

# Risk assessment & management in Flemish and Dutch practice: The challenges ahead

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Risk assessment?

Risk management?

**Recommendation CM/Rec(2021)6  
of the Committee of Ministers to member States  
regarding the assessment, management and reintegration of persons accused or convicted of a sexual offence**

*(Adopted by the Committee of Ministers on 20 October 2021  
at the 1415<sup>th</sup> meeting of the Ministers' Deputies)*

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The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Having regard to the European Convention on Human Rights (CETS No. 5) and the case law of the European Court of Human Rights;

Having regard also to the work carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and in particular the standards it has developed in its general reports;

Noting that sexual offences cause significant and lasting harm, including physical and mental harm, to victims and their immediate environment and that therefore it is vital to reduce sexual reoffending through targeted risk assessment and individualised treatment and intervention plans in order to achieve successful social reintegration;

Noting further that sexual offences also have a serious impact on society in terms of health and wellbeing and the cost to public services in the areas of both health and criminal justice, and increasingly have national, international and transnational implications;

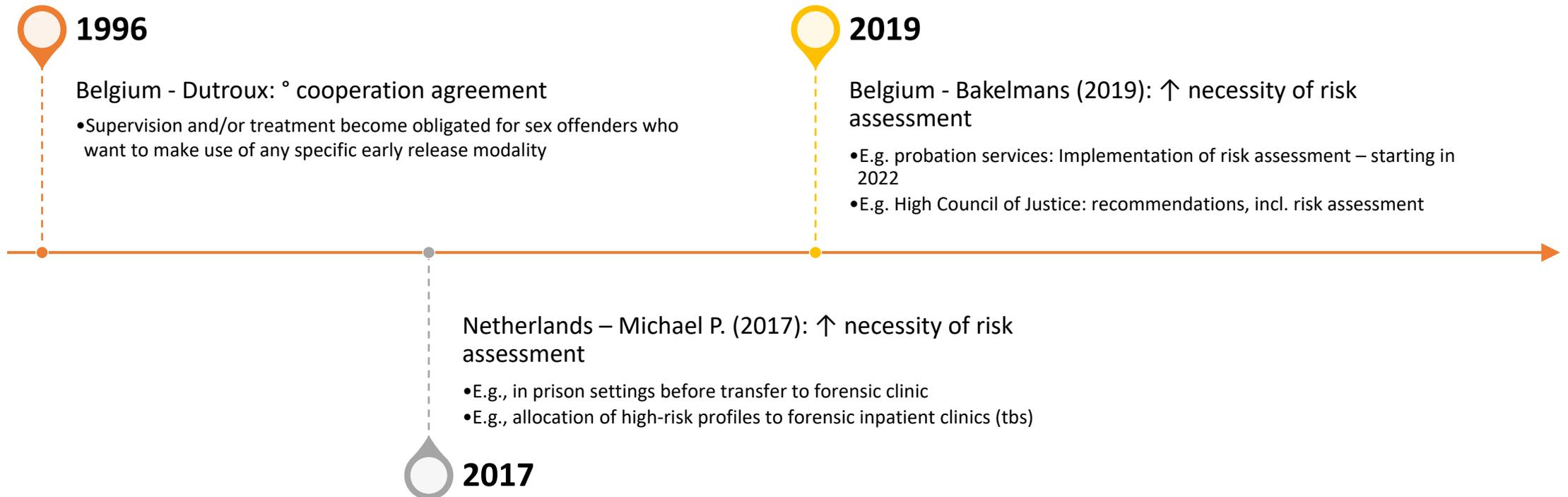
Aware that assessment, treatment and interventions in the management as well as the reintegration of persons who are accused or convicted of a sexual offence are a challenge for many prison services and probation agencies of the Council of Europe member States and beyond;

Noting that there are disparities among jurisdictions regarding the definitions of different sexual offences, the age of sexual consent and the types of sanctions applicable, which have developed over time due to cultural, social and legal differences; there are nevertheless universally accepted principles across the Council of Europe member States regarding assessment, treatment and intervention in the management and the reintegration of persons accused or convicted of a sexual offence;

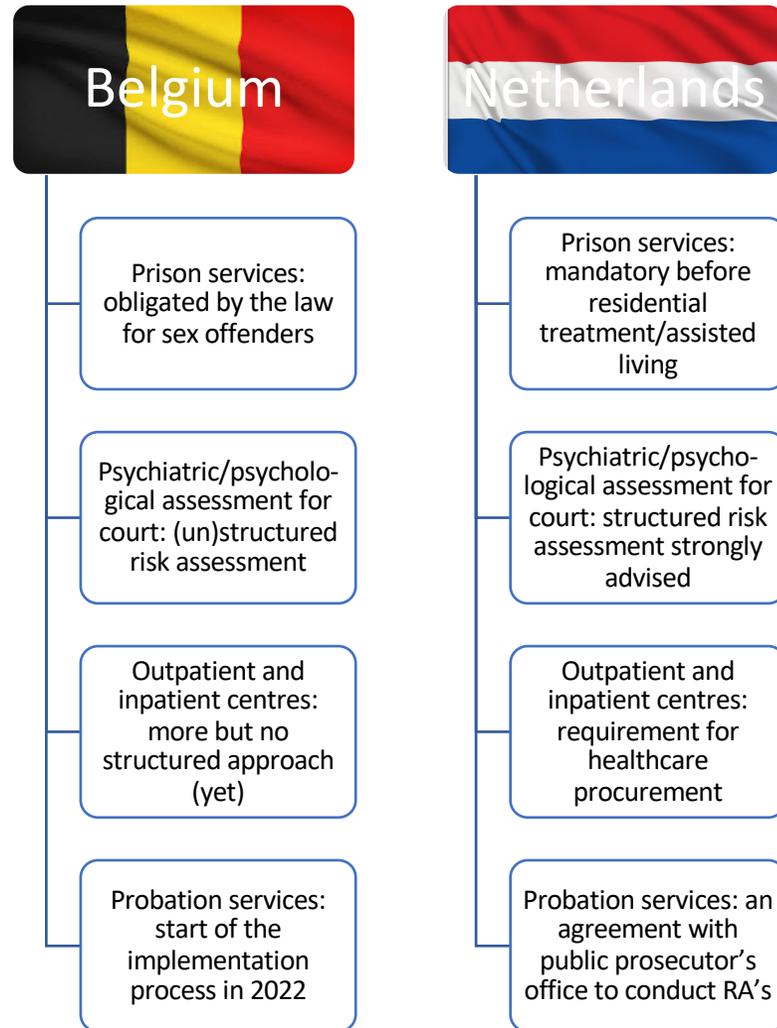
Having regard to the standards contained in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) and in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) and in the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No.108), as amended by its Protocol (CETS No. 223);

Having also regard to the standards contained in the recommendations of the Committee of Ministers of the Council of Europe, which relate to specific aspects of penal policy and practice and in particular Recommendations: [Rec\(2006\)2-rev](#) of the Committee of Ministers to member States on the European Prison Rules and [CM/Rec\(2010\)1](#) on the Council of Europe Probation Rules;

# High-profile cases: A necessary evil for policy change?



# Risk assessment: Where are we now?



# Risk assessment: Who's better? Who's the best?



*Sexual Abuse: A Journal of Research and Treatment* (© 2006)  
DOI: 10.1007/s11194-006-9003-6

## Evaluation of the SORAG and the Static-99 on Belgian Sex Offenders Committed to a Forensic Facility

C. Ducro<sup>1,4</sup> and T. Pham<sup>1,2,3</sup>

### III. RISK AND NEEDS ASSESSMENT

11. Risk assessment should be carried out as early as possible in the criminal justice process by using identified formal procedure and validated risk assessment tools, in order to inform sentence- and management plans, as well as pre-sentence reports where required by the courts.

*Law and Human Behavior*, Vol. 28, No. 3, June 2004 (© 2004)

## Predictive Validity of the SVR-20 and Static-99 in a Dutch Sample of Treated Sex Offenders

Vivienne de Vogel,<sup>1,5</sup> Corine de Ruiter,<sup>2,3</sup> Daan van Beek,<sup>1</sup> and Gwen Mead<sup>4</sup>

## EVALUATING THE PREDICTIVE ACCURACY OF SIX RISK ASSESSMENT INSTRUMENTS FOR ADULT SEX OFFENDERS

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# Issue 1: What's the purpose?

- *Do we fully understand the purpose of risk assessment?*

- Aim of risk assessment ≠ prediction, but prevention

“Risk assessment: the process by which risk is understood: it examines the nature, seriousness and pattern of offences; it identifies the characteristics of the individual and the circumstances that contribute to it; **it informs appropriate decision-making and action with the aim of reducing risk.**”

(McCartan & Fuglested, 2019, p. 4)

- How can risk assessment be imbedded in our judicial system? E.g., higher risk, longer sentences? Specialized compulsory treatment?

“Mr. Peeters obtains a score of 1 on the STATIC-99R. With this score he falls into the low risk category”

“When comparing Mr. Peeters’ STATIC-99R score with the norm group, we conclude that 5.5 to 9% of the norm group were reconvicted within a 5 to 10 year follow-up period. ”

# Issue 2: Do we understand risk?

- We tend to overestimate the risk of re-offending in (sex) offenders
- The format of the risk message affect what is heard
  - When risk is stated as a categorial descriptions of risk (e.g., low, moderate, high risk), people tend to overestimate the likelihood of (sexual) violence
  - Numbers are more difficult to understand
  - Found in laypersons, jurors, judges, ...  
(e.g., Batastini et al., 2018; Uzieblo et al., 2021; Varela et al., 2014)
- Our understanding of risk is influenced by various factors



# Issue 2: Do we understand risk?



Offence characteristics

E.g. violent and  
gruesome crimes



Characteristics of the offender

E.g., little remorse,  
criminal past

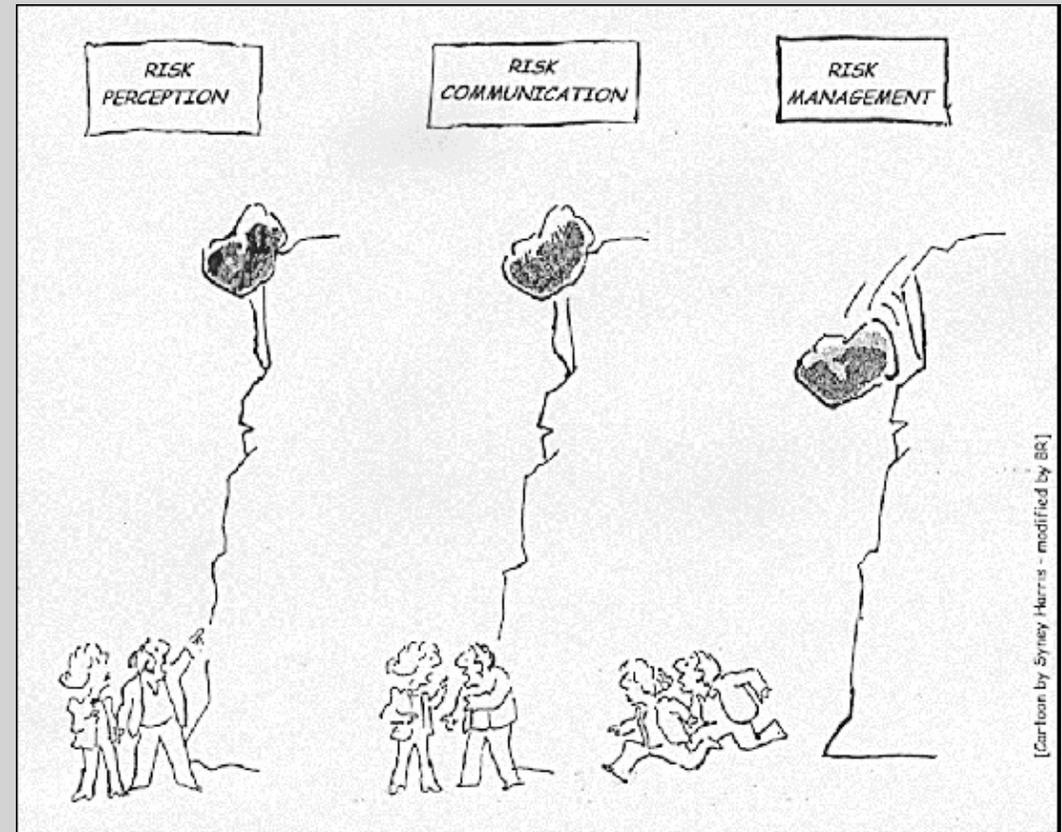


Characteristics of the decision-  
maker

E.g., numerical  
illiteracy

# Issue 2: Do we understand risk?

- *Do we fully understand the risk assessment outcomes?*
  - Risk communication is the link between risk assessment and risk management
  - Influence on decision making process in e.g., judges, clinicians, ...
  - Incorrectly executed & incorrect or unclear communication may have severe negative outcomes for all those involved and for society



# Issue 3: How to link risk management to risk assessment outcomes?

- *Do we know how to adhere risk management to risk assessment?*

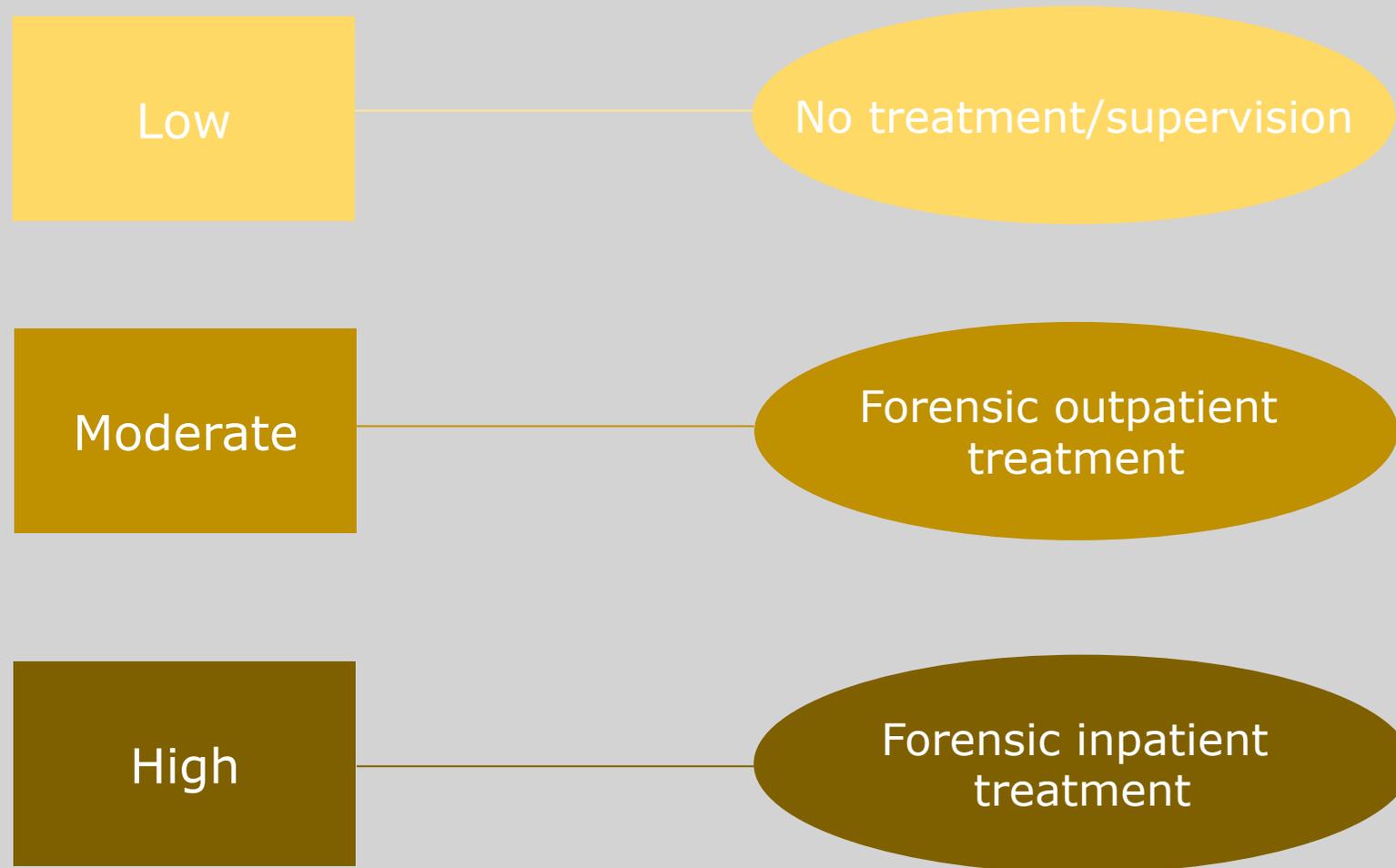
“Formal risk assessment is recommended to inform the judiciary and other competent authorities and agencies **regarding the best sentencing, management or treatment plan** for a given person.”

“Programming ought **to vary according to the specific risk and ought to target the issues that correlate with recidivism**. Researchers (Hanson, Bourgon, Helmus and Hodgson, 2009) have demonstrated, that sex offender programs which comply with the RNR model, have the greatest impact on reconviction.”

“In practise, a RNR-compliant program must have clear policies about risk-based allocation/or different treatment routes for different risk groups.”

(McCartan & Fuglested, 2019, p. 6)

# Issue 3: The best match in theory



# Issue 3: A match in practice?

- Not a flawless translation with regard to allocation
  - Treatment advice is not always in line with risk assessment outcome (Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen, 2017)
  - Allocation to treatment centres not always in line with risk assessment outcome

**Table 2.** Distribution of Risk Levels Based on STATIC-99R Scores for the Three Samples.

	Outpatient Treatment Group (n = 80)	Dutch National Sample (n = 145)	Canadian Sample (n = 2,011)
Low risk %	43.8 (35)	42.1 (61)	39.6 (796)
Low to moderate risk %	30.0 (24)	28.3 (41)	34.7 (698)
Moderate to high risk %	15.0 (12)	21.4 (31)	18.1 (364)
High risk %	11.3 (9)	8.3 (12)	7.6 (153)
STATIC score M (SD)	2.2 (2.6)	2.3 (2.3)	2.3 (2.5)

Note: No significant differences were found.

(Smid, Kamphuis, Wever, & Verbruggen, 2015)

# Issue 3: A match in practice?

- Not a flawless translation regarding adherence to the risk and need principles

*European Journal of Probation*  
University of Bucharest  
www.ejprob.ro  
Vol. 5, No.1, 2013, pp 65 – 85  
ISSN: 2006 – 2203

## **Do intervention plans meet criteria for effective practice to reduce recidivism? How probation officers forget about social capital and basic needs**

Jacqueline Bosker  
Cilia Witteman  
Jo Hermanns<sup>1</sup>

### **Abstract**

*The increased use of instruments for assessing risks and needs in probation should lead to intervention plans that meet the criteria for effective practice. An analysis of 300 intervention plans from the Dutch probation service showed that the match between the assessed criminogenic needs and the goals and interventions in the intervention plan is fairly low. It was also found that the so-called risk principle is not fully applied by probation officers. In addition, personal goals that the offender values are often not taken fully into account. Finally, the intervention plans have a strong focus on improving human capital, while improving social capital and basic needs often is not part of the intervention plans, even if they were assessed as dynamic criminogenic needs.*

# Issue 3: A match in practice?

- *Do we know how to adhere risk management to risk assessment?*
  - Populations are mixed in both outpatient and residential centres
  - We don't really know what to do with risk assessment outcomes.
  - How to align risk assessment with management strategies?



# Risk assessment: The pitfalls, the problems



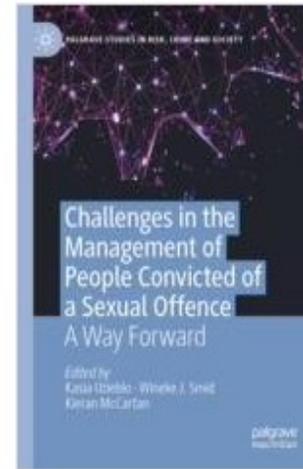
Do we fully understand the purpose of risk assessment?



Do we fully understand the risk assessment outcomes? How do we communicate about risk assessment?



How can we ensure that risk assessments lead to adequate risk management strategies?



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# Challenges in the Management of People Convicted of a Sexual Offence

## A Way Forward

Editors: **Uzieblo**, Kasia, **Smid**, Wineke J., **McCartan**, Kieran (Eds.)

Thank you!

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Articles open access:

*“Attitudes towards seks offenders and their risk in the Netherlands”* - - Smid  
<http://www.sexual-offender-treatment.org/173.html>

*“A matter of shared responsibility: How practitioners, policy makers, and media shape sex offender risk assessment in Flanders”* – Uzieblo et al.  
<http://www.sexual-offender-treatment.org/168.html>