds the exasperated supervisor finally stated, “I guess what I’m trying to say is that you just need to be a little more ‘touchy-feely’ with those you supervise.” The probation officer finished the exchange with the mocking statement, “That’s right! When I *touch* them, I want them to *feel* it!” Frustrated by the officer’s closed-mindedness, the supervisor withdrew.

A clarification is necessary. MI considers “confrontation to be the goal, not the counselor style.” That is, the goal of all helping is to create a “self-confrontation” that prompts offenders to “see and accept an uncomfortable reality” (Miller & Rollnick, 1991, pg. 13). This awareness, of coming face-to-face with a disquieting image of oneself, is often a prerequisite for intentional change. However, one would not try to force this awareness upon someone through a confrontational *style*. To do so often makes matters worse. Multiple research studies (Rollnick, Mason & Butler, 1999, Tomlin & Richardson, 2004) repeatedly demonstrate that a harsh, coercive style often prompts a “paradoxical response” –the more one is directive and presses, the more the other person backs away. Rather than evoking change it causes an offender to become more entrenched in the problem, arguing and defending his or her current negative behavior. Probation agents are familiar with this “backing away.” It can take the active form, of arguing and tense opposition, or the passive form of shutting down, as with passive-aggressive silence—a “Who cares?” dismissal.

How probation officers can help offenders to see and examine their situation clearly and change accordingly—all while avoiding the active or passive forms of this paradoxical response—will be outlined in the next article.

### *Finding the Middle Ground*

To understand and further behavior change is to understand the interpersonal climate between officer and probationer that encourages change. Motivational enhancement steers clear of both the hard and soft approach. The “hard” approach is overly-directive and places offenders in passive, recipient roles. A “soft” approach correspondingly places the officer in a role that is too passive. A soft approach is also vulnerable to a condition characterized as “professional dangerousness” (Turnell & Edwards, 1999), where an officer, in attempting to keep a hard-won relationship at all costs, refuses to bring violations to the court’s attention when he or she should (“I won’t tell this time—but don’t do it again”). Here the officer has swung too far to the opposite extreme and is not directive enough. The hope and belief that the officer can build an alliance and work together with an offender to make things better is not the same as ignoring violations. Believing that offenders are worth doing business with is not at all the same thing as adopting the easiest way of doing business with them.

Neither side wins this debate, because both approaches reduce offender outcomes—each for a different reason. <sup>1</sup> An emerging motivational approach finds middle ground by those who understand the “both/and” inclusion. Using Motivational Interviewing, probation officers are taught to cooperate with the offender, not with the criminal behavior. Probation staff can examine how to impose sanctions *and* build helpful relationships, and with training, agents can build the skills to supervise for compliance *and* increase the offender’s readiness for change.

This is not new to our field. Start your own single-subject research by asking any probation supervisor to offer a frank (but discreet) evaluation of department staff they supervise. Many supervisors can easily walk down their department hallways and point to the offices of agents who are able to build helpful alliances with offenders while not compromising probation orders. These staff seem to understand that compliance and behavior change are not mutually exclusive efforts. What traits and skills make these agents so different? With an eye to encouraging the

effective relationships that are so essential for change, why are not more probation departments hiring with these inclusive (therapeutic) abilities as criteria for employment?

As noted, an abundance of research has established that a confrontational approach repels those we work with and becomes an obstacle to change. Probation departments must speed-up this “practice pendulum swing” by finding their voice; labeling the “tough” approach for what it is— an obstacle. Departments must become empowered to establish a climate that will both ensure compliance and foster hoped-for behavior change.

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### **Into the Individual Pairing of Officer and Offender (micro): A Helpful Mix**

There is room for optimism as movements are occurring both outside our field and within our own ranks help that second pendulum swing of officer attitudes to keep pace. Efforts are underway to sketch how to “hold the line” with offenders, while at the same time encouraging positive behavior change in probation work (Clark, 1997; Mann et al., 2002).

A further contribution involves a critical look at the power attributed to a probation agent and how that power is used. I have argued elsewhere (Clark, 2001) and repeat my contention that a therapeutic relationship in probation work can be established through 1) perspective, 2) role-taking by the officer and 3) skillful negotiations with the probationer.

#### *Perspective*

To utilize MI, probation staff must adopt a “lens” or a way of viewing the offender that is consistent with the Strengths Perspective (Clark, 1997, 1998). The Strengths Perspective in the justice field is first and foremost a belief in the offender’s ability to change. Although it would be naïve and disingenuous to deny the reality of the harm inflicted by those we work with, Saleebey (1992) cautions:

If there are genuinely evil people, beyond grace and hope, it is best not to make that assumption about any individual first...even if we are to work with someone whose actions are beyond our capacity to understand and accept, we must ask ourselves if they have useful skills and behaviors, even motivations and aspirations that can be tapped in the service of change and to a less-destructive way of life?  
(pg. 238)

This Strengths perspective embraces the science of “getting up.” For the previous 40 years, criminal justice has focused on the science and classification of “falling down,” as evidenced by our sole focus on deficits, disorders and failure. [2](#) The Strengths perspective pays attention to what strengths, resources, and assets probationers might turn to as they attempt to manage and overcome their troubles. Any probation officer could easily bemoan, “But so many offenders don’t care to overcome, they don’t believe change is important—they don’t seem ready or willing to change.” The reader will see in the next installment in this series the techniques that can prompt an offender into taking steps towards positive behavior change—seeing change as something they should do and can do.

#### *Role-taking*

There is great power attached to a court. When used appropriately, it can help change the trajectory of someone’s life, bringing health and improvements that radiate throughout a family (and across the larger community). But when this power is abused or misapplied, the resulting trauma and pain can continue long after court documents yellow with age. Who wields this power that holds such potential for benefit or harm? A helpful motivational perspective answers, “Not the officer!” The locus of power is actually centered in the judicial bench rather than on any individual officer. To locate this in the officer is not only incorrect but can limit or stifle the very relationship that becomes the conveyor of positive behavior change. Take for example a short passage included in a chapter entitled “Ethical Considerations,” found within the latest



edition of Miller and Rollnick's text on Motivational Interviewing (2002: 166):

...consider a counselor who works with offenders on parole and probation and who has the power at any time to revoke that status and order incarceration. (emphasis added)

Although this excerpt speaks to the power of "counselors" who work with offenders, it could be argued that the power attributed to the supervising probation officer would be even greater. However, accurately stated, no officer is truly vested with the power to jail an offender, apply new consequences, or increase consequences by personal decision or whim. This is not a case of "splitting hairs" with a play on words. An agent must petition the court. The court then works to substantiate the alleged violations of probation in a formal hearing and *it is the court* that determines guilt or innocence and imposes additional sanctions where appropriate.

This is not an attempt to disparage those who may not understand the judicial process, only to point out how pervasive this misperception has become across our culture. The statement that the probation officer "...has the power at any time to revoke that status and order incarceration..." demonstrates something akin to an unfounded "urban legend" that gains credibility only through the endless retelling. This mistaken attribution of power is not only limiting for the motivational-inclined officer, but an incorrect understanding of probation jurisprudence.

### *Skillful Negotiation*

Misperceptions are understandable and easy to overlook when proffered from outside the criminal justice field, but far more troublesome when furthered by criminologists within the field. Consider this short treatise from criminal justice academician Robert Mills (1980: 46)

The distinguishing feature of corrections that differentiates it from other helping professions is the large amount of socially sanctioned authority, both actual and delegated, carried by the corrections official...The officer must learn to become comfortable with his authority, and to use it with restraint in the service of the officer and client's objectives.

The reaction of some inexperienced officers is to banish the "big stick," and go hide it in the judge's chambers or in the warden's office. Such officers seem to believe that social casework and counseling can proceed in corrections in the same basis as in an outpatient clinic, that their "good guy in the white hat" image is somehow tarnished by the possession of so much power over their clients. Officers who conduct investigations and counseling while denying their own authority are usually perceived as being weak, and are subject to easy manipulation by their clients.

With all due respect, my suggestion is that officers do exactly what Mills cautions against! Motivational Interviewing, as utilized within the field of probation, is determined not to personally assume the "big stick." It furthers an officer's ability to influence change when they place the "stick" with the judge, their supervisor, or even "agency policy." Motivationally-inclined officers lament to the probationer who might be considering a violation of probation orders, "You can certainly ignore that order (refuse to obey, avoid this mandate), but my (supervisor, judge, responsibilities, policy, position) will force me to assess a consequence. It's your choice, but is there anything we can do to help you avoid those consequences?" Many find that *not* exerting force at this juncture improves the likelihood that a decision for compliance will eventually overtake the emotions of the moment.

This role-taking becomes not a "weakness," as purported by Mills, but rather a strength. When using MI with mandated clients, I am mindful of the distinction of "power versus force." [3](#) Force, for all its bluster, can often make a situation worse, compelling an offender to defiance where skillful negotiation could well de-escalate the situation. MI-inclined officers choose power over force to increase readiness to change and improve outcomes by establishing "fit" with a



probationer (“How can we come together on this?”), rather than using adversarial force from the “me vs. you” nexus of dominance (you have no choice, you *will* do this!). I believe the ability to create and maintain a helping relationship—so essential to the spirit of Motivational Interviewing—can only be realized by placing the “big stick” with others.

Miller and Rollnick (2002: 173-174) detailed a helpful example of this skillful negotiation with probationers. It begins with an honest explanation of the duality of an officer’s roles: certainly to supervise and report compliance to probation orders but also to act as a helper and lend assistance:

I have two different roles here, and it is sometimes tricky for me to put them together. One of them is as a representative of the court, to ensure that you keep the conditions of probation that the judge set for you, and I have to honor this role. The other is to be your counselor, to help you make changes in your life that we agree would be beneficial. There are also likely to be some areas we’ll discover, where I am hoping to see a change that you’re not sure you want to make. What I hope is that by talking together here (when you report), we can resolve some of those differences and are able to find areas of change we can agree on.

I’m sure I’ll be asking you to consider some changes that right now don’t sound very good to you, and that’s normal. We’ll keep exploring those issues during our time together, and see if we can come to some agreement. How does that sound to you?

Should compliance become an issue, the officer negotiates “How do we (you, significant others and myself) keep them (the judge, the court, agency policy) off your back?”

In training, I find staff new to Motivational Interviewing have a hard time negotiating these dual roles. Concrete thinking of either/or tends to dominate. “I either supervise or seek compliance (applying sanctions for failure to comply) or I practice Motivational Interviewing and try to motivate and establish a therapeutic alliance.” It’s not “tea leaves *or* water,” it’s a good-enough blend that creates the brew. Helping staff to adopt a both/and conception is central to the business of behavior change.

Our field’s ambivalence regarding intimidation and heavy confrontation must be systemically addressed. If behavior change is truly paramount, then intimidation and heavy-handed treatment is inappropriate and must be openly denounced across our field and within our departments. Only then will we stop the false dichotomy of “tough/ soft” which continues to drain our field of its effectiveness. Only then will probation departments be populated with staff that can enforce orders and increase the readiness to change. Only then will a true decision be made as to whether we’re in the business of probation or whether we’re in the business of changing behavior.

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## **Postscript**

Ward and Brown (2004) note a probation officer’s attitudes towards an offender will emanate from their conception of the nature and value of probationers as human beings— and to what extent engaging in harmful actions diminishes that value. There is a question that looms for all probation departments that may want to embrace a change focus: Is an offender entitled to be treated with basic respect for no other reason than that he or she holds intrinsic value as a person? This issue is not as straightforward as it might seem. Some officers feel the need to act out society’s anger towards those they are assigned to, believing anything less would condone their wrongdoing—motivated, one might suspect, by the idea that at least they’ve “done something” by conveying their disgust for illegal behaviors. It would not be far-fetched to assume that if the process of arrest, court appearances, and conviction did not instill a sense of shame or deviance, then any disgust shown by a supervising officer could be pointless. Viets,

Walker & Miller (2002) note, “People do not respond warmly to being shamed, coerced, berated, or deprived of choice. There is little evidence for the belief that ‘if you can make them feel *bad* enough, they will change.’ (emphasis in original). Confrontation and disrespectful behavior pushes change further away. These behaviors are staff-focused (engaged in to make the probation officer feel better) rather than change-focused (creating a climate that will assist change).

With overwhelming research in hand that a confrontational style inhibits outcomes, allowing the voice of those who say the world is flat to coexist with those who know it to be round brings assurance and honor to no one. Will our field intervene? Will departments continue to allow a hostile, confrontational style to be tolerated as an acceptable way of “doing business?”

For those who conceptualize our “business” of probation as the sole mission of enforcing the court’s orders, the debilitating answer is “yes.” Turnell and Edwards (1999) caution, “Very few people will listen to or allow themselves to be influenced by someone who seems unresponsive to them and is simply forcing them to conform.” Externally-imposed compliance is the least enduring type of change, with negative behavior returning once the coercive force is withdrawn. Could the sole focus on compliance and the ensuing “business of probation” actually create more “business”—via the revolving door of repeat offenders?

It is appealing to excuse our field any goals beyond the status quo of compliance. The higher ambition to increase an offender’s readiness to change could be considered an unattainable ideal. Research (Clark, 2004) notes that there is a wide disparity of caseload numbers, which allows some staff the luxury of over thirty (plus) minutes for an offender “check-in” while some are afforded only seven minutes (on average) to gather information. Just how practical can embracing a motivational style be when one considers such short time frames? The depressing fact is that pushing change aside does not take long—an officer can easily *decrease the likelihood of offender change* — choking hoped-for goals all in brief office visits.

To borrow a phrase from quantum physics, there is an “alternate universe” emerging within our field. Progressive departments are importing training to teach officers the strategies and techniques for increasing the likelihood of change, even in constrained and limited time frames. “Making the most” of what one has conveys the relevancy of Motivational Interviewing for probation staff and convenes the next article in this two-part series.

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## Credits

In accordance with Federal monograph #109, the United States Probation & Parole Services-Western Michigan District undertook an extensive Strength-based and Motivational Interviewing initiative (2005). This author wishes to thank and extend his appreciation to this Western Michigan district as this training initiative lent both insights and impetus for this article.

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### **Year-in-Review Report (Fiscal Year 2004)**

<sup>1</sup> Pretrial diversion is an alternative to prosecution that seeks to divert certain candidates from traditional criminal justice processing into a program of community supervision administered by the pretrial services or probation office.

<sup>2</sup> The Sentencing Reform Act (Pub. L. 95-536) created a guidelines-based determinate sentencing system, abolished parole, made probation a sentence in its own right, and created terms of supervised release that could be imposed to follow imprisonment.

<sup>3</sup> “Minor” offenses represent convictions for offenses for which the sentence is 90 days or less imprisonment, one year or less probation, or a fine. “Major” offenses are violations that include involvement in or conviction of serious offenses (including absconding from custody), arrest on another charge, or convicted and sentenced to more than 90 days imprisonment or more than one year probation.

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### **Evidence of Professionalism or Quackery: Measuring Practitioner Awareness of Risk/Need Factors and Effective Treatment Strategies**

<sup>1</sup> The Correctional Program Assessment Inventory (CPAI) (Gendreau & Andrews, 1994) is an evaluative assessment tool used to rate the integrity of correctional programs according to six related areas (program implementation, client pre- service assessment, characteristics of the program, characteristics of staff and practices, evaluation, and miscellaneous). Because research is mounting on the relationship between program integrity and program effectiveness (see Holsinger, 1999), the CPAI is beneficial, given that its design allows program administrators to observe the areas where improvement is needed.

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### **Motivational Interviewing for Probation Staff: Increasing the Readiness to Change**

<sup>1</sup> This is similar to Bazemore & Terry's (1997) treatise on viewing offenders in a dichotomy as either villains or victims. Those adopting a "tough" approach may well be influenced by the villain view while those adopting a "soft" approach may do so if they view offenders through only a victim lens. A villain lens would reduce outcomes as villains "don't care" and "don't want to change." A victim lens would hold progress back since as victims, they're not responsible and since they didn't cause the trouble, they shouldn't be involved in the resolution. These authors suggest adopting a third view (or lens). Since offenders will come to us as villains or victims, we need to move beyond these limiting views to see offenders with a third lens—as capable and as a resource in the process of change. This "third lens" as proposed by Bazemore & Terry corresponds with a motivational approach (middle ground) that lies between the extremes of "tough" and "soft."

<sup>2</sup> A good example of this sole focus is evidenced by our field's skewed use of "risk" factors. The terms "Risk and Protective factors" came from resiliency research, started in the 1950s. Risk and protective factors were thought to be indivisible, much like the natural pairing of two eyes or two ears—they came as a pair, inseparable from each other yet complimentary to each other. One could not speak of risk factors without noting protective factors as well. However, as evidenced in our field, "risk factors" came to the forefront and now exclusively dominate, while "protective factors" are seldom mentioned—much less assessed and integrated in probation plans.

<sup>3</sup> This contrast of power vs. force, so pertinent to which type of influence should be applied by probation staff, can also be found as a book title by David Hawkins (2002) *Power vs. Force: The Hidden Determinants of Human Behavior*. In this book Hawkins states, "Whereas power always results in a win-win solution, force produces win-lose situations...the way to finesse a (solution) is to seek the answer which will make all sides happy and still be practical. ...Successful solutions are based on the powerful principle that resolution occurs not by attacking the negative, but by fostering the positive." Hawkins concludes, "Only the childish proceed from the assumption that human behavior can be explained in black and white terms." (pps. 138-139) I would contend the "either/ or" conception is similar to the "black and white terms" as noted by Hawkins.

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## Looking At The Law

<sup>1</sup> 61 Fed. Probation 76 (1997).

<sup>2</sup> Pub. L. 107-273, 116 Stat 1758 (Nov. 2, 2002).

<sup>3</sup> Pub. L. 108-21, 117 Stat. 650 (April 30, 2003).

<sup>4</sup> See *United States v. Johnson*, 331 F.3d 962, 967 n.4 (D.C. Cir.2003) (Finding that the 21st Century amendment "resolved the circuit conflict by adding the words 'Notwithstanding section 3583 of title 18' to the supervisory release provision of § 841(b)(1)(C)...thus making it clear that the term of supervised release for a conviction under that section can exceed 3 years.").

<sup>5</sup> See *United States v. Pratt*, 239 F.3d 640, 647 n.4 (4th Cir. 2001); *United States v. Good*, 25 F.3d 218, 221 (4th Cir.1994); *United States v. Kelly*, 974 F.2d 22, 25 (5th Cir.1992).

<sup>6</sup> See 18 U.S.C. § 5037(d).

<sup>7</sup> 503 U.S. 291 (1992) (maximum sentence that can be imposed on a juvenile is the maximum sentence that could be imposed if sentenced after application of United States Sentencing Guidelines).

<sup>8</sup> 18 U.S.C. § 5037(b).

<sup>9</sup>

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