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## Risky Business: An Examination of Probation Officers' Attitudes towards Risk Assessment

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**Risky Business: An Examination of Probation Officers' Attitudes towards Risk Assessment**

A dissertation submitted to the Dublin Institute of Technology in part fulfillment of the requirements for the award of Master ( M.A.) in Criminology.

By

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September 2008

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**Declaration**

I hereby certify that the material submitted in this dissertation in part fulfillment for the award of Masters in Criminology is entirely my own work and has not been submitted for any academic assessment other than part fulfillment of the above award.

Signature of Candidate:-----

Date:

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## **ABSTRACT**

Over the past ten years, the concept of risk has moved to centre stage in criminological spheres. Risk assessment and the concern for effective management of offenders while safe guarding public safety has become a core issue for criminal justice agencies. This research focuses on risk assessment and probation practice in Ireland. In particular, the attitudes of practicing basic grade probation officers' working on adult community teams in Dublin are examined to gain insight into the complexities experienced by probation officers. Specifically, the research aims to highlight the consequences of adopting standardised risk tools on probation practice. The research discusses current theoretical arguments on the influence of risk in criminal justice and outlines the impact of risk discourse on probation practice in Ireland and elsewhere. Using a mix of qualitative and quantitative methods of data collection, probation officers' attitudes are examined and presented thematically in order to highlight key issues facing probation officers when making risk decisions. The findings identify positive and negative consequences of adopting risk tools and points to the continued salience of clinical judgement over actuarial methods of risk assessment. It is argued that due to a lack of information and inadequate training, probation officers are placed in positions of failure. It is suggested that in order to improve accountability and credibility of the probation service, defensible decisions regarding risk assessment are paramount.

**CHAPTER 1**  
**INTRODUCTION**



## CHAPTER 1 INTRODUCTION:

### **1.1. Research Context**

Risk assessment is an exercise in predicting the likelihood that an event, loss, harm or behaviour will occur in the future. Therefore, unless one has psychic powers to forecast the future, risk assessment is a messy and highly fallible exercise (Brearley, C.P, 1982). The task of foretelling the likelihood that an event will happen in the future is not a new phenomenon. Predicting future behaviour has preoccupied practitioners working with mentally ill and violent offenders for many years. Nonetheless, perusal of criminological literature demonstrates the increasing presence of the concept of risk, in particular, concentration on risk perception, distribution and management (Kemshall, 1996). The ascendancy of risk in criminological theorising occurred in the United Kingdom in the 1980s, following the period known as a “crisis of penal modernism” (Robinson. G. 2002). As a consequence of the 'nothing works' era ( Martinson: 1974), when disillusionment about rehabilitation of offenders prevailed, the foundations for a distinct transformation in criminological theory were laid.

In Ireland, the probation service evolved from a mainly philanthropic agency to a professional social work agency within criminal justice. Traditionally, the probation service staunchly protected the 'rehabilitative ideal' and focussed on the welfare of individuals who came into conflict with the law. However, more recently, concerns for accountability, value for money and management of those deemed 'risky' has contributed to an ideological shift from rehabilitation and welfare to risk assessment and offender management. This transformation is referred to as 'the new penology' as coined by Feely and Simon (1994). While the distinct contours of the new penology are less conspicuous in Ireland at this juncture, the introduction of a standardised risk assessment instrument in 2004 ( Level of Service Inventory- Revised) heralded the prioritisation of risk in probation practice. Moreover, the demise of the traditional case work approach to working with offenders, in favour of “What Works”, signalled the emergence of risk a dominant principle guiding all intervention with offenders in Ireland. Thus, accurate assessment of risk and risk management has become a pivotal concern for practitioners. With this in mind, the research questions are outlined

below.

## **1.2. Research Questions:**

- ⌘ What are probation officers' attitudes toward risk assessment?
- ⌘ What are the advantages and disadvantages of standardised risk tools?

## **1.3. Research Aims**

This research aims to examine probation officers' attitudes towards risk assessment. In particular, the research focuses on the consequences of adopting standardised risk tools on probation practice. In Ireland, there is lack of research regarding risk assessment and no research has been carried out on the consequences of risk tools for probation officers, offenders and the community. It is envisaged that this study will provide a basis for developing a best practice framework for risk assessment.

## **1.4. Limitations**

The research has two main limitations. Firstly, it is representative of Dublin based probation officers only and secondly, it does not represent the attitudes of probation officers working outside Dublin. Future research to explore national attitudes would be beneficial.

## **1.5. Chapter Overview**

Chapter 2 ( Literature Review) outlines the development of the shift from penal welfarism to a mode of governance that displaces individual rehabilitation and places risk assessment and the concern for managerial goals at its core. Feely and Simon's ( 1994) “ new penology”, its defining features are reviewed and its impact on criminal justice in Ireland and elsewhere is documented. The new penology is pertinent to this study as it embraces risk assessment and transforms how criminal justice agencies respond to offenders. The influence of risk on probation practice is discussed in particular the consequences of risk tools on practice.

Chapter 3 ( Methodology) documents how the research was carried out and discusses ethical and access issues. Chapter 4 (Presentation of Findings) presents the research findings in detail and Chapter 5 ( Discussion) develops core themes and findings in the context of current theoretical discourse. Chapter 6 ( Conclusion and Recommendations) summarises the main points of the study

and identifies a number of recommendations.

It is important to note that the researcher is a probation officer and regularly faces the task of decision making that affects offenders' futures. Determining whether an offender poses a risk to the public is an exercise in prediction. Complex decisions are made based on information gathered at the pre-sentence stage. These decisions can influence the length and nature of the criminal sanction. It is suggested that probation services are enmeshed in the purported shift from 'old' to 'new penology' and therefore, defensible risk decisions are an integral component in the delivery of criminal justice for offenders and the community.

**CHAPTER 11**  
**LITERATURE REVIEW**

## CHAPTER 11

### LITERATURE REVIEW

#### **2.1.Risk and Criminal Justice:**

*“It is now possible to contend that we live in a risk society. There is a drift in the public agenda away from economic inequality to the distribution and control of risk. The values of the unsafe society displace those of the unequal society” (Ericson, V.R and Carriere, K. 1994 in Hudson, B, 2003: 43)*

The above quote reflects arguments made by Beck (1992) and Giddens (1990), who propose that we are now living in a risk society and an era of aggressive individualism. Our attention is increasingly drawn to dangers that threaten us, including those which emanate from criminal acts from which we must feel protected. Safeguarding non offenders from offenders in a society where crime is a given, has developed into a sophisticated system of risk identification and risk control. Over the last thirty years, transformations in economic and social policy have punctuated criminal justice spheres resulting in a pre-occupation with risk (Hudson 2003). Hence, criminologists are increasingly concerned with risk assessment and the consequences of adopting new risk based techniques in criminal justice.

Criminal sanction has several aims; retribution, deterrence, incapacitation and rehabilitation. However the criminal justice system's primary goal is crime reduction ( Hudson 2003). In criminology, risk refers to probability of harm and pertains to managing crime through official discourses and risk technologies. This approach to crime management is known as 'actuarial justice'. The term actuarial justice was coined by Feely and Simon(1994) and refers the displacement of individually based justice to decision making based on statistical calculation of risk of re-offending (O'Malley, 2006). Therefore, identifying who is likely to cause crime has escalated on the criminal justice agenda. . Risk assessment in criminal justice is a balancing act, weighing the rights of the offender against the rights of the victim. For example, decisions regarding temporary release and prison transfer are made following consideration of risk of re-offending(Hudson, B, 2003). Risk management discourse accepts that risk is inevitable and cannot be eliminated; however it aims to keep potential dangers at a reasonable level.

In the post welfare state era, significant changes in how we think about crime has occurred. Crime is no longer associated with individual pathology. Echoing rational choice theory, crime is viewed as normal, and offenders are perceived to be motivated by the same impulses as non offenders. The shift away from concerns for offenders to a concern for the cost of crime entails a change in perception of crime - from retrospective to prospective crime (Zedner, L. 2004). The transformation from 'old penology' with its overarching aims of individual welfare and rehabilitation, to what Feely and Simon (1994) term 'new penology', where statistical calculation of risk ( actuarial justice) is prioritised, sewed the seeds for risk assessment to take root within criminal justice spheres. According to Feely and Simon (1999), the new penology is “*concerned with techniques for identifying, classifying and managing groups*”(Feely and Simon 1999:29). The hallmark of the 'old penology' is individual responses to offenders based on their moral worth.

Feely and Simon(1994) assert that the new penology's objective is to identify potentially risky groups with the goal of managing rather than rehabilitating offenders. Within this paradigm, they argue that community sanctions are not rehabilitative. Rather,“ *they function as methods of control over low risk offenders for whom the more secure forms of custody are judged too expensive or unnecessary*” ( Feely, M and Simon, J, in Mc Laughlin, E, Muncie, J and Hughes, G, 2006 :439).The old penology's attempts to 'cure' offenders is directly challenged. Within the new penology, the effectiveness of punishment is scrutinized and the cost of punishment is calculated against the cost of crime prevention. Zedner (2004) claims that:

*“the consequence is profound changes in the governance of crime, changes that include the rise of statistical risk assessment, prudential strategies and social and situational crime prevention”*( Zedner, L. 2004 : 284)

Risk assessment is intrinsically linked to situational crime prevention which has enjoyed prominence in neo liberal governments. O' Malley ( 2003) argues that situational crime prevention is “ *quintessentially actuarial. It deals hardly at all with individual offenders ... its concern is with crime control and risk management*” . Hence, rational choice theory is favoured which purports that man is free to act, weighing up the benefits and costs of crime.

This new discourse emphasised incapacitation and therefore placed risk at centre stage. According to Pratt (1998):

*“the collapse of faith in the ability of welfare experts to manage the crime problem, the growth of computer technology, the reification of life, the sensitivity to conduct*

*endangering it, converge to make actuarial power appear to have the solution to the problem of crime prediction and management” ( Pratt, J, in O' Malley, P.1998:322)*

O' Malley (1995) notes that the risk society's emphasis on risk avoidance and risk control indicates a retreat from social solidarity and shared responsibility for risk. Hudson ( 2003) argues that modernity has witnessed the pursuance of public safety objectives “*in a context of risk intolerance and a culture of individual blame*” ( Hudson, B.2003 :52). Hence, the collective responsibility for risk has been dispensed off in favour of a pronounced individualism. Indeed, O' Malley (2003), suggests that risk discourse goes beyond criminal justice and comments that risk management and crime prevention is influencing social and commercial planning. For example, house design, shopping centre design and new developments known as “gated communities”.

Considering that criminal justice agencies are charged with responsibility for managing those who have transgressed the boundaries of law, strategies that determine who is risky have begun to dominate penal policy in Britain and to a lesser extent in Ireland. This defensive orientation means that risk assessment is pivotal concern for modern criminal justice agencies.

#### **(a) Influences of New Penology in Britain and Elsewhere :**

Simon (1998) asserts that recent legislative initiatives in the United States such as Megan's Law, target sub populations that are based on statistical calculations and recidivist rates. For example those labelled as sex offenders are identified by Megan's Law as the target for the legislation Thus, individual assessment of each case is disregarded by such legislation. Over the past number of years, the British government has introduced a plethora of legislation to safeguard against risk. Some examples are the implementation of the controversial Anti Terrorism legislation, Anti Social Behaviour Orders and a range of civil orders designed to govern behaviour such as Hooligan Orders and Acceptable Behaviour Orders. Electronic tagging has been adopted in Australia, Canada, England and Wales. In England, tagging is mainly used for offenders deemed 'persistent' or 'high risk' as an alternative to costly custodial sentences. Tagging is a concrete example of Cohen's (1958) 'dispersal of discipline' concept where restrictions of liberty associated with prison, extend beyond prison walls into the community.

#### **(b)The Irish Situation:**

In Ireland, evidence of the shift from old to new penology is less visible. Indeed, it would be misleading to argue that Irish criminal justice policy has developed the distinct contours of the new penology. In the absence of statistical data on crime in Ireland, undiluted actuarial criminal justice

could not be implemented at this juncture. Nonetheless, there is evidence of the influence of risk discourse emerging in penal policy and in recent legislation. There have been a number of important amendments to criminal justice legislation over the past ten years. In 1997, the Bail Laws were “reformed” to incorporate risk of re-offending as a ground for denying bail and so prediction, based on previous record of conviction, was enshrined in law.

The requirements for monitoring and registration of sex offenders under the Sex Offender Act 2001, echoes Garland's *culture of control* as the monitoring and control of sex offenders extends from custody to community. The Sex Offender Act 2001 placed statutory responsibility on the probation service for the post release supervision of sex offenders convicted under the act. The sentencing judge must now consider whether a sex offender requires post release supervision. O'Malley ( 2006) suggests that legislation regarding sex offenders emanated “*out of community pressure rather than sound foundations in actuarial evidence*” ( O'Malley, 2006, in Mc McLaughlin and Muncie, 2006: 364).

In 2006, a range of new civil orders pertaining to *anti-social behaviour* were created under the Criminal Justice Act 2006 called “civil orders” and “behaviour orders”( the latter apply to children).Section 115 of the Act stipulates that a person can be made subject to such an order if anti-social behaviour is established on the civil standard of proof. Hence, the burden of meeting the criminal proof is eliminated. This measure is largely preventative and concerns regarding net widening (i.e. drawing more subjects into the criminal justice system) have been expressed (O'Malley, 2006)

Further evidence of the influence of risk in Ireland is provided by the imposition of post release supervision attached to part suspended sentences imposed under the Criminal Justice Act 2006. It is commonplace for courts to combine custody with supervision when imposing sentences in the Circuit Criminal Court. Thus, the extension of control from prison to community is evident.

## **2.2.The Consequences of Risk Discourse**

As risk discourse became prominent in criminal justice spheres, risk assessment was lauded as impartial and objective as it offered standardisation of assessment processes and outcomes. Prior to the implementation of standardised risk tools, a belief that traditional case work in probation led to subjective and unreliable assessment prevailed( Fitzgibbon 2007) Proponents of the new risk strategies which focus on dynamic and static factors argue that the potential for false positives is



eliminated. For example, when a person is predicted to re-offend and they do not. These new tools assess dynamic factors that are amenable to change. Offenders' needs are highlighted and addressed through supervision, leading to an improvement in offenders' lives and a reduction in risk of re-conviction (Raynor and Vanstone, 2002). Thus, the risk/need tools identify potential for rehabilitation, reflecting elements of penal welfarism. However, Hudson (2003:49) proposes that the new assessment tools that claim to incorporate the clinical with the actuarial, are in fact, actuarial assessments as “*they are using descriptions of characteristics of populations of offenders to predict the likelihood of re-offending of individual offenders*”.

Standardised tools claim to offer a less moralistic attitude to the assessment of offenders. However, Zedner (2004) rejects this claim and asserts that recent criminal justice policy has not moved “*one iota away from the idea that offenders are distinct, dangerous, and to be demonized*”.

O' Malley (2006) highlights the potential for net-widening as those who meet certain characteristics of risky groups are targeted. Foucauldian influences can be observed with the emerging focus on risk as risk analysis fits Foucault's (1977) concept of the “*examination and normalising gaze*”.

Worrall and Hoy (2005) assert that risk techniques are essentially methods of control as they

*“place offenders in pre-conceived categories which trigger particular responses – a sophisticated way of distinguishing between the deserving and the undeserving”* (Worrall, A. and Hoy, C. 2005: 102).

Raynor and Vanstone (2002) note that risk/need tools can lead to misclassification of female offenders and members of ethnic minorities as the risk factors used to assess offenders are based on white male populations. In addition, serious concerns have been expressed about the danger of increasing coercive control of the poor as adverse social and environmental factors are thought to increase risk.

Kemshall (1995:68) cautiously advises that there are implications for significant groups in society “*if centrally imposed classifications of who and what are risky are accepted uncritically*”.

Fitzgibbon's (2007) research on the impact of risk/need assessment tools on probation practice in England, indicates that poor resources within the probation service resulted in an over-prediction of risk. Fitzgibbon highlights that inexperienced or over worked practitioners can mishandle risk tools, resulting in risk inflation. She argues that if risk tools are badly implemented, the likely consequences are “*the increasing consignment of wide sections of the poor to the category of the*

*dangerous and risky*”(Fitzgibbon, W. 2007:95).

Considering the concerns raised above, it is clear that adapting a risk approach to criminal justice is fraught with profound consequences for those who are the focus of the assessment. Thus, the most appropriate approach is a cautious one where clinical and actuarial techniques are balanced. It may be that as Hudson ( 2003) suggests, the best way to safeguard against false positives and net widening is to invoke the principle of proportionality in sentencing, thus reducing the potential for mass classification of groups.

### **2.3.Risk and Probation Practice**

The probation service has been making decisions about offenders since its inception under the Probation of Offenders Act 1907. The Probation Service is the lead agency in the assessment of offenders on behalf of the criminal courts in Ireland. The probation service aims to deliver services that protect the public by reducing re-offending ( Probation Annual Report 2007). Taking these aims into consideration, risk assessment commands particular attention.

#### **(a)Developments in Britain:**

The 1970s witnessed widespread pessimism regarding rehabilitation in Britain. Martinson's (1974) article titled “*What Works?: Questions and answers about prison reform*” heralded the demise of rehabilitative idealism. Martinson's comments gained notoriety and soon became known as “nothing works” with offenders. While Martinson later revised his comments regarding the effectiveness of penal programmes, pessimism persisted. (Mc Guire and Priestly, 2001) The political climate underwent a process of transition in the 1980s from interventionist welfare orientated social policy to a new conservatism which advocated rolling back the welfare state and tougher sanctions for offenders. It was inevitable that the probation service came under scrutiny. Throughout the 1990's there was an increasing emphasis on the probation service to promote public safety ( Raynor and Vanstone 2002). English and Welsh probation services introduced risk instruments such as The Level of Service Inventory Revised (LSI-R) and Assessment Case Management and Evaluation(ACE). More recently, the Offender Assessment System (OASys) was implemented in England. LSI-R and OASy are the most widely used tools in Britain. Probation officers are required to utilise standardised instruments when preparing pre-sanction reports indicating the displacement of the traditional case work approach to assessment.

The implementation of the Criminal Justice Act 1991 and the introduction of National Standards for

probation practice in 1995, signalled the termination of probation's role as the rehabilitative arm of the criminal justice system. Current policy in Britain stipulates that every offender is allocated a risk score which is imparted to the courts prior to sentencing (Travis, 2000). Kemshall (1996) argues that the newly prioritised goal of public safety pointed to an ideological shift from offender rehabilitation to offender management.

Robinson (2002) provides a contrasting view. She argues that “*a growing number of studies are pointing to the continuing salience of clinical as opposed to actuarial decision making in penal context*” (Robinson, G. 2002). Robinson suggests that while risk based approaches are encouraged and actuarial approaches are “aspiring”, there is evidence of growing resistance to a “govern by numbers” approach to penal policy. Consequently, she asserts that the individualised approaches to probation policy prevail (Robinson, G. 2002). Maurutto and Hannah-Moffat suggest that rehabilitation has enjoyed a revival albeit in the guise of the “What Works?” model. “What Works?” is a framework for intervening with offenders according to their risk level, needs and learning style. Programmes such as cognitive behavioural therapy, motivational interviewing, pro-social modelling, skills training and relationship building between practitioner and offender are promoted.

### **(c) Developments in Ireland:**

While the concept of risk in the Irish probation service has not developed at the same pace as its British counterparts, it has not been unaffected by transformations in criminal justice elsewhere. Traditionally, the probation service made decisions about risk based on clinical judgement. By 2004, it was accepted by criminal justice agencies worldwide that assessments based solely on clinical judgement are likely to be unreliable (Davies, P. 2007). In 2004, the Irish probation service introduced a risk assessment tool and adopted risk assessment as national policy. The rationale for its introduction was based on the recognition that the probation service needed to adopt an evidenced based approach to working with offenders. Between 2004 and 2005, ninety five per cent of probation officers in Ireland received training in a risk assessment tool, the Level of Service Inventory- Revised (LSI-R). The tool is designed to assist probation officers' in their assessment of offenders' risk of re-offending over a twelve month period. Created by Don Andrews and James Bonta (1990), LSI-R is underpinned by social learning theory, incorporating research on recidivism and probation practitioners experiences. The three main principles governing its operation is risk, need and responsivity. These three principles are implicit in the “What Works?” model.

Andrews and Bonta (1990) propose that the LSI-R assesses offenders' needs and risks and therefore intervention can be tailored to fit offenders' learning style. The frequency of contact with the probation officer is guided by the category of risk. Risk categories range from low, moderate, high to very high. The tool assesses several areas of the offender's life and identifies criminogenic (crime causing) needs. These needs are targeted in order to reduce the risk category. Thus, it is argued that tailoring supervision should produce a positive response and reduce the risk of re-offending (Andrews and Bonta, 2004). The LSIR has been adopted by probation services in Canada and in Europe and is one of the most frequently tested and revised risk tool. Its ability to assess both static (constant) and dynamic (subject to change) risk factors means that interventions can be measured and risk levels modified.

According to Andrews and Bonta (2004: 3), the Level of Service Inventory Revised was designed

*“to assist in the implementation of the least restrictive and least onerous interpretation of a criminal sanction, and to identify dynamic areas of risk/need that may be addressed by programming in order to reduce risk”.*

They argue that the LSI-R was never intended to be used to assist criminal courts in establishing the just penalty. Rather, they claim that the purpose of the LSI-R is to bring together information to assist intervention planning with a goal of assigning appropriate levels of freedom and supervision according to the offender's risk/need (Andrews, D. and Bonta, J. 2004).

Maurutto and Hannah-Moffat (2005) suggest that a particular strength of the LSI-R is that the concept of risk is fluid. It allows for practitioners to alter risk levels according to the offender's response to intervention. They suggest that:

*“unlike previous understandings of risk, risk/need assemblages reassert the archetypal assumption of correctional treatment- that offenders can change and that change in behaviour will reduce the risk of recidivism”*(Maurutto and Hannah-Moffat, 2005:442).

Since 2004, the Probation Service has transformed how it assesses and responds to offenders. It has embraced “What Works?” and consequently, offenders are assessed and supervised according to the risk and need presented. In the 2007 annual report, the probation service calls itself the “lead agency in assessment and management of offenders” (Annual Report 2007:25). While the 1907 Probation Act explicitly identifies the duties of the probation officer as “advise assist and befriend” which typifies the welfarist approach, contemporary interpretations of the 1907 Act places the role of probation firmly in the realm of control of offenders and public protection. The most recent annual report (2007) outlines its role as the management of offenders on behalf of the courts and identifies its role in safeguarding public safety. It espouses to be in a better position to promote

public safety, reduce crime and respond to demands for accountability due to risk assessment. The probation service business plan 2008 identifies public safety and accountability as priorities for the probation service of the next five years. While risk tools have been endorsed, rehabilitation remains a long term goal of the probation service.

**(d)Practice Implications:**

Given the widespread use of standardised risk tools, there are implications for practice. Despite being extensively used in several countries, concerns have been raised by the validity of these tools as they pay no attention to ethnic, cultural or sociological issues that may influence risk. Regarding the LSI-R, Maurutto and Hannah-Moffat (2005) raise concerns about the generic transfer of a Canadian assessment tool to other jurisdictions. Moreover, they suggest that these tools are being used to inform penal programmes which are often intrusive and pervasive resulting in new forms of governance that limit discussion on penal reform.

Darely and Lane (1999) provide a cautionary note on early experiences of risk assessment in pre-sanction reports in Britain. They argue that some courts misinterpreted the phrase “high risk” resulting in higher levels of punitive sanction. Carson (1996) suggests that front line risk assessors should apply the “defensible decisions” test when making risk decisions as he advises that risk assessment is a highly fallible undertaking. Kemshall (1996) proposes that “one person's risk can be another person's thrill”(1995:68).Hence, what the probation service perceives to be a tolerable risk, may not be shared by the public. Worrall and Hoy (2005:97) note that the challenge facing the probation officer when writing a pre-sanction report is to convince the sentencer (i.e. the judge) that “*their recommendation has considered the risk of re-conviction and harm and is a defensible and realistic decision*”. According to Monahan (1981) risk assessment is at best, good guesswork, and in order to enhance the credibility, he proposes that data from a number of sources should be compared in addition to utilising actuarial methods to increase credibility of clinical assessments.

Witnessing the despondency that prevailed during the “nothing works”era in Britain, the Irish probation service is in a unique position. It has tenaciously held onto the rehabilitative aim in its work with offenders. Nonetheless, it is clear that this position is vulnerable to scrutiny in a political climate where accountability and effective management of offenders is prioritised. Indeed, it is paramount that Irish criminal justice agencies are cautious when creating penal policy, so that they avoid importing new penology policies from other jurisdictions which have transpired to be flawed as noted in the above argumentation. The concern for risk management within a risk adverse society

is understandable as political and media interest in safeguarding non offenders from offenders. An awareness of the consequences of adopting undiluted actuarial justice is crucial if Irish criminal justice agencies are set to embrace risk assessment and other assemblages associated with the new penology.

**CHAPTER 111**  
**METHODOLOGY**

**CHAPTER 111:**  
**METHODOLGY:**

**3.1. Research Aims**

Risk assessment is a key task facing probation officers. Effective risk management is becoming a crucial policy issue for the probation service. With an increasing emphasis on accountability, the need for uniform methods of risk assessment is emphasised. Probation officers are charged with the responsibility for determining the likelihood of re-offending. Considering that the future is highly contingent, risk assessment and predicting the likelihood of re-offending is complex and fraught with hazards. Since 2004, the Irish probation service has endorsed use of a standardised risk assessment tool, the Level of Service Inventory Revised (LSI-R). Probation officers are required to apply this test to all new referrals from the courts excluding referrals for sex offences and domestic violence offences. The risk category will influence the nature of the proposal to the court in pre-sentence reports and the intensity of supervision between the probation officer and offender.

This research aims to examine probation officers' attitudes towards risk assessment with a view to highlighting the consequences of adopting standardised risk assessment tools. An additional aim is to identify the advantages and disadvantages of risk tools from a probation officer's perspective. Considering the focus of the study, the findings will provide rich data on probation officers' views on risk assessment which is unprecedented in this jurisdiction. It is envisaged that the findings should contribute to framework for good practice in risk assessment and therefore are beneficial to all those involved in the complex task of risk assessment in criminal justice.

**3.2. Research Design:**

This research employs a mix of qualitative and quantitative research. Focus groups and questionnaires are the two methods employed to obtain information. Combining qualitative and quantitative methods provides triangulation which should ensure that the findings are comparative. According to Fiske (1986), knowledge in social science research is fragmented and composed of parcels. Therefore, when different data collection methods are used, the researcher can test the hypothesis and measure variables. Nachmias and Nachmias (1996) note that when the findings yielded from different methods of collection are consistent, the validity of the research is increased.



Bryman (1988) suggests that by combining quantitative and qualitative research, researchers can examine the same research problem and enhance validity when the results show mutual confirmation. Furthermore, a mixed methodology ensures that the research elicits data that provides an insight into attitudes and concerns of probation officers regarding risk assessment. The qualitative approach allows the researcher to capture the dynamic nature of the task facing probation officers when carrying out risk assessment. Noaks and Wincup (2004) note that qualitative methods can,

*“ contribute to our understanding of the context in which criminal justice is administered through providing rich and detailed data to flesh out the bare skeleton provided by quantitative data” (2004:14).*

The questionnaire design was informed by information obtained from the focus groups. The questionnaire consists of twenty questions in the format of likert scale which aims to measure strength of attitude . Some questions are in tick box format in order to obtain factual information regarding the respondents level of experience of probation practice. Respondents were also provided with space to elaborate on some answers.

### **3.3.Data Collection**

#### **(a) Focus Groups:**

By using a qualitative research method of data collection such as focus groups, research participants are encouraged to discuss and debate the topic, thus providing an awareness of practitioners perspectives. Maxfield and Babbie (2006) suggest that focus groups are particularly useful when the participants in the focus group and the wider population represent a relatively homogeneous group. Two focus groups were held in Dublin probation offices in May 2008. Probation officers were invited to attend the focus group via internal intranet email. Those interested in attending the groups were asked to reply confirming their attendance. A reminder email was forward to all Dublin based probation officers prior to each group in an effort to boost interest and attendance.

One group was held in a probation office on the north side of Dublin and one was held on the south side of Dublin. The focus groups were approximately one hour in duration and participants were offered refreshments during the groups. A total of fifteen probation officers attended the focus groups. A number of probation officers replied to the email invitation stating that they were unable to attend the groups due to work commitments or annual leave arrangements. A small number (two) practitioners offered their views on risk assessment by forwarding emails to the researcher.

Essentially, the focus groups were guided group discussions with the researcher prompting discussion on risk assessment and by asking the group to highlight the advantages and disadvantages of standardised tools.

**(b) Questionnaire:**

The questionnaire provided probation officers who were unable to attend focus groups, an opportunity to participate anonymously in the research. This permits them to express views that they may not feel comfortable expressing if they were identifiable. The questionnaire design is self administer and was delivered to adult community teams in Dublin city excluding county Dublin and its bordering counties. The self administered questionnaire is advantageous as it allows people time to consider their responses before completing the questionnaire in their own time ( May 2001). As the researcher did not interview respondents face to face, the potential to influence the respondents was limited.

There are some disadvantages associated with postal questionnaires. May (2001) suggests that as questions must be kept simple in the questionnaire, the potential to probe beyond the actual question is limited. Furthermore, he notes that the researcher has no control over the questionnaire once it is posted and how people interpret the questions is unknown to the researcher. May (2001) also argues that response rates tend to be low in postal questionnaires unless the subject is of particular interest to the sample, there is an incentive to complete the questionnaire, and finally that the respondents are reminded to complete the questionnaire. Taking all of these points into consideration, the researcher visited each office in Dublin and forwarded several reminder emails via internal intranet to the target sample in an effort to boost the response rate.

**3.4. The Sample:**

The target sample for this research is Dublin based probation officers practicing risk assessment with adult offenders referred from the criminal courts. Therefore, the sample is purposive in that the selection of those surveyed and invited to the focus groups have similar characteristics and therefore fit for the purpose of this research. Probation officers working in a prison setting and exclusively with sex offenders are excluded from the sample and therefore the sample is not representative of this group of practitioners. In addition, regional teams based outside of Dublin are unrepresented by the sample as the scale of that undertaking is beyond the scope of this study. Furthermore, there is likely to be some disparity of practice between Dublin based probation officers and regional based officers. The probation service in Dublin is organised by division of teams on the north and south

side of Dublin. On the north side of Dublin, there are four supervision teams, one assessment team and an intensive probation team. On the south side of Dublin, there are four supervision teams, one assessment team and one homeless team. The target number of respondents for the questionnaire is sixty nine probation officers on community adult teams.

The decision to exclude prison based probation teams and those working exclusively with sex offenders was deliberate. Prison probation work remains largely welfare oriented and therefore probation officers are less likely to use standardised risk tools frequently. Probation work with sex offenders is specialist and generic risk tools are not applied in sex offender cases.

### **3.5. Data Analysis**

A discussion on risk assessment was guided by the researcher. Comments were recorded on a flip chart and an audio digital recording was made via use of a digital camera. The researcher focused on identifying recurring themes that arose in the two groups. Data obtained from the focus groups was analysed thematically. This information was used to inform the content of the questionnaire. Responses to the questionnaire were by calculated manually by recording the number of responses for each item on the questionnaire. Figures were inputted to open office software which created charts to illustrate the data clearly.

### **3.6. Access , Consent and Ethical Considerations**

Access to the sample was obtained by applying to the probation service senior management team for consent to carry out this research. Consent was granted by the probation service management following submission of a research proposal to the deputy director with responsibility for research training and development. Copies of the proposal were also forwarded to and reviewed by the researcher's line and regional manager. In order to gain access to office space to carry out the focus groups, two senior probation officers of local teams on the north and south side of Dublin were approached and consulted. The focus groups were arranged at times that were convenient for local teams thus limiting disruption for probation officers.

Informed consent was obtained from all participants in the research. Informed consent is defined as “ *the procedure in which individuals choose whether to participate in an investigation after being informed of the facts that would be likely to influence their decision*” ( Nachimas 1996: 83). The concept of informed consent is based on the premise that all individuals have the right to self determination and the belief in freedom of choice and behaviour. By utilising informed consent the

researcher reaps some benefits as part responsibility for any negative effects of the study can be attributed to the participants. Those who attended the focus groups and completed questionnaires were asked to read and sign a consent form prior to participating. See Appendix 1 and 2 for consent forms.

A key issue in this study is the role of the researcher. The researcher is employed by the probation service as a basic grade probation officer, and therefore holds a role similar to what Brown (1996) called an “insider”. The concept of insider/outsider observed by Brown (1996) is an important consideration in this research as it can be argued that researching ones' organisation limits the potential of the research and influences the findings. Sapford (2006) observe that research within the social sciences is very often conducted by practitioners researching their own field and the researcher may stand in a position of power or influence over the researched. As a basic grade officer, the researcher is not in a power position over the participants. Nonetheless, the researcher is an established officer and well known in the organisation. Therefore, every effort was made to avoid influencing the participants' responses. Given the potential for influence over the researched, the researcher decided that a postal questionnaire would allow participants to respond anonymously and therefore elicit an unbiased reflection of probation officers attitudes towards risk assessment.

A copy of this research will be furnished to the probation service management upon completion. The researcher is aware that the findings may reflect negatively on current probation practice or policy. However, the purpose of the research is to identify the advantages and disadvantages associated with standardised risk tools. It is envisaged that the findings will contribute to the development of a framework for best practice that can be referred to when training probation officers in risk assessment. Hence, it is envisaged that the probation service will benefit from the findings by increasing awareness of risk in criminal justice and consequences of standardised tools on probation practice.

**CHAPTER 1V**  
**RESEARCH FINDINGS**

**CHAPTER 1V**  
**RESEARCH FINDINGS**

#### **4.1: Presentation of Findings.**

In this chapter the findings of the focus groups and the questionnaire are outlined. This research involves a mix of qualitative and quantitative research and therefore each item on the questionnaire was analysed sequentially. In order to provide a seamless outline of the results, the focus group and questionnaire findings are combined and organised thematically in this chapter. The focus groups generated particular themes which were born out by the findings of the questionnaire. Sixty nine questionnaires were forwarded to probation officers in Dublin community adult teams and thirty eight were returned. Therefore the response rate was 55 per cent. The response rate was impacted by a number of factors. Firstly, the questionnaire was forwarded during the months of June and early July 2008, a period of time when probation officers take annual leave and other special leave commences. During this period, experienced officers are replaced by temporary staff who have less experience in probation practice and therefore are less likely to complete the questionnaire. Secondly, over the past year a large number of new probation officers were recruited and a number of experienced probation officers on the transfer list were transferred out of Dublin. Consequently, new probation officers were unable to participate in the research as they had not completed training in applying standardised risk tools and risk assessment.

Two focus groups were convened in May 2008 , one on the South side of Dublin and one on the North side of Dublin. A total of fifteen probation officers attended the focus groups. It became clear that common themes emerged from the two groups. These themes were used to assist the design of the questionnaire. The core themes of the focus groups and the questionnaire are presented below.

Please note: PO denotes Probation Officer (questionnaire respondent).

#### **4.2: Increased Confidence and Uniformity of Practice**

Questionnaire respondents were asked if they agree, strongly agree, strongly disagree or disagree with the statement “ risk tools increase probation officers' confidence when making risk decisions”. 94.7 per cent of respondents agreed that risk assessment tools increase probation officers' confidence in their decisions about risk. 6 per cent disagreed strongly with this statement.

This result indicates that the majority of probation officers feel confident in their risk decisions and using a risk tool increases confidence. When asked if standardised risk tools increased uniformity of practice amongst probation officers, 75 per cent agree or strongly agree and 25 per cent disagree or

strongly disagree. Information gleaned from the focus group discussion indicates uniformity is not guaranteed as there is a concern that the risk tools are being applied differently depending on who is administering the tool. Questionnaire respondents made the following comments:

*“any tool is only as good as the professional administering it. The accuracy of the information received and professionals' subjectivity will impact the risk score” (PO22)*

Respondent (PO28) stated:

*“the majority of times I am confident however when information cannot be verified and an offender is bordering between two different levels of risk, it reduces my confidence in risk tools, professional judgement is required at all times”*

### **4.3.Clinical Judgement Versus Risk Tool**

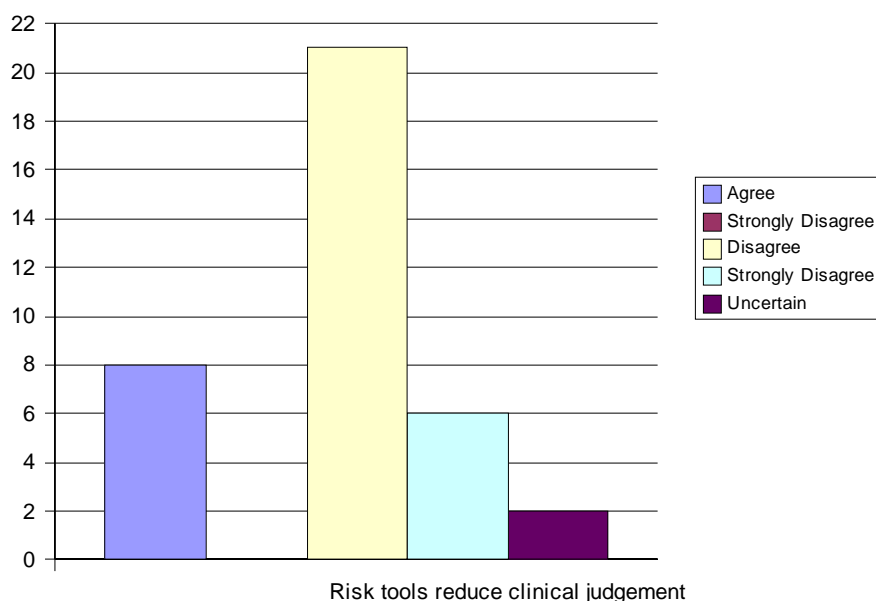
Respondents were asked if they agree/strongly agree or disagree strongly with the following statement “standardised risk tools reduce opportunities for probation officers to use clinical/professional judgement”. The result is striking given that 81.9 per cent of the sample strongly disagree with the statement with 18.9 per cent of respondents agreeing or agreeing strongly with the statement. This finding indicates that there a majority of probation officers remain committed to using their clinical judgement 51 per cent of respondents stated that standardised risk tools confirm or support their professional judgement about an offender's risk level. The following comments represent respondents' views on use of risk tools:

*“The risk tool usually confirms my clinical judgement on an offender's risk of re-offending. If my judgement and the risk tool score do not match, I will review my judgement and the score, this does not happen often (PO 35).*

*“These tools are available to standardise our practice. However, they are not the exclusive authority on risk and should not be seen as one size fits all. If I don't agree with the result of the tool, I have the autonomy to express my professional opinion which may contradict the risk tool- on condition that I can qualify my argument(PO26).*

The sample were asked to indicate if they agree , strongly agree or disagree or strongly disagree with the statement “Probation officers achieve the correct balance between clinical judgement and risk tools when making decisions on risk”. 81.5 per cent of respondents agree or strongly agree with this statement. 18.9 per cent disagree or strongly disagree with this statement. This result suggests that a significant number of probation officers believe that they achieve a balance between their own judgement and the risk tool. This result indicates that risk tools have not superseded clinical judgement rather they are widely used to compare and balance clinical judgement when making decisions on risk. Figure 4.1 illustrates the findings.

**Figure 4.1 Clinical Judgement**



#### **4.4 Defensible Decisions or Decisions on the Hoof?**

Probation officers were asked if they completed risk assessment tools exclusively using self reported information. 89.5 per cent of respondents agree or strongly agree that due to time constraints, they complete risk assessment tools using self reported information. Self reported information refers to information offered by the offender. 10.9 per cent of respondents disagree or strongly disagree. This finding indicates that a large number of probation officers sampled are making decisions about an offender's risk of re-conviction without corroborating information or gathering information from a number of sources. Figure 4.2 illustrates the breakdown of answers.

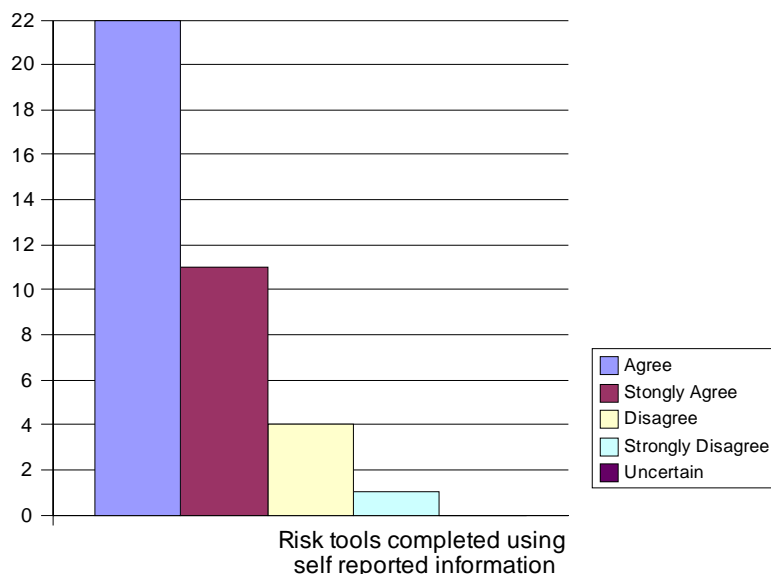
Comments such as the following arose frequently in the questionnaire findings:

*“risk assessment requires detailed information on a offender, records to complete risk tools such as official record of violence or whether an offender was arrested under sixteen is often not available” (PO32)*

*“I attempt to gather as much information as possible, but this information is difficult to access and involves a long and cumbersome process... there is a risk that the outcome of the assessment will be pejorative and not fully analyse the person's risk of re-offending objectively” (PO32).*



**Figure 4.2 Self Report Information**



**4.5. Quality Control: Who's Monitoring Risk Tools?**

Questionnaire respondents were asked if they agree, agree strongly or disagree or strongly disagree with the following statement: *The probation service has adequate mechanisms for quality control for applying standardised risk tools.* 21.6 per cent agree or strongly agree with this statement while a significant 78.4 per cent disagree or disagree strongly. This finding indicates that probation officers hold the attitude that there are inadequate mechanisms to check the quality of risk assessments carried out by basic grade probation officers. One can deduce from this finding that if risk tools and risk scores are not regularly monitored for errors in application, the likelihood of risk inflation and risk deflation is heightened.

Comments such as the following were made by respondents:

*“ I know probation officers who received training in the Level of Service Inventory - Revised ( LSI-R) recently and are already not applying the test correctly” (PO10)*

*“These tools are not monitored closely. I have seen lots of risk assessment forms incorrectly completed, these tools do not complete themselves, its the officers who add up the score and make the tool what it is” (PO33).*

**4.6. Measuring Motivation and Progress. What is the Point?**

The sample were asked to if they agree, agree strongly or disagree or strongly disagree that risk tools are useful for measuring progress of offenders during supervision. 42.1 per cent of

questionnaire respondents hold the attitude that risk tools are not useful when measuring progress of an offender. For example one respondent noted,

*“there is too much emphasis on static factors that cannot be changed. Therefore, its difficult for offenders with long criminal histories or early school leavers to reduce their risk category” (PO29).*

This finding undermines Maurutto and Hannah-Moffat's(2005) contention that a particular strength of the LSI-R is its fluidity as it measures an offenders response to intervention. Nonetheless, 57.9 per cent either agree or strongly agree that standardised risk tools assist in measuring progress of an offender in terms of reducing risk category. Respondents noted that risk tools are useful to use with offenders as it provides an opportunity to raises their awareness of their risks and needs.

#### **4.7. Training in Risk Assessment.**

A pivotal issue arising from both the focus groups discussions and the questionnaire findings is a concern with the level of training offered to probation officers on the subject of risk assessment.

When asked tick 'yes or no' if they believed the training in risk assessment was adequate, a significant 67 per cent of questionnaire respondents answered 'no'. This finding points to a prevailing sense of dissatisfaction with the training in risk assessment within the probation service.

One respondents notes regarding training:

*“queries were not adequately responded to. These risk tools were brought from another jurisdiction and tinkered with. There has been no evaluation of the tool and little guidance following training” (PO34).*

One respondent pointed out that the current of two days training in applying the standardised risk tool LSI-R was sufficient to train probation officers to calculate the risk score. However it seems that training on process of making decisions about the risk posed by an offender how to incorporate these decisions into pre-sanction reports is perceived to be inadequate. For example one respondent commented:

*“I believe follow up training is missing. It is necessary to follow up the training with refresher training and quality control checks. In my experience, this has not happened” (PO 20)*

#### **4.8. Improved Accountability?**

68.4 per cent of questionnaire respondents answered 'yes' when asked if the introduction of risk tools have improved the accountability within the probation service. 10. per cent were unsure and

23 per cent were of the opinion the risk tools do not improve accountability. Respondents were asked to give reasons for their answers. The following comments were cited as reasons for improved accountability:

*“Risk tools allow the probation service plan resource allocation and improve awareness in courts of what do with offenders” (PO 2)*

*“Risk assessment and risk tools formalise the way pre-sanction reports are presented to courts”(PO6)*

*“Before risk tools, risk was not clearly documented in files and it was up to the personal view of the probation officer. Now risk is on the agenda and areas that need to be addressed are highlighted”(PO17)*

Of the 23 per cent that were of the opinion that formalised risk tools do not improve accountability, the following comments were made:

*“If the tool is accredited, then it is good for the probation officer to be able to refer to it in court when being cross examined, but the LIS-R is not and therefore I am concerned regarding its use and the consequences for the probation service if cross examined on the tool” (PO16)*

*“I believe it (tool) is designed to make the probation service more accountable but in reality, I don't think it it does. If one was cross examined in court it may cause difficulties as the policy is to not name the tool and therefore it would be hard to stand over it or explain it in court”(PO27)*

#### **4.9. Advantages and Disadvantages of LSI-R**

Focus group participants and questionnaire respondents were asked to list the the consequences of risk tools for their practice and for offenders, specially the Level of Service Inventory Revised (LSI-R). The were asked to specifically identify advantages and disadvantages. The common findings are outlined below with the percentage of respondents who cited the following advantages/disadvantages

##### **Advantages of Level of Service Inventory Revised**

1. Standardises assessment process (n17=44.7%)
2. Supports clinical judgement (n14=39.4%)
3. Assists in supervision planning(n13=40.6%)
4. Limits subjectivity (n10=26.3%)
5. Assists proposals to court in pre-sanction reports(n9=23.7%)

##### **Disadvantages of Level of Service Inventory Revised**

1. Classifies groups of population: Does not assess individual offenders (n28=73.6%)

2. Limited application: Culturally insensitive (n25=65.8%)
3. Over reliance on risk tool /reduced clinical judgement (n19=49.9%)
4. Labels offenders (n12=31.5%)
5. Poor at measuring offenders' progress (n8=21%)

As evidenced by these findings, there are a number of core issues that concern basic grade probation officers when faced with the task of risk assessment. The core issues are lack of relevant information at assessment stage and a prevailing dissatisfaction with the current monitoring, guidance and training in risk assessment and applying standardised risk tools. Chapter V will develop and discuss these core issues further.

**CHAPTER V**  
**DISCUSSION**

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**DISCUSSION**

**5.1.Introduction**

This research aimed to examine probation officers attitudes towards risk assessment and to identify the consequences of adopting standardised risk tools. The findings highlight positive and negative aspects of risk assessment and identify the consequences of standardised risk tools. This chapter discusses the core issues emerging from the research in the context of the literature previously reviewed.

## **5.2. Actuarial Versus Clinical: Assessment by Numbers?**

This study identifies a commitment by probation officers to retaining clinical judgement when making decisions about risk. Probation officers surveyed are reluctant to make decisions on risk using actuarial risk tools. Rather, they rely heavily on individual professional judgement. It appears that actuarial and standardised risk tools are used mainly to formalise, guide and support clinical judgement as opposed to dictating clinical judgement. This finding supports Robinson's (2002) research which indicated a growing reluctance by English probation officers to using actuarial tools. Robinson (2002) argues that individualised approaches to probation policy prevail.

Fitzgibbon's (2007) study of the consequences of implementing the OASy risk tool on probation practice in England, notes that far greater risk and need assessments were detailed in offenders' files using traditional casework approaches. If clinical judgement is favoured over actuarial tools, it is possible to argue that the probation service has not fully embraced actuarial justice. The rationale behind the introduction of risk tools in 2004 was to reduce unreliable decision making due the variability of clinical judgement. Clearly the findings of this study undermines the original rationale for introducing risk tools as traditional case work and clinical judgement is favored by experienced probation officers when making risk decisions.

While practitioners are favouring clinical judgement, focus should be drawn to the biases and subjectivity which is implicit in decision making. Practitioners regularly use the term 'clinical judgement' to justify decisions. However, as Kemshall (2005) and Robinson (2002) have proposed, clinical judgement may masquerade biased responses to particular groups of offenders resulting the misclassification of certain groups. This study indicates that undiluted actuarial justice has not fully penetrated or transformed Irish probation practice and while some features of the new penology are emerging in probation policy, 'assessment by numbers' is largely rejected by basic grade officers.

### **5.3. Risky or Defensible Decisions?**

Perhaps the most striking and significant finding is that 89 per cent of questionnaire respondents agree that they frequently complete risk assessment tools using self reported information. This finding is concerning as it suggests that the practice of relying on self reported information is commonplace. Risk decisions are unlikely to be defensible if the probation service becomes complacent by allowing this practice continue. One could argue that making risk decisions 'on the hoof' due to time constraints, impacts largely on the offender being assessed. As outlined by Monahan (1981) risk assessment is at best good guess work, and therefore gathering information from a number of sources is integral to making defensible decisions. The key to making decisions that can withstand public scrutiny is defensibility. The task of risk assessment is largely an investigative one, where information is exchanged between agencies coupled with clinical interviewing and actuarial predictors. This model must be supported by criminal justice agencies by making information available to the risk assessor. In the absence of information, probation officers are vulnerable to public accusations of failure when risk decisions transpire to be flawed due to under or over prediction..

The findings of this study highlight the ongoing struggle by probation officers to obtain information from the Gardai, the Courts Service and other agencies working with offenders. Therefore, decisions about risk are being made based on self reported information from offenders. There are several problems with this kind of decision making. Offenders may offer information that incriminates them further such as disclosing offending behaviour that they have not been formally charged with. Probation officers are obligated not to impart prejudicial information to the courts when compiling pre-sanction reports. Nonetheless, one can easily see how risk decisions based on self reported information could have negative consequences for the offender and the wider community.

Kemshall (1996) suggests that probation services should not make promises of protecting the public as it cannot keep this promise. She argues risk prediction is highly fallible and intervention plans may or may not reduce risk. Therefore, the concept of criminogenic needs becomes somewhat spurious. While this study found that a significant amount of probation officer's are of the opinion that risk tools increase accountability, one could argue that accountability is compromised in light of the current practice of making decision in an information vacuum. The probation service needs to develop service level agreements with key players in the criminal justice system to unlock barriers

to information so that those tasked with making decisions about an offender's risk within short time frames, are not placed in positions of failure.

#### **5.4. Quality Control**

The findings detailed in Chapter IV indicate that probation officers believe that current monitoring of risk tools is inadequate. Given the lack of monitoring, the potential for risk inflation or deflation and inappropriate categorisation of offenders is likely to increase. The consequences of risk inflation are two fold. Firstly, the offender may be considered unsuitable for a community sanction due to the higher risk level and therefore the risk of receiving a custodial sanction increases. Secondly, if found suitable for a community sanction, the higher risk category requires the offender to undergo supervision by the probation officer and limitations on behaviour. In contrast, risk deflation may result in offenders with multiple needs being diverted from probation supervision. Diverting offenders who require services compromises a core mission of the probation service to safeguard the community by monitoring high risk offenders.

The findings of this research echoes Fitzgibbon's (2007) research on the consequences of adopting actuarial risk tools in probation. She found that inexperienced, poorly resourced staff can mishandle risk tools which results in inappropriate categorisation of offenders and the consignment of sections of society to the category of either dangerous or risky.

Worrall and Hoy (2005) note that risk tools place offenders in pre-conceived categories. The findings of this study found that 75.6 per cent of probation officers surveyed agree that risk assessment instruments use description of characteristics of populations of offenders to assess risk of re-offending for individual offenders. This claim was made by Hudson (2003) who argued that poor sections of society are being assessed and categorised as risky and dangerous. The probation service espouses social work values and ethics and therefore officers should have an increased awareness of the effects of labelling offenders. Nonetheless, with the introduction of new risk tools for sex offenders and violent offenders coupled with the current emphasis on risk classification, there is little official reference to the long term impact of labelling in the training of probation officers in risk. Those charged with responsibility for quality control should be aware that these tools can be mishandled in times of stress and time constraints.

#### **5.5. Training in Risk Assessment**

The probation service identifies itself as the lead agency in the assessment and management of



offenders in the community. Assessment skills are highlighted as a core competency for basic grade officers and producing pre-sanction reports is a key task of the probation service. The findings of this research indicates that probation officers' practice is compromised significantly due to limited access to relevant information and poor training in risk assessment and applying standardised risk tools. This study reveals that the majority of respondents are dissatisfied with the training provided in risk assessment. Current training does not provide probation officers with an understanding of the complex nature of risk, its definitions and variability. There appears to be a prevailing complacent attitude to risk assessment training. The current lack of refresher training and on going guidance in applying risk tools is concerning. An imminent review of the current training in risk assessment is critical if the probation service is to maintain its position as the lead agency in the assessment of offenders. This research indicates that the implementation of “super users” to assist in the roll out of the LSI-R is insufficient to meet the ongoing training needs of probation officers. A comprehensive training package that includes regular refresher training for all probation officers on generic risk assessment and training in making good judgements is crucial.

Standard risk tools offer many benefits as outlined in this study, however, if they are introduced in a context of constraints on training, poor access to information, inadequate administrative systems and an increasing drive for accountability, these tools will be poorly applied and poorly implemented. The consequences of poor implementation are far reaching for the probation service and for offenders whom it aims to “advise” and “assist”. A training programme that assists probation officers to simply identify risk and administrative systems that merely record and register risk are not adequate responses to risk. Purposeful, regular supervision and training of officers and a system of checking subjectivity is required in order to develop high quality objective risk assessment.

**CHAPTER VI**  
**CONCLUSION AND RECOMMENDATIONS**

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**CONCLUSION AND RECOMMENDATIONS**

## **6.1. Introduction:**

This chapter ties together the main points arising from this study and draws some conclusions about risk assessment and probation practice in Ireland. Recommendations are developed by taking into account the literature reviewed earlier and the findings of this study. It is hoped that the recommendations provide a valuable insight into current issues in risk assessment from probation officers' perspectives. The findings offer an important contribution to the training and ongoing development of probation officers faced with the complex task of risk assessment.

## **6.2. Conclusion**

This study aimed to examine probation officers' attitudes towards risk assessment in probation practice in Ireland. A specific focus of this study is the consequences of risk tools on probation practice from a probation officer's perspective. The study reveals a number of core issues facing the probation service as it attempts to transform from a mainly welfarist, social work agency, to an assessment and offender management agency. The discarding of 'welfare' in the title of the probation service, coupled with the change in language from "advise and assist" to assessment and management of offenders, indicates an ideological shift which is shaping the future orientation of the Irish probation service. Over the past two years, the Irish probation service has undergone unprecedented change. The prioritisation of risk assessment, diverting low risk offenders and concentration of resources on moderate to high risk offenders, has firmly placed risk at centre stage. With an increasing awareness of the need for accountability, and aspirations of safeguarding public safety, the probation service should not fall prey to complacency about risk assessment given the consequences of flawed decision making.

This research found that the majority of probation officers are committed to retaining clinical judgement and are reluctant to solely rely on actuarial tools when determining an offender's risk of re-offending. While this result is welcomed and is similar to findings in other jurisdictions, clinical judgement may be impaired in the context of poor information, time constraints and inadequate training in generic risk assessment.

The distinct contours of the new penology is somewhat inconspicuous at this juncture as the Irish probation service has not fully embraced undiluted actuarial justice. Nonetheless, the influence of the new penology is emerging, and represented in the adoption of new risk tools for sex offenders and violent offenders. Risk tools offer a more sophisticated and formal classification of offenders and essentially assist the probation service to exert control of those deemed risky. This study

reveals support for use of risk tools as a method of identifying need, planning intervention and supporting clinical judgement. However, the study highlights dissatisfaction with current training in risk and significant difficulties in accessing information which contributes to risky decision making and compromised practice.

In a 'risk society', pronounced individualism prevails, and demands for protection from those deemed most likely to present a risk, is considered paramount. If the 'risk society' is looming in Ireland, then the probation service is in a pivotal position to respond to public demands for accountability by making defensible decisions about who is deemed risky, why and how to respond to that risk. The consequences of poor application and implementation of risk tools are far reaching for offenders, and for the future of the probation service. In order to enhance the credibility of the Irish probation service, it must demonstrate a commitment to improving administrative systems that increase access to information for front line risk assessors so that defensible and appropriate decisions can be made that meet the needs of the offender and address the concerns of the wider community. Good risk assessment benefits offenders and the community in the longer term. Good practice in risk assessment which includes regular supervision and testing of application of risk tools will increase probation officers' confidence in their ability to make good judgements and ultimately augment belief in their professionalism.

### **6.3. Recommendations:**

#### **(a) Training in Generic Risk Assessment.**

Kemshall (1996, 2003) advises that probation officers should be offered generic training in risk assessment separate from training in how to apply standard risk tools. It is clear from this study that probation officers associate risk assessment with the LSI-R and therefore their generic understanding of the concept of risk has not been fully developed. Generic training would provide probation officers with an understanding and knowledge of definitions of risk and its position in penal policy. Generic training would improve comprehension of the variability of risk and how it applies to probation work. Particular attention needs to be paid to cultural and gender differences in relation to risk toleration and perceptions of risk. An awareness of discriminatory practice and the consequences of over and under prediction should be included in any risk training. Raising awareness of the social construction of risk and education officers to make good judgements which take into account the intrinsic biases. Probation officers should be advised of the advantages and disadvantages associated with using risk tools and reference should be made to impact of labelling

and misclassification of offenders.

### **(b) Refresher Training LSI-R**

The majority of respondents in this study requested refresher training in the application of the LSI-R. Refresher training needs to be made available on a six monthly basis and it should be a requirement that all probation officers attend refresher courses. The current arrangement whereby an officer can train in LSI-R and continue to use the instrument without reviewing their ability to correctly apply the test is a primary cause of poor application of the instrument. The lack of regular quality control checks from the line manager or staff training unit has created a situation where the probation officer and the line managers are unaware that the tools are being completed incorrectly. The 'superuser' concept while positive has not been utilised and has not reached its full potential. Designated 'superusers' should be required to attend regular retraining and ideally, there should be one superuser per team. Probation officers are more likely to consult team members in close proximity than make contact with 'superusers' in other regions.

### **(c) Improved Access to Information: Protocols**

The most significant finding of this study is the concern that self reported information is the most widely used information when completing formal risk tools. The probation service management should be in a position to arrange protocols with criminal justice agencies such as the Gardai, the Courts Service and the Irish Prison Service regarding the sharing of information for the purpose of assessment. The practice of completing risk assessment tools and making decision about risk without gathering information from several sources should discontinue as a matter of urgency. The probation service should improve communication with key players in criminal justice and develop service agreements regarding ethical access and sharing of information.

### **(d) Future Research**

When preparing to undertake this study, the researcher discovered that there is a dearth of research regarding risk assessment and probation practice in Ireland. Ongoing evaluation of risk assessment practice is critical to the appropriate implementation of the 'What Works' model. This study is limited as it does not represent national attitudes of probation officers. Further research comparing attitudes in Dublin to regional areas would be beneficial in order to determine if there is disparity between Dublin officers and regional officers.

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## **APPENDIX 1**

### **FOCUS GROUP CONSENT FORM**

My name is Michelle Richardson and I am a probation officer and Masters candidate at the Dublin Institute of Technology. As part of the requirements for the award of a MA in Criminology in Dublin Institute of Technology, students are required to complete a dissertation. My chosen area of research is risk assessment and probation practice. The purpose of my research is to examine probation officers' views on the task of risk assessment with a view to highlighting the

consequences of adopting a standardised risk assessment tool on probation practice. In addition, the goal of the research is to identify the benefits and pitfalls of risk assessment from probation officers' perspective. The findings will hopefully contribute to a framework for good practice in risk assessment and enhance understanding for all those involved in the complex task of risk assessment in criminal justice.

If you agree to participate you will be involved in one of two focus groups which I intend to hold in Dublin. One focus group will be held on the Northside of Dublin and one on the Southside. In addition a questionnaire will be posted to Dublin based probation teams. It is envisaged that data obtained from the focus groups will inform the questionnaire. The focus group will run for one hour approximately.

I would like to emphasise that your participation in this focus group is entirely voluntary and that you are free to withdraw at any time. With your consent a record of the focus group will be kept so I can remember what you said. Nobody except myself or my research supervisor will have access to these notes and they will be destroyed at the end of the study. Under no circumstances will your name be associated with any direct quotations included in the research. Parts of this focus group may be used in my thesis and in publications arising from it.

It should be emphasized that all those who participate in the research are guaranteed full confidentiality and that the identities of participants will not be revealed in the study or to the Probation Service Management. You have the right to ask, and have answered, any questions you may have about this research. If you have any concerns, please do not hesitate to contact me on [0863860825] or my supervisor, Claire Hamilton, on (+ 353 1) 4024211.

I would be grateful if you could sign this consent form to show that you have read its contents and consent to take part in the research.

Signature:

Date:



## **APPENDIX 2**

### **CONSENT FORM AND QUESTIONNAIRE** **FOR DUBLIN BASED PROBATION OFFICERS**

My name is Michelle Richardson. I am a probation officer and masters candidate at the Dublin Institute of Technology. As part of the requirements for the award of M A in Criminology, I am required to carryout out research.



My chosen area of research is risk assessment and probation practice. This questionnaire is designed to explore probation officers' views on the task of risk assessment. In particular, the questionnaire aims to highlight the consequences of standardised risk tools on probation practice from a probation officer's perspective. In-addition, the research aims to explore the benefits and pitfalls of risk assessment in probation practice. It is envisaged that the research findings will contribute to a framework for best practice in risk assessment and probation practice. The Probation Service Management will receive a copy of this research. The questionnaire should be answered by practicing probation officers who are using risk assessment tools and making decisions about risk on a regular basis. The information gleaned from the questionnaire will be analysed and presented in the study. I want to emphasise that the questionnaire is anonymous and therefore your identity will not be revealed. I have attached consent form for you to sign.

Some questions are in tick box format while others are open ended so there will be an opportunity to elaborate with these questions.

This questionnaire should take approximately 15 minutes to complete and will assist me greatly in my research.

**Please note: The term 'standard risk tool' refers to the Level of Service Inventory Revised or LSI-R**

### **CONSENT FORM FOR QUESTIONNAIRE**

**If you agree to participate in this research, the information you provide is completely confidential and your identity will not be revealed to the Probation Service Management. Nobody other than the myself and the research supervisor (Claire Hamilton DIT Tel 402 4211) will have access to this information. Should you wish to speak with me to discuss this research further please do not hesitate to contact me at 8173659.**

**Please sign below to indicate that you have read the above and consent to participate in this research.**

**I consent to participate in this research.**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**1.How long have you been a probation officer?**

0-2 yr	<input type="checkbox"/>	11-15yr	<input type="checkbox"/>
3-5 yr	<input type="checkbox"/>	16-20yr	<input type="checkbox"/>
6-10 yr	<input type="checkbox"/>	21 -30yr	<input type="checkbox"/>

**2.How many years have you been trained to administer the LSIR?**

0-1yr	<input type="checkbox"/>	4-5yr	<input type="checkbox"/>
2-3yr	<input type="checkbox"/>	5-6yr	<input type="checkbox"/>

**3 Below you will find several stated aims of risk assessment in probation practice. Please rank them in order of importance with 1= Most important and 6=Least important.**

To identify risk of re-conviction	To measure progress of an offender during supervision
To highlight criminogenic need	To develop a supervision plan
To assist the courts in determining a criminal sanction	To measure effectiveness of probation intervention

**Please indicate whether you agree with the following statements:**

**4. “Risk assessment tools increase probation officers' confidence in their decisions when assessing risk of re-offending”.**

Strongly Agree	<input type="checkbox"/>	Strongly Disagree	<input type="checkbox"/>
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>

**5. “Standard risk tools increase uniformity of practice amongst probation officers”**

Strongly Agree	<input type="checkbox"/>	Strongly Disagree	<input type="checkbox"/>
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>

**6. “Standard risk tools assist probation officers when prioritising targets for change with offenders.”**

Strongly Agree	<input type="checkbox"/>	Strongly Disagree	<input type="checkbox"/>
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>

**7. “The LSIR is useful when assessing risk of re-offending for offenders from ethnic minority groups.”**

Strongly Agree	<input type="checkbox"/>	Strongly Disagree	<input type="checkbox"/>
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>

**8. “Standard risk tools are appropriate for assessing risk of re-offending for female offenders”**

Strongly Agree	<input type="checkbox"/>	Strongly Disagree	<input type="checkbox"/>
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>

**9. “ Standard risk tools reduce opportunities for probation officers to use clinical/professional judgement”**

Strongly Agree	<input type="checkbox"/>	Strongly Disagree	<input type="checkbox"/>
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>

**10. “Due to time constraints, standard risk tools are often completed using self reported information”.**

Strongly Agree	<input type="checkbox"/>	Strongly Disagree	<input type="checkbox"/>
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>

**11. “Probation officers achieve the correct balance between clinical judgement and the LSIR when making decisions on risk”.**

Strongly Agree	<input type="checkbox"/>	Strongly Disagree	<input type="checkbox"/>
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>

**12. “The Probation Service has adequate mechanisms for quality control for applying standardised risk tools”.**

Strongly Agree	<input type="checkbox"/>	Strongly Disagree	<input type="checkbox"/>
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>

**13. “Standard risk tools are useful for measuring an offender's progress while on supervision”**

Strongly Agree	<input type="checkbox"/>	Strongly Disagree	<input type="checkbox"/>
Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>

**14. In general, do you gather information from a number of sources before completing a standardised risk tool?**

**YES**

**NO**

**Please comment:**

**15. In your opinion, was the training you received to apply LSIR adequate?**

**YES**

**NO**

**If you answered No please comment in space provided.**

**16 It has been argued that risk/need tools use descriptions of characteristics of populations of offenders to predict re-offending for individual offenders. Do you agree with this argument?**

**YES**

**NO**

**Please comment:**

**17. Are you confident about the decisions you make regarding risk of re-offending ?**

**YES**

**NO**

**Please elaborate in space provided.**

**18. What are the advantages of using standard risk assessment tools? Please comment in space provided.**

**19. What are the disadvantages associated with using standard risk tools? Please comment in space provided.**

**20. In your opinion, have standardised risk tools improved levels of accountability in the Probation Service?**

**Please comment:**

**THANK YOU FOR TAKING THE TIME TO COMPLETE THIS  
QUESTIONNAIRE.  
YOUR INPUT IS VALUED AND APPRECIATED**