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JUST/2011-2012/JPEN/AG/2943

**European treatment and transition management of high risk offenders
project 2012 -2014**

**Definition: “a high risk offender is someone who presents a high probability
to commit crimes which may cause very serious personal, physical or
psychological harm.”**

Workshop in Dublin 12-15th June 2013

Work Stream 2

Existing systems of transition management practice in the partner countries.

Background information document

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Introduction

The prison population across Europe is largely made up of people who have been excluded rather than included, have poor formal educational qualifications, have few employment skills and have experienced long-term housing, family and addiction problems. Women and men leaving prison bring with them the effects of a custodial sentence and encounter suspicion, rejection and hostility as they make the transition from prison to society.

For higher risk prisoners leaving custody these factors increases the risk of their return to crime and custody. The risk of re-offending is high. Up to half of those released returned to prison within two years. Research shows that effective resettlement can assist the prevention of further offending, the reduction of victimisation and is in the best interests of the community in general. This is critical in the management of higher risk offenders who pose the greater risk of further offending.

Across Europe there are examples of effective resettlement initiatives and good practice but no single jurisdiction has all of the key elements in place. There is a need to share, learn and develop best practice for better outcomes not only for the prisoners leaving custody but also for communities and the criminal justice systems.

Estonia, Finland, Ireland and Mecklenburg-Western Pomerania (Germany), have agreed to develop this project, European treatment and transition management of high risk offenders project 2012 -2014.

The project examines integrated case management, information and knowledge sharing for best practice, reduction of duplication and enhanced efficiency. An integrated resettlement process could contribute to reducing recidivism and thereby to the safety of the society in general and the protection of potential victims in particular.

Other partners involved in the reintegration process of offenders, e.g. health, addiction and health services, housing authorities, employment services, police, courts, prosecutors, lawyers, non-profit organizations and local authorities will be invited.

The shared learning, practice exchange and networking of practitioners in the different justice systems will in turn contribute to the creation of an enhanced European identity and shared understanding

The work of the project is structured in work streams in which each partner takes responsibility for hosting, managing and reporting on their particular workstream.

The objective of work stream 2 is to compare existing systems of transition management. Mutual understanding and learning opportunities will be established. The intention is to identify those national programmes and elements of transition management systems which are common among partners, those which are different and where gaps exist.

The Irish partners, the Probation Service and Irish prison Service host the workstream 2 workshop in Haymarket, Dublin between 12th-15th June 2013.

This paper comprises the responses by the partners to a series of questions to identify and outline existing systems of transition management in each jurisdiction. The series of questions are structured to report the sequence of actions and steps from the imposition of a sentence in court to the release and post custody support practices in place in respect of high risk offenders. The information is intended to inform participant as well as assisting preparation for and discussion during the workshop.

Summary of each partner's response by question in the pre-workshop questionnaire

Question 1

Please briefly describe any law, legal direction or policy direction that imposes specific requirements/obligations on transition management or post-custody supervision/management of high risk offenders. E.g. preventive detention etc.

Estonia

Law:

- Probation supervision after fully served imprisonment – new law, since 2009, written in Penal Code. This on not only for high risk offender, person has to comply with certain condition, like had committed a violent crime.

Legal direction:

- The work of the probation officers are regulated by “Probation standards” – according to the standards high risk offenders must do registration more often, this is at least twice per months. If their high risk has been reduced, then they come registration at least once a month.
- Pursuant to the “Treatment plan”, high risk offender can not serve his/her imprisonment in open prison. The offender can be transferred to open prison at least 18 months before release.

Policy direction:

- In Estonia, we have a risk assessment, which shows level of risk and dangerous of offender and is an obligatory tool for parole report. Pursuant to the level, prison supports/ doesn't support releasing on parole

Germany (Mecklenburg-Western Pomerania)

Prison

The legal requirements for the transition process of prisoners were originally laid down in the Federal Prison Act (StVollzG), but are now largely to be regulated by state laws due to a constitutional shift of legislative competence in 2006. In Mecklenburg-Western Pomerania, the respective Prison Act MWP (StVollzG M-V) has entered into force on 1 June 2013.

Both laws define the principle of rehabilitation as the sole aim of the execution of prison sentences (StVollzG M-V, section 2). Therefore the sentence plan has to provide for rehabilitative measures and preparation for release at the earliest possible stage (StVollzG M-V, section 7). While this applies to high risk offenders as well, measures of relaxation, such as prison leaves, the transfer to open prisons and to work release programs will require a positive risk assessment. In cases of violent or sexual offenders, the decision about granting relaxations is subject to prior approval of the Ministry of Justice (see Administrative Rules to Prison Act).

However, the jurisprudence of the Federal Constitutional Court (FCC) emphasises that also long-term and high risk-offenders must receive a real chance for having transitional measures such as prison leaves in due time before release. According to the Prison Act the prison administration has to cooperate with the probation and aftercare services in order to enable a continuity of care for the offenders (StVollzG, s 154(2)). This aspect is particularly underlined by the new StVollzG M-V, which requires that the probation service and the agents of the service of supervision of conduct participate in the preparation for release at least one year before the envisaged release (StVollzGM-V, s 42(2)) (see InStar).

Integral work with offenders (German Abbr.: InStar) (January 2008)

In Mecklenburg-Western Pomerania, the link between probation services, supervision of conduct and the prisons is established by a concept called InStar (abbr. for: Integral work with offenders), which sets standard for the cooperation between the authorities. In short, InStar guarantees an easy exchange of information which works both ways: Prisons get relevant facts concerning an offender in case he or she was under probation before the sentence. Towards the end of the imprisonment, the probation service is informed about the prisoner's development and relevant issues needed to assure effective and aim-oriented work after the release. The InStar concept is highly acclaimed not only by other federal states but also beyond the German borders.

Past experience with this integral model stresses two main factors relevant for a successful work with offenders: First, no information may be lost between cooperating authorities or officials during the work process. Second, the offenders perceive the work of public authorities as a consistent, closed system providing support, which administers considerable control at the same time.

Supervision of conduct as stipulated under German Criminal Code (StGB) section 68b.

- **By court (subsection 1)**

The German law specifically provides the availability of a supervision order for certain offences. If a person has been sentenced to a fixed-term of imprisonment of no less than six months for one of those offences, the court may make such an order in addition to the sentence if there is a danger that the person will commit

further offences.

- **By law (subsection 2)** as a consequence of statutory provisions providing for supervision, e.g. if the offender has served for release from preventive detention, StGB, section 67d. The supervision period can last 2-5 years and is independent of the length of the remaining sentence. The court can order the supervised person to comply with certain directives, including electronic monitoring, for the time of the supervision (StGB, s 68b).
- The statutory provisions providing for supervision (StGB, section 67b, section 67c, 67d (2) to (6) and section 68f).

The programme “FoKuS” (abbr. for “For optimized control and security”) is an administrative act for justice and police in Mecklenburg – Western Pomerania concerning the target group high risk offenders (in this context these are sexual offenders, and persons convicted of (attempted) murder and manslaughter with a high risk of recidivism). 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.

StGB, section 67b Immediate order for suspended measure

If the court makes a mental hospital order or a custodial addiction treatment order, it is possible to suspend the measure for an operational probationary period. In this case, special circumstances have to justify the expectation that the purpose of the measure may be achieved in this manner.

Preventive detention

After the previous legal provisions about the preventive detention have been declared incompatible with the constitution and after the legislative competence for its regulation has been moved to the state level, the execution of preventive detentions is governed by state law. In Mecklenburg-Western Pomerania, the Preventive Detention Act MV (SVVollzG M-V) has come into force on 1 June 2013.

The jurisprudence of the Federal Constitutional Court requires an organisation of preventive detention which is oriented towards “intensified rehabilitation efforts and the transition to freedom” (BVerfG, 2 BvR 2365/09, 4 May 2011). Preventive detention shall allow for an intensification and individualisation of treatment, a specifically directed concept of increasing treatment motivation and a minimisation of confinement. Furthermore the continuation of the detention has to be reassessed by the court for the execution of sentences on a yearly basis at least as well as where evidence hints towards a need for reassessment. This reassessment has to be intensified with an increasing duration of detention.

These constitutionally derived precepts are incorporated and specified in a new section in the StGB (s 66c(3)) as well as in several provisions of the Preventive Detention Act MV (e.g. SVVollzG M-V, ss 2, 3, 8, 10, 15), distinctly separating preventive detention from the execution of sentences.

Finland

When a prisoner who is serving a life sentence applies for parole, the Criminal Sanctions Agency makes a statement which must contain an assessment about the prisoner's risk of committing a violent crime. This is regulated in section 1 of the Law on the releasing procedure of long term prisoners.

The supervision appointments as well as the tasks and programmes belonging to supervision may take up at most 12 hours monthly. The monthly number of hours may vary during the supervision as required by the expedient implementation of supervision. This is regulated in § 5 of the Law on supervision of conditional release.

Possibly on 1.1.2014 a new law on supervised probationary freedom will take effect. The law will state that a prisoner can of his own free will commit himself to medical treatment, with the aim of preventing recidivism of sexual offenses. Furthermore, the aim is that when a prisoner commits himself to this treatment he will have to agree to the conditions according to which he must comply with the orders and monitoring of the treatment. The orders are given by a doctor of the Criminal Sanctions Agency.

The prisoner must give his consent to the treatment in writing. Criminal Sanctions Agency must describe the effect of the treatment to the prisoner before it is started. If the prisoner is placed under supervision at release, he must continue his commitment to the treatment. If he does not comply, he will be sanctioned according to the Law on supervision of conditional release.

Ireland

Temporary Release with (or without) conditions of supervision

The Criminal Justice Act, 1960 as amended by the Criminal Justice (Temporary Release of Prisoners) Act, 2003 provides that the Minister for Justice and Equality may direct that a person who is serving a custodial sentence shall be released from prison for a temporary period subject to certain conditions which are specified in the direction.

(a) An offender may be given temporary release from prison for the purpose of:

assessing his ability to reintegrate into society

preparing him for release at the end of his sentence

assisting the Garda Síochána (Irish police) in the prevention, detection or investigation of offences

assisting the Garda Síochána to apprehend a person guilty of an offence or suspected of committing an offence

(b) An offender may be given temporary release from prison if in the opinion of the Minister it is justified on grounds of health or for humanitarian reasons.

(c) An offender may be given temporary release from prison if the Minister is of the opinion that it is necessary to:

ensure the good governance of the prison

maintain good order in the prison

maintain humane and just management of the prison

(d) An offender may be given temporary release from prison if the Minister is of the opinion that the prisoner has been rehabilitated and would reintegrate into society

(e) In making a direction granting temporary release the Minister must take into account:

the nature and gravity of the offence

the sentence imposed by the Court and any conditions attaching
the period already served by the prisoner
the potential threat to the safety and security of the public and or the
victim of the offence
previous convictions
the risk of absconding
the conduct of the prisoner which in custody or while previously on
temporary release
any reports from the Garda Síochána, the prison Governor, a Probation Officer or any person assisting the
Minister
the risk of further offences
the risk of non-compliance with conditions imposed
the likelihood of temporary release assisting the prisoner's reintegration or employment

(f) The Minister shall not make a direction granting temporary release if:

- the prisoner is remanded in custody to appear at a future sitting of a Court
- the release of the person is prohibited by any other legal provision one of the considerations at (e) above
mean it would be inappropriate to do so.

Temporary release is a **privilege** and **not an entitlement**. “..the temporary release of a prisoner before the sentence imposed by a court has expired is a privilege accorded to him at the discretion of the Executive. The liberty which a prisoner enjoys while on temporary release, being a privilege, is clearly not on a par with the right to liberty enjoyed by an ordinary citizen, although the early termination of the period of release must be carried out in accordance with the essential principles of constitutional justice..” Dowling -v- Minister for Justice, Equality & Law Reform, [2003] IESC 33 (2003)

Question 2

Please briefly describe Court sentence or other orders /requirements imposed at sentencing that influence or impact on transition management or post-custody supervision/management of high risk offenders. E.g. Post custody supervision order, sex offender registration/reporting etc.

Estonia

Court may sentence:

Imprisonment - no orders or requirements are imposed, case management starts in prison on the basis of risk assessment.

Conditional discharge - sentenced imprisonment will be enforced only in part. It means that offender has to serve part of sentenced imprisonment and then she/he will be released on probation. Other part of sentenced imprisonment will not be enforced unless he/she doesn't fill obligations what was imposed for the probation period

Probation- court may impose obligations for probation time.

We don't have special orders /requirements for high risk offenders. Obligations are written in Penal code and court may impose them for all the offenders.

Germany (Mecklenburg-Western Pomerania)

According to StGB, section 57 a (1) the court shall grant conditional early release from a sentence of imprisonment for life under an operational period of probation, if

1. fifteen years of the sentence have been served;
2. the exceptional gravity of the convicted person's guilt does not require its continued enforcement; and
3. the requirements of StGB, section 57(1) 1st sentence Nos 2 and 3 are met.

(for the details of this issue please compare questionnaire workshop Tallinn:answer to question II. 1)

Therefore in cases of life imprisonment an offender can be released earliest after having served 15 years (the average period served by "lifers" in Germany is about 17 years (see Dessecker, Kriminologische Zentralstelle 2012)). In cases in which the sentencing court finds an "exceptional gravity of guilt", however, the court for the execution of sentences has to determine (towards the end of the 15 year period) whether and for how long the excess of guilt requires a continuation of imprisonment.

Other than that and apart from the possibility of an imposition of supervision of conduct (see above), there are no orders on the sentencing level that directly affect transition management or post-custody supervision.

The imposition of preventive detention, however, has an indirect impact insofar, as the release from preventive detention provides a case of statutory placement under supervision of conduct.

StGB Section 68b stipulates directions which the court can impose in the post custody supervision order.

The following directions can be imposed for the duration of the supervision or for a shorter period:

1. not to leave his place of domicile or his residence or a specified area without the permission of the supervising authority;
2. not to frequent specified places which may induce him to commit further offences;
3. not to establish or maintain contact with the victim, or certain persons or persons from a certain group who may induce him to commit further offences, nor to employ, train or harbour them;
4. not to engage in particular activities which in certain circumstances may be exploited for criminal purposes;
5. not to possess, carry or entrust to another for safekeeping particular objects which could induce him to commit further offences;
6. not to possess or drive motor-vehicles or particular types of motor-vehicles or other vehicles, which in certain circumstances may be misused by him for criminal purposes;
7. to report at particular times to the supervising authority, to another public authority or to the probation officer;
8. to report promptly every change of residence or employment to the supervising authority;
9. to report in the case of unemployment to the Public Employment Agency or to another authorised employment agency;
10. not to consume alcohol or other drugs, if based on certain information there is reason to believe that their consumption will contribute to the commission of future offences, and to undergo alcohol and drug tests of a non-invasive nature; or
11. to present himself at certain times or at certain intervals to a doctor, a psychotherapist or the forensic ambulance service
12. to carry with him electronic monitoring devices and not to influence its functionality (new direction since January 2011).

The court shall indicate the prohibited or required conduct as precisely as possible in its directions.

(2) The court may, for the duration of the supervision or for a shorter period, give directions to the convicted person, particularly in relation to education, employment, leisure, ordering of financial affairs, or the fulfilment of maintenance obligations. The court may direct the convicted person to undergo

psychiatric, psycho- or sociotherapy (therapy direction). StGB, section 56c(3) shall apply mutatis mutandis, also for the direction to undergo invasive alcohol or drug tests.

(3) No unreasonable demands may be made in the directions on the lifestyle of the convicted person.

(4) If by the commencement of a supervision period an already existing state of supervision is deemed terminated pursuant to StGB, section 68e (1) 1st sentence No 3, the court shall include the directions issued under the previous supervision in its own order.

(5) To the extent that the supervision of a convicted person in the cases of subsection (1) No 11 above or his treatment under subsection(2) above is not carried out by a forensic ambulance service StGB, section 68a(8) shall apply mutatis mutandis.

Offence against directions is penal-reinforced after §145a StGB and can be avenged at the request of the agency of supervision of conduct with fine or term imprisonment up to three years. Offence against therapy instructions can lead to the arrangement of the unlimited duration of the supervision of conduct (StGB, section 68 c).

FoKuS Administrative Act is statutory for those with the direction to carry a electronic monitoring device (StGB, section 68 b (1) No 12). A cooperative work of justice and police enables authorities to better control the target group of high risk offenders.

Finland

In imposing a sentence the court may on the request of the prosecutor in certain cases of serious crimes order that the convicted person shall not be released until he or she has served the entire sentence.

Also, when a person is sentenced to life imprisonment, the process of release will include an assessment about the prisoner's risk of committing a violent crime.

The court does not make other requirements that impact on transition management or supervision. All conditionally released prisoners are automatically ordered under supervision by the prison governor if:

- the part of the prison sentence not served in prison is longer than one year;
- the offence is committed when under 21 years of age; or
- the prisoner so requests.

There are no separate conditions of early/conditional release of dangerous/high risk offenders.

The imprisonment act contains a section (4 §) which states that the injured party or another person (next of kin) may be notified of the release and the prison leave of a prisoner if, on the basis of the behaviour of the prisoner or the threats made by him or her, there is a justifiable reason to suspect that the prisoner will commit an offence directed at the life, health or liberty of the said person or a person close to the said person. Notification may be made also to persons with regard to whom a restraining order has been imposed on the prisoner in accordance with the Act on the Restraining Order (898/1998). It must be added that the possibility of notification is very rarely used.

According to the Imprisonment act (§ 6) a release plan has to be made for all prisoners. It must be drawn up in

good time before release, with the consent of the prisoner, in co-operation with the social, health, housing and labour authorities of the home municipality of the prisoner or of the municipality where he or she is staying, in order to improve the adaptation of the prisoner into the society.

Ireland

Partially Suspended Sentence

Section 99 (Power to suspend sentence) of the **Criminal Justice Act 2006** as amended by section 60 of the Criminal Justice Act 2007 and section 51 of the Criminal Justice (Miscellaneous Provisions) Act 2009

A partially suspended sentence means the sentencing court makes an order suspending the execution of the sentence of imprisonment in part, subject to the person entering into a recognisance (Bond) to comply with the conditions of, or imposed in relation to, the Order. Two mandatory conditions attach to the order - the person must keep the peace and be of good behaviour during the period of imprisonment and the period of the suspended sentence concerned. The court has wide discretion to impose other conditions.

If a person is convicted of another offence (committed after the making of the order) or breaches the conditions of the order during the period the order is in force the order may be revoked and the court may require the person to serve all of the sentence originally imposed or such part of the sentence as the court considers just in all the circumstances less any period of the sentence already served in prison and any period spent in custody pending the revocation of the Order.

Post Release Supervision Order

Part 5 of the Sex Offenders Act, 2001 provides that a Court that is imposing a custodial sentence on a person convicted of a scheduled sexual offence (listed in the Act) is obliged to consider whether or not to impose a sentence involving post-release supervision. That is supervision by the Probation Service in the community after the person has completed their custodial sentence as part of the sentencing order.

In making this determination the Court must consider the need for the offender's rehabilitation, public protection, and the likelihood of further offences being committed after release.

There are constraints on the combined periods of custody and supervision which cannot exceed the maximum custodial sentence provided for by domestic law for the offence committed. Neither can the custodial sentence imposed be reduced to take into account the time spent on supervision if such post release supervision had not been considered.

The post release supervision order may be made subject to conditions such as that the offender attend specified 'psychological counselling or other appropriate treatment'.

In imposing a sentence involving post release supervision the court is obliged to explain to the offender:

- (a) the effect of the sentence
- (b) the consequences for a breach of compliance
- (c) that the Court may vary or discharge any of the conditions on the application of either the offender or a Probation Officer.

The case for a breach of the conditions of a post release supervision order must be taken to the District Court for prosecution.

Requirements of the Sex Offenders Act 2001

Under the Sex Offenders Act 2001 those who are convicted of certain sexual offences are obliged to provide certain information to the Gardaí including the address at which they are living following their release from prison.

While the term *Sex Offenders Register* is commonly used in Ireland, there is in fact no such register and the term is not included in any section of the Sex Offenders Act 2001. The only information on the whereabouts of sex offenders in Ireland which is held centrally by the Gardaí is a certificate issued by the court in relation to those convicted by the court of sexual offences.

This certificate states that the convicted person is now subject to the requirements of the Sex Offenders Act, 2001. The Garda Domestic Violence and Sexual Assault Unit also receive a copy of the *Sex Offenders Notification Form* from the Garda station in whose area the sex offender resides. This means that details of everyone subject to the requirements of the Sex Offenders Act 2001 are held centrally and these certificates are commonly known as the Sex Offenders Register.

What information must the sex offender provide?

Those convicted of a scheduled sexual offence becomes subject to the reporting requirements and must notify the Gardaí of their name and home address within 7 days of becoming subject to the requirements. (This normally means within 7 days following release from prison).

The offender must notify the Gardaí within seven days of any change of name and or change of home address or if they intend to reside elsewhere in Ireland for more than seven days. Offenders must also notify the Gardaí if they intend to leave Ireland for seven days or more and are required to provide the Gardaí with the address of the place outside Ireland that they intend to reside or stay at.

Where someone who is subject to the sex offender notification requirements is imprisoned in respect of any offence and the release of that person is imminent, the governor in charge of the prison must notify the Garda Commissioner of the pending release at least 10 days before the date of the release.

How must an offender notify Gardaí?

The information required may be provided to the Gardaí under the Sex Offenders Act, 2001 in the following way:

- By attending in person at any Garda station which is a Divisional or District Headquarters. and giving the information required orally to a member of that Garda station or
- By sending by post a written notification of the information required to any such Divisional or District Headquarters

After the Gardaí receive the notification, they acknowledge it in writing. The Gardaí also complete a Sex Offenders Notification Form. The original completed form is sent to the Domestic Violence and Sexual Assault Investigation Unit at Harcourt Square, Harcourt Street, Dublin 2. A copy of the form is sent to the offender and

a copy is retained in the Garda station.

How long does the requirement to notify the Gardaí last?

The offender is obliged to provide information to the Gardaí:

- Indefinitely if sentenced to life imprisonment or to a term of more than 2 years
- For 10 years if the term of imprisonment was for between 6 months and 2 years (5 years if the offender was aged under 18)
- For 7 years if the sentence was for less than 6 months (3.5 years if the offender was aged under 18)

For 5 years if the sentence imposed was suspended or if no prison sentence was imposed (2.5 years if the offender was aged under 18)

Question 3

Please briefly describe sentence management or other processes during sentence in custody that influence, have relevance to or make a contribution to the transition management or post-custody supervision/management of high risk offenders. E.g. Sentence management systems, relevant interventions etc.

Estonia

1. In prisons, there are case managers. Case manager has about 50-60 offenders.

Duties of the case manager are:

- He/she is a coordinator between offender and services, which are provided in prison;
- Case manager composes sentence plan. Sentence is planned for whole imprisonment period and once a year case manager composes a punctual plan for the coming year. There are all the steps and actions that prison has to take to reduce a risk (such as social programmes, courses and consulting). Sentence plan also consist a date and requirements when the inmate gets the opportunity to be transferred to open prison.
- Inmates are involved in sentence planning. It means that they know what the plan consists of and they have opportunity to express their opinion.

The social programmes, which are planned in the sentence plan, are provided by the social workers, probation officers and psychologists. Social programmes, which are provided in prisons, are "Anger management", "Social skills training", "Aggressiveness replacement training", "Lifestyle training for offenders", "Equip" (for youngsters), "Traffic safety programme", "Rehabilitation programme for sex offenders", plus programmes conducted by the case manager are "Right moment" and "Pre-release programme".

2. According to risk assessment, offender can be transferred to different prison with special unit:

- In Tartu Prison, there are separate units for sex offenders and drug abusers – extra social assistance programme for them, also treatment for abusers.

In Viru Prison, there is separate unit for very high risk offenders – stronger supervision.

Germany (Mecklenburg-Western Pomerania)

(this issue is also treated similarly in the questionnaire for workshop 1, please compare answer to question III. 1)

A sentence and release plan is created during the first eight weeks of imprisonment and is being checked and updated regularly every 6 months during the duration of imprisonment. It contains statements about the

- placement of the offender (closed or open prison – need of transfer to the socio-therapeutic department – placement in a certain department),

- participation in various treatment measures (groups or individually),
- work place and/or education programmes (vocational, educational, worktherapy, further training/education),
- special treatment measures (such as addiction counseling, depth counseling, social training, etc.)
- relaxations of conditions/overnight-leaves
- measures of preparation for release

Within the last year of imprisonment before release, **a case conference** with responsible persons from inside prison (e.g. officers, therapists, social workers) and outside prison (e.g. probation officers, prosecutors, police) takes place in order to prepare the release as best as possible.

In closed prison, there are different group and individual treatment measures either related to specific or unspecific offenses. There are programs aiming to improve self-conscience, social skills, or other possible deficits.

The socio-therapeutic department opened in January 2005, with the aim of considerably lowering the risk of the individual's repetition of offenses. This objective is to be achieved by means of special therapeutic measures and social help.

The new Prison Act MWP (StVollzG M-V) stipulates in section 17 (2) the placement of offenders in the socio-therapeutic department if the treatment programmes of this department are suitable to lessen the particular dangerousness of the offender. This particular dangerousness is given by someone who presents a high probability to commit crimes which may cause very serious personal, physical or psychological harm.

In the socio-therapeutic department of the prison of Waldeck, there are 48 single cells for each detainee. One ward or care group accommodates 12 detainees. As the detainees use common rooms and profit from longer "opening" hours, they have the opportunity of testing life in a community. Two more cells are available to former detainees from the department, who can request voluntary admission for a short period of time, in case of special crisis and mental stress situations. The staff consists of a multi-disciplined professional team, which comprises of 4 psychologists, 4 social workers and 16 correctional officers, who have received special training for this task. Their working guideline is the concept on integrative social therapy, defined by Eger and Specht in 1980. According to this concept, integrative socio-therapeutic work is characterized by:

1. Taking into consideration the entire living environment in and outside of the socio-therapeutic institution until release
2. Creating possibilities for action and relationships within the socio-therapeutic institution in terms of a therapeutic community
3. Modifying and combining psychotherapeutic, educational, practical and occupational-therapeutic methods
4. Focus on criminal factors
5. Emphasis on cognitive-behavioral group therapy.

Phase 1

A detainee’s stay in the socio-therapeutic department consists of three phases. The first phase of about four months is used for becoming acquainted with the detainee. During this phase, the detainee participates in an orientation group and regular meetings of the living groups, together with the other detainees and the staff. Furthermore, each detainee is allocated to one correctional officer as direct contact. In this first phase, a dialogue will be held with the detainee’s contact persons. At the end of this phase, the final decision on the admission of the detainee will be taken and a therapy plan will be established. This plan contains the individual risk factors, the aim of the treatment and the treatment modules.

Phase 2

Subsequently, the therapy period will start. The therapy period can consist of, among other things:

<p>Treatment related to specific offenses</p> <ul style="list-style-type: none"> • Sexual Offender Treatment Program (SOTP) • Violent Offender Treatment Program (BPG) • Sexual Offender Treatment Program for cognitively limited detainees (A SOTP) • psychological individual conversations 	<p>Treatment related to unspecific offenses</p> <ul style="list-style-type: none"> • Reasoning & Rehabilitation Program • Addiction treatment • Soft skills training • Working with therapy-dogs • Progressive muscle relaxation • Authogenic training • Social training • Support group addiction
<p>Treatment related to specific offenses</p> <ul style="list-style-type: none"> • Sexual Offender Treatment Program (SOTP) • Violent Offender Treatment Program (BPG) • Sexual Offender Treatment Program for cognitively limited detainees (A SOTP) • Psychological individual conversations 	<p>Treatment related to unspecific offenses</p> <ul style="list-style-type: none"> • Reasoning & Rehabilitation Program • Addiction treatment • Soft skills training • Working with therapy-dogs • Progressive muscle relaxation • Authogenic training • Social training • Support group addiction
<p>Work in living groups</p> <ul style="list-style-type: none"> • Living group meeting • Events, organised in living groups • Family parties 	<p>Leisure courses</p> <ol style="list-style-type: none"> 1. Drumming 2. Pottery 3. Drawing 4. Endurance sport

<p>Work</p> <ul style="list-style-type: none"> • Protected occupation in occupational therapy, which is part of the department • Work as cleaner • Occupation in the regular workshops attached to the main prison 		
<p style="text-align: center;">Phase 3</p> <p>If a detainee has successfully completed the most important elements of the treatment, there will be a transfer phase, which is characterized by certain relaxing measures until the detainee is finally released. Support will be given to the detainee in his efforts to find a flat and a job and dealing with public authorities, while remaining under correctional supervision. In this phase already, a contact is established between the detainee and the probation service. Furthermore, focus is set on the protective social relationships of the detainees; family and contact persons are increasingly integrated into the treatment and the transfer of the learned skills to the outside world is tested. In individual cases support will also be given to the detainee to enable him to seek further help, in the form of adequate follow-up treatment.</p>		

Finland

Because high risk offenders serve long prison sentences they are subject to a more thorough risk and need assessment than those with shorter sentences. The sentence plan is drawn up in cooperation with the prisoner and it is based on the risk and need assessment. The prison should organise such activities that the prisoner can take part in and in that way promote the fulfilment of the aims of the sentence plan. The activities can consist of work, education or other kinds of rehabilitation. During the prisoners' stay in prison, meetings will take place, where fulfilment of the sentence plan under the instruction of various officials is discussed.

For prisoners with high risk of reoffending it is vital to participate in long, intensive programmes. Prisons also organise various courses for intoxicant misuse rehabilitation. Also individual meetings are possible. If necessary, also periods of treatment in the prison mental or somatic hospital can be arranged, as well as in a hospital in the community.

As the fulfilment of the sentence plan proceeds the prisoner can be allocated to an open unit, if security reasons are not an obstacle. Participation in intoxicant misuse programmes can also take place in a unit in the community, for a maximum of 6 months. As release of the prisoner approaches, the release plan is prepared in good time in cooperation with the probation officer and other members of the prisoner's network in the community (family, social, accommodation, employment authorities as well as peer groups and self care network). The prisoner may be placed in supervised probationary freedom for a maximum of 6 months at the end of his prison sentence. In all three Criminal Sanctions Regions there is a release unit where the release of a prisoner can be enhanced.

If the prisoner is ordered under supervision at release, the supervisor has access to the information about the prisoner's risk and need assessment, sentence plan and release plan made during custody. The supervisor also

discusses the plans and goals but also the concerns and needs of the client. The dangerousness evaluations made by the Psychiatric Prison hospital and other security information is not systematically passed from the prison to the community sanctions office. This is due to the fact that these matters are the responsibility of the health sector in prison and they have a high degree of professional secrecy.

This procedure is the same for every client, not just for dangerous/high risk offenders.

See also answer to question 5.

Ireland

Integrated Sentence Management System (ISM)

ISM involves a new orientation in the delivery of services to prisoners and a new emphasis on prisoners taking greater personal responsibility for their own development through active engagement with both specialist and non-specialist services in the prisons. The end result is a prisoner-centred, multidisciplinary approach to working with prisoners with provision for initial assessment, goal setting and periodic review to measure progress.

The 2007 Prison Rules facilitate the introduction of ISM through Rule 75(6) which details the duties of a Governor in respect of sentence management. Under Rule 75(6) the Governor is required to co-ordinate the delivery of all services to prisoners and ensure, in so far as is practicable, the preparation and implementation of sentence management plans incorporating plans for reintegration into society.

It is envisaged that any newly committed prisoners with a sentence of greater than one year will become eligible to take part in ISM. Under current proposals prisoners with a sentence of one year and up to four years will take part in a standard ISM process while prisoners with a sentence of four years or more will take part in an enhanced ISM process that entails more in-depth assessment and more frequent review. Part-suspended sentence prisoners and sex offenders with post-release supervision orders will be included in the enhanced ISM process even if they have a sentence of less than four years.

What are the ISM processes?

Assessment

Newly sentenced committals with sentences of one year or greater are assessed within 72 hours. This First Contact Assessment identifies the needs of the prisoner in several areas such as accommodation, education and offending behaviour.

Referrals are made on foot of this assessment to services within the prison such as Education or Work & Training and outside agencies providing an in-reach service. These services and agencies carry out their own assessment of the prisoner and feed their recommended actions back to the ISM Co-ordinator.

Personal Integration Plan

The various actions recommended are compiled into a Personal Integration Plan (PIP). This is a plan

of actions for the prisoner to complete during his/her time in prison. Those prisoners taking part in enhanced ISM will also be subject to a risk assessment carried out by either the Probation or Psychology Service.

Review

The PIP will be reviewed every six months for participants of standard ISM through a review meeting process between the ISM Co-ordinator and the prisoner with written reports feeding in from the services/agencies involved in his/her PIP. Participants in enhanced ISM will have their PIP reviewed on an annual basis through a case conference which will be attended by the prisoner, ISM Co-ordinator and representatives of the services/agencies involved in the PIP. The risk factors, treatment needs and strengths identified by the risk assessment continue to be monitored during the prisoner's sentence.

Pre-release

Approximately 9 months prior to the release of the prisoner, a Community Integration Plan (CIP) will be developed. This sets out a plan for the prisoner to prepare for his/her release. Important issues such as accommodation, employment or education are addressed to help the prisoner resettle into the community on release and reduce the risk of re-offending.

The Building Better Lives therapeutic programme in the National Centre, Arbour Hill Prison.

The critical need to provide an effective, managed response to men imprisoned for sex offences, particularly those who pose a higher level of risk for reoffending, has been widely recognised in international research (Bumby, Talbot & Carter 2007; Hanson 2006b). Key success factors include;

- Providing evidence based therapeutic interventions in a safe prison environment that supports a success oriented rehabilitation effort
- Using structured risk and needs assessment measures to identify the level and type of intervention required for each offender
- Prioritising therapeutic resources for higher risk offenders
- Ensuring an informed and collaborative release plan that includes a balance of monitoring and provision of appropriate services and programmes based on ongoing assessment of risk and needs in the community

The Management of Sex Offenders in the Irish Prison Service (IPS)

Since 1994, the IPS has sought to address the offending related needs of men imprisoned for sex offences with the establishment of the Sex Offender Programme (SOP) in 1994. Due to declining numbers of suitably motivated participants this programme ceased in June 2008. In 2009, the IPS produced a Sex Offender Management Policy (SOMP), with a fundamental aim of identifying initiatives which would increase the range and availability of and participation in, effective prison based therapeutic interventions. Also in 2009, in line with international best practice, the IPS researched and adopted a successful, strengths-based psychological model of treatment from Canada (Marshall, Serran & Fernandez 2006). Research on the Canadian programme has shown considerably reduced reoffending rates in comparison to international averages (5% vs 11% respectively) for those who participated in this programme (Marshall, Serran & Fernandez 2006; Hanson &

Morton-Bourgon 2009:).

In line with the SOMP the IPS designated Arbour Hill Prison as the National Centre for therapeutic work with sex offenders and the Building Better Lives Programme (BBL) was introduced in 2009. This approach quickly became established and initial results indicated an impressive increase in engagement by the Arbour Hill Prison population.

The multi-disciplinary / multi-agency approach adopted in the National Centre involves in-depth assessment and therapeutic work, comprehensive information sharing between the Psychology and Probation Service, Governor led case conferences for those with higher risk and needs, liaison with community based services and a comprehensive through-care plan for release.

The importance of targeting higher offence-related needs

Whether or not intervention programmes for men who commit sexual offences “work” or not is both a controversial and complex topic. A systematic meta-analysis of the available evidence by Hanson & Morton-Bourgon (2009) indicates a reduction in the rate of sexual reoffending between treated and untreated individuals from 19.2% to 10.9%. They found that that programmes targeting higher risk men have greater impact in reducing reoffending rates.

The IPS has carried out two important research projects, which evaluated the Sex Offender Programme (O’Reilly & Carr, 2004; O’Reilly & McDonald, 2009). This research showed significant positive changes in targeted psychological risk factors known to be associated with reoffending (O’Reilly & Carr, 2004). However, these changes did not translate into lower rates of reoffending at a follow-up period of 6.2 years. There was no significant difference in the rates of reoffending for those who had undergone treatment, 8.9% (n = 124) compared to 7.3% (n = 124) those in the matched untreated control group (O’Reilly & McDonald, 2009). Moreover, both the treated and untreated groups re-offended at the relatively lower “treated” rate found in international research (Hanson & Morton-Bourgon 2009). This suggests that the treated cohort were generally at a lower level of risk and that interventions for those imprisoned for sexual offences in the IPS has in the past failed to recruit the subgroup of offenders with higher need who are most at risk of reoffending and could therefore gain most from intervention.

There is a lack of specific information regarding the percentage of higher risk imprisoned sex offenders internationally. Statistics derived from the BBL in Arbour Hill show a substantial improvement in the identification of higher risk offenders within the IPS. In line with international best practise, there is a need to increasingly focus on targeting higher risk offenders for intervention.

Question 4

Please briefly describe in-custody assessment and evaluation processes that influence or contribute to planning and decision making in preparation for transition management or post-custody supervision/management of high risk offenders. E.g. risk/need assessment, assessment for group or individual programmes etc.

Estonia

- Risk assessment and sentence plan is composed for offenders whose actual prison sentence exceeds one year.
- Risk assessment is composed within 10 days after the court sentence is forced.
- Sentence plan is composed within one month after offender`s transition.
- Risk assessment is composed once a year by the case manager, which contains also evaluation of the changes in the risks.

After first risk assessment, offender`s transition will be decided.

Germany (Mecklenburg-Western Pomerania)

Every inmate in custody is already examined shortly after imprisonment to create a sentence and release plan. For offenders having committed serious sexual offences, homicide or manslaughter, Mecklenburg-Western Pomerania has established a special Diagnostic Centre at the prison of Waldeck. The Diagnostic Centre also has to give a statement before relaxation of conditions and has to evaluate the treatment measures for offenders in preventive detention. Most of the offenders examined in the Diagnostic Centre are likely to be under probation or supervision of conduct after release. Therefore, it is essential to start with a detailed diagnostic process. On this basis, adequate therapeutic measures to reduce the risk of recidivism can be selected or individually created. The competences of the Diagnostic Centre can be summarized as follows:

1. The Diagnostic Centre is responsible for all offenders, imprisoned in Mecklenburg-Western Pomerania, who have committed any sexual offense, homicide or manslaughter (StGB, section 174 – 184b and section 211 – 216) and who have been sentenced to more than 4 years of imprisonment. Furthermore, the Diagnostic Center has to take care of all offenders in preventive detention and all offenders, who have been sentenced to preventive detention, or with conditional preventive detention, regardless of the sentence imposed and the offense committed. For this offender population, the Diagnostic Centre is in charge of sentence and release plans as a result of the basic diagnostic process as well as psychological statements before relaxation of conditions. Such statements are also required for every inmate treated in the socio-therapeutic department of Waldeck prison.
2. Furthermore, the Diagnostic Center is in charge of regularly checking if the sentence plan is carried out properly and of continuing this plan for all detainees in preventive detention, all detainees who have been sentenced to preventive detention or with conditional preventive detention.

Ad 1.)

For the **basic diagnostic process (“Diagnoseverfahren”)** the Diagnostic Centre collects data at the beginning of the sentence concerning the

- individual hypothesis of delinquency (personal, situational aspects of risk),
- treatment neediness, detailed planning and defining necessary treatment placement
- prognosis of intervention possibilities (responsivity, therapy, willingness, motivation, cooperation, ability such as drive and stamina, reflection and introspection, cognitive and emotional capacity, intellectual capacity)
- other individual goals.

The basic diagnostic process results in a **sentence and release plan – „Vollzugsplan“** (compare answer to question 3 above) which is to be implemented and evaluated during the sentence. The **final diagnostics** results in a prognosis for new offenses during relaxation of conditions. Therefore, it is necessary to take the following aspects into consideration:

- Documentation of perception and monitoring of the offender
- Changes in the personality of the offender cause modification of goals of sentencing
- Proof of personal development of the offender
- Evaluation and analysis of treatment and interventions
- Analysis of risk potentials, aspects of protection
- Analysis of situational framework
- Summary of risk of recidivism.

Ad 2.) The **Evaluation of prison sentence of those who are in preventive detention** assures regular control and implementation of the sentence and release plan and its continuation. If the detainee or the prisoner is in preventive detention, special care is offered which corresponds to legal requirements.

The sentence and release plan is periodically updated by the department in which the offender is accommodated. Those updates are important to supervise the development of the offenders concerning individual risk factors identified in the hypothesis of delinquency. If there is no sufficient improvement concerning those risk factors and the prognostic assessment stays pessimistic, the updates of the sentence and release plan contains suggestions for after-custody-measures, for example supervision orders (see question 2).

The diagnostic process for high-risk offenders in the diagnostic centre follows certain **quality standards**:

- Case study only by psychologists (4), assistance (2 trained employees)
- Structured diagnostic process (advantage: structured procedure, specific diagnostic variables, integration of different methods of criminal prognosis, detection of a dynamic prognosis of recidivism and treatment necessity)
- Systematic data collection (investigating files, personal prison files of the offender, expert reports, psychological testing, exploration, behavioral monitoring, prognosis instruments etc.)
- Extensive documentation of relevant data
- Transparency of diagnostics and prognosis
- Aspects of risk and protection at the beginning of sentencing

- Standardized systematic procedure → comparability, possibility of scientific evaluation
- Treatment plan standardized with statements to a treatment necessity and liability potential
- Separation of diagnostics and treatment (better objectivity and prognosis security)
- Quality standards for prognosis reports, prognosis criteria (guidelines according to the model of diagnostic judgement).

Finland

A Senior Planning Officer of the Assessment Centre makes the risk and needs assessment, as well as the sentence plan in cooperation with the prisoner. The goals and milestones in the sentence plan are developed in such a way that if the prisoner reaches the goals, he will no longer commit new crimes and go to prison.

The sentence plan includes special plans in the following matters:

- The necessary level of control in the beginning of the sentence.
- What things should change, so that the prisoner could be transferred to more open conditions.
- What kinds of programs are recommended.

During the sentence, prison officers mark in the sentence plan what has been done according to the goals. At least three times a year the Senior Criminal Sanctions Official assesses whether the prisoner has achieved any goals or milestones. The instructors of each program assess the prisoner's suitability for programs.

The prisoner can actually apply for a transfer to a more open prison. Prison officials pronounce their views on the situation of the prisoner. Senior Planning Officer in the Assessment Centre checks whether the transfer is consistent with the sentence plan, and re-evaluates the needed level of control. The director of the Assessment Centre decides whether to move the prisoner or not.

Prisoners are encouraged to work with the sentence plan, and if they do so, to apply gradually to more open prisons, to release unit and finally to supervised probationary freedom.

Ireland

1. A sentence plan is agreed with the integrated sentence Management officer with the prisoner. This is periodically reviewed.
2. Periodic prison reviews involving all associated inter-disciplinary agencies. E.g. IPS HQ Case Manager, Head Teacher, Addiction services, Probation Service and work training officers
3. Case conferences may commence from 6th -12 months before the end of sentence in order to plan for the transition management. This will include all agencies mentioned on (2) above plus the arresting Gardai, homeless persons unit, HSE, psychiatric services and any other relevant person e.g. family member and the prisoner.
4. Reports are prepared by the internal agencies already mentioned above when the prisoner engages and his sentence is eligible for review by the Parole Board this is generally reviewed yearly or every two years.

Question 5

Please briefly describe transition management and related processes prior to release from custody that have relevance or make a contribution to the transition management or post-custody supervision/management of high risk offenders. E.g. multi-disciplinary/agency planning/interventions, personal plans, case conferences, etc

Estonia

There is not any specific model for high risk offender, but the process is following:

1. If the person will be released on parole:

- $\frac{1}{2}$ or $\frac{2}{3}$ of imprisonment must be served, process starts automatically 2 months prior those dates;
- Prison inform probation about an offender;
- Probation officer controls the place of residence, communicate with the relatives of the offender;
- Probation officer writes an opinion to prison officer;
- Prison prepares a parole report based on risk assessment, progress of the sentence and probation officer's opinion,
- Parole report and personal file are sent to the court;
- The minimum period of probation is 1 year and maximum time is 3 years.

2. If the person will be released to electronic monitoring + parole:

- Electronic monitoring is one opportunity for early release, offender has to apply for it and agree with electronic monitoring;
- $\frac{1}{3}$ or $\frac{1}{2}$ of imprisonment must be served;
- Process is the same as in condition on parole;
- EM period from 1 month to 1 year, offender will be subject for probation order during and after the period of EM.

Court announces a hearing with presence of an offender and also make a decision on release.

Germany (Mecklenburg-Western Pomerania)

Already during the diagnosis procedure, the causes and circumstances of the criminal offence are analyzed in detail. The aim of this analysis exists in the purposeful execution creation oriented to effect. For the integration after the release, the most suitable measures are to be identified to reduce risk as part of a consisted, aim-oriented concept. This also includes early preparation of release – depending on the term of

imprisonment – on the basis of the sentence and release plan (please compare question 3).

The release plan provides measures and support for the transition from custody into community:

- Support with the search of a flat,
- Support with the search of a job,
- Check and if necessary renewal of personal documents (tax identification number, social security identification, identity card)
- Preparation of the registration in the statutory social insurances system (unemployment, health, pension)
- Measures of treatment continuing
- Dates for case conferences with the social services
- Dates for case conferences with police and public prosecutor's offices and the department of supervision of conduct
- Preparation of the electronic monitoring

The release plan is part of the InStar system, described in question 1, and is circulated among the relevant authorities in a determined routine.

To the offender in relaxations of prison conditions or in open prison, the release plan is also a supporting frame to help him prepare the release on his own as far as possible.

Offenders without relaxation of prison conditions will be placed in a release department. This department coordinates the necessary steps for the release according to the release plan.

Finland

The senior criminal sanctions official in prison is in charge of drawing up the release plan, when necessary in co-operation with the prison's social worker (housing, subsistence, family matters), therapist for alcohol and drug abusers (continuity), guidance counselor (education), health care etc.

The release plan is drawn up, where necessary and with the consent of the prisoner, in cooperation with the social, health, housing and labour authorities of the municipality of residence of the prisoner or of the municipality where he or she is staying, in order to improve the adaptation of the prisoner into the society. The reason for doing this kind of cooperation with other authorities is usually based on prisoner's needs, not so often on high risk of recidivism.

The supervision plan is prepared with the parolee ordered to supervision already before the release. The supervision plan provides the supervised parolee information on the regulations and obligations concerning the supervision period. At this point, it is possible to determine roughly which matters need particular attention during the supervision. The content of the supervision plan is also based on sentence plan, which is made at the beginning of the prison sentence and updated during prison sentence. The risks, needs, and resources, which the supervised parolee has in his or her current life situation, are assessed more closely at the beginning of the supervision.

Ireland

Parole Board

The Interim Parole Board was established on an administrative basis in April 2001.

The board's principal function is to advise the Minister for Justice and Equality in relation to the administration of long-term prison sentences.

The Parole Board reviews the cases of prisoners sentenced to determinate sentences of eight years or more. Prisoners serving sentences for certain offences, such as the murder of a member of the Garda Síochána or the Prison Service in the course of their duty, are excluded from the process.

The board, by way of recommendation to the Minister, advises of the prisoner's progress to date, the degree to which the prisoner has engaged with the various therapeutic services and how best to proceed with the future administration of the sentence.

The final decision regarding the recommendations of the Parole Board lies with the Minister, who can accept them in their entirety, in part or reject them.

Probation Service High Risk Team

The Probation Service has established a specialist team of Probation Officers to manage selected assessed high risk sex offenders returning to the community within the Dublin area. These offenders present complex needs and risks, due to the offences, length of time in custody, homelessness, mental health issues and media profile. Case loads are small due to the demanding nature of the management required.

Preparation for release commences well in advance and Governor convened case conferences invite the range of statutory and voluntary partners to attend to plan for management on release. Among those who attend include health, housing, police and community supervising Probation Officers.

The High Risk team work in close co-operation and co-ordination with other criminal justice agencies and with support services in the community.

Question 6

Please briefly describe post-custody supervision/management and related processes after custody that have relevance to or make a contribution to the post-custody supervision of high risk offenders. E.g. , authorities involved, frequency of contact etc.

Estonia

- In condition of releasing on parole, the work with an offender continues. The probation officer has all information, what is done in prison.
- The minimum period of probation is 1 year, is not tied with the rest of the sentence and maximum is 3 years;
- High risk offender are more often released on electronic monitoring;
- Registration before sentence plan at least once a week, after sentence plan at least twice per month;
- Home visits/ alcohol and narcotics tests are performed more often by the probation officer;
- Cooperation with probation and prison more often (with the security department).

Germany (Mecklenburg-Western Pomerania)

This question is related to question IV.1. and 3 of Workshop 1.

Please compare the answer given.

The new Prison Act MWP (StVollzG M-V) also stipulates a new form of post custody management (StVollzG M-V, section 44).

Prison officers or other prison staff members can support the aftercare process of released prisoners inside and outside prison, if their reintegration would be endangered otherwise. This instrument can be used in the first six months after the release.

Finland

In Finland very few things are designed especially for high risk offenders. When we know that a high risk or in other ways demanding prisoner is to be released, we naturally do take that into consideration when planning the release. The issues that get special attention are the following:

- the selection of the supervisor; a high risk violent prisoner will get a supervisor with a long working experience with parolees of this kind
- the release plan and the release itself is planned carefully in cooperation with various officials; accomodation is a priority and the supervisor is in contact with the released person several times before the release

- if necessary, appointments are agreed more frequently right after release than later on
- members of organised crime are a special challenge; they are seldom interested in a change of lifestyle, but because of their risk of recidivism it is required that they meet up regularly and are offered the possibility of for example participating in suitable programmes
- for sexual offenders a possibility of sexual therapy is tailored, if the person is motivated and if the services are available in the municipality where the released person lives
- in some cases supervisory meetings can be arranged in cooperation with the police
- participation in programmes is offered to everyone, but especially to this group of clients
- also a method of "circle of support" especially for sexual offenders has been tried out in some individual cases

The lack of resources forces us to prioritize. We try to focus on those that need the support most and are motivated towards desistance and at the same time try to motivate those that should make a change but are not just there yet.

Ireland

The Criminal Justice Act 2006 was signed into law on 16th July 2006, with Part 10 (of specific relevance to the Probation Service) coming into effect from 2nd October 2006. Section 99 of Part 10 relates to suspended sentences and is used by the Courts to impose sentences which combine periods of imprisonment with periods of post custody supervision.

Under the Act, when suspending in part a sentence of imprisonment, a Court may add specified conditions, namely:

- The offender co-operate with the Probation Service for the purposes of his rehabilitation and the protection of the public [Section 99(4)(a)]
- That the offender undergo a course of treatment or programme approved by the Court, i.e. [Section 99(4)(b)]
 - treatment for drug, alcohol or other substance addiction
 - a course of education, training or therapy
 - psychological counselling or other treatment

That the person be subject to the supervision of the Probation Service.

PRISON: PRE-RELEASE PHASE

This phase is defined as the final 12 months of the custodial sentence. Where the prisoner is serving in excess of 2 years, an LSI-R and PS/ROSH¹ is completed by the prison based Probation Officer 12 months before the EDR/Remission date. The prison based Probation Officer, in cooperation with the community based Probation Officer and the offender, formulates a Pre-Release Case Management Plan to incorporate the conditions

¹ And/or other relevant risk assessment instrument e.g. if the offender is serving a sentence for a sexual offence

imposed in the order.

Consideration is given to re-entering the case before the sentencing Court for the **imposition/varying of the conditions imposed**. This facilitates the Service in ensuring appropriate conditions are in place to manage the risks posed by the offender and to protect the public. The prison based Probation Officer ascertains the details of the offender's proposed address on release to facilitate assessment of suitability and case transfer. Prior to release, the prison based Probation Officer notifies the offender in writing of:

- The existence of and details of the order;
- The contact details of the supervising Probation Officer;
- The details of the first appointment of supervision in the community (copy to be retained on file).

The first appointment for supervision in the community is to be within five working days of the offender's release from custody.

Subsequent supervision sessions and their frequency should be outlined at this meeting and recorded on file (based on assessed level of risk). The offender must comply with the conditions of the order. Should the offender fail to comply with any conditions and/or supervision plan, the Probation Officer must inform and consult with his/her SPO. At the end of the supervision period, files are to be closed promptly with a closing summary of work undertaken with the offender.

Question 7

Briefly describe how post custody non-compliance and break-down is addressed and managed. E.g. recall to custody,

Estonia

- If offender breaks the obligations, probation officer will write a recall report to the court;
- Court has two opportunities for offender – offender continues with post-custody or has to serve his/her sentence in prison. If court decides to continue with post-custody, the court can set extra obligations for probation.
- If a probationer commits a criminal offence, then the unserved part of the previous sentence is enforced.

Germany (Mecklenburg-Western Pomerania)

I. Probation

Non-compliance can result in a recall to custody according to StGB, sections 57(5), 56f, for prisoners who have been conditionally released (StGB, sections 57, 57a). A recall is, however, a measure of last resort and only admissible where the order of further directives and obligations or the prolongation of the probation term are deemed insufficient.

II. Conditional release from preventive detention

Non-compliance can result in a recall to custody (preventive detention) according to Criminal Code, StGB, section 67g.

III. Supervision of conduct

Violations of court orders constitute a criminal offence punishable with a prison term of up to 3 years (StGB, section 145a).

Finland

The possible consequences include a written warning, a request to be fetched by the police, or a notification to the prosecutor. In case of a gross violation of the obligations, the court may order 4 to 14 days of the remaining sentence to be enforced. During that time the supervisor should be in contact with the client in prison and motivate him to get back on track.

Breaching of the conditions does not automatically lead to the supervised person being sent back to court/prison, as these conditions are not ordered/sentenced by the court. Only serious breaching (i.e. not showing up at all at the community sanctions office or criminality during probationary period) lead to the supervisor reporting the breaches to the prosecutor.

Ireland

Temporary Release (The Criminal Justice Act, 1960 as amended by the Criminal Justice (Temporary Release of Prisoners) Act, 2003)

A person who breaches the conditions of his temporary release is considered to be unlawfully at large and can be arrested by the Garda Síochána and returned to prison to complete his sentence.

Where supervision by the Probation Service is a condition of the **temporary release** the Probation Officer must report a breach of conditions to the Irish Prison Service

The Prison Service notify the Garda Síochána, in all cases where there is a breach of a condition of temporary release, that a prisoner is unlawfully at large and conduct an appropriate disciplinary adjudication process following the arrest and return of the offender to custody.

The time on temporary release does not count towards time served for the original conviction.

Post release supervision order (Sex Offender Act 2001)

Prosecution in respect of a breach of the conditions of a post release supervision order must be taken to the District Court as provided for in Part 5 of the Sex Offenders Act, 2001.

Suspended Sentence (Criminal Justice Act 2006)

An infringement of a condition of a sentence suspended by a Court is a matter for that Court.

Where a person is convicted of another offence during the period of suspension (being an offence committed during that period) before determining sentence the court must refer the person to the original sentencing court to deal with the question of whether the order imposing the partially suspended sentence should be revoked.

In the case of any other infringement it is for one of the following to take action

- Member of the Garda Síochána (Police force)
- Officer of the Probation Service

Depending on the nature of the infringement either of the above may apply to the court to fix a date for the hearing of the application for an order revoking the suspended sentence order where he or she has reasonable grounds for believing that a person to whom such an order applies has contravened a condition of the order.

Question 8

Please briefly describe key partnerships or joint working arrangements not already referred to in this summary that are important to transition management or post-custody supervision/management of high risk offenders. E.g. Community based homelessness services etc.

Estonia

1. In Estonia, there are some projects which are tested at the moment:

- Treatment model is tested in Tartu Prison (developed by the ministry of justice) – the aim of the project is to develop different treatment model and action with offenders. If the risk of the offender is low, then he/she should need less intervention and if the risk of the offender is high, he/she should need more intervention.
- In Tallinn Prison, there is tested “Probation officer’s intervention to the prison before an early release” – the aim of the project is to include probation officer to the process of offender’s releasement. The probation officer`s work with the offender start already in prison and continues on probation.
- Service of the support person – in Viru Prison and in Tallinn Prison, there are volunteers, who help offender in the process of releasement. It means at least 6 months before offender’s releasement, volunteer will speak with offender, help him/her to solve the problems, if needed, will contact with local government e.c. Volunteer will also continue working with offender in the community.
- Treatment model for the youngsters – In Viru Prison, there is a system of motivation to young offenders. It means every time when offender behaves correctly, he gets points, which will be counted and then he/she will be promoted.
- From June 2013 – replacement therapy for sex offenders. It is possible for the offenders, whose sentenced imprisonment is between 6 – 12 months. As an alternative to imprisonment is one possibility to replace it with the therapy. Therapy is also possible as an early release. Therapy is for the offenders who have controlled psychological disorder and they have to agree with it.
- The Ministry of Justice is developing better cooperation with agencies like police, NGO, local government e.t.c.

2. If offender serves full sentence and is released then two months prior to the end of sentence a case manager send a letter with necessary information about offenders needs and abilities to the local municipality social worker. It is an obligation of the local municipality to provide necessary shelter and support in the community

3. If offender does not have Estonian citizenship and has committed dangerous offence, then The Board of Citizen and Migration asks report about the offender from the prison. If offender does not have any relation with Estonia (born in Estonia, married in Estonia etc), then there is opportunity, that this offender is sent out from country.

Germany (Mecklenburg-Western Pomerania)

Every prison in Mecklenburg-Western Pomerania works in a joint working arrangement –fixed in writing-together with statutory and non-government organisations in order to improve the reintegration of the offender into community.

Parts of this agreement are the relevant prison and probation services and the employment agencies. The employment sector does usually not consider the released prisoner or the probationer as its first choice. By the arrangement counselling and the continuity of vocational training after release, as the availability of home and workplace shall be granted. As Mecklenburg- Western Pomerania is a long distance country, many public institutions in different places have to be involved, partly far away. The arrangement provides more exchange of information and a method of cooperation.

Finland

In Finland we have a reasonably good public system through which many prisoners get accommodation and income services at release. However, many prisoners are not capable of receiving the services, as they are developed for people with not as many problems as released prisoners have. The main problem is addiction to alcohol and/or drugs. Of course there are municipal services also for people with problems. The NGOs step into the picture when problems are difficult to overcome or when released people need peer support.

The released prisoners are helped with getting into contact with the NGOs as well as other services. Some of the NGOs are described in the following text.

The Probation Foundation (Krits) is a non-profit after-care foundation for sentenced offenders and their families.

KRITS strives to improve the position and performance in society of those sentenced to prison and of their families. KRITS develops after-care and improves services, influences criminal policy, promotes the interests of its target group and supports voluntary work.

KRITS actively implements projects aiming to promote the provision of necessary services in the society and to improve the position of those committed to rehabilitation. KRITS also grants assistance for various types of development projects in the after-care sector and voluntary work.

KRITS provides supported housing services in the Helsinki area and runs contact point Redis that offers peer support, service counseling and alcohol- and drug-free leisure activities. KRITS's Ombudsman for Probation and After-care offers services nationwide.

Aggredi programme in Helsinki area

Aggredi programme is financed by RAY (Finland's Slot Machine Association). Aggredi focuses on the offenders of street violence. The aim of the programme is to create a system based on partnership and collaboration that enables a fast and efficient intervention in the lives of young adults that have drifted to problems due to violence. The aim is to break away destructive patterns and to make way for new opportunities and behavioral patterns within the target group.

The programme's target group consists of 18 to 39-year-old offenders that have committed serious crimes of outdoor violence and already have a strong experience or fear of getting into vicious circle of violence.

C.R.I.S - Criminals' Return Into Society

C.R.I.S is an international non-profit-organization that exists in eight European countries. The organization started in Sweden in 1997, and the first CRIS-association in Finland was started in 2003.

In Finland CRIS operates in seven different localities (31.3.2010). The keywords are honesty, solidarity, comradeship and abstinence from drugs. The experience of the older members, concerning a criminal way of life and above all the break from it, is the basis of how C.R.I.S. tries to help other people in similar circumstances.

Silta-valmennus

Silta is a non-profit association established by non-governmental organisations in Tampere in the year 2001. The primary task of Silta is to increase societal equality, participation and welfare by coaching and helping hard-to-employ people to improve their ability to work and to function, and to find their place in society.

Ireland

As part of the management of high risk offenders the Probation Service works with partner services and agencies to support the secure resettlement of high risk ex-prisoners leaving custody, thereby minimising the risk of re-offending and harm to the community and providing appropriate support and supervision where possible.

The Probation Service has worked closely with the Multi-Agency Group (MAG) on Homeless Sex Offenders in developing a plan to compliment the Homeless Agency's "Pathway to Home" which was a new model of homeless, housing and support services put in place in 2009. Research has shown that "*stable accommodation contributes both to the successful rehabilitation of the offender and to the protection of the community in which that person lives.*" The plan provides for a multi-agency approach to the provision of accommodation for post-release sex offenders.

SORAM

1. Introduction

Legislation is being drafted which will place the responsibility for the management of convicted sex offenders with the Commissioner of An Garda Síochána and the Director of the Probation Service. In anticipation of this, the Sex Offender Risk Assessment and Management (SORAM) system was developed by An Garda Síochána and the Probation Service for the joint assessment and management of the risk posed within the community by convicted sex offenders.

As the legislation is expected to direct a multi agency approach to risk management, both the HSE Children and Families Service and the Irish Prison Service have become actively involved. Having been piloted since 2010, an evaluation of the SORAM model clearly shows that it enhances the process of protecting the public, including the protection and welfare of children, and the prevention of further offending. These are the central aims of the joint work undertaken by all organisations concerned.

2. Aims and Objectives of SORAM

SORAM has been established to support enhanced levels of co-operation and co-ordination between key statutory organisations involved in **managing the risk posed to the community** by convicted sex offenders and in **safeguarding the welfare of children**. Led jointly by An Garda Síochána and the Probation Service, and with the active support of both the HSE Children and Family Services and the Irish Prison Service, SORAM supports effective practice by providing a:

- (i) Structure for national and local joint working arrangements;
- (ii) System to ensure that persons subject to the Sex Offenders Act, 2001 and under the supervision of the Probation Service are appropriately risk assessed, and effective management plans are prepared and implemented;
- (iii) Greater understanding of offender behaviour amongst appropriate personnel of each organisation;
- (iv) Increased awareness amongst each organisation's personnel of the importance of inter-agency working in the area of sex offender management;
- (v) Pro-active approach to encouraging, supporting and assisting other appropriate agencies in becoming involved in the SORAM model;
- (vi) Commitment to gain and share experience of how joint working can best operate in practice;

(vii) Robust model which can be implemented throughout the State.

3. Background and Context

The Sex Offenders Act, 2001, requires that offenders convicted of specified sexual offences notify An Garda Síochána of their address, and certain other details, for periods determined by the sentence imposed by the Court. The Act further requires that the Courts, in imposing a sentence on such offenders, consider imposing a period of post release supervision by the Probation Service. Both these agencies have responsibilities for Child Protection in accordance with Children First guidance².

In accordance with Section 3 of the Child Care Act 1991 the Health Service Executive (HSE) Children & Family Services are responsible for promoting the welfare of children and ensuring that children are receiving adequate care and protection. As a substantial number of offenders in the SORAM process may pose a risk to children the HSE Children & Family Services have joined and are actively involved in the SORAM process from a child protection & welfare perspective.

As many sex offenders (particularly the more serious, persistent and violent offenders) come into the SORAM process having served a custodial sentence, the Irish Prison Service are now actively involved in SORAM at a National level.

4. Sex Offenders to be included within the SORAM process:

All sex offenders residing within the pilot areas who are:

- (i) subject to Part 2 of the Sex Offenders Act 2001 (notification requirements) and
- (ii) who are subject to the supervision of the Probation Service

will be considered within the SORAM process. However SORAM may also discuss other convicted sex offenders who have either obligations under the Sex Offenders Act 2001 or are under the supervision of the Probation Service and about whom either service has concerns regarding public safety, including the protection and welfare of children³.

More specific detail on determining the cases for inclusion can be found in section 7.3 (page 9).

5. Risk Assessment

The SORAM process involves the use of two risk assessment instruments which have been introduced on an all island basis for use by police and probation services.

- (i) Risk Matrix 2000 (RM2000): A static instrument which estimates the likelihood of reconviction. It bands offenders into one of four risk categories (low, medium, high and very high).
- (ii) Stable and Acute 2007: A dynamic instrument which identifies targets for intervention for managing the assessed risk.

6. National SORAM Steering Group

The SORAM model is designed to operate at both a national governance and guidance level (National SORAM Steering Group), and at a local operational level (Local SORAM Team). The SORAM process is

² The SORAM process is designed to complement and not to replace in any way the existing child protection and welfare procedures outlined in *Children First: National Guidance (2011)*. *Children First* procedures must be observed by all participating agencies at all times.

³ In such cases it is anticipated that the National SORAM Steering Group, comprising of the Sex Offender Management and Intelligence Unit, An Garda Síochána, the Probation Service and the Irish Prison Service, will be involved. In the case does not require a SORAM RAMP form to be completed as it will be managed on a single agency basis.

- High Risk Offender Management Team, Probation Service
- Children and Family Services, HSE⁴
- The Irish Prison Service

This National Steering Group has responsibility for guidance and support of the pilot, including:

Question 9

Please briefly **describe two particular initiatives, challenges or issues (one in custody and one in the community)** contributing to or arising in transition management or post-custody supervision/management of high risk offenders that you wish to highlight in a workshop presentation.

Estonia

1. In custody - our main issue is that we don't have special treatment plan for high risk offenders. Risks of the high offenders are reduced same way as the risks of the other offenders. They have same programmes and courses and the decision of participation in any programme or course is made on the basis of factors that are tending and causing a criminal behavior not on the basis of risk level.

2. In the community - our main issue is that we don't have a working cooperation between local governments and probation offices. Our local governments are not involved with the risk reducing process in the community. Also we have a lack of social services that will help the offenders to return to society.

Germany (Mecklenburg-Western Pomerania)

We would like to focus on the theme of this workshop "comparison" by

Either: explaining the transition management along a prepared case (from the sentence to the beginning of imprisonment to release of prison to supervision of conduct to reintegration into community as an ex-offender)

Or: a common discussion in the workshop on the basis of a presentation. This presentation shall provide the answers of the partners to the questionnaire. By a step-by-step method the elements of the transition management /the process are explained by all partners.

The chosen method should be announced in the agenda and referring documents circulated before the workshop.

Further answer to question 9:

In custody:

Release preparation

In custody there is a special department established in the closed prison focusing on supporting the release of prisoners.

In the prison of Waldeck there is a certain department in the closed prison, which is designed for 24 prisoners who still have around 12 months before the regular end of their sentence. These are prisoners who were either not motivated to participate in treatment or resistant to treatment and / or were transferred back from the socio-therapeutic department or the open prison. Therefore they are mostly considered with a high risk of misuse of relaxations of conditions or escape so that they

are not eligible to leave the prison by themselves to prepare their release.

Once transferred to this special unit there will be a first talk with the prisoner in order to clarify his needs and establish the course of action. Then, a release-plan will be created which will also be sent to the Social Services in the community (probation officers). There, the administrative responsibility will be clarified and an appointment in the prison (participants being the prisoner, prison officer / social worker from inside the prison and probation officer) will be arranged. The aim of this appointment is to get to know one another and agree on and set some goals for the time after release. From that moment on, there will be a close contact and exchange between the prison and the Social Services in the community.

The Prison serves as the coordinator of all persons, agencies, services and organizations involved in the process of release. It consults, informs and animates the corresponding services as demanded.

To realize the aims of the release-preparation there are an average of two accompanied leaves per inmate during that time. There are also monthly committee meetings between the different cooperation partners involved in the release-process to handle any current changes.

In Community:

The programme “FoKuS” (abbr. for “For optimized control and security”) is an administrative act for justice and police in Mecklenburg – Western Pomerania concerning the target group high risk offenders (see also answer to question no. 1). 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.

Finland

SUPERVISED PROBATIONARY FREEDOM - initiative/issue in custody

A new transitional procedure called supervised probationary freedom has been in use in Finland since 2006. A prisoner serving either a fixed-term or life imprisonment can be placed in probationary freedom a maximum of six months before his or her release on parole. For prisoners serving the full sentence in prison, supervised probationary freedom of 3 months is obligatory. And usually Helsinki Appeal Court orders supervised probationary freedom of at least 3 months to all life sentenced prisoners before release on parole.

Experiences of supervised probationary freedom have been positive. Supervised probationary freedom enables a well planned, secured, supported and controlled release. Also the first research results concerning reoffending after probationary freedom have been encouraging.

In May 2013 the number of prisoners in probationary freedom was 180.

The prisoner is presumed to comply with abstinence from substances and other conditions of the supervised probationary freedom. Supervised probationary freedom requires a release plan, which includes information on, e.g., the housing arrangements and livelihood of the released offender, rehabilitation and other activities (work, studying, leisure time), the daily schedule and the supervision of the probationary freedom. Prisons and support patrols (which are a recently established groups of prison officers) are responsible for the supervision

of probationary freedom. It is done by phone, drug tests and support / control visits. Electronic monitoring is also used.

In planning and carrying out probationary freedom a lot of co-operation and network is done with other authorities and NGOs. For example some prisoners can get an apartment during supervised probationary freedom from the Probation Foundation KRITS, which is a non-profit after-care foundation for sentenced offenders and their families. KRITS has also a special housing unit with support services for high risk offenders under probationary freedom

INTERACTION BETWEEN CLIENT AND SUPERVISOR - challenge in community (and custody as well)

In Finland we don't believe all that much in restrictions and use of disciplinary measures in cases of non-compliance or with clients that have done themselves guilty of violent crimes. For example, non-compliance in community sanctions results in custody only when breaching is very serious. Also, the life sentence in Finland is not as long as in many other countries (at the same time as the recidivism of life prisoners is very low,). The basis of our client work is built on interactive communication with our clients. That was especially typical before any programmes or other structured measures existed. Interaction skills, however, are for most of us not possible to learn at the university or other schools. They develop and shape up as we get more experience with client work and work with sentenced people who have a large variety of problems in their lives. The important elements as we see them are

- professional judgement (instead of applying the same rules whatever the situation)
- promoting and guiding the staff to use their power of control in a wise, timely and constructive way, to be flexible when needed and on the other hand be strict when appropriate and necessary
- guiding the staff to work in a way that will help the clients to commit themselves to what is agreed and to take responsibility
- promoting the social work skills and professional know-how of staff.

Thus we see the challenge as follows: How do we develop interaction skills of the staff and use them in a way which will enable us to work effectively with our clients?

Ireland

Community :

The Probation Service co-facilitates a sex offender treatment programme in the community. This programme currently runs in Dublin (2) and Cork cities. Referrals are made by Probation Officers of prisoners coming out of prison under supervision with conditions and of offenders on community supervision caseloads. Entitled the Safer Lives programme, it is informed by the strengths-based approach of Marshall (Marshall et al, 2006).

The programme is predominantly cognitive behavioural, while also incorporating aspects of Schema therapy (Young, 1999). A range of psychotherapeutic approaches inform practice. From a psycho-educational point of view, there is a focus on theories of attachment and development, including sexual development. There is an emphasis on relationships, and this is reflected in the focus on establishing and maintaining the therapeutic relationship. Drama, role play and other experiential methods are employed.

The programme is a rolling format. Sessions are 5 hours in duration and run weekly for 12 to 14 months. A limited 1:1 service is offered for those who are not ready or suitable for inclusion in the group programme. The programme delivery team is made up of two Probation Officers, a Psychologist and the Programme Co-ordinator (a seconded Probation Officer).

The Probation Service is interested in how this, or similar programmes, could be used to support the resettlement of high risk offenders on release, continue interventions initiated in custody and reduce re-offending risk among released high risk offenders.

Prison

Engagement and access to mainstream services is a challenge requiring mutual understanding and trust among the agencies and service providers. Many issues arise in the management of transition among the many providers, authorities and interests involved. How this delicate and sensitive process can be managed and sustained through crises and emergencies merits particular attention to minimise risk of breakdown, re-offending and victimisation in the community.

