

8. FACHSEMINAR DER BEWÄHRUNGSHILFE UND SOZIALEN ARBEIT IN DER JUSTIZ

Risikomanagement: Bewährungsprobe für die Profis?!

5. – 6. Dezember 2013, NH Hotel Freiburg

8^{ème} SÉMINAIRE DE LA PROBATION ET DU TRAVAIL SOCIAL DANS LA JUSTICE

Gestion des risques: une mise à l'épreuve pour les professionnels?!

5 – 6 décembre 2013, NH Hotel Fribourg



Schweizerische Vereinigung Bewährungshilfe und Soziale Arbeit in der Justiz
Association Suisse de Probation et de Travail Social dans la Justice
Associazione Svizzera del Patronato e del Lavoro Sociale nella Giustizia



Schweizerisches Ausbildungszentrum für das Strafvollzugspersonal **SAZ**
Centre suisse de formation pour le personnel pénitentiaire **CSFPP**
Centro svizzero per la formazione del personale penitenziario **CSFPP**

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VORWORT

Im Rahmen dieser elektronischen Brochüre publizieren wir einige Vorträge des Fachseminars prosaj.

Die Textsammlung enthält auch ein Interview der Europäischen Konferenz der Bewährungshilfe (CEP) mit den Tagungsorganisatoren. Die Zusammenfassungen aller Referate stehen weiterhin auf dem Portal Prison.ch zur Verfügung.

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PRÉFACE

Dans le cadre de cette brochure électronique nous publions quelques exposés du Séminaire prosaj.

Le recueil de textes contient aussi une interview de la Conférence Européenne de Probation (CEP) avec les organisateurs du séminaire. Les résumés de tous les exposés formulés lors du séminaire sont toujours disponibles sous le site Prison.ch.

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Groupe de travail séminaire prosaj 2013

ZUSAMMENFASSUNG DER FACHTAGUNG

Am 5. und 6. November 2013 nahmen rund 180 Personen an der 8. Fachtagung teil, die gemeinsam durch die Schweizerische Vereinigung Bewährungshilfe und Soziale Arbeit in der Justiz (prosaj) und dem SAZ organisiert wurde. Die Tagung trug den Titel «Risikomanagement: Bewährungsprobe für die Profis?!» Mit der Thematik des Risikomanagements wollten die prosaj und das SAZ eine Reflektion über Bedeutung und Folgen von Risikoassessment und Risikomanagement für die soziale Arbeit in der Justiz und der Bewährungshilfe anregen.

Benoit Majerus, Bas Vogelvang und Aline Bauwens erläuterten als Forschende und Gäste aus dem Ausland (Luxemburg, Niederlande und Belgien) historische sowie aktuelle Bezüge der Risikoorientierung in kritisch-konstruktiver Perspektive. Der neu gewählte Generalsekretär der CEP (Confederation of European Probation), Willem van der Brugge, präsentierte die europäischen Grundsätze der Bewährungshilfe und kommentierte diese im Lichte der Anforderungen des Risikomanagements. Im Rahmen von vier Workshops wurden kantonale Modelle und Praktiken des Risikomanagements erläutert und diskutiert. Und auf der Grundlage der Referate von zwei Hochschulvertretern (Patrick Zobrist und Daniel Lambelet) monierten die Teilnehmenden der Podiumsdiskussion, dass ein dringender Handlungsbedarf in Bezug auf eine forschungsbasierte landesweit einheitliche Weiterbildung bestehe. Auch müsse der Austausch zwischen Praxis und Wissenschaft intensiver und systematischer erfolgen.

RÉSUMÉ DU SÉMINAIRE SPÉCIALISÉ

Les 5 et 6 novembre 2013, quelque 180 personnes ont participé au 8^{ème} séminaire spécialisé organisé par l'Association Suisse de Probation et de Travail Social dans la Justice (prosaj) et le Centre suisse de formation pour le personnel pénitentiaire (CSFPP). Le thème du séminaire était le suivant : «Gestion des risques: une mise à l'épreuve pour les professionnels ?!». En abordant cette thématique, prosaj et le CSFPP ont souhaité engager une réflexion sur le sens et l'impact de l'évaluation et la gestion du risque dans la pratique du travail social dans la justice et les services de probation.

En tant que chercheurs et invités étrangers (Luxembourg, Pays-Bas et Belgique), Benoît Majerus, Bas Vogelvang et Aline Bauwens ont présenté de manière critique et constructive des résultats historiques et actuels fournis par des approches orientées vers le risque. Le nouveau secrétaire général de l'Organisation européenne de la probation (CEP), Willem van der Brugge, a exposé les principes de la probation en Europe et les a commentés à la lumière des exigences en matière de gestion du risque. Des pratiques et des modèles cantonaux dans ce domaine ont aussi fait l'objet de présentations et de discussions dans le cadre de quatre ateliers. Sur la base des présentations réalisées par deux représentants de hautes écoles (Patrick Zobrist et Daniel Lambelet), les participants à la table ronde ont souligné le besoin urgent de prendre des mesures afin d'offrir une formation continue unifiée et fondée sur les résultats de la recherche, au niveau national. Il conviendrait par ailleurs de renforcer et de systématiser les échanges entre praticiens et chercheurs.

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RISK ASSESSMENT AND RISK MANAGEMENT: A EUROPEAN PERSPECTIVE

WILLEM VAN DER BRUGGE, Secretary General [Confederation of European Probation \(CEP\)](#)

Models of Probation

Probation organizations around Europe share a large variety of purpose therefore generate different forms of impact on offenders, on victims or on the criminal justice system as a whole. Durnescu (2008), for example, identified at least four models of probation organization based on their mission statement:

Model of probation	Characteristics
Promoting community sanctions and measures	Increase the proportion of the community sanctions and measures as compared with imprisonment.
Assisting judiciary decisions	Judicial satisfaction with reports and supervision
Public protection	Controlling offenders in the community
Punishment / Enforcement	Compliance and recall
Rehabilitation / Preventing reoffending / Promoting desistance	Reduced reconviction and improve social inclusion
Victim's interest	Victim satisfaction and redress

This model was completed with three other models of probation by Shapland in 2012: offender's welfare and reinsertion into the community, victim's interest and redress.

Probation is about social solidarity, doing justice & the restoration of human rights. Probation is also more or less about the history of Europe: nearly 200 years ago there were private initiatives on probation in the Netherlands and in Switzerland, while Albania started just two years ago implementing probation service.

In some countries, supervision and guidance of offenders and sentenced persons has always been a state matter (Czech Republic, Spain, Ireland) but in most European countries the government has taken over the probation activities of private organizations in the course of the 20th century. In some countries this occurred quite early, for example in Luxembourg (1884) and in Spain (1908).

Specific probation laws or acts came in the beginning of the 20th century: England and Wales (1907), Netherlands (1910). In many European States major changes in Criminal law were made after the World War II (Belgium, Netherlands) or a after a change of regime (Spain after Franco, fall of the Berlin wall, former Eastern European Countries).

Over the last two decades the development of evidence-based approaches based on «What Works» has become world wide a central principle of probation policy. It professionalized probation, but has also been subject to a number of criticisms. On the other hand it is a special experience to attend a training on motivational interviewing in Moldova and to notice that the same intervention is used in The Netherlands, Croatia or Lithuania or Catalonia.

The European Probation Rules are very important for the professionalization and recognition of probation in and perhaps the only standard on probation in Europe. I will tell more about the EPR later on.

The Treaty of Lisbon (2006) and the new provisions in the field of Criminal Justice in Europe changed the position of Probation in Europe. In recent years the EU member States decided to implement the so called Framework Decisions:

- FD 829: transfer of pre-trial supervision measures;
- FD 909: EU rules on transfer of sentenced people and
- FD 947: Implementation support for transfer of European probation sentences.

I must emphasize that the implementation of FD 947 is a long and winding road through Europe. Until now only 10 of the 24 member states have implemented FD 947.

A new provisional one is coming from Brussels: the Directive on Victims. This Directive considerably strengthens the rights of victims and their family members to information, support and protection as well as their procedural rights when participating in criminal proceedings. It also includes provisions that will ensure that professionals (probation workers) are trained on victims' needs. Probation Services in the EU have to implement the directive in daily practice.

Right now in the final stadium of the process are the Council of Europe's Recommendations on Electronic Monitoring.

In the near future the integration of Restorative Justice & Desistance will become very important for Probation's daily practice and Probation Services. Both themes are trending topics on conferences and the internet. Some professionals will welcome Restorative Justice & Desistance more or less as a restoration of «social work values». Others are looking how to integrate them in offender management. Fact is that these themes are becoming more and more accepted in the Europe.

Desistance seems the new paradigm in criminal justice research looking for the answers how and when offenders stop committing crimes. Steven Farrall (2002) concluded after a study based on interviews with officers and probationers on topics like: offending behaviour; the context in which this took place; wider social and personal circumstances; desires, abilities and motivations to stop offending, obstacles to desistance and so on. The conclusion of the study was three fold:

- 1. desistance was related to overcoming obstacles,
- 2. overcoming obstacles was associated with prior motivation and
- 3. changes in the social circumstances and desistance took place often outside probation intervention (like in Leibrich, 1993 in New Zealand). As the author concluded the solving of obstacles related to family problems and employment was strongly related to desistance.

Increasingly, the literature emphasizes not only the importance of the content of interventions but also other aspects that can influence the outcome. One factor of this kind are the skills and the attributes employed by the correctional staff when delivering supervision.

Previous research demonstrated that pro-social modeling, problem solving approach, reinforcement and empathy have a strong impact on recidivism. Combining R-N-R: RISC (re-offending), Needs (associated with offending) and Responsivity.

Probation Values

The General Assembly of CEP asked the CEP Board to articulate a collective vision and set of basic values that would be shared by all members. This statement aims to set out the vision and values of CEP and was presented for debate at the 2010 General Assembly for adoption.

The statement has been very useful for CEP's work in the European Union and with the Council of Europe. New and developing probation services may also find it helpful.

The values reflect Probation's major force within the criminal justice system, offering a range of community-based options to the courts, with skilled and professional staff. The values also reflect our supports and seek to rehabilitate and resettle those from penal institutions who are being reintegrated back into the community. There are 18 values mentioned in the statement. For example:

11: «High quality assessments and advice to the judiciary are central to effective interventions with offenders... Their prime purpose is to inform the judiciary and accurately offer a professional opinion of the offender».

15: «Probation staff members need to be well trained, developed and supported to achieve successful outcomes».

16: «Probation agencies shall explain their work and its significance to the public, to criminal justice and to other agencies».

The European probation Rules

The European probation Rules are developed by the Council of Europe (CoE). CEP experts played a very important role in the process of creation of this document. The values of CEP correlate with the rules and standards of the Council of Europe Probation Rules. What these values aim at, is to highlight the most important aspects of probation which despite the different national systems, are accepted by all services responsible for the execution of community sanctions and measures. The European probation Rules certainly do not have the ambition to comprise all aspects of probation as the term «probation» has differing meanings and scopes throughout Europe.

Officially the rules are a CoE Recommendation. A recommendation leaves more liberty and flexibility to the member states regarding how to implement it than a convention does. However the European probation Rules are used in many countries of Europe, especially those which start building a probation service. In my opinion the recommendation on probation has become a standard on probation. It is a frame to help us developing good practices. I quote one of the experts involved, professor Rob Canton: «The European Probation Rules do not start with what works but with what's right!» Important is that our stakeholders can understand what probation is all about. It brought us consistency and continuity across Europe.

STREAM (Strategic Targeting of Recidivism through Evaluation And Monitoring) is a major European research project. The aim of the project is to support the development of effective practice across Europe in working with offenders in the community and to facilitate the sharing of evidence-based good practices. One of the aims of the project is an attempt to assess the impact of the Council of Europe's European Probation Rules.

European Probation Rules # Staff

- 30. The management shall ensure the quality of probation work by providing leadership, guidance, supervision and motivation to staff. Staff shall be accountable for their practice.
- 31. The management shall endeavour to develop and maintain sound working relationships and good contacts with other agencies and partners, with volunteers, public authorities, the media and the general public.
- 32. There shall be arrangements for management to consult with staff as a body on general matters regarding their professional practice and related conditions of employment.

European Probation Rules # Supervision

- 66. When required before and during supervision, an assessment of offenders shall be made involving a systematic and thorough consideration of the individual case, including risks, positive factors and needs, the interventions required to address these needs and the offenders' responsiveness to these interventions.
- 67. Wherever possible, offenders shall be enabled to make an active contribution to the formal assessment. This includes giving due weight to the offenders' views and personal aspirations, as well as their own personal strengths and responsibility for avoiding further offending.
- 68. The offenders shall be made aware of the process and outcomes of the assessment.
- 69. Assessment is a continuing process and its accuracy and relevance shall be periodically reviewed.
- 70. Assessment is recommended:
 - at the time of determining the appropriate sanction or measure or when diversion from formal criminal proceedings is being considered;
 - at the beginning of a period of supervision;
 - whenever there are significant changes in the offenders' life;
 - when consideration is being given to a change in the nature or the level of supervision;
 - at the end of the supervision measure.

71. Staff shall be trained to carry out assessments in conformity with the present rules. Where national systems use assessment instruments, staff shall be trained to understand their potential value and limitations and to use these in support of their professional judgment.

European Probation Rules # Evaluation

72. A work plan for the implementation of all sanctions and measures shall be prepared by the competent authorities and included in the case record. This plan shall guide the probation agency's work and shall enable staff and offenders to assess progress towards the objectives set.

76. Interventions shall aim at rehabilitation and desistance and shall therefore be constructive and proportionate to the sanction or measure imposed

81. The progress of the individual offender shall be evaluated at regular intervals and this process shall influence the work plan during the remainder of supervision. The evaluation shall form part of the case record and, when required, of the follow-up reporting to the deciding authority.

90. Records are an important means of ensuring accountability. They shall be checked regularly by managers and shall be available for formal inspections and monitoring as required.

91. Probation agencies shall be able to give an account to the judiciary and other competent authorities of the work being undertaken, offenders' progress and the extent of their compliance.

Assessment Tools

Nowadays most Probation Services are using a general RISK assessment tool to question offenders and make rehabilitation plans. I only will mention the general assessment tools used by Probation Organizations in Europe. Specific assessment tools are usually used by experts of Probation Services in Europe.

OASys is the abbreviated term for the Offender Assessment System, used to measure the risks and needs of criminal offenders under their supervision. OASys was designed more than 10 years ago and comprises a series of computer-based forms on which clinical evaluations are made by staff of Offenders, and supervision and sentence plans for the forthcoming period of supervision are recorded on a periodic basis. Currently OASys (or similar Assessment tools) are used in many European countries. If I am well informed, Zurich developed an assessment tool for risk-oriented sanction execution (ROS) together with three other cantons and KARA will be re-introduced in Basel (where it was developed) but it will also be introduced in the Italian speaking part of Switzerland. For various reasons some probation services in Europe still don't use a general assessment tool (Belgium, Austria, Germany).

The Level of Service Inventory-Revised (LSI-R) is a validated risk/need assessment tool which identifies problem areas in an offender's life and predicts his/her risk of recidivism. I am told colleagues in Albania use LSI-R assessment tool. BRIK is developed in Norway. It emphasizes the needs instead of the RISCs and contains more specific questions on mental health and alcohol- and drug use.

→ The Static-99 is a actuarial assessment instrument for use with adult male sexual offenders who are at least 18 year of age at time of release to the community. It is the most widely used sex offender risk assessment instrument in the world, and is extensively used in the United States, Canada, the United Kingdom, Australia, and many European nations.

→ SARA (Spousal Assault Risk Assessment Guide) is a risk assessment tool designed to be used in intimate partner violence (IPV) cases. The SARA should be used when an in-depth assessment of the case is necessary. The B-SAFER is designed for police use and is a shorter version of the SARA, and is meant to be used when the assessor is under a time constraint.

- Asset is a structured risk assessment tool for young people used by all youth offending teams (YOTs) in England and Wales. It is used to inform sentence and intervention planning. Higher Asset scores are associated with a higher risk of re-offending.

- The Alcohol Use Disorders Identification Test (AUDIT) is a simple ten-question test developed by the World Health Organization to determine if a person's alcohol consumption may be harmful. The test was designed to be used internationally, and was validated in a study using patients from six countries. It is used in Scandinavian Countries and the Netherlands.

- DUDIT – the Drug Use Disorders Identification Test – was developed as a parallel instrument to the AUDIT (Alcohol Use Disorders Identification Test) for identification of individuals with drug-related problems. It is used in Scandinavian Countries and the Netherlands.

General Assessment Tools: advantages

- With the help of diagnostic instruments like OASys, risk assessment tries to estimate the risk of re-offending and the risk of harm, by using and analyzing multiple sources and criminogenic factors related to the offender's behaviour. In essence there is nothing wrong with this principle.

- RISK assessment tools nowadays are implemented and used by many established and «starting» probation agencies in Europe. In that sense it helped to professionalize the sector of probation.

- RISK assessment tools are recognized by judges and prosecutors in Europe. In that sense it helped to make probation more visible for our stakeholders.

- You might even say that the use of general instruments and interventions across Europe brings consistency and continuity on Probation activities.

General Assessment Tools: impact

Of course the use of general RISK assessment tools has its disadvantages and negative effects.

- The first versions of OASys contained some false assumptions on some sections and had to be improved. But that is not my main objection.

- In several countries, the probation service's activities are part of the general risk assessment and public protection policy. Probation work is becoming more and more «public protection work». The probationer is no longer called «client» but «offender», and the traditional social approach seems to be replaced with a risk assessment approach.

- Identification and addressing risks in general has become increasingly important in the recent years across the field of criminal justice in Europe . The main idea is that crime – like any other risk – can be «managed» and can be controlled.

- A business approach of RISK management conflicts in many ways with the needs of the offender and the intentions of the professional to help to reintegrate persons into society.

- Limits of assessment instruments Research claims that actuarial/statistical methods are more «accurate», but accuracy is not the aim. Assessment's purpose is to guide planning and intervention and actuarial methods are very limited in that respect.
-
- For ten years I was an auditor of the Dutch Probation Services. Analyzing registration data – in specific RISK scores – learned me that in general there was not much attention by the management for peer review between colleagues. We found inexplicable differences in outcomes and total scores. This difference might be prevented if they would have shared RISK outcomes and interpretations regularly.
-

Conflicting interests

In ideal typical professionalism, specialized workers like probation professionals should control their own work, while in the free market consumers are in command and in bureaucracy managers dominate an organization. Over the last decades the position of the probation professional is being seriously changed. Public safety is not only an issue of the politicians; more and more it also has become a part of the public domain. Although they have different logics probation professionals and probation managers have to deal with that!

In the field of Criminal Justice Professionals as well as Managers have to deal with different or even conflicting interests. Professionals have to deal with their clients who have different interest than the public or the prosecutor. Managers must explain probation work and its significance to various stakeholders and the society. Different interests but the same goal: probation! Probation professionals must professionalize continually; managers have to facilitate and manage the process of professionalization.

Main Points & Conclusion

For me it is clear that the use of Probation Rules helps to professionalize the sector of probation in Europe. It has brought us consistency of probation methods across Europe.

In a world where people (or should I say offenders) are free to travel it is good to know that your European colleagues use the same standards. Probation methods nowadays are recognized by our stakeholders in the field of criminal justice.

Probation organizations' work is fully embedded in society. Public safety and security is a European wide major politic issue. Nowadays society also expects us to explain what probation is all about! And why resettlement and reintegration of offenders in the community is so important and contributes to a safer society. Probation Organizations need to have a good story but above all Probation Organizations must have good methods and well equipped professionals.

ASSESSMENT OF RISKS, NEEDS, STRENGTHS AND RESPONSIVITY IN EVERYDAY OFFENDER SUPERVISION: CONSEQUENCES FOR PRACTICE AND FORMATION FROM A EUROPEAN PERSPECTIVE

BAS VOGELVANG, Avans University of Applied Sciences

Ladies and gentlemen,

Thank you for inviting me to this conference. For me, it is an honour to present to your probation organisation, and also, to present to a mix of probation workers, managers and scientists. Especially the presence of front line workers is very important to me. This has to do with my position at the Avans University of Applied Sciences in the Netherlands.

At Avans, future social workers are prepared for their bachelor degree, including those working with mandated clients, such as youth and adult probation workers, prison workers, and child protection workers. Because of this practice based orientation, my research is always practice based as well, grounded in front line work, less academic, and I have experienced the difficulties that probation workers face when confronted with new insights and innovations, new practices, instruments and policies.

Looking at the best ways for implementation of innovations, such as risk assessment, is a science in itself that deserves much too little attention. Research looking into best practices to implement new things, concluded that there are three issues to deal with for a successful implementation:

- 1. The new product itself, for instance a risk assessment instrument, has to be of high quality, and preferably it has been developed together with front line workers, so we know for sure it works in practice.
- 2. The facilitation by the organization, such as training, finances, time, but also a supportive climate. Of course, without these things, starting with something new like risk assessment is very unlikely to succeed.
- 3. A thirdly, there needs to be attention for the adoption process of front line workers and their seniors. They must have time and opportunities to adopt the innovation, for instance a risk assessment instrument, to learn to work with it and to give it a place in their heads, their hands and also their hearts.

So we have the product, the organization and the adoption process as important viewpoints, when it comes to risk assessment in probation work. In other words, talking about risk assessment is much more than just a technical discussion about only the product, the tool itself. Discussing risk assessment also involves a discussion about values, a discussion about professionalization of probation workers, and a discussion about the facilitation and climate in the organisation.

In my presentation, I will mention these different aspects, while going through the main elements of risk assessment instruments for probation work: the purpose and goals of assessment, the role of assessment in the whole probation process, the qualities of the instruments themselves, and finally, the assessor himself, or herself.

Assessment

Let us first look at a definition of assessment: the act of making a judgment about something. (Merriam-Webster, m-w.com)

We do this all the time. All of us use different kinds of tools to assess things: our brain, our own cognitive or emotional capacity to judge, and also all kinds of instruments. We use thermometers to check out if we have the flu; we check the weather channel to assess what kind of coat we will need when we go out. We also take chances based on risk assessment on a daily basis: There is a 40% possibility it will rain. Will I take my umbrella with me, or not? The news about employment rates is good. So should I buy or sell some stocks on the market, or wait? Assessment and deciding upon our actions by using probabilities is human nature, because people want to be prepared, on the conservative side. And people want to be progressive as well: we are curious; we want to see possibilities and strengths to build on them.

Fundamental importance: ensuring that work remains purposeful and well-directed

For the PO, assessment is the most important activity to keep the supervision purposeful and well-directed. This is very fundamental for probation work.

- Purposeful means: the PO works in alignment with the probation mission, staying close to what probation is intended for in your jurisdiction.
- Well-directed means: focused on what is to be achieved, and thus well managed, organised, professional.

Having a clear purpose and direction is a great responsibility towards society, the offender, and the probation organisation. POs must make high quality choices, because they are interfering heavily in offender's lives and because society expects them to contribute to safety. POs need to be sure they are making the right choices, because wrong choices can have many negative effects, such as loss of motivation or even recidivism. The offender does not need any more wrong choices. He himself has already made a few bad choices himself, and now he needs to be sure he can take a chance and make a change, together with the PO.

I hope to have clarified here, that the values of offender supervision having purpose and staying directed, focused, are also very important elements in the adoption process for using risk assessment tools. These tools are not just gadgets, but reflect important underlying choices about transparency and responsibility.

Assessment should be understood as part of a process

Assessment must be understood as part of a process. To stay purposeful and well-directed, the PO needs information over time. Assessment is not a onetime photo shot, but an activity with repeated observations and measurements in order to plan monitor and evaluate what happens during the process. PO's think and decide before they act and while they act, and then, afterwards, they look back and reflect on their thinking, their decisions and their actions. All POs do this, whether they make use of a standardised risk assessment tool or not. If POs don't assess their work on a regular basis, they are acting blind. We can define probation supervision as a process with distinct steps, also called the ASPIRE cycle – Assessment, Planning, Intervention, Review and Evaluation. Assessment is the start of offender supervision, and the ASPIRE circle will be repeated during the process, leading to repeated assessments, that can capture results and events during the supervision process. This way, offender supervision becomes information informed, transparent, and also a way to account for your actions.

Different goals of assessment

Now let us look deeper into the different types of information a PO needs to work purposeful and well-directed. Well, this is a lot of information. Within the criminal justice chain, the probation officer (PO) has a versatile and daunting task when it comes to offender assessment. Looking at the different actors, we can observe that the different organisations want different things from assessment, but that the PO actually wants it all.

The police needs information to focus on their primary task: frontline public protection, such as neighbourhood safety or victim safety. Although the police sometimes also supervise offenders, such as ex-prisoners, they are not involved in such things as motivating offenders or behaviour treatment. For their work, police officers need reliable and easily accessible information about offender behaviour, in order to assess the situation and act quickly if necessary.

The public prosecutor and the judge, who sentences the offender, will look for information to assess the need for public safety and possibilities for behaviour change, but will also look for information to select a proportional and fitting punishment, and, almost contrary to that, he will need information about the offenders' vulnerabilities and weaknesses, such as mental problems, handicaps or the developmental state of the offender, in order to protect him from damaging contexts.

In the prison system, the need for assessment also focuses on safety first. In some prisons we also find the need to look for possible mental problems the prisoner might have in order to take care of him. This is an important responsibility of prisons, because they completely control the offender's life. In just a few countries, we see that prisons also look for information to select and start a program for behaviour change. In many countries this is still a much underdeveloped area.

A forensic psychologist or psychiatrist will look for information that shed light on the causes of the crimes that the offender committed, on the strengths, possibilities and life-goals of the offender, and for information to act. He will look into ways to influence the offender and his surroundings in such a way that a crime-free life becomes possible and also attractive to the offender. In probation work, this is called rehabilitation or behaviour change. Assessment will bring about views about appropriateness of resources and interventions.

The PO has the most difficult task of all; because he actually needs all of this information to do his work properly, and even more. PO's have a need for quite different types of information, in order to achieve their goals. These goals are:

- Safety / risk related
 - Prevention / rehabilitation related
 - Care / protection related
 - Restoration / inclusion related
 - Continuity / Service-network related
 - Planning & Monitoring related
 - Dialogue / alliance related
-

- Just like all the others, he needs information about safety or risks, rehabilitation, care and protection. In some jurisdictions, POs are responsible for giving advice about an appropriate sentence in pre-sentence reports

- But the PO wants more information: in many countries, POs are also looking for ways to help offenders participate in society, to support their social inclusion, and to help them repair the damage they have caused through restorative actions.

- And there is even more: the PO is often also the case-manager, aligning the supervision process to the needs of the offender and keeping all parties involved and on track. The PO uses information not only for himself, but also to inform others (such as the police, judge, prison or other parties involved), in order to bring continuity and a shared purpose in the professional and social network round the offender. Assessment plays a very important role in this. It is used to share information and to make decisions together. Assessment, in every form – an instrument or just a clinical observation – is at the basis of case management.

- Finally – yes, we have not finished yet – and maybe most importantly, any PO cannot achieve much if also the offender is convinced of the process as being purposeful and well-directed as well. The PO needs to build a working alliance with the offender needs to work with the offender to achieve important changes in thinking and behaviour. Successful probation supervision is not based on laboratory science, but on the ongoing dialogue between the officer and the offender. Assessment too, is not laboratory science, but a specific dialogue between the officer and the offender that has to be motivating, engaging, informative and clarifying. Motivation must be assessed, but the process of assessment itself should be motivational as well. This is especially important during the start of the process, when reactance, lack of cooperation and even denial and fear and tension play an important part. Assessment, seen this way, is more a negotiation about how probation officer and client will work together than a discovery of individual risks and needs.

Well, we can almost say that the PO wants to know everything because so many different assessments are needed for well-directed and purposeful action. The PO has so many choices to make, that he almost needs a map as big as the world itself.

The information required can be categorized in two types of questions the PO can ask, or two types of dialogue the PO can have with the offender to make the right choices when a client is referred to him and at later stages when assessment is repeated for evaluation:

First, there are some questions to ask on the tough/control side, the institutional side:

- 1. Are you going to repeat this? Are you dangerous? These questions lead to plans for external controls in the short term, and installing internal and external controls for the long term. Here, wrong choices can have pretty negative consequences.

- 2. Why did you commit this crime / these crimes? These questions will lead to plans to avoid making the same mistakes again, by learning alternative/new skills, help of others, new opportunities. This question is avoidance focused and leads to assessment of criminogenic, specific crime-related needs that must to be repaired or changed, to push the offender away from crime.

Question 1 and 2 are about risks and needs, and about the use of structured risk assessment tools or only clinical observation for risk management and supervision goals.

- 3. Are you motivated and capable to work with us, and with others? Are you willing comply with the rules? These questions can shift to the soft side. Question 3 is in between the tough side and the soft side.

Secondly, there are questions on the soft/compassion side, the support side:

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- 4. Are you safe? Many offenders are in danger themselves to become victims or to harm themselves during new crimes situations or as a consequence of drug use or psychopathology. Also this question will lead to plans for external and internal controls.
-
- 5. And finally, and I think most importantly, the PO asks the offender: What do you want in your life? What is important and realistic for you to strive for? This question contrasts very much with pushing the offender away from crime. Here, questions are asked to pull the offender towards goals that are attractive to him, helping him to choose life goals (primary goods) come true by using his strengths, learning new skills, and by help of others by creating new opportunities. Pulling the offender towards life goals has been derived from desistance studies and solution focused therapy.
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Questions 4 and 5 are also about risks and needs.

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- 6. Then we come to a question that is usually asked at the very beginning of the supervision process: Who are you as a person, and what is your identity and background? This broad question refers to the offender's family and network, his culture, life situation, but also specific talents, handicaps, and also the specific sentence situation. This information will make it possible to take into account the special qualities of the person in the plan, and to detect progress. These qualities are not related to crime, but to responsibility.
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- 7. Do you want to repair the damage that you caused, make amends? Based on this question, restoration can be started.
-

Risk assessment tools: two camps?

The PO can ask all of these questions without an assessment tool. Sometimes this is positive for the dialogue, because assessment tools they are indeed tools, they are intended to support the dialogue and not to replace it. But without using the right tools, there is also a possibility that the purpose and direction of the dialogue with the offender will be lost. Without assessment tools, the PO is like a captain on a ship. He may know the destination, but there are no maps and there is no compass. It may be more adventurous to just sail away with the offender, but when the ship hits an underwater rock that is actually on the map – a map that the captain didn't take with him, who will be responsible? Assessment tools make these accountability questions more transparent, and can actually help the captain not to wreck the ship.

I would now like to move to the discussion about the use of one specific type of assessment instrument, namely risk assessment tools within the probation services in many countries, there is quite some discussion about these tools. This is related to the balance between the control and compassion questions. Is the focus of probation on reducing risk and offender compliance, on the tough side? Or is probation more than that and the tough side is only a means to work on the soft side? The vision about this issue in a probation organisation has immediate consequences for the choice and adoption of assessment tools.

The tough and soft side sometimes seems to be divided in two camps, both trying to install their vision on the other party. I would like to emphasize here that this discussion is very important, but the heat or controversy is no longer necessary as soon as we, and I mean also the Swiss Probation Services, stay open for dialogue and stay vigilant for some mistakes we can make with risk assessment instruments.

The evolution of risk assessment tools

To stay out of this controversy and to find ways to make risk assessment really productive and ethical, we need to have a look at the evolution that risk assessment instruments have gone through in past 30 years. Today, offender risk assessment is not the same as it was in 1990. There has been an evolution that has led to first, second, third and fourth generation risk assessment instruments. Let's look at this evolution first, and then come back to the controversy between control and compassion:

	Unstructured		Structured	
	1 st	2 nd	3 rd	4 th
Generation	1 st	2 nd	3 rd	4 th
Period	< – 2013	1985 – 1995	1995 – 2005	2005 – >
Safety / risk related		X	X	X
Prevention / rehabilitation related			X	X
Care related			X	X
Restoration related			(X)	(X)
Planning & Monitoring / Casemanagement related				X
Example	Clinical judgements, based on knowledge, experience and intuition	OGRS StatRec LIJ-1 Static 99	LSI-R OASyS RISc Savry SVR-20	Asset YASI LIJ-2

The first generation is that of the unstructured clinical judgment by a professional, based on knowledge, experience and intuition.

Second generation instruments are structured risk assessment instruments that measure largely static risk factors, or unchangeable risk factors associated with recidivism, as the age of first offense and previously committed offenses. With these instruments, the risk of recidivism can be predicted in general (such as the OGRS and Dutch Statrec do) or for specific crimes (such as the Static 99 for sex-offenders). However, these instruments give us no information on how future risk can be reduced.

Third generation instruments are structured risk assessment instruments that also measure dynamic or changeable factors besides static factors. With these instruments it is possible to get insight into the possibilities of reducing risk. Examples are the British OASys and the RISc v.2.0 for adult probation clients, all aimed at general populations. The most used instrument for general purposes, which has also served as an inspiration and template for many others, is the Level of Service Inventory – Revised, from the founders of the What Works approach, James Bonta and Don Andrews. These general tools sometimes show weaknesses in predicting recidivism of special types of crimes, such as domestic violence or sexual offences, or prediction within specific populations, such as mentally disabled persons and women offenders. This has led to the development of specific tools, such as the Savry for the prediction of future aggression, and the SVR-20 for sexual violence risk.

Within the 3rd generation instruments we usually find scales that represent both static factors and dynamic, changeable needs, on which supervision can focus. The LSI-R has the following scales:

- Criminal History
- Education/Employment
- Financial
- Family / Marital
- Accommodation
- Leisure / Recreation
- Companions
- Alcohol / Drug Problems
- Emotional / Personal
- Attitudes / Orientation

The mix of static and dynamic risk factors is clear in the scales. In each scale, a set of questions is used that have a predictive power towards recidivism, but can also serve as a protective factor, strength to build upon.

In the fourth generation risk assessment instruments, such as the Dutch RISC for adults and the LIJ for young offenders, risk assessment is integrated with case management. Within the same instrument, assessment is used for determining goals of treatment, selecting behavioural interventions, and follow-up assessments to measure changes with respect to the dynamic factors.

Here, we can see the importance of focusing on dynamic criminogenic needs, factors that have a direct relationship with offending behaviour. It is obvious that this lady is missing the point altogether.

Now, let's go back to our controversy, or two camps.

First, we must be very clear about the 1st generation tool, the clinical observation. Research shows that structured risk assessment instruments outperform clinical observations by professionals (e.g. Aegisdottir et al, 2006; Lodewijks, 2008; Mossman, 1994; Trout & Bishop, 2002). To rely on clinical observation alone is, in my view, unethical with regards to the offenders and victims' rights, and also dangerous.

Second generation static risk assessment instruments actually work quite well. Based on these factors you can predict the chance of reoffending much better than with your clinical judgment only. The computer has won this game, so to say. And to some extent, the results of static risk assessment can also be a helpful warning signal. You might take a second look, a good second look if many static risk factors apply for an offender, leading to a middle or high risk of reoffending, but who is also a quiet, sympathetic, easy-going guy. But of course, we must use these instruments with great caution as well. For instance: If someone's static risk score is 60%, this means that for 100 people with the same justice record, age and gender (and a few other criteria), 60 will be reconvicted within 12 months. It is easy to see that there are both strengths and limitations of an actuarial assessment of this kind.

Second generation static risk instruments have caused the greatest controversy because of their possible labelling effects. This is where the most discussion is about. The problem here is that many static risk factors usually associated with offending are also prevalent amongst law-abiding populations. For instance, factors back in time, such as truanting from school, single parenthood, educational low-achievement and disruptive childhoods are more associated with poverty than criminality. But by calling these problem risk factors, you are actually making a political statement, and not a criminological statement. Using these factors might lead to false negatives: law-abiding people who become suspect, become criminalized. Factors in the past that do have a relationship with criminal behaviour, such as gender, age of onset, and the number of reconvictions, can have the same labelling effect.

This is where we have to be cautious: static risk instruments can be used as instruments in a reactive process of containment instead of used as pro-active means to help resolve structural constraints for disadvantaged young people. Static risk assessment thus becomes a tool and an excuse for defensible decisions only. Isolating risk factors from the context of these peoples' lives, taking the factors out of their history, can lead to managing offenders rather than addressing the causes and cessation of individual offending. The term National Offenders Management System that has been introduced in the UK as the new name for probation and prison services, is a reflection of what can happen.

Static risk assessment has also been described as creating «automated environments» which devalue personal relationships and the need for trust, and hence result in further exclusion of offenders (Hayles 2006). Hayles argues that basing punishment on risk lengthens that punishment indeterminately – in other words «once a risk, always a risk». She also argues that reducing offending should be about offering alternative constructive activities via cognitive behavioural approaches.

This «risk factor prevention paradigm» is easy to understand and to communicate and readily accepted by policy makers, practitioners and the public. But there are major problems with it:

- It cannot separate cause and effect of offending behaviour
- Only the offender becomes responsible for change, not society, or his surroundings. The offender has to change his response to his life surroundings. Offending is conveniently individualized and not a matter for social justice or social inclusion.

I think we all agree that only adopting a «language of risk» is not the way we want to go. Talking about risk only, masks the social and personal problems facing offenders and will make victims the main consumers of risk assessments. Social exclusion and separation of offenders can take over from punishment and rehabilitation in the name of risk management.

Especially static risk assessment is accurate and effective, but only really serves to give credence to an organisation in responding to crime, regulating its staff, and limiting its liability when things go wrong. The greatest problems with a language of risk occur when we rely on so-called static factors only, or actuarial risk assessment.

After this criticism it is very important to appoint the other side and not to dismiss the use of structured risk assessment altogether. The demands for well-directed and purposeful, honest and ethical offender supervision are still valid. 2nd generation instruments do tell us about risk, and POs need this information.

These instruments have been expanded with 3rd and 4th generation instruments, looking at dynamic factors and responsiveness, and the inclusion of risk assessment in reflective thinking. Therefore, the PO is no longer an automaton. The computer might have won the first game, but it is not «game over». Research shows that 3rd generation instruments often have a relatively higher predictive power than second generation instruments

(Schwalbe, 2007). In other words, looking at dynamic factors on top of static factors leads to a better prediction of recidivism. But there is much more: Third and fourth generation instruments give us room for social justice and inclusion, and they will even allow the use of clinical experience and intuition in a structured way. In other words, adopting 3rd and 4th risk assessment instruments is a scientific, professional and also a political statement. Working with these instruments is a statement about the purpose, the direction or focus, and also the professionalism you – as POs – and the Probation Organisation stands for.

I have witnessed the positive effects of this adoption between 2003 and 2005, when I had the privilege of training many Dutch Probation workers in the use of the 3rd generation RISC instrument. I developed this instrument, based on the LSI-R and the British OASyS instruments, together with a team of Dutch probation workers.

The adoption process in the Netherlands was not easy, even though the product itself was good and the facilitation in the organisation was also adequate. Many workers however thought that working with a combined set of static and dynamic risks and needs would harm their work, they regarded the RISC as «science intruding in our work» and were anxious that it would change the probation services into a political tool.

Now, almost 10 years later, the picture has completely changed. POs have experienced that they work in a more structured and transparent way, and also that other parties in the justice chain take their advice, the insights and case-management position much more serious than they used to do.

Judges and public prosecutors, and even lawyers have seen a growth of the professional status and hence the political influence of probation services. Co-operation with psychologists and psychiatrists for additional in-depth diagnosis has improved, because POs now know exactly what kind of information they want from these professionals. Their co-operation has become more focused, more efficient, and more equal.

All this has led to an increase in professional pride of probation workers and a different view in the public of what probation services can actually achieve.

There is still work in progress, however. One of the most difficult last challenges is the 4th generation aspect of making use of the results of the risk and needs assessment to formulate proper goals and choose the best interventions. Especially working together with the partner, the family and prosocial friends is something that still needs a lot of improvement in many probation services, not only the Dutch probation services.

Before moving on to my concluding remarks, there are two areas to mention, which are the technical domain, and the competencies of the assessor.

Instrument Development

The development of structured risk assessment tools is a science in itself. In this ongoing developing science, there are two main subjects: accuracy or reliability, and validity. Without sufficient reliability and validity none of the instruments I presented in the table, would have been accepted as products.

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- Accuracy means that the tool is reliable – it gives us the same results when used by different POs, and this is also the case in different situations and with different types of offenders. To achieve accuracy, developers give attention to:
- a very clear manual
 - interrater reliability
 - a reliable use in different interview contexts (pre-sentence, detention, supervision, etc.)
 - use with denying /strategically operating clients
 - and accommodating the tool to client diversity.
-

- Validity means that the tool actually measures what it promises to measure. Here, developers look at:
- First, its content validity: does the instrument as a whole, or the scales and questions within the instrument, actually grab the reality we want to capture? In other words, is the camera pointed in the right direction and does it have a clean lens? It goes without saying that the input of POs is crucial to achieve content validity.
 - Then, predictive validity comes into play: does the instrument indeed predicts what it promises to predict, and significantly much better than chance? What is predicted is called the criterion variable, in our case recidivism. The technical term is here the proportion of explained variance that all questions in the instrument together account for. The higher this proportion is, the surer we can be that we are on the right track with asking exactly those questions to predict if someone will reoffend. Content validity relates very much to predictive validity: The question what is your favourite colour has no content validity for crime prevention, and it will also probably not account for a lot of variance. On the other hand, questions about antisocial friends probably will. Of course, developers like to limit the amount of questions, to make the instrument as efficient as possible. Looking for small sets that account for maximum variance is their challenge. This is especially a challenge with the very diverse and changing explained variance or criminogenic needs during young adulthood.
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About the assessor

After my long story about the assessment instrument, I can be quite short about the persons behind it, using it: the assessor. The shortest version of what I want to say is: Professionalization is key. Tomorrow, in my second speech about the Criminal Justice Social Work project, I will go into this more deeply.

The adoption process, by POs, of accurate and valid 3rd and 4th generation structured risk assessment tools not only relies on the facilities and culture in the organization, but also on the professional development of the PO's themselves. In this realm we find the knowledge, skills and attitudes or values of POs.

POs need to have knowledge about the assessment tool: its background or theory, its underlying values, and knowledge about the use, the advantages and the limitations of it. Without knowledge, there is no adoption.

POs also need the skills for applying and adjusting the instrument in the right context, using different kinds of interview techniques, and skills to analyze and make use of the results. But that is not all: POs also need reflection skills and emotional literacy skills. These are very important additional skills for risk assessment that allow the PO to bring in his experience and intuition within the context of structured risk assessment. Without room and development for all these skills, there is no adoption.

And finally, there is no adoption without a critical but also favorable, constructive attitude towards risk assessment. This attitude, reinforced by knowledge, skills and user experience, also reflects a professional and political statement about the purpose of probation and the preferred ways to keep supervision well-directed. I am convinced that a constructive and critical adoption of 3rd and 4th generation tools allows probation organizations to shape their own autonomous and service oriented future.

I hope to have shed some light on risk assessment and to have contributed to your discussion about this important theme for the Swiss Probation Services. I wish you a very productive and inspiring continuation of the conference.

Thank you!

CRIMINAL JUSTICE SOCIAL WORK: IMPROVING THE EUROPEAN CURRICULUM FOR PROBATION SERVICES

BAS VOGELVANG, Avans University of Applied Sciences

Ladies and gentlemen,

Probation work is a craft. A human craftsmanship. POs are not like business people who aim to climb the society ladder higher and higher, but they are investing in other people and in their society. To be able to do this, they need to invest in themselves. POs are on a mission that requires a deepening of their craft, a sharpening of their tools, all the time.

In order to become craftsmen, of masters in their work, professionalization is crucial, and it never ends. It is career long learning, éducation permanente.

When we look at probation education, formation, or professionalization from a European perspective, we can see new challenges emerging, which result from the need for increased integration of policies in the area of freedom, security and justice in Europe:

- The Council of Europe has set up Probation Rules which describe a number of basic competencies that have to be met by probation officers.
- Probation Services are still under development in a large number of European countries. Professionalism is an important part of this development.
- Citizens in Europe must have the opportunity for (suspended) prison in the country of origin. This is explicitly stated in the Framework Decisions. Probation officers in Europe must be trained and educated to implement the Framework Decisions.

In an attempt to answer these challenges, the Criminal Justice Social Work project has been developed by Avans University, in collaboration with many other educational institutions and practice organizations from the Netherlands, France, Scotland, England and Wales, Rumania, Latvia and Norway, and with the co-operation of the CEP.

Where do we start from: great variation and pressures in the landscape

The European integration is very important, but it also appears that probation services in Europe have very different starting points in their attempts to meet the challenges of greater European integration. Farrow, Kelly & Stout (2011) summarize the state of probation training in Europe as follows:

«Firstly, in some jurisdictions probation training is part of social work, in others it is not; Secondly, in some jurisdictions there is a very close relationship between probation training and the prison system, in other places that link is not present; Thirdly, probation training is sometimes centralised and sometimes decentralised and Fourthly, there is considerable variation regarding the academic level of initial probation training.»

Stout and Durnescu reach the same conclusions, but state, however: «The conclusion to be drawn (...) is that a European approach to probation training is both desirable and possible. (...) The main challenge in this respect seems to be the incorporation of both social work orientation and risk assessment culture into one coherent educational program. The use of a modular framework with optional sections is a way to incorporate this diversity.» (2011. p.404).

I will come back to this modular structure later on, but first I need to present you another element in the landscape. On top of these differences in starting points, probation services in Europe face external pressures from economic restraints, and from political and governmental expectations regarding the purposes and intended results of probation. In addition, there are internal pressures on POs, due to bureaucratic and implementation demands and their effects on organisation culture.

Given these multi-sourced and sometimes conflicting pressures, many questions arise:

- 1. Within a European perspective, what are the core purposes of probation that must always resist the storms of internal and external pressures?
- 2. What do PO's need to learn in order to be qualified for meeting the demands of these purposes?
- 3. What does this mean for views and actions regarding learning and development within their organization?
- 4. What kind of learning strategies and learning contents are needed to achieve these goals?

Before I present the project under 4, I will look into questions 1 to 3 first. What are core purposes of probation work and their consequences for probation training content and probation organizations? As a development team in CJSW, we needed to answer these questions first to start off with a genuine European view of scope:

- For the core purposes of probation and their implications of in terms of basic and continued PO competencies, question 1 and 2 we explored the most important European Probation Rules 1 through 6, especially rule number 1
- And for the organizational consequences, I will discuss two contrasting practice paradigms: the institutional paradigm and the paradigm of support, and formulate a basic view on learning and development that we propose probation services should adopt

Professional competencies related to the purposes of probation

The European Probation Rules set out some basic principles and discuss their implications for probation organization, policies and practice. The rules were adopted by the Committee of Ministers of the Council of Europe in January 2010. Rule number 1 directly relates to the purposes of probation:

- 1. Probation agencies shall aim to reduce reoffending by establishing positive relationships with offenders in order to supervise (including control where necessary), guide and assist them and to promote their successful social inclusion. Probation thus contributes to community safety and the fair administration of justice.

Rule number 1 states the three ultimate goals of probation in a European perspective. The first two goals are obvious in the last sentence: community safety and the fair administration of justice. Hidden in the first sentence, we can detect a third goal: social inclusion. Some important client and network focused professional competencies can be derived from these activities, all based on rule number 1(CJSW 2012). I will discuss these competencies in more detail later, when I come to presenting the CJSW project.

General knowledge of how probation works and basis social work skills

Skills for assessment, evaluating and monitoring

Skills for developing human capital, such as motivational interviewing and skills for (cognitive) behavioural modification

Skills for developing social inclusion, such as working with and through families, groups and communities, and skills for restorative practices.

From other rules, especially number 2 through 6, focusing on the individual rights of offenders (and victims), we derived additional competencies related to the legitimacy and individual professional functioning of POs:

Regarding legitimacy, we need POs to develop:

- Knowledge of national/local and international (criminal) law, related procedures and regulations
- Knowledge of the mission of probation work
- Skills and attitudes regarding accountability and discretion

Probation rules 2 to 6 also focus on individual professional functioning: Skills that apply here are self-awareness, emotional literacy, resilience, and systematic reflection on personal values and their implications for practice.

This short list of professional PO competencies is a «translation into action» of the foundation of probation in Europe: to improve safety, fair justice and inclusion.

I now proceed with question 3, the probation organization that is needed to support POs to develop all of these competencies.

The institutional paradigm and support paradigm

The Probation Rules actually prescribe that improving safety, fair administration of justice and social inclusion are elements of this occupational culture. Many probation organisations in Europe have incorporated statements about safety, justice and inclusion in their mission. But what does this actually mean for the probation organisation? The most important point here is that social inclusion is an integral goal of probation work. This has profound consequences for the organisational paradigm (or basic perspective) of probation organisations.

Kröber (2008) observes a shift in thinking about client development in state regulated welfare organisations in the last 50 years. In short, the medical model – emphasizing client risks and a patient role, the need for treatment by experts, and (if needed) segregation from society – has been gradually replaced by a model that emphasizes clients' quality of life. In this new model, the emphasis on risks has been replaced by rights and obligations, the client role is now a citizen role, the need for «treatment» is now called «support», the expert has become a «partner», and segregation from society has been replaced by inclusion.

For probation organisations, the adoption of a model that works towards quality of life is still a difficult step to take. Although social inclusion is an essential part of Europe's probation mission, many European countries still limit the purposes of probation to safety/control and focus on individual behaviour change and show far less

concern for social inclusion and restoration. To give an example: Last spring the general director of the Dutch Probation was quoted in the national press with a proposal to replace the last phase of detention by community payback and electronic monitoring during conditional release¹¹. The proposal received little support from politicians and citizens, who responded that this kind of «luxury» was not intended for criminals.

By these kinds of external pressures the probation organisation is «caught» or «held hostage» in a so-called institutional paradigm, working within the medical model and isolated from the offenders' network and from partner organisations. Within the institutional paradigm, probation takes control over the offender's life and holds him accountable for behaviour change at the same time (a strange contradiction). The PO acts as a dominant party, pushing against risks (not pulling on strengths), prescribing the changes, and delivering the changes through products. In this paradigm, the probation organisation takes itself as starting point for production, and not the offenders' needs. What remains, is a probation organisation that only advocates safety, helps to shield POs against legitimacy/fairness complaints, but is unable to integrate its activities with the pursuit of social inclusion.

The alternative – a support paradigm – stresses the opposite: the offender's strengths and possibilities are starting points, the PO looks for a balance of power between the PO and the offender (backed by his social network), without losing track of safety considerations. The probation organisation is no longer a machine but a series of networks that design and establish supervision processes. The offender (viewed as citizen) is the central figure in each of these networks, with close lines to family, friends, and directly involved professionals, such as the PO. At further distance we find the offender's natural network and the staff of supporting organisations. Many responsibilities are delegated to those directly involved – including the offender, his family and the PO.

For these networks to operate adequately, Kröber and Van Dongen formulate additional professional competencies for workers and teams:

Support paradigm competencies, such as

- Skills for mutual support and co-dependency, based on a shared set of values
- An attitude welcoming new professional values based on dialogue, not sticking to static opinions
- Skills and a determined attitude to make concrete what has been learnt in networks
- Skills for team-based professional reflection and giving constructive feedback to fellow workers and network partners

The networking organisation that results from the support paradigm helps probation organisations much better to meet the European challenges. A network-based probation organisation is also less concerned with national issues, and will support the development of a shared international language for probation.

¹¹ «Reclassering wil vaker enkelband als straf». («Probation services advocate increase of electronic monitoring»). Het Parool, 21-09-2012

CJSW

We looked into the core purposes of probation, the support paradigm that is needed to achieve these purposes, and the resulting competencies for POs. To meet these challenges, the Criminal Justice Social Work (CJSW) project started in December 2012, funded by the Life Long Learning Program of EACEA, a division of the Erasmus fund of the EU. Our project is headed under priority 4 of EACEA, namely support to the modernisation agenda of higher education, including curriculum reform. The project will last 3 years end in December 2014. The project partners are working towards a set of high quality modules for initial and continuing education in the field of probation.

In other words, the modules can be used both for initial education of future professionals and for continuing education of already working professionals by probation organizations.

At this moment, all partners are developing and testing the modules in close cooperation.

Our end products or «deliverables» are:

- Of course, the teaching modules, in both English and French, and on a bachelor and more profound master level. The teaching modules will be will be free, open source materials for European probation organizations and higher education organizations, starting in the spring of 2014. The supporting literature must be purchased by the organization itself to avoid copyright issues. I will tell you more about these modules in a minute.
- All materials and modules will be brought together in a European handbook «Criminal Justice Social Work» with special sections for new teachers and trainers on how to deliver the lessons, how to use the Community of Practice and how to work with student groups
- All materials and modules will be available in an e-learning environment which is similar for all (future) partners, a community of practice. Show screen. There is now one portal for all the modules, with a forum and website which will be accessible to all partners and other interested organisations. The community of practice allows students and teachers to access all materials, arrange webinars, on-line case-discussions / analysis and on-line colleges.
- There will be a summer school in the Netherlands and France, where students, professors/teachers and practitioners share knowledge and expertise and develop new insights.

All partners, and all other interested organizations are free to access the modules and to make selections and combine teaching modules. However, only when combining all modules on a bachelor or master level, the ECTS study load equals a so called minor, and will allow the student to graduate with a specialization in CJSW.

In other words, the modules are clearly linked to qualifications. The modules lead to well-defined competencies as learning goals: mastery of a module is measured in clearly defined observable behaviours, including reports.

To make sure that each module, and the complete set of modules, will have national and international value. The definition of the competencies corresponds to the Dublin Descriptors, included in the overarching Framework for Qualifications of the European Higher Education Area.

For workers in professional organizations, successful completion of the teaching modules should lead to higher education qualifications as well. To realize this, we encourage professional and educational institutions to collaborate.

The modules

All 6 modules have the same structure:

a self-assessment, 10 lessons, divided in 3 sections, and a final assignment:

Every module starts with a knowledge section of 4 lessons, covering core ideas and concepts. Then follows a national section of 2 lessons, to be tailored by the local teacher / trainer. Finally, there is an applied section, looking into practice approaches, such as skills and attitudes.

There are many interconnections between the modules and the sections through cross-references, and also 4 case-studies have been carefully designed to play a central role in many of the assignments for students.

Let us have a first look at the 6 modules.

1. Perspectives on probation

This first module provides students with basic knowledge of the rationale, aim and essential practice elements of probation work.

The knowledge section covers the basic philosophy, mission & legal context of working with mandated clients. In short: why, what and how.

- Why: The mission of probation work: Why have probation organizations been developed in almost all European countries as an alternative or addition to prison sentences? What are their shared foundations, or chartas? Why did probation work become a profession?
- What: The purpose of goals of probation work in Europe: The module looks into different and sometimes apparently conflicting goals of probation work: social safety and crime reduction, social inclusion, rehabilitation and restoration. This module also considers the ethics of CJSW and probation and the way in which the values of the profession should be realised in and through its policies and practices. The European Probation Rules function as a basis for this, but we also consider human rights in law and in ethics and ethical dilemmas. For instance:: what is a legal mandate? How far can a country go with supervision, control, electronic monitoring?
- How are probation organisations embedded in national and international law? The module will focus on European laws and so-called framework decisions, but also on major differences in national law and criminal justice systems. The module also examines the place of probation in relation to other organisations in civil society to mark the importance of inter-agency work, which will largely be taken up in other modules.
- How does probation work: The module teaches students how probation work relies on the social sciences. The major approaches here are What Works, the desistance / good lives approach and basic elements of social work with offenders, including monitoring & risk-management, and enforcement and compliance (implementing the orders of the Court). We also look into probation's work with victims, raising questions about victim participation.

The national section will be designed at every national level. It seeks to apply the issues and questions of the general part of the module to the specific country / jurisdiction, such as:

The national probation mission, main aims and tasks A history of probation in the country

The place of probation within the criminal justice system and within the (national) legal context

The probation's relationship with the judiciary – who does what? who should decide?

Work with offenders, which models are favoured and why Work with victims

And current policy and practice – developments and debates

The applied section covers the skills base of probation, for example, spoken and written communication, analysis, judgement, team work, and problem-solving. Topics are POs roles in the organisation, key tasks and responsibilities, accountability, discretion in policy and in practice, self-awareness and emotional literacy and systematic reflection on personal values and their implication for practice.

To give you an example, let us look at one of the case studies:

Kris is a 23 year old white man. He has a number of previous convictions, mainly for theft, and has most recently been in court for possession of cocaine. He has told the probation officer that it is his drug use that lies behind much of his offending. He says he has stolen to raise money to buy drugs. He uses many kinds of substances. He has no record of being involved in the supplying or selling of drugs, but he has mentioned that pressure is being put upon him by suppliers to whom he owes money. He won't go into detail about this.

He was made redundant from his job as an engineer about 18 months ago. Although he has some skills, there are no jobs available in this sector where the industry is in decline. He lived in rented accommodation for a few years, but had to return to live with his parents when he lost his job and his income. His father is elderly and in poor health. His mother is struggling to keep things going and is very upset by Kris's behaviour. They all agree it would be better if he left home, but he cannot afford to do so.

Kris feels very pessimistic about his future. He says he would like to work with young people as a youth worker, but he believes that his criminal convictions have now made this impossible. He knows that his drug use is causing problems and he fears it is getting out of control, but he says that drugs bring him some break from the hard realities of life and that all his mates are users as well.

This case study is looked at in module 1 with questions and practice assignments like:

What can probation intervention contribute to Kris's position? What are his rights in working with probation and what are the probation officer's legal duties and authority? What is required in the specific national context? How might your own views, experiences and values influence the way in which you work with Kris?

Consider how drug use is regarded by «society», by Kris himself and by the probation officer? Does the probation officer have a moral obligation to persuade Kris to abstain totally? Or could this be seen as «recreational» and similar to alcohol use?

For time's sake, I will go through the modules more quickly now, and show you the lessons grid, and tell you about the module looks at the case-study of Kris. Apart from this case-study, there are of course many other cases and practices in each module.

2. Alliance and Communication

The first basic module Alliance and Communication allows the student to develop skills, knowledge and values related to developing a working alliance with the offender, which is one of the most important elements of probation work. Guidance and control must be combined, resulting in a so-called hybrid relationship. Apart from general considerations and training in this subject, the module will allow students to tailor their skills to special offender groups, such as women offenders, and offenders with psychiatric disorders.

The knowledge section covers

- 1. The working alliance in a probation context
- 2. Relationships of power and involvement in the working alliance
- 3. Characteristics of an effective probation worker
- 4. Measuring the quality of working alliance in a probation context

The national section covers issues and questions about the working alliance in the local probation context and national practice, such as working with specific groups

And the third applied section looks into creating an effective working alliance by balancing between control and support, developing common goals and tasks (motivational congruence), dealing with reactance and resistance.

How might the probation officer create an effective working alliance with Kris? How are control and support to be balanced? How would common goals and tasks be negotiated with Kris? What skills might be required here? What might be the difficulties in sustaining his motivation? How might you respond to resistance?

3. Assessment

The third module will cover assessment, recognising its fundamental importance in ensuring that work remains well-directed and purposeful. It looks at the different ways in which assessment takes place and encourages students to understand the strengths and limitations of these approaches. Students will learn that assessment should be understood as part of a process – the ASPIRE cycle – and links will be made with modules where other elements of this cycle will be covered. The Module also covers pre-sentence reports, which can be seen as a professional assessment presented to courts and/or prosecutors to help them to take their decisions.

In the grid you can see the different sections and lessons that are covered in this module. In the national section, students will be familiarised with the instruments, routines and practices of assessment in their own country. The possibility of inviting agency staff to teach in order to explain the details of the instrument is one of the activities. Reference will also be made here to the general section of the module as part of an understanding of the strengths and limitations of national practices.

The applied section of the module covers the actual process of assessment – how relationship-related to Module 2 – is central to this; how assessment is not something that can be done once, but is a continuing process; how it must be done in a way that makes sense to the individual and is more a negotiation about how probation officer / CJSW and client will work together than a discovery of individual risks and needs. It will be emphasised that assessment instruments are intended to guide and support professional judgements and not to replace them.

Back to Kris: How might the probation officer go about identifying his risks of reoffending, his criminogenic needs, and his responsivity? His static risk score is 60%. This means that, for 100 people with his record, of his age, gender (and a few other criteria), 60 will be reconvicted with 12 months. What are the strengths and limitations of an actuarial assessment of this kind? Kris has been found in possession of a relatively small amount of cocaine: how might you advise the prosecutor? What kind of information should be put before the court in a pre-sentence report?

In module 4, the curriculum focuses on working within a (learning) organisation.

Probation work is a craftsmanship and a challenging profession. Many offenders confront the worker with major problems that make them fall back into criminal behaviour. Caseloads tend to be high, and the criminal justice process in itself is often complex and time-consuming. Probation workers therefore need strategies for learning, on order to become and stay professionals develop resilience and optimism, and acquire team building skills.

This means the module looks at subjects like professional socialisation & professional learning, professional development, the organizational culture, legitimacy issues, teamwork and supervision.

For Kris, the module leads to questions such as:

What type of support from colleagues and managers would the probation officer need to work with Kris? If the probation officer refers Kris to a drug agency, what issues arise for working in partnership, sharing of responsibility / accountability – differences of remit, values and of power between state sector agencies and voluntary organisations? If Kris misses appointments, how should the probation officer respond? To what extent do you think that the probation officer should have discretion to decide how best to work with Kris? Or should this be set down in standards or regulations? What are the benefits and the risks of allowing officers wide discretion?

Module 5 and 6 are so called extended Modules, because they cover special subjects and specialized areas.

In module 5, Developing human capital,

we discuss how in the last decades, many specialized programmes and interventions for offenders have been developed that have proven to be of great value to reduce recidivism and promote crime-free lives. These interventions and programmes or often aimed at the individual offender. This module will allow the student to understand the process of behavioural change, the rationale of some of the major interventions and to how to apply them in groups or one-to-one basis. Transfer / continuity of these interventions into the «real world» are also part of this module. The interconnection between evidence based practice and practice based evidence is a very important element in this module. How can science based knowledge be combined with and integrated in everyday supervision work?

What does the evidence suggest about the best way of working with someone like Kris? What are the implications for working with Kris using the RNR paradigm? What are the implications for working with Kris using the GLM and /or desistance paradigms? Does the concept of cognitive deficit help us to understand how to work with Kris? (Draft a work plan for working with Kris.) What does the evidence tell us about the prospects of success of different possible aims here – should the objective be complete abstinence, a more controlled use of drugs or minimising harm?

Finally, in module 6, Developing social capital,

we build on the essential credo of Margaret Mead: It takes a village ... to raise a crime free citizen.

Supporting social relationships of the offender are of prime importance to live crime-free lives. In addition, professional relationships and inter-agency collaboration is an essential element of probation work. Designing, involving, activating and sustaining these networks is the subject of this 6th module. This is a consequence of what I explained earlier, that probation work will function much better in organizations working from a support paradigm, regarding a network approach as the preferred way of handling cases.

This Module explores the concepts of social capital, social networks and social support. It considers the role of probation workers and services in working with others to support «offenders» into better lives as better citizens. The module is intended to complement the focus in other modules on how probation staff can work to help people improve themselves; by contrast, this module is more concerned with the wider social and community contexts of positive change, and on the range of agencies and services engaged in this process.

For the student, who can also be a probation officer, questions about Kris arise:

Assess Kris's social capital. (He has networks which could be described as illicit. What part do they play in his desistance or persistence?) What social resources might be available to support Kris in his efforts to desist? Should or could the probation officer try to work with Kris's family? Are there self-help /mutual aid / cooperative groups in which Kris might participate? If so, what issues arise for working in partnership, sharing of responsibility / accountability – differences of remit, values and of power between state sector agencies and voluntary organisations? What role and what responsibilities might the wider community have towards Kris and how can the probation agency enable and encourage the community to meet these responsibilities?

Conclusion

The purposes of probation on a national and European level underscore the need for a support paradigm for probation organisations. The support paradigm calls for a transformation of probation organisations into networking organisations on many levels, with the client networks at the very heart. Only within this constellation can safety, fair administration of justice, offender rehabilitation and social inclusion be fully integrated and supported.

In order to train POs to facilitate, serve and develop these client networks, different parts of the organisation work together very closely. Orchestrated by senior management, the training department, human relation department and line management combine their efforts to install an environment for the PO in which working and learning become almost one. Because client networks do not follow the rules of the probation institution and can involve many partner organisations, probation organisation should regard learning and knowledge exchange as activities that are not limited to the borders of their own organisation.

In other words, not only the networking skills, but all skills, including assessment, behaviour change and legitimacy skills need to «come out of their institutional isolation». The PO is no longer a solitary client centred professional, but a craftsman sharing his expertise in a network of people that designs and installs safety, fair administration of justice, rehabilitation and social inclusion on a micro-level, in everyday life.

A second consequence of the transformation towards a support paradigm is the importance of incorporating specific learning competencies in the curriculum of POs, especially the more experienced, often more aged workers. After his/her basic training, the PO must develop learning competencies in order to reach the stage of professional maturity. The support paradigm calls for independent workers who are able to design and adjust

their work, and who can account for their actions whenever asked for. To this end, the probation organisation should assist the PO in becoming a «professional learner», by mingling basic training coaching, informal learning, specialization and possibilities for PO's to act as trainers or mentors themselves. The quest for professional maturity or craftsmanship is, from a support perspective, the ultimate goal for probation organisations that offer PO-training: the organization no longer views the PO as a recipient of learning content, but as a partner for expertise development of the organisation itself.

Thank you!

PROBATION, RISK ASSESSMENT AND RISK MANAGEMENT IN EUROPE: A CRITICAL REFLECTION

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Based on the presentations, presented on 5 December 2013, I have changed my presentation slightly to address certain issues that came up.

Yesterday's observations did learn us a lot about:

- The Swiss diversity in the Probation Service (cf. similar situation in Belgium);
- The importance of policy and practice transfer («to whom are you looking for new ideas?»);
- The increased emphasis on risk assessment, the use of risk assessment tools and risk management.

Whilst «risk management and risk assessment» is, indeed, the title of this seminar I was surprised to find out that no other speaker mentioned anything about the purposes of probation. How can we answer questions about what works in probation work or criminal justice social work without thinking first about the purposes of the Probation Service? Raynor (1996) noted that to determine «what works?» we need to first define what ends we are pursuing.

I would, therefore, like to answer in this presentation the following two questions:

- 1. What is the purpose of (Swiss) probation and criminal justice social work?
- 2. What are the central new themes and findings in current probation literature that might challenge us to take another look at how we work with offenders?

What is the purpose of probation?

To answer the first question, what is the purpose of (Swiss) probation and criminal justice social work, I would like to start with a quote of Frank Porporino, written in the book *What else works: creative work with offenders*. Porporino is a Canadian criminal justice consultant, researcher and cognitive skills programme developer, who said after receiving calls for information from Probation Services worldwide:

- «The point is that [probation] agencies typically have no idea whatsoever why they might like to implement R&R [Reasoning and Rehabilitation, i.e. one of the first cognitive behavioural programmes] in particular, to deliver it to whom or why or when. They are simply looking for some evidence-based practice, some special magic in a bottle!» (2010, p. 65, own emphasis)

A full account to explain how and why evidence-based practices became very important is beyond the scope of this presentation, but the increased importance given to evidence-based practice would involve at least an historical and political discussion, in each European jurisdiction, about two things. First, it would need a discussion about the increased «politicisation» of crime control and criminal justice policies (for instance, in elections, crime is always on the public agenda). Second, it would need a discussion about the emergence of New Public Management. These two points are the essence of evidence-based practice.

Next to evidence-based practice, many European Probation Services have been required to demonstrate their effectiveness; that is, is the work you are doing with offenders actually working? And how will effectiveness be measured?

The key point I would like to draw attention to is that different measures of effectiveness have to be taken into account, depending on the aims and goals of the Probation Service. Put differently, if the Probation Service's aims and purposes are multiple, then the types of evidence of «effectiveness» in play are therefore necessary varied and diffuse. The problem, however, is that there has been far less discussion about what those Probation Service's aims and goals are or should be. The Probation Service's aims and goals are often taken for granted rather than discussed. I would like to refer here to the article of Durnescu (2008) for an overview of the purposes and outcomes of probation in European jurisdictions.

Based on Durnescu's taxonomy of purposes and suggested measures of the effectiveness of probation, McNeill et al. (2012) summarised the following table.

Probation Service's aims and goals	Measures of effectiveness
Rehabilitation / public protection	Increase the proportion of the community sanctions and measures as compared with imprisonment.
Reduced reconviction / improved community safety	Reduced reconviction / improved community safety
Punishment / enforcement	High compliance / efficient enforcement
Offenders' welfare	Improved inclusion and well-being
Victims' interest	Victim satisfaction with process & outcome
...	...

Table adapted – McNeill et al. (2012)

What was most notable about yesterday's presentations was that 1) the principal measure used in the Swiss Probation Service is linked to only ONE of these purposes, that is «rehabilitation / public protection» and 2) none spoke about the «quality» but rather the «quantity» of Swiss criminal justice social work supervision.

New themes and findings

Let us turn to the second question about the central new themes and findings in current probation literature that might challenge us to take another look at how we work with offenders.

Different approaches for work with offenders are currently in use. The most well-known models in use are the Risk-Need-Responsivity Model of offender rehabilitation (Andrews and Bonta, 2010) and the Good Lives Model (Ward and Brown, 2004). (See, for instance, for a short introduction about the two models also the text «Modèles de guidance judiciaire» of Bauwens and Snacken, 2010). The literature also speaks about «risk-based» and «strengths-based» approaches or about «What Works?» and «desistance».

Needless to say, each model of offender rehabilitation has their believers and disbelievers. However, whilst a great deal has been learned from the intense debates between the two above-mentioned competing models recent literature indicates it is time to move beyond the paradigm conflicts. I have listed seven central themes and findings in current probation literature that might challenge us to take another look at how we work with offenders.

Theme 1: need for a more fundamental understanding of desistance mechanisms

Perhaps slightly surprisingly, there is very little evidence about how probation or criminal justice social work supervision helps probationers stop offending. Hence, there is the need for a more fundamental understanding of the actual mechanisms that leads to desistance. As Porporino wrote: «the transition from an offending to a non-offending lifestyle seems to happen sometimes spontaneously, sometimes unexpectedly, sometimes after intervention but perhaps not because of it, and often without any obvious or formal intervention at all» (2010, p. 62–63).

Theme 2: the importance of the personal relationship and one-to-one supervision

The re-enforced importance of the personal relationship and one-to-one supervision seen as fundamental to «effectiveness», after the current over-reliance on cognitive behavioural programmes as a theory of intervention and group work as a system of delivery.

See, for instance, Shapland et al., 2013, p. 139–152 and Rex and Hosking, 2013 p. 271–280, in the book Understanding Penal Practice or initiatives like the Offender Engagement Programme of which the guiding philosophy is «that the one-to-one relationship between the offender and the practitioner can be a powerful means of changing behaviour and therefore reducing re-offending» (Rex, 2012, p. 6).

Theme 3: the application of RNR principles to one-to-one supervision

The research of the application of the principles of the Risk-Need-Responsivity model to one-to-one supervision is beginning to emerge.

See, for instance, Bourgon et al., 2013, p. 238–239, in the book Understanding Penal Practice.

Theme 4: the importance of motivational interviewing

The motivational interviewing paradigm as a powerful approach to motivate offenders to change (see, for instance, Miller and Rollnick, 2012)

Theme 5: the development of new offender rehabilitation programmes

The development of new offender rehabilitation programmes not aimed to «change» offenders but aimed to help offenders to explore, to find out their needs, to find out what they want, to detect their personal strengths etc. (See Porporino, 2010, p. 78)

Theme 6: the importance of the users' voices

«There is a need for meaningful service user involvement in the design, delivery, assessment, and improvement of policies and provision across the criminal justice system» (McNeill et al., 2013, p. 4).

Theme 7: the importance to supplement the current psychological theories with other forms of offender rehabilitation

McNeill has recently argued that «a psychological understanding of rehabilitation provides a necessary, but insufficient basis for correctional or forensic psychology, and for anyone involved in the fields of sentencing, prisons and probation» (2012, p. 19). A pure psychological conception of rehabilitation is inadequate as there are at least four forms of offender rehabilitation that emerge as being equally important in the process of desistance from crime: psychological, moral, social and legal rehabilitation. All four forms are equally important in the process of desistance from crime.

Conclusion

I would like to conclude my presentation with a quote of Fergus McNeill (2009, p. 22) who said that «Probation services are not merely crime reduction agencies; they are justice agencies».

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SOLLEN BZW. WIE SOLLEN SOZIALARBEITENDE ALS PROFESSION IN EINEN RISIKOORIENTIERTEN JUSTIZVOLLZUG EINGEBUNDEN WERDEN?

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Zwei Vorbemerkungen:

Ich spreche hier als Sozialarbeiterin zu Ihnen, welche zwar im Justizvollzug arbeitet, aber nicht in der Bewährungshilfe. Mein Handlungsfeld ist die Vollzugsbehörde, genauer der Bereich Risikovollzug innerhalb der Vollzugsbehörde. Dieser Bereich befasst sich zum einen mit aktenbasierten Risikobeurteilungen, um die Fälle nach Risikoklassen zu triagieren, zum anderen mit der Fallführung bei Risikotätern von Beginn ihres Vollzugs weg bis zur definitiven Entlassung. Kurz und gut: ich befasse mich in erster Linie mit Risikotätern, welche in der Vergangenheit schwere Gewalt- und Sexualdelikte begangen haben und die – zumindest zu Beginn des Vollzugs – eine ungünstige Legalprognose für analoge Delikte in der Zukunft aufweisen. Bei diesen Tätern handelt es sich um sog. Persönlichkeitstäter, um Täter also, welche in ihrer Persönlichkeit deliktrelevante Problembereiche aufweisen (Persönlichkeitsstörungen, Paraphilien, Psychosen etc.), welche dazu führen, dass sie selber Delikte aktiv konstellieren. Ich bitte deshalb, meine Ausführungen vor diesem Hintergrund zu verstehen.

Zum zweiten ist es mir wichtig zu betonen, dass Sozialarbeitende auch, aber nicht allein in der Bewährungshilfe tätig sind. Sozialarbeitende finden sich in verschiedenen Handlungsfeldern des Justizvollzugs, oder anders gesagt: der Insasse hat während der gesamten Phase seines Straf- oder Massnahmenvollzugs, bei der Vollzugsbehörde, in den Vollzugseinrichtungen, in Lernprogrammen etc. und schliesslich auch bei der Bewährungshilfe immer wieder mit Sozialarbeitenden zu tun. Vor diesem Hintergrund erlaube ich mir, zur Frage der Verbindung von Sozialer Arbeit und Risikoorientierung ganz allgemein etwas zu sagen.

Wir haben es auch gestern gehört: Es gibt bei manchen Sozialarbeitenden eine gewisse Skepsis, wohl nicht generell gegen die Risikoorientierung überhaupt, aber gegen zu viel Risikoorientierung. Damit ist auch die Befürchtung verbunden, dass die klassische Soziale Arbeit, welche sich an Grundbedürfnissen und Problemlagen, aber auch an Ressourcen von Klienten orientiert, nicht mehr gefragt sein soll. Hinter der Scheu vor zu viel Risikoorientierung steckt wohl auch die Befürchtung, Sozialarbeitende müssten das Feld des Justizvollzugs künftig stärker oder sogar ausschliesslich Psychiatern und Psychologen überlassen, welche dann – unter Vernachlässigung der sozialen Faktoren – mit diversen Prognosetests und Risikotools alleine die Definitionsmacht beanspruchen könnten, welche Probleme – vor allem in der Person des Verurteilten – deliktrelevant sind. Dadurch bestünde – so die Bedenken - die Gefahr, dass die Bedeutung sozialer Faktoren, also Faktoren wie Wohnen, Ausbildung und Arbeit, aber auch Freizeitgestaltung und soziale Teilhabe, zu wenig berücksichtigt würden.

M.E. gibt es keinen Grund, diese Befürchtungen zu teilen. Dies auf verschiedenen Gründen, welche ich im Sinne von Thesen kurz darstellen möchte:

1. Risikoorientierung klärt den Gegenstand der Sozialen Arbeit im Justizvollzug

Herr Zobrist hat gestern den Gegenstand der Sozialen Arbeit an der Schnittstelle von Individuum und Gesellschaft situiert. Vor diesem Hintergrund wird dem Gegenstand Sozialer Arbeit – der Erklärung und Beschreibung sozialer Probleme und darauf ausgerichteter Interventionen – immer wieder auch vorgeworfen, er sei von einer diffusen Allzuständigkeit beherrscht. Sozialarbeitenden falle es schwer, genau zu sagen, wofür sie zuständig seien, wofür aber auch nicht.

M.E. ermöglicht der Fokus der Risikoorientierung eine genauere Gegenstandsbestimmung der Rolle der Sozialen Arbeit im Justizvollzug und damit auch eine bessere Legitimation sozialarbeiterischer Bemühungen. Gleichzeitig

dient ein klarerer Fokus aber auch dazu, festlegen zu können, wofür die Soziale Arbeit nicht zuständig ist, was sie nicht zu leisten vermag.

2. Risikoorientierung legt ein bestimmtes Fallverständnis nahe

Seit jeher befasst sich die Soziale Arbeit mit der Frage, wie man in einem konkreten Einzelfall zu einem angemessenen Fallverständnis kommt, um darauf aufbauend, die geeigneten Interventionen zu bestimmen. Die Frage des Fallverständnisses beschäftigt die Soziale Arbeit also schon seit langem.

Genau das, nämlich die Entwicklung eines Fallverständnisses, um risikorelevante Faktoren in der Person des Täters und in seinem Umfeld zu identifizieren und deren Zusammenspiel zu analysieren, aber auch, um Ressourcen zu entdecken, auf die aufgebaut werden kann, fordert auch die Risikoorientierung. Ich bin deshalb der Meinung, dass die langjährige, theoretische und praktische Tradition der Sozialen Arbeit, zu einem angemessenen Fallverständnis zu kommen, mit dem neuen Fokus der Risikoorientierung eine fruchtbare Verbindung eingehen können und sollen.

Ein risikoorientiertes Fallverständnis bedeutet, als Sozialarbeiterin anhand einer umfassenden Fallanalyse herauszuarbeiten, welche Problembereiche in der Person und/oder in der Situation für die Delinquenz dieser Person matchentscheidend waren, um meine Interventionen möglichst auf diese zu fokussieren.

Dies bedeutet z.B. zu erkennen, inwiefern das bisherige Fehlen einer Ausbildung deliktrelevant war oder eben gerade nicht. In vielen Fällen ist die Möglichkeit, gut qualifiziert in den Arbeitsmarkt einsteigen zu können, nicht nur im Sinne einer sozialen Teilhabe wünschbar, sondern auch im Sinne einer Risikoverminderung. In anderen Fällen, ich denke hier an meine Hochrisikofälle, ist es wichtig zu erkennen, dass die Tatsache, eine Ausbildung zu absolvieren, mit der Delinquenz der Person allenfalls auch gar nichts zu tun hat und andere Interventionen möglicherweise viel sinnvoller sind.

Gerade im Risikobereich, in dem ich tätig bin, kann ich eine allenfalls vermutete Verdrängung der Tätigkeit der Sozialarbeitenden durch KriminologInnen und durch forensische PsychologInnen oder PsychiaterInnen nicht bestätigen. Oft ist bei solchen Verurteilten vieles hoch problematisch und deliktrelevant: Aspekte der Persönlichkeit, aber auch Aspekte der sozialen Situation. Die meisten Gutachter verweisen denn auch auf die Notwendigkeit nicht nur von Fortschritten in der forensischen Therapie, sondern auch auf die Bedeutung eines angemessenen, eng strukturierten sozialen Settings. Ein angemessenes, risikoorientiertes Fallverständnis hilft, die für die Delinquenz relevanten Faktoren in der Person und in der Umwelt zu identifizieren. Gerade solche Fälle sind im Progressionsvollzug sehr schwierig und aufwändig zu platzieren und zu vermitteln, auch ist ein umfangreiches Helfer- und Kontrollnetz vorhanden, das koordiniert werden muss. Die Dienste der Sozialarbeitenden sind gerade in diesem Bereich unabdingbar.

Für meinen Bereich, der über die Entlassung von Straftätern entscheidet, heisst ein risikoorientiertes Fallverständnis auch, zu analysieren, inwiefern die der Bewährungshilfe zur Verfügung stehenden Interventionen im ambulanten Bereich überhaupt geeignet sind, die Rückfallgefahr für neue schwere Gewalt- und Sexualstraftaten weiter zu senken. Wenn wir in unserer Risikoanalyse zum Schluss kommen, dass die Entlassung des Verurteilten in ein ambulantes Setting nicht verantwortbar ist, weil trotz Beratung durch die Bewährungshilfe, Vermittlung einer Wohnung und Arbeitsstelle und ev. einer ambulanten Therapie dem nach wie vor hohen Rückfallrisiko für eine neue schwere Straftat nicht begegnet werden kann, kann es auch bedeuten, auf diese Interventionsformen zu verzichten und die Person die Strafe zu Ende verbüssen zu lassen. Dies im Wissen, dass der Verurteilte zu einem späteren Zeitpunkt vielleicht halt doch einmal entlassen werden muss, weil z.B. das Gericht auf die nachträgliche Anordnung einer stationären Massnahme oder gar einer Verwahrung verzichtet.

Verlassen wir die Bedeutung des Fallverständnisses. Ich erlaube mir, noch ganz kurz zwei andere Aspekte aufzuzeigen, welche aufzeigen sollen, dass Soziale Arbeit und Risikoorientierung sich sinnvoll ergänzen oder prägnanter: dass die Soziale Arbeit prädestiniert ist, den Fokus der Risikoorientierung in sich aufzunehmen:

3. Risikoorientierung legt bestimmte methodische Interventionsformen nahe

Viele Sozialarbeitende verstehen sich nicht nur, aber auch als Casemanager. Gerade das Casemanagement scheint für die Risikoorientierung im Justizvollzug sehr geeignet, um störungsanfällige Übergänge von einer Vollzugsphase in die andere gut zu begleiten und die oft unzähligen an einem Fall beteiligten Professionellen zu koordinieren. Sozialarbeitende sind in diesem Bereich methodisch oft schon ausgebildet und können deshalb ausgezeichnete Dienste anbieten.

4. Risikoorientierung klärt die Kommunikation mit dem Klienten

Gestern ist in verschiedenen Referaten darauf hingewiesen worden, wie wichtig auch die sog. SOFT-Faktoren seien. Es gehe nicht einfach darum, in der Sozialen Arbeit technokratisch Instrumente der Risikoorientierung anzuwenden, vielmehr gehe es auch um den Dialog, die Beziehung zum Klienten. Auch hier denke ich, dass die Soziale Arbeit viele methodische Ansätze mitbringt, welche in einer risikoorientierten Sozialen Arbeit im Justizvollzug gewinnbringend genutzt werden können: Soziale Arbeit hat eine lange Tradition in der theoretischen und praktischen Reflexion, was der Umgang mit Zwangsklienten bedeutet. Wir verfügen über Gesprächsführungsmodelle, in denen gegenüber den Klienten klar gemacht wird, was verhandelbar ist, was nicht, also die Idee von Pflicht und Kür. Wir befassen uns seit langem mit der Bedeutung eines Arbeitsbündnisses und mit der Bedeutung der Rolle der Motivation bei Zwangsklienten. Dies alles sind Aspekte, welche auch in einer risikoorientierten Sozialen Arbeit im Justizvollzug absolut gewinnbringend genutzt werden können.

Kurz und gut: Ich bin dezidiert der Meinung, dass es zwischen den Prinzipien und Interventionsformen der Sozialen Arbeit und der Risikoorientierung viele Parallelen und Synergien gibt und dass die Risikoorientierung mithelfen kann, die Sozialarbeit im Justizvollzug weiter zu professionalisieren!

CEP INTERVIEW Confederation of European Probation (CEP)

On Thursday 5th and Friday 6th December the Swiss Probation and Judicial Social Work Association (prosaj) and the Swiss Prison Staff Training Centre (SAZ) held the bi-annual conference on probation in Fribourg. The conference focused on the meaning and consequences of risk assessment and risk management for professionals of the probation service and judicial social work in Switzerland. Two of the organizers, SAZ researcher Ms. Laura von Mandach and the chair of the conference, Mr. Philippe Pillonel, president of prosaj, reflect on the conference.

How many participants attended the conference? What was the professional background of the audience?

A bit more than 180 persons attended the conference. Most of the participants were professionals of the Swiss probation services and social services in prisons, and private and state driven institutions. We also welcomed some guests from Austria, France, Germany and Luxembourg. Besides the people who work on the front, most managers of probation and social services were also present.

You have to be aware that, although we are a small country, we have 26 cantons and each of them has a probation service and social services in the prisons. Therefore there are many professional focuses of probation officers and social workers, due to different organisational and political backgrounds. The bi-annual conference is well known and an important milestone for the professionals of all language regions: the French-, the Italian- and the German-speaking parts of Switzerland. To make it open for the audience, every speech and discussion in the workshops was translated simultaneously to German and French.

Why is the topic of the conference so important for professionals and managers in the Swiss probation and judicial social work in prisons sector?

Since Switzerland is a federate country – every canton decides on its own judiciary organization and authority to execute sanctions – risk assessment and risk management has not been introduced everywhere according to the same model. In some of the 26 cantons, risk management has been implemented through integrating prison and probation services; in others, there is a risk assessment on the level of the overarching administration; and in yet other cantons, there is no risk assessment at all.

Some professionals still have a very minimal knowledge of risk management and the gains of its implementation. We believe that little knowledge is also often an ideal ground for scepticism. Some probation officers and social workers do in fact mistrust risk management. They believe that it has a negative impact on the core activity of probation, that of supporting the offender towards a successful rehabilitation. As organizers of the conference, we are aware of the risks of risk management. However, we wanted to discuss the subject in a broader context, offering information about what risk management concretely means and strengthening the argument that probation and social work professionals must have a proactive attitude by participating in the policy making and arguing for a risk management that integrates the work of all actors of the system, thereby reinforcing the core activities of social work and probation; in a nutshell: strengthening the professional work in rehabilitation of offenders towards best practice.

Not all probation services in the Swiss cantons use risk assessment tools yet. What is the reason for this situation?

As we have mentioned, in fact not all Swiss cantons use risk assessment tools. In many cantons however, this is not the fault of probation services! The administrative authority in the Latin part of Switzerland, for instance, is organized in a remarkably different way from its counterpart in the German-speaking part of the country. This cultural difference, described as «Rösti gap», is, beside the political system, a further reason for the diversity.

Of course this setting has disadvantages – lack of transparency and fluidity to list two negative points – but there are also positive elements. Progressive initiatives, developed locally, are often taken up by other cantons after a sort of testing phase. This is, for instance, the case of ROS (Risk oriented execution of sanctions), a risk assessment and risk management system developed in Zurich, which has been taken up, while in a pilot phase, by other three cantons (St. Gallen, Thurgau and Lucerne). KARA, another risk assessment tool, a Swiss adaptation of OAsys (UK) and RisC (NL), was developed in Basel-City, and will also be offered to other cantons.

Do you think using risk assessment tools will help to professionalize the sector of probation in Switzerland? Do you think a more business-oriented approach of risk management in Switzerland will support the professional to help the offender to reintegrate into society?

Probation work has to be impact driven and yes, we believe that the development and use of risk assessment tools, as well as the implementation of a risk management that integrates the prison and probation professionals, will lead to a more successful reintegration of offenders. And you cannot forget that risk assessment not only strengthens the impact of the work of professionals, it also has an impact of protecting them more. Some offenders do constitute a high risk of reoffending and shouldn't be taken over, especially by junior probation officers.

Who were the keynote speakers? What was their contribution to the theme of the conference? What was their vision of the use of risk assessment and risk management by probation services?

We had wonderful keynote speakers. The historian Benoit Majerus, Professor at the University of Luxembourg, showed how the notion of risk developed along the centuries, from its use in navigation to a world where professionals label human action as a potential risk; as something which is always there, being carried by everybody, and possibly popping up anytime. On the basis of this awareness, our second guest, Willem van der Brugge, the newly elected Secretary General of CEP, explained the mission of the CEP: strengthening cooperation of probation work in Europe. And in a critical but constructive view, he presented the European standards for probation work.

For Bas Vogelvang, Professor for Probation Work at Avans University of Applied Sciences, risk assessment is one kind of assessment, which probation workers need in order to do a proper job. Mr. Vogelvang not only put forward how probation can find its way to a reflexive profession, he also presented the results of the Criminal Justice Social Work project, an exciting modular training for probation officers in Europe, which is available in an open source format and puts forward the core competences of probation.

Aline Bauwens from the Vrije Universiteit Brussel, our Flemish-speaking Belgium guest, was also very supportive. In critical perspective, she briefly presented two models of reoffending – the Risk-Need-Responsivity model and the Good Lives Model – long time perceived as conflicting, and nowadays being rather seen as complementary. Ms. Bauwens listed plenty of innovative elements which have been developed for better intervention towards a successful offender rehabilitation. Besides those wonderful speakers from Luxembourg, the Netherlands and Belgium, we heard five speeches of Swiss researchers and practitioners who also gave us important insights.

The conference is a bi-annual event. When will you start to prepare the next conference? How do you succeed in keeping the themes of the event attractive for all participants? Do you know yet what the theme of the next conference will be?

After evaluating this conference, we will probably start in autumn to prepare the next one. No, we don't know the theme of the conference in 2015 yet. Besides, the SAZ will be organizing with the University of Freiburg a conference this year, in November, which professionals of probation and social workers will also attend. The theme of that conference will be vulnerability and risk in the criminal justice system.

How do SAZ and prosaj look back on the conference?

We are very pleased. The speakers did an excellent job and the exchange in the workshops where the model and practice of risk assessment and risk management was presented and discussed, were very fruitful. Although not previously planned, we will publish some speeches as an electronic brochure in a couple of weeks. Also, we realized that, while preparing the conference, some new exchanges between professionals from different cantons started to happen. Finally, we feel that our friendship with our probation colleagues in Europe has been tightened. What else can one wish from a conference?

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Schweizerisches Ausbildungszentrum für das Strafvollzugspersonal, [SAZ](#)

Schweizerische Vereinigung Bewährungshilfe und Soziale Arbeit in der Justiz, [prosaj](#)

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Centre suisse de formation pour le personnel pénitentiaire, [CSFPP](#)

Association Suisse de Probation et de Travail Social dans la Justice, [prosaj](#)
