



ISRB

INDETERMINATE SENTENCE REVIEW BOARD

*Washington State Department of
Corrections*

End of Year Report 2021

300-RE006

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Message from the Chair

Dear Valued Stakeholders: I have had the pleasure of serving on the Board since 2012 and being appointed the Chair in 2015. During that time, the ISRB has experienced significant growth in the population under our jurisdiction. Most of the individuals who are under the Board for sexual offenses have lifetime supervision. While release hearings have remained relatively steady, individuals on supervision in the community have increased from approximately 391 to about 1457 between 2012 and 2021, not including an additional 388 individuals that were deported upon being released. The Board also gained another population of individuals that committed offenses as juveniles and sentenced as adults to 20 or more years that became eligible for review for early release in 2014.

During 2020-2021, the COVID-19 Pandemic has been at the forefront of our work to ensure the health and safety of individuals we serve, staff and the public. We have had to change some processes and procedures from in-person hearings and meetings to virtual formats. We have had success in these efforts through collaboration with our stakeholders.

We expect that we will continue to grow in 2022, we look forward to meeting those challenges using evidence-based decision making to inform our decisions.

Respectfully,

DocuSigned by:

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Kecia Rongen, Chair

History of the Board

The Indeterminate Sentence Review Board (ISRB or Board) was created in 1935 as the Washington State Board of Prison Terms and Paroles. It is commonly referred to as the Parole Board. Between 1935 and 1986, Washington State operated under a parole system wherein the Court would set a maximum term at sentencing. The Board of Prison Terms and Paroles was tasked with setting an individual's minimum term and making a determination regarding whether they were "rehabilitated" and should be granted parole.

Consistent with a nationwide "truth in sentencing movement" in the 1970s and early 1980s, Washington State later adopted a determinate sentencing model. The Sentencing Reform Act (SRA) went into effect on July 1, 1984 and established specific sentencing ranges for each crime. As the Board continued to have responsibilities for individuals sentenced to indeterminate

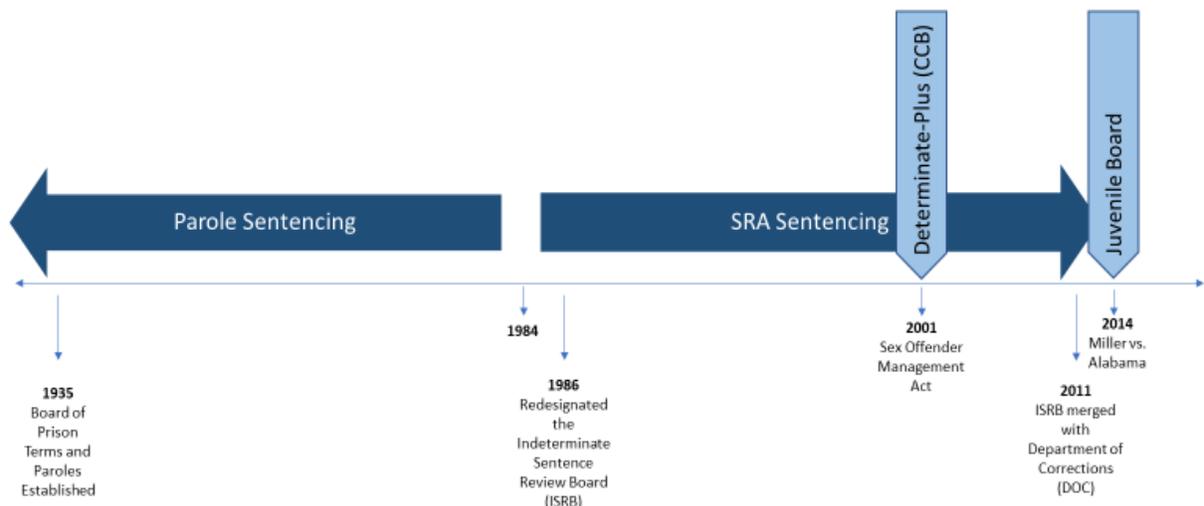
sentences for crimes they had committed prior to that date, the Board was redesignated the Indeterminate Sentence Review Board (ISRB or Board) in 1986. With the end of indeterminate sentencing, the agency was scheduled to sunset.

However, the Board was revitalized in 2001 when the legislature passed the Sex Offender Management Act, bringing certain individuals convicted of sexual offenses under the jurisdiction of the ISRB. The return to indeterminate sentencing was implemented to address limitations of Sexually Violent Predator sentencing law that had been established by the Community Protection Act in 1990. The new sentencing system for sex offenders afforded individuals consistency in sentencing as established under the SRA, combined with a mechanism to address cases where likelihood of sexual recidivism was high. The new model also provided for ongoing community supervision, and the ability to add conditions in addition to those imposed by the Court at sentencing.

The Board's population was again expanded in 2014 when legislation was passed to address individuals that committed crimes as juveniles and were sentenced as adults to long-term confinement pursuant to Supreme Court case Miller vs. Alabama (2012). Specifically, juveniles that had been convicted of Aggravated Murder in the First Degree or had served at least 20 years confinement on other offenses became eligible for early release consideration by the ISRB in Washington State.

In 2016, additional legislation was passed concerning individuals that had committed crimes prior to 1984, and the juvenile population that was newly eligible for release consideration by the ISRB. This legislation required the ISRB to provide the sentencing court, the prosecuting attorney, and crime victim(s) or surviving family members at least 90 days prior notice of release hearings, as well as any evaluations or other file information that was relevant to release consideration. The Board was also required to publicly deliberate and post minutes of all related hearings or meetings regarding release decisions for those cases within 30 days.

Since its inception, the Board had remained a small cabinet agency. However, in July of 2011, the ISRB was merged with the Department of Corrections (DOC) due the Great Recession as a cost saving measure. ISRB staff became employees of the DOC. However, the Board Members continue to be appointed by the Governor to five-year terms and they are confirmed by the Senate. In addition, the Board's decision-making responsibilities have remained independent of the DOC.



I. Board Mission and Values

Mission

The Board makes informed decisions essential to public safety regarding the confinement or release of individuals under its jurisdiction.

Values

- Making objective decisions with consideration for public safety and the concerns of stakeholders.
- Following the law with integrity.
- Being responsive and transparent to victims and survivors, individuals under our jurisdiction, the public, and criminal justice partners.
- Respecting the diversity of individuals.
- Planning and managing public resources responsibly.
- Working together with open communication while valuing each team member.
- Excellence and accountability in our work.

Vision

Advance independent evidence-based decision-making and increase community awareness and transparency, by utilizing innovative and efficient processes. Ensure resources accompany workload.

II. Board Activities

The Board makes determinations about whether individuals under its jurisdiction meet statutory requirements for parole or release. If the Board does not believe that an individual can be released, they may add additional confinement time to their minimum term. For the group of individuals that committed their offenses as juveniles and must petition the Board for release consideration, the Board will determine when that individual can next submit a new petition if they are not found eligible for release. The Board may also recommend specific programs or activities for an individual to complete prior to their next hearing.

If the Board finds that an individual does meet the statutory requirements for parole or release, they will request that the person develop and submit an appropriate release plan for investigation by the Department of Corrections. Once the DOC has completed their investigation, the Board will decide if the release plan is suitable. The Board may deny a release plan and request that an individual submit an alternative plan. Or the Board may approve the release plan and set additional conditions to those imposed by the Court at the time of sentencing. Per statutory requirements, any conditions imposed by the ISRB must be appropriately related to an individual's crime of conviction, risk of re-offense, and/or public safety.

Once an individual has been released to the community, the Board also addresses any violations of parole or community supervision. There are a few possible options that can be used to intervene in violation behavior depending on the severity of the violation(s) and the totality of the case, up to and including revocation of parole or community supervision (see Figures 3 & 4, pages 9 & 10).

III. Victim Services

The ISRB ensures that victims and survivors of crime are aware of their legal rights, and that they are treated with dignity and respect. The ISRB Victim Services Program attempts to locate victims and/or survivors for cases under our jurisdiction to inform them of their rights. During the fiscal year ending in June of 2021, the ISRB attempted to contact 1, 448 victims and/or survivors for 463 convicted individuals. Victims and survivors can choose not to be involved in the ISRB process, or to choose notification only of any hearings or releases. However, victims

and/or survivors can also choose to provide a written statement or to talk directly with the Board prior to an individual's parole or release consideration hearing. In addition, the Board's Victim Services Program can assist with safety planning when an incarcerated individual has been found eligible for parole or release to the community. The Victim Services Program also provides general support to victims and survivors by answering questions or providing referrals for various resources. The Board can offer "limited" confidentiality.

IV. Decision Making

The Board considers three main areas when reviewing an individual for release. 1) Statutory Authority; 2) Case specific information; and 3) Other input.

- RCW 9.95.100-The statutory release criteria for individuals who committed crimes prior to July 1, 1984 (PAR or Pre-84) requires the Board to determine whether a person is fully rehabilitated and a fit subject for release.
- RCW 9.95.420-The statutory release language for individuals who committed certain sex offenses on or after September 1, 2001 (CCB) states that a person shall be released unless the Board determines by a preponderance of evidence that the individual is more likely than not to commit a sex offense if released with conditions. These individuals have a presumption of release.
- RCW 9.94A.730-The statutory release requirements for juveniles convicted of Aggravated Murder in the First Degree or sentenced to confinement terms over 20 years (Juvenile Board) cases is similar to the release requirements for CCB inmates. The statute states that these individuals shall be released unless the Board determines by a preponderance of evidence that they will commit a new criminal offense if release. This population also has a presumption of release.

2) When considering cases eligible for release pursuant to RCW 9.95.100 and 9.94A.730, the Board utilizes a tool called the Structured Decision-Making Framework¹ to guide their decision making. It is a research-based decision-making model created by Ralph Serin of Canada, and the Indeterminate Sentence Review Board (ISRB) is among the first to begin using the tool to inform our decisions. It provides a framework to consider both risk-related and protective factors to include criminal history, risk assessments, programming and individual's effort towards rehabilitation, behavior in prison and previous attempts at supervision as well as release plans. The use of this tool has afforded the Board a structured and consistent approach to considering individuals for release. The Board also considers appropriate validated actuarial risk assessments for an estimation of probability of re-offense in every case they consider. In

¹ Serin, R., & Gobeil, R.,(2011). Structured Decision-Making Framework.

addition, the Board also considers a person’s recommended sex offender registration level when applicable.

3) The Board often receives additional information from sources such as victims and/or survivors of crime, Prosecuting Attorney Offices, and family members or other community members who support individuals being considered for release.

V. Year in Summary Data

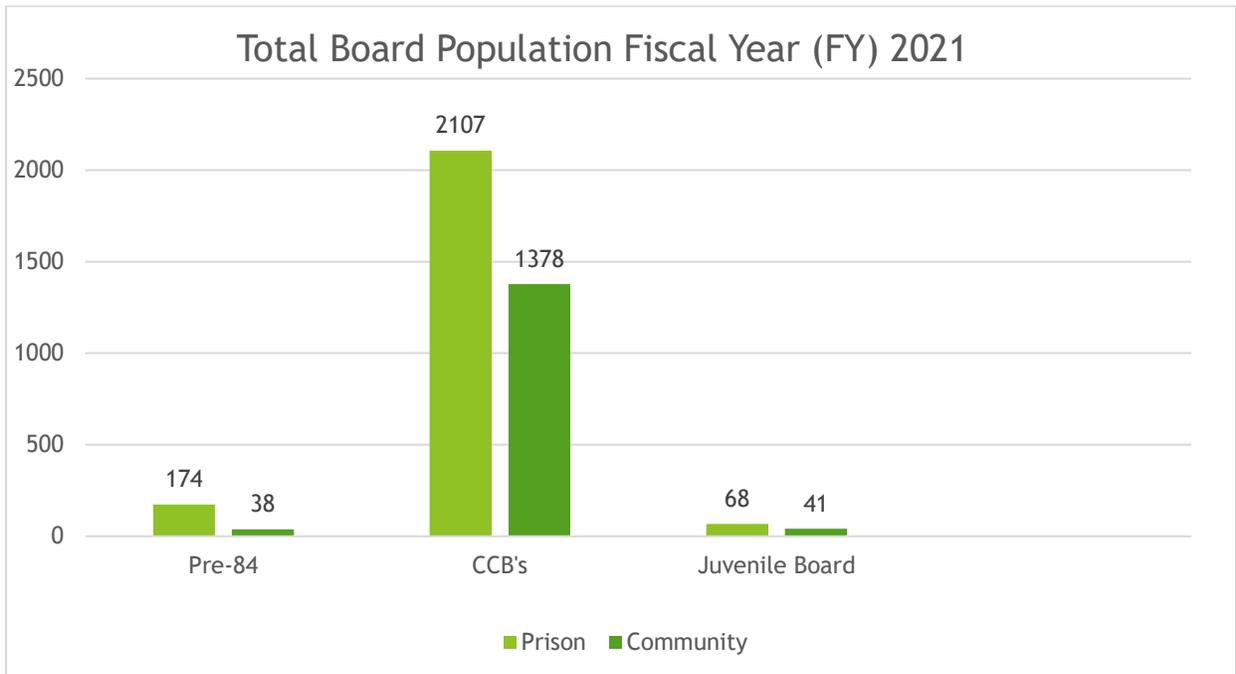


Figure 1. Fiscal Year is July 1st through June 30th

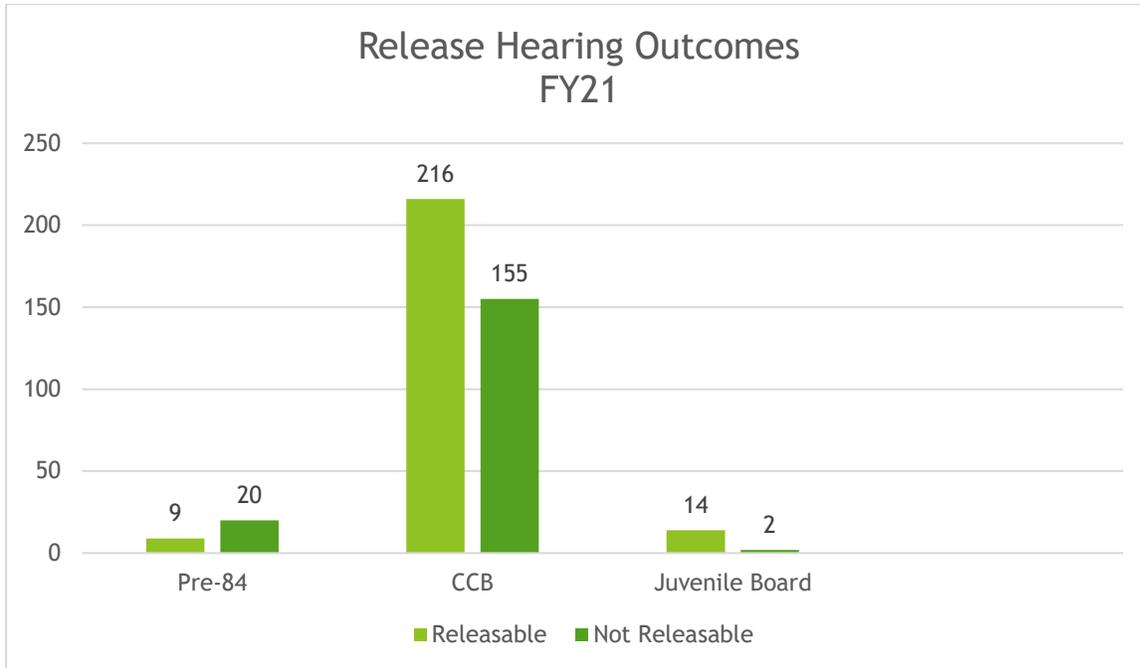


Figure 2. FY is July 1st – June 30th. Note: At the end of FY21, 4 Pre-84 parole decision were pending and 37 CCB release decisions were pending.

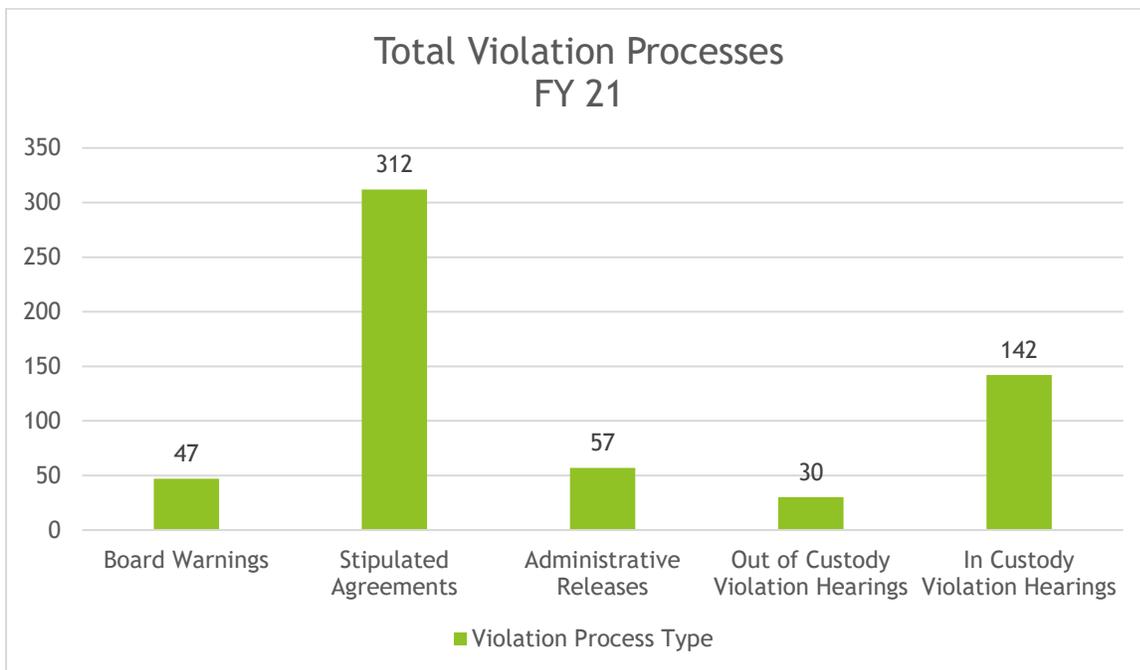


Figure 3.

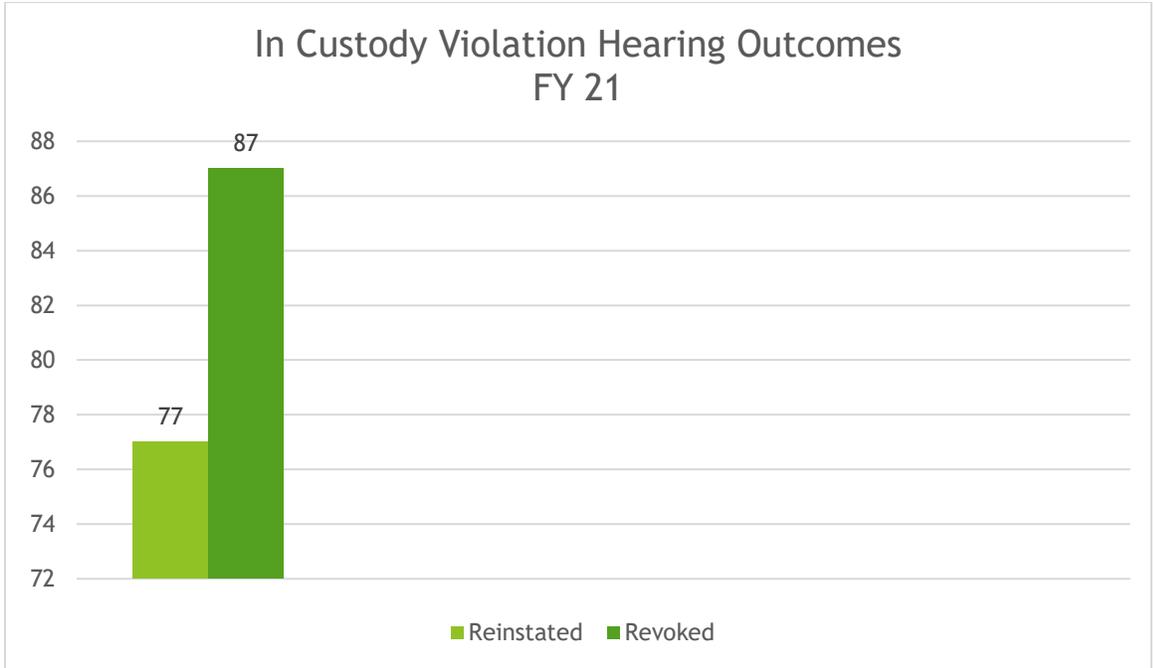


Figure 4. FY is July 1st – June 30th. Note: In Custody Violation Hearings are only scheduled in cases where revocation is a possible outcome as a result of serious violations. The Board uses alternatives to confinement to address violation behavior in most cases.

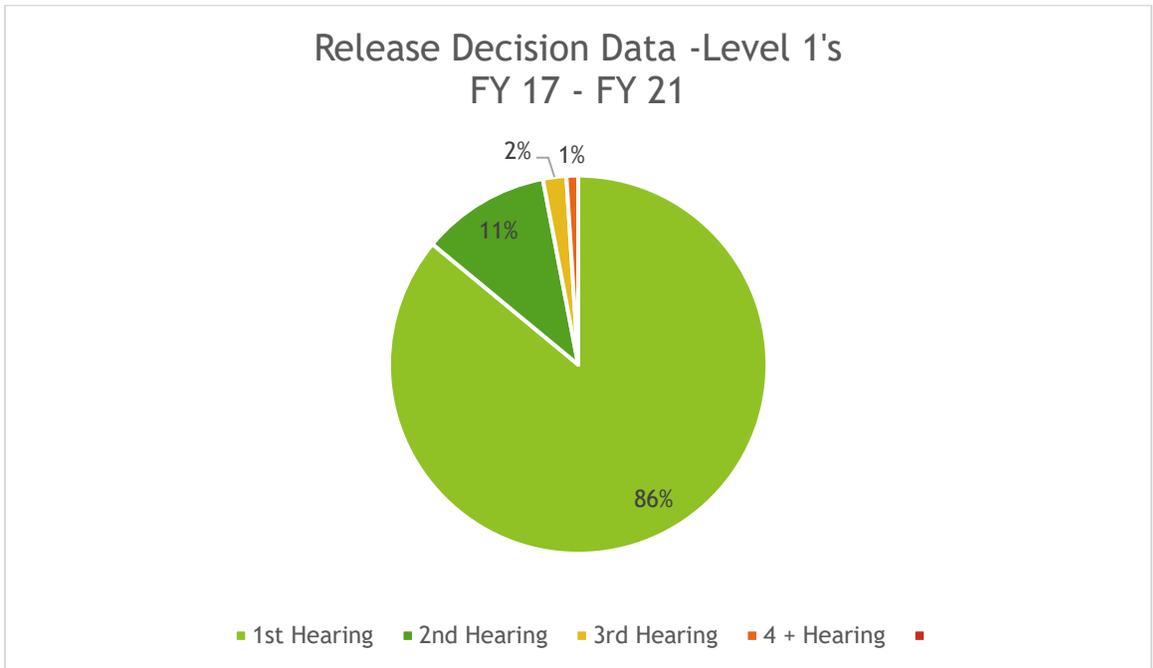


Figure 5.

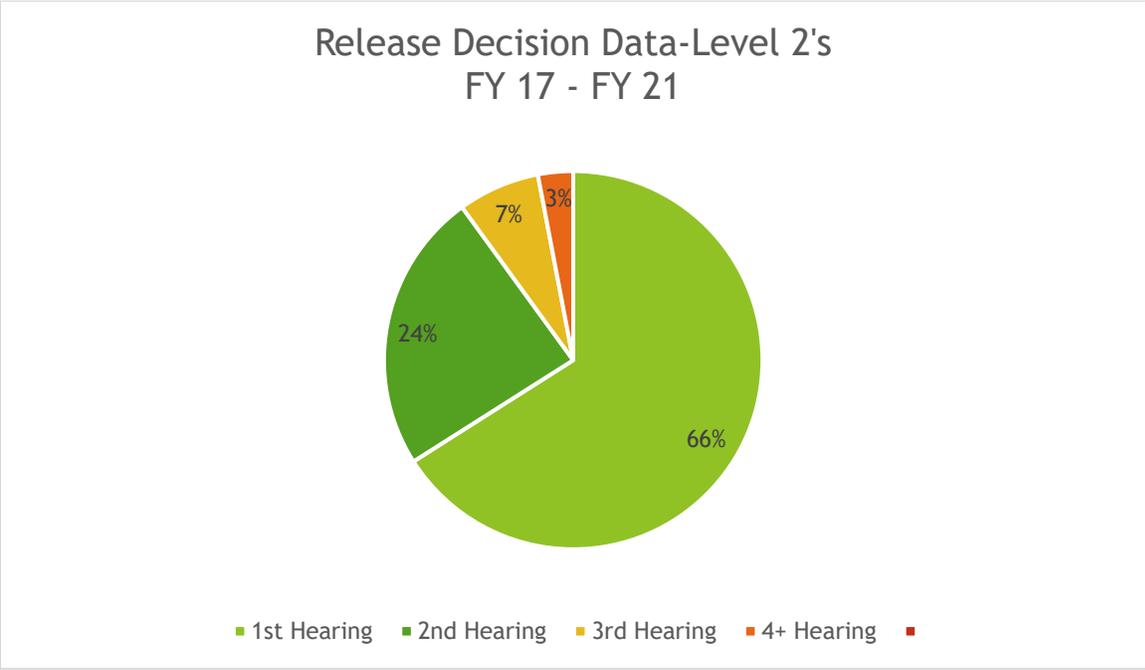


Figure 6.

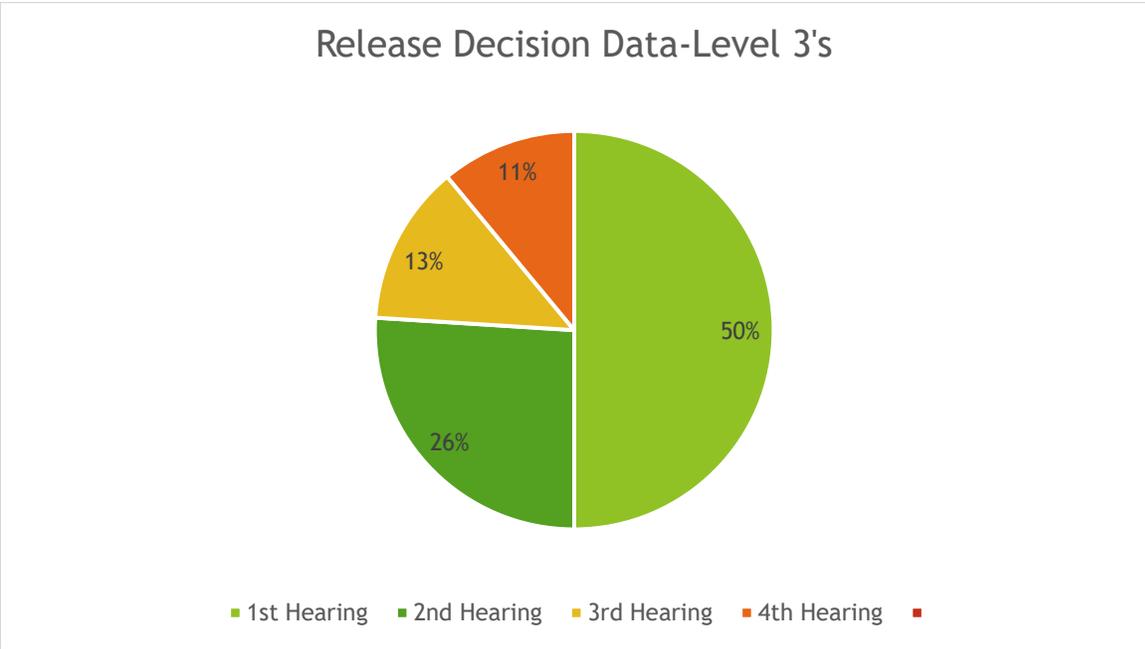


Figure 7.

VI. Population and Decision Trends

Population of Incarcerated Individuals

	2014	2015	2016	2017	2018	2019	2020	2021
Prison	2108	2115	2175	2273	2376	2429	2415	2349
Community	644	717	842	942	1066	1130	1307	1457

Table 1.

As demonstrated in Table 1, the overall population of individuals under the jurisdiction of the ISRB has increased over time. There has been a slight increase in the number of new CCB admissions. However, the number of incarcerated individuals under ISRB jurisdiction has generally remained steady. The most notable population increase has occurred in community supervision. The number of people on community supervision for CCB offenses has significantly increased since the inception of the legislation in 2001 due to a lifetime supervision obligation for most individuals convicted of CCB offenses. There is currently no provision in statute for individuals sentenced pursuant to RCW 9.94A.507 (CCB) to complete supervision prior to the expiration of their maximum term, which in most cases is life. In addition, as previously noted, the Juvenile Board population was placed under the jurisdiction of the ISRB in 2014, which has contributed to the population increase of both incarcerated individuals as well as those serving community supervision.

It should be noted that between 2019 and 2021, the ISRB has seen a decline in both new admissions to the institutions as well as violation proceedings for individuals in the community due to the effects of COVID-19 protocols on both the Courts as well as DOC field supervision.

Release Decision Data for CCB cases FY 2013 – FY 2017

	1 st Hearing	2 nd Hearing	3 rd Hearing	4 th Hearing
Level 1	83%	13%	3%	1%
Level 2	65%	21%	9%	5%
Level 3	42%	45%	11%	2%

Table 2.

Release Decision Data for CCB cases FY 2017 – FY 2021

	1 st Hearing	2 nd Hearing	3 rd Hearing	4 th Hearing
Level 1	86%	11%	2%	1%
Level 2	66%	24%	7%	3%
Level 3	50%	26%	13%	11%

Table 3.

In Washington State, the End of Sentence Review Committee uses the Static 99-R² to inform their sex offender registration level recommendations to local law enforcement upon an individual’s release, in combination with other case specific aggravating and/or mitigating factors. Therefore, an individual’s registration level may be correlated with their likelihood of sexual re-offense.

Comparing the data from Table 2 regarding releases from FY2013-2017, with data from Table 3 regarding releases from FY2017-2021, it appears the Board has been consistent in our release of sex offenders sentenced as CCB since the inception of the Sex Offender Management Act in 2001, across all sex offender levels. The Board has found that most low-risk individuals meet the statutory release requirements at their Court ordered minimum term. This is supported by research trends in corrections. A study conducted in 2000 concluded that that longer incarceration periods were not effective in reducing recidivism for low-risk offenders (Gendreau, Goggin & Cullen, et al). An additional study by Lowenkamp and Latessa (2004) found that when low risk offenders are maintained with high-risk offenders in restrictive programs or settings, it can actually increase their risk. While the Department of Corrections (DOC) is able provide sex offender treatment for many people that are identified as low risk, even if a low-risk individual is not able to access sex offender treatment within DOC, the lack of treatment may not establish that they are more likely than not to commit a sex offense if released. Especially if that individual is willing to participate in sex offender treatment in the community and has a lifetime supervision obligation.

For individuals that have been identified as higher risk (Level 2 and 3), there is almost always sex offender treatment available within DOC if the individual is willing to participate. However, the Board may have more significant concerns about releasing a higher risk individual that has not participated in sex offender treatment. The Board may request that these individuals participate in additional risk mitigating programs, requiring that additional time be added to their Court set minimum term. The Board may also want the individual to demonstrate that they are capable of appropriate institutional conduct, or to develop a structured release plan prior to finding them to meet statutory release requirements.

² Phenix, A., Fernandez, Y., & Harris, A, et al., (2016). Static-99R Coding Rules Revised.

VII. Budget and Staffing

M - Indeterminate Sentence Review Board All Programs	FY2021 to Date – June 2021		
	Budget	Actuals	Variance
Approp,Bud,Mix - Excl 759, 721	2,307,157	2,086,956	220,201
FTE	20.0	17.7	2.3
[A] Salaries and Wages	1,540,473	1,421,047	119,426
[B] Employee Benefits	554,935	515,121	39,814
[C] PROFESSIONAL SERVICE CONTRACTS	0	0	0
[E] Goods and Services	40,433	60,732	(20,299)
[G] Travel	45,276	16,120	29,156
[J] Capital Outlays	1,000	8,044	(7,044)
[N] Grants, Benefits & Client Services	125,040	65,892	59,148
[P] Debt Service	0	0	0
[S] Interagency Reimbursements	0	0	0
[T] Intra-Agency Reimbursements	0	0	0

Table 4.

As evidenced in Table 4, during the 2021 fiscal year, the ISRB experienced some vacant positions that resulted in cost savings in employee salaries, wages, and benefits. In addition, as most hearings were conducted via video conferencing and telephone, there was also a cost savings in travel expenses. Also, at the end of fiscal year 2021, the ISRB had not yet received billing from several contracted attorneys. Therefore, a budget surplus is noted under client services. The budget summary also indicated that the ISRB was over budget in goods and services and capital outlays due to expenses related to our office relocation. However, the ISRB experienced an overall budget surplus.

Staffing

The ISRB currently has 15 staff that support the Board Members. Their work includes case analysis, assisting internal and external customers of the ISRB/DOC, maintaining inmate records, victim services, and providing other administrative assistance. In 2020, the Governor's Office appointed a fifth Board Member. In addition, during 2021 the ISRB also received funding for an Executive Director. We continue to monitor our increasing caseload to determine our staff and Board Member needs. Our current staff consists of:

- 5 Board Members (including 1 Chair)
- 1 Executive Director
- 1 Executive Assistant
- 4 Hearing Investigators

- 1 Victim Services Program Specialist 5
- 1 Records Supervisor
- 4 Correctional Records Technicians
- 2 Administrative Assistant
- 1 Program Assistant

VIII. Special Projects and Accomplishments

COVID -19 Protocols

While COVID-19 required the Board to change some of our procedures, we have continued to be successful in fulfilling our responsibilities. Many of our functions including release hearings, violation hearings, and community concern meetings were moved to either telephonic or video conferencing formats. Other processes were modified to become completely electronic to allow for staff working remotely. Accommodations also had to be made to include interpreters and attorneys when necessary. This has required training and flexibility for all parties. While there have certainly been some challenges with skill level, technical difficulties, and differences in the hearing dynamics of in-person versus remote hearings, the ISRB was able to adapt to continue meeting all mandated requirements.

Training

The ISRB has been fortunate to receive virtual staff training on topics such as Diversity, Equity and Inclusion, working with Transgender individuals, and working with individuals with mental health diagnoses. In addition to receiving training, the Board has also facilitated virtual and some in-person training at DOC Field Offices, the Washington Association of Prosecuting Attorneys, the Washington Association for the Treatment of Sexual Abusers, and at the Association of Paroling Authorities International at their annual conference in 2021.

Board Committee Work

During the last fiscal year, Chair Kecia Rongen has continued to be involved with the work of the Sentencing Guidelines Commission. Board Members Elyse Balmert and Jeff Patnode also served on the Sex Offender Policy Board. Their work has included recommendations to the legislature on improvements regarding the release of Sexually Violent Predators and juvenile justice issues. The ISRB has also continued to maintain a representative on the End of Sentence Review Committee, and we provide valuable information to the Clemency and Pardons Board.

The above-noted reports that were completed by the Sex Offender Policy Board can be located here:

[Recommendations and current practices for Special Commitment Center releases \(wa.gov\)](#)

[Recommendations and current practices for minors who have committed sex offenses \(wa.gov\)](#)

More information on the End of Sentence Review Committee and the Clemency and Pardons Board can be located here:

[End of Sentence Review Committee \(ESRC\) | Washington State Department of Corrections](#)

[Clemency & Pardons Board | Governor Jay Inslee \(wa.gov\)](#)

Board Relocation

In 2021, the Board relocated our offices from an individual location to join another existing DOC office site for a cost savings.

Records Project

During 2021, ISRB records staff completed a project to convert all existing hard files for individuals sentenced as CCB to an electronic format. This project was completed to coincide with the ISRB office relocation, making the process of moving hard files more manageable.

Public Disclosure

The ISRB responds to requests for information filed under the Public Records Act, RCW 42.56, that are made both directly to the Board, as well as through the DOC. In fiscal year 2021, the ISRB processed 194 requests for information, requiring a total of 259 staff processing hours.

IX. Goals for Fiscal Year 2022

Staff Surveys and Video Coaching

The ISRB has been working on a project to develop a survey for institutional staff who are involved in the ISRB release consideration hearings to identify areas for improvement. The Board plans to review our internal procedures for release hearings based on the information, and to develop coaching videos to address areas where staff knowledge deficits may exist.

Eventually, the Board would like to also examine other ISRB processes, for example, the community supervision violation process.

Washington Administrative Code (WAC)

The ISRB has identified some WACs that require revision. In addition, there currently are no existing WACs regarding the Juvenile Board population. These WACs will be addressed in 2022.

Structured Decision-Making Tool

The Board hopes to also begin using the Structured Making Decision Tool when considering release of sex offenders that have been assessed as high risk in 2022.

Training and Committee Work

The ISRB has been working with DOC to develop new procedures for individuals that may be eligible to serve the end of their Court ordered confinement term in community settings pursuant to RCW 9.94A.733 (the Graduated Re-Entry Program). This new process will be implemented in 2022. In addition, the ISRB will continue to provide DOC staff training, as well as training with external stakeholders. Chair Kecia Rongen has joined the training team for the Structured Decision Making Framework, and will be facilitating training for other groups using the tool during 2022. In addition, the Board plans to continue our work with the Sex Offender Policy Board, the End of Sentence Review Committee, and the Clemency and Pardons Board in 2022.

X. Board Member and Executive Director Vitae

As noted above, Board Members are appointed by the Governor to five-year terms, and they are confirmed by the Senate. In addition, the Governor selects one of the Board Members as the Chair:

Kecia Rongen, Chair, has worked within the criminal justice system for 25 years, specializing with individuals who have committed sex offenses as well as co-occurring disorders (mental health and substance abuse disorders). Just prior to coming to the Board, she served as the Administrator for Sexual Offender Programs within the Juvenile Rehabilitation Administration. In addition, she has served on a number of legislative workgroups related to policies for people who commit sex offenses. She has served as the Chair of the statewide Sex Offender Policy Board twice, a Board Member for the WA Association for the Treatment of Sexual Abusers (WATSA) and is currently the Treasurer for the Association of Paroling Authorities. In 2016, she

was awarded the Philip L. Russell Ph.D. Achievement Award for Outstanding Contributor to the Field of Sex Offender and Victim Rehabilitation by WATSA. She has a BA in Psychology and a MA in Counseling. Governor Gregoire appointed her to the Board in 2012 and Governor Inslee appointed her as Chair in September of 2015.

Elyse Balmert, Member, has worked for more than 27 years in social services with the primary focus on victim services. She was the Department of Social and Health Services Program Administrator for the Victim/Witness Notification Program beginning in 2003. She has been a member of the Department of Corrections Victim Services Committee since its inception, and the Washington Coalition of Sheriffs and Police Chiefs VINE Committee. She was a voting member on the End of Sentence Review Committee and the Sexually Violent Predator Subcommittee for over 25 years. She was a voting member on the ESRC Juvenile Subcommittee since its inception. She has worked on a number of Legislative and policy advisory groups. The Governor appointed Elyse in April of 2017.

TaTeasha Davis, Member, has worked as an attorney and has experience in the areas of bankruptcy, wills, personal injury and family law. She owned a private practice in downtown Seattle from 2008 to 2015. She became a staff attorney for YWCA Pierce County in 2015, where she represented victims of domestic violence and participated in social justice work. She returned to private practice in 2019 with Bighorse & Associates, PLLC, a family law firm in Tacoma. Since 2019, she has volunteered at Catherine's Place in Tacoma, a non-profit organization that offers legal advice to women who have experienced domestic violence. The Governor appointed TaTeasha in July of 2020.

Jeff Patnode, Member, worked within the criminal justice system for 24 years before coming to the Board and his formal education is in the field of psychology. He has a breadth of experience in the criminal justice system, specializing in work with the sexual offender population, evidence-based programs, sentencing alternatives, and quality assurance development. He has received specialized training in a variety of cognitive behavioral treatments to include Dialectical Behavioral Therapy, Functional Family Therapy, Moral Reconciliation Therapy, and Aggression Replacement Training. Most recently, he served as the State's Administrator for Juvenile Sex Offender Programs as well as the Governor Appointed Commissioner for Interstate Compact for Juveniles. He has served as the Vice-Chair for the Sex Offender Policy Board, Chair of the End of Sentence Review (ESRC) Juvenile Subcommittee, Chair of the Washington State Council on Interstate Compact for Juveniles and voting member of the ESRC and Sexually Violent Predator Subcommittee. He has worked with the sexual offender population in a variety of capacities to include direct service and program administration in both institution and parole/community programs. Since being on the Board, he has continued to receive specialized training in post-conviction release assessment and criminal justice actuarial assessments. The Governor appointed Jeff to the Board in December of 2015 and he was appointed to a second term in April 2019.

Lori Ramsdell-Gilkey, Member, is an enrolled member of the Northern Arapaho Tribe. She began her career working as a Puyallup Tribal Officer after completing the BIA Law Enforcement

Academy. Later she worked at Western State Hospital (WSH) for 3 years in the Forensics Unit. After receiving her BA in Law and Justice from CWU in 1989, she began working for the Department of Corrections. During her 26-year career she held many positions which included work as a Community Corrections Officer with a specialized caseload of sexual offenders, working at Reynolds Work Release, facilitating treatment programs in the community, conducting Statewide staff training, an appointment as the Hearings Unit Administrator for several years and Program Manager of the Law Enforcement Notification Unit. Lori was a participant on the Sex Offender Policy Board, the End of Sentence Review Committee, the Gender Responsive Initiative workgroup; PREA Implementation; and the WASPC Sex Offender Notification and Registration Committee. The Governor appointed her to the Board in April 2015. Since coming to the ISRB Lori has received specialized training in the use of actuarial tools to determine risk such as the STATIC99R and VRAG. She has twice attended the International Association of Paroling Authorities Conference as well as ATSA and WATSA conferences to remain updated on current practices in parole and sex offender treatment. The Governor appointed Lori to the Board in April of 2015 and to a second term in April of 2020.

Jill Getty, Executive Director, is a former DOC Community Corrections Officer who has worked in the criminal justice system for 18 years. She has worked predominately with individuals who have committed sexual offenses as well as individuals with mental health disorders. She previously served as a Program Assistant in the Civil Commitment Program, and began working as a Hearing Investigator with the ISRB in 2008. In addition, she was the Lead Hearing Investigator at the ISRB for several years, and represented the Board in committees, work groups, and in trainings within DOC, as well as with outside stakeholders and legislative groups. She is credited with being instrumental in developing procedures to implement the 2014 Juvenile Board legislation within the ISRB. She holds a Bachelor's Degree in psychology, and was appointed by Chair Kecia Rongen in November of 2021.

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