

Managing Risk and the Causes of Crime

Caroline Metcalf and Kevin Stenson critique the current reliance on risk models in criminal justice.

The increasingly prevalent language of risk in criminal justice practice is borrowed from the 'actuarial', statistical modelling of the risks of, for example, accidents, developed by the insurance industry. Our richly individual biography is translated into the categories of age, postcode, accident history and so on, leaving little room for professional discretion or judgement. It is then reconstituted as a set of actuarial scores. This represents the risk we pose to the insurer, the likelihood of profit or loss and, hence, the cost of our premium.

The new focus on risk in criminal justice has developed in opposition to previous academic and professional knowledge and expertise. Until its rise in the 1980s, reports on offenders by social workers and probation officers had much scope to construct accounts of the causes of offending in terms of current causal theories and related professional interventions. There was a deterministic flavour to many of these explanations. Accounts varied between a focus on: genetically inherited traits; individual psychological disturbances; pathological family dynamics; poor parenting; social inequalities; racist and other forms of oppression and negative labelling by bigots, the police and other authorities – or some explanatory cocktail thereof. The conflicts between these accounts provided rich

However, the assumption that a focus on risk displaces a focus on the causes of crime is questionable. The causes of crime claimed by theory and research underpin and provide a framework for actuarial assessments or risk-based technologies. For example, the *Sex Offender's Act 1997* incorporates a Sex Offender Register, requiring those convicted of a sexual offence to supply personal details to the police. A local public protection officer visits the individual for a minimum of five years; the frequency is dependent upon the offender's level of risk. The level is determined by specifically designed scoring systems such as RRASOR – Rapid Risk Assessment for Sex Offence Recidivism (Hanson, 1997) or SACJ – Structured Anchored Clinical Judgements (Thornton, 1998). These assessments are developed from research on the links between demographic and other characteristics of offenders and recidivism (repeated offending) rates. According to the RRASOR scoring system, the recidivism risk increases depending on the number of past sex offence convictions or charges, being under 25, relationship to the victims, and the sex of the victims.

The SACJ risk classification relates more specifically to the underlying causes of crime. The assessment and scoring system operates in the same way as RRASOR. The first part of the point system relates to a current sex offence; a past conviction

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opportunities for debate between academics and between rival professional groups.

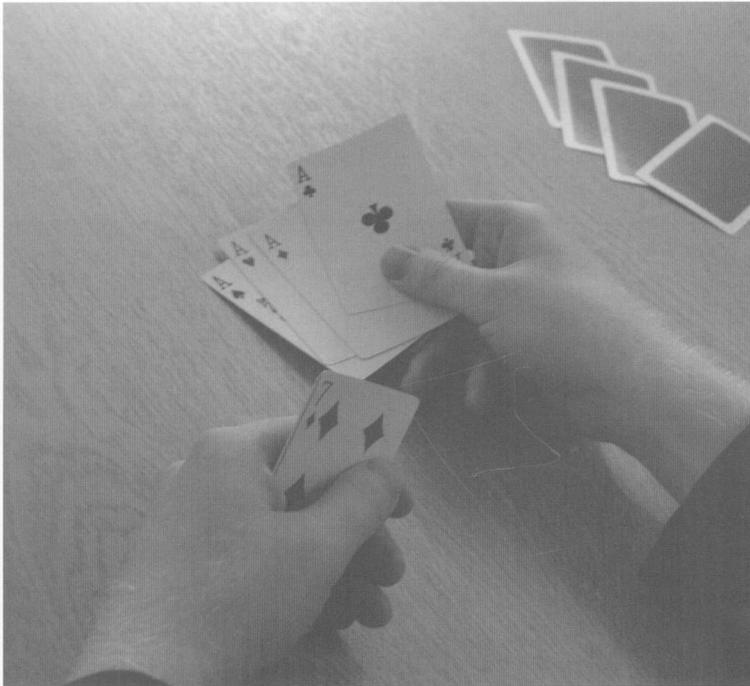
Causal theories underpinned the status and claims to the jealously guarded expertise of both academics and criminal justice professionals, often linked to the belief that criminal justice could, with social and economic re-distributive policies, deal with the root causes of crime. Yet, many in the legal professions believed that most offenders are rational and culpable for their actions, viewing these explanations as weasel excuses masquerading as science. These were also perennial favoured themes of the Conservative mass media and politicians of the Right.

Assessing risk

Feeley and Simon (1994) argue that the 'New Penology' shifts attention away from punishment through just deserts, or the causes of crime and attempts to change the offender, towards actuarial justice. Here the key concerns are how to identify, classify and manage groups sorted by levels of dangerousness and related forms of risk to themselves and others. Like a customer for insurance, the individual could only be conceptualised as a bundle of measurable risk attributes.

of a sex offence; a non-sexual violent offence in the current conviction; a past conviction for non-sexual violence and more than three past convictions of any sort. The second part relates to aggravating factors such as male victim; any sex offence; stranger victim; any non-contact sex offence; substance abuse; having been in care; never having been married; and deviant sexual arousal. If two or more characteristics are present the individual is moved up one risk category level (Grubin, 1998). But the weighting and scoring of factors makes little sense unless linked with theoretical assumptions or arguments about the causal processes leading to offending. In turn, the risk assessment models are rooted in the individual and group profile data fed into their creation. These established models tend to highlight the characteristics of low status offenders as having limited social skills, loose integration into conventional social networks, and often as being strangers to the victim.

The internet has created new opportunities for people to offend by viewing exploitative images of children. Building on an FBI investigation in the USA, Operation Ore, initiated in 2002, is a nation-wide investigation of individuals suspected of paying for and downloading child abuse images from a website. This has challenged the knowledge base about offenders used



Risk models: a key to causes or governmental sleight of hand?

by the police and other law enforcement agencies, as well as wider media images. It was surprising to uncover so many apparently socially well-integrated, high status offenders, such as the 'Who' guitarist Pete Townshend, and those in positions of trust such as doctors, judges, police officers, and teachers.

Translating courses as risk

What caused these individuals to offend? Operation Ore has recast 'paedophiles' as middle-class, trusted family males who have access to children and no previous convictions (Kennison & Read, 2003). While the new opportunity provided by the web may be a necessary cause of this type of offending, it is not sufficient since most of us do not take the opportunity. Since established risk models, based on different populations and explanations, would not have predicted this new class of offenders, further creative analysis is required to identify the key causal processes involved and perhaps the construction of new risk models. Notwithstanding the seemingly 'objective' and 'scientific' character of risk models, they embody the selected data and the subjective judgements out of which they are constructed, and which are involved in their practical application. Risk models feed on theory-laden causal analyses; they are not substitutes for them.

How do we explain the vogue for translating causes as risks? The answer lies in the struggle by central government to overcome obstacles to the imposition of its will. Despite rhetoric about the need to devolve decision-making, Tory and New Labour governments have undermined the autonomy and expertise of the professions, local authorities and the universities as independent sources of knowledge. The Treasury has steadily strengthened its grip on every field of government

policy, and this is celebrated in its recently published clarion call *Microeconomic Reform in Britain*.

Using the mantra of economy, efficiency and effectiveness, Treasury economists have imposed their 'private is better than public', micro-economic ideology and the disciplines of the market on the public services. This is accompanied by the bogus claim that there is now a consensus in economics. In an updated version of mediaeval alchemy, the Treasury promotes the belief that every element of public service can be quantified, costed, and rendered into targets. This flies in the face of considerable contrary evidence and the complaints of over-managed, demoralised public servants. At the heart of this is the Treasury principle of 'constrained discretion': government sets the targets and devolves power to those

it designates, licenses and rewards as technical experts, equipped with the ability to meet targets. Attempts to enforce targets operate through a range of controls: the comprehensive spending reviews; audits by the Audit Commission and other agencies; public service agreements; best value reviews; the prescription of detailed, 'evidence-based' policy interventions, inspired by medical research and practice models; and simplified, national training standards for public services personnel.

Intellectual conformity

The 'evidence-based' model is convincing in medicine, since it is based on robust, global peer review of research and the universality of human biology. This is emphatically not the case in criminal justice practice, or in the human sciences, in which there is less agreement about methodology and in which generalisations must be qualified by recognition of local cultural variations. Treasury economists ignore these obvious facts. The government's attempt to enforce intellectual conformity risks reducing robust academic and professional debate and the exercise of professional discretion, for fear of upsetting the gatekeepers of resources. It also provides opportunities for imperialistic academic networks, which lobby to create a government-endorsed monopoly position for their notions of what counts as 'scientific', evidence and good research design (Stenson and Edwards, 2004). The success of this mode of government requires a common language. This government Esperanto unites micro-economics, managerialism, and tame academic disciplines. Risk models provide a common thread, reinforced in a post 9/11 world preoccupied by security threats.

This is manifested, for example, in the Youth Justice Board's

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(YJB) specification (on its web site) of key elements of effective practice with offenders. It is based on its research reviews of 'what works', based on narrowly drawn criteria, and presented in bullet-point form. The YJB acknowledges the need to recognise the wider contexts of offending, and denies that it is prescribing how to practice. Yet, its documents systematically embrace the language of risk, promote the standard ASSET risk assessment model, and favour concepts and evidence based in cognitive psychology and associated intervention models. These promote individualistic accounts of the 'risks' (hence causes) of offending. They emphasise offenders' faulty reasoning skills and the need to bolster their moral sense.

Chiming with New Labour's communitarian, moral agenda, this is good news for British Psychological Society members, and is a useful addition to practitioners' repertoires. Yet, as Kelly Hannah-Moffatt and Margaret Shaw argued in CJM 39, there are serious doubts about the self-serving and intellectually excluding nature of the evidence base for cognitive-behavioural interventions and their appropriateness for all offenders. The government may prefer academics and practitioners to be tame, depoliticised implementers of policies, but in a liberal democracy worthy of the name, we must defend the right to explore the real effects of policies, a range of causal explanations, and the relevance of hard won, professional wisdom from police officers, probation officers and other practitioners, in understanding and dealing with offenders.



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