

Development of minimum standards and best practice model



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1. 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 increase the risk of their return to crime and custody. The risk of re-offending is high. Up to half of those released return to prison within two years. Research shows that effective resettlement can assist the prevention of further offending, the reduction of victimization and is in the best interest of the community in general. There are a substantial number of existing Council of Europe, United Nations, EU and other international conventions, recommendations and resolutions relating to criminal justice, penitentiary and probation questions. Among them there are important documents that provide a framework for discussion and proposals on best or promising practice with high risk prisoners/offenders regarding work in prison, release planning, transition management and supervision and resettlement in the community. Across Europe there are examples of effective resettlement initiatives and good practice but no single criminal justice system has all of the key elements in place. There is a need to develop a model for better results not only for the prisoners leaving custody but also for communities and the criminal justice systems.

Definition of “High risk offender”

It is agreed upon that a definition of “high risk” should be defined in order to avoid any possible misunderstanding: “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 fact that an individual could be labeled as ‘high risk’ attracting increased security and related attention while neglecting interventions to reduce that risk was acknowledged.

2. Legislation

It is agreed upon that the following results alongside the phase of execution of the sentence (3.-5.) should be laid down by substantive law. Only an appropriate quality of juridical rules can reach the necessary commitment.

3. Sentence Planning and Treatment

It is agreed upon that high risk offenders should be subject to a specific prison regime. First of all there should be an evidence based screening for all high risk offenders at the beginning of the sentence as a basis for the following risk and need assessment. The assessment should concentrate on high risk factors not on the length of the sentence. The work should be done by specialized interdisciplinary staff. The use of evidence based instruments is essential. The procedure should contain a maximum of relevant and available information, an interview with the prisoner, encouragement concerning the cooperation of the offender and a written down explanation of the offender’s criminal behavior. A standardized sentence plan in accordance with the risk and need assessment is necessary. This plan includes a system of priority setting and keeps the full length of the sentence and transition into community in mind. The sentence plan must



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be updated every six months based on a case conference and the prisoner should be actively involved. All treatment interventions must be based on the sentence plan and on the three principles of effective treatment: risk, need and responsively. The interventions should include psychological interventions, vocational training/employment, prosocial contact with the outside world and life skills. These interventions must be evidence based and the programs must be structured or standardized. The prison environment has to be supportive for change and hope.

4. Transition Management and Release

It is agreed upon that preparation for release and supporting the resettlement of high-risk offenders is part of a model of preventing re-offending and improving social reintegration of high risk offenders. Cooperation should be a key principle in custody. There should be coordinated partnership between criminal justice agencies, external and community supports and service providers (multi-agency working). The aim should be to maximize the participation of community based services towards the end stage of the sentence in custody, at the latest six months before release. Prison leaves and other forms of temporary release are an essential part of a gradual return of the prisoner to life in free society. The criteria for granting such releases should be less restrictive the longer the stay in prison lasts. The competence of decision-making should be given to prison governors or prison authorities in general (with the requirement to consider the expertise of psychologists or psychiatrists). There is empirical evidence that a systematic preparation of release combined with early release schemes is functional. Early release under supervision should be used where mandatory post custody supervision is not possible.

5. Aftercare, Monitoring and Re-Integration

It is agreed upon that post release supervision for high-risk offenders is part of a model of preventing re-offending and improving the social integration of high-risk offenders. There is empirical evidence that aftercare control and support schemes can “work”. Post-release supervision has to be based primarily on the support of the probation and/or aftercare services. These provisions should clearly determine the range and time of supervision, the competent authorities for its execution as well as possible directives and obligations to be imposed on the supervised person. The intensity of supervision should decrease in the course of time. The principles of working with high risk offenders in prison are comparable to the main principles of working with them in probation service. Supervision is a dynamic process and depends on the situation of the offenders. Furthermore, the dissemination and exchange of information regarding the supervision and obligations of the person under supervision to submit information to the competent authority must be clearly defined. When acting upon this information, authorities should be obliged to consider the effects on the rehabilitation of the supervised person and the protection of potential or former victims. The coordination of post release services concerning accommodation, employment, social welfare aid, etc. for high-risk offenders is part of a model of preventing re-offending and improving social integration (“community guarantee”). There is empirical evidence that such aftercare services are reliable, particularly if they are structured by a net-work of intensive co-operation (multi-agency working). The necessary measures, the competent authority and the right of the released person to demand these services must be defined in the jurisdiction regulating communal/local competences, the obligations of



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aftercare services (e. g. probation services) and of other local agencies involved in the reintegration of released prisoners (job centers, accommodation services, health care services etc.).

6. Conclusive remarks

All in all it seems important to find a balance between security matters and issues of rehabilitation and reintegration. These two factors should not compete against each other but be combined in a way which promotes both security and rehabilitation. Work with the high risk offenders is aiming at prevention of new crime and security of society. It should also provide encouragement and motivation for change. The “project model” is meant to be a helpful tool for everyone working with high risk offenders.



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