



DANGEROUSNESS

Probation Supervision of the Dangerous Offender

The Criminal Justice Act 1991 identifies offenders with a potential for causing serious public harm as a group requiring special consideration.

Dangerous offenders constitute a small group of the people who pass through the criminal justice system but they have the disproportionate potential to create mayhem. The number supervised by the probation service is not inconsiderable and probation services recognise the need to pay them special attention.

Although definitions of dangerousness and high risk have been suggested in the writings of many authors, precise statements are illusive and subject to variable interpretations. Some authorities dislike the label 'dangerous' but few would deny that some such offenders do exist. Leighton (1990), for instance, observed; 'A review of the more responsible literature on the subject would make it clear that dangerousness cannot be predicted, but rather that people can be assigned to probability groups on the basis of their present behaviour, its antecedents and if relevant, a psychiatric diagnosis.' Walker (1991) suggested a tentative 'typology of dangerousness' consisting of four types;

- the individual who harms others only if sheer bad luck brings him into a situation of provocation or sexual temptation;
- the individual who gets into such situations not by chance but by following inclinations;
- individuals who are constantly on the look out for opportunities;
- individuals who do more than just look out for opportunities.

The Home Office, whilst addressing supervision of designated classifications such as conditionally discharged restricted patients and life licensees, has otherwise tended to stay out of this minefield. Probation services have been left to define dangerous and high risk offenders themselves.

Research

Research undertaken at the Cambridge Institute of Criminology shortly before the Act was drafted sought to establish how services defined, identified and supervised dangerous and high risk offenders. It was also concerned with the preparation, training and support of staff engaged with this group, the effect on staff of the 'media worthiness'

of high profile criminals, response to the media following a disaster, liaison with psychiatric services and the role of government departments.

All 56 probation services in England, Wales and Northern Ireland were questioned and samples of cases from areas of different sizes, geography and management style were examined. An exceptionally high 100% response rate reflected the importance of this issue to probation services.

Variations

Most services had paid attention to the potential hazards posed by dangerous and high risk offenders. Great variations existed as to what constituted dangerousness and high-risk. A third of areas provided evidence that they had a policy relating specifically to dangerous and high-risk offenders. A third intended to institute such a policy within a year. The remaining third of services had neither a specific policy nor the intention to introduce one within the year but did have policy for groups of clients into which potentially dangerous and high risk offenders were thought to fall, for instance lifers, conditionally discharged restricted patients and long sentence parolees. Sometimes this had developed piecemeal but often it was based on the belief that proper professional supervision demanded each individual to be considered separately and not within a 'dangerous and high risk' catch-all.

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Many services had adopted the Butler Committee guidelines (Home Office and DHSS 1975) as the criteria for their definition of 'dangerous and high risk offenders'. Some had such broad criteria that it looked as though most of their caseload would be included: others were more selective. Some policy was so extensive and the structure so elaborate and costly of time that it was difficult for staff to internalise it along with their other responsibilities. However, not all categories most likely to include offenders whose previous behaviour had suggested that they might be dangerous in the future were always covered. For instance, policy might refer only to the protection of staff, or only to people released from prison, or only to the mentally disordered. Many ignored altogether

individuals subject to probation orders.

A minority addressed potentially hazardous situations. Other services laid great store on the professional ability of individual probation officers to assess a person as dangerous or high-risk. Prins, in his consideration of the subject over more than fifteen years has consistently shown the need to be alert to behavioural triggers and for workers to identify and record past behaviour and use this information as a key tool when working with possibly dangerous people. The almost complete absence of this information in a usable form was probably the weakest aspect of the service's supervision of persons it classed as dangerous and high risk. Notwithstanding this, supervision at grass roots level was generally taken very seriously and records showed considerable effort and concern to avoid a further offence.

Whilst in some areas the engine for the development of a policy in relation to dangerous and high-risk offenders was a serious incident, in others it could be traced to the Maidenhead Conference (Home Office 1987), selected area reviews of dangerous offender and lifer procedures by HM Inspectorate of Probation, or to the efforts of individual staff or chief officers. It was as much due to these varied reasons as it was to geography, demography and epidemiology. What appeared not significantly to influence policy was the social work ethos and ideology of the probation service.

With dangerous and high-risk offenders the emphasis was very much on control, public protection and staff safety. Inevitably, this raises the question: **How serious does an individual's past behaviour need to be before he or she forfeits the right to be treated as any other client of the service or is denied freedoms of privacy and movement permitted other offenders when they have completed their period in hospital or prison?** In his consideration of the issues associated with the detention of violent and sexual offenders solely for the protection of others, Walker (1991) observed: 'We do not have, and are not likely to have in the foreseeable future, prediction tables that will tell us who can be released with little risk to others. Nor can we assume that any substantial risk will be greatly reduced by supervision in the community.'

Assaults

Some areas had procedures specifically developed to protect staff from attack. Evidence of assaults upon staff was clearly widespread. Victims most commonly included: hostel staff; proba-



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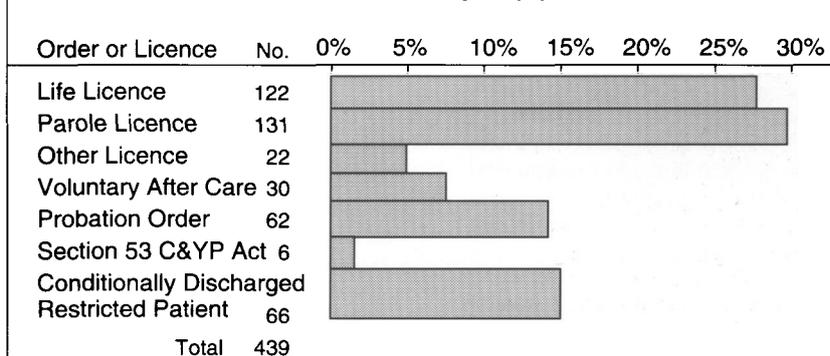
tion officers in offices and offenders' homes; ancillary workers involved in community service schemes. It was apparent that probation staff had not always reported assaults and it is probable that they do so far less frequently than do personnel of other criminal justice agencies such as police and prison officers. Because of their social work training and ability to handle conflict situations without recourse to force, probation officers may experience less violence than police or prison staff. Nevertheless, it must be remembered that, unlike most staff of the other major criminal justice agencies, probation officers tend to operate alone, frequently beyond reach of immediate help. This is especially so in sparsely populated rural areas. Recently the Home Office incidence form, and the recognition in areas that they could fruitfully link safety with bids for increased staff, especially in hostels, may have been instrumental in more cases coming to light but there is little doubt that many assaults remain hidden.

Gravity

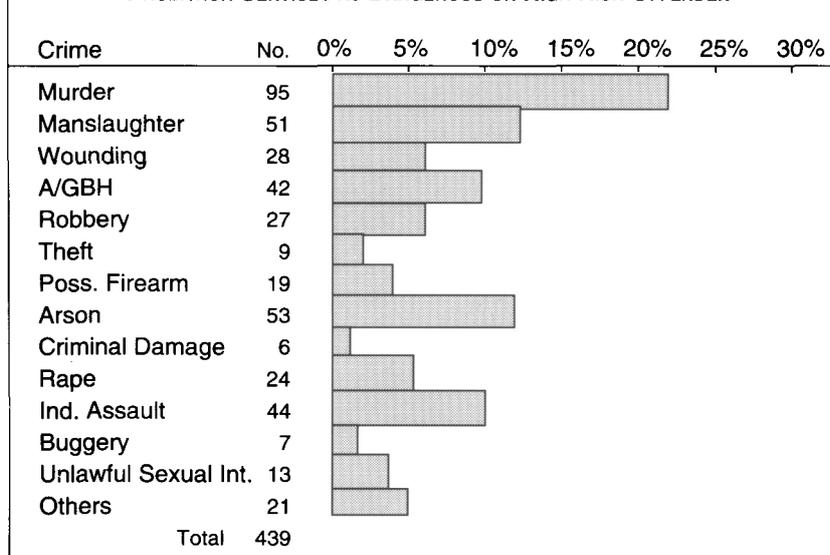
A study of offenders assessed as being dangerous and high risk demonstrates the gravity of crimes committed by some clients of the probation service. Some offenders on 'dangerous' registers were subject only to a probation order for a relatively minor offence, like the extraction of electricity or shoplifting, but in the past they had served very long sentences for serious crimes of sexual and other assault and homicide and some had committed those offences on more than one occasion.

Murder, manslaughter, rape, arson, terrorism, and some other offences, conjure up mixed emotions in people ranging from excitement or morbid curiosity to downright fear. The probation officer comes in contact with offenders who have committed all these crimes. It would be quite wrong to imagine, as the general public might and as some commentators seem to imply, that the more serious offenders are dealt with by the prison service and the less serious by probation. The probation officer (male and female) has contact with most offenders sent to prison prior to their imprisonment or afterwards through parole, licence or aftercare. However, unlike institutions, which can put a wall between the offender and the public, and whose staff usually have the support of nearby colleagues and in some cases dogs, the probation officer works with the offender in the community and often alone. There are restrictions which can be imposed but in the final analysis the released

TYPE OF SUPERVISION TO WHICH OFFENDERS CATEGORISED AS DANGEROUS OR HIGH RISK BY FIVE AREA PROBATION SERVICES WERE SUBJECT



MOST RECENT CRIME COMMITTED BY PERSONS CATEGORISED BY FIVE AREA PROBATION SERVICES AS DANGEROUS OR HIGH RISK OFFENDER



prisoner, the conditionally discharged restricted patient or the offender on probation is relatively free within society. This cannot be otherwise. To continue to lock up for the rest of their lives, people who have committed serious offences would be economically impossible and not viable - even if it were to be legally permissible and not inhumane.

As Shaw (1990) has shown, the probation service is not good at demonstrating the effectiveness of its work but this research suggested that there are thousands of people being supervised in the community who are potentially dangerous and high risk. The samples examined confirmed that probation officers had not overplayed the 'dangerous' label and that there were sound grounds for their being concerned about the possible behaviour of those people placed in this category. Whilst every possible effort must be taken to minimise further crimes,

the occasional serious re-offence should not mask the fact that a large number of very problematic people are satisfactorily supervised in the community without further mayhem.

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