

Best Practice Risk Assessment «Why we need to abolish labeling»

Dominik Lehner, Switzerland,
President Expert Committee on Offender Risk Assessment

What is Offender Risk Assessment?

- ▶ Offender Risk Assessment contra Institutional Security risks of estate and building
 - ▶ Education of prison staff can be reduced to the knowledge of how offender risk assessment is done when using best practice methods and more important, how it is done in your penitentiary system
 - ▶ Individual risk factors lead to individual needs as a foundation of sentence planning
 - ▶ Individual risk factors restrict resocialisation planning
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Level of Information for Front Line Prison Staff

- ▶ Prison staff shall have access to any risk assessment that has been done and their training should enable them to understand it's meaning and how the assessment was accomplished
 - Enhances dynamic security due to the awareness of individual risk factors (and needs) of the prisoner
 - Enhances prison reports due to a better focus on the well established risk factors

Best Practice professional Risk Assessment

- ▶ Best practice offender risk assessment is accomplished by an implemented process as early as possible
 - ▶ Best practice offender risk assessment is renewed regularly
 - ▶ Best practice offender risk assessment does not use uncertain grades of labeling like «dangerous» or «extremely dangerous»
 - ▶ Best practice offender risk assessment does not restrict to common scales like «low», «moderate» or «high» to classify risk in general without further clarification
 - ▶ Best practice offender risk assessment recognizes the offenders needs and their significance to the risk factors
 - ▶ Best practice offender risk assessment recognizes the offenders skills and their significance to the risk factors
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Best Practice

- ▶ Best practice offender risk assessment points out individual risk factors and optionally how these can be dealt with
- ▶ Best practice offender risk assessment is based on the offenders complete case dossier (prosecution, sentence, prison reports, psychological/psychiatric expert reports)
- ▶ Best practice offender risk assessment uses expertise
 - forensic psychiatric and psychological data including clinical expertise (anamnesis and psychic exploration and application of assessment tools)
- ▶ Best practice offender risk assessment is done by the method of structured professional judgement

Who performs Offender Risk Assessment?

- ▶ Best practice includes an interdisciplinary approach
 - Psychiatric / psychological
 - Criminological
 - Penological
 - ▶ Best practice offender risk assessment clearly separates scientific psychological (predictive) expertise from normative judgement by government authorities
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The Swiss Model

- ▶ **Two separated processes** (broad band and serious crimes):
 - ▶ ROS (risk orientated sanctioning) Low level broad band risk assessment starting at intake in the sense of prisoner placement in a penitentiary institution after conviction/sentence
 - automatical screening using FaST as Case screening tool
- Assessment of :
- New offence (severity)
 - Previous offences (severity)
 - Violent offence under 18, sexual offence under 18, more than 2 juvenile sentences, more than three traffic offences, many polymorphe offences
 - Risk reduction aspects (older than 50, more than 5 years time at risk without offending)
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ROS (risk orientated sanctioning in Switzerland)

- ▶ Classification (broad band)
 - **A:** no indicators for recidivism
⇒ regular treatment
 - **B:** indicators of risk of recidivism of any kind
⇒ case report by penitentiary office
 - **C :** indicators of risk of recidivism in form of violent or sexual offences
⇒ outsourced criminological/psychological risk assessment

Expert Committee Advice

- ▶ Expert Committees (serious crimes): risk assessment by expert committee using interdisciplinary structured professional judgement in the sense of a peer review
 - Mostly offenders who have already committed severe violent and/or sex offences
 - Chamber sessions: chair, judicial secretary, forensic psychiatric, prosecutor, penitentiary services
 - Criteria structure used: 12 main item criteria catalogue containing ca. 50 items pro and contra recidivism risk (for serious offences)

Dangerous?

- ▶ Human beings can behave dangerously towards other human beings.
- ▶ The behaviour is dangerous not the person
- ▶ If certain behaviour can be excluded, so is the dangerousness

For this reason it is usually not advisable to declare a person as dangerous in general

Dangerous?



If he can reach you: yes

If he can reach you: yes

Dangerous?



If the cage holds: no
If the cage breaks: yes



If he knows you well and you know him well: no
If he has the hic-ups: yes

Abolish labeling

- ▶ A qualified risk assessment must take into account:
 - What are the offenders predispositions to behave in a certain way? (psychological question)
 - How likely is the offender to get into a certain situation where this behaviour will occur? (general predictive or criminological question)
 - How likely is he to go to a certain place, meet a certain person or be provoked in certain way or become intoxicated or have financial problems and so on? (general predictive or criminological question)

Answering these questions is identifying (qualifying and quantifying) risk factors.

What can be done to change a certain kind of behaviour the offender may show? What measures can prevent him from doing so? – treatment, security measures and so on

Council of Europe – PC–CP

- ▶ Handbook and Guidelines for Prison and Probation Services regarding Radicalisation and Violent Extremism has good advice on Risk Assessment
- ▶ Maybe someday there will be a separate CoE–Recommendation on Risk Assessment in General



**Thank you for
your attention**