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On Corrections Research

FORUM

Managing Risk in Corrections

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Style

Articles should be written in plain language. Complicated research and statistical terms should be avoided; however, if they are unavoidable, a clear explanation of the meaning of the term should be provided. FORUM reaches about 5,000 individuals in more than 35 countries, including academics, the public, journalists, corrections staff (from front-line staff to senior managers) and members of the judiciary. Our goal is to present quality research to a **lay audience.**

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Ideally, articles should be 1,500 words in length (six double-spaced pages). Feature articles should be no longer than 3,000 words.

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Figures and tables should be on separate pages at the end of the article. When articles have more than one figure or table, they should be numbered consecutively. Graphs, if possible, are preferred over tables.

References

References will appear as footnotes in published articles, but when submitting an article, use endnotes. All that should appear in the article is the superscript number of the endnote. The actual notes should be listed numerically at the end of the article. Please note that references should **not** appear within the text (author-date citations), e.g., Andrews, 1989. All references must include the following items.

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All articles are edited in two stages. First, articles are edited for content and style, then they are checked for grammar and readability.

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Research is often communicated in academic publications in a specialized language, making it inaccessible to practitioners who must put research findings into action. In this section of FORUM, we hope to overcome the rift between researcher and practitioner by providing brief, plainly written descriptions of findings from recent studies.

This issue of FORUM focuses on managing risk in corrections both in the institutions and in the community. The first article in this section examines the factors that some psychologists and psychiatrists consider when making recommendations for or against release on parole. Next, the findings of an evaluation of the Independent Chairpersons Program, a disciplinary court in federal institutions, are analyzed. The third article summarizes the findings of two studies that looked at the long-term risk posed by sex offenders. Finally, we round out this section with a light, and somewhat humorous, piece on the difficulty, but necessity, of writing in plain language.

More information on the research reported here is available from the Research and Statistics Branch of the Correctional Service of Canada or by consulting the references provided.

We welcome contributions from researchers in the field who wish to have their findings profiled in this section.

How Do Experts Make Parole Recommendations and Are They Accurate?

Parole Board members and prison staff are not always in a position to judge adequately whether particular offenders are a safe release risk. In these cases, the Parole Board may seek the advice of experts, such as psychologists or psychiatrists, who are more familiar with the particular type of offender, the offender's type of behaviour or other factors that are particularly relevant to the case. These experts will then review the case and make a recommendation to the Parole Board as to whether, in their opinion, the offender should be released.

At this time, little systematic research has examined the factors considered by experts in making their recommendations and how correct their predictions about an offender's future behaviour turn out to be. A recent Canadian study looked at both these questions.

Method

The study reviewed the files of 69 randomly selected federal offenders who had been transferred to the Forensic Unit of the Calgary General Hospital. These offenders were to be examined clinically so that a recommendation could be made as to whether they should be released on parole. All had been sentenced for either a violent offence or a sex offence. The most common offence was murder (40.6%), followed by assault or manslaughter (18.8%). About 20% had committed a sex offence.

Each of these cases had been reviewed over a five-day period by a panel composed of one psychologist and two psychiatrists. The panel:

- conducted independent medical/psychiatric and psychological examinations of each parole applicant;
- shared the results of their tests, observations and opinions, but not their recommendations;
- jointly interviewed the offender; and
- submitted separate reports with their own opinion on the causal and contributing factors to the offence and their independent recommendation for or against release on parole.

Since all 69 cases in this study had been examined by the panel of experts before the study was even planned, none of the variables that the panel considered in making their decision could be affected by the study. Information was gathered from the files of the 69 offenders, not from the offenders themselves. The information was classified into various groups: factors leading to the offence,[1] recidivism factors, experts' recommendations, Parole Board decisions and success on parole.

Results – Recidivism Factors

The detailed review of the experts' written reports showed that each expert used, unfailingly, three demographic factors and 12 clinical factors to form their final recommendations in every case. These factors are listed in the table.

Results – Efficacy of Recommendations

Of the 69 cases, data were available for 62. In 47 cases, the panel was unanimous in its recommendations. It did not appear that either the experts or the Parole Board gave preference to any offence group in making their parole recommendations or decisions.

The Parole Board followed the recommendations of the expert panel in 61% of the cases. More specifically, it followed the panel's recommendations in 78% of cases where the panel recommended that parole be denied and in only 51% of cases where the panel recommended it be granted. While it may seem that the Parole Board was more conservative in its decisions, the difference was not statistically significant.

[1] *Only two causal factors were examined in the study: alcohol use and sexual impropriety. The results of the study suggested that, as clinical factors in predicting recidivism, they were not very helpful. We have therefore chosen not to report on them in this article.*

Recidivism Risk Factors

Demographic Factors

1. Has less than two thirds of sentence left until date for release on mandatory supervision.
2. Has experienced significant consequences for criminal behaviour (e.g., divorce, job loss, sentence exceeds minimum sentence for the offence by one year).
3. Has less than four past criminal acts or sprees (not necessarily convictions) for which federal imprisonment was possible or likely.

Clinical Factors

1. Accepts responsibility for behaviour.
2. Appreciates significance of criminal behaviour.
3. Does not cast self as the victim of the crime, of society or of the criminal justice system.
4. Has experienced productive and unpleasant consequences of behaviour (not including time served).
5. Shows flexibility and tolerance regarding the legal and institutional process (not including institutional behaviour).
6. Is not usually self-centred.
7. Has gained some understanding of what personal characteristics led to criminal behaviour.
8. Has realistic or achievable postrelease plans, given abilities and resources.
9. Has the understanding, ability and interest to make positive changes to lifestyle (what he or she was doing was not working).
10. Will not benefit further from treatment or counselling, or the treatment or counselling required is available and appropriate on an out-patient basis.
11. Will not benefit from further incarceration (will be unproductive or counter-productive).
12. Has provided sufficient information so that the clinician understands why (for what clinical reasons) the parole applicant committed current and past offences.

All 26 offenders released after favourable recommendations from the expert panel were successful on parole. Of the four offenders who were released despite the panel's recommendations that parole be denied, three failed and one refused to be released. In all four of these cases, at least one of the recidivism risk factors used by the experts did not apply to the offender.

Discussion

The length of sentence remaining before the offender's date for release on mandatory supervision was the most complex demographic factor for the experts. In some cases, the offender was due to be released on mandatory supervision within the year, regardless of the experts' recommendations or the Parole Board's decision. In these cases, when the offender did not appear to be ready for release, the panel members were faced with a dilemma: should the offender be kept in prison until the last possible moment and then released on mandatory supervision for which he would likely be unprepared and so fail, or should the offender be released now, albeit prematurely, under close supervision which might improve the chance of successful reintegration? These situations accounted for 80% of the cases where the panel members' recommendations were not unanimous.

It may appear that the experts were correct in 100% of their recommendations, given that all 26 offenders recommended for release did not recidivate and that all four offenders who were not recommended for release failed when they were released. However, there is no way of knowing what the outcome would have been in the 13 cases where the experts recommended release but the Parole Board denied it. Similarly, there is no way to test whether those who were not recommended for release by the experts and were not released by the Board would actually have been successful if released.

While this study has shown that the recidivism risk factors used by the experts were useful, further study is required to determine how important each one is in predicting outcomes. Furthermore, the results of the study suggest that the highest rates for parole success come when both the Board and the experts are in agreement, and that when there is disagreement, it is best to deny parole. ■

Robert J. Brown and Kenneth P. O'Brien, "Expert Clinical Opinion in Parole Board Decisions: The Canadian Experience," *American Journal of Forensic Psychology*, 8, 3 (1990): 47-60.

Evaluation of the Independent Chairpersons Program

by Benoît Boulerice[1] and Michel Brosseau[2]
Evaluation Managers, Evaluation Branch, Correctional Service of Canada

The disciplinary process is one of the Correctional Service of Canada's major policies for managing the risk posed by offenders in institutions. Under this process, inmates may be disciplined when they commit one or more prescribed infractions. One element of this disciplinary process is the Independent Chairpersons Program.

During 1991-1992, the Evaluation Branch of the Correctional Service of Canada evaluated the Independent Chairpersons Program.[3] This evaluation was an assessment of the program and how it works; it was not an evaluation of the effectiveness of the program in terms of its impact on inmates and on the system's ability to manage risk in institutions.

The assessment tried to determine the extent to which the Independent Chairpersons Program was in accordance with the Correctional Service of Canada's mission. It was particularly important to examine whether or not the disciplinary process was impartial, equitable and timely.

History of the Program

Independent chairpersons (ICPs) are appointed by the Solicitor General of Canada on the recommendation of the Correctional Service of Canada. ICPs are usually members of the legal community, although this is not a prerequisite. Once or twice a week, institutions have ICPs independently chair disciplinary court for inmates who have committed major offences in the institution.[4]

The idea of having an independent person chair disciplinary hearings in institutions was first proposed in 1975 by Dr. Jim Vantour, in a study on dissociation. In 1977, the parliamentary committee on the Canadian penitentiary system recommended such a change, and by the end of 1977, the Solicitor General of Canada proceeded with the nomination of independent chairpersons. The program was implemented on a pilot basis in maximum-security institutions, and in 1980, the Correctional Service of Canada implemented the ICP in medium-security institutions as well.

Study Methodology

Information for the evaluation of this program was collected using both qualitative and quantitative methods. A questionnaire was administered in the 28 institutions where an ICP was in place. There were 339 respondents: 32 were ICPs, 30 were managers, 32 were federal corrections staff assisting ICPs, 119 were employees, 111 were inmates and 15 were legal advisers who represented the inmates.

Information was also collected on disciplinary processes that had taken place during the first week of September 1991. Data on 234 cases were provided.

In addition, institutions from each region (18 in all) were visited and informal interviews were conducted with management, the union executive, the inmate committee, the ICPs' assistants, the ICP (when available), legal advisers (when available) and other persons who might have an interest in the program (e.g., Native elders).

In each of the facilities, the evaluation team gathered data from 144 disciplinary files. In addition, the 28 institutions were asked to provide information on the number of cases heard, the number of days the ICP attended the institution and program expenses incurred from 1 April 1990, to 30 September 1991.

Costs of the Program

The ICP Program cost $537,659 for the 1990-1991 fiscal year and $257,069 for the first six months of the 1991-1992 fiscal year. These figures do not include staff time. The daily allowance ICPs received to chair the disciplinary court represented 87% of the cost. On average, each institution held one disciplinary court per week, with an average of 11 cases heard.

Offences, Decisions and Sanctions

As Figure 1 shows, the most frequent offence reported was "possession and consumption of contraband" (38%). In 58% of the cases, the inmate pleaded guilty.

As shown in Figure 2, a fine was the sanction most often imposed (35%).

Three quarters of those who responded to the questionnaire considered themselves to be sufficiently aware of the goals, principles and rules governing the disciplinary process. A majority also said that the disciplinary process seemed to offer them guarantees of impartiality and equity. While 62% of respondents

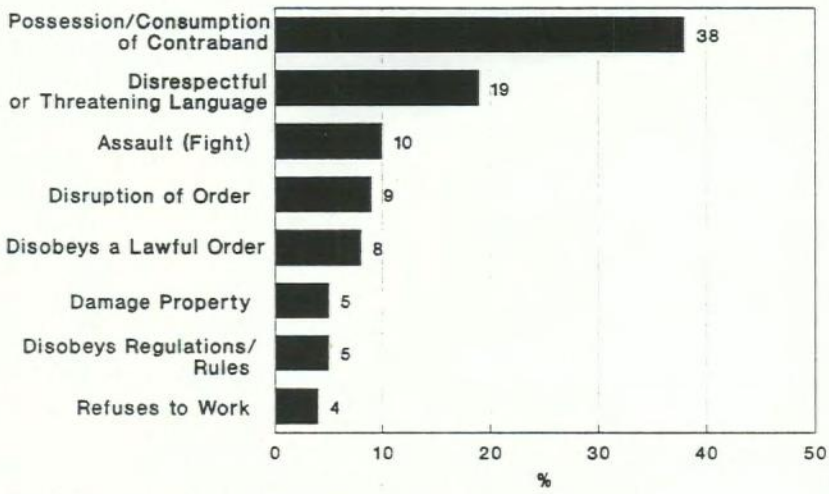
[1] *The complete evaluation report can be obtained from Benoît Boulerice, Evaluation Branch, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9.*

[2] *Michel Brosseau, Evaluation Branch, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9.*

[3] *Because this evaluation was finalized in May 1992, the provisions contained in the new* Corrections and Conditional Release Act *have not been taken into account.*

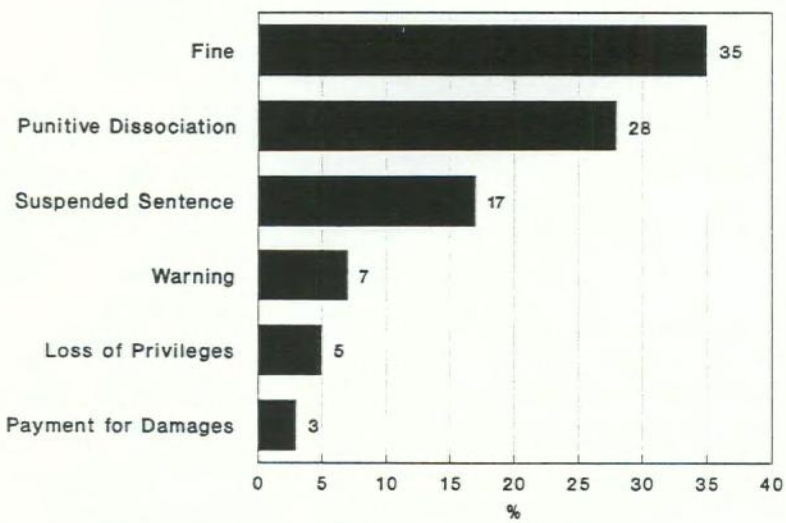
[4] *At the time of the evaluation, ICPs were also dealing with intermediate offences. This category does not exist under the new* Corrections and Conditional Release Act.

Figure 1
Most Frequent Types of Disciplinary Offences*



* Other offences not listed here comprise less than 1% of all offences.

Figure 2
Most Frequent Types of Sentences*



* Other sentences not listed here comprise less than 1% of all sentences.

believed that the ICP was the best person to chair the disciplinary court when it involved major and intermediate offences, it is interesting that only 13% of respondents indicated that they would like to see an ICP deal with minor offences.

Concerning ICP decisions, two thirds of respondents felt that ICPs generally applied the rules of the disciplinary process appropriately, while 29% thought the rules were applied appropriately only sometimes or rarely.

Just over half the respondents (54%) thought that the ICPs' decisions were generally appropriate, as opposed to 43% who thought the decisions were appropriate only sometimes or rarely.

Finally, regarding sentences imposed by ICPs, just over half the respondents (53%) thought the sentences were generally appropriate, while 21% thought they were too lenient and 20% thought they were too severe. Almost three quarters of respondents (74%) agreed that there were differences among the sentences imposed on inmates, but half of these respondents thought the inconsistencies were justified.

Although the disciplinary process does not stipulate the length of time in which a dispute must be resolved, three quarters of respondents thought the offences were dealt with within reasonable time frames. In more than three quarters of the cases examined (77%), less than 20 days had passed from the date of the offence to the completion of the disciplinary court process.

Regional Situation

The Atlantic region had the highest proportion of respondents (71%) who thought the ICPs were the best-suited people to preside over the disciplinary court. The Atlantic region also had the highest rate of satisfaction with decisions made by the ICPs.

Of the five regions, Quebec's average annual cost, by institution, of operating the ICP Program was the highest. This higher cost was the result of holding an average of 1.4 courts per week in each institution, compared with the 1.1 courts per week held in the other regions. However, offences in the Quebec region were resolved more quickly than in any other region.

The Ontario region differed considerably from the others in that a legal adviser to the inmate was regularly present (60% of the time compared with 10 to 25% elsewhere) during disciplinary courts. The percentage was higher because Queen's University in Kingston offers such services.

The Prairie region, like the Atlantic region, had a high rate of

satisfaction with ICP decisions. The evaluation team met with Native leaders and found that their perceptions of the ICP program were also positive.

Although the average number of courts held each week in the Pacific region was the same as in other regions (except Quebec), this region had the longest disciplinary court process (more than 20 days for 64% of cases). It should also be noted that unlike in other regions where only a minority of inmates (38%) pleaded not guilty, the Pacific region had a very high percentage of not-guilty pleas (61%).

Conclusions

In general, respondents felt that the current process seemed to provide guarantees of impartiality and fairness. The evaluation team also agreed with this assessment. However, according to the inmates and their legal counsel, the legal rules relating to the disciplinary process were inadequate.

Perceptions of the present program were largely influenced by the attitudes and procedural methods of those responsible for administering the disciplinary system in the institution. Since the ICPs have discretion, the way they exercise their role depends on their own knowledge and what they perceive their role to be. While a number of inmates complained that the rules were insufficiently applied, some employees thought the disciplinary court had become too legalistic. We noted that the legal underpinnings and the evolution of the disciplinary court were still vague for some people, leaving the door open to different interpretations.

Some ICPs relied more than others on the opinions of assessors in making their decisions. This seemed to result from the different ideas the ICPs had concerning the assessor's role, but could also be because no guidelines had been established and no resource persons had been identified for their referral. The new *Corrections and Conditional Release Act* stipulates that the Minister will nominate a Senior Independent Chairperson who will, among other duties, act as adviser to the other ICPs. This will undoubtedly make the process more consistent.

The evaluation also showed that the Independent Chairpersons Program does not have a centralized information system to record information relevant to the processing of offences. Some institutions are better than others at registering the information and tracking cases.

Although basic principles and rules do exist, controversial practices remain and influence individuals' perceptions of the program. However, this is not the fault of the program itself, and corrective measures can be taken. We do not believe that major changes are needed.

It remains, then, to determine whether the expenses incurred are reasonable and warranted. As far as costs are concerned, they are closely related to local administrative decisions. Is there a less expensive alternative that would be impartial, equitable and administratively efficient? As a result of this evaluation, a working group has been formed to find ways to improve the program. ■

When Are Sex Offenders at Risk for Reoffending? Results of Two Long-Term Follow-Up Studies

Two recent studies found that sex offenders may reoffend for many years after release. In an American study that followed up a group of sex offenders for four years, the critical year for problems reoccurring was the third year after release. In a Canadian study that followed up child molesters, the greatest risk period was the first 5 to 10 years after release.

This research underlines the importance of long-term analyses in evaluating treatment outcome with sex offenders.

American Study

This study is an extension of a previous examination of the effectiveness of an out-patient treatment program that followed up a group of sex offenders for 6 months to 10 years. Using self-report questionnaires and data from the Bureau of Criminal Apprehension, that study found a recidivism rate of only 3.7% among program participants.

The present study uses some of the same information, but also conducted annual interviews with the sex offenders, from six months to four years after treatment. The study looked at the extent of therapeutic change on 10 variables and at the trend in these changes to see which year after treatment, if any, was the most critical. It also looked at the sex offenders' use of a maintenance (relapse prevention) plan and their ability to recognize the early warning signs for sexual reoffending.

Method

There were 70 subjects in the study, mostly pedophiles but also incest offenders and exhibitionists. All had completed a long-term out-patient treatment program, with the length of time in the program averaging three years.

The 70 men agreed to be tested before and after treatment. The number who were interviewed and tested after treatment varied, from 65 in the first year to 28 and 29 in years three and four. Fewer men were available in the later years because some had not been out of the program long enough. Of the original 70, 15 dropped out of the study.

On average, each sex offender was interviewed three times. In all, 214 interview questionnaires were completed. The interview covered offending behaviour, use of a maintenance or prevention plan, psychological factors related to offending and interpersonal factors regarding relationships and work interactions.[1]

Results[2]

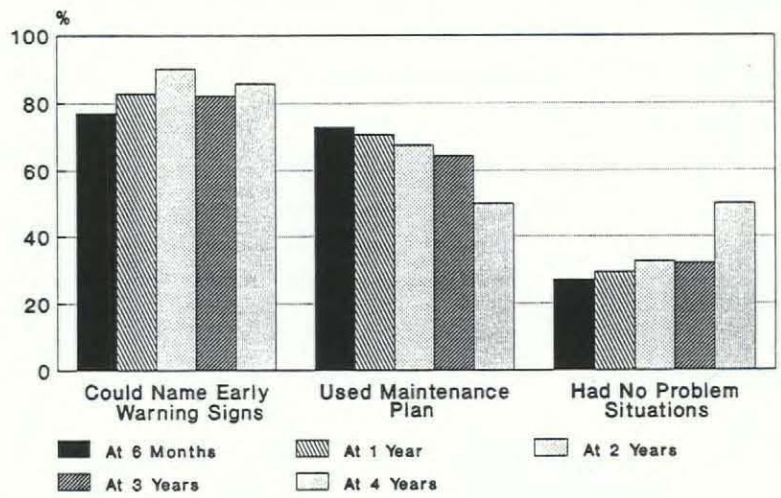
Most participants reported that sexual reoffending was not a problem. More specifically, six months after treatment, only 6.2% reported that their sexual behaviour was a problem. This decreased in years one and two (5.2% and 2.5% respectively) but in year three, the percentage reporting that their sexual behaviour was a problem jumped to 14.3%. It then dropped dramatically in year four, with no participants reporting a problem.

Figure 1 presents the results related to relapse prevention. A maintenance plan and list of early warning signs were compiled for each sex offender before the program ended. Early warning signs include low self-esteem, feeling they deserve to offend, loitering and unexpressed anger.

Six months after treatment, 22.9% could not name the early warning signs leading to their offending behaviour. In years one and two, this dropped to a low of 10%. In year three, however, the percentage who could not name their early warning signs increased again to 17.9% then decreased slightly in year four.

As shown in Figure 1, the percentage of sex offenders who said they used their maintenance plan decreased steadily during the first four years following treatment, from a high of 72.9% six months after treatment to 50% four years after treatment. At the same time, however, the percentage of sex offenders who reported being in problem situations (in which their maintenance plan would be required) decreased from 72.9% six months after treatment to 50% in year four.

Figure 1
Changes in Relapse-Prevention Activities



Canadian Study

This research examined the long-term recidivism of child molesters who were treated for their sexual offending between 1965 and 1973. Comparisons were made between this treated group and two control groups of sex offenders who were sentenced to the same provincial institution but who did not receive specific treatment for pedophilia.

The comparisons between the treatment and control groups will not be discussed here, since this article is examining sexual recidivism in general. In addition, this study covered many other areas than can be reported here.

Method

All the men in this study had been sentenced to between 3 and 24 months for a sexual offence against a child. For the treatment group, information was collected directly from the offenders as well as from institutional files. For the control groups, information came directly from institutional records.

The treatment group and one control group had all been serving sentences for a sexual offence at the same time and at the same institution. The other control group served time at the institution before the other two groups.

About one third of the two control groups (32% and 35%) and two thirds of the treated group (63%) had previous sexual convictions.

Sexual offence recidivism, and not general recidivism, was the focus of the study. It was defined as a reconviction for a sexual or violent offence, as indicated by Royal Canadian Mounted Police records. Convictions for assault were included since it is common for sexual assault charges to be reduced to common assault

[1] *After the interview, participants were also given a battery of tests to fill out and mail in. The results of these tests are not reported here.*

[2] *Due to space limitations, this article does not present the study's results on difficulties in the family of origin, work-related difficulties, difficulties with the offender's partner or wife and the offender's perception of his need for further treatment.*

through plea bargaining. Records for most of these offenders were obtained between 1989 and 1991. Because of missing information, the records from between 1974 and 1976 were used for 13 subjects.

Results[3]

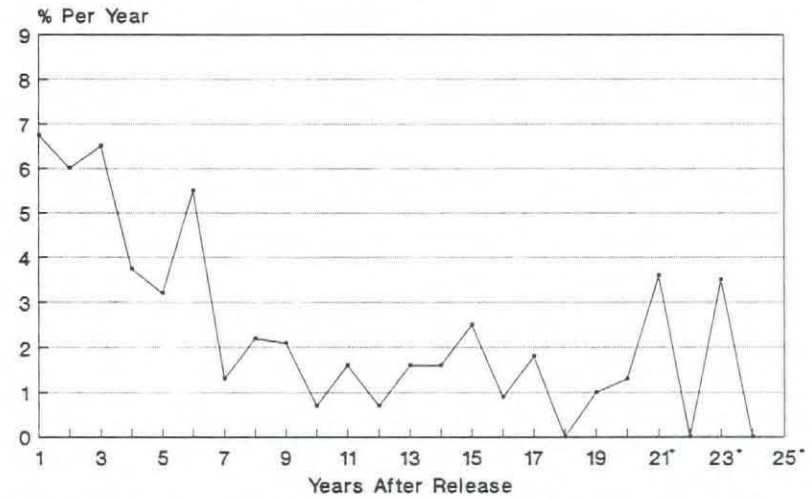
Of the total sample of 197 child molesters, 42% were reconvicted for a sexual (or assault) offence during the follow-up period. However, the length of the follow-up period for the various groups differed depending on when the offenders were released. For example, on average, the follow-up period for the treatment group was 19 years, 28 years for one control group and 20 years for the other control group. This means that some groups were at risk for a reconviction longer than others. Using a statistical procedure called "survival analysis," the different lengths of follow-up (that is, at risk) periods were controlled, and this gave a new recidivism rate of 50.3%.

Figure 2 shows, for each year during the follow-up, the proportion of those at risk who were reconvicted for a new sexual offence. The rate of reconviction was 5.2% per year for the first six years. It then dropped to 1.8% per year for the next 20 years. Of particular note, however, almost one quarter of those who reoffended were reconvicted more than 10 years after being released from prison.

Looking at risk predictors that could be obtained from the offenders' files, the study found that offenders were at higher risk for recidivism if they had never been married, had prior sexual convictions,[4] admitted to many previous sexual offences or had male victims. Offenders against males were at significantly higher risk for recidivism than the incest offenders and the offenders against females.

Variables that were unrelated to sexual recidivism included: age of the victim, a history of exhibitionism, a history of having been sexually victimized, a poor relationship with one's mother, alcohol or drug use, previous non-sexual convictions, age upon release, education and IQ.

Figure 2
Proportion of Sex Offenders Reconvicted Each Year After Release From Prison



* There were only two recidivists in year 21 and one in year 23. It appears greater than this because there were fewer sex offenders at risk during these years.

Offenders who had a poor relationship with their father and who had extrafamilial (as opposed to intrafamilial) female victims were at a marginally higher risk for sexual recidivism, but these findings were not statistically significant.

The Risk Checklist

Among the many analyses done with these results, one looked at the combined predictive ability of the variables associated with a higher risk of recidivism. These variables were combined into a type of risk checklist. Each sex offender was given a score based on the following point scheme: unmarried – 1, married – 0; only male victims – 2, intrafamilial female victim – 0, other victims – 1; two or more previous sexual convictions – 2, one previous sexual conviction – 1, no previous sexual convictions – 0. Each offender's score was then added up to determine a risk rating.

There was a strong association between the risk rating and eventual reconviction. With the exception of the two lowest categories (ratings of 0 or 1), as the risk ratings increased so did the recidivism rates. Moreover, if the risk rating scale was used to determine which of two randomly selected offenders (one eventual recidivist, one not) was going to be reconvicted, there was a five-in-seven chance of correctly identifying the recidivist.

Discussion

In the first study, we found that year three was the critical year for problems reoccurring. This was the year when the sex offenders reported the most problems. An analysis of the findings indicated that favourable changes occurred in the sex offenders' interpretation of their interpersonal, social and sexual adjustment and remained significantly changed, during the other years.

Furthermore, as behaviours improved, the sex offenders felt less

[3] *Except where indicated, the analyses will focus on the 106 of the 125 treated offenders for whom recidivism information was available.*

[4] *However, the recidivism rates of offenders who had only one previous sexual conviction and those who had more than one were not significantly different.*

need to use a maintenance (relapse prevention) plan, but their ability to notice the early warning signs that might lead to sexual reoffending continued to improve.

In the second study, we find support for previous research showing that child molesters are at risk for reoffending for many years. The greatest risk period appears to be the first 5 to 10 years following release, although almost one quarter of the recidivists were reconvicted more than 10 years after being released.

This study also confirmed several risk indicators that have long been identified as important in predicting recidivism among child molesters: previous sexual offences, never being married and the type of victim. The problem is that these risk predictors are fixed; that is, we are now looking at them after the fact, when it is too late to change them. Unfortunately, none of the changeable variables examined in the study (not all of which were discussed here) were associated with recidivism.

The results of these two studies present at least two challenges for future research. One is to identify risk indicators that can be addressed through treatment. The other is to ensure that, when examining recidivism and treatment outcome among sex offenders, we use long follow-up periods. ■

S. Margretta Dwyer and B.R. Simon Rosser, "Treatment Outcome Research: Cross-Referencing a Six-Month to Ten-Year Follow-Up Study on Sex Offenders," *Annals of Sex Research*, 5 (1992): 87-97.

R. Karl Hanson, Richard A. Steffy and Rene Gauthier, "Long-Term Follow-Up of Child Molesters: Risk Predictors and Treatment Outcome," *User Report No. 1992-02* (Ottawa: Solicitor General Secretariat, 1992).

I'm in Love

In a recent Calvin and Hobbes cartoon, Calvin said to Hobbes:

> I used to hate writing assignments, but now I enjoy them. I realized that the purpose of writing is to inflate weak ideas, obscure poor reasoning and inhibit clarity. With a little practice, writing can be an intimidating and impenetrable fog! Want to see my new book report? "The Dynamics of Interbeing and Monological Imperatives in Dick and Jane: A Study in Psychic Transrelational Gender Modes." Academia, here I come![1]

Not long ago, I picked up a friend from the dentist's office. She had just had the excruciating displeasure of undergoing dental surgery to have her wisdom teeth removed. Needless to say, she was not exactly clear-headed.

As I was driving her home, she started to read the list of instructions that the nurse had given her: "...if frank bleeding is present fold provided gauze into a firm wad and place directly over the operative site and maintain steady pressure for 20 minutes or longer. Do not expectorate vigorously or chew the gauze." Naturally, I ignored her because I thought she was either babbling or hallucinating.

"Swelling is to be expected in certain cases often reaching its maximum in about 48 hours, then disappearing spontaneously in a further two to three days...discolouration occasionally occurs and disappears spontaneously in approximately a week." By this point, she had my undivided attention. How does something "disappear spontaneously" in two or three days?

I could go on, with other examples of literary genius, but I think I should get to the point – reading should not be a chore. You should not have to reread a sentence to understand its meaning. Unfortunately, text such as those instructions for victims of dental surgery appears far too often. Is such convoluted jargon really necessary?

Have you ever avoided reading an article or a document because it appears too technical, wordy or complex? It is easy for professionals (researchers included) to get caught up in their own jargon because they are used to writing for those in their own profession. However, by writing for "co-professionals" only, you automatically limit your reading audience.

You should always ask yourself who your readers are going to be before you begin to write. For example, if you were writing an article for FORUM, you would keep in mind that FORUM is not only for other researchers. In fact, FORUM was originally intended for the staff and management of the Correctional Service of Canada. However, its readership has expanded to include practitioners who work in the correctional field, the public, the media, individuals in the judiciary and political offices, academics and researchers. Therefore, plain language is critical.

Writing in plain language involves expressing yourself the way you speak. When you talk to someone, you make an effort to be understood.

[1] *The Calvin and Hobbes example comes from the* Ottawa Citizen, *11 February 1993, p. E5.*

with My Thesaurus

So when you write, imagine that the reader is asking you what you mean. Always put yourself in the reader's place. If you were the reader, what is the most important thing about the research that you would like to know?

Writing in plain language means avoiding technical words or terms whenever possible. Of course, you are not always going to be able to, or want to, avoid using a technical term. So, when you do use a complex term, explain it in the text. For example, the term "false negative" is understood by researchers, but not by most lay people. You can use a complex term, just make sure you explain it. As well, when you include examples to illustrate your point, you help the reader understand how the idea might apply in real life.

Writing in plain language means using simple, familiar words. Emily Carr once said, "Get to the point as early as you can; never use a big word if a little one will do."[2] This may mean choosing a two-syllable word over a three-syllable one, or several clear words instead of one complicated word. For example, why use "accomplish" when "do" will do? Use "find out" instead of "ascertain," or "plan" rather than "strategize," and definitely use "use" instead of utilize.

Writing in plain language may mean cutting out unnecessary words or replacing a group of words with one word to make your writing clearer. Instead of using something wordy like "notwithstanding the fact," use "although"; "subsequent to" can be replaced by "after"; and "it is probable that" in plain language is "probably."

Acronyms should be used carefully (ASBUC). Put the acronym in parentheses the first time you use the full term. Then you can use just the acronym in the rest of the text. And remember, when in doubt, spell it out!

Be careful using figures or tables to explain information. When using graphics, you must first be sure that the images are saying something meaningful, and second, you must make sure that they mean the same thing to your reader as they do to you.

Unclear, complicated writing is not only a burden to read, it can also lead to misunderstanding or misinterpretation of the information presented. This, in turn, can lead to a nightmare for the writer. Confucius once said, "If language is not correct, then what is said is not what is meant, then what ought to be done remains undone."[3] ■

Editors' note: In this piece, we have relied extensively on a publication called *Plain Language Clear and Simple* which was produced by Multiculturalism and Citizenship Canada and published by the Department of Supply and Services in 1991. While the examples are our own, the words of wisdom are not.

[2] *Emily Carr, quoted in Multiculturalism and Citizenship Canada,* Plain Language Clear and Simple *(Ottawa: Department of Supply and Services, 1991), p. 27.*

[3] *Confucius as quoted in Multiculturalism and Citizenship Canada,* Plain Language Clear and Simple, *p. 29.*

Coming up in *Forum on Corrections Research...*

The theme of the September issue of FORUM is

Recidivism

For future issues, we are soliciting articles on the following topics:

- family violence, and
- women and crime.

If you wish to submit a full article or a research brief to FORUM on these or other topics, please write to us at:

Research and Statistics Branch
Correctional Service of Canada
4B – 340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

Managing Risk – Whose Problem Is It Anyway?[1]

by N. Jane Pepino, Q.C.[2]

I would like to start by stating one of my biases. I have tremendous sympathy for you [Correctional Service of Canada employees] on certain days of your professional lives; I have tremendous admiration for you on the bulk of the rest of your working days; and some minutes, I have some criticism for your existence as a professional institution.

I have been asked to frame the issues of risk management from a community perspective, keeping in mind that I am speaking from outside the corrections continuum. In the public's view, the Correctional Service of Canada is part of this bigger thing called the criminal justice continuum, or the corrections continuum. But keep in mind that the public uses those two terms – criminal justice and corrections – interchangeably. They really don't have a clear grasp of where your obligations begin and where your responsibilities end – it is all just a great big muddle.

In my judgment, the public sees corrections as being most responsible for public safety. When something goes wrong, other people will get blamed in part, but I'm sure you must feel as if they only get the slop over from the blame you are taking. It is your institution, your organization and your work only that are seen by the public as being primarily charged with risk management and primarily responsible for their individual safety.

The police, for example, are part of the **criminal justice continuum**, but they are not necessarily seen as part of the **risk management continuum**. They can make arrests, bring charges, testify and put their properly gathered evidence in front of the courts, but from the public's perspective they do not manage risk. From the public's point of view, the police have done something really great just by catching the bad guy. By having a fairly high clearance rate, by catching the serial offender, the police have basically done their job.

As a person who works with victim groups, as a lawyer and simply as someone who reads the paper every day, I can say that the public has effectively lost confidence in the courts' ability to recognize appropriately the risk presented by an individual. The public does not think that the courts have the tools, the training or the understanding, fundamentally, of what it really means to manage risk.

For example, if someone has been charged by the police with break and enter with intent, by the time the Crown gets to it, a little bit of plea bargaining has likely gone on. By the time the evidence is all in, the best that may be registered on the conviction is break and enter. All concept of what the individual's intent might have been has been lost. It may have been intent to commit sexual assault, which would give you people a clue that you have a potential or real sexual offender on your hands. But in the end, the court sees the offender only as a break-and-entry artist. The conviction is not a clear indicator of risk, and therefore the sentencing does not bear any connection to the risk presented by a particular individual.

The Parole Board manages risk insofar as the legislation and its own policies provide for risk management. But the Board does not make the same contribution to risk management that you make, because it doesn't have the person in its custody. Rather, it sees the individual for a half hour or an hour at a hearing. The Board can certainly manage risk by ensuring that its information is the best, the fullest, the most developed. But frankly, what the Parole Board does is influenced by how clearly you, in corrections, have been thinking, and by how well you have been assessing risk.

I am likely pointing out what is obvious to many of you. From the public's perspective, you are the people charged with risk management and you are basically on your own. It is entirely appropriate therefore, and indeed necessary, that you occasionally do what I call a "reality check." This research forum will give you an opportunity not only to train on the issues of risk management, but also to do a reality check on the issues of risk management. There are a variety of ways to do reality checks. One method is the short-sharp method. That is an inquiry into an incident such as the Stanton Inquiry, or a review of a process such as the temporary absence program, both of which I was involved in. Less traumatic to all involved are conferences such as this where you really get a chance to undertake some quiet deliberations and very thorough thinking.

It is fair to say that every decision in the criminal justice continuum is a form of risk assessment, but I cannot stress enough that the decisions you make are the most crucial. That is why it is so important that all information is shared. That is why it is so important that you get the police reports when making risk management decisions; this is how you find out whether the break and enter with intent got buried somewhere. That is why it is important to try to get access to the comments from the Crown, to

[1] *This article is based on comments delivered at a plenary address given by Ms. Pepino at the Correctional Service of Canada's Fourth Annual Research Forum, Kingston, Ontario, October 1992.*

[2] *N. Jane Pepino, Q.C., Aird & Berlis, BCE Place, P.O. Box 754, 181 Bay Street, Suite 1800, Toronto, Ontario M5J 2T9.*

know what plea bargaining went on; this is how you get appropriate information from the sentencing on file to allow you to make simple decisions on classification, on treatment, on programming, on assessments, on whether the individual is lying to you or not. It is important to know what the victim impact statement really said. The police may have enough evidence to charge an individual, but not enough evidence to reflect what the offender did or really intended to do. I can not stress enough that any decision is only as good as the information it is based on.

I am sure you realize that judges don't get all the information they need to make an appropriate decision on risk with the tools that they have available to them. As a result, you cannot consider a sentence as an indicator of the risk presented by an individual. **Risk management must be offender driven, not offence driven, and certainly not sentence driven.**

Judges are still labouring under a body of sentencing precedence that was built up 5, 10 or 15 years ago. This body of precedence was framed in the days when judges heard character evidence supporting the convicted offender but no victim impact statements to weigh against it. Judges are also charged with considering goals such as general deterrence, which are unrelated to managing the risk of the particular individual. They have to deal with plea bargains and the likelihood of appeal, and frankly, they are bound by what the Crown and the defence attorneys put in front of them. So if there is one thing I can emphasize, it is this: **do not be driven in your risk management assessments and decisions by the length of a person's sentence**. That does not determine risk. It becomes a very difficult risk management issue, however, because length of sentence determines how you are able to manage risk.

If offenders were in an institution for 50 years, you would probably have enough time to get through to each individual and make a difference (setting aside institutionalization problems and the like). But I have talked to enough caseworkers and wardens, and sat in on enough temporary absence panels, to know that there is this sense of hoofbeats at your back. For example, if their warrant expiry date is X and their parole eligibility date is Y, you must get them ready and get them out. But please do not be seduced into that mentality; you must be satisfied that the risk that an offender presents right then is acceptable.

The second thought I wish to leave you with is probably not new to you: the public, no question about it, demands perfection in correctional services. And, impossible as it may sound, I believe that standard is being raised. The public is demanding it in louder voices and in larger numbers than ever before. But in its heart of hearts, the large majority of the public does not really expect what it demands. The social contract between the public and correctional services is that you will do your best, and that you will have sensible policies that are professionally applied by committed people who understand these policies and the reasons behind them – professionals who will look at things in a holistic fashion.

I think we all realize that understanding the rules and following the regulations are two very different things. The public does not trust rules and regulations. There are too many holes and exceptions. You cannot cover every single incident, or every single event, with a rule that is written down somewhere. So the public has to trust you to understand what the rules are attempting to accomplish. The public has to trust that you understand that your job is primarily to manage risk. You are putting offenders out in the community, and your ability to assess the offender's risk is key, because it is the public that is used to test the offender's ability to cope. That is a really tough thing to ask the public to accept.

Let me give you one small vignette on why it is so important to the public that risk management is viewed and implemented holistically. I was in Kingston a number of weeks ago at a municipal board hearing, and I happened to pick up the *Whig Standard*. It reported that the whole temporary absence program in this municipality and in the institutions in the Kingston area was being swept aside in the name of risk reduction. One example given was the cancellation of shopping outings for women from the Prison for Women. This was not what the temporary absence review panel intended. I remember sitting with the warden and some of the people charged with risk management at the Prison for Women. They talked about the therapeutic value of outings for some of their inmates. We didn't intend that they simply be truncated. What we intended was that they be tied to a program. And somehow our intentions, the eventual regulation and how it was interpreted, at least as reported in the paper, became unconnected.

Therefore – and I cannot stress it strongly enough – think about why the regulation is in place, understand its overall goal in risk management. By approaching your day-to-day decisions holistically with the big picture in mind, you will be able to live up to the standards the public has set for you – and the trust they have placed in you. I have full confidence that you are all able to meet the challenge. ■

We say...

All growth involves risk. If we want prisoners to grow, we have to take a risk to share with them, and them with us. There is risk in looking at new ways of doing things.

Judy Allard
Volunteer leader and trainer

Where Are We in Our Ability to Assess Risk?

by L. L. Motiuk
Senior Research Manager, Research and Statistics Branch,
Correctional Service of Canada

In practice, the assessment of offender risk serves to structure many of the decisions we make regarding custody or security designations, temporary and conditional release, supervision requirements and program placement. The cornerstone of any effective risk management program is making decisions after all available information has been considered.

However, the capacity to conduct formalized risk assessments is directly related to the resources a correctional agency has at its disposal. It is not surprising, therefore, that objective assessment procedures for classifying criminal offenders have spread throughout North America.[1]

The Past

Most assessment instruments being used today were originally crafted during the late 1970s and early 1980s. Some of these tools include the Level of Supervision Inventory (LSI);[2] the Wisconsin Assessment of Client Risk Scale;[3] the Psychopathy Checklist (PCL);[4] the Salient Factor Score (SFS);[5] the Minnesota Multiphasic Personality Inventory (MMPI)-based Typology;[6] and the Statistical Information on Recidivism (SIR) Scale.[7]

Although all these instruments use objective scoring techniques and scientific approaches, their acceptance into everyday correctional practice has been met with disdain, uneven implementation and, often, abandonment altogether. It seems that as soon as the crafters of assessment tools depart, distance themselves or shift their research focus, the tools they developed run the risk of being placed on the shelf.

The Present

So where are we in our ability to assess risk? The short answer to that question is: better off than we were a decade ago. Some crafters revised their instruments to improve our ability to both understand and predict criminal behaviour.[8]

However, if one simply asks "By how much are we now able to reduce the uncertainty of correctional outcomes using these tools?", the reply is somewhat less encouraging. We can make better predictions using any one of these risk instruments, but the amount of variance left unexplained still outweighs that which can be explained.

While this may be cause enough for disillusionment, it suggests that the next generation of risk assessors in corrections will have to view assessment as an integrated process incorporating a variety of methodologies. So, if one asks instead, "What did we learn from using these tools?", then maybe we can reserve some optimism for improved risk assessment in the near future.

Faced with the correctional challenges of the 1990s, we will need new assessment techniques (i.e., multimethod and multipredictor assessment) and the use of systematic reassessment[9] to improve the way we manage risk. This situation is particularly true for the Correctional Service of Canada, which has recently undertaken the ambitious Correctional Strategy Initiative.[10] This initiative puts into place a framework for establishing program priorities, implementing programs and allocating resources to meet the needs of offenders. Insofar as we have also placed a renewed emphasis on the safe reintegration of offenders, we have recognized the need for a comprehensive and integrated process to assess offenders upon admission to federal custody. A newly devised intake assessment process, designed and developed by the Correctional Service of Canada, exemplifies this new direction.

1 *D.A. Andrews, J. Bonta and R. Hoge, "Classification for Effective Rehabilitation: Rediscovering Psychology,"* Criminal Justice and Behavior, *17 (1990): 19-52.*

2 *D.A. Andrews,* The Level of Supervision Inventory (LSI): The First Follow-Up *(Toronto: Ontario Ministry of Correctional Services, 1982).*

3 *S.C. Baird, "Probation and Parole Classification: The Wisconsin Model,"* Corrections Today, *43 (1981): 36-41.*

4 *R.D. Hare, "A Research Scale for the Assessment of Psychopathy in Criminal Populations,"* Personality and Individual Differences, *1 (1980): 111-117.*

5 *P.B. Hoffman, "Screening for Risk: A Revised Salient Factor Score,"* Journal of Criminal Justice, *11 (1983): 539-547.*

6 *E.I. Megargee and M.J. Bohn,* Classifying Criminal Offenders: A New System Based on the MMPI *(Beverly Hills, Calif.: Sage, 1979).*

7 *J. Nuffield,* Parole Decision-Making in Canada: Research Towards Decision Guidelines *(Ottawa: Solicitor General of Canada, 1982).*

8 *L.L. Motiuk, "Using the LSI and Other Classification Systems to Better Predict Halfway House Outcome,"* IARCA Journal on Community Corrections, *5 (1993): 12-13.*

9 *L.L. Motiuk,* Antecedents and Consequences of Prison Adjustment: A Systematic Assessment and Reassessment Approach. *Ph.D. dissertation, Carleton University, 1991.*

10 *Correctional Service Canada, "Proceedings of the Correctional Strategy Conference," (Ottawa, 1991).*

Before elaborating on the new model, it is important to reflect on the organization's recent breakthrough in implementing systematic offender risk/needs assessment in the community. This achievement has been instrumental in providing the conceptual foundation and impetus for an offender risk/needs assessment process upon entering federal custody. The strategy for risk management will be to conduct assessments upon admission to prison and link them up (i.e., use the same language and cues) with reassessments done during conditional release.

The Community Risk/Needs Management Scale

Research has found that criminal history factors are strongly related to outcome on conditional release; that a consistent relationship exists between the type and number of needs offenders present and the likelihood of their reoffending;[11] and, most important, that the combined assessment of both risk and needs levels significantly improves our ability to predict who is likely to reoffend and who is not.[12]

In October 1988, as part of the field testing of new standards for conditional release supervision,[13] case management staff of the Correctional Service of Canada used a systematic approach to assess the needs of offenders, the risk of reoffending and any other factors that might affect successful reintegration into the community. A Community Risk/Needs Management Scale was designed, developed and implemented. It involves using case-specific information on criminal history and a critical set of case needs dimensions to classify federal offenders on conditional release.[14]

Criminal History Risk Assessment

To assess the risk of reoffending systematically and consistently, case managers use the SIR Scale, which has been officially adopted by the National Parole Board as a release-risk scoring system. The SIR Scale involves an extensive review of an individual's official criminal record. In addition, case managers use two other sources of criminal history information so the level of risk according to criminal history can be determined in an objective, reliable and accurate way. Case managers also use the National Parole Board's overall assessment of risk (i.e., low versus not low) and their own judgment of criminal history risk based on a thorough review of an offender's criminal record.

We say...

The gains in our understanding of effective risk management – rendered from scientific research examining the predictors and variables influencing an individual's risk level – are meaningless unless understood by those individuals at the institutional line levels who have the opportunity to evaluate and target variables for intervention.

Heather Kane
Construction Policy and Services
National Headquarters

Case Needs Assessment

The needs areas selected for this component of the Community Risk/Needs Management Scale are typical of those included in most other needs assessment scales used in various jurisdictions.[15] A total of 12 areas are covered: academic and vocational skills, employment pattern, financial management, marital and family relationships, companions and significant others, living arrangements, behavioural and emotional stability, alcohol usage, drug usage, mental ability, health and attitude. Although each area is rated according to specified guidelines, an overall rating of needs is given simply by compiling case manager judgments into one of three needs levels: low, medium or high.

The appropriate frequency of contact for parole supervision is determined by linking the two types of assessments – criminal history risk and case needs – in a matrix format (e.g., high risk/high needs). To ensure that the scale would meet the community supervision needs of certain special categories of offenders (i.e., sexual and mentally disordered), two additional special needs categories were included. A special needs category of "other" is reserved for those who do not meet the aforementioned criteria but are viewed by case managers as meriting a higher rating.

The field test of the Community Risk/Needs Management Scale found that, by simply combining case manager assessments of criminal history risk with global ratings of case needs, up to 47.5% of offenders who had been assessed as being in the high-risk/high-needs group were suspended within six months of their initial assessment. On the other hand,

[11] *J. Bonta and L.L. Motiuk, "Utilization of an Interview-Based Classification Instrument: A Study of Correctional Halfway Houses,"* Criminal Justice and Behavior, *12 (1985): 333-352.*

[12] *J. Bonta and L.L. Motiuk, "The Diversion of Incarcerated Offenders to Correctional Halfway Houses,"* Journal of Research in Crime and Delinquency, *24 (1987): 302-323.*

[13] *Correctional Service of Canada and National Parole Board,* Standards for Conditional Release Supervision: Draft for Consultation *(Ottawa: Correctional Service of Canada and National Parole Board, 1988).*

[14] *L.L. Motiuk, "Identifying and Assessing Needs of Offenders Under Community Supervision: The Conditional Release Supervision Standards Project." Paper presented at the First Annual Forum on Corrections Research, Ottawa, 1989.*

[15] *L.L. Motiuk and F.J. Porporino, "Offender Risk/Needs Assessment: A Study of Conditional Releases,"* Report R-01 *(Ottawa: Correctional Service of Canada, 1989).*

substantially fewer of those assessed as low-risk/low-needs offenders (5.1%) were suspended while on conditional release. Of particular interest, this low-risk/low-needs group was the largest category among the identified risk/needs-level groupings, representing 35% of the total sample of assessed cases.[16] Therefore, reducing the frequency of supervision for these lower-risk cases had important implications for the reallocation and refocusing of community resources.[17]

Presently, the Community Risk/Needs Management Scale is systematically administered and readministered to federal offenders under community supervision by case managers across Canada. We have developed a computerized means to monitor offender risk/needs levels by using the Offender Population Profile System (OPPS).[18] Through OPPS, the overall risk/needs levels gathered since the implementation of the Community Risk/Needs Management Scale are being stored and can be retrieved to provide monthly snapshots.

Table 1 shows a national overview of the risk/needs levels of the conditional release population over the last two years. Have there been any significant changes in the profile of the conditional release population? The table illustrates a significant trend in the steady decline of the proportion of cases assessed as being low risk/low needs (31.6% to 27%) as opposed to the steady increase in the proportion of cases assessed as being high risk/high needs (25.3% to 36.1%).

Does this mean that the public is at greater risk? The definitive answer to this question remains unclear, as the changes may represent the drift in risk assessment over time. That is, case managers may be overestimating the level of risk. This may be somewhat akin to the practice of overclassification found in many institutional populations.[19] What this information does tell us is how field staff have been responding to the conditional release population over time. For certain, if our frequency of contact guidelines are being strictly adhered to, then a substantially larger proportion of offenders on conditional release are being supervised much more closely now than ever before.

Table 1

National Overview of the Conditional Release Population: Percentage Distribution of Risk/Needs Levels

	TIME				
RISK/NEEDS LEVEL	December 1990 (7,023)	June 1991 (7,800)	December 1991 (8,169)	June 1992 (8,453)	December 1992 (8,666)
LOW-LOW	31.6%	30.3%	28.2%	26.6%	27.0%
LOW-MEDIUM	26.0%	24.9%	24.9%	26.0%	24.9%
LOW-HIGH	2.4%	2.4%	2.8%	2.5%	3.0%
HIGH-LOW	3.0%	2.7%	2.2%	1.6%	1.5%
HIGH-MEDIUM	11.8%	9.5%	8.9%	7.8%	7.5%
HIGH-HIGH	25.3%	30.3%	33.2%	35.4%	36.1%
UNASSESSED	1,739	1,298	942	664	752

As expected, being able to produce an offender risk/needs profile of our entire conditional release population has been extremely useful for raising awareness about community supervision, providing basic statistics on risk/needs levels and estimating resource implications. This has moved the organization closer toward an effective risk management program. Now the question becomes: "Can we improve on this work?"

Offender Intake (Front-End) Assessment Process

In August 1991, under the auspices of the Correctional Strategy Initiative,[20] it was decided that an offender's needs should be the basis for programming, and that service delivery should focus primarily on successful reintegration into the community. However, the tool that was being used to conduct assessments upon admission, the Force-field Analysis of Needs, was inadequate for profiling offender needs. Consequently, a national working group drafted a new scheme to improve assessment of criminal risk and identify offender needs at the time of admission.

The development of the new instrumentation purposefully followed, and expanded on, existing assessment tools, namely the Case Management Assessment Interview, the Force-field Analysis of Needs and

[16] *L.L. Motiuk and F.J. Porporino, "Field Test of the Community Risk/Needs Management Scale: A Study of Offenders on Caseload,"* Report R-06 *(Ottawa: Correctional Service of Canada, 1989).*

[17] *L.L. Motiuk and J. Bonta, "Prediction and Matching in Corrections: An Examination of the Risk Principle in Case Classification." Paper presented at the Canadian Psychological Association Annual Convention, Calgary, 1991.*

[18] *L.L. Motiuk and R. Boe, "Using SAS Software to Deliver an Offender Population Profile System (OPPS)," Proceedings of the Seventeenth Annual SAS Users Group International Conference, Hawaii, 1992.*

[19] *J. Bonta and L.L. Motiuk, "Inmate Classification,"* Journal of Criminal Justice, *20 (1992): 343-353.*

[20] *Correctional Service Canada, "Proceedings of the Correctional Strategy Conference."*

the Community Risk/Needs Management Scale. The aim was to capitalize on existing information-gathering practices, retain essential outputs (e.g., offender groupings) and build on case management training to date.

Table 2

Offender Intake Assessment Domains

1) postsentence community assessment
2) initial assessment (mental health, security, suicide risk, etc.)
3) criminal risk assessment
   - criminal history record
   - offence severity record
   - sex offender history checklist
   - detention criteria & SIR Scale
4) case needs identification and analysis
   - employment
   - marital & family
   - associates & social interaction
   - substance abuse
   - community functioning
   - personal & emotional orientation
   - attitude
5) psychological assessment
6) supplementary assessment(s)

Case Needs Identification and Analysis

The new Case Needs Identification and Analysis protocol collapsed the 12 need areas of the Community Risk/Needs Management Scale into 7 need dimensions or target domains. These include: employment, marital and family, associates and social interaction, substance abuse, community functioning, personal and emotional orientation, and attitude. Following the initial version of the Case Needs Identification and Analysis protocol, the working group crafted the other assessment domains (see Table 2) for the Offender Intake (also known as Front-End) Assessment Process.

Rating guidelines are provided for each of the seven need dimensions. An overall needs rating is the compilation of professional judgments derived from the results of an initial assessment (medical, mental health, suicide risk) and the observations or impressions (i.e., degree or severity of need) on each of the seven need areas.

The Offender Intake Assessment Process[21] represents the latest generation of risk assessment technology. It integrates information gathered from a variety of sources using many techniques. While the mechanics of the whole intake assessment process are beyond the scope of this paper, a closer look at the improvements we are making in criminal risk assessment may tell more about our ability to assess risk.

Criminal Risk Assessment

Upon admission to federal corrections institutions, every federal offender is rated for criminal risk based on the following: the criminal history record, the offence severity record, the sex offence history checklist, whether detention criteria are met, the result of the SIR Scale and any other risk factors described in a criminal profile report which provides details of the crime for which the offender is currently sentenced.

The Criminal History Record

By systematically reviewing the offender's file, which includes police reports, court transcripts and criminal records, a criminal history record is completed. Information is gathered on previous offences, current offences, the number and types of convictions, youth court dispositions, adult court sanctions and crime-free periods. This information is compiled into three separate indices of the criminal history record: previous youth court involvement, previous adult court involvement and current offence. Together, these yield a total score that reflects the nature and extent of an offender's involvement with the criminal justice system.

The Offence Severity Record

Similarly, a systematic review of the offender's file is used to complete an offence severity record. Information is gathered on current offences, previous offences, types of convictions, sentence length, the number and types of victims, the degree of force used on victims and the degree of physical and psychological harm to victims. This yields a total score that reflects the nature and degree to which an offender has inflicted harm on society in general, and on victims in particular.

The Sex Offender History Checklist

The offender's file is reviewed thoroughly to complete a sex offence history checklist. This checklist consists of the following: sex offender status, types of previous and current sex offences, victims, determination of serious harm to victims, assessment and treatment history, and a summary. Offenders are identified as sex offenders if they are serving a sentence for a sex offence, have been convicted in the past for one or more sex offences, are serving a sentence for a sex-related offence or have previously been convicted of an offence that is sex-related.

The types of current and past sex offence are identified as one or more of the following: incest, pedophilia, sexual assault and other sex offences (e.g., voyeurism, exhibitionism, fetishism, bestiality). With respect to victims, information on their number, gender and age is recorded. The determination of serious harm is based on whether the current offence resulted in death or serious harm. Information is also gathered on previous psychological or psychiatric assessments,

[21] *L.L. Motiuk and D. Pisapio, "Correctional Strategy: Front-end Assessment." Paper presented at the Cognitive Living Skills Coaches Convention, Montreal, Quebec, 1992.*

earlier treatment or intervention and current treatment or intervention for sex offending.

All this information is compiled to yield a total score that reflects the nature and extent of sex offending, the amount of harm inflicted on victims and the involvement in assessment, treatment or intervention in relation to sex offending.

Detention Criteria and SIR Scale
A review of detention criteria for current offences reflects the nature of the offences and the degree of harm to victims. Then, the SIR Scale, a statistically derived tool for predicting recidivism, is completed. The scale combines measures of demographic characteristics and criminal history in a scoring system that estimates the chance of recidivism for different groups of offenders.

Rating Criminal Risk
An overall criminal risk rating of "low" is given when the criminal history record score reflects little or no involvement with the criminal justice system; when the offence severity record score reflects little or no harm to society in general, and to victims in particular; when a review of the sex offence history reflects little or no sexual offending; and when a review of the detention criteria and the SIR Scale support all of the aforementioned indices. This approach uses objective tools such as the SIR Scale in the risk assessment process to help make decisions on low risk.

Overall ratings for medium or high criminal risk are determined from a systematic review of professional judgments derived from the criminal history record, the offence severity record and the sex offence history components of the criminal risk assessment protocol. Offenders who are currently serving sentences for offences that caused death or serious harm must be given a high-risk rating. As well, an overall rating of high criminal risk is given to offenders assessed as having any of the following: a criminal history record score that reflects extensive involvement with the criminal justice system; an offence severity record score that reflects considerable harm to society in general, and to victims in particular; or a sex offence history that reflects considerable sex offending.

When the review of professional judgments concludes that the offender is clearly not a low criminal risk and there is sufficient reason not to rate the offender as a high risk, then an overall rating of medium criminal risk is deemed appropriate. Establishing criminal risk levels also incorporates a great deal of other assessment information. For example, additional information might be obtained from specialized assessments (e.g., of sex offenders) and case conferences.

The Link Between Assessment in Institutions and in the Community
The Offender Intake Assessment Process is being tested at six penitentiaries across Canada. While the case needs identification and analysis portion was developed principally for assessing offender needs upon admission to federal custody, an Ontario region correctional strategy group has streamlined the scope of needs assessment for community-based assessment. Because the group kept the individual ratings for the levels of both criminal risk and case needs as well as for each need area, it will be able to align its community version of risk/needs assessment with the intake version. Presently, testing of this community risk/needs assessment process is under way in all parole offices and private sector agencies in the Ontario region.

Offender Intake Assessment System
Of particular concern in the offender assessment system is a requirement to automate fully the Offender Intake Assessment Process. One of the modules planned for our new nation-wide computer-based Offender Management System (OMS) is an integrated Offender Intake Assessment System (OIAS). The OIAS provides a computer-based structure for systematically collecting and integrating the criminal risk and case needs rating.

The OIAS pilot system is being field-tested and developed as a stand-alone microcomputer application. Once development and testing are completed, this system will be put on the OMS national network.

The Future
It appears that the day is quickly approaching when we will be able to assess offenders upon admission to correctional facilities in a comprehensive, integrated and systematic fashion and routinely reassess them thereafter. OIAS technology can now be seen on the horizon. In addition, we are getting ready to use artificial intelligence-based technology to deliver an offender assessment tutoring system to assist staff.

Where are we in our ability to assess risk? We are about to make some important breakthroughs. ■

We say...

Risk management's key to success will be the communication of information which is of excellent quality, analyzed promptly and provided to decision makers as early in an offender's sentence as possible.

Staff member
Community and Institutional Operations
Regional Headquarters (Prairies)

Risk Management: The Views of the Public and the Challenge to Corrections

by Julian V. Roberts[1]
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Concern over risk management in corrections is not restricted to criminal justice professionals; it is a public issue as well. This brief article provides a summary of some survey findings about public views in this area, and ends with a more personal comment on recent relations between the criminal justice system and the public following a breakdown of risk management.

It is important to understand that from the perspective of the public, risk only becomes an issue when things go wrong, for example when a parolee commits additional crimes of violence. Tragically, we have had several such events in Canada in recent years. For the sake of brevity, I discuss the issues of risk by focusing on parole decisions, although risk in the correctional system clearly has a broader application than this. How should the criminal justice system respond to public concern about risk in the context of community-based corrections? To answer this question, we need to understand the nature of public opinion, and this is where we turn to systematic research.

In light of recent, well-publicized tragedies (see below), it is not surprising that the public is viewed as having a uniformly negative attitude toward parole. This appears to be confirmed by surveys, as well as by focus group research. Thus, a couple of years ago a nation-wide survey found that almost two thirds of the public was dissatisfied with the parole system in Canada.[2] Does this mean that the public will tolerate no degree of risk at all? I do not believe so. The challenge to researchers is to determine exactly what this result means.

To do so, we must distinguish between public opposition founded on mere misperceptions and public opposition based on more-informed differences of opinion regarding criminal justice policy. For example, the public does not seem to object to the concept of conditional release from prison, but to the way they perceive, or rather misperceive, it to be administered. Thus, only about 5% of Canadians endorse the total abolition of parole. At the same time, there is consensus that fewer inmates should be granted conditional release in this way. Part of the public's opposition to parole is founded on false perceptions of the correctional system in general and of parole in particular. Let us begin by examining some public misperceptions regarding parole.

Public Misperceptions About Parole and Corrections

Surveys have demonstrated that most people think the parole grant rate has increased in recent years, but this is in fact not the case. As well, Canadians overestimate the number of inmates receiving parole. Finally, research has also shown that the public overestimates the levels of recidivism that are associated with parole releases.[3]

Canadians are not unique in this regard: research in the United Kingdom and the United States reaches similar conclusions. For example, even though the incarcerated populations have risen dramatically in those countries, surveys of the public reveal widespread ignorance of the true numbers of people in prison.

The challenge to the correctional system is clear: these public misperceptions must be corrected, so that the public has an accurate idea of the actual costs and benefits of a system of conditional release. At this point I turn to public antipathy to early release that may not be founded on misperception.

Issues of Public Concern

Although parole boards do not change the sentence per se but only the location in which the sentence is discharged, from the public's perspective, the sentence is changed. The public takes exception to this kind of "resentencing." As a recent focus group study noted: "Many groups felt that because of parole, a sentence is not what it should be."[4] This notion has to be addressed by the correctional system.

In risk management, the issue arises because public reaction to parole failures is likely to be that much greater when they learn that the offender served only a small portion of the original sentence. The public's criticism of parole authorities would be less strident if there were more truth in sentencing. The criminal justice system must either do a better job convincing the public of the necessity for a conditional release

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[2] See *Gallup Canada,* Gallup National Omnibus Attitudes Toward Parole *(Toronto: Gallup Canada Ltd., 1988).*

[3] See *Canadian Sentencing Commission,* Sentencing Reform: A Canadian Approach *(Ottawa: Supply and Services Canada, 1987).* See also *J. Roberts, "Early Release from Prison: What Do the Canadian Public Really Think?"* Canadian Journal of Criminology, *30 (1988): 231-239.*

[4] *Environics Research Group Limited,* A Qualitative Investigation of Public Opinion on Sentencing, Corrections and Parole *(Toronto: Environics Research Group Limited, 1989).*

process, or make some changes to promote a closer relationship between the sentence imposed in court and the time actually served in prison.

Many Canadians are also concerned that the government is not sensitive to their views. The same focus group study noted earlier, conducted for the Solicitor General of Canada, found that many participants thought the government has no real interest in reforming the criminal justice system. The participants also felt that the government did not have any interest in public opinion with regard to law reform. I am not arguing that criminal justice policy be determined by public opinion surveys, but clearly, the government has to be more attentive to the views of the public than it has been to date. The challenge to correctional authorities is to demonstrate greater sensitivity to the views of the community.

It is important to point out that public reaction to corrections is not universally negative, nor is the public totally uninformed on criminal justice issues. This is clear from polls conducted in Canada, the United States and Great Britain.[5] For example, in 1988, a representative sample of Canadians was asked to rate the Parole Board compared with other branches of the criminal justice system, including the police who typically get high public approval ratings. Only 17% of the sample viewed the Parole Board in a more negative light than the other branches of the system.[6]

Moreover, the public was aware of the difficulties confronting correctional officials in terms of predicting who will reoffend. Specifically, the public was asked the following question: "If you were to hear that a parolee committed an offence involving violence before the expiry of his sentence, which of these most likely explains his release in the first place?" They were then provided with a list of explanations. Only 6% responded that they would attribute the inmate's release to administrative error. Forty-one percent stated that they would attribute the incident to "an inability to predict dangerousness accurately." More recent research has also shown that the public is in fact aware that they hear about the failures of the criminal justice system far more often than they hear about its successes.[7]

"Coroner's Motto: From the death of one, we may learn to help lengthen the lives of many."

From *Report of the Inquest into the Death of Christopher Stephenson*, Ministry of the Solicitor General and Office of the Chief Coroner, 8 September 1992 to 22 January 1993.

Members of the public have a very specific offender in mind when they express disapproval of the parole process.

Informing the Public

One of the central findings of research on public attitudes toward criminal justice is that, when provided with more information than is usually conveyed by the average newspaper article, the public responds with sophistication and flexibility regarding criminal justice policies. We have seen this happen concerning capital punishment in the U.S., and sentencing in general in Canada.[8] The correctional system should try harder to provide the public with information on correctional issues, including parole decision making. This would reduce, not eliminate, public hostility, and differences between the public's perception of the system and the system itself would still remain. Educating the public is a major challenge for the correctional system, one to which it should dedicate greater resources.

What exactly does the public want? In the area of parole, the public is unlikely ever to be comfortable with the notion of sex offenders serving substantial proportions of their sentences in the community under supervision. But public hostility toward early release for this particular group of offenders should not be interpreted to mean that Canadians oppose early release for all inmates, nor should it become the grounds for adopting more repressive detention policy for the general inmate population.

This, in my view, is one of the dangers of the current debate about reform of sentencing and parole. Members of the public have a very specific offender in mind when they express disapproval of the parole process – inmates serving time for violent offences, particularly crimes of sexual aggression. The debate should be restricted to this category of offender. Bill C-36, to take one recent piece of legislation, supports the opposite view. Although originally designed to focus on a very specific number of offenders, the offences

[5] See *J.V. Roberts, "Public Opinion, Crime and Criminal Justice," in M. Tonry (ed.),* Crime and Justice: A Review of Research *(Chicago: University of Chicago Press, 1992).*

[6] *J.V. Roberts,* Public Opinion and Sentencing: The Surveys of the Canadian Sentencing Commission *(Ottawa: Department of Justice Canada, 1988).*

[7] *Environics Research Group Limited,* A Qualitative Investigation of Public Opinion.

[8] See *E. Zamble, "Public Support for Criminal Justice Policies: Some Specific Findings,"* Forum on Corrections Research, *2, 2 (1990): 16-22.* And see *A. Doob and J. Roberts, "Public Punitiveness and Public Knowledge of the Facts: Some Canadian Surveys," Chapter 6 in N. Walker and M. Hough (eds.),* Public Attitudes to Sentencing *(Aldershot: Gower, 1988).*

listed in the bill as being eligible for judicial determination (delayed eligibility for release on parole) include a wide and diverse assortment of individuals.[9]

Any criminal justice system that releases a significant proportion of its inmate population before their court-imposed warrant expires has to face the inevitable result that some offenders completing their sentences in the community under supervision will reoffend. And in a small percentage of these cases, the reoffending will assume a tragic and fatal form. When they occur, these tragedies must be turned into opportunities to examine the system *de nouveau.*

These tragedies must be turned into opportunities to examine the system de nouveau.

In this regard, the relatives of victims – such as the Ruygroks and the Stephensons – have provided sterling examples for both the criminal justice system and the community. Canadian readers of this publication will recall that both these families lost children in tragic circumstances involving offenders on release in the community. These families have made enormous sacrifices to bring to light the circumstances that led to these homicides. Their considerable investment of time and energy has not been wasted. They have had an important impact: Gerald Ruygrok and Jim and Anna Stephenson have probably done more to provoke public debate and advance criminal law reform on these issues than any number of academics working in the area.

Clearly, the criminal justice system should try harder to attend to the public, and to incorporate the voice of the victim, or the relatives of the victim. Recent examples show that victims are not always accorded sufficient attention. Sometimes the system even fails to provide support when it is merely a question of modest financial assistance. Some years ago, the federal government was asked to pay the costs of transcribing the Ruygrok Inquiry proceedings, but refused to do so. A more recent example occurred at the inquest into the death of Christopher Stephenson. The family of the victim had to bear the cost of their counsel themselves, which came to almost half a million dollars.

Both the provincial and federal governments initially refused to pay these legal fees. It was only after a great deal of pressure was brought to bear upon the provincial and federal governments that financial assistance was finally forthcoming. Considering that the criminal justice budget in Canada is approximately $7 billion,[10] it seemed incomprehensible to the public that we could not find the necessary funds. This kind of response only serves to alienate individual victims further, as well as the public in general.

To minimize public hostility after a risk management failure, there must also be a clear response from the correctional system once the findings of various inquiries are made public. Moreover, the correctional system should do more to inform the public of how it plans to respond, and how it does ultimately respond, to the recommendations of these various inquiries.

For example, in December 1988, the verdict of the Coroner's Jury into the death of Tema Conter[11] was made public. It contained 38 recommendations. How many of these were actually implemented? How many of the recommendations that emerged from the Ruygrok case have come to pass? A review of the impact of the recommendations of recent Coroner's juries would make an interesting research project.

The jury in the Stephenson Inquiry has just released its report, containing 71 recommendations to improve the criminal justice response in cases of sexual offending. Some of these, such as the proposal to create some kind of sexual predator law in Canada or to promote increased use of the Dangerous Offender provisions, will be controversial and will require careful scrutiny. Many of the other recommendations, however, are straightforward and can be readily implemented.

Conclusions

Recent events and surveys of the public in Canada lead to several conclusions. First, the correctional system must respond more vigorously and more attentively to the community in general, and to victims of the crime in particular. Second, the Canadian public is not a monolithic group that demands the abolition of all forms of early release, or that does not understand the complexities and challenges of dealing with offenders. Rather, the public is interested in tightening parole release regulations for very specific kinds of offenders who account for a small percentage of the federal custodial population. Third, greater efforts should be made to provide the public with information on the correctional process, because some of the public's opposition is founded on misperceptions of the way the system functions as well as of the statistics themselves. ■

[9] See *J. Roberts and A. von Hirsch, "Sentencing Reform in Canada: Recent Developments,"* Revue générale de droit, *23 (1992): 319-355.*

[10] See *I. Waller,* Putting Crime Prevention on the Map. *Introductory Report on the International Conference on Urban Safety, and Drug and Crime Prevention, Paris, France, 18-20 November 1991.*

[11] *Tema Conter was murdered by Melvin Stanton who, at the time, had been granted an unescorted, temporary-absence pass by the National Parole Board.*

Decision Issues in Risk Assessment

by Ralph C. Serin[1]
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and Howard E. Barbaree[2]
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Recently, the challenge for decision makers to assess accurately the risk of releasing incarcerated offenders has become particularly germane in light of increased public scrutiny. The concern for public safety is paramount for decision makers in the criminal justice system, but must be balanced against individuals' rights. Increasingly, mental health professionals are asked by correctional and parole decision makers to identify those offenders who are unsafe to be released.

Actuarial risk scales have been developed using information that is readily available (e.g., type of offence, age of first arrest) to attempt to differentiate offenders who fail on release from those who succeed. The scales are empirically derived; that is, the variables used in the scale are chosen based on their ability to predict outcome as opposed to scales that use clinical factors, such as a childhood history of cruelty to animals, which are often believed to be important predictors but may not be very useful with a large group of offenders.

Nuffield[3] developed and validated an actuarial risk assessment scale for use with offenders in Canada. Now renamed the General Statistical Information on Recidivism (SIR) Scale, case management staff administer the scale to all federal offenders.

Nuffield[4] noted that variables predicting general recidivism are different from those that predict violent recidivism. While violent recidivism is the greater concern for correctional decision makers, there is some confusion in Canadian federal corrections in that only risk scales for ***general recidivism*** *are standard practice in the decision-making process. Furthermore, risk is rarely differentiated in terms of general versus violent recidivism.*

With the high proportion of violent offenders in the federal corrections system, simply relying on a past history of violence to make judgments about future violence would result in an unacceptably high false-positive error rate. That is, the number of offenders predicted to reoffend violently would greatly exceed the number who actually did, and many offenders who would have otherwise been released safely into the community would be held back.

The Level of Supervision Inventory (LSI)[5] is an actuarial scale that is unique in that it incorporates both dynamic (changeable) and static (unchangeable) variables (e.g., offenders' adherence to procriminal attitudes versus their criminal history). Moreover, the LSI has demonstrated predictive validity,[6] and many of its items are now reflected in the Correctional Service of Canada's Offender Intake Assessment Process.[7]

The Psychopathy Checklist-Revised (PCL-R)[8] is also emerging as a good predictor of recidivism.[9] More important, the PCL-R and specifically its Factor 1, which reflects callous disregard for others, appears to be a better predictor of violent recidivism than a history of violence, perhaps because it reflects both clinical and historical information.[10] The differential predictability of the PCL-R factors, however, requires replication.

No risk assessment scales perfectly predict all failures and successes. The issue, then, is how best to incorporate various research findings into clinical practice. Such practice should balance the need to protect society with the need to avoid

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[3] *J. Nuffield,* Parole Decision-Making in Canada: Research Towards Decision Guidelines (*Ottawa: Solicitor General of Canada, 1982).*
[4] Ibid.
[5] *D.A. Andrews,* The Level of Supervision Inventory (LSI) (*Toronto: Ontario Ministry of Correctional Services, 1982).*
[6] *J. Bonta and L.L. Motiuk, "Utilization of an Interview-Based Classification Instrument,"* Criminal Justice and Behavior, *12 (1985): 333-352.*
[7] *L.L. Motiuk. Personal communication.*
[8] *R.D. Hare,* Manual for the Revised Psychopathy Checklist *(Ontario: Multi-Health Systems, Inc., 1991).*
[9] *G.T. Harris, M.E. Rice and C.A. Cormier, "Psychopathy and Violent Recidivism,"* Law and Human Behavior, *15 (1991): 625-637.* See also *S.D. Hart, P.R. Kropp and R.D. Hare, "Performance of Male Psychopaths Following Conditional Release From Prison,"* Journal of Consulting and Clinical Psychology, *56 (1988): 227-232.* And see *R.C. Serin, R. DeV. Peters and H.E. Barbaree, "Predictors of Psychopathy and Release Outcome in a Criminal Population,"* Psychological Assessment: A Journal of Consulting and Clinical Psychology, *2 (1990): 419-422.* And see *R.C. Serin, "Violent Recidivism in Criminal Psychopaths,"* Law and Human Behavior, *in press.*
[10] *Serin, "Violent Recidivism in Criminal Psychopaths."*

preventing release unnecessarily because of overly restrictive release criteria.

This article highlights some specific issues raised by the use of risk scales as part of the decision-making process. The specific scale studied was the PCL-R.[11] To illustrate the issues, we present data from a five-year follow-up study of federal offenders for whom PCL-R scores were available. Suggestions for improved practices are then discussed.

Recidivism

A sample of 81 male federal offenders were followed up for an average of 29.7 months, with a maximum of 67 months. They had an average (mean) PCL-R score of 22.1 with a standard deviation of 6.7. Psychopaths (P) were defined as offenders with a PCL-R total score of 30 or more (N=10); non-psychopaths (NP) were those with PCL-R scores less than 17 (N=51); and the mixed group (M) comprised the remainder, i.e., those with scores between 17 and 29 (N=20).

The general recidivism rate for the sample was 57%: 80% for P, 59% for M and 40% for NP. The violent recidivism rate for the sample was 10%: 25% for P, 8% for M and 0% for NP. General and violent recidivism rates, as a function of PCL-R scores, are presented in Figure 1. This figure shows that reoffence rates increased as PCL-R scores increased.

Decision Issues

As stated, the likelihood of recidivism increased as the PCL-R score increased. Many psychopaths failed, whereas the non-psychopaths were clearly more likely to be released successfully and less likely to recommit a violent offence.

The PCL-R scores used as cutoffs in this study (i.e., the scores used to divide the sample into groups) were chosen arbitrarily, in accordance with commonly accepted practice and suggestions from past research.[12] However, if we were in a real-life situation – for example, if we were using an offender's score on the PCL-R to make a decision on releasing that offender – then it may be important to choose cutoff scores on a more rational or empirical basis to reduce the number of decision errors. However, Figure 2 illustrates the problems in making such a choice.

Figure 1
Recidivism as a Function of Psychopathy

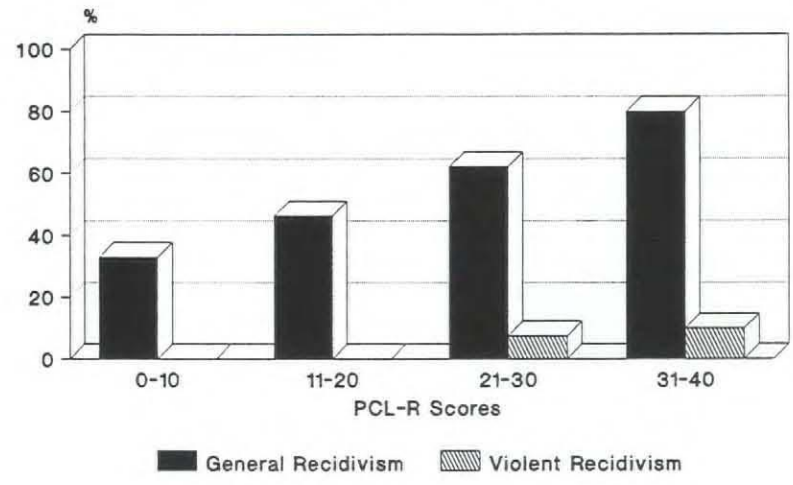


Figure 2 plots the rate of false positives (the likelihood of an offender succeeding when he or she is predicted to fail on release) and of false negatives (the likelihood of an offender failing when he or she is predicted to succeed) for various PCL-R cutoff scores. Also plotted on the graph is the relative improvement over chance (RIOC), a measure of predictive efficiency which considers both base-rate and cutoff scores.

As Figure 2 shows, choosing higher cutoff scores on the PCL-R reduces the proportion of false positives to zero and maximizes the RIOC. However, choosing lower cutoff scores reduces the proportion of false negatives to zero because no offenders in this sample with a PCL-R score of 10 or less recidivated. Also, the cutoff score chosen affects the efficiency of the predictions (i.e., the RIOC).

There is another issue to consider here which concerns the number of offenders who would be released depending on the cutoff chosen. If we

We say...

In terms of research on risk management in corrections, Canada has been a leading force. However, we still know very little about female offenders in this area. While current research initiatives are filling this gap, much more research needs to focus specifically on females.

Kathleen Kendall
Regional Headquarters (Ontario Region)

[11] *Comparable results were found using three other risk scales.*
[12] *Hare,* Manual for the Revised Psychopathy Checklist.

said, for example, all offenders who score under 30 on the PCL-R can be released, we would be releasing many more offenders than if we said that only those who scored below 10 could be released.

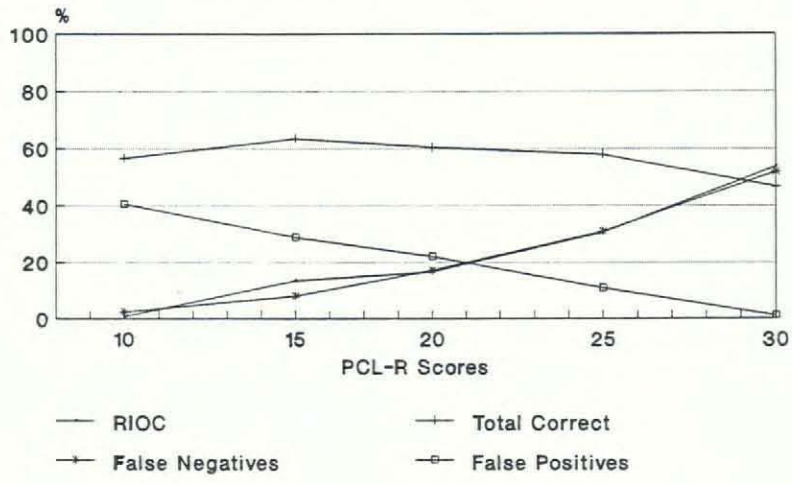
Higher cutoff scores will let more offenders be released, thus reducing the number of false positives (those who are predicted to reoffend but do not), but increasing the number of false negatives (those who are predicted to succeed but do not). From the public's perspective, it may be better to choose a lower cutoff score when making a release decision, because this allows fewer offenders to be released, and decreases the number of false negatives released. However it also increases the number of false positives kept in custody. In choosing a cutoff score, we must decide how we can balance these two conflicting concerns.

By using risk assessment scales, we can anchor a case in terms of the likelihood of recidivism.

A compromise would be to choose a cutoff score that achieves some kind of balance between releasing offenders who end up recidivating and holding back offenders who would have done well on release. That is, we are looking for a cutoff score that will balance the number of false negative errors with the number of false positive errors. For example, Figure 2 shows that the two errors intersect at a cutoff of 21, meaning that using a cutoff of 21, 20% of our decisions would result in false positives and 20% in false negatives, with a combined error rate of 40%. Although these findings are somewhat tentative and should be tested with a larger sample, they are nevertheless illustrative for clinicians and decision makers in the criminal justice system.

A comparison of the three groups of offenders reveals some interesting additional findings concerning how cutoffs may be used. Having different rates of failure, non-psychopaths, the mixed group and psychopaths are different with respect to their likelihood of reoffending. The NP are seen to be a relatively low-risk group with a 40% failure rate, while the P are a very high-risk group with an 80% failure rate. The M group are somewhere in the middle with a failure rate of 59%. Therefore, for decision purposes, it would perhaps be best to use the PCL-R to identify both high- and low-risk offenders. For low-risk offenders (NP), release should be expedited unless there is compelling contrary information, because most NPs succeed. For high-risk offenders (P), early release should be considered only in the face of compelling evidence and, when released, they would require stringent risk management conditions because most Ps fail.

Figure 2
Decision Issues Using the Psychopathy Checklist-Revised



Summary

By using risk assessment scales, we can anchor a case in terms of the likelihood of recidivism, and the particular scale we employ highlights the issue of general or violent recidivism. Reliance on clinical information alone is less accurate than combining actuarial information with clinical judgment.[13] Also, the standardized use of actuarial risk scales provides offenders with more concrete information on their status, making the system appear less arbitrary.

Although the PCL-R has shown some effectiveness in predicting violent recidivism in this study, there is some concern that its use of the label "psychopath" may have an unwarranted effect on how an offender is managed. Despite this, however, the

[13] *D.M. Gottfredson, L.T. Wilkins and P.B. Hoffman,* Guidelines for Parole and Sentencing: A Policy Control Method *(Toronto: Lexington Books, 1978).* See also *G.T. Harris, M.E. Rice and V.L. Quinsey, "Violent Recidivism of Mentally Disordered Offenders,"* Research Report, *IX, 1 (Penetang, Ontario: Penetanguishene Mental Health Centre, 1992).* And see *R.C. Serin, "A Clinical Model for the Assessment of Dangerousness in Prisoners." Manuscript submitted for publication, 1992.*

The clinical information used in making a decision about release should be restricted to factors that have been proven to be related to criminality.

PCL-R could be used to direct, as opposed to dictate, intervention and risk management strategies. It may be worth noting, too, that the PCL-R has been incorporated into a broader actuarial risk scale for violent recidivism which shows considerable promise.[14]

Clinical information, including that which may be dynamic or changeable, might be used to refine an estimate of risk that has been based solely on an actuarial scale. For instance, an offender may be considered to have a 40% likelihood of reoffending based on a score on a particular risk assessment scale, but clinical information – such as refusal to participate in treatment and the maintenance of procriminal beliefs – may suggest that the risk may actually be higher than estimated.

Conversely, an offender may be considered to have a 60% likelihood of reoffending, but there is no evidence of cognitive distortions regarding aggression, the offence was unplanned and participation in a prescribed treatment program has been positive. In such a situation, the estimate of risk of violent reoffending might be lowered slightly.

However, the clinical information used in making a decision about release should be restricted to factors that have been proven to be related to criminality, including violence, treatability and criminal sentiments. Clinicians should be prepared to defend their revision of an individual offender's degree of risk and to enunciate the reasons for their revision in their report. Clinical skills remain important in completing risk assessments, but decision makers can then use these risk assessments in an informed manner, rather than relying on some vague concept such as clinical acumen.

At this point, it is probably unduly optimistic to expect clinicians to provide estimates of risk in terms of percentages, but the standardized use of terms denoting risk levels – such as low (less than 20%), low to moderate (20 to 40%), moderate (40 to 60%), high (60 to 80%) and very high (greater than 80%) – may be helpful. Clinicians and decision makers must also be aware of base rates of recidivism for their particular setting and group of offenders, thereby placing the risk estimate for a particular offender in context.

Once the risk assessment is completed and the case is anchored, it is imperative to develop individualized strategies to manage the risk of recidivism.[15] These strategies should be related to risk so that higher-risk cases are provided with more intensive supervision and treatment, as both a prerequisite to release and a condition of continued release.[16] Providing treatment to low-risk offenders when unwarranted, however, has been shown to be harmful.[17] The research presented here highlights the merits of adopting conservative release practices for high-risk cases, and using estimates of low risk to manage an offender's timely release more effectively. ■

It is imperative to develop individualized strategies to manage the risk of recidivism.

"Society may believe that it is justified in 'mistakenly' restricting the liberties of a majority in order to achieve the proper objectives in relation to the minority who are 'correctly' restricted. Yet that which society can justify for itself may not always satisfy the ethical obligations of clinicians, as interpreted individually or by their professional organizations."

From Thomas Grisso and Paul S. Appelbaum, "Is It Unethical to Offer Predictions of Future Violence?" *Law and Human Behavior*, 16, 6 (1992): 630.

[14] *Harris, Rice and Quinsey, "Violent Recidivism of Mentally Disordered Offenders."*

[15] *V.L. Quinsey and W.D. Walker, "Dealing With Dangerousness: Community Risk Management Strategies With Violent Offenders" in R. DeV. Peters, R.J. McMahon and V.L. Quinsey (eds.),* Aggression and Violence Throughout the Lifespan *(Newbury Park, Calif.: Sage, in press).*

[16] *Harris, Rice and Quinsey, "Violent Recidivism of Mentally Disordered Offenders."*

[17] *D.A. Andrews, J. Bonta and R.D. Hoge, "Classification of Offenders for Effective Rehabilitation: Rediscovering Psychology,"* Criminal Justice and Behavior, *17 (1990): 19-52.*

Risk Markers for Family Violence in a Federally Incarcerated Population

by Donald G. Dutton[1] and Stephen D. Hart[2]
Department of Psychology, University of British Columbia

In an attempt to identify risk markers for family violence, the institutional files of close to 600 male offenders from seven federal correctional facilities in Canada were reviewed. Three groups of offenders were identified: non-violent offenders who had no indication of violent behaviour anywhere in their file; stranger-violent offenders who had histories of assault on file but no indication of violence toward their wives or other family members; and family-violent offenders, the majority of whom had also assaulted non-family members.

The study examined the offenders' history of experiencing abuse in their family of origin. Significant differences among the three groups were found. While the non-violent group showed the least amount of abuse victimization and the stranger-violent group showed a moderate amount, members of the family-violent group were most likely to have been abused. When more specific types of abuse (physical, sexual and witnessing abuse) were examined, similar differences were found.

There were also differences among the groups in the types of psychiatric disorders they experienced, with the family-violent group being more likely to have non-psychopathic types of personality disorders (e.g., borderline or narcissistic personalities).

The characteristics of perpetrators of family violence seem to be similar to those of incarcerated populations in a number of ways: individuals in both groups often come from abusive family backgrounds, have experienced traumatic separations, abuse alcohol and drugs and suffer from psychiatric and personality disorders.[3]

The objective of this study was to assess the prevalence of these associated risk markers for family violence among federal inmates, and to estimate incidence of such violence. This information is important in managing risk with federal offenders because inmates with a history of, or propensity for, family violence could continue with such behaviour after their release, particularly if they return to the same relationships they had before incarceration.

Method

The files of 597 randomly selected male offenders from seven federal correctional facilities were reviewed using a file-based risk assessment coding sheet. This coding sheet recorded file reports of childhood victimization (physical abuse, sexual abuse and witnessing interparental abuse), any history of substance dependency or abuse, employment history and any history of physical or sexual assault of family members and others.

Furthermore, the coding sheet highlighted psychiatric diagnoses and personality disorders, such as antisocial personality and borderline, narcissistic, histrionic or mixed personality disorders. These psychiatric disorders were taken from Axis I Diagnoses and Axis II Disorders of the *Diagnostic and Statistical Manual of the Mental Disorders* (DSM-IIIR).[4] Psychiatric disorders were recorded only if an inmate's file contained an explicit diagnosis by an institutional psychiatrist or psychologist.

Results

Violence Group Classifications

Reports of violence consisted of:

- criminal charges or convictions for offences against persons (such as assault and sexual assault, threatening, use of weapons, robbery, kidnapping or murder) appearing on an offender's criminal record;
- official allegations of violent behaviour (including physical violence, threatening with weapons and serious threats of physical harm) that resulted in the suspension or revocation of conditional release but did not result in criminal charges or convictions; and
- allegations of violent behaviour (as defined above) that were reported or investigated but not officially confirmed.

The reports of violence were classified into one of six categories:

- physically assaulting a family member;
- sexually assaulting a family member;
- threatening a family member;

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[3] *D.G. Dutton, "Behavioral and Affective Correlates of Borderline Personality Organization in Wife Assaulters,"* International Journal of Law and Psychiatry, *in press.* See also *K.L. Hamberger and J.E. Hastings, "Personality Characteristics of Spouse Abusers: A Controlled Comparison,"* Violence and Victims, *3, 1 (1988): 31-48.* And see *S.D. Hart, D.G. Dutton and T. Newlove, "The Prevalence of Personality Disorder Among Wife Assaulters,"* Journal of Personality Disorders, *in press.*

[4] Diagnostic and Statistical Manual of the Mental Disorders, *3rd ed., rev. (Washington, D.C.: American Psychiatric Association, 1987).*

- physically assaulting a non-family member;
- sexually assaulting a non-family member; or
- threatening a non-family member.

A family member was defined as a first-degree relative; a spouse, common-law spouse or live-in girlfriend; or a child or stepchild.

For each category of violence, we recorded the types of victims (e.g., adult male, female child, male and female adolescents, unknown). Finally, we noted the weapons used and the severity of harm done to victims (e.g., none, threats only, mild, moderate, severe or death).

Based on these reports, we divided offenders into three groups. Non-violent (NV) offenders were those whose files contained no reports of violence. Stranger-violent (SV) offenders were those whose files contained reports of violence directed toward non-family members only (although it did include assaults on acquaintances). Finally, family-violent (FV) offenders were those whose files contained reports of violence directed toward family members, regardless of any reports of violence toward non-family members.

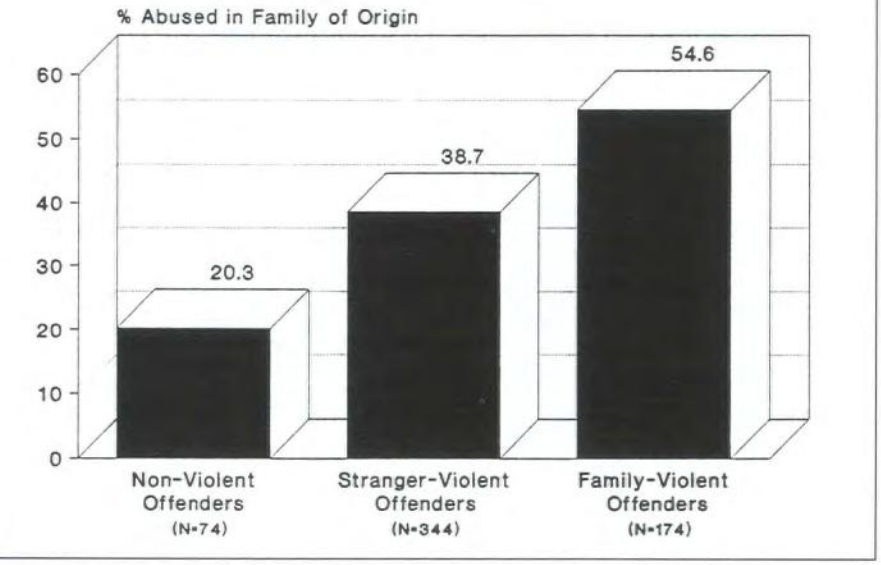
Of the total sample, 12.4% (74 offenders) fell into the NV group, 58% (346) were in the SV group and 29.6% (177) fell into the FV group.

Abuse in the Family of Origin

The institutional file review of abuse of the inmate in his family of origin revealed some highly significant results. Three forms of victimization were considered: physical, sexual and other. The other category included witnessing physical or sexual abuse of other family members and being severely neglected or abandoned. It excluded emotional or psychological abuse.

Overall, about 4 in 10 (41%) of the inmates in the sample had been seriously abused as children or adolescents, according to reports in their files.

Figure 1
Abuse in Family of Origin
by Violence Group



As shown in Figure 1, when the groups were compared, 20.3% of inmates in the NV group had been abused, and 38.7% of those in the SV group experienced abuse. Offenders in the FV group were most likely to have been abused, with more than half (54.6%) having reports of childhood abuse in their files. These differences were statistically significant, as were the differences between the FV and the SV groups when they were compared directly.

When specific forms of abuse in the family of origin were examined, again inmates in the FV group were most likely to have been victimized. According to file reports, 41.4% of FV offenders were physically abused, compared with 29.9% of offenders in the SV group and 14.9% of those in the NV group. Of the entire sample, close to one third (31.4%) had been abused physically.

In the FV group, 17.5% of inmates had suffered sexual abuse, compared with 9.8% of SV offenders and 5.4% of NV offenders.

Finally, about 20% of FV offenders had witnessed abuse in their family of origin. This compares with 11% of offenders in the SV group and 5.4% of those in the NV group. All the above findings were statistically significant.

In sum, according to the institutional files, inmates in the FV group were more likely to have reported

> "...while far from elucidating the causal relationship between family life and adult criminality, research suggests a link that may justify action to strengthen families.... Among already convicted adult offenders, establishing and maintaining healthy family relations appear to reduce the chances of reoffense.... Probation and parole officers may wish to work with the entire family rather than the offender alone to reduce the likelihood of the drift back to a lifestyle of 'hard-living.'"
>
> From Kevin N. Wright and Karen E. Wright, "Does Getting Married Reduce the Likelihood of Criminality? A Review of the Literature," *Federal Probation*, September (1992): 55.

being abused in their family of origin, regardless of the specific nature of the abuse.

Psychiatric Disorders

Of the entire sample, just over one third (34.4%) showed indications of personality disorders. FV offenders had an incidence rate of 43.5%, compared with 34.1% for SV offenders and 13% for NV offenders.

As can be seen in Figure 2, the types of personality disorders differed significantly within the violence groups. Although SV offenders were as likely to have been diagnosed as antisocial as FV offenders (20.7% and 21.5% respectively), FV offenders were more likely to have had other types of personality disorders (mostly borderline, narcissistic, mixed and other) – 22% of FV offenders compared with 13.4% of SV offenders.

Family-violent offenders are more likely to have been abused during childhood than stranger-violent offenders and, in particular, non-violent offenders.

Discussion

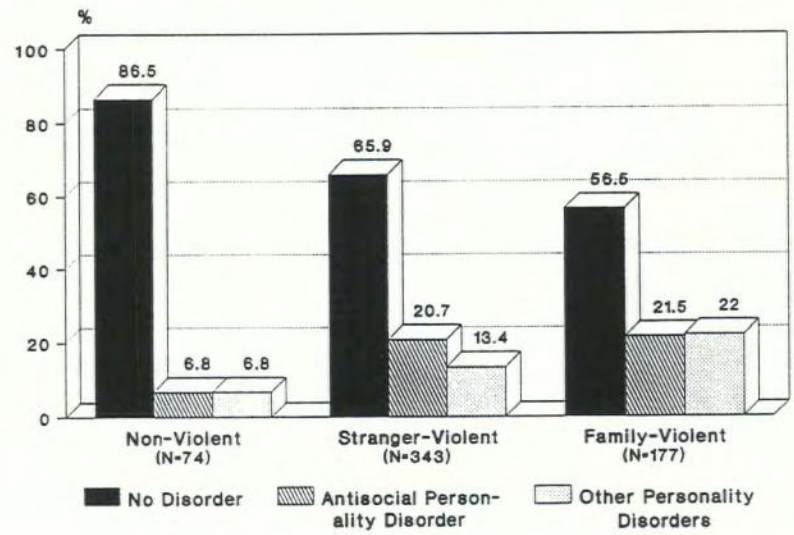
This study indicates, albeit retrospectively, that family-violent offenders are more likely to have been abused during childhood than stranger-violent offenders and, in particular, non-violent offenders.

We also found a high prevalence rate for personality disorders. Although one might expect antisocial personality to be the most common disorder across all groups, the finding that narcissism and borderline personalities are overrepresented, especially among the family-violent group, is noteworthy. One of the diagnostic criteria of borderline personality is having "physical fights," and narcissism is characterized by reacting to criticism with rage, shame and humiliation. Clearly, either reaction would increase the probability of inclusion in a violence group.

What these family-violent offenders seem to require is a transitional form of anger management treatment with a special emphasis on marital and family relations. Such treatment would ideally use the group treatment model developed by Ganley[5] and others. Such models have been described by Dutton.[6] The anger management and personal responsibility aspects of this treatment are useful with incarcerated populations, though they have to be modified to encompass anger that develops in a prison setting. However, the high incidence of personality disorders among family-violent offenders bodes poorly for true treatment success.

Future research notwithstanding, the high rate of abuse of federal inmates during childhood and adolescence is of interest. Many profiles of abuse victims have been based on female adults who underwent psychotherapy.[7] This may give the impression that males either are not abused or do not suffer from long-term consequences of that abuse. The present study indicates that these interpretations are erroneous. Males abused as children are at a higher risk for violent crime. ■

Figure 2
Personality Disorders by Violence Group



[5] *A. Ganley,* Participant's Manual: Court-Mandated Therapy for Men Who Batter: A Three Day Workshop for Professionals *(Washington, D.C.: Centre for Women Policy Studies, 1981).*

[6] *D.G. Dutton,* The Domestic Assault of Women: Psychological and Criminal Justice Perspectives *(Boston: Allyn and Bacon, 1988).*

[7] *J. Briere, "The Long-Term Clinical Correlates of Childhood Sexual Victimization,"* Annals of the New York Academy of Sciences, *528 (1987): 327-334.* See also *J.B. Bryer, B.A. Nelson, J.B. Miller and P.A. Krol, "Childhood Sexual and Physical Abuse as Factors in Adult Psychiatric Illness,"* American Journal of Psychiatry, *144, 11 (1987): 1426-1430.*

Intensive Supervision of Offenders on Prerelease Furlough: An Evaluation of the Vermont Experience

by William Bagdon,[1] Research Associate, Vermont Department of Corrections and James E. Ryan,[2] Senior Research and Statistics Analyst, Vermont Department of Corrections

During the 1988 presidential campaign, a furor erupted over inmate furloughs when the Republican candidate, George Bush, accused his Democratic opponent of being "soft on crime." To prove his point, he cited the case of an inmate from the Democrat's home state who had committed a sexual assault and stabbing while on a furlough.

A national survey indicated that, in light of this publicity, several states restricted furloughs and three states discontinued them altogether. Nevertheless, the survey also reported high success rates for furlough programs.[3] Ironically, it was during this period that the Vermont Department of Corrections greatly expanded its prerelease furlough program.

As the term suggests, prerelease furloughs are authorized absences from correctional facilities for inmates who are nearing release. They allow offenders to prepare for life outside prison walls and adjust to more freedom. The program is similar to Canada's temporary absence (TA) program.

In Vermont, on any given day during the early and mid-1980s, inmates on furlough in the community constituted about 2% of the sentenced population, about 12 people. In 1990, this percentage climbed to about 10% of the sentenced population in Vermont (or 80 offenders).

The prerelease furlough program has become an important mechanism for relieving overcrowding in Vermont corrections facilities. In the spring of 1988, however, supervision of many inmates on prerelease furlough was greatly intensified. The aim of this study was to compare the effects of this intensified supervision with the effects of previous supervision practices on community safety, offender control and postrelease criminal activity.

Origin of the Program

Intensive supervision of inmates on prerelease furlough evolved from a house arrest initiative that began in 1988 in Chittenden county (in the northwestern part of Vermont). As a measure to relieve overcrowding, the house arrest program was designed as an alternative for misdemeanant offenders and non-violent felons with short sentences (maximum sentence of no more than 120 days). Corrections department officials select who is admitted to the program, and correctional officers monitor home confinement. Supervision includes several face-to-face contacts per week as well as random daily telephone checks. Alcohol and drug testing are also standard features of the program.

Before March 1988, supervision of inmates on prerelease furlough was almost non-existent compared with the house arrest program. The normal procedure for monitoring offenders on prerelease furlough – offenders who had served long sentences – included, at most, twice weekly face-to-face contacts or telephone checks.

The superintendent of the Chittenden correctional facility felt that house arrest resources should be used to monitor furloughed inmates. He noted that people under house arrest consisted of a few misdemeanants who were being intensively monitored while furloughed inmates, who had much more serious criminal histories, were being virtually ignored. He received permission from his superiors to have resources from the house arrest program diverted to supervise furloughed inmates as intensively as inmates under house arrest.

Thus, the intensive supervision of inmates on prerelease furlough began. The policy of supervising furloughed inmates spread to the southwestern part of the state in 1989. Now, almost all inmates on prerelease furlough in Vermont are intensively supervised. Department officials felt comfortable with such a policy in part because they worried that increased reliance on furloughs to control overcrowding would lead to the release of more dangerous people to the street.

Analysis

Our analysis examines two questions. First, are inmates under intensive supervision different from those monitored under previous furlough supervision practices? Second, are the outcomes different?

We examined two groups of inmates on prerelease furlough. One group consisted of 36 offenders who were furloughed from the Chittenden facility between January 1986 and April 1988. The furlough episodes for this group numbered 40 (an inmate can be furloughed more than once). Members of this group received

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[3] *Su Perk Davis, "Number of Furloughs Increasing – Success Rates High,"* Corrections Compendium, *16 (1991): 10-21.*

minimal supervision. We labelled these offenders Group 1.

The other group, Group 2, was furloughed from the Chittenden facility between March 1988 and November 1991. They numbered 69, with the number of furlough episodes being 105. This group received intensive supervision.

There were no statistically significant differences in the average minimum sentence and the average maximum sentence of the two groups.

There was, however, an important difference between the two groups in their current offence type. Contrary to the prediction of some, those released under intensive supervision were not more dangerous. Indeed, a significantly higher proportion of offenders in this group were non-violent offenders. Our conclusion is that the pressure of crowding encouraged officials to furlough more offenders who were eligible according to department policy.

Our analysis also showed that the population furloughed under intensive supervision was at no greater risk to reoffend than past populations, if felony record is an indication. There was no statistically significant difference in the proportion of offenders with a felony history. Again, we conclude that more offenders who were eligible were furloughed.

Finally, there was no significant difference in the average length of each furlough episode.

Figure 1 shows a comparison between the outcomes of the two groups' furloughs. While one in five furlough episodes ended in revocation under previous supervision practices, about one in two were revoked under intensive supervision. In the case of the former, all revocations were for violations of furlough conditions. Regarding the latter, 2 revocations were for arrests, and 3 furloughs were revoked for criminal actions for which there was a subsequent conviction; the other 48 revocations were for violations of conditions.

Figures 2 and 3 compare the therapeutic or rehabilitative effects of intensive supervision with those of previous practices. Offenders in each group were tracked for one year after release from prison. Figure 2 shows that 15% of offenders in Group 1 and 19.1% of those in Group 2 were subsequently convicted of another crime. This difference was not statistically significant.

Moreover, Figure 3 indicates that, of those who were subsequently reconvicted, individuals in neither group were more likely to be violent than those in the other. Of offenders in Group 1, one in six (16.7%) subsequently committed a violent crime, while 4 in 17 (23.5%) of offenders in Group 2 were convicted of a violent act. Again, the difference was not statistically significant.

Conclusion

The results of this study cast some doubt on the usefulness of intensive supervision for offenders on prerelease furlough. Though offender control is improved, it does not seem

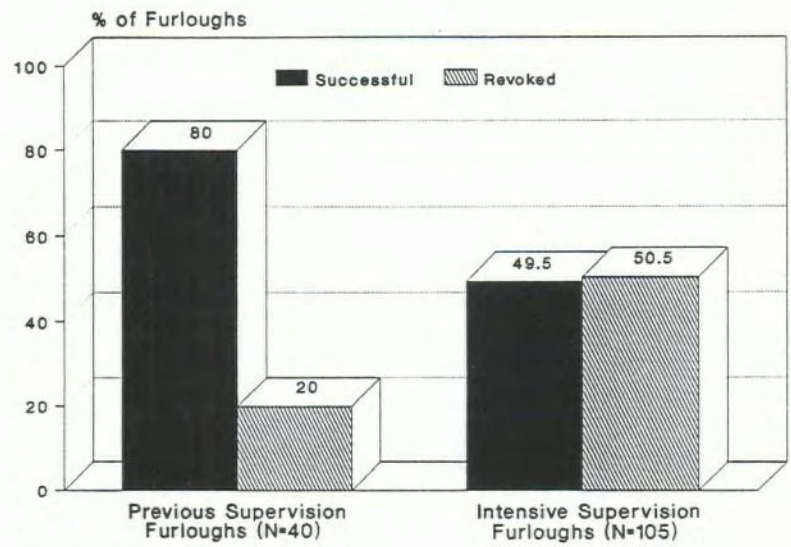
We say...

The Correctional Service of Canada sponsors community employment programs which "bridge the gap" from institutional life to a real job in the community and contribute to reducing the risk of recidivism for many offenders. These community employment programs feature short-term job placements (six to nine months) for those offenders who are likely to encounter the greatest difficulties in finding a job.

A short-term job placement program provides a period of adjustment for the released offender to ease into and become familiar with working in a community environment. It also focuses on improving generic work habits and providing on-going employment counselling and support. Without this type of support, many of these offenders are likely to become frustrated during their job search.

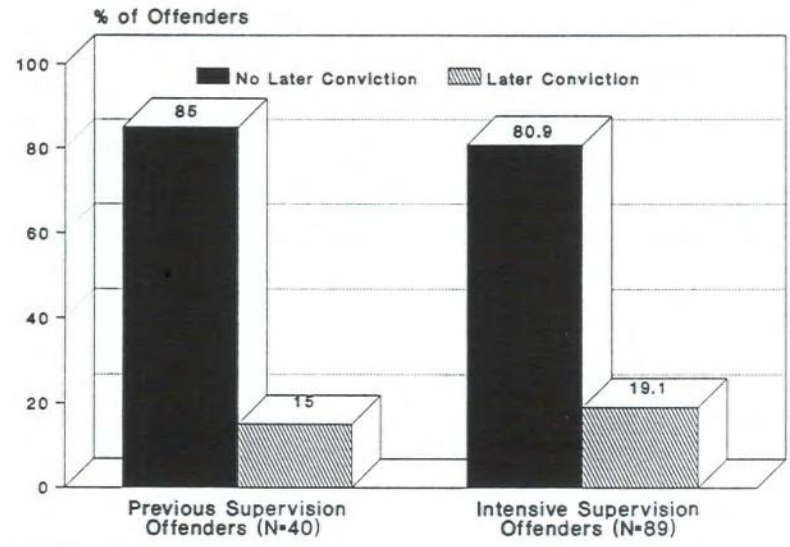
Thomas Townsend
Chief Executive Officer
CORCAN

Figure 1
Comparison of Supervision Outcomes



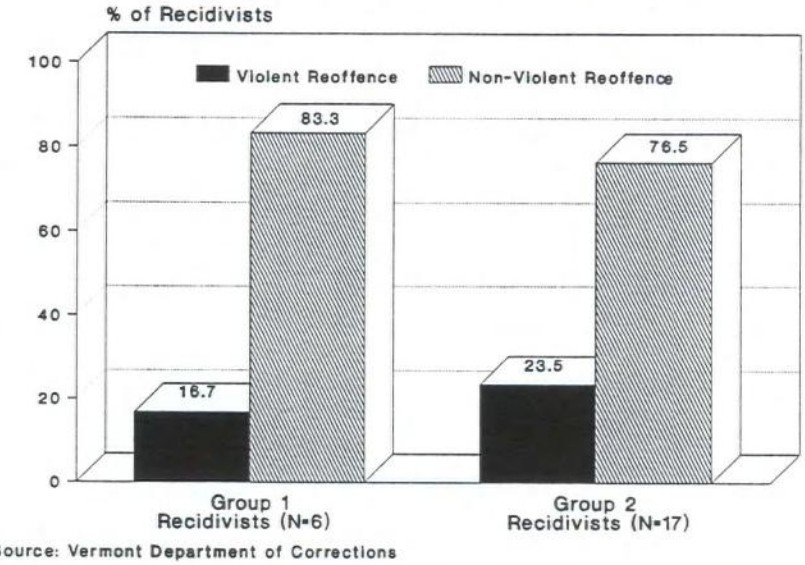
Source: Vermont Department of Corrections

Figure 2
Comparison of Recidivism Outcomes



Source: Vermont Department of Corrections

Figure 3
Comparison of Recidivist Offence Types



Source: Vermont Department of Corrections

to affect public safety.

Whether the benefits gained in offender control are worth the costs in resources and further prison crowding (due to returning offenders) is a much discussed subject among practitioners and academics.[4] It costs about US$8,000 per year to supervise intensively each offender on furlough. Lacking budget estimates for previous practices, we can assume that the costs were minimal. Hence, a return to such practices could probably save money.

Nevertheless, there are reasons for maintaining intensive supervision. In an era of hardening public attitudes toward crime, corrections professionals have stressed surveillance and de-emphasized service brokerage for offenders in the community.[5] With an increasing number of offenders on furlough, corrections officials may want to maintain a public surveillance presence in the interest of good public relations.

In addition, Vermont is one of the few jurisdictions in the United States never to have been under court order to release inmates because of overcrowding. It is quite clear that the present furlough program has helped in this regard. Moreover, the delicate policy decisions regarding whom to release are still the jurisdiction of elected and appointed officials rather than the judiciary. This situation provides for a high degree of public accountability.

It is likely that events will eventually cause changes in practices, however. The offender population is projected to grow well beyond prison capacity. Eventually, street supervision resources may be insufficient to continue intensive surveillance. At that point, supervision practices may necessarily become less intensive yet, as this research suggests, more appropriate for monitoring offenders on the street. ■

[4] *James M. Byrne, Arthur Lugurio and Christopher Baird, "The Effectiveness of the New Intensive Supervision Programs,"* Research in Corrections, *2 (1989): 1-48.*

[5] *James M. Byrne, "Reintegrating the Concept of Community into Community-Based Corrections,"* Crime and Delinquency, *35 (1989): 471-499.*

The Probation Evaluation Project[1]

by James McGuire and Darice Broomfield, University of Liverpool, United Kingdom and Chris Robinson and Beverley Rowson, Greater Manchester Probation Service, United Kingdom

This article focuses on evaluation, one of the numerous trends in current corrections research that appears to be gathering pace in many agencies. While one might assume that program evaluation is a standard feature of research in criminal justice, researchers and practitioners know that this is not the case.

There are probably several reasons for this. Customary ways of doing things are rarely evaluated because people simply take for granted that they work. Innovative action-research programs often involve considerable action but comparatively little research. Between the customary and the innovative is a range of programs in which the evaluation component is either forgotten, not covered in the costs or abandoned halfway because the evaluator moved to a permanent job.

The project described in this article is an evaluation of probation services in the city of Manchester, United Kingdom.

The Greater Manchester Metropolitan area, with a population of about 2.75 million people, is the third-largest urban area in the U.K. and has one of the country's highest crime rates.

Greater Manchester Probation Service has approximately 250 trained probation officers plus auxiliary and support staff. To illustrate the work it does, in 1990 the Service prepared a total of 15,571 Social Inquiry Reports (similar to Canada's presentence reports) for courts in the Manchester area.

Probation staff also provide social supervision to adult offenders allocated to them. This work may include aspects of welfare provision. The dominant model of service delivery, however, remains individually focused social casework. This could still be characterized as the "mainstream" mode of probation practice, though today it may be more likely to involve some analysis of offence behaviour and its causes.

Given its size and the diversity of the area it serves, the Greater Manchester Probation Service offers many specialist services designed to meet the specific needs of select groups of probation clients. The evaluation project focuses on some of these services.

Converging Trends

In recent years, observers from a variety of standpoints have converged in their opinion that probation departments need to become more actively involved in evaluation. Probation work, is at one and the same time, a form of social service, a kind of applied social science and a publicly funded agency. For these rather different reasons, some have argued that a detailed evaluation of probation work is long overdue.

There has recently been systematic pressure for a more detailed appraisal of the nature of probation work.

In general terms, evaluating correctional programs can serve two principal purposes: one is actuarial (i.e., based on actual numbers) and the other is scientific. Successive British governments have shown steadily increasing interest in some form of actuarial approach to criminal justice agencies.

Probation, though a small part of the total criminal justice budget, has not been excluded from this process. There has recently been systematic pressure for a more detailed appraisal of the nature of probation work. This concern has been expressed most clearly by a report of the British government's Audit Commission, published in 1989. (This is a central government body which monitors budgets of city and county authorities.) Turning its attention to probation, the Commission declared that:

> ..... while there is a striking variety of probation schemes in operation involving much vision, creativity and imagination, these schemes must be evaluated and their impact on offending behaviour assessed. It is unsatisfactory that at present considerable sums are spent with relatively little understanding of the effects achieved.[2]

Probation departments were therefore urged to evaluate their work to determine its effectiveness and disseminate this information to agency staff.

But parallel to this politically or economically driven desire to look more closely at probation activity, there is a quite separate reason for wishing to conduct an evaluation. As most researchers who have surveyed the fields of criminology and penology have discovered, a very large proportion of programs – even of those that are evaluated – are not evaluated well.

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[2] *Audit Commission,* The Probation Service: Promoting Value for Money *(London: Her Majesty's Stationery Office, 1989), p. 2.*

Evaluation of interventions simply makes good sense, whether seen from a fiscal or a scientific point of view.

Going back to the 1970s when Martinson[3] in the United States and Brody[4] in the United Kingdom published their major literature reviews, a foremost issue was that a majority of existing studies were plagued with methodological problems, which made it difficult to draw any clear conclusions on effectiveness. Caveats reinforcing this point have been issued routinely through the years, most recently by Palmer:

> Without scientifically sound research to independently determine if and with whom programs have worked, interventions that receive even strong testimonials and high acclaim will probably fade after several years.[5]

Other commentators, such as Petersilia,[6] have in a similar vein endorsed the view that without systematic, well-conducted evaluation, no clear evidence of effective intervention can be obtained for either scientific or policy-making purposes.

The Probation Evaluation Project

The Probation Evaluation Project was founded on these two complementary sets of ideas. Evaluation of interventions simply makes good sense, whether seen from a fiscal or a scientific point of view. The Project was a joint one undertaken by the Greater Manchester Probation Service in conjunction with the Department of Clinical Psychology at the University of Liverpool. The work was undertaken between October 1991 and September 1992.

Our research aims were to: evaluate the effectiveness of a range of probation programs, identify what works in them, and pass this information on to probation staff and to courts.

In selecting programs to evaluate, we examined a wide range. The Service operates 11 day centres plus a variety of other specialized activities ranging from drop-in units for homeless clients and alcohol education courses, to cognitive training programs. Only projects whose staff agreed to participate were considered.

Six programs were selected for inclusion in the research. They comprised:

- the DIAL project, an 8-week group program for individuals convicted of drunk-driving offences;
- the STOP program, focused specifically on auto crime;
- an offence-focused group program employing a cognitive-behavioural approach[7];
- a more traditional form of day centre incorporating life skills and recreational activities in addition to more focused groups;
- a Reasoning and Rehabilitation program following the manual designed by Ross, Fabiano and Ross[8]; and
- a process-oriented therapeutic program aimed exclusively at women offenders.

In terms of the evaluative methods used in this research, we were eager to combine both internal and external criteria in the kinds of data that we collected. It seemed fruitless to apply the same battery of measuring instruments to such a diverse set of programs. We therefore chose to use a composite approach in which there were some common measures applied to all programs, while others were specially selected as uniquely suited to each particular program.

We also intended to relate the outcome of a program to its declared aims, and to look inside each program and get a sense of how its staff members perceived their roles. This method could be typified as being closest to the goal-oriented approach to evaluation as characterized by Stecher and Davis.[9]

Thus, several kinds of data were collected, though they could broadly be characterized as being of six principal sorts:

- general descriptive information on each unit and its resources;
- details of the aims of each program and the methods employed within it;
- criminological data on program participants and, where possible, on matched comparison groups;
- monitoring data concerning attendance and drop-out rates;
- "consumer feedback" from clients; and
- pre- and post-test measures on targetted psychological variables, tailored specifically to each project's aims.

The last of these ingredients allowed for the greatest flexibility in evaluation approaches. For example, for the Reasoning and Rehabilitation program, which emphasizes cognitive change, we used a series of measures

[3] *R. Martinson, "What Works? – Questions and Answers About Prison Reform,"* The Public Interest, *10 (1975): 22-54.*

[4] *S.R. Brody,* The Effectiveness of Sentencing: A Review of the Literature, *Home Office Research Study no. 35 (London: Her Majesty's Stationery Office, 1976).*

[5] *T. Palmer,* The Re-emergence of Correctional Intervention *(Newbury Park, Calif.: Sage Publications, 1992), pp. 174-175.*

[6] *J. Petersilia, "The Value of Corrections Research: Learning What Works,"* Federal Probation, *June (1991): 24-26.*

[7] *J. McGuire and P. Priestley,* Offending Behaviour: Skills and Stratagems for Going Straight *(London: Batsford, 1985).*

[8] *R. Ross, E. Fabiano and B. Ross,* Reasoning and Rehabilitation: Trainer's Manual *(Ottawa: Cognitive Station, 1990).*

[9] *B.M. Stecher and W.A. Davis,* How to Focus an Evaluation *(Newbury Park, Calif.: Sage Publications, 1987).*

The programs were also examined from a different perspective. They were compared with the findings of recent meta-analytic studies outlining some of the features that differentiate effective programs from ineffective ones across corrections.

of impulsiveness, social problem solving and locus of control to appraise levels of cognitive change. For the drunk-driving program, measures incorporated scales for assessing attitudes to driving and to alcohol.

In addition to such specific measures, risk of reconviction and self-esteem scales were used across all program samples, and it is proposed that standard criminological follow-up data be collected at a later stage. In this way, both the actuarial and scientific demands made of evaluation are combined to produce data that would be valuable from various standpoints including practice, research and policy formulation.

Patterns of Outcome

The results of this evaluation were generally positive regarding the short-term impact of probation programs on their clients. Though only a one-year research project, the evaluation generated considerable data, which are summarized in the research report.[10]

There were some difficulties, of course. Foremost among them was the very high attrition (drop-out) rate of offenders during the period between the court decision to place them on probation and the starting date of program work. At some sites, offenders also dropped out during the program itself.

Overall, however, for those attending programs, there were subjective reports obtained from interviews and rating scales that showed the activities had been beneficial to clients. Across all programs, there was a net gain in self-esteem and a reduction in numbers of perceived problems. Both of these changes were statistically significant in probation-client groups as compared with control groups.

The more of these ingredients a program contained, the more positive outcome criteria were obtained from it.

The programs were also examined from a different perspective. They were compared with the findings of recent meta-analytic studies outlining some of the features that differentiate effective programs from ineffective ones across corrections. Reviews such as those of Andrews[11] and Lipsey,[12] surveying the results of numerous outcome studies, have indicated that interventions are more likely to lower recidivism if they:

- target offenders with a high risk of reoffending;
- focus on criminogenic behaviours;
- are located in the community;
- employ cognitive- or behaviourally based methods;
- are relatively more structured and directive in style; and
- possess high treatment integrity.

Scrutinizing the Manchester programs according to these criteria, we discovered that the more of these ingredients a program contained, the more positive outcome criteria were obtained from it. This relationship was by no means exact, but the general pattern was nevertheless clear. What we were able to conclude then, at the end of this probation evaluation, was that the factors found to be important in large-scale, wide-ranging literature surveys could be found operating at a local level within one county Probation Service.

We hope that such results will be of some interest to a wide spectrum of personnel, from practitioners and managers in agencies to researchers and policy makers alike. ■

[10] *J. McGuire, D. Broomfield, C. Robinson and B. Rowson, "Probation Evaluation Project: Research Report." Unpublished manuscript, University of Liverpool and Greater Manchester Probation Service, 1992.*

[11] *D.A. Andrews, I. Zinger, R. Hoge, J. Bonta, P. Gendreau and F. Cullen, "Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis,"* Criminology, *28 (1990): 369-404.*

[12] *M.W. Lipsey, "Juvenile Delinquency Treatment: A Meta-Analytic Inquiry into the Variability of Effects," in T.D. Cook, H. Cooper, D.S. Cordray, H. Hartmann, L.V. Hedges, R.J. Light, T.A. Louis and F. Mosteller (eds.),* Meta-Analysis for Explanation: A Casebook *(New York: Russell Sage Foundation, 1991).*

Supervise Whom? Disciplinary Offences Committed by Incarcerated Persons[1]

by Marc Ouimet[2]
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Some inmates pose a greater security risk and need closer supervision and monitoring than others. The trick is to identify these people in the general inmate population.

This article is based on research done in a provincial correctional institution (where remand and sentenced inmates are often housed together) in Quebec. In the provincial corrections system, risk management of inmates is essentially based on two models. The first model groups persons in custody on the basis of their legal status (i.e., accused or convicted). In the second model, inmates are grouped according to the level of supervision they need, maximum-, medium- or low-security supervision. Which model is most effective?

In theory, persons in custody awaiting legal proceedings should not be in contact with individuals convicted of offences under the *Criminal Code*. But when this is put into practice, remand inmates (accused persons held in custody without bail before trial) often have fewer privileges than sentenced inmates (such as access to sports activities, to educational services, to work, etc.). Also, people who have been charged but not tried yet are incarcerated with others who are often dangerous and violent.

With the risk management model that groups inmates according to the level of supervision they need, the institution is divided into two or three housing sectors with varying degrees of supervision. Inmates assigned to the maximum-security unit live under strict conditions whereas inmates housed in the minimum-security unit are able to move within the institution without having to go through control points. The latter therefore have access to the whole range of educational and recreational activities offered in a correctional institution.

The Context

Specific research on the characteristic behavioural patterns of remand and sentenced inmates is virtually non-existent. Consequently, any hypothesis on the subject presented by psychologists, psychiatrists or criminologists is pure speculation. It is our opinion that the discussion must be based on empirical evidence. The study undertook to determine if, in the correctional institution where the research took place, disciplinary offences were committed more frequently by remand inmates or by sentenced inmates.

We also considered whether disciplinary offences were more likely to occur within particular security levels. In general, criminological studies dealing with the prevalence of violent and aggressive behaviour in correctional institutions are few. But, according to a recent study,[3] the incidence of physical aggression among federal inmates is higher in medium- and high-security institutions than in minimum-security facilities.

Because of the lack of empirical research in Quebec on behavioural differences between remand inmates and sentenced inmates, we did an original survey in one of Quebec's correctional institutions. The objective of the study was to compare the differences in behaviour of remand and sentenced inmates on the basis of legal status and security classification.

Data

Data on disciplinary offences that occurred between November 1991 and August 1992 were used to analyze behavioural differences between types of inmates. To place the data in perspective, we had to have accurate estimates of the remand and sentenced populations over this same period.

Populations

To obtain reliable counts, we used the daily log listings of persons held in the institution. The logs of persons in custody in the correctional institution indicate, among other things, in which units inmates are housed and their legal status. Only inmates assigned to a cell in the correctional institution were included in the sample.

On each day during the 10-month period, there were, on average, 143 inmates in the correctional institution. Of these, approximately 28 were remand inmates who had been charged with an offence but who had not been brought to trial yet; approximately 115 were sentenced inmates. Therefore, remand inmates made up 19.2% of the population in the institution. These inmates were not evenly

[1] *This article is a summary of the following report: Marc Ouimet,* Différences comportementales entre les incarcérés-prévenus et les incarcérés-détenus à un établissement de détention du Québec. *Research report, Centre International de Criminologie Comparée, Université de Montréal, 1992.*

[2] *Marc Ouimet, Ph.D., Assistant Professor, École de criminologie, Centre International de Criminologie Comparée, Université de Montréal, Box 6128, Station A, 3150 Jean-Brillant #4079, Montreal, Quebec H3C 3J7.*

[3] *"Violence and Suicide in Canadian Institutions: Some Recent Statistics,"* Forum on Corrections Research, *4, 3 (1992), p. 4.*

represented throughout the housing units. In Sector A, where the degree of security was highest, 23% were remand inmates. In Sector B, where the degree of supervision was medium to minimal, they made up 18% of the population.

Disciplinary Offences

The variable on which this whole study rests is that of disciplinary offences. The data, taken from a list of cases submitted to the correctional facility's disciplinary board, included the date of the offence, the person's status (remand or sentenced) and the unit in which the inmate was housed. A total of 344 cases appeared on these lists from November 1991 to August 1992. After a preliminary analysis of the data, 301 cases were selected for study.

It is possible to calculate the daily probability that an inmate will be found guilty of a disciplinary offence. There were 301 cases of disciplinary offences over the 10-month period. There are about 300 days in 10 months. Therefore, about one disciplinary offence is committed on average each day. With an average population of 143 inmates, the daily probability of an inmate committing an offence is less than 1 in 100 (0.7%). Disciplinary offences are therefore fairly rare.

Type of Disciplinary Offences

Under section 35 of the Quebec Regulation on houses of detention (Règlement sur les établissements de détention du Québec), the disciplinary board must penalize inmates who commit a disciplinary offence. This regulation sets out nine types of disciplinary offences, listed in the table below along with the number of reported cases by type.

The 301 inmates who appeared before the disciplinary board committed 484 disciplinary infractions. Of these, the most common offences were: non-compliance with regulations, interference in the smooth-running of the institution, voiced threats and refusal to participate. There were 23 instances of physical violence between two inmates. The two types of disciplinary offences that occurred in less than 20 instances were not considered in the analysis of these data.

Types of Disciplinary Offences

Type	Number	Percentage
Physical violence	23	5%
Voiced threats	47	10%
Damage to property	20	4%
Refusal to participate	37	8%
Interference in the smooth-running of the institution	113	23%
Possession of a prohibited article	33	7%
Circulating a prohibited article	5	1%
Obscene conduct	4	1%
Non-compliance with regulations	202	42%
Number of individual cases:	301	
Number of offences:	484	100%

Results

Comparison Based on Legal Status

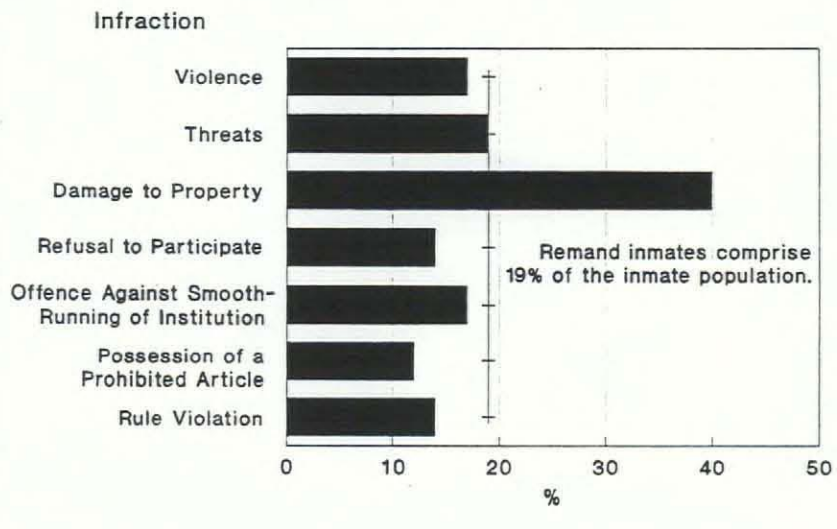
The first variable of interest was the inmate's legal status. Were remand inmates a greater security risk than sentenced offenders? The results of this analysis are illustrated in Figure 1.

In general, remand inmates committed fewer disciplinary offences than expected given their proportion in the inmate population. For instance, remand inmates made up 19% of the prison population, but they were responsible for only 14% of cases of refusal to participate and 17% of physical violence. Remand inmates committed proportionately more disciplinary offences in only one area – that of damage to property. These differences between remand inmates and sentenced inmates are not strong enough to suggest important differences in their behaviour.

Comparison Based on Security Classification

Given these results, it does not appear that an inmate's legal status is a

Figure 1
Percentage of Infractions Committed by Remand Inmates



strong factor to predict security classification. Nonetheless, it has often been used by administrative authorities in prisons and penitentiaries to classify inmates. Remand inmates are generally kept apart from sentenced inmates.

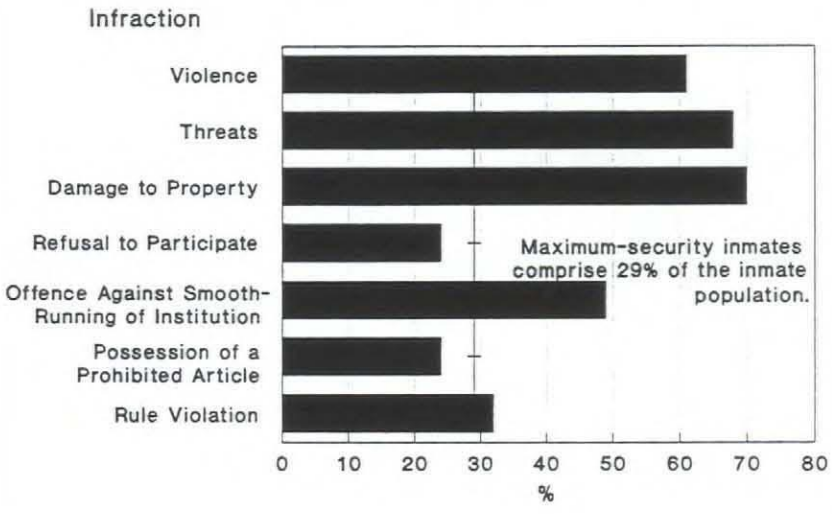
The classification system used in the institution examined in this study was based on an innovative approach which grouped inmates based on the level of supervision they needed. The degree of supervision was determined by institutional staff using various criteria such as escape risk and ability to interact adequately with others. Legal status was not considered an important factor in the evaluation process.

Inmates who needed a high level of supervision were assigned to Sector A whereas inmates who required medium or minimal supervision were housed in Sector B. The latter enjoyed greater freedom within the institution. However, the following question can legitimately be asked: Does the security classification in the institution accurately discriminate between inmates who are likely to commit a disciplinary offence and those who are not? The results of the analysis are shown in Figure 2.

Figure 2 shows that inmates housed in Sector A made up 29% of the whole population of the institution. However, these inmates were responsible for 61% of cases of physical violence, 68% of threats, 70% of damage to property and 49% of interference with the smooth-running of the institution. It would therefore seem that inmates who were placed under greater supervision were more likely than those under medium or minimal supervision to commit offences prohibited by the regulations. But, was the risk of committing an offence increased because these inmates were under greater supervision? This question remains unanswered. For now, security classification remains a more accurate predictor of misbehaviour than a person's legal status.

When more detailed analyses were done, an interesting situation emerged.

Figure 2
Percentage of Infractions Committed by Inmates in the Maximum-Security Sector



When only the high-supervision sector is analyzed, remand inmates made up 23% of the population, but were responsible for 29% of cases of physical violence, 28% of threats and 36% of damage to property. In this high-supervision unit, remand inmates committed proportionately more disciplinary offences than sentenced inmates in six (out of seven) types of offences. In summary, remand inmates held in high-security sectors displayed violent, aggressive or prohibited behaviour more often than sentenced inmates housed in these same sectors. But what about the persons incarcerated under medium and minimal supervision? Here, we see a much different situation.

In the medium- and minimum-security sector, remand inmates made up 18% of the population. However, they were not responsible for one case of physical violence, nor for any of the instances of threats or possession of a prohibited article. Also, relative to their proportion in this sector's population, they committed fewer offences of refusing to participate, interfering with the smooth-running of the institution or non-compliance with the regulations. Damage to property was the only type of disciplinary offence that remand inmates were found responsible for more often than sentenced inmates.

Conclusion

Two questions needed answering: How can we determine whether remand inmates are more unpredictable than sentenced inmates? Does the link between an inmate's legal status and the likelihood of committing a disciplinary offence change according to the person's security classification?

In this study, we have come to the following conclusions.

- Overall, remand inmates were slightly less likely than sentenced inmates to display prohibited behaviour.
- In general, persons incarcerated in the high-security sector were considerably more likely than those incarcerated in the medium- or minimum-security sector to display prohibited behaviour.
- In the high-security sector, remand inmates were more likely than sentenced inmates to commit disciplinary offences.

- In the medium- or minimum-security sector, remand inmates were less likely than sentenced inmates to display prohibited behaviour.

On the basis of these results, it appears that classifying incarcerated persons based on the level of supervision they need (as evaluated by professionals) is a far more accurate management tool than classifying by legal status.

Grouping similar inmates together has several advantages. It allows remand inmates to benefit from the full range of educational and recreational tools available in the correctional institution; it reduces the likelihood that persons with greatly varying potentials for violence and aggressiveness will be housed together; and it permits the accurate identification of inmates requiring a high degree of supervision, thus keeping the frequency of security incidents (i.e., escapes, hostage takings, assaults) to a minimum. ■

Urinalysis in Risk Management

by Charles Haskell[1]
Legal Counsel, Legal Services, Correctional Service of Canada

It is widely accepted that the use and trafficking of drugs play a part in a large proportion of criminal offences, institutional incidents and breakdowns in community supervision. The use of urinalysis to detect and deter drug use can help manage the risk that offenders present in both the institution and the community.

Urinalysis is a procedure by which a person provides a urine sample for chemical analysis to determine the presence of an intoxicant. In legal parlance, involuntary urinalysis is usually considered to be a search and seizure. It is an interference with bodily integrity, and it can be an infringement of constitutionally guaranteed rights. A demand for a urine sample is perceived by the courts as an intrusive means of exercising authority over an individual. Therefore, challenges to legislation authorizing such measures in the workplace and in the management of offenders are expected to be based on sections 7 and 8 of the Canadian Charter of Rights and Freedoms, *which guarantee the security of a person and protection from unreasonable search.*

Given the potential legal impact to the urinalysis program in corrections, it is critical that decision makers in the correctional system be aware of the proper procedures and circumstances for the use of urinalysis in managing risk.

Legal Background

In 1985, the *Regulations* made pursuant to the *Penitentiary Act* provided the means to demand a urine sample from an inmate for analysis, but the program was curtailed after the Federal Court and the Quebec Superior Court ruled that important features of the law were unconstitutional.[2] The regulation enabled staff members to demand a sample whenever they considered it "necessary" to detect an intoxicant. The provision was worded too broadly and thus did not ensure that staff members used their authority reasonably. The courts concluded that it infringed legal rights under sections 7 and 8 of the *Charter*. The law failed to include adequate standards, criteria or circumstances governing its use to comply with the principles of fundamental justice.[3]

If a breach of an individual's *Charter* right is found to have occurred under the authority of a written law, the court considers whether or not the provision can be sustained under section 1 of the *Charter* as a "limit" on individual rights that is both reasonable and justified in a free and democratic society. To succeed on this point, it must be established that:

- the objective to be served by the limitation is sufficiently important that it warrants overriding a protected right; and
- the means adopted are proportionate, i.e., carefully designed to achieve the objective in question, impair the right as little as possible and maintain a balance between the effects of the measures and the objective.[4]

After establishing that the objective of reducing the impact of drugs is sufficiently important to infringe an individual's right to security, it must then be shown that the urinalysis provisions are a fair and proper means to reach the objective. "A search will be reasonable if it is authorized by law, if the law itself is reasonable and if the manner in which the search was carried out is reasonable."[5] The

[1] *Charles Haskell, Legal Counsel, Legal Services, Correctional Service of Canada, 4A – 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9.*

[2] Jackson v. Disciplinary Tribunal, Joyceville Penitentiary et al., *[1990], 55 C.C.C. (3d) 50 (F.C.T.D.), and* Dion v. The Attorney General of Canada et al., *[1986] R.J.Q. 2196, a decision largely upheld by the Quebec Court of Appeal.*

[3] *In the unreported* Cruikshanks *decision from the British Columbia Court of Appeal in July 1992, the National Parole Board's authority under section 16 of the* Parole Act *to impose a condition requiring urinalysis "on demand" was effectively curtailed for the same reasons as in* Jackson, ibid.

[4] *As outlined by Mr. Chief Justice Dickson in* R. v. Oakes *(1986), 24 C.C.C. (3d) 321 (S.C.C.) at p. 348.*

[5] *Mr. Justice Lamer, as he then was, speaking for the majority of the Supreme Court of Canada in regard to section 8 of the* Charter *in* R. v. Collins *(1987), 33 C.C.C. (3d) 1 at p. 14.*

The principles of procedural fairness and fair decision making are prerequisites for a reasonable scheme within which an intrusive activity like urinalysis can be justified.

Corrections and Conditional Release Act, and its subordinate *Regulations*, both proclaimed in force 1 November 1992, provide a reasonable framework for a measured response to the problem. However, fairness in implementation remains the key to the program's legitimacy.

General Framework

The present state of the law provides five ways to use urinalysis in the management of offenders:

1. through voluntary or consensual testing, such as that being done in some facilities or programs where it may be a clearly defined and explained precondition for admission, and where potential consequences for a positive sample are prescribed by the facility or program;[6]
2. following a demand on an inmate based on reasonable grounds to believe that the inmate has taken an intoxicant into his or her body **and** that a urine sample is necessary to provide evidence of that offence **and** that prior authorization is given by the institutional head;
3. without individualized grounds, as part of a random selection program provided for in the *Regulations*;
4. as a requirement for participation in a program or activity involving community contact, or in a substance abuse treatment program; and/or
5. either once or at regular intervals to monitor compliance with a release condition of abstinence from alcohol or drugs.[7]

Each of these rationales is based on fundamental and widely accepted principles of due process and fairness. They combine various principles of procedural fairness (such as adequate notice, proper disclosure, opportunity to make representations, prior authorization in particular cases, etc.) with various aspects of fair decision making (such as equality, consistency, objectivity, etc.). These principles of procedural fairness and fair decision making are prerequisites for a reasonable scheme within which an intrusive activity like urinalysis can be justified.

It is fair to make preconditions (e.g., that a person be drug-free) for voluntary involvement in a program or activity from which a benefit may accrue (numbers 1 and 4).

In certain situations where a person is apparently or probably acting "criminally," the law allows for encroachments on legal rights as long as the full range of procedural safeguards exists (number 2).

The fairness in random selection is inherent in the process (number 3). It is the same as a lottery except instead of being chosen out of those who bought 6/49 tickets, the group consists of those convicted of criminal conduct and sentenced to a penitentiary. Random selection from that group is fair, since society accepts the notion of free will with its attendant individual responsibility for choices made, i.e., they bought their ticket – they committed their crime.

Finally, during the full sentence imposed by a court, any release from confinement is conditional. It is fair to expect increased responsibility with loosened control and therefore appropriate to check or monitor behaviour that has been determined by a releasing decision maker to be a potentially significant risk to the community (number 5).

Urinalysis on Conditional Release

Urinalysis can be a very appealing tool for managing risk in the community. It promises to provide a "scientific" measure of performance. It is easy to assess the results. The case supervisor can supposedly objectively determine whether or not there has been compliance with an abstinence condition on the release.

It may seem that the only concerns are ensuring the integrity of the sample, the reliability of the test results and the comprehensiveness of the testing. Offenders check in for a periodic test and they either pass or fail, an intoxicant is either present or absent. A scientific instrument does all the work.

Urinalysis is merely a tool that can sometimes be useful. Its use must be carefully prescribed.

Urinalysis seems to take the judgment out of risk management related to substance abuse in the community. However, this view is simplistic. It distorts the reality of conditional release and supervision. A number of potential and real concerns related to the procedures and process need to be addressed.

Urinalysis is merely a tool that can sometimes be useful. Its use must be carefully prescribed to ensure that both supervisors and offenders keep it in proper perspective. Whenever an abstinence condition is imposed on a release, the decision maker has found the grounds to conclude reasonably that this condition is necessary for the protection of society **and** to facilitate

[6] *Thousands of voluntary tests have been conducted yearly on this basis because it remains the best way for an offender to answer a supervisor's suspicion.*

[7] *Sections 54 through 57 of the* Corrections and Conditional Release Act *and sections 60 through 72 of the* Regulations *provide the legislative framework upon which Commissioner's Directives are issued to provide procedural guidelines for implementation of the program.*

the successful reintegration of the offender.[8] However, among offenders with an abstinence condition, the nature and degree of seriousness of their risk, and the factors that tend to increase or decrease that risk, vary widely. The art of supervision lies in the supervisor's ability to appreciate an offender's individual characteristics and to respond appropriately to support and protect both the offender and the community. Only in that context will urinalysis be truly useful.

The supervisor needs to become aware of the limitations of urinalysis before any constructive use of it can occur.

Monitoring Compliance

In the *Regulations*, the factors to be considered in determining the frequency of testing[9] make it clear that supervisors must continue to exercise discretion, to use judgment and common sense in a professional and practical way. Urinalysis done at scheduled intervals can maintain the focus of supervision and provide a tangible record of compliance or non-compliance. Positive samples may not lead automatically to suspension of release, and clean samples do not guarantee continuation of release. When a supervisor wants to deviate from a set schedule of intervals, a demand for urinalysis may be made at once, according to section 55 of the *Act*. Special care needs to be taken to be fair and reasonable in the exercise of this authority.

The best course to follow is only to resort to its use when there are "reasonable grounds" to believe that the offender is breaching the abstinence condition **and** a urine sample will provide evidence of the breach **and** prior authorization is obtained. The dilemma here is that, if such reasonable grounds exist, then there may be no need for a test to justify suspension of the release or other less-severe response. If the offender persistently denies using intoxicants in the face of reasonable grounds to believe otherwise, then urinalysis may help resolve the inconsistency.

On the other hand, the delay inherent in the testing procedure may create a difficult situation if the offender reacts irresponsibly before the test results are received. As well, only selected drugs are targetted in the testing and a positive result is only found when a certain amount of a particular drug is present. Therefore, some offenders may get a negative result when they have, in fact, used some amount of drugs. The supervisor needs to become aware of the limitations of urinalysis before any constructive use of it can occur.

Maintaining appropriate standards, criteria and circumstances for the use of urinalysis on a one-time or at-once basis provides the best argument for the fairness and reasonableness of the program. Individualized **suspicion**, short of reasonable grounds, may warrant further investigation, but clearly does not provide the basis for an intrusive search. No fair decision maker, in the normal course of exercising discretion in relation to liberty interests, should rely on whim, rumour or mere suspicion.

Urinalysis is no panacea for the dilemmas encountered during risk management in the community.

Conclusion

Urinalysis is no panacea for the dilemmas encountered during risk management in the community. Its legitimate use requires fairness and balance. The procedures are not incorruptible. The process is not a suitable replacement for the professional supervisor's careful attention to individual circumstances. Urinalysis can assist the supervisor in appropriate cases at appropriate times as a complementary means to monitor and document behaviour. A more realistic perspective on the uses of urinalysis then opens up the possibilities for more creative and constructive risk management. ■

[8] *These are the National Parole Board's criteria for imposing conditions, pursuant to section 133(3) of the* Corrections and Conditional Release Act.

[9] *Section 65(2) of the* Regulations *lists the factors as: (a) the offender's record of substance abuse (elsewhere defined as having been convicted of the disciplinary offence under section 40(k) – taking an intoxicant); (b) offences committed by the offender that were linked to substance abuse and for which the offender has been found guilty; (c) the offender's ability to rehabilitate and reintegrate into the community, taking into account the offender's behavioural and emotional stability; and (d) the program and treatment needs of the offender.*

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R-20: Background to the Staff Commitment Research Project, by D. Robinson, L. Simourd and F. Porporino.

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