



**REPORT**  
**BEST PRACTICE STRATEGIES AND PROGRAMMES FOR DEALING**  
**WITH HIGH RISK OFFENDERS AND FOR THE DESIRED CONTINUITY**  
**OF TREATMENT AS WELL AS FOR TRANSITION MANAGEMENT**

## 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 Finnish partners, the Criminal Sanctions Agency and the Ministry of Justice hosted workstream 3 workshop in Helsinki between 30<sup>th</sup> October and 2<sup>nd</sup> November 2013.

The aim of the third JCN project workshop was to identify best practice strategies and programmes for dealing with high risk offenders and for the desired continuity of treatment as well as for transition management.

This report includes the conclusions of workstream 3, an updated list of best practices that was agreed on in the Helsinki workshop and responses to the questionnaire that was distributed to all partners before the workshop in order to collect information about the best practices in each country. The reports of subgroups that worked during the workshop in Helsinki are attached to this report.

### CONCLUSIONS OF WORKSTREAM 3

The workshop of workstream 3 took place in Helsinki on 30th October – 2nd November 2013 to identify and analyse best practices that are available for dealing with high risk offenders. From the same point of view the aim of this workshop was to look at the desired continuity of treatment and the transition management of high risk offenders.

In the previous workshops in Tallinn and Dublin we had compared the existing systems in the partner countries. In Helsinki our goal was to focus on the ideal system, i.e. to look at the best practices in each country. In spite of the different systems in partner countries, the workshop participants found that there are many similarities in values and in the way we look at things. For example, everybody agreed that all high risk offenders should be prepared for release gradually, through for instance prison leaves, open prisons, half way houses, supervised probationary freedom etc.

We found that we share many of the same principles, which will help us to develop a model for handling high risk offenders that all partner countries can agree on.

Some of the principles could not be agreed upon. The most significant distinctions appeared to be in the participants' view of the role of the courts defining the content of the sentence. There is, however, consensus that the court sentence should have no impact on transition management. In other words, we agreed that it is not timely for the court to take a standpoint on the dangerousness or need of intensive supervision of the offender at release because the risk of reoffending can change during a long prison sentence.

In putting together the workshop programme the Finnish team wanted to bring forward the point of view of research as well as the NGOs and peer support. The aim was also to support the discussion of principles behind good practices by showing the documentary “The Road from Crime”, which was produced to share knowledge and improve understanding about why people desist from offending. The film project was led by professor Fergus McNeill (<http://www.iriss.org.uk/resources/the-road-from-crime>). The message of the movie was accepted by all participants and it gave us a good basis to formulate the achievements of workstream 3 and to look ahead to the next workstream.

During the workshop it was decided to revert to the original definition of a high risk offender agreed in Tallinn as, on reflection, the revision agreed in Dublin was not needed. Thus the definition of a high risk offender is as follows: “*A high risk offender is someone who presents a high probability to commit crimes which may cause very serious personal, physical or psychological harm*”.

The preparation of workstream 3 was started by sending the partner countries a questionnaire, which was based on the questionnaires of the earlier workstreams. The aim of the questionnaire was that the partner countries, using the information from the findings of workstream 2, would

- thoroughly analyze and describe their own views of the desired continuity of treatment and best practices in their countries
- explain why the described processes were good
- bring forward the best of their own or other countries' good practices.

After receiving the answers the Finnish team picked out good elements and principles which were used as working material in three sub-workshops in the Helsinki workshop. The Finnish team also listed actual good practices that the partner countries suggested in their answers. This list was also worked on and updated during the workshop. The good elements and principles were written down on paper and displayed on the walls of the workshop meeting rooms, which made it easier to analyse the material.

The first sub-workshop looked at legislation and court practices, the second at assessment processes and custody and the third at work prior to release and in the community. The power point reports of the workshops are enclosed.

All participants in all three sub-workshops saw that community guarantee should be laid down by law in order to make sure that offenders are re-integrated into the community and helped along this process by municipal authorities. In the view of the participants it should not be the Prison and Probation Services that primarily work with the offenders in the transition phase. This point of view is also important to remember when putting together the programme of the German workshop.

Another important aspect which should be taken into consideration when planning the next workstream is the balancing between security matters and issues of rehabilitation and re-integration of offenders. These factors should not compete against each other but be combined in a way which promotes both security and rehabilitation.

The Council of Europe is presently preparing recommendations concerning dangerous offenders. The draft document is called: *Draft Commentary to the draft Recommendation CM/Rec 2013)... of the Committee of Ministers to member states concerning dangerous offenders: PC-GR-DD(2013)* It is recommendable to get acquainted with these recommendations and discuss what their linkage to the work of our project is.

## LIST OF BEST PRACTICES

This list was updated during the Helsinki workshop. A number of the good practices have been taken away from the original list after the discussions in the workshop. Some of the good practices were thoroughly discussed in Helsinki, but some are still on the list based on the answers of the questionnaire. This list can therefore not yet be considered as final, also because some practices are working methods and others depend on the legislation of the country.

### Legislation and court practices

#### Legislation

- Community guarantee (Finland)
- A special treatment programme for certain group of prisoners, Prison act, section 17 (Germany)
- Temporary release (Ireland)

#### Court practices

- Supervision of conduct for those who have served full sentence (Estonia)
- Automatic release, no individual consideration about the release date (Finland)
- Requirements of the Sex Offenders Act (Ireland)
- Post release supervision order (Ireland)

#### Assessment processes and custody

##### Assessment

- Special tool & multidisciplinary team to deal with sex-offenders (Estonia)
- Multidisciplinary risk and need assessment for high risk offenders (Finland)
- Diagnostic centre assesses possible high risk offenders as a part of the transition management process (Germany)
- PS / Rosh (Probation Service Rosh of Serious Harm) (Ireland)

##### Custody

- A sentence plan bearing in mind the full length of the sentence - updated regularly (Estonia)
- Multidisciplinary team managing the transition process (Finland)
- Standardised system used in the diagnostic centre among the psychologists (Germany)
- ISM - integrated sentence management system (Ireland)

#### Work prior to release and in the community

##### Preparing for release

- Multiagency co-operation (Estonia)
- Supervised probationary freedom (Finland)
- INSTAR: information exchange between prison and probation (Germany)
- Multi-agency pre-release case management conference (Ireland)

##### In the community

- Community guarantee (Estonia/Finland)
- FoKuS for optimized control and security (Germany)
- Post custody supervision (Ireland)
- SORAM Sex offender risk assessment and management (Ireland)

## COMBINED ANSWERS TO THE WORKSHOP 3 QUESTIONNAIRE

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 Helsinki 30<sup>th</sup> October – 2<sup>nd</sup> November 2013

WS 3 in Finland: Identifying best practice strategies and programmes for dealing with high risk offenders and for the desired continuity of treatment as well as for transition management

When answering, keep in mind the point of view of a prisoner, equity/rightness and meaningfulness of the process from the point of view of rehabilitation:

The task of each country is

1. To analyse and describe your idea of the elements/processes of the transition management that are needed to ensure the desired continuity of treatment from the point of view mentioned in each box.
2. To explain why the elements/processes you describe are good.
3. In each box mention one good practice that you want to bring forward.
  - You don't have to find a good practice for each column, but the aim is that each partner finds at least three good practices in all.

The intention is that each country uses the information **from the findings of the Dublin workshop**. If you can't, from your point of view, find good elements of the process from the material produced by other countries, you may of course use other sources. In that case, please mention the source.

We don't intend you to give a completely comprehensive answer or create a new pan-European model or system of law and pre/post custody system. What we are looking for is insight and inspiration about important principles in different phases of the process and descriptions about why they are good, according to you. When comparing the systems of our countries, we believe that valuable and interesting thoughts, ideas, possibilities and best practices can turn up. When looking for ideas of possible elements of good transition management use creative thinking and don't get stuck in the existing legislation!

1. In the Dublin questionnaire you described laws, legal directions or policy directions that impose specific requirements/obligations on transition management or post-custody supervision/management of high risk offenders. Using these answers as background material please answer the following question or reflect on other relevant elements or factors:

In your opinion, is it necessary, and to what degree, to define by law a high risk offender? What is your opinion on how far or to what extent should the supervision and the process of treatment or rehabilitation be defined by law?

## ESTONIA

In our opinion there is no urgent need to define the term high risk offender by a law. Special regulation regarding treatment or management of different categories of offenders can be regulated in secondary legislation and working guidelines applied inside organisation.

However, it is necessary to have a pre-sentence reporting system at place and regulated by law. This is needed for judges in order to get better understanding about offender prior sentencing decision. The information about offenders risk level might be pretty important and influential piece of information for further actions.

### Good example:

- ✓ According to the Estonian practice the pre-sentence report is conducted mainly for juvenile offenders. Also there is pre-release report for everyone whose case is sent to the court for parole hearing. Both reports consists an overview of the offenders profile and level of risk, already taken actions and recommendations which contribute into better decision-making capacity regarding punishment and possible additional conditions.

A notice: As a problem we have to admit that pre-sentence report is despite the legal possibility in most cases not used by adult offenders.

## FINLAND

We consider it is not needed to define the concept of 'high risk offender' by law. Stigmatization should be avoided.

We think it is urgent that the date of release / parole should be determined and defined by law already when the sentence begins when possible. For life-sentence prisoners there should be procedures to determine the conditional release date at least 6 to 12 months before release. Only when the date is known early enough (lifers) or before the sentence, the preparation for release (release plan) can be properly planned in time and the transfers to more open facilities and supervised probationary freedom may be planned and carried

out.

The length of supervision and intensive supervision should be stated by law. In secondary legislation or in directions there could be more detailed regulations on what intensive supervision means e.g. the content of the individual supervision plan and how many meetings with supervisor there should be in the first phase and later on.

It would be extremely beneficial if legislation would order other authorities (welfare services, substance abuse treatment, accommodation, training, employment services and so on) duties to offer released prisoners and offenders serving community sanctions services which are needed to better integrate them into the society. For high risk offenders the services should be intensive. This kind of practice is in use in Norway (community guarantee) and in Denmark.

The police should be informed about the release of high risk offenders.

We don't think it is necessary or indeed even sensible for the court to sentence the offender to participate in programmes. The sentencing court does not have the necessary information on the risk of recidivism of serious harm, neither does it have the information on the offenders' suitability to certain programmes. In Finland the law requires the offender to participate in activities defined in the sentence plan. The risk of recidivism is not stable, therefore it is important that the work with the offender is individual and reflects his current situation.

**Good practice:**

Community guarantee as in Norway and Denmark: The legislation stipulates responsibilities to state / municipal authorities to arrange services to released prisoners according to their needs. Nobody should be released to unemployment or without accommodation etc.

**GERMANY**

It is not necessary to define a high risk offender by law. A definition by law could be too rigid and increase the risk of stigmatism significantly. The Prison Act of Mecklenburg-Western Pomerania stipulates a procedure of diagnosis which includes the investigation of the personality, the living conditions as well as the causes and circumstances of the criminal offence. All aspects which can be necessary for an effective treatment during detention and the integration of the released into society are to be examined. The process is done by standardised documents (Instar). *Details to the Instar process you find in the answer to question 5.*

The statutory law in Mecklenburg –Western Pomerania stipulates in section 17 (2) of the Prison Act the settings for social therapy as a method for reducing dangerousness. This still gives room for individual diagnosis.



Supervision itself is fixed by law (section 68 ) German Criminal Code), please compare the German answer to question 1 of the Dublin workshop report (p.4-5)

A law giving a frame for the process of transition management could be helpful to meet the needs of ex-offenders and coordinate the work of all participating institutions. (Priso, probation and community services, social service providers pp.) The released offender could find himself integrated in a system of hand in-hand-working authorities, giving him or her kind of a “red line” up to six months after the release. The co –operation of the acting authorities would be transparent with clearly defined responsibilities. By this the danger of recidivism could be visibly reduced.

### **One good practice:**

As stipulated in section 17, the Prison Act of Mecklenburg-Western Pomerania opens a special treatment programm for certain groups of prisoners. This is supposed to have a direct impact on the process of rehabilitation after or post release of the offender.

## **IRELAND**

### **Definition of a high risk violent offender**

There is no definition of a high risk violent offender in legislation in Ireland. The defining of a sex offender is currently set out in the Sex Offender Act, 2001 as one who is convicted of an offence set out in the schedule of the Act.

The Criminal Justice Act 1993, section 5, confines victim impact statements to victims of violence and sexual offences but makes no reference to ‘high risk violent offenders’.

The definition of violence and sexual offences, amended in the Criminal Procedure Act 2010, remains quite general. Offences include a sexual offence within the meaning of the Criminal Evidence Act 1992, an offence involving violence or the threat of violence to a person, an offence under the Non-Fatal Offences Against the Person Act 1997 and an offence consisting of attempting or conspiring to commit, or aiding, abetting, counselling, procuring or inciting the commission of an offence mentioned.

In general, it is acceptable and reasonable that there is no rigid definition of a high risk offender or prisoner and that there is considerable discretion allowed in decision-making in Court and in sentence planning/management. There are many unpredictables, variables and exceptional factors that can increase or reduce risk in individual cases.

Risk assessment, sentence planning, multi-agency co-operation and appropriate supervision/support implementation are requirements that do need to be included in practice in decision-making and practice regarding high risk prisoners/offenders.

### **Supervised Temporary Release (Conditional Release)**

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

Act, 2003

### 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.

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)

Temporary Release as outlined in legislation and in practice in Ireland is a flexible and structured facility which is used frequently in the management of sentences and in resettlement planning. Caution, exercised in the release of high risk prisoners, can lead to reluctance in use of temporary release in such cases or in the use of particularly stringent or restrictive conditions and enforcement. TR has considerable potential for use in release planning and preparation of high risk prisoners.

2. Please describe your idea of a good process from the point of view of 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.

Please also describe why the process in your opinion is good.

### ESTONIA

Concerning the opinion of the project team the court should have a possibility in case of deciding the use of imprisonment that offender (priority to high risk) should definitely be released under the supervision of probation officer regardless of the time of release. This understanding stands for the belief that release without continuing supervision and care is a problem. If that practice would exist then also the transition of high risk offenders to community would be running smooth (A notice: in the Estonian case roughly only up to 25% of prisoners are released on parole).

The court should consider more the type of crime at imposing additional conditions to the sentence. In that case the conditions would be in correlation with the crime and needs of an offender. This arrangement would also increase the involvement of other institutions. It

would be good to develop a ways of more rapid assessments/engagements and feedback for judges, which may also be a limit currently to individualize a sentence.

**Good practice:**

Supervision of conduct after serving of sentence (which however is not decided at the sentencing phase), which has improved supervision over offenders with certain criminal career who have served full sentence and for various reasons haven't been released on parole.

**FINLAND**

In Finland conditional release is automatic and release date is stated in the law e.g. first time prisoners are released when they have served ½ of sentence and if the offence is committed under 21 years of age 1/3 of sentence. There are only exceptions for those who serve the whole sentence (a very small group, today there are 35 of those) and life time prisoners. This is a good element of the process because it enables to plan the sentence time in an appropriate way. It also gives the offender a sense of predictability: he knows when his sentence will be over and this might motivate him in several ways.

The risk level should be assessed prior to release and the intensity and length of supervision should be determined according to the current level of risk.

The courts in Finland do not make any requirements for instance for supervision because it is clearly stated in the law that the supervision is ordered by the prison governor (see work stream 2, Dublin workshop responses of Finland to questionnaire, question 2).

**One good practice:**

We consider that automatic release is possible to nearly all prisoners. This means that there is no individual consideration about the release date.

**GERMANY**

In Mecklenburg Western Pomerania the judge can impose different suggestions or orders which are imposed on sentencing. They have an impact on the process of imprisonment, as they can influence certain treatment programmes, the possibility of prison leaves and so on. The judge can impose preventive detention according to the committed offence, e.g. Section 66 of the German Criminal Code.

For the probation services the court sentence is the first information about the offence and the criminal and personal history and therefore the court sentence is one important basis to

draw up a profile of the offender and a risk assessment in probation service.

## IRELAND

### Post Custody Supervision

In recent years Courts in Ireland have been given additional powers to impose post-custody orders at the sentencing stage. Each of these Orders are generally viewed as conferring important and reasonable obligations and safeguards for the community and victims.

### 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.

### 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.

Such orders are, in many cases, supervised by the Probation Service which is accountable to the Court for the conduct of supervision and enforcement of compliance.

A complication may arise where the conditions have been imposed at sentencing by the Court, many years before release, are viewed as no longer appropriate or sufficient. Changes in conditions are complex in process and necessitate return to Court. The use of a review by a Court prior to release is not viewed as a favoured approach in the separation of sentencing and sentence

management but, on occasion, be the only available resolution in orders where problems are likely to arise.

### **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, a separate offence, must be taken to the District Court for a stand-alone prosecution. This is an on-going administrative problem and will be the subject of future amendment.

In imposing post-custody orders in general the consideration of pre-sanction reports in informing the Court decision and advising on appropriate conditions is viewed as a good practice. However, there is no legislative requirement for Courts to seek or consider such reports in imposing a post release supervision order, whether by suspending a sentence or making a post release supervision order.

Broader issues also remain regarding whether there should be legislative requirement for the Probation Service to prepare pre-sanction reports on all sex offenders (mandatory requirement) and whether there should be a mandatory period of post release supervision (e.g. 12 months) in all sex offender cases.

As well as administrative and resource problems for Courts and the Probation Service, such

requirements could be viewed as an unwelcome restriction in judicial decision-making and discretion in sentencing.

There is a need in Ireland for our legislation to define more specifically post-release supervision for high risk violent sex offenders. It would be preferred if the offender on whom the Court has imposed a sentence involving post-release supervision had particular conditions specified by the Court. The following conditions attached to supervision orders have been proposed as a helpful amendment to the current legislation:

- (a) attending all supervision appointments with the supervising probation officer or any other probation officer as directed to do so by a probation officer,
- (b) on release from prison, advising the supervising probation officer of his/her address for receipt of correspondence regarding supervision appointments,
- (c) immediately advising the supervising probation officer of any change of such address,
- (d) residing at an address agreed with the supervising Probation Officer,
- (e) complying with the directions of the supervising probation officer or any probation officer in relation to substance abuse,
- (f) attending for assessment and treatment as directed by the supervising probation officer or any probation officer, and
- (g) co-operating with any other reasonable directions from a supervising probation officer for securing the post-release supervision,

and failure to comply with *paragraphs (a), (b), (c), (d), (e), (f), and (g)*, without reasonable excuse, shall be treated as a failure to comply with a condition for securing the supervision.

3. Please describe your idea of a good process from the point of view of 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. suitability or personal history reports, risk/need assessment, assessment for group or individual programmes etc.
- Please also describe why the process in your opinion is good.

## **ESTONIA**

One standard assessment tool is not enough. According to our understanding the assessment and planning tools should be created bearing in mind the need for separate tools according to the type of crime committed. This could contribute into better understanding of an offender and better decision making.

The case manager should have in case of high risk offenders a possibility to call together special assessment team which consists the group of different specialists (psychologists, prison security, probation officer etc). Regarding high risk offenders such team could consult or supervise the assessment after every six months period. If there is a need to amend or change the action plan then it should be done.

This idea of multidisciplinary assessment would ensure time wise and intensive case management system.

### **Good practice:**

There is a special assessment tool and specialized people with respective training to deal with sex-offenders. In the prison a multidisciplinary team is working with sex-offenders in a specialized unit.

## **FINLAND**

All offenders should be assessed by a reliable screening method to identify the high risk offenders and their risk of recidivism. The screening methods should take into account both static and dynamic factors. A risk and need assessment must be made for the high risk offenders. It must be a multi-disciplinary and include a psychological examination and social history. A sentence plan must be made based on a risk and need assessment. Suitability to programs aimed to reduce recidivism, must be assessed separately in each case. The sentence plan must be revised before relocation to an open prison. Release plan and parole plan must be part of the sentence plan or be based on it.

One good practice:

A risk and need assessment must be made for the high risk offenders. It must be a multi-disciplinary and include a psychological examination and social history.

## **GERMANY**

In Mecklenburg-Western Pomerania the Diagnostic Centre established in Waldeck prison assesses possible high-risk-offenders at the beginning of their sentence, chooses suitable interventions for the individual and measures the risk of committing crimes and the status of dangerousness again towards the end of their sentence. The Diagnostic Centre repeats

the check again before decisions about relaxation of conditions of imprisonment, short leave or early prison leave. The assessment is an important part of the transition management process.

**One good practice:**

*The diagnostic center, as part of the penitentiary system, contributes essentially to achieving this goal of protecting the public. In a regulation issued by the Ministry of Justice the following was specified:*

- (1) *„The responsibilities of the Diagnostic Centre according to §§ 6 and 152 no. 2 concern all offenders, who have committed any sexual offence homicide or manslaughter (§§ 174 – 184b und 211 – 216 StGB) and who have been sentenced to more than 4 years after 01.07.2005.“ (...)*
- (2) *„Every offender, who has been examined by the Diagnostic Centre, has to be sent there for an expert report before his first permission to short leave or leave from custody as well as a proposed transfer to the open prison.“*
- (3) *Furthermore, the Diagnostic Center is in charge of regularly checking if the sentence plan is carried out properly and of continuing this for all detainees in preventive detention. The background of this a yearly court control, also during prison sentence, according to section 67 lit. e of the German Criminal code.*

Responsibilities:

<p><b>Treatment plan – „Behandlungsuntersuchung“ (BU) / Basic diagnostics</b></p> <ul style="list-style-type: none"> <li>- to collect data at the beginning of the sentence</li> <li>→ individual hypothesis of delinquency (personal, situational aspects of risk)</li> <li>→ treatment neediness, detailed planning and defining necessary treatment</li> <li>→ prognosis of intervention possibilities (responsivity, therapy willingness, motivation, cooperation, ability such as drive and stamina, reflection and introspection, cognitive and emotional capacity, intellectual capacity)</li> </ul>	<p><b>Sentence Planning – „Vollzugsplan“ (VP)</b></p> <ul style="list-style-type: none"> <li>- placement and treatment</li> <li>- „The offender might be transferred to any prison within Mecklenburg-West Pomerania on the basis of this plan according to his or her needs</li> </ul>
---	---



<p>→ ind. objectives of the law enforcement according to section 7 of the Prison Act of Mecklenburg-Western Pomerania</p>	
<p><b>Prognosis – „statement on prison leave“ / final diagnostics</b></p> <ul style="list-style-type: none"> <li>- examination before independent permission to leave the prison under relaxation of conditions and early prison leave</li> <li>-Final diagnostics for all offenders of the social therapeutic department regardless the committing by the Diagnostic Centre</li> <li>-<b>Final diagnostics</b> to collect data at the end</li> <li>→ documentation of perception and monitoring of the offender during duration of stay</li> <li>→ possible modification of goals of sentencing because of changes while being in prison</li> <li>→ proof of development of the offender</li> <li>→ evaluation and analysis of treatment and interventions</li> <li>→ analysis of risk potentials, aspects of protection</li> <li>→ analysis of situational framework</li> <li>→ summary of risk of recidivism</li> <li>→ evaluation of the success of treatment and the development of the offender</li> </ul>	<p><b>Evaluation of prison sentence of those who are in preventive detention</b></p> <ul style="list-style-type: none"> <li>- regular control and implementation of the treatment plan and its continuation</li> <li>- If the detainee or the prisoner in preventive detention is offered special care which corresponds to legal requirements.</li> </ul>

**IRELAND**

The Probation Service has implemented PS/ROSH as an additional standard assessment process where possible risk of harm is indicate in initial assessment. The experience in practice in the Probation Service has shown that PS/ROSH is a valuable process adding value in the assessment, evaluation, planning and supervision.

**PS/ROSH (Probation Service Rosh of Serious Harm)**

Assessing the risk of serious harm is a matter of applying a consistent, defensible and systematic process, using structured professional judgement, to estimate the risk level to be assigned to a particular individual and to identify targets for intervention so as to reduce or manage risk and to warn where reoffending may be imminent.

For the Probation Service the aim in assessing the risk of serious harm is in the main:

- (i) to undertake a thorough analysis of the offender, their past behaviour, personal and situational factors and current circumstances;
- (ii) to identify any risk of harm to others which the offender poses and
- (iii)

Violent and/or sexual offending can inflict serious harm. Members of the public, as either victims or potential victims have a right to be protected from such harm. The Probation Service as an agency within the Department of Justice and Equality plays an important role in helping to reduce the level of crime and to increase public safety.

The risk of serious harm can not be eliminated and by its very nature risk defies absolute prediction. However risk must be managed and/or reduced by the application of robust, appropriate and adequate risk management strategies. Ideally very high risk offenders need to be managed through a multi-agency approach. Appropriate risk management practice is measured against the concept of defensible decision making.

In Ireland the Probation Service uses the PS/ROSH (Probation Service Rosh of Serious Harm) and a similar assessment for sex offenders, the PS/ROSH (SO). These assessments are triggered by other assessments that are undertaken first.

In completing the PS/ROSH and PS/ROSH(SO) (as applicable/appropriate) it is important that the following information is rigorously sought and the sources consulted with:

- a) Other assessments, namely, the LSI-R or RM2000 and SA2007;
- b) Criminal Record;
- c) Probation File;
- d) Book of evidence or written summary of the facts;
- e) Medical/Psychological Reports;
- f) A minimum of two offender interviews;
- g) Interview/s or telephone calls as appropriate with relevant collaterals;
- h) Consultation with SPO (Step 3)

The offender should have a clear understanding of all stages in the assessment process: why it is

being conducted, the sources and type of information which will be gathered, how it will be used and critically with whom the information will be shared and how it will be retained.

It is important to understand that a primary benefit of structured risk assessment is the opportunity it affords the offender to understand his or her risk level of further offending and the factors which contribute to that risk. Understanding this is a first step for the offender in managing his or her own risk. Feedback, which should include both risk and protective factors, should be given clearly and simply and with an emphasis wherever possible on the opportunities for change in identified areas.

Preparation of a risk management plan should be part of this process. While the detail of this should be worked out collaboratively over time between the Probation Officer and the offender, the broad based plan will be based on the information from the risk assessment. This broad based plan should inform the recommended conditions of supervision proposed in Court or Parole Board Reports.

PS/Rosh and PS/Rosh (SO) are designed specifically for use within community and custodial settings. They are also designed to provide the Probation Officer with a grading that indicates the level of action required to reduce risk levels. PS Rosh allows for the development of defensible practice – providing staff, partner agencies and stakeholders with confidence in practice.

Risk management, including PS/Rosh, is both containing risk and meeting needs. Central to both are developing effective systems but also effective relationships in working with the offender. PS/Rosh, as a new initiative, has been a most valuable and worthwhile instrument in clarifying, reviewing and addressing risk issues in a way that is both practical and usable in everyday work.

4. Please describe your idea of a good process from the point of view of 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.

Please also describe why the process in your opinion is good.

## ESTONIA

The sentence plan should be composed for entire period of sentence and at least once a year (or at other regular intervals regarding overall lengths of sentences) evaluated and amended if necessary. This would mean that sentence plan includes main risk factors and needs to be addressed during a sentence.

Yearly detailed planning would answer to a question what is the stage of addressing those factors and needs and is there a reason to change the priorities.

There have to be specially designed rehabilitation programmes for different offenders according to their offence.

Also the individual work carried out with high risk offenders must be very intensive, the possibility for involving other specialists like psychologist by the need should be available option.

Some categories of offenders should receive less attention according to their risks and needs. This would allow to deal more with high risk offenders.

**Good practice:**

We conduct a sentence plan baring in mind the full length of the sentence. The more precise plan is drafted for a one year period. This practice ensures that all relevant risks and needs are addressed. It also gives a good overview of the progress.

**FINLAND**

All activities in prison as well as the planning of release are based on the individual sentence plan of the offender. Also the goals of the sentence plan must be taken into consideration. Prisons should have a sufficient amount of rehabilitative measures at their use. Effective, long programs as well as individual appointments with psychologists and priests must be available for the offenders. Also possibilities for education and prison work are important rehabilitative measures. Pre- and pro-social interaction with prison staff during prison time will minimise the isolating effect of imprisonment as well as the harmful values and behaviour of prison community.

Offenders should have access to programs that are targeted at problems with violent behaviour, values, thinking and problem solving. In addition, the offenders must have the possibility to practice the skills they learn in the everyday life of the prison, as part of normal interaction with other people. Programs should include boosters, either in groups or as individual work, to make sure that offenders don't forget their newly learned skills.

The strengths and know-how of the offenders must be supported, especially their relations to family and other close people. Release should happen in phases, under control, through gradually moving towards more open units, from a closed prison to an open one and from there to supervised probationary freedom.

**One good practice:**

Moving from a closed prison to an open one is discussed and dealt within a multidisciplinary team of experts. In this way even difficult cases are viewed through a broad perspective and transitions to more open units and to supervised probationary freedom are timely.

**GERMANY**

For every single prisoner of a well structured situation at the very beginning of detention

has a great impact on the determination of objectives to achieve and the treatment programmes to fulfill as well as on the preparation for release. Preparation for release already starts with the individual treatment planning to improve the legal prognosis. Standards in this respect are determined in InStar guide. In cases of high risk offenders in detention, the programme FoKus (for details see answer to question 9 of Dublin Workshop report) cooperates with local police departments, probation service, the forensic ambulance, enforcement managers (for juveniles: the court) and external experts like NGO's and community services.

For probation officers the sentence management system is structured and comprehensive. Most of the documents in prison and probation are standardised. That makes the exchange of information easier. The probation officer gets an overview in the results of treatments and assessments and can use them for his work. The probation officer can also continue the treatment programmes for the offender which already began in prison.

**One good practice:**

The standardised system used in the Diagnostic Centre and among the psychologists also knows the separation of diagnostics and treatment. The diagnosing psychologists are not involved into the treatment of these very prisoners.

Conflicts of interest of the psychologists or therapist can be avoided and the objectivity of the diagnostic process be improved.

**IRELAND**

An Integrated Sentence Management System (ISM) has been introduced in the Irish Prison Service for prisoners serving sentences of 12 months or more. ISM is being implemented in stages and being extended to all prisons as resources permit. It has proven to be a valuable resource and process engaging all stakeholders, prisoners, Prison Service and service providers in a joined-up process which will, when fully operational, provide a more efficient, accountable, effective and transparent sentence management process.

**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 coordinate 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 integrated sentence management (ISM) process is robust and valuable in practice within the

constraints of resources and development. Support by an actuarial assessment, as in Germany, at the commencement of the sentence would strengthen and benefit effectiveness in how a prisoner is managed throughout his/her sentence.

An actuarial assessment will show the risk level generally as 'high' for prisoners in this project the prisoners. If the sentence management is fully engaged with by all parties and appropriate inventions (such as BBL) implemented it would be reasonable to expect that the risk level should at least go down to medium to high risk benchmarking a level of effectiveness in interventions.

ISM is a good process because it outlines what the prisoner has to do from the outset and involves all relevant supports from the beginning. With further development, additional interventions, research and refinement it has potential to contribute to a better transition and resettlement process.

5. Please describe your idea of a good process from the point of view of 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.

Please also describe why the process in your opinion is good.

## ESTONIA

Preparation for release and needed assessment should include multidisciplinary team of specialists, preferably the same group of people whose assessment was used by writing pre-sentence report before imposing a sentence.

It is necessary to involve wider network of specialists and institutions outside of the prison in order to engage resources and means for cooperation.

Pre-release consultation for an offender should be carried out by involvement of case manager in prison and probation officer.

The use of half-way houses could be useful resource. The release of high risk offenders should always include that phase. This would mean that nevertheless of the stage of the release from the prison the high risk offender would have an obligation to go through less shocking preparatory stage before being more independent in the society. This would allow the planning of support and supervision according to the risks and needs arising during a life outside.

### Good practice:

- ✓ Pre-release report prior to release on parole for the court in all cases. The report consists an overview about activities and progress made during

imprisonment, evaluation about social situation after release. The involvement of the probation officer contributes to the process significantly.

In case of release after serving full prison sentence the written notice to a local municipality where prisoner should live is sent. The purpose of such arrangement is to hand over the case to the local municipality for necessary social welfare and supervision arrangements.

#### **FINLAND**

- Sharing information: A common client data base for prison and community sanctions organisations
- Active co-operation with municipalities, NGOs, families etc
- The release plan should have a long time perspective and focus clearly on the prisoners civil life
- When the imprisonment time is short, active planning for release should carry the main focus during the sentence

#### **One good practice:**

- Supervised probationary freedom (Finland), see work stream 2, Dublin workshop responses of Finland to questionnaire, question 9.

#### **GERMANY**

A release-plan will be created 1 year before release by the responsible prison staff and will also be sent to the Probation Service. There, the responsibility among the authorities will be clarified and a meeting in prison (participants: the prisoner, prison officer / social worker from inside the prison and probation officer) will be arranged. The aim of this meeting is to get to know one another and agree on and set some commitments to fulfill for the prisoner after his release. From that moment on, there will be a close contact and information exchange between the Prison and the external Social Services (Probation and community services).

Multidisciplinary planning includes case conferences. These are necessary to make sure that the offender faces the fact that everyone is working together in the transition management process (prison staff – responsible contact officers, social workers, psychologists; probation officers, if stipulated: police staff for FoKuS participants, external psychotherapists from the forensic ambulance and, in case of electronic monitoring, the responsible prosecutor). These conferences take place in general 3 months before release in prison. The offender himself is partly taking part at these conferences to give him the chance to get acquainted



to further contact persons and responsables.

Furthermore, other responsible persons are welcome to attend the case conference, for example member of staff of drug addiction counseling or sheltered accommodation.

The steps of the transition management process can be described as follows (the order is not compulsory as steps can happen paralely.)

1. coordination of external support (e.g. parents, relatives, members of the offender's social network, probation, employment and health services, housing and local authorities, non-governmental organisations.)
2. preparation of following treatment measures (e.g. addiction)
3. implementation of relaxations
4. integration in job or following vocational education
5. implementation of FoKuS or forensic ambulance
6. case conferences
7. reporting (ministry of justice, prosecutor, court...)
8. in individual cases the prisoner can be moved to release section.

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 can 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.

**One good practice:**

Instar information exchange (by written documents or in case conferences) between prison

and probation services, involving also persons concerned with the rehabilitation process of the offender e.g. member of staff of drug addiction counseling or sheltered accommodation. Please compare also answer to question 5.

## **IRELAND**

### **Multi-agency pre-release case management conference**

In the case of particular high risk or exceptional prisoners there is the option of convening a multi-agency pre-release case management conference in the preparation for release stage at the prison. Such case conferences are convened under the authority of the Governor advised by the Probation Service and supported by other services inside and outside prison.

Usually invited to such case manager conferences are the services in the prison, prison management, Department of Justice and Equality, An Garda Síochána, relevant community based health, family and child protection services, accommodation providers and other relevant services and support agencies as appropriate. The offender is not present.

The purpose of the meeting is to develop appropriate care, support, safeguards and interventions, to review any particular concerns or requirements and to share relevant knowledge and expertise among the case managers.

In practice, these meetings have proven to be highly valuable in co-ordinating interventions, ensuring action by relevant bodies and appropriately equipping services to cope and manage difficult cases, circumstances and risks. They have also ensured that offenders' needs, issues and risks are clearly addressed and co-ordinated appropriately.

### **PAROLE BOARD**

The Parole Board process has proven to be a valuable case management and advisory body supporting both the Irish Prison Service and the Minister for Justice and Equality in informed decision-making and, where appropriate, sentence and release planning.

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.

### **THE PAROLE BOARD REVIEW PROCESS**

The Review process, which can take around six months, involves a number of stages described below.

#### **STAGE 1: REFERRAL**

The Minister for Justice and Equality refers the case of an eligible prisoner to the Board sufficiently in advance of the prisoner reaching the halfway or seven year point of his/ her sentence, as appropriate, to allow the Board to make its recommendation to the Minister around that time.

#### **STAGE 2: INVITATION TO PARTICIPATE**

The Secretariat of the Board writes to each prisoner whose case has been referred to the Board and invites him/her to participate in the review process.

#### **STAGE 3: ASSEMBLING A REVIEW DOSSIER**

Where a prisoner opts to participate in the review process, the Secretariat assembles a set of papers, referred to as a Review Dossier, which includes reports from relevant agencies and services.

The Board seeks a report from the Governor of the institution in which the prisoner is held, the Probation Service, the Psychology Service, the local Prison Review Committee and An Garda Síochána. The Board may also seek a report from a psychiatrist, in particular where the prisoner is receiving or has received psychiatric treatment while under sentence, or from any other relevant source.

#### **STAGE 4: DISCLOSURE OF REVIEW DOSSIER**

Once the initial reports (and any other material) have been obtained a copy is sent, under sealed cover, to the prisoner. He/she may also submit written comments on the content of the Review Dossier as well as provide any other information which he/she may feel that the Board should consider.

#### **STAGE 5: INTERVIEW**

The prisoner will be invited to attend an informal interview with two members of the Board at their prison. Legal representation at the interview is not allowed but written submissions from the prisoner's legal representative will be accepted.

The purpose of the interview is to give the prisoner an opportunity to make

submissions in person to the Board, to allow the Board members to discuss the contents of the Review Dossier with the prisoner and to seek clarification and/or information which will improve the Board's ability to assess and deal appropriately with the prisoner's case.

Following the interview, a written report is prepared and a copy of this is given to the prisoner. A copy of the interview report, together with any observations the prisoner may have on its content, is added to the Review Dossier.

#### STAGE 6: BOARD MEETING

The Parole Board meets regularly to discuss cases on an individual basis and, where appropriate, to formulate recommendations to the Minister. The contents of each Review Dossier will have been disclosed to the prisoner concerned and that prisoner will have had the opportunity to comment on the contents and to provide additional information in writing.

The main factors to be taken into account by the Board when considering cases are:

The nature and gravity of the offence to which the sentence being served by the person relates;

The sentence concerned and any recommendations of the Court that imposed the sentence;

The period of the sentence served to date;

Previous convictions;

The potential threat to the safety and security of members of the public should the person be released;

The risk of further offences being committed by the prisoner during any period of temporary release;

The risk of the person failing to return to prison upon the expiration of any period of release;

The risk of the person failing to comply with any conditions attaching to his/her temporary release;

The conduct of the person while in custody;

The conduct of the person while previously on temporary release, if applicable;

The extent to which the person has engaged with the therapeutic services to address his/her offending behaviour;

The likelihood that any period of temporary release might enhance the prospects of the person's safe re-integration into society or improve his/her chances of obtaining employment.

The Board may make a variety of recommendations in the context of preparing a prisoner for release including:

A structured programme advising that the prisoner should participate in one or more of the following:-

- (a) Therapy - encourage the prisoner to work with particular therapeutic services, attend particular programmes, be referred for psychiatric report, etc.;
- (b) Education - encourage the prisoner to participate in educational and training services;
- (c) Work training - Release for work training;
- (d) Resocialisation - Measures to reduce the effects of institutionalisation;
- (e) Outings - Escorted/accompanied outings to aid familiarisation with the outside world, meet with family or relatives;
  - A transfer to another prison, including a prison in a different location, or to an open institution;
  - A programme of short periods of temporary release leading to longer periods of temporary release.

Where the Board does not decide to recommend temporary release, it must review that prisoner's case again within three years but may elect to carry out a review within a shorter period.

The Board's role is advisory only and the Minister is not obliged to accept any recommendation made by it. The Minister's decision is conveyed to the prisoner, in writing, as soon as practicable after.

As an advisory rather than a decision-making body the Parole Board has limited authority. It does bring external expertise to bear on decision-making. It does influence and direct practice and development among prisoners and also with the Department of Justice and Equality. Further development in the role and functioning of the Parole Board is under review and proposals for change may be anticipated.

6. Please describe your idea of a good process from the point of view of after custody work and post custody non-compliance that have relevance to or make a contribution to the post-custody supervision of high risk offenders. Please also describe why the process in your opinion is good.

For example, the question of how to react when a high risk offender does not want a change and is thus not willing to be subject to intensive work, and at the same time laws/regulations require intensive work. Another example is the partnerships or joint working arrangements that you think are essential.

## **ESTONIA**

For example, the question of how to react when a high risk offender does not want a change and is thus not willing to be subject to intensive work, and at the same time laws/regulations require intensive work. Another example is the partnerships or joint working arrangements that you think are essential.

The practice of assessment of risks and sentence should be at the same level in both cases – prison and probation. The involvement of different specialists and working with multidisciplinary teams (including police etc) should be possible.

In case of resistant offenders a multidisciplinary team should be engaged to work out common strategy and plan of actions regarding a person. In case of high risk offenders the more close engagement of a police and psychologists (etc) would serve a purpose of more personal attachment to the problem and its solving.

Regarding high risk offenders the MAPPA like arrangement could be an useful way of working with community representatives.

Good practice:

In Estonia the released high risk offenders have an access to prison psychologist. This is a good practice as the psychologist is aware of activities and influence of the prison and can also advice by meeting challenges outside.

## **FINLAND**

These are good, existing elements of supervision of released prisoners, also for high-risk clients:

- client-oriented approach, motivating towards change
- no absolute prohibition of substance (mis)use, i.e. we don't want to send clients to prison due to their misuse problems
- non-compliance should only lead to prison when serious and repeated, and even then be used as an instrument to get the client back on track
- the principle of going towards more open and influential enforcement
- unifying the use of control and support in a harmonious way

When a client has a high risk of reoffending a serious crime we think that

- they should be released through some sort of back-door system, for example with electronic monitoring and a daily schedule of activities, as a part of the actual prison sentence
- there should be different levels of intensity in supervision of released offenders to meet the level of prison security at time of release
- we should have a clear and transparent set of criteria to assess the high risk of

recidivism to define the obligations of the client in supervision

- we should have continuity of programme work from prison to community sanctions, i.e. boosters for long programmes like CSC and SOTP
- there should be co-operation with the police:
  - o active and coordinated use of possibility of the police of picking up offenders if they don't turn up at the supervisory meetings,
  - o distribution of responsibilities between the police, Criminal Sanctions Agency as well as other actors in the network around the offender, when recidivism occurs
  - o organising of meetings with very high risk offenders at police stations
  - o exchange of information between the police and Criminal Sanctions Agency

One good practice:

- Germany: Prison staff member working with the released person for up to six months after release.

## **GERMANY**

In the case of non-compliance of the offender a motivation process is to be started. The new Prison Act of Mecklenburg-Western Pomerania stipulates a new form of aftercare in section 44. Prison officers can take part actively in the aftercare process in prison as well after release. This option gives a great opportunity to those kind of offenders who suffer from a long period of imprisonment without (stable) contacts into society. The Probation Service is also highly interested to build up a positive motivation to the probationer and a stable relationship to get on the integration process. Sometimes the offender does not rely to that.

In these cases, effective means for after custody work and post custody non-compliance can be the following::

1. if it is already obvious, that the offenders does not cooperate in juvenile prison and the risk of relapse is high section 66 lit a of the German Criminal Code can be used (preventive detention)
2. electronic monitoring (section 68 lit. b of the German Criminal Code)
3. other requirements/supervision orders according to section 68 of the German Criminal Code

4. arrangement of the unlimited duration of the supervision of conduct (Section 68 lit. c of the German Criminal Code).
5. Offence against directions (only for offenders under supervision of conduct) performs a penalty (section 145 lit a of the German Criminal Code) and can be prosecuted at the request of the agency of supervision of conduct with fine or term imprisonment up to three years.
6. accommodation in a closed forensic institution
7. accommodation in an aftercare institution
8. integration in the programme FoKuS

**One good practice:**

FoKuS

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.

**IRELAND**

**Post Custody Supervision**

The supervision process post custody has a dual function of promoting rehabilitation and reducing harm, through restricting liberty as necessary and engaging an offender in the process of change. It necessitates effective and efficient multi-agency co-operation, joint working on occasion and consistent practice.

As an offender moves through various stages of his or her sentence, responsibility for case management will shift within the Probation Service. Information must be shared in a timely fashion within the Service and with other relevant services and authorities ensuring that a clear focus is maintained on the offender’s coping, self-management and behaviour in the community, their on-going risk level, risk factors and the response to these factors and relevant interventions and support provision.

The higher the risk of re offending presented by the offender, the more intensive and extended the



supervision should be. An explicit contract is required. Central to this contract are the identified risk factors and the specified conditions which are attached to the Order.

Probation Officers should adopt a goal setting approach with mutually agreed goals that are specific, measurable, achievable, and realistic and time limited. It is essential to provide support to the offender in developing pro-social coping strategies for known “trigger” situations and in developing relapse prevention strategies. Efforts should be made to strengthen and develop protective factors which may be individual, family and community based.

Monitoring should identify changes in individual and situational factors which could increase the likelihood of risk of serious harm to others so that management strategies can be revised as appropriate.

The following areas of behaviour and activity should be taken into account in the monitoring process: co-operation with supervision, the offender’s on-going social and emotional support, their social environment including hostility or affinity towards particular individuals or groups. The physical state of the offender needs to be regarded and their substance misuse and medication adherence mentally ill. Monitoring should also consider victim access.

An example of good practice in action in Ireland in addressing these issues is SORAM, the Sex Offender Risk Assessment and Management process.

### **Sex Offender Risk Assessment and Management (SORAM)**

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.

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 among each partner’s personnel of the importance of interagency 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.

A co-located National SORAM Office has been established in the National Bureau of Criminal Investigation, Harcourt Square. With personnel from An Garda Síochána, the Probation Service and the HSE, the office supports the work of the National SORAM Committee, linking with Local SORAM Committees and ensures a constant focus is maintained on standards and quality practice.

The success of SORAM in operation lies in the added value it brings to staff managing the offender on a day-to-day basis. SORAM provides for the development of relationships and effective communication between key personnel; it ensures a robust and structured method for inter agency engagement; it requires information to be shared; and demands that comprehensive risk assessments are conducted and reviewed regularly.

SORAM pools resources which previously worked in parallel and were largely disconnected, maximising the effectiveness of the various complementary roles, responsibilities and perspectives of each agency involved to add significantly to child and public protection.

The presentation at the WS 2 workshop in Dublin provides additional information on the operation of SORAM.

An article entitled 'SORAM: Towards a Multi Agency Model of Sex Offender Risk Assessment and Management' by Mark Wilson, Det. Supt John McCann and Robert Templeton will feature in the forthcoming edition of Irish Probation Journal Volume 10 scheduled for publication in November 2013.