

Dealing with Dangerousness: the parole board perspective

Last year the Parole Board took decisions affecting over 3,000 of the most dangerous offenders in and outside prison. Changes imminent in the Criminal Justice Bill will increase its focus on dangerousness. **Jo Dobry** talks to colleagues at the Board about the process of risk assessment and what it feels like to release someone who has been dangerous in the past.

Stephen Murphy is Chief Probation Officer for Northumbria. He was reappointed to the Board in 2001, and serves on its advisory committee. "I think the first thing to say is that if there is any doubt about the risk of a serious offence, we wouldn't be letting that person out of prison. It is a huge responsibility - and we are very conscious of representing people 'out there' both in terms of the public and of course the victims who are central to every case we look at. Without being complacent, we don't think in terms of getting decisions 'right or wrong'. The aim is that every decision is the right one based on all the information available at the time. You have to remember that for all the people we release, there are others we keep in prison who might not have gone on to reoffend. Over 95% of long term prisoners complete their parole without reoffending. Over the last 10 years the number of prisoners recalled for reoffending has remained at or below 5%. We want to get that figure even lower of course, because we know that every new offence means more victims."

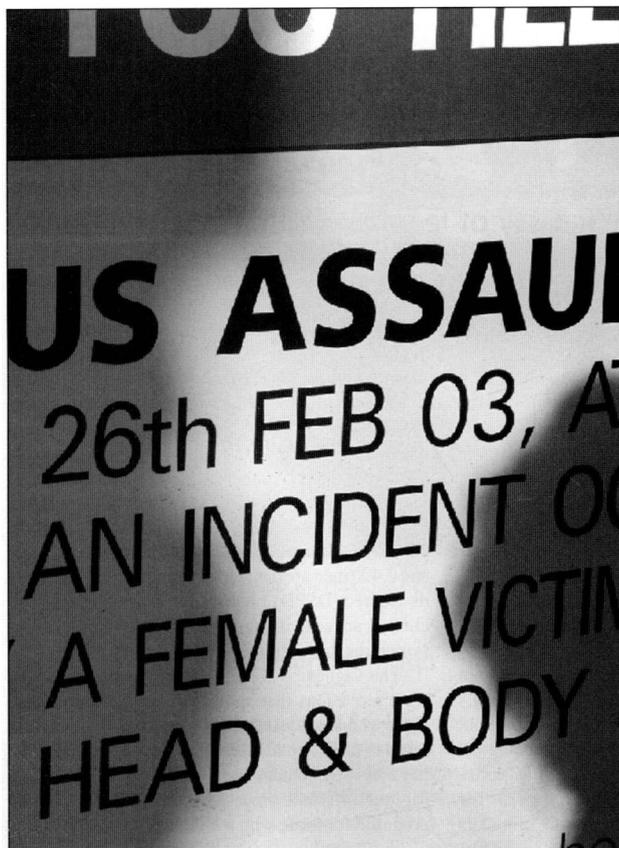
Mollie Weatheritt, formerly Assistant Director of the Police Foundation, is a full-time Independent member of the Board, with responsibility for the Board's appraisal scheme and training. Her duties include running a week's residential training course every summer for new recruits to the Board. "Risk assessment is not a scientific process. But there are definite goal posts. We have by law to follow the Directions given to us by the Secretary of State. For instance, one of the first things I work through with the new members, are the Directions for determinate sentence prisoners. They direct the Board's attention to a number of factors associated with risk and ensure that we address them both in the decision we make and the reasons we write to explain and justify those decisions. They are a good template for the balancing exercise we have to make between the seriousness of the offence and the risk to the public on the one hand, and the progress made by the offender and the benefit to him or her of release under supervision. In introducing people to risk assessment for the Board it can be helpful to distinguish between static and dynamic risk. So you look first at the things that the offender can't change: the facts of the offence and his offending history. Of course you need to go behind the facts in each case for the underlying causes of and triggers to offending. Then you look at how the offender has behaved in prison and the degree to which they have developed the understanding, skills and motivation to avoid a return to crime. It's crucial to know how he or she is going to cope on the outside and what support is there. And so you balance the factors which can't be changed against those which

can and which have changed. The bottom line though, has to be the safety of the public. The balancing process applies, whatever the degree of 'dangerousness', but in simple terms the more serious the offence, the higher the threshold of acceptable risk. The Directions for instance stipulate that in dealing with violent and sex offenders, we should take account of previous offences of sex and violence."

Carol Hedderman, a criminologist and former Board Member is currently Assistant Director of the Offending and Criminal Justice Group in the Research Department of the Home Office. "Actuarial risk assessment tools are a good starting point for any assessment. We know that in general terms they are good predictors of reoffending, more reliable than clinical judgment, certainly on its own. The essential difference is that assessment tools will normally tell you the likelihood of reoffending based only on the static factors like age and history of offending. What they won't tell you is whether that individual will conform to the stereotype. There are an infinite number of variables and so that is where the clinical judgment comes in."

Nigel Stone is a Senior Lecturer in Criminology and Criminal Justice, serving on the Board since 1997. "Of course decision-making in the context of dangerousness can generate anxiety, but the balance is always tipped in favour of protecting the public. No panel of the Board should direct release unless convinced that it is safe enough to do so. Given that the offender has been tested and treated in the somewhat artificial confines of custodial conditions, there is inevitably some uncertainty about how their progress will stand up to the challenge of freedom. We have to take controlled risks where we can feel confident enough that the release plan will serve to manage residual risk posed by a previously dangerous individual. We also have to remember that, with post tariff lifers and also recalled determinate term prisoners, they have served their 'penal' period and we have to be alert to their valid anticipation of liberty. Where we cannot agree to release, they are entitled to a clear articulation of our judgment, backed by reasoned argument and evidence for our conclusions."

Yaa Yeboah is a barrister specialising in human rights. She joined the Board in September 2002 as an Independent member. As a new recruit, what was her experience of sitting on decision making panels where you might be releasing people who had been dangerous in the past? "It's a mixture of fear and compassion. Fear in case you get it wrong, compassion because you're dealing with another human being. It's a huge responsibility. Inevitably you're filled with trepidation. You can never say you're absolutely sure, but it is



very reassuring working as a team, being one of three members on the panel."

Dick Whitfield, Chairman of the Howard League for Penal Reform, formerly Chief Probation Officer of Kent, was appointed to the Board in 1999 as one of nine Probation members. "Arriving at a consensus about risk and dangerousness in a panel of three is a careful but reassuring process. It enables members with different skills and backgrounds to arrive at an independent view, but then to test it - often, vigorously - against other perceptions. Working as a team gives you much more confidence in the end result. Such assessments may have a statistical base, but the human impact of these decisions is such that individual factors will always loom large - and the individual care which goes into each case is equally important."

Many of the more serious decisions, for instance those involving lifers, take the form of an oral hearing. Imminent changes in the law mean that increasingly difficult decisions involving dangerous offenders will be taken in this way. The three member panel is normally chaired by a judge and includes a psychiatrist and an Independent member. Judge Estella Hindley is one of 35 judicial members of the Board. "Panels are informal and low key, but inmates can be either tense, fearing a 'knock back' or deceptively laid back. We observe them carefully across the table. Our differing but complementary professional backgrounds enable us to go straight to the heart of the risk issues without flannel. This is a

culmination of a comprehensive scrutiny of the inmate's level of risk, and our responsibility for the protection of the public and our awareness of the offence which led to the sentence weigh heavily. Inmates' answers can be disarmingly frank: 'I'm still a danger, I'm worried that I'll get tanked up and do it again. I need to do more work on...' If only all the cases were so easy."

Dr Tunde Akinkumni is a consultant forensic psychiatrist and one of 24 psychiatrists working part-time for the Board. This is his experience of oral hearings. "There is a huge merit in being able to interview face to face. Firstly, as psychiatrists we are perhaps more able to take notice of non-verbal language. Secondly, where there are issues to do with mental health, it is much more difficult to get a sense of the interface with violent or sexual offending from a document, much easier to explore the link between mental disorder and dangerousness face to face.

I would describe the process of making a risk assessment in this way. I ask myself four questions:

1. What did he or she do?
2. Why did they do it?
3. What's changed?
4. What's responsible for that change?

And those are the pillars on which I build.

Of course there is a fundamental difference between my normal work and this. Those others are your patients, you owe them a duty of care. When you're working for the Board you are acting as an expert arbiter rather than a treator."

Jo Turnbull is chairman of a mental health trust and one of the Board's longest serving independent members. She sits on the Board's audit and risk management committee. How has she seen the Board's role developing? "For the Independent Member perhaps the biggest change over the past few years has been the explosion in recall decision work brought about by changes in legislation. Now instead of 1 or 2 before a panel, members deal with more than 20 after their panel. Then one day a week 2 members consider about 24 cases of a licensee being recalled and seeking either to justify their behaviour or persuade us that they have learnt a salutary lesson. I am pleased to say that very few of these are parolees, indeed the vast majority are short sentence prisoners, but it does bring home very forcibly the need to get the risk assessment right in the first place where it is up to us. In all cases we look at the risks of re-release: we balance the need to reinforce the message that a licence should not be taken lightly against the benefit of further supervision and the risk of reoffending.

Perhaps the best representations I ever read were from a 'former' heroin addict who was recalled because he was putting in regular positive drug tests. He assured us he had not relapsed, he was not at risk: he had a job as quality controller for the local dealer. You have to have a sense of humour for this job!"

Jo Dobry is a full time member of the Parole Board.