

## Progress Evaluation Report

*Frieder Dünkel, Moritz von der Wense, Ineke Pruin*

### I. Introduction

This second progress evaluation report shall provide further preliminary results of the evaluation of the JCN project (JUST/2011/JPEN/AG/2943) based on the assessment of the second and third workshop, their corresponding questionnaires and reports<sup>1</sup>.

### II. Existing systems of transition management practice in the partner countries

The existing systems of transition management practice in the partner and associated partner countries have already been evaluated in the first progress evaluation report, which was presented and acknowledged at the second workshop of the JCN project in Dublin.

### III. Best practices<sup>2</sup>

In preparation for the third workshop ideas for best practices in the transition management of highrisk offenders were gathered by use of a questionnaire. These ideas were then discussed in working groups during the workshop, which arranged them along the phase-model of transition management and selected the ideas that seemed most promising to put forward to the plenum. The plenum then held a final discussion and adopted a list of (preliminary)<sup>3</sup> best practices. This list comprises 22 elements of transition management.

#### III.1 Legislation

In the field of legislation the report mentions three best practices. The first is the “community guarantee”, proposed as a best practice by the Finnish project partner. Community guarantee is a term used to describe statutory provisions in Denmark and Norway, which stipulate responsibilities of the competent state and municipal authorities to arrange services to released prisoners in the community according to their needs<sup>4</sup>. This element of transition management is in full accordance with the recommendations for post-release assistance and addresses one of the main problems in the transition process often emphasized by many practitioners, which is a lack of cooperation of local institutions in the process of rehabilitation in the community.

The second best practice has been chosen from a proposal of the German project partner to include the concept of the so-called socio-therapeutic units into the model for transition management. This concept, referred to as “specific treatment programme” in the report, combines a milieu-therapeutic prison regime

<sup>1</sup> For previous preliminary results, please see the first Progress Evaluation Report

<sup>2</sup> Content mentioned under Section VII. of the previous Progress Evaluation Report is addressed at this point.

<sup>3</sup> The report of the third workshop describes the list of best practices as „not yet final“

<sup>4</sup> In regard to accommodation: cf. Danish Law on Social Service, s 80.



with a wide range of psychotherapeutic, pedagogical and occupational therapy programmes as well as an inclusion of the social and personal environment of the prisoner. It is directed towards the treatment of sexual and violent offenders (cf. Prison Act Mecklenburg-Western Pomerania, s 17). Evaluation studies have shown an at least moderate positive effect of this concept on reducing reoffending rates<sup>5</sup>.

The third example of a best practice in legislation was proposed by the Irish project partner. Temporary release is an Irish release scheme set up by the Criminal Justice Act, 1960<sup>6</sup> whereby the executive branch of government, namely the Irish Minister for Justice and Equality, is empowered to grant a (temporary) release from prison at his/her discretion at any time, without giving prisoners the right to claim early release. This mechanism allows for an increased amount of flexibility in the release planning process, while, in the absence of a fixed time for early release and a corresponding entitlement of prisoners, also causing danger of reluctance in the use of early release in regard to high-risk offenders.

### *III.2 Court practices*

As court practices, the report enumerates four selected examples as best practices. Subjecting prisoners to supervision of conduct after full service of sentence given that they present a continuing danger to society, as the first example, has been proposed by the Estonian project partner. Similarly the Irish project partner put forward the Irish post release supervision order, which can be imposed on an offender at the sentencing stage and result in post-custody supervision of five years or more<sup>7</sup>. In contrast, the Estonian proposal argues against such a decision at the sentencing stage. Indeed, scientific evidence shows that a prognosis of danger, which alone should give reason to postcustodial supervision, exceeding a relatively short prognostic period does not meet an acceptable level of accuracy<sup>8</sup>. In general, when implementing a model of post-custodial supervision states should consider a sufficient balance of control on the one hand and support and empowerment on the other hand. There is clear evidence that a model of supervision which is solely directed towards control does not only not help to reduce recidivism, but also leads to an increase in the number of technical violations<sup>9</sup>.

Another best practice has been recommended by the Finnish project partner. Automatic release is a release scheme whereby prisoners are released from prison after having served a fixed proportion of their sentence without individual assessment of risks or needs. This mandatory<sup>10</sup> release scheme contrasts with systems, which are based on individual risk assessments that guide the discretion of the decision-making judge or parole board (or other competent authority).

The last best practice in the field of court practices are the obligations set up by the Irish Sex Offenders Act, 2001. Under this legislation persons who are convicted of certain sexual offences are, once released,

---

<sup>5</sup> Spöhr 2009, 142ff.; Dünkel/Drenkhahn 2001; Lösel 2001; 2012; Lösel/Köferl/Weber 1987.

<sup>6</sup> Amended by the Criminal Justice (Temporary Release of Prisoners) Act, 2003.

<sup>7</sup> Irish Sex Offenders Act, 2001, s 16

<sup>8</sup> See Nedopil/Müller 2012, 363

<sup>9</sup> Taxman 2008, 277f.

<sup>10</sup> In exceptional cases (> 3 years of imprisonment for violent or sexual offenders who present a particular danger to society) the sentencing court can order the full serving of the sentence.



obliged to provide certain information, such as their name, address, residence, to the local police<sup>11</sup>. The implementation of this best practice into other, civil law systems will have to be subject to increased scrutiny to ensure the protection of constitutional basic rights as well as the protection of data privacy. Currently there is no empirical evidence supporting the transfer of information to local police service<sup>12</sup>.

Should legislators, however, decide to implement such a model, they will have to consider restrictions in regard to the use of such information by the competent authorities in order to not endanger the rehabilitation process of the former offender.

### *III.3 Assessment*

The identification of risks and needs has been identified as a core issue in the transition management process. The project partners have therefore put forward similar examples of best practices dealing with the assessment process. The Estonian project partner recommends the use of a special assessment tool for sex offenders. The installation of a designated diagnostic centre for offenders having committed serious sexual offences, homicide or manslaughter was proposed by the German project partner. The Finnish project partner, noting that such a system had not yet been set up in Finland, backed the idea of a multidisciplinary risk and need assessment for high risk offenders as a best practice. The Irish project partner advocated the use of the Irish assessment tool for risk of harm PS / Rosh (Probation Service Rosh of Serious Harm).

### *III.4 In custody*

The examples of best practice for the field of custody management mainly focus on sentence planning as well as multi-disciplinary treatment approaches. The first best practice, coming from the Estonian project partner, is the set up of an overall sentence plan for the full length of the sentence and subsequently the development of a more detailed plan for a one-year period, which is regularly updated.

As a further best practice it was recommended by the Finnish project partner that the process of transition from closed to open facilities should be managed by a multidisciplinary team, without specifying the disciplines to be involved.

Quality standards<sup>13</sup> as part of a systematic diagnostic process for high-risk offenders form the third best practice, proposed by the German project partner.

The fourth best practice is the Irish Integrated Sentence Management System (ISM), in which an immediate first contact assessment and subsequent sub-assessments identify the needs of the prisoners and form the basis of a personal integration plan (PIP), which is reviewed every six months, and in which a community integration plan (CIP) is developed approximately nine months prior to release.

---

<sup>11</sup> Cf. Irish Sex Offenders Act, 2001, s 10.

<sup>12</sup> For the negative effects of supervision entirely based on control, see footnote 9

<sup>13</sup> For a complete list of the proposed standards please see the answer of the German project partner in the questionnaire for the third workshop



### *III.5 Preparation for release*

As a first best practice in this field a multiagency co-operation was proposed by the Estonian project partner. Preparation for release should be performed by a multidisciplinary team of specialists who were already involved in the sentence management, but should also be extended to a wider network of specialists and institutions outside of the prison in order to engage resources and means for cooperation. A pre-release consultation should take place and be carried out by the responsible case manager from prison and the corresponding probation officer. Furthermore, high-risk offenders should be subjected to a conditional release process involving the use of half-way houses.

The second best practice is the supervised probationary freedom scheme from Finland, which is a conditional release scheme under the responsibility of the prison and obligatory for prisoners serving full time for a period of at least three months. Conditional release is generally considered a necessary element of successful rehabilitation, but is even more important in the management of transition of high-risk offenders.

The third best practice is the German model for information exchange between prisons and probation service (InStar), which sets standards for the cooperation between both institutions to guarantee an easy and swift exchange of information. Most important element of the programme is the continuity of care as the probation service is involved already in preparing release in establishing the re-entry plan and taking responsibilities for the after-care at an early stage<sup>14</sup>.

This reflects the increasing need for inter-agency cooperation on information transfer as part of a continuous transition management. The new Prison Act of Mecklenburg-Western Pomerania of 1 June 2013 provides for an “integration” or “re-entry plan”, which has to be developed latest one year before the provisional (preferably early/conditional) release and which emphasizes the participation of the probation and aftercare services (Prison Act M-V, s. 9(3) and 42(2)). It also provides prison leaves and other preparatory measures also for high risk offenders and – during the last part of the sentence (6 months before the release date) – as a quasi-mandatory measure from which they can only be excluded if they present a “high probability” of abuse (Prison Act M-V, s. 42(4)). The project also includes a multi-agency approach after release including different levels of supervision and care according to a continuous risk assessment<sup>15</sup>.

The project has some similarities to the so-called SVORI-project (Serious and Violent Offender Re-entry Initiative) and other re-entry initiatives in the U.S. that emphasised on “a three phase continuum of services that began during the period of incarceration, intensified just before release and during the early months

---

<sup>14</sup> See Jesse/Kramp 2008; Koch 2009

<sup>15</sup> The project can be seen as „promising“ with regards to evaluative literature in the UK (and the U.S.) concerning programmes such as the PPO strategy for prolific offenders (Prolific and other Priority Offenders Strategy, launched by the British Government in 2004, see Vennard 2007) or the so-called MAPPA (Multy-Agency Public Protection Arrangements (see s 67 and 68 of the Criminal Justice and Court Services Act 2000), which include different supervision and monitoring arrangements of the Probation Services and the Police based on different risk levels of violent and sexual offenders, see Kemshall 2007, 279ff.; see in summary on “what works” in prisoner reentry Petersilia 2004; Travis/Visher 2005; MacKenzie 2006; Moore et al. 2006; Solomon et al. 2008; Visher/Travis 2012, 696f.





after release, and continued for several years as former inmates took on more productive and independent roles in the community.”<sup>16</sup>

The Irish concept of a multi-agency pre-release case management conference forms the forth best practice in preparation for release. In it a case management conference involving all the competent authorities and institutions should serve as platform for a development of appropriate care and safeguards as well as interventions before the release.

### *III.6 Community setting*

In regard to aftercare, the first best practice is the already abovementioned community guarantee<sup>17</sup>.

The second enlisted best practice is the German concept for optimized control and security (FoKuS). The “FoKuS”-concept aims at connecting courts, prisons, prosecutors, police and the state office for probation and supervision (including the department of probation services, agency of supervision of conduct and forensic ambulance) to allow for fast and direct exchange of information concerning the person under supervision, but does not provide additional competences for the authorities involved.

Post custody supervision as implemented in Ireland forms the third best practice example. This includes the post release supervision order, but also the post-custodial supervision as result of a partially suspended sentence.

The forth example of best practice in aftercare is the Irish Sex Offender Risk Assessment and Management model (SORAM). In this model the risk assessment and management is carried out by a joint team of members from the police, the probation service, the children and family service (HSE) and the prison service. The aim is to create a joint approach in risk management and a common understanding of risk. Given its explicit focus on risk, this model causes considerable concern in respect to its effects on reoffending and its likely increase in the number of technical violations.

## **IV. Process evaluation**

*The process evaluation is still an on-going process and the following findings can therefore only be considered preliminary.*

Considerable progress has been made in the process towards the development of minimum standards and best practice models. The main aims of the workshops have been reached so far and some constructive work in working groups of the workshops can be confirmed. However, it became apparent throughout the first workshops that terminology is an important issue, as many terms were understood differently by the project partners, given their respective national background.

From a scientific perspective, the process of determining “best practices” leaves room for improvement, as there were no objective standards to why a certain practice should be considered commendable. It would be recommended for the further development of the project to refer to the existing literature on best

---

<sup>16</sup> Visher/Travis 2012, 697.

<sup>17</sup> See page 1



practices and transition management in that respect. It also should be clarified if a “good practice” is based on evaluation research and empirical evidence, or if the theoretical foundation and/or practical experience indicate that an existing practice might be judged as “promising”<sup>18</sup>.

It was also not clear why certain proposals of “good practices” have been chosen for further description in the ongoing discussions at workshop 3 and why others did not.

## V. Summary and conclusions

The second evaluation report reveals good progress in the common understanding of problems of high risk offender supervision by the project partners. There is, however, not yet an integration of the associate partners beyond the answers to the questionnaire presented at the Dublin workshop and mentioned in the first progress evaluation report. It is recommended that the associate partners will be represented during the 4th workshop in Schwerin in April as well as at the final conference in September 2014.

The examples of “good practices” presented at the third workshop in Helsinki only in part are “evidently” promising and therefore further discussion is needed. Most practices are not empirically evaluated. However, an assessment of being a “good practice” could be given from the background of empirical evidence literature such as on the InStar-project in Mecklenburg-Western Pomerania. Some of the projects may be “good” or “best” because of their theoretical foundation or the day-to-day-experience of practitioners involved in the implementation. It is evident that further research is needed. In addition, it should be discussed, whether an existing practice can be transferred from one jurisdiction to another considering different legal and cultural backgrounds. It remains uncertain to which extent a common model of good practices can be shaped, which would deliver positive results all over Europe.

## VI. Literature:

- Dünkel, F., Drenkhahn, K. (2001): Behandlung im Strafvollzug: von „nothing works“ zu „something works“. In: Bereswill, M., Greve, W. (Eds.): Forschungsthema Strafvollzug. Baden-Baden: Nomos, p. 387-417.
- Jesse, J., Kramp, S. (2008): Das Konzept der Integralen Straffälligenarbeit – InStar – in Mecklenburg-Vorpommern. In: Dünkel, F., Drenkhahn, K., Morgenstern, C.: Humanisierung des Strafvollzugs – Konzepte und Praxismodelle. Mönchengladbach: Forum Verlag Godesberg, p. 135-144.
- Koch, R. (2009): Integrale Straffälligenarbeit in Mecklenburg-Vorpommern: Nicht nur ein neuer Begriff. *Bewährungshilfe* 56, p. 116-144.
- Kemshall, H. (2007): Dangerous offenders: release and resettlement. In: Hucklesby, A., Hagley-Dickinson, L. (Eds.): *Prisoner Resettlement. Policy and practice*. Cullompton: Willan Publishing, p. 270-288.
- Lösel, F. (2001): Behandlung oder Verwahrung? Ergebnisse und Perspektiven der Interventionen bei „psychopathischen“ Straftätern. In: Rehn, G., u. a. (Eds.): *Behandlung „gefährlicher Straftäter“*. Herbolzheim: Centaurus, p. 36-53.

<sup>18</sup> See for the literature on the so-called Maryland scale on “what works” Sherman et al. 1998; MacKenzie 2006; Visher/Travis 2012, 696ff



- Lösel, F. (2012): Offender treatment and rehabilitation: What works? In: Maguire, M., Morgan, R., Reiner, R. (Eds.): The Oxford Handbook of Criminology. 5 th ed., Oxford: Oxford University Press, p. 986-1016.
- Lösel, F., Köferl, P., Weber, F. (1987): Meta-Evaluation der Sozialtherapie: Qualitative Analysen zur Behandlungsforschung in sozialtherapeutischen Anstalten des Justizvollzugs. Stuttgart: Enke.
- MacKenzie, D. L. (2006): What Works in Corrections? Reducing the Criminal Activities of Offenders and Delinquents. New York: Cambridge University Press.
- Moore, R., et al. (2006): Managing Persistent and Serious Offenders in the Community. Intensive community programmes in theory and practice. Cullompton: Willan Publishing.
- Nedopil, N., Müller, J. L. (2012) (Eds.): Forensische Psychiatrie. 4 th ed., Stuttgart, New York: Thieme.
- Petersilia, J. (2003): When Prisoners Come Home: Parole and Prisoner Reentry. New York: Oxford University Press.
- Petersilia, J. (2004): What works in Prisoner Reentry? Reviewing and Questioning the Evidence. Federal Probation 68, p. 4-8.9
- Sherman, L. W., et al. (1998): Preventing Crime. What Works, What Doesn't, What's Promising. U. S. Department of Justice. Office of Justice Programs, National Institute of Justice.
- Solomon, A., et al. (2008): Putting Public Safety First: 13 Strategies for Successful Supervision and Reentry. Washington, DC: The Urban Institut, Justice Policy Centre.
- Spöhr, M. (2009): Sozialtherapie von Sexualstraftätern im Justizvollzug: Praxis und Evaluation. Mönchengladbach: Forum-Verlag Godesberg.
- Travis, J., Visher, C. (2005) (Eds.): Prisoner Reentry and Crime in America. Cambridge: Cambridge University Press.
- Vennard, J. (2007): The resettlement of prolific offenders: policy and practice. In: Hucklesby, A., Hagley-Dickinson, L. (Eds.): Prisoner Resettlement. Policy and practice. Cullompton: Willan Publishing, p. 244-269.
- Visher, C., Travis, J. (2012): The Characteristics of Prisoners Returning Home and Effective Reentry Programs and Policies. In: Petersilia, J., Reitz, K. R. (Eds.): The Oxford Handbook of Sentencing and Corrections. Oxford, New York: Oxford University Press, p. 684-703.

Greifswald, 25 March 2014

Frieder Dünkel  
Moritz von der Wense  
Ineke Pruin

Contact addresses:

Prof. Dr. Frieder Dünkel, Universität Greifswald, Lehrstuhl für Kriminologie,  
Dr. Ineke Pruin  
Moritz von der Wense  
Domstr. 20, 17487 Greifswald.



*This project has been carried out with the financial support of the Criminal Justice Programme of the European Union.*

*The contents of this web site are the sole responsibility of the JCN Project Partnership and can in no way be taken to reflect the views of the European Union.*

E-mail: [duenkel@uni-greifswald.de](mailto:duenkel@uni-greifswald.de); [ineke.pruin@yahoo.de](mailto:ineke.pruin@yahoo.de);

Internet: <http://jura.uni-greifswald.de/duenkel>



*This project has been carried out with the financial support of the Criminal Justice Programme of the European Union.*

*The contents of this web site are the sole responsibility of the JCN Project Partnership and can in no way be taken to reflect the views of the European Union.*