

European treatment and transition management of high risk offenders – a justice cooperation network (JCN)

The aim of the research carried out by the JCN project is to compare the different legal concepts and practice concerning high risk/“dangerous” offenders. Therefore the following questionnaire is distributed to the partners in order to collect information on the legal base and the practical organization of supervision and surveillance of such offenders. Furthermore we want to gather statistical data on the quantity of high risk offenders and empirical data on the recidivism and reintegration of high risk offenders in the participating countries.

When talking about **high risk offenders** the JCN partners have decided to focus only on offenders identified as at high risk of reoffending through threat of or serious injury or offences against the person (i. e. sex offenders, serious violent offenders).

For the JCN project it was decided to exclude high risk offenders dealt by other institutions such as psychiatric hospitals. The questionnaire therefore is restricted only to **high risk offenders in prisons** and after release from prisons.

Questionnaire

Legal issues	
I.	Definition of „dangerous“ or „high risk“ offenders
1.	How is the legal concept of “dangerousness”/high risk addressed in Criminal Law, in your country? Is there a difference between “dangerous” and high risk offenders? If yes, please outline it briefly. (Legal conditions of criminal sanctions, preventive/security measures)
2.	What kind of offenders are defined, in law or in practice, as “dangerous”/high risk in your country? (Offences, recidivist offenders in general or concerning specific offences, length of imprisonment?)
3.	Please describe the boundaries and interaction of criminal sanctions (based on the guilt of the offender) and preventive/security measures (based on the concept of dangerousness) and how these are dealt with in practice on a day to day basis.
4.	Does the law on sentencing in criminal cases provide for specific risk assessment and, if yes, how is the procedure of assessment legally regulated?
5.	Does the law provide for a redefinition of risk or a risk assessment during the execution of the prison sentence? (e.g. after certain periods of time?)
II.	Early*/conditional release
1.	Please describe the legal provision and conditions of early/conditional release from prisons in general and any particular legal conditions or requirements applying in the case of dangerous/high risk offenders.
2.	What kind of conditions or requirements (supervision orders, curfews etc.) can be imposed as a condition of early release?

	3.	What is the length of the post-custody supervision period provided by law? (Are there indeterminate periods, e.g. for life-time, or long-term determinate periods of supervision provided by law? Is the period of supervision equivalent to the rest of the sentence not served in prison or independent of it? i.e. like in Germany 2-5 years, independent of the 1/2 or 1/3-period not served in prison)
III.	Transitional phase	
	1.	How is the preparation for release legally and practically organised? (sentence and release plan, transfer to open prison, prison leaves etc., specific plans for “dangerous”/high risk offenders)
	2.	What services are involved in release preparation? What are the roles and tasks of the services inside the institution?
	3.	What services are involved in the community after release? What are the roles and tasks of aftercare services such as the probation service?
	4.	When does the preparatory stage for release begin? (Is it defined by law? Are there standards, guidelines?)
	5.	Do the probation officers visit the prisoners in prison? How often? When do they start? Is continuity of care provided by law or practice?
	6.	Is there a case manager in the prison and/or in the community? If yes, who is the case manager and what are their responsibilities?
	7.	Please describe the system of prison/institutional leave (absence or release during sentence) in general and for “dangerous”/high risk prisoners in particular.. Does the law provide for a transfer to open prisons for “dangerous”/high risk prisoners and what are the procedures for such a transfer?
	8.	Does the national law provide for halfway houses and/or electronic supervision for “dangerous” or high risk prisoners in the preparatory stage for release or on release?
	9.	Are NGOs or private aftercare services involved during the prison sentence, in the transitional phase or in the community following release? What is their role

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		and to what authority are they accountable?

* The term **early release** refers to automatic or unconditional release schemes that exist in some countries, see Padfield, N., van Zyl Smit, D., Dünkel, F. (Eds.) (2010): *Release from Prison – European policy and practice*. Cullompton: Willan Publishing.

IV.	Aftercare	
	1.	Please describe the system and forms of control/supervision after release.. Are there particular legal requirements or restrictions for certain types of offenders? (Registration etc.) Please outline them briefly. Please explain any different requirements applying to offenders conditionally released and those having fully served their sentence..
	2.	Are there legal and practice provisions or guidelines/standards for the definition of risk, risk assessment during the probation/aftercare period? If yes, please outline them briefly.
	3.	What services are involved, with legal responsibilities, in aftercare supervision? What other services are involved? (See Q9 below)
	4.	Please briefly describe their tasks and working practice..
	5.	What is the role and interplay/co-operation of state and private aftercare services?
	6.	How, to what extent and on what legal basis, the police are involved?
	7.	Is electronic monitoring applied? Please describe the legal basis (which offenders, offences?)
	8.	Which form of electronic supervision is used? (House arrest, GPS?)
	9.	Are NGOs or private aftercare services involved in the aftercare phase?

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V.	Statistics/empirical studies on recidivism	
	1.	How many and what kind of “dangerous”/high risk offenders are in prison? (Absolute and percentage numbers data) Please specify the categories, if available, of offenders or offence groups..
	2.	Please give longitudinal statistical data concerning question 1 for the time since 1995 (or for the period data is available)
	3.	How many and what kind of “dangerous”/high risk offenders (see question 1) are under supervision of the probation and aftercare services?
	4.	Please provide longitudinal data since 1995 concerning question 3 (or for the period data is available).
	5.	How many “dangerous”/high risk offenders are under police surveillance or supervision as a legal condition or requirement ?
	6.	Please provide any studies on recidivism and/or recall from early/conditional release.. Are there any systematic studies on the reintegration/recidivism of “dangerous”/high risk ex-prisoners? Please describe the main results or attach the relevant publications (in English language)..
	7.	Have the risk assessment instruments used by the prison and probation services been evaluated? What have been the results? Please provide details of evaluation studies.

VI. Further issues	
1.	Has your country been subject of decisions of the European Court of Human Rights with regards the accommodation and treatment of “dangerous”/high risk offenders?
2.	Please provide relevant information and the references of reports of the Committee for the Prevention of Torture (CPT) and the Government’s answers to them in respect of “dangerous”/high risk prisoners. Have there been policy or legislative amendments with regards to the CPT-reports?
3.	Is there a legal basis for information exchange between agencies dealing with “dangerous”/high risk offenders in prisons and/or in the community? If yes, please outline them briefly.
4.	Please detail here any further important issues related to “dangerous”/high risk offenders not considered in the questionnaire..

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