

## A Risk Assessment and Risk Management Approach to Sexual Offending for the Probation Service

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**Summary:** This article reports on a study conducted by the author in 2007, which reviewed the research evidence on effective practice in relation to risk assessment and risk management of sex offenders primarily in the UK. It sought to appraise and draw conclusions in the absence of a specific risk assessment strategy for sex offenders to support evidence-based practice in the Probation Service. It focused on cognitive-behavioural therapy and the assessment and management of risk with sexual offenders and explored the development and use of risk assessment tools. Finally, the author used a small, controlled exploratory study of sexual offenders in the Irish context, involving probation officers who acted as respondents and formed a focus discussion group. The probation officers first assessed a number of sex offenders using clinical practice. Following attendance at a training course on the Hanson and Harris assessment tool, Stable and Acute (2007), they reassessed the clients using the new tool. They then compared, contrasted and evaluated the assessments. The study found that the use of a structured assessment tool provided guidelines as to what is effective in reducing recidivism with sexual offenders. It concluded that the research knowledge provided an evidence-based framework for the assessment and management of risk. It also looked at the implications for practice within the Probation Service, and highlighted the need for research into risk assessment and risk management of recidivism in Ireland.

**Keywords:** Acute, dynamic, static, risk, Ireland, probation officer, service.

### Context

Sexual offences are among the crimes that most concern the general public. It is unclear whether the incidence of sexual offences is on the increase, but what is evident is that the reporting of such cases has

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increased. Since the introduction in Ireland of the Sex Offenders Act in 2001, 300 sexual offenders have been subject to post-release supervision orders by the courts, of which, in February 2008, 73 had completed supervision, 120 were in custody and 117 were on supervision in the community. These statistics reflect the reality that the majority of sex offenders serve part or all of their sentence in the community. Greenfeld (1997) found that, of the approximately 250,000 adult sex offenders under the care, custody or control of correctional agencies in the US, about 60% were typically under some form of community supervision.

The data highlighted in the Irish context do not provide a completely accurate picture, as orders made prior to the Sex Offenders Act 2001 may not be reflected in the total number of 300 offenders subject to post-release supervision orders or community supervision. In addition, there is insufficient information on recidivism; there are problems in the accurate recording of data in relation to sub-groups of offenders; and it is known that a number of these cases are historic in nature, with offences committed many years ago only recently coming to light.

When sex offenders are serving part, or all, of their sentence in the community, probation officers provide the primary line of assurance and defence for victims and can work to prevent future victimisation, minimise harm and reduce public concern. One approach to working with sex offenders is to argue that supervision can only reduce risk when it monitors and addresses factors related to recidivism. In order to address the key factors in recidivism, probation officers need to carry out pre- and post-release assessments of risk/needs in order to implement supervision plans. To provide accurate and detailed intervention, probation officers need to be able to make sound judgements about an offender's level of risk to the community and to identify the factors that would enable him or her to establish a 'good life' (Ward and Stewart 2003).

The development of risk assessment tools is one aspect of a shift over the past decade from relying solely on traditional clinical judgement to appraising current international thinking and adopting more structured approaches. One of the objectives set in the Probation Service's Strategy Statement 2008–2010 is that 'In conjunction with key agencies, particularly within the Criminal Justice System, we will ensure effective offender supervision and management through appropriate risk assessment'. However, probation officers in Ireland have grown accustomed to administering a risk assessment tool called the Level of

Service Inventory – Revised (LSI-R) with adults and the Youth Level of Service/Case Management Inventory (YLS/CMI) with juveniles. These tools target criminogenic needs and are based on static and dynamic measures, but they are not the instrument of choice to be used with sexual offenders. This vacuum highlights the need for a standardised approach to risk management of sexual offenders.

The Probation Service is presently undergoing fundamental change in developing further ways of managing offenders. One option under consideration is to adopt the Stable and Acute risk assessment tool 2007 (Hanson and Harris) in combination with the traditional assessment methods. Such an approach has the potential to transform the way offenders are assessed for risk of reoffending. To be effective, this process will require an imaginative strategy incorporating a comprehensive training programme. A study was therefore commissioned to examine a sample of cases assessed by a small number of probation officers using both clinical judgement and the Hanson and Harris risk assessment tool.

## Objectives

The research objectives of this study were:

- To study risk assessment of sex offenders in probation settings.
- To study the possible introduction of a risk assessment tool for sex offenders by the Probation Service in Ireland.
- To compare the use of clinical and risk assessment tools for sex offenders in a small sample of cases in the Probation Service in Ireland.

## Methodology

The methodology used to examine the applicability of risk management practice to the Probation Service had three elements: literature review, documentary research analysis and qualitative research.

The literature review consisted, in the main, of recent research findings on risk management with sex offenders. Major works on the topic, including McGee *et al.* 2002, Walsh 1998, Mair 1989, Harris 1992, Wright *et al.* 1984, Maguire *et al.* 2001, McIvor *et al.* 2002 and Hanson

and Harris 2000 and 2001, provided the initial information on which the study was based. Cognitive-behavioural theory was the theoretical framework used to underpin the study. The study also referred to literature on risk assessment tools in the context of looking at how probation agencies incorporate the research evidence on risk management into their work practices. The literature review provided a picture, albeit a limited one, of the state of knowledge regarding risk management's effectiveness in reducing recidivism.

The documentary evidence used in the study was provided by risk assessment instruments, which were used to add measurement and compare pre- and post-test findings with the representative sample. These tools provided additional validity to the findings.

Qualitative research was the main method used because it generates meaning and allows the researcher to explore in detail, and seek understanding of, complex issues and processes by using narrative descriptions. An exploratory comparative study was conducted using three probation officers (the respondents). They assessed a small sample of seven sex offenders from case files. Following the pre-test process using clinical judgement solely, the author collected the raw data to ensure non-contamination. The individual data were coded numerically from one to seven and divided into categories of low, medium and high risk. The respondents then reassessed the same sample group using formal risk assessment tools. The data were inputted onto formal risk assessment sheets and collated. On completion of the assessments, the author drew comparisons and contrasts between both sets of data. A follow-up focus group discussion between the author and the respondents was conducted using conversation analysis to explore themes and issues arising from the process. The points made in discussion were recorded in detail by the author.

### **Study findings**

The comparison between the results obtained using clinical judgement and those using the assessment tool showed that respondents tended to overestimate the risk when relying on clinical judgement alone. This appeared to be due to officers sometimes failing to consider dynamic risk factors, such as interpersonal relationships, employment opportunities and other social factors, which have the potential to mediate or moderate

the level of risk. The use of the assessment drew attention to the fact that a broader range of dynamic factors need to be taken into account. It was clear from this very small group of practitioners that combining clinical judgement and the use of the assessment tool had the potential to improve the assessment of the risk of reoffending. Although this study only examined a limited number of cases, this finding appears to reflect the evidence in the literature.

It was clear that more in-depth information regarding the client group was needed to use the tool effectively. This was an important finding as it showed the information deficit that could arise from using clinical judgement alone. The use of the assessment tool highlighted the need for assessors to collect far more detailed information about the background, social relationships and behaviour of the particular offenders. Discussions with the probation officers following the research exercise emphasised the need for ongoing training in the use of the assessment tool.

The issue of validation of assessments was an important area highlighted in the study. The general view was that the introduction of the assessment tools could validate probation officers' work and give a greater level of evidence-based practice to their role. However, the respondents suggested that working in pairs would further enhance the validity of the risk assessment and their confidence in their ability to carry out valid and extensive assessments. This is an important concern as far-reaching decisions on interventions are based on their assessments, which could affect the future lives of individual sex offenders and the safety of the general public. Their assessments also have resource implications for the Probation Service in so far as the intensity and level of supervision are related to the level of risk assessed. Incorrectly assessed offenders might receive high levels of supervision that are not necessarily required and that could have an adverse effect on their behaviour.

It can be noted from the respondents that took part in the study that change has begun and is welcomed. However, a lack of resources was highlighted as a possible obstacle to further progress. Successful implementation of the risk assessment approach requires clear direction and support from Probation Service management, along with a flexible leadership style that takes account of practitioners' views and knowledge.

## **Future developments**

A number of issues arise for the integration of the use of sex offender risk assessment tools in the Probation Service:

- Greater numbers of officers need to be trained to carry out the assessments.
- There is an argument to be made for the introduction of specialist teams to undertake risk assessments for sex offenders. This would have merit in so far as it could develop a high level of expertise and a supportive network for practitioners. It could also assist in providing a framework for enhancing reliability between assessors.
- The need to commit to a cross-border partnership with the Probation Board for Northern Ireland, which has been undertaking actuarial risk assessments for some time.
- The need for formalised national standard guidelines to be operational within the Probation Service that would underpin and support the risk assessment tool to provide a balanced consistent service, and a model for best practice.
- It is vital that inter-agency co-operation be promoted in order to provide a comprehensive risk assessment strategy, as there is a lack of consistency in protocols across the criminal justice system.
- There is a need for a larger study of the use of the tools, including a comparison of clinical and actuarial assessments. The aim of the study would be to assess clients on supervision who could be assessed using the Risk Matrix (RM 2000) and the Stable and Acute (Hanson and Harris 2007) assessment tools. When the client is released from custody the officer who carried out the assessment could assist the supervising probation officer in the community to complete the Acute Dynamic, which is the final part of the assessment. The information gleaned from the study would be invaluable in setting up structures and specialised assessment teams to administer the tools. A longitudinal study, which could assess outcome, would act as a validation of the assessment tool and the level of intervention that follows. In the absence of clear research, such a longitudinal study would inform the Probation Service on the value of the tools.

It is clear that the Probation Service is willing to embrace change. It is exploring adoption of the Risk Matrix (RM 2000) and Stable and Acute

(Hanson and Harris 2007) assessment tools and is keen to build on the early initiatives.

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