

Summary

Introduction and method

In 2009 the temporary leave procedure for adult prisoners of the Dutch Prison System will be changed. This change is part of the program 'Modernization of the Prison System'. The present two forms of general and regime-related temporary leave will be substituted by one new procedure: 'personalized leave' (in Dutch: 'persoonsgebonden verlof'). Temporary leave is seen as one of the tools to prepare for a gradual return of prisoners into society, with the aim of reintegration, while ensuring the safety of society. The Department of Justice requires more personalized methods than has been the case up until now, by using a decision making procedure that is used unambiguously and uniformly by all Penitentiary Institutions (PI's). Previous research has shown room for improvement in this area (Nelissen, 2006). Additionally, increased structuring of risk assessment is important and the possibility of using a risk assessment instrument needs to be assessed. The Department of Justice considers two types of risks to be important in the decision making process for personalized leave: the risk that the prisoner will not return to the PI after the temporary leave, and the risk that the prisoner may commit an offence during the leave. These risks may be reduced by increased structured risk assessment.

This research has studied whether it is possible and useful to use a structured risk assessment instrument in the Dutch procedure for prisoner leave. For this purpose, instruments used in other Dutch sectors (probation, youth, and forensic psychiatric system (in Dutch: 'tbs')) were studied, as well as instruments used in the prison systems in a number of other countries (Canada, Denmark, England & Wales and Switzerland). To be able to assess the value of risk assessment instruments properly, it is important to know the context in which these instruments are used. Therefore not only the risk assessment instruments of the different sectors and countries have been analyzed, but also the procedures for temporary leave. The instruments found have been assessed for (integral or partial) usability in the Dutch Prison System, and whether they add more value than the risk assessment instrument RISC, which is presently used by the Dutch Probation Services. This instrument has not been specifically developed to assess risks during leave, but

is used for general risk assessment of prisoners. The data collection consisted of a literature study, interviews with Dutch and foreign experts (by telephone) and an expert meeting.

Results

In the researched sectors (outside the Prison System) in the Netherlands, several instruments are being used:

- The Probation Services use a brief screening instrument, the QuickScan. For a number of offenders (among others those who are eligible for personalized leave) a more extensive risk assessment instrument is used, the RISC.
- Youth detention centers nationwide mandatorily use the risk assessment instrument SAVRY. The centers are free to use other instruments as well. The organizations for juvenile delinquents outside prisons use a number of instruments. Because they are scheduled for replacement by other instruments, these have not been included in this study.
- Within the forensic psychiatric system a number of instruments is used for risk assessment of tbs-patients. Of these HKT-30 or HCR-20 are mandatorily used nationally in the assessment of risk of recidivism during leave for all forensic psychiatric patients, as well as the SVR-20 for sex-offenders. In the past an instrument has been developed specifically to assess risk during leave, the VRT-9. This instrument has not been implemented nationally and there is limited literature available about its predictive validity.

The other countries researched sometimes use instruments in their Prison System:

- In Denmark and Switzerland no risk assessment instruments are used for decision making about temporary leave for regular prisoners. In these countries, there is a temporary leave procedure in which risks are assessed, but this happens on the basis of an unstructured professional opinion. In Switzerland risk assessment instruments are used for prisoners who have been sentenced for serious crimes and one Swiss Canton is conducting an experiment with the Dutch RISC.
- In Canada the LSI-R, LS-CMI or SIR-R1 are used for regular prisoners. If these instruments reveal specific problems, additional instruments can be used to assess risks more in depth (for instance with sex offenders or domestic violence).
- In England and Wales OASys is used. Here too, other specific instruments are used where needed besides OASys.

A number of these instruments is similar. OASys was developed on the basis of the LSI-R. The RISC was developed on the basis of OASys.

Analyses of risk assessment instruments

The instruments and procedures have been analyzed with use of criteria for the method, psychometric qualities and preconditions.

The instruments have all been developed for long-term risk assessment, not for assessment of specific risks during temporary leave. An exception to this is the VRT-9, but as mentioned before, this instrument has not been implemented. The instruments are used as one of many sources for assessment of leave requests. Although the implementation differs and the instruments have been developed for different target groups, the methods are comparable in general and they gather similar information for comparable purposes. The QuickScan is somewhat different because it is a quick screening instrument and the others assess more dynamic factors. The psychometric qualities of most instruments do not differ significantly in general (see: Campbell et al., 2007; Gendreau et al., 1996, 1997, 2002; Walters, 2006; Hildebrand, 2006). For some instruments, for example the HCR-20, a substantial amount of research literature is available, on the basis of which can be assumed that this instrument predicts recidivism reasonably to well. For other instruments (especially Dutch instruments) research results are not as extensively available nor as consistent. The psychometric qualities of the QuickScan are not yet known. For the RISC, inter-rater reliability, internal consistency and concurrent validity are good (Van der Knaap et al., 2007) but the predictive validity has yet to be established (research is planned for 2009). Even though the psychometric qualities of the instruments (as far as is known) are statistically reasonable to good, this does not mean that a prediction will be valid in individual cases.

Concerning preconditions for the use of a risk instrument, there are substantial differences with respect to required time for testing, staff training requirements, the possibility to integrate the instrument in a protocol for personalized leave and the cost-benefit balance. Most instruments mentioned may be integrated in a prison system protocol. However the instruments would need to be adjusted, which would cost time (and money) and is not always considered to be easy. The instruments from the Dutch sectors youth and the forensic psychiatric system would need adjustments because the target groups are different, for instance in terms of sensitivity to certain risks (such as parental influence or psychological problems). Additionally, these instruments need to be used by behavioral scientists. Behavioral scientists are momentarily scarce in the Dutch prison system and relatively expensive. A substantial advantage of the RISC is that this instrument is already being used for the target group of personalized leave. Implementation therefore does not cost more time. Probation officers are already trained to use the RISC. By using the RISC instead of adding another instrument, additional time and money will not be unnecessarily invested in a new instrument of which the benefits will still have to be demonstrated.

Analyses of the procedures

A number of factors is considered important for the protocol for the new personalized leave. The study has established the following guidelines. Most countries require the use of a temporary leave plan. This plan describes specific activities that will be performed during the temporary leave. These activities will be assessed for consistency with the goals of reintegration (for instance: an appointment for a job interview or concerning housing). Experts indicate that leave plans in the Dutch Prison System also deserve more attention with regard to content and assessment. The protocol for personalized leave also needs unambiguous definitions and outlining of tasks and responsibilities. Additionally, acute risk factors can be included in the protocol, such as: alcohol and/or drug use during detention as well as advice from police, Public Prosecutors, judges, city council and possibly the victim. It is important that with each request for leave, a number of people participate in the decision making process. An additional assessment can be done for requests for prisoners with a very high risk (by the Dutch Prison System). The establishment of an advisory college to advise about prisoners with a very high risk in case of doubt might be considered.

Behavior during detention can also be taken into account. For this purpose indicators which are used in Canada or existing questionnaires may be utilized. A requirement is that these take as little time as possible to make it usable in practice. An aspect that receives more attention in other sectors and other countries than in the Dutch Prison System, is the leave address and the social environment. First, it could be assessed, more often than is the case now, how much of a risk the leave address or the people there form. Secondly a social network analysis might be done. The FSNA-method from the tbs-system might be used for this, if presently conducted research shows that this method adds value to risk assessment. Because the FSNA-method is a very labor-intensive procedure, it may be considered to be of use only for prisoners with very high risks or for prisoners with an indication that their network may negatively impact the resocialisation or may increase risk of recidivism.

The mandatory use of risk assessment instruments and a clear procedure alone, shall not prevent that staff in different penitentiary institutions will apply the leave policy differently. It is important that not only the number of leaves, but especially also the course of events is registered and evaluated. Experts advise to give the (groups of) decision makers feedback, and to have them discuss regularly how they make their decisions. In this way, knowledge can be obtained about the way in which decisions are made and the factors that lead to a more, or less successful leave. Also, unambiguous decision making throughout the country can be improved. Furthermore, statistical analyses of the leave histories and the types of offences is necessary to assess which factors can predict risks during leave. A shortened checklist may be developed which may be used when a (recent) RISC is not available. Considering the margins of error involved with risk assessment, experts advise

against the use of cut-off scores (designated scores at which temporary leave can or cannot be granted). Instead, it seems more advisable to take measures for risk management when risks are found. Leaves could be granted more often if there are more options for risk management. In the researched sectors and countries, more measures have been implemented for risk management than in the Dutch Prison System at present, such as random checks at the leave address, work address or the surrounding area, and mandatory reporting by the prisoner (by telephone or in person) to a prison or probation office.

Conclusion

All researched countries have procedures for temporary leave, which generally have the same goals. Most countries and sectors use risk assessment instruments. The instruments are used as one of many sources in the assessment of the temporary leave requests. The instruments are in general not very different with respect to method and psychometric qualities. However, the instruments have all been developed to assess long-term risks, not to assess specific risks during temporary leave. Because no instruments have been developed for risk assessment for temporary leaves of adult prisoners, one might consider the development of a new instrument. An alternative is adjustment of one of the researched instruments. Development of a new instrument, or adjustment of foreign or Dutch instruments that have been developed for other target groups, would require a substantial investment of time and money, without prior knowledge of what the added value will be for the Dutch Prison System. Because the instrument RISC is already being used for prisoners who will be eligible for personalized leave, this currently seems to be the most suitable instrument for the leave procedure of the Prison System (provided its predictive validity is found to be good, which is expected to be researched in 2009). The course of events during the leaves needs to be documented and analyzed, in order to assess which items from the RISC predict risks during leave. This may provide a basis for the development of a shortened checklist. Also a number of aspects may be included in the protocol that provide additional information about risks and protecting factors.

Usage of the instruments at present cannot prevent inaccurate decision making at the individual level any more than usage of unstructured professional opinions can. Authors of articles about risk assessment as well as consulted experts promote the usage of the RISC in the procedure for leave, provided that its predictive validity is shown, not so much to drastically reduce the number of inaccurate decisions (the number is already relatively low) or to use solely for decision making, but especially to give direction to decision making, supervision and risk management of prisoners.