

When the risks become reality: Messages for practitioners and researchers from national investigations

*Corrections involves the management of risk. As in any enterprise where there are risks, sometimes things go wrong. Unfortunately, in our business, the costs of something going wrong can be enormous. Sometimes, despite our best efforts, offenders commit serious violent offences when they get out while they are under our supervision.*

*The Correctional Service of Canada sees it as its responsibility to examine these cases in detail, to learn what it can from how these offenders, and the risks they posed, were managed and to share the lessons that are ultimately learned in the hopes of reducing the risk of future tragedies.*

*In this article, we share what we learned from 32 national investigations over a two-year period into serious violence offences, mainly murder, committed by federal offenders on some form of conditional release.*

National investigations are used only in the most serious of circumstances, when a very serious incident occurs - either in an institution or in the community - involving an offender under the jurisdiction of the Correctional Service of Canada. National boards of investigation are convened by, and report to, the Commissioner and include an outside community representative as a member of the board.

The last two fiscal years (1994/95 and 1995/96) saw 32 national investigations into incidents occurring in the community. Almost all of these cases involved an offender on some form of conditional release being charged with murder.

We analyzed the findings and recommendations of these national investigations to identify the recurring problems. This article discusses what we found. Our hope is that our analysis may help practitioners do their work more effectively. At the same time, it may underscore for researchers that the best intentions still require follow-through. And don't be fooled into thinking that this article is only relevant to those who work with offenders in the community - all of our community cases get their start inside.

Our focus

The goal in corrections is to reduce the risk posed by offenders. Simply put, successful correctional planning for safe reintegration depends on the accurate identification of the criminogenic needs of individual offenders and ensuring that we respond to those needs with relevant program opportunities. But we cannot hope to assess accurately the risk posed by an offender and manage that risk safely without having appropriately handled and communicated information about that offender. Information is key to risk assessment and management. This is the framework within which we have organized our thoughts.

This article is based on a larger report available from the Investigations Division of the Correctional Service of Canada. We focus here on the findings of our analysis that have lessons for both practitioners

and researchers. The lessons show that despite, and indeed perhaps because of, significant advances made in correctional research on the terrain of correctional operations - in the assessment tools available for practitioners, in the programs available for offenders and in practitioners' use of research jargon - some of the messages have been lost or misconstrued.

Could the tragedies have been prevented?

It is important to state right from the beginning that in none of the 32 investigations we studied did we find that if staff had noticed "this" and done "that," the incident (e.g., the murder) would have been prevented.

Furthermore, when an investigation did uncover a problem in the way a case was handled, that problem was not usually in and of itself causal; rather, in combination with other problems or situations, it contributed to (as opposed to caused) the undesired result.

These two points should be kept in mind as you read this article. Otherwise, you may overestimate the gravity of the problems we will be describing.

Risky information

Our national investigations tell us time and again that:

- We can't analyze information that isn't there.
- We can't afford to overlook information that is there.
- When it is there, we have to evaluate the information before we analyze it.
- Analyzing information is more difficult than it sounds.

What you don't know can hurt you

When an offender begins a sentence, the main problem right from the start, according to our investigations, is an absence of relevant file information, which leads to an incomplete history on an offender. The "missing" information includes reports from the police and the courts; information related to withdrawn charges, stayed proceedings and charges reduced as a result of plea bargaining; provincial and juvenile records; psychological or psychiatric assessments; and information related to the victims of an offender's crimes and the impact of their victimization. All this information may have something to contribute to our knowledge of an offender's criminal history. Without an accurate criminal history, our assessment of the risk posed by an offender, of that offender's needs and of the management strategies required may be flawed.

Illustrating this point, we had the case of an offender who had had two previous charges for attempted murder stayed because the witnesses had failed to appear in court. There was also a third charge of

attempted murder, but it had been plea bargained down to assault. Until the offender was charged with murder while on statutory release, the case was managed essentially as that of a property offender.

As the offender moves through the system, there is often an overreliance on self-reported information, according to our investigations. The problem here is that we do not attempt to verify the information provided by the offender. Many years later, this self-reported information ends up being interpreted as true, with the assumption that if there was any question about the reliability of the information, someone would have checked it long ago.

### Seeing through the fog

In our investigations, we find one single recurring theme when it comes to collating information: our files are fragmented and cumbersome, particularly with long-term offenders.

The dilemma is that, in planning for reintegration as well as in assessing risk, we cannot afford to overlook information. On the other hand, the sheer volume and repetitive nature of the files, particularly for long-term offenders, presents a challenge.

***A reminder ...** In case this article is beginning to look like just another diatribe on how we need to do things better, we thought we should remind you what we're talking about. These are not merely helpful hints based on some textbook about proper risk assessment and management. These messages come from real-life cases where an offender on conditional release, while under our supervision, took someone else's life or committed another serious violent offence. We owe it to the victims and the victims' families and to ourselves to learn what we can from these cases. Okay, back to the story ...*

Where did you get this anyway?

Before we analyze the information that we do have, we need to evaluate its accuracy. Why would we want to analyze less than quality information? At best, it is a waste of time. At worst, it leads to bad decisions.

Some investigations have found that "need" or "treatment" concepts formulated earlier in the correctional process were repeated throughout the offender's file and throughout our management of the offender with no attempt to evaluate whether they were still relevant. This is facilitated by technology; anyone who works with a computer knows how tempting it can be simply to cut and paste parts of previous reports.

Additionally, we found a failure to resolve various discrepancies in file information, such as differing professional opinions. It is interesting that investigations generally find that we do reasonably well at initially identifying the criminogenic needs of individual offenders with the information that we have available. When we do not do well in identifying needs, it is most often as a result of conflicting advice from professionals.

A number of investigations have also underscored the problem of having on file differing Statistical Information on Recidivism (SIR) Scale scores when different people draw different conclusions processing the same data.

The failure to resolve discrepancies or inconsistencies in information enables a "shopping for positives" to take place or the filtering out of information that does not suit a preconceived purpose and the selective presentation of the preferred results to decision makers. This is a surprisingly common theme in our investigations and is closely associated with a perception among some staff that corporate pressure to release offenders (to decrease the carceral population and use the least restrictive option) dominates the need to assess their risk. Our investigations found several examples of the focus being on release at the expense of assessing risk. In one case, when concerns about an offender's release were raised in a negative community assessment, the response was to seek support in another community rather than assess the validity and implications of the concerns raised.

Several investigations have also found weaknesses in the calculation of SIR Scale scores, including scores based on incomplete file information, incorrect scoring compounded by a lack of quality control of scoring and inaccurate scores which generally underestimate risk.

Many investigations have also raised concerns about how SIR Scale scores are interpreted. We often see the statement in offender files that a particular score suggests that "one of two offenders with such a score will succeed" rather than the interpretation that "one of two offenders with such a score will recidivate." Some boards of investigation have stated that it is inappropriate to focus on the "one of two will succeed" when you are specifically assessing the risk of a negative outcome.

In other cases, little importance was placed on the score. On this point, one investigation recommended that case managers and decision makers be required to explain their reasoning when their recommendations or decisions varied with the assessment of risk indicated by the results of a SIR assessment.

What does all this mean, anyway?

What is analysis? This is an important question because the ability to analyze information is critical to the ability to manage offenders, particularly violent ones. Those who are responsible for offenders are required to make sense of a myriad of information about that offender, to sift through all the information and pull out the key messages that will enable that person to determine the risk posed by the offender and the management strategies required as well as the needs of the offender and the interventions required.

One problem with our analysis of information may be described as "pop" offender management. In one case, the concept of "burn out" was introduced, erroneously, early during treatment. This theme was repeated several times during the management of the case with no attempt to validate it, to the point where it ended up driving prerelease planning.

The core correctional programs of the Correctional Service of Canada have been considered to be state-of-the-art by many correctional experts and jurisdictions. Unfortunately, a number of our investigations have shown that we have not done as well at demonstrating to our staff how they should analyze the impact of these programs at the individual level.

The main problem seems to be a lack of useful feedback on whether program participation was a success or failure in individual cases. Many investigation reports have described a lack of analysis in our files on the impact program participation had on offenders, particularly in terms of their risk and criminogenic needs. These reports have pointed out that statements to the effect that an offender "attended all 12 sessions of the program and was co-operative during class" provide little useful information on whether the program addressed or reduced the offender's criminogenic needs and risk level.

Investigations have also found problems with the quality and extent of analysis in progress summaries, which are reports prepared for decision-making purposes summarizing an offender's history, critical needs and the progress made to date to address those needs (including program participation). One of the main problems noted by investigations has been the superficiality of the analysis contained in some progress summaries. The criticisms have been insufficient discussion or analysis of the dynamics of offenders' previous conditional releases; insufficient detail concerning institutional programming successes or failures; incomplete analysis of "risk" in the appraisal portion of the progress summary; and no discussion of how the critical factors identified in psychological assessments could be effectively managed in the community.

These weaknesses all relate to an inability or a hesitation to take available information and pull it one step further into meaningful messages - to analyze information effectively.

### Points to ponder

Throughout the late 1980s and the 1990s, research advanced quite quickly into the world of correctional operations, coming up with tools for the assessment of risk, tools for the assessment of needs, and programs or interventions to address risk and needs. Language that typically belonged only in journals now frequently appears in progress summaries completed by case management officers.

Some of the lessons from our national investigations, however, teach us that the marriage between research and operations has not been an easy one and that some of the bonding is not yet complete. As mechanisms to increase this bonding, some investigations have recommended refresher training for staff on how to complete and analyze accurately the results of the assessment tools used. They have also recommended training to assist decision makers and case managers in the interpretation and application of relevant information contained in psychological or psychiatric reports and assessments. Other investigations have pointed to the need for stronger quality-control mechanisms to ensure that meaningful and complete progress summaries and program reports are being prepared.

Perhaps the solutions lie elsewhere. It is not our place to guess what they are or where they might be; it is

our place to learn from our investigations and to share the lessons learned with our staff and managers. We hope you have gained something from our experience.

---

1. Tanya Nouwens Gurberg may be reached at Leclerc Institution, Quebec Region, Correctional Service of Canada, 400 Montée Saint-François, City of Laval, Quebec, H7C 1S7. Jim Vantour is Manager of the Investigations Division, National Headquarters, Correctional Service of Canada, 340 Laurier Avenue West, 5-B, Ottawa, Ontario, K1A 0P9. Richard Christy is at National Headquarters, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9.