

Report

CEP Workshop

London, January 30-31 2003

The Management of Dangerous Sex Offenders: a European perspective

This workshop was organised on behalf of the Conférence Permanente Européenne de la Probation (CEP) by the National Probation Directorate for England and Wales, the London Probation Area and the Metropolitan Police. The comments expressed in workshops and feedback sessions are those of individual delegates and do not necessarily represent the views of their employing organisation. Similarly, statistics and facts were provided by individual delegates on the day. CEP can take no responsibility for their accuracy.

This workshop attracted 60 delegates – half from the UK, half from mainland Europe and one from Canada. They included probation officers, police officers, social workers and psychiatrists. The workshop provoked a lively debate on how this most difficult and dangerous group of offenders should be managed in the community.

The main focus was on the UK model, which was introduced by law in April 2001, although it built on existing good practice. This law requires the police and probation services in each area to work in partnership to manage registered sex offenders, violent and other dangerous offenders.

It is a model which treats sex offenders as criminals who have a choice over what they do. As the workshop progressed, it was clear that this approach is at variance with most of the rest of Europe, which involves psychiatry much more in assessment, treatment and management.

Eithne Wallis, National Director of Probation for England and Wales, opened the workshop by outlining the context in which this work is carried out and how it is viewed by the public. She described the most dangerous sex offenders as the 'critical few' – a tiny proportion of police and probation caseload but who take up a disproportionate amount of time and resources and cause the most public concern.

She said: "The reputation of the probation service will depend on how well we manage this group of offenders and how effective we are in preventing them from committing further offences."

Eithne Wallis added that this offence was no respecter of geographical boundaries and it was vital for police and probation services to work together across Europe.

Outside current statutory work, she spoke of other initiatives which are being tested in the UK. Circles of Support and Accountability, a Canadian model, seeks to train voluntary workers to help reintegrate sex offenders into the community. Leisurewatch trains staff working in leisure centres to spot potential sex offenders who are seeking to interact with children.

New legislation in the UK will extend the use of electronic technology to monitor sex offenders and will revise the list of offences which fall into this category.

Eithne Wallis urged the audience not to become disconnected with victims. She said the whole thrust of this work was to try to prevent individuals and families from experiencing profound hurt.

The workshop considered sex offenders under four headings – assessment, treatment, management and public and political issues.

ASSESSMENT

Professor **Don Grubin**, of Newcastle University, defined the meaning of risk as

- the likelihood of offending
- the immediacy offending
- the frequency of offending
- the consequences of offending

He held that a scientific, objective approach was needed to determine risk.

He contrasted a clinical approach with an actuarial approach and claimed that the clinical approach was not good at assessing the likelihood of offending. This approach, he said, was unstructured and subjective, was based on too little information, was easily biased, used incidents from the past to predict the future, and was difficult to quantify.

An actuarial approach, meanwhile, was based on rules and objective data, was unbiased, deductive and quantifiable in defining high, low and medium risk.

Professor Grubin claimed the clinical approach was "just better than chance" and that actuarial scales were twice as good as the best clinical assessment. But he acknowledged that even actuarial risk assessment had its drawbacks because it is static – based on historical data.

The best assessment of immediate risk was a combination of static factors based on historical evidence, stable factors based on long-term characteristics and acute factors based on immediate behaviour.

Jan Davis, Assistant Chief Officer with the National Probation Directorate, outlined the use of OASys, an assessment tool developed for probation and prison services in the UK to provide a common basis for assessment and supervision and sentence planning.

OASys, she said, helped ensure offenders were placed on the most appropriate rehabilitation programmes; it measured change and evaluated effectiveness and progress. It helped staff to make better and more defensible decisions and acted as a trigger for more detailed assessment.

Its five components are risk of reconviction, risk of serious harm, the OASys summary sheet, supervision and sentence planning and a self-assessment questionnaire. Its use gives a score which determines low, medium or high risk. This assists prison and probation staff in developing a management plan both in prison and in the community following release.

An introduction to OASys can be found in the [Probation Briefings of the Home Office website](#)

Feedback

This session showed wide variations in approach and philosophy between different countries.

France

It was felt the intrusiveness of a form such as OASys would cause public concern that it breached the European Convention of Human Rights. The stigmatisation and labelling of offenders is forbidden, even though the government wants a solution to sex offending. As little data is kept as possible and there is no sharing of data between different ministries. All forms are registered with the department which looks after the rights of individuals.

The UK view is that public protection outweighs privacy and that labelling is part of assessment. Offenders need to recognise that what they are doing is unacceptable and they must change. They are not going to change unless they recognise that they are sex offenders.

The Netherlands

A national tracking system is being introduced. There is a fear that this could lead to staff focusing on filling in forms and looking at products rather than looking at the offenders themselves.

This fear existed in the UK with the introduction of OASys. Training in how to use it was essential and staff have been told not to use OASys to replace a proper interview.

Belgium

Reconviction rates are 6% for rape, 12% for hands-on offending and 20% for theft. Psychologists working for the Justice Department carry out risk assessment. It falls between two Ministries.

The UK view is that assessment is best carried out by criminal justice agencies with input from the health service where necessary.

The medical approach was the most common among delegates. In some countries risk assessment is carried out by the police. There is a view that a clinical approach underestimates risk, while a police approach overestimates it.

Delegates wanted to know whether, given that most offences of this type are committed by people without previous similar convictions, all the activity around risk was giving a false reassurance to the public.

Don Grubin acknowledged that this type of risk assessment was concerned with the prevention of re-offending. To prevent first offending we would need a public health awareness campaign.

TREATMENT

David Middleton, from the What Works team in the National Probation Directorate, and **Clark Baim**, a consultant from the West Midlands, explained the application of the Sex Offender Groupwork Treatment Programme which is now being used in England and Wales.

David Middleton began by talking about how the UK understands sex crime. It is an approach which is not common across Europe and one which provoked much discussion, both in the workshop and outside.

He said: "We don't see sex offending as an illness over which the offender has no control. If we regard it as a mental illness needing a health response, this causes problems about which agency is responsible for treatment and what form that treatment takes.

"Our understanding is that it is something over which individuals do have choice. Treatment helps them make better choices and exercise some self-control. And the probation service is the lead agency in the provision of treatment."

Good programmes had a clear theoretical framework, targeted high-risk offenders and offending behaviour, suited the learning style of different offenders and were consistent. They were also more effective if delivered in the community.

The best programmes helped offenders to face up to the consequences of their behaviour, understand their motives and develop new ways of controlling their behaviour.

Four elements needed to be addressed – denial, offence-specific problems, levels of social inadequacy and knowledge of relapse. The content of the programme consisted of

- Pre-programme motivational work
- Cognitive behavioural work
- Offence patterns
- Cognitive distortions
- Life skills
- Deviant fantasy
- Victim empathy
- Relapse prevention

Offenders were excluded from the programme if they had a low IQ or were unstabilised. Each group had three facilitators. Results so far showed a 40% improvement in recidivism rates.

To illustrate how an offender is helped to empathise with his victim, David and Clark role-played a scene involving Curtis who had sexually molested Jade, his daughter's best friend. Curtis was asked to put himself in the position first of Jade's father, then Jade herself.

Feedback

This part of the workshop engendered much discussion about the role of the health and criminal justice agencies and there was a useful discussion about the effectiveness of treatment programmes.

Q. How do facilitators ensure that the more intelligent offender does not figure out what answers are required and simply give them?

A. Clark Baim's view was that the programme was too long for an offender just to go through the motions. Many exercises were feelings-based and facilitators were encouraged to use open questions. David Middleton added that one reason for groupwork was that it brought together a group of experts who could see through each other.

Q. In France such a group would be regarded as therapeutic and delivered by a health expert. What is the boundary between what is therapeutic and what isn't?

A. The programme is therapeutic and the skills needed to deliver it are included in training facilitators. People selected as facilitators have a certain competence in these areas already. The UK experience is that we do not need to restrict this role to medical experts. The best facilitators are those with a lot of experience in dealing with offenders on a daily basis.

Q. What if the group does not challenge behaviour?

A. We are careful to ensure the group does not contain too many people at the extreme end of denial. Sex offenders are very challenging of other sex offenders.

Workshop 1

The first workshop asked delegates to compare sentencing patterns for different types of sex offence and to compare the availability of treatment for sex offenders. Both subjects raised interesting differences between countries.

In the Netherlands and Norway, for example, indecent exposure is not a crime, whereas it is in the UK.

Sentences for child abuse varied considerably – 12-18 months' imprisonment in Finland; 1-2 years in Norway; 1-8 years in Portugal; six months – life in the Republic of Ireland; from probation to 12 months' imprisonment in Sweden; 30 months – 15 years in the UK; six months' imprisonment plus five years' probation in Belgium, though more for multiple offences; six months – 5 years in France.

Rape also attracted different sentences – 2-10 years in Belgium; a conditional discharge – life in the UK; 2-3 years in Finland; five years – life in France; three years to life in the Republic of Ireland; 18-30 months in Norway; 2-4 years in Sweden; 3-8 years in Portugal.

The possession of child pornography attracted lighter sentences across the board. It was generally held that a non-custodial sentence or a short period of imprisonment was the most likely sentence, though it was acknowledged that in some countries this is too new a crime to evaluate sentencing attitudes.

In the second part of the workshop delegates were asked what type of treatment was available in their country for sex offenders and who held responsibility for delivering it. It was here that the UK differed most from the rest of Europe in its criminal justice model.

The Netherlands has forensic psychiatry units to treat sex offenders. Probation training does not cover sex offenders

In Norway a person's IQ can determine the length of a sentence. This plus psychiatric problems could result in treatment.

The Republic of Ireland has small psychiatric departments in prisons and sex offender programmes in prison. There are voluntary programmes in the community.

Voluntary sex offender programmes, delivered by prison officers, are available in Finnish prisons but none exist in the community. All sex offenders are supervised on release.

In Norway availability differs by region and programmes vary. Some start in prison. Some use cognitive behavioural approaches. They are delivered by psychologists and probation officers and are compulsory for serious offences.

Sweden is developing specialist cognitive programmes in prisons, delivered by psychologists and prison officers. In the community there are problems of numbers. One to one specialist work may be available.

No specialist provision is available in Estonia.

In Belgium structured treatment lasting 2-3 years is available. Delivery is the responsibility of the Health Service and the Justice Department.

Treatment in French prisons is available but not obligatory. On release offenders are required to see a doctor.

In Portugal programmes are available in prisons, delivered by psychologists. In the community numbers and travel distances make programmes problematic.

The Catalan experience

Delegates from Catalonia provided details of a treatment programme for sex offenders at an open prison in Barcelona. There are 210 inmates with a staff of 26 including six educators, a psychologist, a lawyer and a part-time doctor.

Most of the sex offenders have concluded a sex aggression control treatment programme in an ordinary prison. The programme includes risk evaluation. The programme in the open prison is designed to manage the transition into the community.

During the first period at the open prison the inmate undergoes a needs assessment which leads to an individual treatment plan. This includes four elements – goals, activities, community resources and aftercare.

Intervention is adapted to individual needs. The main components are psychological counselling; family counselling; employment support; health education; substance abuse control and community surveillance.

In the case of sex offenders therapeutic work is done with inmates and their families. A self-help group, led by a psychologist, is available for those who have left institutional treatment.

At the three-quarters point of the treatment progress and risk levels are assessed. Conditional release may be proposed to the court. While on conditional release the offender may be required by the judge to follow the treatment programme.

Of 35 offenders on the programme since January 2000, 22 have left the prison. Of these 12 are on conditional release and 3 on unconditional release. Only four have been sent back to a category 2 prison.

So far only three have re-offended - two sexually and one non-sexually.

MANAGEMENT

Detective Chief Inspector **Tim Bryan**, seconded from the Metropolitan Police to the National Probation Directorate's Public Protection Unit, outlined the changes in the management of sex offenders which have been in force in England and Wales since April 2001.

These require police and probation to work together to assess and manage the risk of serious harm to the public caused by sex offenders, violent offenders and other serious offenders.

The legislation was driven by the case of Sarah Payne, a young girl who was sexually attacked and killed in the summer of 2000. The case caused widespread public concern and calls for the names of sex offenders to be published. Although the government resisted calls for a Sarah's Law like Megan's Law in the United States, public safety measures were tightened up.

Tim Bryan explained the operation of Multi Agency Public Protection Panels (MAPPPs), chaired by police and probation, which meet every month in all parts of the country, to discuss the management of the 'critical few.'

In the first year of operation these panels national have dealt with 18,465 registered sex offenders, 27,477 violent offenders, and 1,201 other serious offenders and have dealt with 81 sex offender orders.

The panels also include other agencies where appropriate, such as housing, health, social services, and youth offending teams, employment and electronic monitoring providers.

Tim Bryan posed the question – how can agencies with different stereotypes sit down and do business together? The answer was the common goal of public protection and the belief that co-operation added value to individual agencies' work.

Detective Sergeant **Keith Giles** and **Alison Dale**, Assistant Chief Officer with the London Probation Area, outlined how MAPPPs work in practice.

All sex offenders are required to register with the police in person within three days of release from prison or receiving a non-custodial sentence. Registration restricts movement and failure to comply can result in up to five years' imprisonment.

Only those offenders who pose the most serious risk are referred to the MAPPP. Meetings, called by police and probation, and attended by other invited agencies, are held usually once a month in each area. Delegates share information about each offender deemed to pose a risk to the public or to individuals in order to agree a common management plan.

Keith Giles talked of the protocols for information sharing between agencies. There is no legal requirement to disclose information between agencies, but the government's view is as follows:

"The public rightly expects that personal information known to public bodies will be properly protected. However, the public also expects the proper sharing of information, as this can be an important weapon against crime. Agencies should, therefore, seek to share information where this would be in the public interest."

Keith and Alison outlined some of the public protection measures available to the MAPPP.

- Sex offender orders. These restrict the conduct of offenders who are believed to pose an imminent risk of harm.
- Surveillance. This is effective but costly and needs to be used with care and as part of a menu of initiatives
- Disclosure/community notification. This is controversial, has Human Rights issues and needs to take into account both the safety of the public and the safety of the offender. However, its limited use is sanctioned.

Partnership working was thought to have many advantages. Among others it obliged agencies to look at their own practices and each other's.

Details of the responsibilities given to the police and probation services to establish arrangements for the assessment and management of the risks posed by particular offenders are set out in a [circular accessible on the Home Office website](#)

A full and detailed account of the working of Multi Agency Public Protection Panels can be found at www.onlinemappa.com

Workshop 2

The second workshop asked delegates to consider the benefits and disadvantages of a collaborative approach to risk management and the barriers to this type of work.

The benefits were generally held to be:

- An awareness of threat
- The ability to share information across agencies
- Better analysis and better prevention of new crimes
- A more accurate understanding of an issue or case through sharing different perspectives
- Closer working helps agreement
- Resources are managed better
- Focuses on the concept of public protection

Even among the delegates from England and Wales, where collaborative working has been the norm for almost two years, there were identified disadvantages to this approach:

- There is no consistency
- Relevant cases could be missed
- A surfeit of information made decisions more difficult
- There could be information gaps

Barriers to implementation of this approach in other European countries were identified as:

- Lack of understanding of each others' cultures across agencies
- Lack of political will
- Lack of resources
- Lack of a legislative framework
- Lack of agency commitment
- Issues of privacy, data protection and Human Rights
- No pressure to change existing systems

PUBLIC AND POLITICAL ISSUES

How do we develop international co-operation? and Can we ensure public confidence in management systems?

It was felt one of the main barriers was that different countries interpreted privacy laws differently. In France, for example, it was felt that to being about a change, an offender needs to be able to turn the page and start a new life without fear of stigmatisation.

In Spain, there is surveillance but no disclosure, even though sex offending has as high a profile as in the UK.

In Belgium a sex offence against a minor requires registration plus a ban on working with children.

In Portugal sex offending always makes the headlines. The country is now realising that the problem is bigger than was first thought. There are currently 350 sex offenders in prison but these are thought to represent the tip of the iceberg.

In Finland media attention on sex offending is small but growing. Public confidence in the police is high.

George Barrow, Head of Communications for the National Probation Service for England and Wales, gave a flavour of the media coverage given to sex offenders in the UK – coverage which to some extent had driven legislation.

He cited the obstacles to proper public education and debate about sex offenders, which include a general hostility to probation work, a polarised debate in the media and misconceptions that the sex offender register was a public document.

Additionally, there was low public awareness of probation work and probation had few political and influential friends. But with a trend to an increasing number of convictions, longer periods of supervision and more policies and practices affecting the public, there was a need for improved communication.

In closing the workshop, Eithne Wallis hoped it had been useful for delegates to share their experiences. She acknowledged that there was no single solution to the problem but added that the National Probation Service for England and Wales was "comfortable" in its policies and practice of multi- agency work.

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February 2003