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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT INTO THE REVIEW OF ASSESSMENT AND
CLASSIFICATION WITHIN THE DEPARTMENT
OF CORRECTIVE SERVICES



Report into the Review of Assessment and Classification
within the Department of Corrective Services

Office of the Inspector of Custodial Services
Level 27, 197 St George's Terrace, Perth WA 6000

www.custodialinspector.wa.gov.au

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Contents

| | |
|---|----|
| THE INSPECTOR’S OVERVIEW | ii |
| EXECUTIVE SUMMARY | iv |
| SECTION 1 | |
| BACKGROUND..... | 1 |
| SECTION 2 | |
| ASSESSMENT AND CLASSIFICATION FOR THE PURPOSE OF MANAGING SECURITY ISSUES | 3 |
| The current assessment tools and the classification process | 3 |
| Findings..... | 4 |
| Transitional and implementation matters..... | 9 |
| SECTION 3 | |
| ASSESSMENT AND CLASSIFICATION FOR THE PURPOSE OF PREPARATION FOR RELEASE..... | 10 |
| The current assessment tools and the classification process | 11 |
| Findings..... | 12 |
| Transitional and implementation matters..... | 17 |
| SECTION 4 | |
| RECOMMENDATIONS | 18 |
| TABLE 1 | |
| NUMBER OF TREATMENT ASSESSMENTS PERFORMED BY MONTH, STATEWIDE..... | 14 |
| TABLE 2 | |
| PERCENTAGE OF OFFENDER CHECKLISTS RECOMMENDED FOR PROGRAMS | 14 |
| TABLE 3 | |
| PROGRAM DEMAND AND SUPPLY | 15 |

The Inspector's Overview

A GROUND BREAKING PROJECT COMES TO FRUITION

The assessment and classification of prisoners drive the whole prison experience for prisoners. In theory, these processes lay out the expected path through the system in terms of security rating, offender programs, re-entry arrangements and so on, as long as the prisoner attains the targets that are identified at the outset. Of course, there is slippage between the theory and the practice, because of the changing capacity of the Department of Corrective Services to match accommodation to security rating or offender program to sentence stage.

Despite this slippage, if the system is conceptually clear, internally consistent and theoretically well-calibrated, the chances of eventually matching resources to needs are enhanced. Moreover, the underlying philosophy or the working assumptions of the assessment and classification system will have a direct bearing on matters as profound as infrastructure planning and thus Government outlays.

In the case of this Review a primary finding is that the Department's application of the current instruments tended to 'over-classify' prisoners. That means that there is excessive clustering at the high-end security rating, and consequent pressure for additional accommodation at this most expensive maximum-security end of the custodial continuum. Yet, as this Review shows, more prisoners could be accommodated at the low end minimum-security prisons, without measurable increase in the risk to public safety. Seen from this perspective, some Departmental priorities – notably a secure prison precinct in the metropolitan area – are not merely expensive but wasteful. The prison estate requires more and better low security accommodation – facilities from which re-entry and reintegration strategies can be meaningfully launched.

The circumstances in which this Review commenced are described in 1.5 of the Final Report. The summary point is that this Office took on the leadership of the project. The Project Director was Mr John Acres, who is the Principal Research and Strategy Officer with the Inspector of Custodial Services.

As it unfolded, the project became an excellent example of cooperation between the Inspector and the Department, each agency seeking system-wide improvement and rationalisation for the same strategic reasons. To fortify this cooperation, a Project Steering Group was set up chaired by the Inspector and having as members all three Deputy Commissioners of the Department and, significantly, the Chair of the Prisoners Review Board. The Board's frustration at the mismatch between the availability of offender programs and the eligibility of prisoners to seek release on parole is well-documented.

The project also worked to a Control Group made up primarily of those within the Department who work directly in the areas of assessment and classification. At every stage, input from this Group was taken into account by the Project Director and the Steering Group.

As can be seen, the full Report contains two sections: the Final Report and the Technical Report. The Final Report was made available to the Minister on 19th October 2008. The Technical Report covers in detail the quantitative and methodological issues associated with

The Inspector's Overview

A GROUND BREAKING PROJECT COMES TO FRUITION

the project; it is in effect the evidence file for the Final Report, though it also encompasses five additional and technical recommendations. Experts from the UWA Crime Research Centre have endorsed the statistical analysis adopted in formulating the Technical Report.

The Department's C.E.T. (Commissioner's Executive Team) has signed off, through the Project Steering Group and also discretely, on both aspects of the full Report.

This is the most comprehensive analysis of assessment and classification that has so far occurred within Australia. There was considerable national interest in it, as shown by the attendance at a working group of relevant officers from all jurisdictions held at the Office of the Inspector. It is in fact ground-breaking work, which now demands implementation. A better correctional system, offering improved correctional value-for-money and outcomes, can flow from the insights and philosophy of this Report. I would like to acknowledge the outstanding contribution that Mr John Acres has made to this work, whilst recognising also the valuable inputs that flowed from Departmental sources throughout the duration of the project.

Richard Harding
Inspector of Custodial Services.

2 April 2008.

Executive Summary

THE REVIEW OF ASSESSMENT AND CLASSIFICATION WITHIN THE DEPARTMENT OF CORRECTIVE SERVICES

This Review presents three main findings:

1. The Department's present security assessment tools have a tendency to 'over-classify' offenders and thus have resulted in the need for secure accommodation beyond the risk profile of the offender population.
2. The allocation of offender based programs targeting specific criminogenic needs (i.e., those targeting sexual offending, violent offending, substance use-related offending and cognitive skills) is far below that required to meet demand.
3. The preparation of offenders for successful re-integration into the community on release is still underdeveloped, and in this regard there is insufficient coordination between prison and community based services.

With regard to the findings as to security assessments, following this Review the Department will have a far better calibrated and robust set of tools. These will enable a more accurate and better understanding of the Department's risk profile and how the application of security classification can impact on those risks. This will allow better internal management of the offender population and for the Department to purposefully manage those risks (for example, by increasing minimum-security numbers without increasing risk). Consequently, the security classification of offenders will be better matched to the risks they present, which in turn leads to better overall offender management.

The precise implications of this are a matter for government policy. However, they potentially have considerable implications for infrastructure expenditure and resource allocation within the Department.

With regard to programs, the Review identifies some potential for improvement to the processes and tools used to assess offenders. More importantly, it identifies a serious short-fall in the supply of programs targeting criminogenic needs. The Department has not to this point allocated adequate resources to programs. This Review provides a justification for the re-allocation of resources from less productive areas into programs. Nevertheless, such an internal re-allocation is unlikely to address to the extent of short-fall identified. This Project also raises questions regarding the ability of the Department to recruit and retain sufficient qualified staff. Also, in some prisons the availability and/or utilisation of space and infrastructure constitutes an additional hurdle to the delivery of the number of programs required to meet demand.

With regard the preparation of offenders for successful re-integration into the community, this Review has developed a community re-integration needs assessment tool linked to Community Justice Service's (CJS) assessment processes. It is anticipated that service delivery to meet the identified needs will be delivered through the case management process. Through addressing a common needs platform, this will enable the enhanced management of offenders within the prison setting and in the community.

Whilst it is not a principal focus, the Review highlights the need for a more structured and rigorous approach to the handling of those offenders who pose unacceptable risks. Such

THE REVIEW OF ASSESSMENT AND CLASSIFICATION WITHIN THE DEPARTMENT OF CORRECTIVE SERVICES

offenders, though actually quite few in number, pose a level of risk disproportionate to their numbers. This Review examines how best to deal with these from the point of view of security assessment and classification.

The Department of Corrective Services ('the Department') received funding from the government to conduct this Review in June 2006. To expedite matters, the Minister of Justice asked the Office of the Inspector of Custodial Services ('the Office') to manage the Review and to take a lead role. This Review represents the first time the Office has worked so closely with the Department on a strategic policy initiative. Working together has been illuminating for both parties, demonstrating the potential strength of such a partnership approach. Particular thanks for their collegiate approach and vigorous discussion goes to those members of the Department who worked integrally on this Review.

This Review provides the basis for high level policy and technical development in the areas of assessment, classification and offender management within the Department. The suggested strategies would lead to a better targeting of custodial investment and resultant improved outcomes. Essentially, this Review provides a roadmap for re-balancing the emphasis and investment of the Department towards demand reduction in order to provide government with a better return on its custodial investment. In this regard, the emphasis now shifts to the Department's transitioning and implementation.

In this regard, we recommend as follows:

Recommendation 1

The establishment of a transition and implementation team within the Department to carry the recommendations of this Review forward.

The Review's recommendations impact upon the three main areas within the remit of the Deputy Commissioners. Accordingly, whatever arrangements are made for the nominal leadership of the team the process of transition and implementation must be a whole of department undertaking.

Recommendation 2

That processes should be developed and funds set aside for ongoing monitoring and evaluation of the assessment tools and process developed from this Review.

Within this recommendation, it is suggested that the community reintegration needs assessment tools and processes be evaluated 12 months from implementation and that the assessment tools for security classification be reviewed three years from implementation. To enable such evaluations to occur it is likely that the Department will need to commence work on the quality of its data and improved linkages to courts and CJS data sets.

Section 1

BACKGROUND

- 1.1 Two core activities of the Department are to manage offenders in custody and in the community. With regard to custody, the Department's task is to hold them safely and to contribute to their 'correction', that is, their rehabilitation. In many respects these are interdependent activities. The appropriate provision of custody (safety) supports the Department's rehabilitative efforts. Similarly, the more offenders engage in programs¹ and activities that purposefully progress them towards release, the less dangerous they are likely to be in prison, the less likely they are to escape, and the more likely they are to successfully reintegrate into their community on release. These aspects of safety and rehabilitation are equally relevant in the community justice setting.
- 1.2 The need for intervention into, and management of, an offender's custodial situation and rehabilitation regime varies considerably between offenders and over the term of an offender's engagement with the Department. Therefore, these aspects need to be considered throughout their involvement with the Department and an appropriate balance struck. Such a balance then enables a planned and integrated individual offender management strategy.
- 1.3 The purpose of assessment is to inform and empower such offender management strategies. This places the assessment and classification process at the heart of the Department's activities. Indeed, the literature clearly states that the more objective and better calibrated the actuarial measures and professional judgements (including overrides) are²:
 - The fewer offenders will be over- or under-classified;
 - The more consistency and transparency there will be in decision-making;
 - The more appropriately offenders can be placed within the system;
 - The closer the alignment of services will be to the needs of offenders; and,
 - The more efficiently resources will be allocated.
- 1.4 The Department is clearly aware of the importance of assessment and classification. In particular, the Department has shown a commitment to the use of objective, transparent, accountable tools and processes, and has been developing and refining these over time. Nevertheless, a number of reports have been critical of aspects of the Department's assessment and classification of offenders.
- 1.5 This Review was initiated as a result of two such reports, published in 2005: the Inquiry into the Management of Offenders in Custody and in the Community (the Mahoney Report) and the Directed Review of the Management of Offenders in Custody (Report 30

1 The terminology used throughout refers to 'programs'. There is an argument that the word 'interventions' is preferable, as this is a generic concept enabling offender programs, clinical contacts, education and vocational activities, reintegration activities and re-entry arrangements to be described in terms that suggest they are each aspects of a unifying objective – to enable the offender to avoid re-offending upon release. The Review accepts that there is much to be said for this view. However, at this stage to avoid misunderstanding or confusion this Review will continue to use the existing and widely understood terminology.

2 See for example summaries in Austin & McGinnis, *Classification of High Risk and Special Management Offenders* (US Department of Justice 2004); Doyle M & Dolan M, 'Violence risk assessment: combining actuarial and clinical information to structure clinical judgements for the formulation and management of risk' (2002) 6 *Journal of Psychiatric and Mental Health Nursing* 649-657.

BACKGROUND

of the Inspector of Custodial Services). These reports were intended to be read together³ and to constitute the basis of a comprehensive and wide ranging review of assessment and classification within the Department. In June 2006 the Department received funding for this Review. Subsequently, in February 2007, at the request of the Minister for Corrective Services, the Office of the Inspector of Custodial Services (the Office) took the lead role in managing the Review. It has been carried out in close collaboration with the Department of Corrective Services.

- 1.6 At the first Project Steering Group⁴ meeting (27 March 2007), the Review was directed to focus upon:
- The tools and processes for determining security classification;
 - The tools and processes for determining allocation of rehabilitative efforts;
 - The link and progression between security considerations and rehabilitation; and,
 - An integrated departmental model inclusive of the needs of both Adult Custodial and Community Justice.⁵
- 1.7 The Steering Group also emphasised that the Review should focus upon setting standards in relation to policies and processes rather than attempt to continue through to the implementation stage. In other words, the recommendations arising out of the Review should be implemented on the ground directly by the Department itself rather than through the multi-agency Review team. In terms of normal public sector governance protocols, this limitation on the scope of the Review was clearly appropriate.
- 1.8 From the outset, it was recognised that the Review should adopt a risk management approach. As such, there was a need to consider risk management through the prison sentence and out into the community. This necessitated the direct involvement of CJS and the Prisoners' Review Board. The presence of the most senior stakeholders from these areas on the Steering Group and the active involvement of CJS personnel in the Project Control Group have thus considerably strengthened the Review.

3 Recommendation 19 of the *Mahoney Report* stated that the government should have regard to the recommendations in relation to the classification made by the Inspector and adopt recommendations 1 to 15 contained in the closing submission of Counsel Assisting. Although the Inspector's Report 30 was nominally confined to custodial issues, in practice it traversed many issues relevant to the assessment, classification and management of offenders generally, as it is in practice not feasible to draw a sharp dividing line between the issues relevant to offenders in custody and those who are being managed or should be managed in the community.

4 The Project Steering Group consists of the Inspector of Custodial Services (Chair); the Deputy Commissioner Offender Management and Professional Development; the Deputy Commissioner Adult Custodial; the Deputy Commissioner Community and Juvenile Justice; and, the President of the Prisoners Review Board.

5 Currently, Adult Custodial and Community Justice Services have differing approaches and processes for assessment and classification. To what extent these are able to usefully inform the other is unclear. This may lead to a disjointed view of the offender and potentially to inefficient or ineffective management.

Section 2

ASSESSMENT AND CLASSIFICATION FOR THE PURPOSE OF MANAGING SECURITY ISSUES

- 2.1 The Department's remit is to retain offenders sentenced to imprisonment in custody for defined periods and to continue supervision of them for the length of their sentence. The Department recognises that while prisons are potentially dangerous places its custodial role is best accomplished through a focus on safety, humanity and custodial value for money. An accurate assessment and classification of offenders is a key factor contributing to the realisation of these objectives.
- 2.2 The overall intention of this aspect of the Review was to enable the Department to best match an offender to a given security classification. The Review sought to:
- Clarify what risks the allocation of a security classification is attempting to assist in managing;
 - Ensure that the assessment of the level of security required to be applied to an individual offender is accurately estimated, i.e. in a manner that minimises the over- and under-provision of security;
 - Determine if separate assessment tools are required for Aboriginal and for female offenders; and,
 - Ensure that the classification of offenders enables the Department to effectively and efficiently manage its population.

THE CURRENT ASSESSMENT TOOLS AND THE CLASSIFICATION PROCESS

- 2.3 Offenders are assessed for their security classification within five days of their reception into the prison system. This initial security classification drives the subsequent placement decision. It is made via the Management and Placement Checklist (MAP). The MAP consists of two basic components: a scoring component for the prisoner's security classification and a component that provides the information upon which the assessment officer⁶ bases placement decisions and, where applicable, a decision to 'override' the MAP score. Two versions of this checklist exist, one for sentenced offenders (MAP-S) and one for offenders on remand (MAP-R).
- 2.4 Offenders on remand entering through Hakea Prison do not currently have a MAP-R completed. All other reception prisons carry out the MAP-R process. In some cases, such as at Broome Regional Prison, this can and does lead to some remand prisoners being classified and managed as minimum-security; in others, such as Greenough Regional Prison, the local practice is not to reduce the classification below medium-security regardless of what the raw data would seem to indicate. With regard to women prisoners in the Metropolitan area, Bandyup, which is a secure prison, is the only place where they will be held even if their scores indicate minimum-security classification; Boronia has never accommodated remand prisoners and there is no present likelihood that it will do so.
- 2.5 Both the classification and the placement decisions are subsequently reviewed through the application of the Classification Review tool. This tool is similar to the MAP but places greater emphasis on dynamic factors which can change over the course of an offender's

⁶ The MAP assessments are completed by uniformed officers in each prison and approved by the Operations Manager or Manager Assessment, as the case may be.

sentence. An offender's classification and placement can be reviewed at any time depending on their behaviour or critical events, but must be reviewed at least six or twelve months from their MAP assessment, depending on the time remaining to be served.

- 2.6 Assessment officers within prisons also conduct a range of other assessments for other purposes such as parole, home leave, and external activities. These have not been reviewed as part of this Review, but have as their basis the information collected in and the classification derived from the MAP and Classification Review tools.

FINDINGS

- 2.7 The findings of this Review are listed below. Further detail regarding these finding can be found within the attached technical report.

- The current process, including the mix of actuarial tool and clinical judgement (override capacity), reflects good practice and compares strongly with other jurisdictions. It can be considered a leader in correctional assessment practice.
- The Department's current single score approach to determining security classification has many strengths (transparency, ease of understanding, ability to predict and plan for transition through classifications).
- The current assessment tools for security classification have a strong basis in managing escape risk but also loosely take into consideration the management of harm and control risks.
- The Department's focus on objective, transparent and accountable tools and processes has had a significant positive impact on the escape rate.
- However, a number of externally introduced policy requirements have impacted on the objectivity, transparency and accountability of the Department's tools and process with no evidence of impact on the escape rate.⁷
- It appears possible to make improvements to the assessment tools which would not increase the percentage of prisoners escaping but allow a greater number of prisoners to be classified at minimum-security.
- The analysis conducted to date does not support the development of a separate tool for Aboriginal offenders. It is still possible that differences between Aboriginal and non-Aboriginal risk patterns may be reflected in the weighting applied to some items. As is the case currently and in other jurisdictions within Australia, the predominant mechanism for reflecting such differences is likely to remain through the use of the override function.
- Analysis of the assessors' administration of the Initial Security Rating (ISR) score has shown a significant error rate. This has resulted in the inappropriate classification of some offenders. The significant error rate is considered to be a symptom of lack of training, support and focus which has resulted in inconsistent interpretation in the administration of the tool.

⁷ For example, an undertaking that no sex offender would be accommodated at Wooroloo Prison Farm has driven placements elsewhere or delayed transfer to minimum-security prisons, but there is no evidence that it has had any impact on the escape rate.

- The predictive ability of the initial security rating declines over time, confirming the need for a classification review process.

Recommendation 3⁸

The tool should provide a single scoring outcome that contains elements of the risk of escape, harm and control.

- 2.8 In other words, the scores for the various elements should be aggregated into a single score for management purposes. The benefit of this would be improved identification and management of risk. While the final cost of this recommendation will be dependent on the process the Department adopts in its implementation the associated cost is likely to be minimal.

Recommendation 4

The Department's approach to harm should be common across Adult Custodial and Community Justice Divisions.

- 2.9 It should be noted that harm has the potential to be a subjective concept. Any approach to managing harm must take this into account by endeavouring to identify objective factors.
- 2.10 Adopting this recommendation could lead to improved management planning during the whole period the offender is engaged with the Department and would help embed the culture that the Department is a single, integrated and 'joined up' Department, as envisaged by the Mahoney Report and subsequent government actions.
- 2.11 This recommendation has far reaching implications for the Department and has the potential to lead to cost savings through improved processes and reduced duplication of effort. The extent to which such savings would offset the initial cost of adopting a common approach would depend largely on the Department's mode of implementation and, as such, is beyond the scope of this Report.

Recommendation 5

The modified assessment tools resulting from this Review should be adopted.

- 2.12 The benefit would be improved identification and management of risk. Western Australia would be the only jurisdiction in Australia and one of the few in the world with empirically derived security assessment tools.
- 2.13 The impact of accepting the proposed changes to the assessment tools is potentially considerable, with very positive implications for the management of the prison system throughout Western Australia. Based on early projections, the improvement to the identification of risk should enable the Department to hold approximately 35 per cent of its offender population at minimum-security without increasing the escape rate. The Department currently has around 27 per cent at minimum-security, which means that this eight percentage point increase potentially would result in an additional 260 sentenced

8 Recommendations 1 and 2 are set out as part of the Executive Summary.

offenders having a minimum-security rating. This could provide the Department with greater capacity to place offenders at their most appropriate level of security. Importantly, given the acute over crowding in closed security prisons, adopting the new assessment tool would in the shorter-term free up 260 beds in closed security facilities as long as the required new minimum-security places for these offenders became available.

- 2.14 The greatest significance that would follow from this shift in security classification relates to future infrastructure planning. There are already at any given time about 150 minimum-security rated offenders held in secure prisons in the metropolitan area, many of these because of a lack of minimum-security bed space. The recalibration of the classification scheme would mean that a total of up to 410 (260 plus up to 150) prisoners would be held in over-secure conditions. That insight provides a fundamental change of perspective as to the construction priorities that the Department and the government should be addressing. Current ERC bids and those that are being worked up for subsequent years should take this new and cogent factor into account.
- 2.15 There are also likely to be implications for recurrent funding mix. Based on infrastructure and custodial ratios the cost differential between holding an offender at minimum-security as compared to medium-security is considerable though it is difficult to obtain a reliable estimate as to the exact difference. The Department has been asked to provide accurate figures on the average per day cost for offenders at open and closed security. They have been unable to do so for the purposes of this Review. Any such expenditure savings could be then directed towards enhancing the preparation of offenders for release.

Recommendation 6

The MAP-R assessment should be expanded to include offenders held on remand at Hakea Prison.

- 2.16 The benefit of this, based on the existing regional MAP-R scores and the offender profile of Hakea's remand population, is that likely 15 to 20 per cent of Hakea's remanded offenders would be eligible for a minimum-security classification. Of these, around half would be on remand for a very short period (less than two weeks). At 20 per cent this would mean that 100 of the existing remand population could be classified minimum-security with 45 additional minimum-security rated remands each month.
- 2.17 It is recognised that the existing minimum-security prisons for sentenced offenders are not really geared to manage minimum-security remand prisoners and that their regimes might initially be distorted if they were required to manage such prisoners. It is also recognised that there would be complex and quite costly knock-on effects to the custodial transportation service if court requirements are to be met efficiently. It is likely, therefore, that the bulk of those newly-identified minimum-security rated offenders would remain at Hakea Prison. Thus the immediate benefit to the offenders and to the Department is likely to be limited. Nevertheless, this change of practice may be warranted on the basis of information for long-term strategic planning. This includes the need to join up in-prison assessments with post-release arrangements for supervision and possible community-based programs.

Recommendation 7

There should be expansion of accredited training to ensure a comprehensive package is provided to Department staff conducting security assessments.

- 2.18 The benefit of this will be significant improvements in operator accuracy. In order to maximise consistency and quality control such accredited training should, as recommended by Counsel Assisting the Mahoney Inquiry, be centrally coordinated and monitored.
- 2.19 The cost of this recommendation is contingent upon the model the Department adopts for training delivery and so cannot be estimated at this time, but would impact substantially on the operational commitments of the Training Academy. Funds have previously been sought within departmental allocations by the responsible directorate for this and related purposes, but at that time the bid was unsuccessful.

Recommendation 8

There should be increased oversight of the security assessment process through Sentence Management.

- 2.20 The benefit would be significantly improved operator accuracy. The resultant monitoring would also assist the identification of trends enabling the Department to respond in a timely and appropriate fashion.

Recommendation 9

The override capacity should be retained but with increased direction on the use of overrides.

- 2.21 For at least an initial 12 month period from implementation, all overrides should be referred to a higher authority (preferably Sentence Management) for ratification. The benefit would be improved accuracy of overrides and would allow time for acceptance and trust in the new assessment tool to develop.

Recommendation 10

The Department should create a committee comprising Community Justice Services, Adult Custodial, and Offender Management and Professional Development to advise upon the management of a selected group of special risk offenders.

- 2.22 This is a category that it is not easy to define exhaustively and thus to make an estimate of their numbers. The Inspector touched upon the issue in Report 30 in a slightly different context, namely whether the state should commit to constructing a high maximum-security prison. The types of prisoner included were: terrorists; organised crime leaders; prisoners likely to organise or perpetrate a mass disturbance; prisoners with severe mental, psychological or emotional damage whose condition does not qualify them for admission to the Frankland Centre; and prisoners who pose a severe danger to staff or other prisoners.
- 2.23 These categories of prisoners are likely to fall within the ambit for management purposes of the Dangerous Offenders Support Unit, currently being developed by the Department. In addition, the proposed Inter-Agency Public Protection Strategy will consider and develop further appropriate policies. It is not intended that the proposed committee should cut

across or duplicate the work of these other bodies. However, there is benefit in ensuring that consideration is given to the difficult issues of managing these offenders from a somewhat broader point of view.

2.24 In that regard it is proposed that:

- The Prisoners Review Board should have a representative on any such committee;
- WAPOL should also be represented;
- The committee should have an advisory role for such offenders both in prison and in the community; and,
- While the normal assessment processes would be applicable for such special risk offenders, it is anticipated that the committee would advise upon their security classification or level of supervision and any transfer of such offenders between prisons and would also have input into the sentence and case management for these offenders.

2.25 It is anticipated that the number of offenders managed in this way would be no more than 30 (20 in prison and 10 in the community).⁹

2.26 The benefit would be an appropriate allocation of the risk in the management to the highest levels in the Department.

2.27 The cost of this recommendation is uncertain at this time and largely dependent on the number of offenders managed by this committee. It is likely to be minor, inasmuch as most of the documentation necessary for distribution to and consideration by the committee would overlap substantially with that required by the Dangerous Offenders Support Unit.

Recommendation 11

The current policy requirements regarding the security rating and placement of offenders likely to be subject to deportation and/or extradition should be amended.

2.28 These cases should be assessed on their individual merits according to the general criteria set out above. Whilst there are relatively few such cases, such that the cost implications of this are small, the benefit nevertheless lies in adherence to a defensible and rational overall scheme.

Recommendation 12

Similarly, the directive routinely excluding offenders with a current sex offence for one third of their sentence from placement at a minimum-security facility should also be amended.

2.29 These cases should be assessed on their individual merits according to the criteria set out above. This recommendation would enable prisoners to be 'managed fairly and openly without discrimination on the grounds of offence type.'¹⁰ That their security rating would

9 In Report 30 it is estimated that there would be about 20 such prisoners in the system by the year 2010: see page 141.

10 As stated in the Guiding Principles for the Management of Prisoners, Standard Guidelines for Corrections in Australia: first dot point page 12.

ASSESSMENT AND CLASSIFICATION FOR THE PURPOSE OF MANAGING SECURITY ISSUES

be based on an assessment of their: risk of escape; their control risk; and their potential for harm to the community. Provisional estimates have identified 70 such offenders who could otherwise be managed in a minimum-security facility.

TRANSITIONAL AND IMPLEMENTATION MATTERS

2.30 These matters include:

- Further exploration of the direct impact and potential knock-on effects for CJS;
- Commencement of exploration for the need to modify Director General's Rule 18 and associated assessment process;
- Commencement of the costing of and planning for modifications to the existing assessment tools for security classification; and,
- Commencement of the costing of and planning for the implementation of the Review's recommended assessment tools for security classification and the subsequent impact of offender classification mix.

Section 3

ASSESSMENT AND CLASSIFICATION FOR THE PURPOSE OF PREPARATION FOR RELEASE

- 3.1 In this Review rehabilitation is considered to be the purposeful efforts of the Department to assist an offender to prepare to function in the community in a law-abiding fashion. Rehabilitation encompasses the addressing of offenders' criminogenic needs, their release, their re-entry into the community and their crime-free survival for a reasonable period.
- 3.2 In delivering rehabilitative services to offenders, the Department faces a number of challenges:
- (i) Currently, in the prison setting, the Department attempts rehabilitation through the provision of clinical interventions and other programs (including community re-integration programs). Expensive offender programs are delivered based on the risk/need principle, and are typically only appropriate to a small percentage of the offender group. The community re-integration programs offered in prisons are not well coordinated and are often not understood as interventions or as rehabilitation. The assessment for and delivery of community re-integration programs is further complicated as such interventions are not currently defined in such a way that there is clear responsibility or ownership within the Department for such activities.
 - (ii) Beyond the completion of various components of an Individual Management Plan (IMP)¹¹ and progression in security classification, the Department has difficulty demonstrating that their prison-based rehabilitative efforts make a difference. In the absence of rigorous evaluation studies the Department is not able to address whether an offender on release from prison is adequately prepared for release, is less likely to re-offend, is less likely to perpetrate harm in the community, and/or is better able to contribute to the community on release.
 - (iii) Funding for rehabilitation in Western Australia is low compared to other jurisdictions – the lowest of all the mainland states. Funding for programmatic intervention and community re-integration programs are particularly limited. Other jurisdictions have a heavy focus on both these forms of intervention. This is based on the 'What Works' literature, which points to these as important in reducing in-prison violence and recidivism as well as contributing to survival in the community.
 - (iv) The information presented to the Assessment and Classification Conference convened by this Review demonstrated that Western Australia has one of the least joined-up systems of assessment and service delivery between prison-based and community-based services. This has led to a fractured sense of responsibility, where both Adult Custodial and Community and Juvenile Justice have sometimes disavowed responsibility for the offender when in the care of the other.¹² Other jurisdictions, in particular Queensland and Victoria, report significant benefits (efficiencies, flexibility and reduction in recidivism) as a result of fostering a single view of the offender and approach to their management.
- 3.3 The overall intention of this aspect of the Review is to enable the Department to better ensure that offenders are identified for interventions that most appropriately progress them to their release and increase their potential for successful reintegration into the community.

11 An IMP is explained below.

12 This comment is valid for the stage preceding the re-organisation of the Department, but the very fact that both of these Divisions are participating in this Project is indicative of an evolving culture.

Within this, the Review seeks:

- To take into consideration (while recognising that its focus is very much on offenders in custody) the whole of the offender's engagement with the Department;
- To take into consideration programmatic and community re-integration forms of intervention. In doing so, the assessment and determination of eligibility for intervention has been governed by the risk/need principle, where greater services go to those with the higher risk and needs;
- To further develop existing processes that aim to place the right offender into the available programs; and,
- To ensure that any assessment processes developed within this Review feed into and enable the Department's efforts to identify gaps in service delivery.

THE CURRENT ASSESSMENT TOOLS AND THE CLASSIFICATION PROCESS

- 3.4 Offenders serving a sentence of greater than six months require the formulation of an IMP. This involves the completion of the MAP-S, treatment intervention assessments, education assessment, Case Conference Report (CCR). The IMP should be completed within 28 days of the offender having been sentenced.
- 3.5 During this time treatment and education assessors also conduct an assessment and make recommendations as to educational courses or vocational training suitable for the offender. The recommendations from the education assessor are reflected in the offender's IMP constructed by the uniformed assessment officer.
- 3.6 A treatment assessor also administers a treatment checklist depending on the nature of the offender's offending and makes recommendations for program participation. This is then reflected into the offender's IMP. The four areas of treatment assessment are:
- Sexual offending;
 - Violent offending (including domestic violence);
 - Substance abuse offending; and,
 - Cognitive skills.¹³
- 3.7 While the above assessments are being conducted, the uniformed assessment officer also completes a Case Conference Report. This report is an expansion of the first part of the MAP-S and is a comprehensive report that captures more detailed information about the offender, his/her behaviour for the period that they have been imprisoned and any prior history
- 3.8 The next step in the initial assessment process is the formulation of the IMP. This is completed by the uniformed assessment officer. The assessment officer takes the

13 There is some dispute within the Department as to whether Cognitive Skills should properly be regarded as a treatment program. It is certainly a relevant foundation program for any other offender treatment program as well as being a program that assists prisoners cope with the prison experience in a relatively calm and compliant way (thus probably enhancing the likelihood of their deriving benefit from offender programs and also community reintegration interventions). A data run carried out for this Project suggested that no offender who had successfully completed a Cognitive Skills program had ever made an escape from prison.

recommendations from the treatment and education assessors and schedules those recommendations into the offender's plan, depending on where the offender is placed and the length of the sentence.

- 3.9 Once the IMP has been formulated, it then goes to a case conference for their recommendation. The IMP is discussed with the offender to ensure that he/she understands the plan. At this stage the offender can agree with the plan or disagree. Offenders have a right of appeal against a decision on security rating and placement and that must be presented to the prison ASPM within 21 days of receipt of their approved IMP.¹⁴

FINDINGS

- 3.10 The findings of this Review are listed below. Further detail regarding these findings can be found within the attached technical report.
- Published research¹⁵ and early analysis within this Review indicate that programmatic interventions may have an impact on in-prison behaviour and the risks associated with escape, control and potential for harm.
 - A report prepared by the Programs, OPEC and Forensic Consultant Team from the Department indicates that there appears to be some level of mismatch between the offenders recommended for programmatic intervention and their appropriateness or suitability for such programs. The report states that some offenders (around 20%) recommended for programs were unsuitable for programmatic interventions, or appeared not to warrant the program they were booked to. Some offenders not recommended for programs appeared to warrant programmatic intervention.
 - The practice of excluding offenders with effective sentences of six months or less from routine assessment for programmatic intervention should be retained.
 - The proposed refinement to the programmatic assessment and booking process should deliver an assessment process that will be sufficiently robust to take into account new programs beyond the current focus on drugs, violence and sex.
 - The proposed refinement to the programmatic assessment and booking process should also support the Department's efforts to identify those individual needs that are not being met and should deliver a better alignment between offender and the particular intervention selected for his needs.
 - Demand data shows a dramatic under-provision of programmatic intervention.
 - Just under 50 per cent of the offenders in the data set were in prison for only a short duration (6 months or less) and this does not generally allow sufficient time for programmatic interventions.

14 This process was reviewed by Dr Jim Ogloff for the Inspector as a component of the Hakea Inspection, October 2006. Dr Ogloff stated that "the process of the prisoner classification at Hakea Prison is excellent" (page 10 of his Report).

15 Sherman, L.W., et al. (1997): *Preventing crime: what works, what doesn't, what's promising*: A Report prepared for the United States Congress by the National Institute of Justice.

- Targeting community re-integration needs has an impact on recidivism.¹⁶
- Such community re-integration needs for sentenced offenders can be assessed within a viable time period in the prison setting. The process and tool for this is currently in development and aligns with the CJS assessments of areas of need.
- The case management process is a viable mechanism to address and monitor needs. This is likely to widen the scope of case management to a more meaningful interaction for the offender and the case officer. This will allow the case management coordinators in each prison to track their effectiveness in addressing these needs. It is also anticipated that the addressing of an offender's needs may provide a realistic avenue to parole, independent of programmatic interventions.

Recommendation 13

Funding for programmatic interventions should be increased to enable service delivery to match demand.

- 3.11 The benefit would be reduced recidivism and improved in-prison behaviour. The benefit should carry over into the community by way of appropriate community-based programs.
- 3.12 The Department does not routinely keep information on the level of demand for programs, nor does it report on the difference between demand and its ability to supply programs.¹⁷ However, the discussion that follows indicates that the cost is certain to be substantial as the current shortfall in service provision is so great. The Department will need to evaluate its capacity to redistribute resources from within its total budget before it can estimate accurately the need for additional funds. However, there may well be scope for economies of scale to be achieved particularly if the balance between custodial and non-custodial program delivery is re-considered.
- 3.13 To estimate the level of demand the checklists for May 2007 were examined (334 checklists). May was selected as this represented an average month. The outcomes from the May checklists were then extrapolated to the total for the calendar year to provide an estimate of the demand for intensive programs, medium intensity programs, domestic violence programs and the cognitive skills program. This demand estimate was then compared to AIPR schedule for program bookings in that calendar year.
- 3.14 In the 2006/07 year a total of 2278 programmatic treatment assessments were made with a further 1306 cognitive skills assessments (Table 1), i.e. 3,584 assessments in total.¹⁸ Based on the recommendations from the May checklists (Table 2) this indicates that the demand was as follows: 786 intensive programs, places; 595 medium intensive programs places; 269 domestic violence programs places; and for cognitive skills 836 places.

16 See for example, Social Exclusion Unit *Reducing Re-Offending by Ex-Prisoners*, Social Exclusion Unit, Office of the Deputy Prime Minister, London (2002); Boraycki M (2005) *Interventions for prisoners returning to the community*. Australian Institute of Criminology, Canberra; *Report and Recommendations to New York State on Enhancing Employment Opportunities for Formerly Incarcerated People*, The Independent Committee on Re-entry and Employment, New York (2006).

17 The data contained in this report were obtained by specially-targeted interrogation of Departmental records. However, the next version of the AIPR is intended to facilitate the tracking of demand as a routine matter. This version is not yet operational.

18 Note that as a single offender may be assessed for a range of programs, 3,584 assessments does not equate to 3,584 offenders.

ASSESSMENT AND CLASSIFICATION FOR THE PURPOSE OF PREPARATION
FOR RELEASE

Table 1: Number of treatment assessments performed by month, statewide

| | Total | Monthly average |
|-------------------------|--------------|------------------------|
| Violent Offending | 747 | 62 |
| Substance Use Offending | 1351 | 113 |
| Sex Offending | 180 | 15 |
| Cognitive Skills | 1306 | 109 |

Table 2: Percentage of offender checklists recommended for programs

| Program | Intensity | Percentage |
|------------------------------|--------------------------------|-------------------|
| Violent Offending Checklists | Intensive | 14% |
| | Medium | 20% |
| | Domestic Violence | 36% |
| | No program required | 30% |
| Sex Offending Checklists | Intensive | 33% |
| | Medium | 53% |
| | Intellectual Disabled | 7% |
| | Individual Counseling - Female | 7% |
| Substance Use Checklists | In denial | 2% |
| | Intensive | 46% |
| | Medium | 26% |
| Cognitive Skills Checklists | No program required | 28% |
| | Require a program | 64% |
| | No program required | 36% |

3.15 As shown in Table 3 below, the Department's scheduled programs for the period were seriously in deficit. The figures in Table 3 show the number of offenders recommended to each program. To estimate the shortfall in actual programs, it should be noted that most treatment programs are delivered in a group format, with the current Offender Services' standard indicating an ideal group size no larger than ten participants. This indicates, for example, that an additional 23 domestic violence programs would have been required to service the 229 participants who were not able to be scheduled to the four programs available in 2006/07.

3.16 These figures do much to explain the dilemma facing the Prisoners Review Board, which is frequently confronted with applications for parole from prisoners who, through no fault of their own, have not received offender programs relevant to their particular criminogenic needs. The parole system is at risk of being distorted in its objectives whilst these departmental deficits continue. In the first annual report of the Board, the President (Her Honour Judge Valerie French) stated that these deficits were 'compromising the Board's functions and compounding the blow-out in prisoner numbers'.

ASSESSMENT AND CLASSIFICATION FOR THE PURPOSE OF PREPARATION
FOR RELEASE

- 3.17 Of further concern is that, as a result of serious retention and recruitment rates within the Clinical Services Branch of Offender Services, many scheduled programs are not actually delivered. For example, 26 intensive programs were scheduled for the year but only 13 were actually delivered.

Table 3: Program demand and supply

| Program | Offenders | | | Shortfall in the number of programs available¹⁹ |
|-----------------------------------|------------------|---------------|------------------|---|
| | Demand | Supply | Shortfall | |
| Violent Offending Programs | | | | |
| Intensive | 105 | 45 | 60 | 6 |
| Medium | 149 | 0 | 149 | 15 |
| Domestic Violence | 269 | 40 | 229 | 23 |
| Sex Offending Programs | | | | |
| Intensive | 59 | 20 | 39 | 4 |
| Medium | 95 | 90 | 5 | 1 |
| Other | 26 | 13 | 13 | 2 |
| Substance Use Programs | | | | |
| Intensive | 622 | 190 | 432 | 44 |
| Medium | 351 | 160 | 191 | 20 |
| Cognitive Skills Program | 836 | 348 | 488 | 49 |

- 3.18 The under-supply of programs (164 programs on the basis of the data set out in Table 3) plus the staffing difficulties within Offender Services (recruitment and retention) and issues concerned with the lack of suitable physical infrastructure to run programs within many prisons indicate the need for a staged approach in order to cover the identified deficits. This may need to focus on increasing the delivery of intensive programming in the first instance and then progressing to the other demand gaps or seeking the provision of some of these programs whilst under supervision in the community. This could be of benefit in regard to domestic/family violence, where CJS seem to have a greater range of available interventions and capacity to deliver them.
- 3.19 In implementing this recommendation the Department must seriously consider contracting in service providers to supplement the directly-employed staff. Either a ‘fly-in/fly-out’ model could be considered or, where feasible, contracting in of local service providers, or for the Northern prisons the selection of one as the primary programs centre. The Inspector has suggested that Greenough Regional Prison is ideally placed to be the Assessment and Treatment Centre for Northern prisoners.²⁰ If that were done, either the direct employment or the contracted in or a mixed model of program service delivery could be adopted.

¹⁹ These figures are based on the maximum recommended group size of 10.

²⁰ OICS, *Report of an Announced Inspection of Greenough Regional Prison*, Report No.44 (May 2007).

ASSESSMENT AND CLASSIFICATION FOR THE PURPOSE OF PREPARATION
FOR RELEASE

- 3.20 In the event of contracting in program service delivery the Department would have to maintain effective quality control, as is the case also with in-house program delivery. The recently established Clinical Governance Unit is well designed to achieve this.

Recommendation 14

The Department should commence work to develop a service delivery model for programmatic interventions that encompasses the whole of the offender's sentence.

- 3.21 The benefit would be greater flexibility in service delivery, promotion of a whole-of-department approach to offender management, and potentially better targeting of the program to the offender's readiness and ability to engage in the therapeutic process.

Recommendation 15

There should be modification of the programmatic assessment process based on two phases with an initial screening assessment and a subsequent clinical assessment within 28 days of reception. Based on the outcome of that process offenders would be then booked to a program. The assessing clinician would be required to provide a report justifying their decision to include or exclude an offender from a program.

- 3.22 The benefit would be a better match between risk/need and program intervention. Because of the clinical assessment, the ability to identify unidentified areas of need would be enhanced. The cost of this recommendation would be dependent on the scope of clinical assessments made but would require additional clinical assessors. The increase in clinical assessment is not anticipated to swell the demand for existing programs but rather assist the process of matching the right offender to the right program at the right time.

Recommendation 16

Adult Custodial and CJS should develop a common assessment of needs. Tracking this will allow the Department to demonstrate the extent to which prisons and the Department as a whole make a difference and where that difference is being driven through.

- 3.23 The benefit should be to enable the Department and government to: make better informed decisions regarding funding and resource allocation; to make earlier and more seamless intervention; and to improve links between prison and community based services. The initial cost of this recommendation should be minimal, based on the cost to modify existing databases to capture this information and allow it to be interrogated. Subsequent cost implications would be dependent on the implementation model adopted by the Department.

Recommendation 17

All sentenced offenders should have a needs-based assessment, including those offenders with effective sentences six months or less.

- 3.24 The benefit would be to increase the lead time that the Department has to book short-term offenders into community-based programs and begin the process of preparation for community re-integration. This process would provide information to the Department on the needs of this group around which submissions for funding to address their needs can be framed.

- 3.25 The cost of this recommendation is uncertain at this time. Implementation may require a small increase in FTE at some prisons. The Review has completed a provisional review of the workload and FTE allocated to assessment. This indicated that existing FTE should be able to absorb the additional assessment load. This assumes that all assessment FTE is 100 per cent allocated to assessment. This is not always the case.

Recommendation 18

For offenders in prison, these identified needs should be managed through the case management system.

- 3.26 This will allow the case management coordinators in each prison to track the effectiveness of case management in addressing these needs. This is likely to be in effect a form of assessment of the case management process. It is anticipated that this is likely to widen the scope of case management to a more meaningful interaction for the offender.
- 3.27 The benefit is that: such an approach gives meaning and purpose to case management; it places the prison officer at the coal face of rehabilitation, which has the potential for a positive impact on prison culture; it enables interventions to commence earlier; it provides some form of structured intervention for all offenders targeted at recidivism; and it may prevent some offenders progressing to more serious forms of offending.
- 3.28 The cost of this recommendation should be able to be absorbed within the existing case management model and as such would have a minimal cost impact. Some funding is likely to be required in the first instance to assist with staff training and resource development.

Recommendation 19

With some exceptions, all sentenced offenders should receive some form of case management, including those with effective sentences of six months or less.

- 3.29 In this model it is proposed that the extent of case management and CJS involvement should be dependent on a balance of risk, need, time to serve and, in the case of Community Justice Services, eligibility for a community-based order. The benefit would be some degree of reduced recidivism, improved in-prison behaviour and a lower propensity to re-offend upon release. The cost of this recommendation is uncertain at this time.

TRANSITIONAL AND IMPLEMENTATION MATTERS

- 3.30 Transitional and implementation matters arising include:
- Within the transition and implementation team, identification of a sponsor for the community re-integration needs assessment tool and process;
 - Determination of an appropriate programmatic assessment and program booking process; and
 - Investigation of potential service delivery options.

Section 4

RECOMMENDATIONS

1. *The establishment of a transition and implementation team within the Department to carry the recommendations of this Review forward.*
2. *That processes should be developed and funds set aside for ongoing monitoring and evaluation of the assessment tools and process developed from this Review.*
3. *The tool should provide a single scoring outcome that contains elements of the risk of escape, harm and control.*
4. *The Department's approach to harm should be common across Adult Custodial and Community Justice Divisions.*
5. *The modified assessment tools resulting from this Review should be adopted.*
6. *The MAP-R assessment should be expanded to include offenders held on remand at Hakea Prison.*
7. *There should be expansion of accredited training to ensure a comprehensive package is provided to Department staff conducting security assessments.*
8. *There should be increased oversight of the security assessment process through Sentence Management.*
9. *The override capacity should be retained but with increased direction on the use of overrides.*
10. *The Department should create a committee comprising Community Justice Services, Adult Custodial, and Offender Management and Professional Development to advise upon the management of a selected group of special risk offenders.*
11. *The current policy requirements regarding the security rating and placement of offenders likely to be subject to deportation and/or extradition should be amended.*
12. *Similarly, the directive routinely excluding offenders with a current sex offence for one third of their sentence from placement at a minimum-security facility should also be amended.*
13. *Funding for programmatic interventions should be increased to enable service delivery to match demand.*
14. *The Department should commence work to develop a service delivery model for programmatic interventions that encompasses the whole of the offender's sentence.*
15. *There should be modification of the programmatic assessment process based on two phases with an initial screening assessment and a subsequent clinical assessment within 28 days of reception. Based on the outcome of that process offenders would be then booked to a program. The assessing clinician would be required to provide a report justifying their decision to include or exclude an offender from a program.*
16. *Adult Custodial and CJS should develop a common assessment of needs. Tracking this will allow the Department to demonstrate the extent to which prisons and the Department as a whole make a difference and where that difference is being driven through.*
17. *All sentenced offenders should have a needs-based assessment, including those offenders with effective sentences six months or less.*
18. *For offenders in prison, these identified needs should be managed through the case management system.*
19. *With some exceptions, all sentenced offenders should receive some form of case management, including those with effective sentences of six months or less.*

NOTE: an additional five recommendations are made in the attached technical report.

OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

TECHNICAL REPORT



Contents

| | |
|--|------|
| EXECUTIVE SUMMARY | T 3 |
| SECTION 1 | |
| INTRODUCTION | T 5 |
| What is assessment and classification within the custodial setting? | T 7 |
| Limitations to assessment and classification | T 8 |
| SECTION 2 | |
| METHODOLOGY | T 12 |
| Review of assessment and classification | T 12 |
| Review of clinical intervention assessment and classification | T 15 |
| Community based needs assessment | T 17 |
| SECTION 3 | |
| RESULTS | T 18 |
| Population description | T 18 |
| Assessment for security classification | T 20 |
| Clinical interventions | T 29 |
| Needs assessment | T 36 |
| SECTION 4 | |
| RECOMMENDATIONS | T 39 |
| APPENDIX ONE | |
| RE-INTEGRATION NEEDS ASSESSMENT TOOL | T 40 |
| APPENDIX TWO | |
| INITIAL SECURITY RATING ITEMS AND BURGESS WEIGHTINGS (ISR _D) | T 42 |
| APPENDIX THREE | |
| CLASSIFICATION REVIEW ITEMS AND BURGESS WEIGHTINGS (CR _D) | T 44 |

Executive Summary

TECHNICAL ISSUES ASSOCIATED WITH THE REVIEW OF ASSESSMENT AND CLASSIFICATION

This technical report presents three main findings:

- a. The Department's tools for the initial security assessment and classification review, while as good as those found elsewhere, can be improved.
- b. In assessing for programmatic intervention, there was a lack of transparency in the decision-making process and an apparent deterioration in the application of the risk/needs principle. This severely limited the utility of any analysis of the checklists used.
- c. The development of a viable tool and process for enhancing the preparation of offenders for re-integration into the community was a success.

SECURITY CLASSIFICATION

In reviewing the performance of the Department's existing security classification tools and determining if improvement could be made, this Technical Report recommends relatively minor changes. For the initial security rating tool, ten of the existing 15 items were recommended for retention with an additional two items recommended for inclusion. For the classification review tool, 13 of the existing 14 items were recommended for retention with again an additional two items recommended for inclusion.

Two options were considered for the initial security rating and for the classification review. All outperformed the existing Department tools and comparison tools from NSW and New Zealand. The two versions using the Department's preferred scoring appeared to produce the best overall results. Further, while strictly part of the implementation, this report provides suggestions as to the optimal cut-off score for minimum-security placement.

Assessment and classification though are not without their complications and limitations, and form only a part of the management of risk. It is essential therefore that the Department not lose sight of the need to attend to security and service provision as its primary tools for minimising the number of escapes and prison-based offences.

PROGRAMMATIC INTERVENTION

With regard to assessing for clinical interventions the analysis asked two questions:

- Does the Department place offenders to programs based on the risk/need principle?
- How do the checklists used compare to alternative tools?

The analysis found that the Department was not using any of its three checklists in line with the risk/need principle. There was extensive use of the clinical override option, which indicates a lack of confidence in the tools used, and there was considerable variation between which offenders the checklists and the nominated alternatives considered warranted intervention. With limitations to the data set, this restricted the analysis such that it was not possible to clearly recommend one tool over another. In the end though, with improved transparency, a stricter adherence to the risk/need principle in screening offenders, and the adoption of the two step process recommended in the Final Report, the actual screening tool used by the Department may be largely immaterial.

REINTEGRATION INTO THE COMMUNITY

The final aspect of this project was to look at the development of a tool and process to enhance the re-integration of offenders back into their communities. What constitutes this will vary between offenders, but the literature points to a number of general areas where the success or failure of an offender's re-integration can be impacted upon. The Department provides a range of services and activities (interventions) that address these areas of needs but not all prisons have access to them, the services are poorly coordinated, and their value to offenders and to the wider community is often not recognised.

This Project demonstrates that:

- Community re-integration needs for sentenced offenders can be assessed within a reasonable time period;
- These needs can be aligned with the Community Justice Services assessments of areas of need; and,
- The case management process is a viable mechanism to address and monitor needs.

Section 1

INTRODUCTION

- 1.1 This report relates to the technical aspects of the Review of Assessment and Classification within the Department of Corrective Services ('the Project'). It is focused on the tools and processes involved in the conduct of assessments and the allocation of offenders to various classifications.
- 1.2 Though frequently described only in terms of their role in the management of potential serious prison events,²¹ assessment and classification have many functions including:
- The efficient allocation of scarce resources to deliver the greatest benefit;²²
 - Better forecasting and even manipulation of bedspace and intervention needs;²³
 - Minimisation of the potential for escape and in-prison violence;²⁴ and
 - Promotion of accountability and transparency for the offender and the custodial service.²⁵

Assessment and classification has in many ways become the centre around which prison management rotates.²⁶

- 1.3 The Project understands assessment and classification as purposeful activities that occur within, and contribute to, the overall holistic management of an offender. Offender management includes decisions relating to the level of security required to ensure continuing custody, offender placement, case management and the provision of various interventions. The goal of offender management is not simply the containment of risk, as every offender can exhibit risk under the right circumstances,²⁷ but the transformation of risky offenders into less risky offenders.²⁸
- 1.4 Risk is necessarily seen as 'a fluid concept that can be minimised, treated and continually reassembled'.²⁹ The need for intervention into, and management of, an offender's custodial situation and rehabilitation regime varies considerably between offenders and over the term of an offender's engagement with the Department of Corrective Services ('the Department'). Therefore, these aspects need to be considered throughout the offender's involvement with the Department and an appropriate balance struck. Such a balance enables a planned, integrated and individual offender management strategy.
- 1.5 The Department is aware of the importance of assessment and classification. It has shown a commitment to the use of objective, transparent, accountable tools and processes, and has

21 See for example Brennan T 'Classification for control in jails and prisons' (1987) 9 *Crime and Justice* 325-326, who argue that inmate, staff and public safety are linked to assessment, classification and management options for offenders.

22 Silver E & Miller L 'A cautionary note on the use of actuarial risk assessment tools for social control' (2002) 48(1) *Crime and Delinquency* 138-161.

23 Bonta J & Motiuk L 'Inmate classification' (1992) 20 *Journal of Criminal Justice* 343-353.

24 Brennan T 'Classification for control in jails and prisons' (1987) 9 *Crime and Justice* 325-326

25 Brennan T 'Classification for control in jails and prisons' (1987) 9 *Crime and Justice* 325-326

26 Austin J and McGinnis K *Classification of high risk and special management prisoners* (US Department of Justice, 2004).

27 Bauer et al 'Dangerousness and risk assessment: the state of the art' (2003) 40(3) *The Israel Journal of Psychiatry and Related Sciences* 182-190.

28 Maurutto P & Hannah-Moffat K 'Assembling risk and the restructuring of penal control' (2006) 46 *British Journal of Criminology* 438-454.

29 Maurutto P & Hannah-Moffat K 'Assembling risk and the restructuring of penal control' (2006) 46 *British Journal of Criminology* 438-454.

INTRODUCTION

been developing and refining these over time. This Project represents a continuation of these efforts.

- 1.6 For the Project, the Steering Group³⁰ directed focus upon a review of:
- The tools and processes for determining security classification;
 - The tools and processes for determining allocation of rehabilitative efforts;
 - The link and progression between security considerations and rehabilitation; and
 - The possibility of a more integrated departmental model inclusive of the needs of both Adult Custodial and Community Justice.³¹
- 1.7 The Steering Group emphasised that the Project should not continue through to the implementation stage. Rather, it should focus upon providing the Department with the policy framework, information, processes and tools to make informed decisions for offender management. The Project therefore sought to:
- Clarify what risks the allocation of a security classification is attempting to assist in managing. In this regard it was considered that in deciding an offender's security classification the Department was attempting to manage three distinct forms of risk: escape, control and dangerousness.³² Escape risk and control risk have fairly standard definitions in the literature:³³ escape risk being the likelihood that an offender would attempt or achieve an unauthorised absence from a custodial setting; and control risk being the likelihood that an offender would persistently participate in serious misconduct within the custodial setting.³⁴
 - Ensure the accurate assessment of offenders' security classification, i.e. minimise the over- and under-provision of security.
 - Determine if separate assessment tools are required for Aboriginal and for female offenders.
 - Ensure that the classification of offenders enables the Department to effectively and efficiently manage its population.
 - Consider the whole of the offender's engagement with the Department, while recognising that its focus is very much on offenders in custody.
 - Consider programmatic and community re-integration forms of intervention. For the purpose of this Project an intervention was considered to be any purposeful effort of the Department to assist an offender prepare to function in the community in a law-abiding fashion. Interventions encompass addressing offenders' criminogenic needs, their release, their re-entry into the community and

30 The Project's Steering Group consisted of the Inspector of Custodial Services (Chair); the Deputy Commissioner Offender Management and Professional Development; the Deputy Commissioner Adult Custodial; the Deputy Commissioner Community and Juvenile Justice; and, the President of the Prisoners Review Board.

31 Currently, Adult Custodial and Community Justice Services have differing approaches and processes for assessment and classification. To what extent these are able to usefully inform the other is unclear. This may lead to a disjointed view of the offender and potentially to inefficient or ineffective management.

32 See Director General's Rule 19

33 Austin J and McGinnis K *Classification of high risk and special management prisoners* (US Department of Justice, 2004).

34 As defined under section 70 of the *Prisons Act 1981* (WA).

INTRODUCTION

their crime-free survival for a reasonable period. Interventions may include clinical interventions such as offence based treatment programs, education and vocational training, health services and more general community based re-integration interventions.

- Further develop existing processes that aim to accurately place eligible offenders into the available programs.
- Ensure that any assessment processes developed within this Project feed into and enable the Department's efforts to identify gaps in service delivery.

WHAT IS ASSESSMENT AND CLASSIFICATION WITHIN A CUSTODIAL SETTING?

- 1.8 In the custodial setting, assessment is essentially the collection of relevant information about risk. The quality and nature of assessment has developed over time. The first generation of assessment tools were based on clinical or professional judgement.³⁵ This approach was subsequently shown to be inaccurate,³⁶ leading to the development of second generation, actuarial risk assessment tools. Actuarial tools were capable of combining more information than the typical human expert. Accurate and consistent judgements could be formed by the accurate collection and input of relevant information, without the necessity of extensive professional experience.³⁷ These tools typically relied heavily on static factors such as nature of offence, or minimally dynamic factors such as age.³⁸
- 1.9 Most recently, a third generation of assessment tools has developed. These arose from a growing understanding of the limitations posed by pure actuarial, static-factor-based prediction tools. As such, third generation tools include truly dynamic factors that can be altered by specific interventions and treatment. There has also been an increased awareness of the value of professional judgement to reflect case-specific influences, assessment context, and in the assessment of unusual cases.³⁹ Third generation tools promote transparency and accountability and consistently outperform second generation actuarial tools.⁴⁰
- 1.10 Such adjusted actuarial assessment tools have enabled the general concept of risk assessment to be reformulated from the passive prediction of risk to the 'process of identifying and studying hazards to reduce the probability of their occurrence'.⁴¹ Within this model

35 Zinger I 'Actuarial risk assessment and human rights: a commentary' (2004) October *Canadian Journal of Criminology and Criminal Justice* 607-620.

36 Gottfredson and Gottfredson, 1993; Morris N & Miller M 'Predictions of dangerousness' (1985) 6 *Crime and Justice* 1-50.

37 Grove WM & Meehl PE 'Comparative efficiency of informal (subjective, impressionistic) and formal (mechanical, algorithmic) prediction' (1996) 2 *Psychology, Public Policy and Law* 293-323.

38 Silver E & Miller L 'A cautionary note on the use of actuarial risk assessment tools for social control' (2002) 48(1) *Crime and Delinquency* 138-161.

39 Doyle M & Dolan M, 'Violence risk assessment: combining actuarial and clinical information to structure clinical judgements for the formulation and management of risk' (2002) 9 *Journal of Psychiatric and Mental Health Nursing* 649-657.

40 See for example Andrews D & Bonta J, *The Psychology of Criminal Conduct* (Cincinnati: Anderson Publishing 2003); Webster et al *HCR-20: Assessing Risk for Violence, Version 2* (Burnaby: Simon Fraser University, 1997); Hart SD 'The role of psychopathy in assessing risk for violence: Conceptual and methodological issues' (1998) 3 *Legal and Criminological Psychology* 121-137.

41 Hart SD 'The role of psychopathy in assessing risk for violence: Conceptual and methodological issues' (1998) 3 *Legal and Criminological Psychology* 121-137.

INTRODUCTION

the correctional task progresses from a focus on prevention to one more focused on management.⁴²

- 1.11 This brings classification to the fore, as whether to intervene or not and at what level are questions of classification. Classification refers to either the division of offenders into groups according to some system or principle, or the placement of offenders into groups according to pre-determined rules.⁴³ In the custodial setting there are essentially two types of classification: classification for security purposes – to inform the decision to place an offender under a minimum, medium or maximum level of security; and, intervention classification – informing the decision to provide rehabilitative interventions and at what level. Again, the purpose is not simply prediction, but action. In this regard, the management of an offender’s risk should be seen within the context of the efforts of the Department to manage the behaviour of the offender through interaction, intervention, supervision and the application of security.

LIMITATIONS TO ASSESSMENT AND CLASSIFICATION

- 1.12 Assessment and classification are not without complications and limitations. A summary of the issues is contained below.
- 1.13 Firstly, defining dangerousness in such a way that it can be accurately measured or predicted is complex.⁴⁴ There is no standard definition or strong theoretical understanding of the concept.⁴⁵ The dangerous offender does not have a single profile; every individual can become dangerous under certain circumstances.⁴⁶ Reoffending has often been used as an outcome marker for dangerousness,⁴⁷ though with little assurance.⁴⁸ Similarly violence has been used as a marker for dangerousness although violence per se has only a limited association to dangerousness.⁴⁹ Dangerousness appears to be the by-product of a host of complex variables whose relative weight and interaction is still inadequately known.
- 1.14 Not surprisingly then, assessment of dangerousness involves a high degree of subjectivity, and individual judgments of dangerousness will vary considerably.⁵⁰ The often unstated assumption accompanying the assessment of dangerousness is that it will be used only

42 Heibrun 1997; Sjostedt G & Grann M ‘Risk assessment: what is being predicted by actuarial prediction instruments?’ (2002) 1(2) *International Journal of Forensic Mental Health* 179-183.

43 Gottfredson DM ‘Prediction and classification in criminal justice decision making’ (1987) 9 *Crime and Justice* 1-20

44 Floud J, ‘Dangerousness and Criminal Justice’, (1982), 22 *British Journal of Criminology* 213.

45 Bauer et al ‘Dangerousness and risk assessment: the state of the art’ (2003) 40(3) *The Israel Journal of Psychiatry and Related Sciences* 182-190.

46 Bauer et al ‘Reflections on dangerousness and its prediction. A truly traumatizing task?’ (2002) 21 *Medical Law* 495-520

47 Howard P, Clark D and Garnham N, *An Evaluation of the Offender Assessment System (OASys) in Three Pilots 1999-2001* (London: National Probation Service, 2003)

48 Ashworth A, *Sentencing and Criminal Justice* (Weidenfeld and Nicolson, 1992) p160.

49 Linaker OM ‘Dangerous female psychiatric patients: Prevalence’s and characteristics’ (2000) 101 *Acta Psychiatrica Scandinavia* 67-72.

50 Bakker, J. O’Malley and D. Riley, *Strom warning: statistical models for predicting violence*, New Zealand Department of Corrections 1998, p6.

to target individuals destined to behave in ways universally understood as dangerous.⁵¹ Unfortunately, as stated earlier, there is no universal understanding of dangerousness and, as seen in other jurisdictions, there is a very real risk that those classified as dangerous will fall under an ever widening definition.⁵²

- 1.15 While in custody an offender will typically only have contact with the community in controlled situations such as visits. As such, potential dangerousness to the community is subsumed within the Department's efforts to ensure safety and good order in its prisons. However, in the event of an escape from custody the Department is largely unable to mitigate an offender's potential harm to the community. Accurate security classification is an attempt to manage this aspect of potential dangerousness.
- 1.16 The limited availability and unreliable nature of outcome data presents a further challenge in the development of an empirical measure of dangerousness upon which to base predictions of risk. The Department collects limited information from escapees once recaptured. Further, as this data is based on police reports and the offender's statement, it is likely to seriously under-represent the harm caused to the community. Therefore, while the available information indicates a low level of harm resulting from escapes, this may indicate a need to devote greater departmental resources to determining the impact on the community rather than an actual absence of harm.
- 1.17 Secondly, the construction of tools and process for assessment and classification invariably requires a range of subjective and arbitrary decisions⁵³ including the selection of items, the number of risk levels and the threshold range. This introduces flexibility and enables tools and processes to be altered or modified to fit the needs of a particular custodial service.⁵⁴ This is appropriate as any classification system must balance often conflicting goals and pursue all of them at some minimally acceptable level. As Davis and Dedel state: 'Lost amid the often acrimonious theoretical debates over risk assessment are the realities of correctional practice'.⁵⁵ Essentially, the value of a classification system is a non-mathematical question⁵⁶ but such flexibility also renders assessment and classification open to abuses and criticisms of bias.⁵⁷

51 The Department does not have an official definition of dangerousness, though Community and Juvenile Justice within the Department propose the following definition: 'Offenders who have and are likely to continue to behave in a manner that includes actual or potential serious physical violence or sexual harm to a person or persons in the community'.

52 Silver E & Miller L 'A cautionary note on the use of actuarial risk assessment tools for social control' (2002) 48(1) *Crime and Delinquency* 138-161.

53 Rose N 'Governing risk individuals: The role of psychiatry in new regimes of control' (1998) 5(2) *Psychiatry, Psychology and Law* 177-195.

54 Hannah-Moffat K & Maurutto P, *Youth/risk/needs assessment: An overview of issues and practices* (Ottawa: Research and Statistics Division, Department of Justice Canada, 2004); Kemshall H, *Understanding Risk in Criminal Justice* (Buckingham: Open University Press, 2003)

55 Davies G & Dedel K 'Violence risk screening in community corrections' (2006) 5(4) *Criminology and Public Policy* 743-770.

56 Kozelka RM 'How to work through a clustering problem' in HC Hudson and Associates (eds), *Classifying Social Data* (San Francisco: Jossey-Bass, 1982).

57 Gottfredson SD 'Prediction: an overview of selected methodological issues' (1987) 9 *Crime and Justice* 21-51.

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- 1.18 Next, actuarial risk assessment tools ground decision-making in statistical relationships. Individuals are scored on a continuum of risk, with the resultant classification decision dividing populations into those with shared characteristics and similar levels of risk.⁵⁸ They have high reliability when predicting aggregated data on the action of a group and predicting the general likelihood of an individual's behaviour. However, they cannot reliably predict the actual behaviour of an individual.⁵⁹ This is largely due to the dynamic nature of risk: there are numerous situational and environmental factors that impact unpredictably on an individual's behaviour. Further, custodial data is notoriously unreliable. Errors in classification and prediction are therefore inevitable.⁶⁰
- 1.19 Fourth, the impact of unpredictable variables can be minimised by limiting the time between assessment and classification. Assessments should not attempt to predict too far into the future: the longer the forecast horizon, the poorer the prediction.⁶¹ Most custodial services conduct regular reviews of offenders' security classifications and tend to review intervention decisions prior to commencement of the intervention. The use of dynamic predictors can also improve assessment accuracy. Dynamic predictors are better descriptors of the individual's current life situation.⁶² They also have the advantage of being at least in part under the control of either the offender or the custodial system and so open for change.⁶³
- 1.20 Fifth, the behaviours to be managed by custodial assessment and classification are typically rare, further impeding predictive accuracy. Prediction implies that all offenders in a defined group will in the future behave as most have in the past. However, accurately predicting low base rate behaviour among the majority of an identified group is inherently difficult,⁶⁴ and the margin for error is high.⁶⁵
- 1.21 Next, in this regard, administrators of assessment and classification must attempt to manage two types of error: false positives (Type 1 error), where offenders are incorrectly considered as risky; and false negatives (Type 2 error), where risky offenders are missed. Agencies generally make decisions on which tool to select based on their preference for one form of error or the other.⁶⁶ This is a subjective decision based on the balance of risk and the 'certain intrusion on the liberty of each member of the high risk identified group'.⁶⁷ The potential for error increases as the base rate differs from chance: the rarer the event the harder it is to further reduce false negatives and the greater the likelihood of false positives. That is, for a rare event such as an escape from custody, security classification is a very blunt tool for

58 Silver E & Miller L 'A cautionary note on the use of actuarial risk assessment tools for social control' (2002) 48(1) *Crime and Delinquency* 138-161.

59 Austin J and McGinnis K *Classification of high risk and special management prisoners* (US Department of Justice, 2004).

60 Gottfredson DM 'Prediction and classification in criminal justice decision making' (1987) 9 *Crime and Justice* 1-20

61 Gottfredson DM *ipid.*, 1-20

62 Wood R & Cellini HR "Assessing Risk of Recidivism in Adult Male Sexually Violent Offenders" (1999) 3(4) *Offender Programs Report* 49-50, 60-61.

63 Gottfredson DM 'Prediction and classification in criminal justice decision making' (1987) 9 *Crime and Justice* 1-20

64 Meehl PE & Rosen A 'Antecedent probability and the efficiency of psychometric signs, patterns and cutting scores' (1955) 52 *Psychological Bulletin* 194-215.

65 Glaser D 'Classification for risk' (1987) 9 *Crime and Justice* 249-291.

66 Loeber R & Dishion T 'Early predictors of male delinquency: A review' (1983) 94 *Psychological Bulletin* 68-99.

67 Floud J & Young W, *Dangerousness and Criminal Justice* (London: Heinemann Educational Books, 1981).

prevention: for the prevention of any additional escape (false negatives) a large number of offenders would need to be held at a higher level of security.

- 1.22 It should be noted though that an escape by a minimum-security rated offender is not necessarily evidence of assessment or classification failure. Similarly, but often less understood, a medium-security rated offender who does not attempt an escape may still pose an unacceptable level of risk.⁶⁸ There is a great deal more to the management of an offender or whether that offender attempts an escape than simply their base level of risk. This is not reflected in the language of ‘false positive’ and ‘false negative’ which implies the total absence or total presence of the predicted condition.⁶⁹ This same argument is equally applicable to control issues within prisons, and to dangerousness.
- 1.23 Seventh, invariably only a sample of a whole population can be used in the development of assessment and classification tools. No two groups are identical, so there is always the risk that the predictive model works only for the sample (and its unique attributes) and not for the population. Indeed, some items may be highly predictive in one subpopulation and not in others or at one time and not at others.⁷⁰ Consequently assessment and classification tools should be used with care. Close monitoring is required to minimise the potential for bias against one group or another and to ensure that the tools continue to meet the agency’s needs.
- 1.24 Finally, assessment and classification tools and processes could potentially contribute to direct, indirect or systemic discrimination.⁷¹ A negative risk assessment can have far-reaching implications for offenders not for what they have done but for what they might do in the future, based on the previous behaviour of the group with which they are statistically associated.⁷² Many, if not all, assessment tools include items that indirectly capture the social disadvantage and corresponding coping strategies of disadvantaged sub-populations. As a result, offenders from these subpopulations tend to be classified higher security based on situational factors that are, for the most part, outside of their control.⁷³ This has the potential to further marginalise offenders on the fringes of the economic and political mainstream.⁷⁴ Actuarial based risk assessment is particularly open to this criticism. The reliance of statistical prediction can give the illusion of objectivity which obscures the actual use of power and authority.⁷⁵ Consequently, there is a need to ensure that such instruments are not only predictive of risk but also applied in an ethical manner.⁷⁶

68 Floud J & Young W, *Dangerousness and Criminal Justice* (London: Heinemann Educational Books, 1981).

69 Morris N & Miller M ‘Predictions of dangerousness’ (1985) 6 *Crime and Justice* 1-50.

70 Maurutto P & Hannah-Moffat K ‘Assembling risk and the restructuring of penal control’ (2006) 46 *British Journal of Criminology* 438-454.

71 Walker S, *Sense and nonsense about crime and drugs: A policy guide* (Belmont: Wadsworth, 1998).

72 Silver E & Miller L ‘A cautionary note on the use of actuarial risk assessment tools for social control’ (2002) 48(1) *Crime and Delinquency* 138-161.

73 Zinger I ‘Actuarial risk assessment and human rights: a commentary’ (2004) October *Canadian Journal of Criminology and Criminal Justice* 607-620.

74 Silver E ‘Race, neighborhood disadvantage, and violence among persons with mental disorders: The importance of contextual measurement’ (2000) 24 *Law and Human Behavior* 449-456.

75 Silver E & Miller L ‘A cautionary note on the use of actuarial risk assessment tools for social control’ (2002) 48(1) *Crime and Delinquency* 138-161.

76 Zinger I ‘Actuarial risk assessment and human rights: a commentary’ (2004) October *Canadian Journal of Criminology and Criminal Justice* 607-620.

Section 2

METHODOLOGY

REVIEW OF SECURITY ASSESSMENT AND CLASSIFICATION

2.1 The Department conducts an initial security rating for all sentenced offenders using the Management and Placement (MAP) checklist. For offenders with effective sentences in excess of 12 months, this initial rating is subsequently reviewed using the Classification Review tool. Both tools contain scored items used to calculate the security rating and unscored items used to inform override and placement decisions. For this Project, the review of the Department's initial security rating and Classification Review tools involved a comparison between the existing tools and a number of alternatives. This section will briefly describe the methodology used in these comparisons. The methodology for determining the cut-off scores for minimum-security classification is also described.

Measures

2.2 Outcomes of interest were identified through:

- A review of the Department's existing tools and processes;
- A review of the international literature and of contemporary good practice in Australia, New Zealand, United Kingdom and Canada; and,
- Discussions with members of the Department, the relevant unions and with offenders.

2.3 The outcomes identified as most relevant to the management of offenders in Western Australia were:

- Escape (any escape or attempted escape from legal custody within 12 months of their initial security assessment);
- Conviction of at least two prison-based charges⁷⁷ within 12 months of their initial security assessment; and,
- The potential dangerousness of the offender should they escape.

2.4 In exploring modifications to the existing tool, a full list of potential outcomes was developed. Some items were excluded from further consideration for ethical reasons and others for their likely prohibitive cost of collection. Data sources included:

- The Department's TOMS, AIPR and Registrar databases;
- The Department's data warehouse;
- Data held by the Health Services Branch of the Department; and,
- Data on matters before the Courts provided by the Department of the Attorney General.⁷⁸

Sample Population

2.5 For the initial security rating the sample population comprised 16,900 sentenced offenders for whom an initial security rating score could be calculated. The sample was limited to Western Australian prison receivals between January 2001 and December 2006. From

⁷⁷ That is, a charge brought under Section 69 and or Section 70 of the *Prisons Act 1981* (WA).

⁷⁸ Only partial matching was able to be achieved between the Court's and Department data.

this, a sub-sample of 8,680 offenders was randomly selected to determine individual items performance. In addition, to aid comparison, only offenders with calculable scores for all tools were used. This resulted in a comparison group of 16,611 offenders.

- 2.6 For the review of the offender's security classification tool the determination of the sample population was more complex. Offenders may receive multiple classification reviews over the period of their imprisonment or, indeed, none at all. As a result, during the period January 2001 and December 2006, 14,856 classification reviews were conducted. To reduce the compounding impact of having offenders appearing multiple times, a Case/Control Model was employed. For the purpose of analysis, a case was variously defined as an offender who subsequently escaped within 12 months of their last classification review, or as an offender who was convicted of at least two prison based charges within 12 months of their last classification review. Case data was collected from offenders' last review prior to their outcome event. Within the Case/Control Model, a control was defined as an offender matched to a particular case by virtue of their gender, location of assessment, and timing of the review (within 2 months prior to the matched case's classification review) but who did not go on to escape or to multiple prison based offences. From the 14,856 reviews, where possible, ten controls were selected for each case, giving a sample size of 956 for escape and 5,638 for control.

Procedure for identifying comparative tools

- 2.7 A literature search was conducted to identify the factors constituting a quality security assessment tool. Current practices in Australia, New Zealand, United Kingdom and Canada were also reviewed. Consequently, the initial security classification tools from New South Wales and New Zealand were identified as quality tools appropriate for comparative purposes.
- 2.8 Potential modifications to the existing initial security rating tool were explored. Logistic regression was used to identify strong individual predictors of escape and control. Logistic regression was also used to explore whether any marked differences in predictability existed between Aboriginal and non-Aboriginal offenders, and between male and female offenders. Item co-linearity was explored using Spearman's rho and forward stepwise logistic regression.⁷⁹ Items were included in the modified tool based on their overall and unique contribution to the tool's predictive strength. Escape and control items were combined in a single tool. For practical reasons, and as the analysis showed that most items predicted escape and control risk in the same direction and to a similar degree, the Project adopted a single score combining predictions of escape, control and dangerousness in determining item weightings.
- 2.9 In order to determine if the above changes resulted in improved performance, two versions of the modified initial security rating tool were developed. Both used a Burgess style weighting⁸⁰ of items. One version, the ISR_B, used weightings where a zero score was set at the population rate for that item and varied above or below that mark dependent on the

79 Collinearity refers to situations where two items are strongly correlated, making a determination of their individual contribution difficult.

80 A Burgess weighted model is an equal weight linear model as described in Gottfredson DM & Snyder HN, *The Mathematics of Risk Classification* (National Center for Juvenile Justice July 2005).

outcome of the logistic regression analysis. In this way, items with similar response sets were not necessarily scored comparably. The second version (ISR_D) used item weightings derived similarly to the above but included consideration of a number of operational constraints. For ease of scoring, items in the ISR_D and with similar response sets were scored identically.

2.10 This resulted in two modified initial security rating tools and a total of five tools for comparison:

- ISR_E (the Department's existing tool)
- ISR_B
- ISR_D
- NSW
- NZ

2.11 The Project decided that the classification review tool should resemble the initial security rating tool. Consequently, the existing classification review tool was compared to only one alternative tool. In all other ways the methodology used mirrored that for the initial security rating.

Procedure for comparison

2.12 The Department's existing tool and the comparator tools from New Zealand and New South Wales were compared based on their published cut-off points for minimum-security classification. Comparisons included:

- The percentage scored as minimum-security.
- The area under each tool's Receiver Operating Characteristic (ROC) curve.⁸¹
- The number of escapees who, based solely on their initial security rating, would have been rated medium-security or above.⁸²
- The number of offenders rated as minimum-security with subsequent multiple control events.
- The number of offenders rated at minimum-security with two or more high scores on any of the items deemed to relate to dangerousness.

2.13 Additional comparisons were made between these tools and the two modified initial security rating tools. These included the comparisons listed above but with the cut-off point for minimum-security determined by:

- Fixing the resultant escape rate at the base escape rate (post 2003);
- Fixing the resultant number of control events at the base control event rate; and,
- Fixing the resultant percentage of minimum-security offenders at the base percentage classified minimum-security.

81 This measures the efficiency of the tool in differentiating between errors in prediction.

82 As the level of security is significantly higher at medium-security, being re-classified as medium security would have, at least in theory, prevented the offender from escaping at that time.

METHODOLOGY

- 2.14 Each analysis explored whether there were marked differences in outcomes between Aboriginal and non-Aboriginal offenders, and between male and female offenders. In addition, all tools were compared on the basis of usability, transparency and custodial value for money (cost of implementation and administration).

Process review

- 2.15 A review of existing assessment and classification procedures and processes established:

- Who should be assessed;
- When, how, where and who does the assessment; and,
- Who contributes information to the assessment and placement decision.

This was compared to processes in other jurisdictions to identify commonalities and differences. The Project was particularly interested in processes with different offender management outcomes and different objectives to those of Western Australia. Training, supervision and resource requirements were identified and a small process trial was conducted using the selected tools.

Determination of cut-off scores

- 2.16 To explore cut-off score options for minimum-security classification, the two best performing tools were compared. In each case the cut-off scores explored were those plus and minus one from that delivering an escape rate equal to the post 2003 base rate of escape. Comparison included:

- The percentage scored as minimum-security.
- The area under each tool's Receiver Operating Characteristic (ROC) curve.⁸³
- The number of escapees who, based solely on their initial security rating, would have been rated medium-security or above.⁸⁴
- The number of offenders rated as minimum-security with subsequent multiple control events.
- The number of offenders rated as minimum-security with two or more high scores on any of the items deemed to relate to dangerousness.

REVIEW OF CLINICAL INTERVENTION ASSESSMENT AND CLASSIFICATION

- 2.17 The existing clinical intervention screening tools were compared with those identified by the Department's Programs Branch as their preferred options. Comparisons were made between:

- The Violent Offending Checklist and the Level of Service Need Inventory (LOSNI);⁸⁵

83 This measures the efficiency of the tool in differentiating between errors in prediction.

84 As the level of security is significantly higher at medium-security, being re-classified as medium security would have, at least in theory, prevented the offender from escaping at that time.

85 Allan A & Dawson D, *Developing A Unique Risk Of Violence Tool For Australian Indigenous Offenders* (CRC 6/00-01 November 2002)

METHODOLOGY

- The Sex Offending Checklist and the STATIC 99;⁸⁶ and,
- The Substance Use Offending Checklist with the Alcohol, Smoking and Substance Involvement Screening Test version 3 (ASSIST).⁸⁷

Sample Population

- 2.18 Data was collated from all checklists completed between January 2001 and December 2006. This resulted in a sample of 3,352 Violent Offending Checklists, 806 Sex Offending Checklists, and 5,451 Substance Use Offending Checklists. This data was then matched to the offender data above.
- 2.19 The Programs Branch provided data on a sample of 540 sex offenders who had completed the STATIC 99 checklist during this same period. Of these, 509 offenders had also completed the Sex Offending Checklist. The Programs Branch also provided data on a sample of 99 violent offenders who had completed the LONSI checklist, which when linked resulted in a sample of 85 offenders with both a LONSI and Violent Offending Checklist score. The Department's Health Services Branch provided a sample of 151 offenders who had completed both the ASSIST and the Substance Use Offending Checklist within the specified time period.

Measures

- 2.20 As in the review of security assessment and classification, outcomes of interest were identified through review of existing departmental tools and processes, review of international literature and good practice, and through discussions with the Department, relevant unions, and offenders.
- 2.21 The outcomes identified as most relevant to the management of offenders in Western Australia included:
- Reoffending post release
 - Any form of reoffending at or above the offence severity of any preceding offence, resulting in a period of imprisonment within two years of release.
 - For violent offenders, any violent reoffending; for sex offenders, any sexual reoffending; and for substance use offenders, any substance use offending resulting in a term of imprisonment within two years of release.
 - Prison-based offences
 - Any serious assault (as defined in s70 of the *Prisons Act 1981* [WA]) post completion of a sex or violence program.
 - Any drug related conviction post completion of a drug related program.
- 2.22 Data sources were as per the review of security assessment and classification (see above).

86 Hanson KR & Thorton D, *Static 99: Improving Actuarial Risk Assessments for Sex Offenders* (Corrections Research Department of the Solicitor General of Canada 1999).

87 Humeniuk R, *Validation of the Alcohol, Smoking and Substance Involvement Screening Test (ASSIST) and pilot brief intervention: a technical report of phase II findings of the WHO ASSIST Project* / prepared by Rachel Humeniuk & Robert Ali, on behalf of the WHO ASSIST Phase II Study Group 2006.

METHODOLOGY

Procedures

2.23 A four step analysis process was applied to each screening tool.

1. Cross tabulation was used to determine whether there was a pattern to how offenders were allocated to programs.⁸⁸ The Project expected to see an orderly increase in offenders being booked to programs as their risk/needs increased.
2. The Department's existing tools and comparator tools were compared for differences in offender allocation to programs. This was done through comparing the correlations between risk, need, motivation and score.
3. ROC curves were used to explore any differing outcomes between tools.⁸⁹ Offenders clearly identified as requiring a program were compared with those identified as eligible for a program but who for various reasons did not participate in the program, and those who scored within a few points of eligibility.⁹⁰
4. All tools were compared on the basis of usability, transparency and custodial value for money (cost of implementation and administration).

Process review

2.24 The process of assessing and booking offenders to clinical intervention programs was also reviewed. The review identified when, how, where and who does the assessment, and who contributes information to the assessment. This information was then compared to processes in other jurisdictions and to the literature on clinical assessment to identify commonalities and differences. Training, supervision and resource requirements were identified.

COMMUNITY-BASED NEEDS ASSESSMENTS

2.25 The Project was tasked with the development of a tool for the identification of offender re-integration needs and a process for piloting its implementation. A literature review was conducted and international practice reviewed to identify effective practice in offender re-integration. A series of meetings and workshops were then run to propose items for the tool, using the areas of need contained within the Community and Juvenile Justice's (CJJ) assessment as a base. Once a stable tool had been agreed upon, a short pilot was run to determine the length of time for administration, usability and transparency.

88 The intention of the checklists was to screen the allocation of offenders to programs based on those with the highest combination of: risk; need; and for drug offenders, motivation.

89 Programs can be assumed to make a difference to re-offending if offenders are correctly allocated.

90 Subjects with scores clearly indicating that they did not require a clinical intervention style program were not included in the analysis as such subjects are by virtue of their low risk/need profile unlikely to re-offend and as such, they are essentially not the same population.

Section 3

RESULTS

POPULATION DESCRIPTION

- 3.1 The data used for this review was representative of the general Western Australian prisoner population. This is unsurprising as the sample of 16,900 represents almost all prisoners undergoing an assessment between 1 January 2001 and 31 December 2006. As Table 1 (below) indicates, almost three quarters of offenders spent less than 12 months in custody. This is even more pronounced in the offender group of greatest interest to this Project, minimum-security prisoners: 91 per cent of offenders receiving a minimum-security rating at their initial assessment spent less than one year in prison with 39 per cent spending less than three months.
- 3.2 Table 1 also shows that the population of offenders receiving a classification review is demographically different from that considered at the initial security rating stage. In the classification review group, offenders tended to be older, less frequently Aboriginal and less likely to have had a prior imprisonment. They also tended to be in custody for offences at the higher end of the offence severity scale. All of this is in line with the fact that many low level offenders receive short sentences and so do not require a review of their classification level.

Table 1: Selected population demographics

| Initial rating group | N=16,900 | Classification review group | N=14,856 |
|--------------------------------|----------|--------------------------------|----------|
| Age (years) | 31.5 | Age | 34.4 |
| Aboriginal | 45% | Aboriginal | 32% |
| Gender (male) | 90% | Gender | 95% |
| Prior imprisonment | 76% | Prior imprisonment | 67% |
| Offence severity | | Offence severity | |
| Low | 25% | Low | 1% |
| Medium | 38% | Medium | 22% |
| High | 22% | High | 37% |
| Highest | 14% | Highest | 39% |
| Length of sentence (effective) | | Sentence remaining (effective) | |
| 6 months or less | 50% | Less than one year | 59% |
| 6-12 months | 24% | 1-3 years | 28% |
| 1-2 years | 15% | 3-5 years | 6% |
| 2-5 years | 7% | 5-7 years | 2% |
| 5+ years | 4% | 7+ years | 5% |

- 3.3 Table 2 indicates that, as expected, the offender escape rate was very low. This was even more pronounced at the classification review stage. In interpreting this rate of 12 escapes per 1,000 assessments, two considerations need to be taken into account. Firstly, the cut-off score for minimum-security classification was adjusted (from 7/8 to 6/7) to reduce what was considered to be a worrying level of escape. Concordantly, the escape rate prior to 2003

RESULTS

was 17.6 per 1,000 assessments, with the escape rate since then, 9.5 per 1,000 assessments. Secondly, the vast majority of escapes happen from minimum-security facilities or situations. This is also reflected in the data, with the pre-2003 minimum-security escape rate at 25 per 1,000 assessments and the post-2003 rate 16.2 per 1,000 assessments.

- 3.4 The apparent superiority of the classification review in preventing escape requires elaboration. At least three factors, other than the superiority of the tool itself, could contribute to this. The data showed that most escapes (77%) occurred within the first 12 months of sentencing, with more than half (55%) occurring within the first six months. As such, most of these offenders would not have been in prison sufficiently long to warrant a review of their classification. It would be unlikely therefore that this high risk group would be present in the classification review population. If they were there though, they would invariably be in closed security by virtue of their escape history. Similarly, offenders warranting a review of their classification tended to have an elevated risk profile. As such, they also would be more likely to have been placed behind closed security. Escapes from closed security are extremely rare; hence the escape rate may over estimate the efficacy of the classification review tool.
- 3.5 Control issues were also rare, as were offenders with high scores on two or more dangerousness items. In this regard it is interesting to note the higher rates of control issues in the offenders undergoing a classification review. This likely reflects a combination of the increased duration reviewed offenders have spent in prison (therefore their increased exposure to issues giving rise to a prison charge) and that one of the primary ways of receiving an early classification review is poor behaviour.

Table 2: Outcome markers

| Initial rating group | N=16,900 | Classification review group | N=14,856 |
|--|-----------------|--|-----------------|
| Escape – one year (rate per 1,000 assessments) | 207 (12) | Escape – one year (rate per 1,000 assessments) | 83 (5.6) |
| Control – two convictions within 12 months | 8.3% | Control – two convictions within 12 months | 12.6% |
| Control – two s70 convictions within 12 months | 4.4% | Control – two s70 convictions within 12 months | 7.3% |
| Dangerousness – two or more items | 2.5% | Dangerousness – two or more items | 7.6% |

- 3.6 In the data set, based solely on their initial security rating, 48 per cent of offenders were rated minimum-security, 49 per cent medium-security and three per cent maximum-security. This is considerably different from the actual percentage of minimum-security achieved by the Department on a day-to-day basis of around 27 per cent. This disparity comes about due to:

RESULTS

- The very short-term nature of many minimum-security offenders;
- The impact of overrides (mostly being upwards); and,
- That classification reviews happen six months to a year after commencing a sentence. Therefore, the opportunities for an upgrade in security classification (due primarily to additional charges or poor prison behaviour) are much more frequent than the opportunities to reduce it.

In this way, commencing the sentence of 48 per cent of offenders at minimum-security can translate into an average minimum-security population of around 27 per cent.

ASSESSMENT FOR SECURITY CLASSIFICATION

3.7 Prior to discussing the results from the project, a number of limitations need to be acknowledged:

- The data provided by the Department contained many factual errors and logical inconsistencies. Extensive data cleaning was therefore required. While every effort was made to correct errors, inconsistencies may remain in the final data set.
- Errors and inconsistencies in the data set also meant that linkage of data sets internal and external to the Department was most often incomplete.
- There were definitional and recording issues for each outcome marker.
 - Escape included absconds which some jurisdictions count separately.
 - Control issues were limited to convictions of breaches of sections 69 and 70 of the Prisons Act 1981 (WA). Some prisons are likely to use such mechanisms for control, with others more likely to use loss of privileges or referrals to outside courts. Further, at least historically, many prison based charges failed to reach a conclusion where an offender left a prison either to freedom or on transfer.
 - The measure for dangerousness was somewhat artificially created and could only be considered a very limited and simplistic measure of the potential dangerousness in the offender group.
- Due to the strong interaction between some heavily weighted items in the initial security rating and classification review tools and the security rating given to offenders, there were limitation on the extent to which logistic regression could demonstrate any likely association.
- The use of the Receiver Operator Characteristic curve statistic is somewhat controversial and so should be interpreted with caution.
- The Steering Group's direction to derive a single score process for determining security classification and the operational need for a single weighting for individual items limited the analysis and weighting options able to be applied.

While these are important limitations, no one or combination were sufficient to interfere with the overall thrust of the analysis.

Initial security rating

3.8 Table 3 shows the performance of the Department's current initial security rating tool

RESULTS

(ISR_E) relative to comparative tools from New South Wales and New Zealand. From this it can be seen that the Department's current tool would have been marginally more successful in identifying those offenders who went on to escape, but was somewhat less efficient⁹¹ in doing so.

- 3.9 It is of note that the ISR_E escape rate presented in Table 3 (6 per 1,000 assessments) is considerably lower than the rate actually achieved. There are two main reasons for this. While the great majority of escapes happen from minimum-security, escapes can and do happen from medium- and maximum-security facilities. In addition, a number of offenders (n=103) who were identified for higher security were in fact not allocated to higher security and did subsequently escape. This non-allocation to higher security was due to a number of overrides to minimum-security, errors in determining an offender's score, and that prior to 2003 the Department accepted a higher level of risk within its minimum-security population. The rate of 6.0 therefore relates to the likely impact had the ISR_E been correctly applied, without override and at the 6/7 cut-off for the entire period under study.

Table 3: Initial security rating performance using published cut-offs (N=16,611)

| Model | Minimum cut-off | AUC [#] | Escapes (rate per 1000) | Starting at minimum | Control issues (rate per 1,000) | Dangerousness (rate per 1,000) |
|------------------|-----------------|------------------|-------------------------|---------------------|---------------------------------|--------------------------------|
| ISR _E | 6/7 | 0.489 | 6.0 | 45.3% | 36 | 8 |
| NSW | 8/9* | 0.509 | 6.5 | 52.2% | 47 | 5 |
| NZ | 18/19 | 0.509 | 6.3 | 51.7% | 52 | 27 |

The area under the Receiver Operating Characteristic curve relating to escape

* Offenders with a detainer warrant and a score of 8 could be rated medium

- 3.10 Essentially though, there was little difference between the tools in their efficiency or success in managing escapes from minimum-security. However, there were marked differences between the success of the various tools in managing control issues and dangerousness. The ISR_E performed best at managing control issues and was equivalent to the New South Wales tool in managing dangerousness. From this information, the ISR_E tool would appear to be comparable to either the New South Wales or New Zealand alternatives in the Western Australian context.
- 3.11 Table 4 summarises an analysis of the predictive ability and efficiency of items included in the initial security rating tool. Ten of the existing 15 items were recommended for retention (some with modification⁹²). An additional two were items recommended for inclusion.
- 3.12 Six items were recommended for exclusion. Two of these – history of institutional violence and institutional violence within the last 12 months – were recommended for exclusion based largely on their very low frequency of occurrence. While it is recommended that these items not be used in the calculation of an offender's security rating score, it is wholly appropriate that they be included within the MAP as strong grounds for a security override

91 As determined by the tools Receiver Operating Characteristic area under the curve (AUC) score.

92 See Appendix Two

RESULTS

to a higher classification level. Further, the full-time primary caregiver item yielded mixed results, with some indication that it was an important consideration for female offenders. As such it is recommended that this item be considered within the overall MAP but not within the scored component.

*Table 4: Item selection*⁹³

| Item | In/out | New | Reasons |
|--|---------------|------------|---|
| Age | In | New | Strong predictor of escape and control issues, with risk decreasing with age |
| Prior section 70 charge history | In | New | Strong predictor of escape and control, particularly once recency was considered |
| History of escapes | In | | Strong predictor of escape and control |
| Length of effective sentence | In | | Escape and control risk tended to increase with length of effective sentence |
| Substance abuse related to current offending | In | | Predictive of escape and control issues offending |
| Further prison charges pending | In | | Theoretical and statistical basis for inclusion for control issues only |
| Disciplinary charges current period | In | | Theoretical and statistical basis for inclusion for control issues only |
| Previous detention or imprisonment | In | | Strong predictor of escape and control, particularly once recency was considered |
| Further court pending | In | | Strong theoretical basis for inclusion. Risk of escape and control tended to increase with the seriousness of the pending court |
| Seriousness of offending history | In | | Limited association with escape or control, but included for its theoretical association with dangerousness |
| Seriousness of current offending | In | | Predictive of escape and control issues |
| Offences committed at large | In | | Strong theoretical and operational basis for inclusion |
| History of institutional violence | Out | | Limited statistical association with escape or control |
| Institutional violence within last 12 months | Out | | Limited statistical association with escape or control |
| Employed or attending education six months prior to imprisonment | Out | | Limited statistical association with escape or control |
| Full-time primary care giver | Out | | Limited statistical association with escape or control |
| Lived at the same address for 12 months prior to imprisonment | Out | | Limited statistical association with escape or control |

93 See Appendix Two for proposed item wording

RESULTS

- 3.13 To determine if the above changes resulted in improved performance, two versions of the modified initial security rating tool were developed, the ISR_B and ISR_D . In this way, five options were considered, based on fixed anticipated rates of escape (Table 5), control (Table 6) and percentage of offenders initially rated minimum-security (Table 7).
- 3.14 Table 5 shows that the Burgess style weight tools delivered the best efficiency, requiring the fewest offenders to be rated at a higher level of security to deliver the same rate of escapes. The three versions of the ISR tool were equivalent in managing control issues, with the ISR_B least effective of the three in managing dangerousness. Escapes of dangerous offenders were almost non-existent regardless of the tool used.

Table 5: Model Performance – escape rate set at 8 per 1,000 assessments

| Model | Cut-off | AUC# | Starting at minimum | Control issues at minimum (rate per 1,000) | Dangerousness at minimum (rate per 1,000) |
|---------|---------|-------|---------------------|--|---|
| ISR_E | 7/8 | 0.472 | 54.6% | 42 | 13 |
| ISR_D | 7/8 | 0.526 | 71.6% | 47 | 19 |
| ISR_B | 4/5 | 0.559 | 70.0% | 38 | 21 |
| NSW | 9/10 | 0.493 | 61.0% | 57 | 7 |
| NZ | 15/16 | 0.502 | 57.3% | 55 | 26 |

The area under the Receiver Operating Characteristic curve relating to escape

- 3.15 Table 6 shows that the ISR_B and ISR_D tools appeared superior where control issues were set as a constant, with little to separate them.

Table 6: Model Performance – control issues set at 40 per 1,000 assessments

| Model | Cut-off | AUC# | Escapes (rate per 1,000) | Starting at minimum | Dangerousness at minimum (rate per 1,000) |
|---------|---------|-------|--------------------------|---------------------|---|
| ISR_E | 7/8 | 0.472 | 7.7 | 54.6% | 13 |
| ISR_D | 7/8 | 0.526 | 8.4 | 71.7% | 19 |
| ISR_B | 4/5 | 0.559 | 7.4 | 70.3% | 21 |
| NSW | 5/6 | 0.518 | 3.5 | 30.1% | Nil |
| NZ | 7/8 | 0.523 | 2.8 | 24.9% | Nil |

The area under the Receiver Operating Characteristic curve relating to escape

- 3.16 Table 7 shows that with a target set for 45 per cent at minimum-security, the new tools considerably outperformed the existing tool in the prevention of escapes and control issues. The ISR_B tool performed marginally better for escape and control issues but was again the least effective in managing dangerous offenders.

RESULTS

Table 7: Model Performance – percent starting at minimum set at 45%

| Model | Cut-off | AUC [#] | Escapes (rate per 1,000) | Starting at minimum | Control issues at minimum (rate per 1,000) | Dangerousness at minimum (rate per 1,000) |
|------------------|---------|------------------|--------------------------|---------------------|--|---|
| ISR _E | 6/7 | 0.489 | 6.0 | 45.0% | 36 | 8 |
| ISR _D | 5/6 | 0.580 | 4.4 | 50.9% | 26 | 16 |
| ISR _B | 2/3 | 0.589 | 3.7 | 46.5% | 22 | 19 |
| NSW | 7/8 | 0.504 | 5.8 | 45.6% | 56 | 3 |
| NZ | 12/13 | 0.513 | 5.1 | 44.8% | 46 | 29 |

The area under the Receiver Operating Characteristic curve relating to escape

Classification review

3.17 Table 8 summarises an analysis of the predictive ability and efficiency of items contained in the Department’s classification review tool. From this it can be seen that 13 of the existing 14 items were recommended for retention (some with modification⁹⁴). One additional item was recommended for inclusion, age.

Table 8: Classification review item selection⁹⁵

| Item | In/out | New | Reasons |
|--|--------|-----|--|
| Age | In | New | Strong predictor of escape and control issues |
| Seriousness of current offending | In | | Predictive of escape and control but the relationship is somewhat bell shaped |
| History of escapes | In | | Strong predictor of escape and control |
| Offences committed at large | In | | Predictive of control. Theoretical association with dangerousness item |
| History of institutional violence | In | | Theoretical and statistical basis for inclusion for control issues only |
| Institutional violence within the last 12 months | In | | Theoretical and statistical basis for inclusion for control issues only |
| Seriousness of offending history | In | | Some statistical association with escape and particularly control. Theoretical association with dangerousness |
| Length of effective sentence left to serve | In | | Once escapes within a few months of minimum were controlled for, escape risk tended to increase with length of effective sentence. Lopsided bell shape relationship to control |
| Further court pending | In | | Strong theoretical basis for inclusion. Risk of escape and control issues tended to increase with the seriousness of the pending court |

94 See Appendix Three

95 See Appendix Three for proposed item wording

RESULTS

| Item | In/out | New | Reasons |
|-------------------------------------|--------|-----|--|
| Further prison charges pending | In | | Theoretical and statistical basis for inclusion for control issues only |
| Disciplinary charges current period | In | | Theoretical and statistical basis for inclusion for control issues only |
| Most severe disciplinary conviction | In | | Theoretical and statistical basis for inclusion for control issues only |
| Program performance | In | | Statistical association with escape and control |
| Industrial/Education report | In | | Limited statistical association with escape. Control risk decreased as the quality of the worker increased |
| Family/Community relations | Out | | Limited statistical association with escape or control |

- 3.18 This analysis highlights the tool's heavy control focus; that is, a focus on offender behaviour as the basis of progression through security ratings. This approach may well be appropriate. The literature indicates that without specific intervention an offender's escape risk tends to be stable over lengthy periods. Therefore, escape risk has limited utility as the basis for progression. Further, if escape risk and control risk are associated (due to a shared impulsive component), the offender's behaviour in prison is likely to be a reasonable indicator of escape risk as well as propensity for control issues.
- 3.19 In order to determine if the above changes resulted in improved performance, modified versions were compared to the existing classification review tool (CR_E). Two versions of the modified tool were developed based on a Burgess style weighting of items – the CR_B and the CR_D. In this way three options were considered based on fixed anticipated rates of escape (Table 9) and control (Table 10).
- 3.20 Table 9 shows that the performance of the Burgess style tools (the ISR_B and ISR_D) were virtually indistinguishable. It should be noted that most prisoners (greater than 75%) who went on to commit multiple control violations (Section 69 and 70 offences) were retained in closed security regardless of the tool used.

Table 9: Model Performance – escape rate set at 8 per 1,000 assessments

| Model | Cut-off | AUC [#] | Escapes retained | Moved to minimum | Control issues at minimum |
|-----------------|---------|------------------|------------------|------------------|---------------------------|
| CR _E | 6/7 | 0.401 | 36% | 44% | 28 per 1000 |
| CR _D | 3/4 | 0.489 | 48% | 50% | 26 per 1000 |
| CR _B | 3/4 | 0.486 | 40% | 57% | 33 per 1000 |

The area under the Receiver Operating Characteristic curve relating to escape

RESULTS

- 3.21 Table 10 shows that in comparison to the CR_B and certainly the CR_E, the CR_D would have resulted in fewer escapes from minimum-security without a commensurate loss in efficiency or percentage achieving minimum-security.

Table 10: Model Performance – control issues set at 40 per 1,000 assessments

| Model | Cut-off | AUC [#] | Escapes retained | Moved to minimum |
|-----------------|---------|------------------|------------------|------------------|
| CR _E | 7/8 | 0.392 | 36% | 44% |
| CR _D | 4/5 | 0.474 | 35% | 60% |
| CR _B | 4/5 | 0.439 | 21% | 67% |

The area under the Receiver Operating Characteristic curve relating to escape

- 3.22 The above results indicate that the modified versions (ISR_D, ISR_B, CR_D and CR_B) outperformed the existing tools. This supports the Project's recommendation that

The modified assessment tools resulting from this Review should be adopted.

- 3.23 It is recognised that, as part of the implementation process, the Department intends to look closely at the weighting assigned to items in the proposed classification review tool. As a result they may devise weightings that perform even better than those shown here. Nonetheless, the tools and weightings shown here should be considered the baseline from which any further modification would need to deliver improved performance.

Recommendations

- 3.24 To determine which modified initial security rating tool to recommend (ISR_D or ISR_B) the two were compared using various minimum-security cut-off options (see Table 11). From this table it is evident that there is little to distinguish the performance of either tool. Similarly, in Table 12 there appears to be little to differentiate the two classification review versions, with the CR_D possibly marginally superior.

Table 11: Cut-off table – initial security rating

| Tool | Escapes (rate per 1,000) | Rate of control issues at minimum (per 1,000) | Rate of dangerousness offenders at minimum (per 1000) | Starting at minimum |
|------------------------|-----------------------------|---|---|------------------------|
| ISR_B | | | | |
| 2/3 | 3.7 | 22 | 19 | 46% |
| 3/4 | 5.1 | 30 | 19 | 59% |
| 4/5 | 7.4 | 38 | 21 | 70% |
| ISR_D | | | | |
| 5/6 | 4.4 | 26 | 16 | 51% |
| 6/7 | 6.5 | 33 | 17 | 62% |
| 7/8 | 8.4 | 47 | 19 | 72% |

RESULTS

Table 12: Cut-off table – classification review

| | Additional minimum | Control issues moved security escapes | % moved to minimum to minimum |
|-----------------------|--------------------|--|----------------------------------|
| CR_B | | | |
| 2/3 | 5.2 per 1000 | 44 per 1000 | 45% |
| 3/4 | 5.9 per 1000 | 57 per 1000 | 57% |
| 4/5 | 6.6 per 1000 | 66 per 1000 | 67% |
| CR_D | | | |
| 2/3 | 4.9 per 1000 | 42 per 1000 | 38% |
| 3/4 | 5.8 per 1000 | 53 per 1000 | 50% |
| 4/5 | 6.1 per 1000 | 63 per 1000 | 60% |

- 3.25 In light of the greater weighting consistency in the ISR_D and CR_D it is therefore recommended

Recommendation 20

That the Department adopts the ISR_D as its tool for determining an offender's initial security rating.

and

Recommendation 21

That the Department adopts the CR_D as its tool for determining an offender's initial security rating.

- 3.26 The optimal cut-off score for minimum-security classification will be best determined during the implementation stage. However, Tables 11 and 12 indicate that for the initial security rating a 6/7 cut-off and for the classification review a 3/4 cut-off would enable a sound balancing of risk and the system's minimum-security population needs.
- 3.27 Using a 6/7 cut-off for the initial security rating, approximately 60 per cent of new assessments would be initially rated minimum-security. Based on the assumption that the influences on the average daily percentage of offenders held at minimum-security described earlier (see para 3.6), similarly impact on this group, this would result in a demographic shift to around 34 per cent minimum-security in the general population. In reality though, it is quite possible that the resultant day-to-day minimum-security percentage would be a few percentage points higher than this. As such, the flow-on effect on the population security mix should be closely monitored.
- 3.28 Table 13 shows a comparison between the characteristics of offenders who scored as minimum-security based on the existing tool and its current cut-off score of 6/7 and the ISR_D using a 6/7 cut-off. From Table 13, it can be seen that the adoption of the recommended tool and cut-off of 6/7 would result in few discernible demographic differences in the population of offenders held at minimum-security. The only large difference being that the recommended tool would result in a greater proportion of offenders with medium level offences commencing their sentence at minimum-security.

RESULTS

It is of note, however, that this increase in offenders with a medium level offence did not increase the projected control rate.

Table 13: Minimum-security population characteristics

| | | Current | ISR _D 6/7 cut-off |
|---|---------|---------|---------------------------------|
| Males | | 89% | 89% |
| Aboriginal | | 46% | 44% |
| Age (years) | | 32.6 | 33.6 |
| Prior section 70 charge history | | 4% | 4% |
| History of escapes | | 6% | 6% |
| Length of effective sentence (more than three years) | | 2% | 4% |
| Substance abuse related to current offending (medium or higher) | | 26% | 33% |
| Further prison charges pending | | <1% | <1% |
| Disciplinary charges current period | | 7% | 6% |
| Previous detention or imprisonment | | 41% | 34% |
| Further court pending | | 10% | 15% |
| Seriousness of offending history | High | 12% | 15% |
| | Highest | 5% | 6% |
| Seriousness of current offending | Highest | 6% | 9% |
| | Low | 52% | 39% |

3.29 With the above changes to the initial security classification and its review, three additional considerations appear important.

- A larger percentage of offenders are likely to commence as minimum-security. Consequently, the offenders rated at medium and maximum security are likely to be more risky than currently.
- The vast majority of short stay offenders achieve minimum-security on their initial security rating.
- There are multiple avenues to upgrade the security classification for offenders with non compliant behaviour or changes to their risk profile.
- Most escapes happen early in an offender's sentence or early once the offender reaches minimum.
- The focus on offender behaviour as an indicator of escape risk while appropriate requires that prison officers and staff have a sufficient period of time over which to base this assessment.

Recommendation 22

That an offender's classification not be routinely reviewed within the first 12 months from their sentencing.

RESULTS

CLINICAL INTERVENTIONS

- 3.30 Clinical interventions (predominantly intensive and medium intensity treatment programs) are demanding on offenders and on prison staff. Such programs have high running costs, and an offender's selection for such programs ultimately impacts on their likelihood of parole or freedom. To justify their provision, prison administrators must therefore ensure that the programs have the best chance to bring about a meaningful change in an offender's in-prison behaviour, their post release offending, or preferably, both. The now extensive 'What Works' literature indicates that programs can best deliver meaningful change where offenders have both a high risk of reoffending and the greatest need to address their criminal propensity.
- 3.31 The Department also states that this risk/need principle is the primary consideration for placement to a clinical intervention program, with the offender's motivation at the time of the assessment also taken into consideration. In determining an offenders risk, need and motivation, the Department uses three treatment checklists: the Sex Offender Treatment Checklist (SOTC); the Violent Offender Treatment Checklist (VOTC); and the Substance Use Offender Treatment Checklist (SUOTC). Each was developed in-house and provides a raft of information.⁹⁶ From there a tertiary qualified treatment assessor makes a decision whether to place an offender to a program and, if so, what will be the intensity of that program. Cut-off scores for highest risk (a score above 13) and highest need (a score above 16) have been developed, with the treatment assessor retaining the right of clinical override.
- 3.32 This analysis asked two questions of each checklist:
- Based on the checklist, does the Department place offenders to programs based on the risk/need principle?
 - How does the checklist compare to an alternative tool?

Table 14: Allocation to programs – existing checklists

| | | Intensive | Medium | No program | Total |
|-------|----------------------------|-----------|--------|------------|-------|
| SOTC | Low risk, low need | 27 | 176 | 294 | 477 |
| | Mixed | 16 | 44 | 61 | 121 |
| | Highest risk, highest need | 49 | 35 | 106 | 190 |
| | Total | 92 | 255 | 441 | 788 |
| VOTC | Low risk, low need | 18 | 186 | 1075 | 1279 |
| | Mixed | 110 | 231 | 1447 | 1788 |
| | Highest risk, highest need | 12 | 5 | 36 | 53 |
| | Total | 140 | 422 | 2558 | 3120 |
| SUOTC | Low risk, low need | 217 | 482 | 1907 | 2606 |
| | Mixed | 261 | 296 | 850 | 1407 |
| | Highest risk, highest need | 173 | 138 | 339 | 650 |
| | Total | 651 | 916 | 3096 | 4663 |

96 Only around half of the checklist items are scored.

RESULTS

- 33.3 From Table 14, within our sample of 16,900 offenders, 788 offenders (5%) were identified as having completed a SOTC; 3,120 (18%) were identified as having completed a VOTC; and 4,663 offenders (28%) a SUOTC. In most cases, offenders were subsequently not offered a place on an intensive or medium intensity program. Low intensity programs were not considered within this analysis. Offenders were most likely to be offered a program if they were required to complete a SUOTC (43%), with 35 per cent of offenders completing the SUOTC offered a program and only 18 per cent of those completing the VOTC offered a program.
- 3.34 In line with the 'What Works' literature, the Department's treatment checklists determine scores for offender risk, need and motivation. Analysis of the checklists revealed a generally high correlation between risk and need scores (0.849, 0.416 and 0.651 for the SOTC, VOTC and SUOTC respectively). Weak or non-significant correlations were seen between risk, need and motivation scores.
- 3.35 From Table 14 it can be seen that there was considerable variation as to the percentage of offenders deemed to fall within the highest risk/need category between the three treatment checklists. On the SOTC, 190 offenders (24% of those assessed) scored in the highest range for both risk and need (256 offenders scored in the highest risk range with 245 scoring in the highest need range). For the VOTC, 54 offenders (3%) scored highest for both risk and need (1,866 offenders for risk and 62 scoring for need). For the SUOTC, 650 offenders (14%) scored highest for both risk and need (841 for risk and 1,889 for need).
- 3.36 According to the risk/need principle, it is from these highest risk, highest need offenders that places in the Department's intensive offender program should have been filled. In some circumstances, based on the clinical judgement of the treatment assessor, offenders with a mixture of high and highest risk/need would logically be considered for placement, though if the treatment checklists were performing as designed this would be infrequent.
- 3.37 Analysis of offender program placement reveals that offenders with highest risk or highest needs were, between 2.5 times (for risk on the SUOTC) and 6.3 times (for need on the VOTC) more likely to be offered an intensive program. However, only 26 per cent of offenders identified as having both highest risk and highest need on the SOTC were offered an intensive program. These highest risk/need offenders accounted for just over half (53%) of all offenders offered an intensive sex offender program. 27 offenders with both low risk and low need were also offered an intensive program with the remaining 16 places going to offenders with a mixture of risk and need.
- 3.38 The VOTC and SUOTC followed a similar pattern. Only 23 per cent of those offenders identified as having both highest risk and highest need on the VOTC were offered an intensive program, with the SUOTC showing 27 per cent. These highest risk/need offenders accounted for just nine percent of those offered an intensive violence program and 27 per cent of those offered an intensive substance use program. Again, for both checklists, many offenders with both low risk and low need were offered an intensive program with the remaining places going to offenders with a mixture of high, medium and low risk and need.

RESULTS

- 3.39 The offender's motivation score tended to further cloud the association between risk/need and program placement. Indeed, it appears that some 23 offenders were offered an intensive program based on their motivation alone, having low risk and low need scores (23 for the SOTC, 18 for the VOTC and 82 for the SUOTC). The Department states that high motivation is an important consideration in determining placement to a treatment program, particularly in relation to substance programs. Contrary to this though, 65 per cent of intensive substance programs were offered to offenders without high motivation scores; indeed, 137 offenders were offered programs despite having low motivation, low risk and low need (135 of these for the SUOTC).⁹⁷
- 3.40 The pattern for medium intensity programs was similar, with low motivation scores even more strongly associated with being offered a program. It was particularly concerning that between 44 per cent and 69 per cent of medium intensity program places were offered to offenders with low risk and low need.
- 3.41 What this appears to be demonstrating is that in many instances (up to 75%) the decision to place an offender into a treatment program (whether intensive or not) was not based on the 'What works' approach of balancing offenders' risk, need and motivation scores. While it was not able to be tested here, this allocation of offenders to treatment programs most likely reflects a heavy use of clinical override by the treatment assessors.
- 3.42 Comparison of the SOTC and the Static 99 (the identified best alternative) revealed moderately significant correlations between the two instruments of 0.439 for risk and 0.559 for need. Correlation for motivation (-0.137) was weak but still significant ($p=0.002$). This indicates some likely overlap between the two tools in their identification of offenders warranting intervention. This was subsequently confirmed as there was 68 per cent agreement between those offenders determined as warranting intervention based on the Static 99⁹⁸ and those of highest risk and highest need on the SOTC. This overlap occurred for both high and not high motivation offenders.

97 While there was some improvement in more recent years in the association between risk/need and program allocation this was at best marginal.

98 Taken as a score above six.

RESULTS

Table 15 – Comparison tools and program allocation

| | | Intensive Program | Not intensive or no program | Total |
|-------------------------------------|---------------|-------------------|-----------------------------|-------|
| Static 99 | Low | 14 | 143 | 157 |
| | Medium low | 11 | 200 | 211 |
| | Medium high | 14 | 72 | 86 |
| | High | 4 | 33 | 37 |
| | Total | 43 | 448 | 491 |
| LOSNI | Low | 0 | 2 | 2 |
| | High | 35 | 48 | 83 |
| | Total | 35 | 50 | 85 |
| ASSIST (excluding cigarettes) | Intervene | 14 | 59 | 73 |
| | Not intervene | 6 | 72 | 78 |
| | Total | 20 | 131 | 151 |

- 3.43 Despite this high level of agreement between scales, only 9 per cent of offenders with high Static 99 scores were offered an intensive program (Table 15). Comparatively, 26 per cent of offenders with high risk/need scores on the SOTC were offered an intensive program. It is evident that some other factor is influencing the decision process and heavily discriminating against offenders identified by the Static 99 tool as warranting intervention. It appears that the treatment assessors and the Static 99 tool are preferencing different offender groups.
- 3.44 Looking at the VOTC and the LOSNI, the correlation between them was non-significant for risk, need and propensity for domestic violence (0.205, 0.048, 0.107 respectively). There was a weak but significant negative correlation with motivation (-0.052; $p=0.002$). This indicates a limited overlap between those offenders the VOTC and LOSNI identified as warranting intervention. This was subsequently confirmed where there was only 8 percent agreement between those offenders determined as warranting intervention based on the LOSNI⁹⁹ and those of highest risk and highest need on the VOTC. This very limited agreement between the two tools appears to be predominantly due to disagreements based on need, which is interesting given that the LOSNI is predominantly a needs inventory.
- 3.45 As shown in Table 15, 42 per cent of offenders with high LOSNI scores were offered an intensive program. Comparatively, 23 per cent of offenders with highest risk/need scores on the VOTC were offered a program. Interestingly, all those offenders offered an intensive program had high LOSNI scores, compared to only 6 per cent with high risk/need scores of the VOTC.
- 3.46 For the SUOTC and the ASSIST, the ASSIST tool determines an offender's treatment need for a range of licit and illicit substances. For the purposes of comparison then, an

⁹⁹ Taken as a score above ten.

RESULTS

indication on any of the scales (except cigarettes) was taken to identify treatment need. Analysis revealed a 35 per cent agreement on offenders warranting placement to a program between the ASSIST and SUOTC. This indicates a limited overlap between those offenders identified as warranting intervention. Only 19 per cent of offenders with high ASSIST scores were offered an intensive program (Table 15). This compares to 27 per cent of those with high risk/need scores on the SUOTC.

- 3.47 Analysis of the comparative effectiveness of the existing treatment checklists and their alternatives in optimally placing offenders to treatment programs was severely limited by:
- The breakdown in the risk/need principle for placement to programs;
 - The small sample size left once linkage to the Courts data was achieved;
 - The Department's tendency to provide programs late in the offender's sentence;
 - The practice of dropping prison-based charges against offenders once transferred or released;
 - The generally longer time to reoffending found in the sex offender population; and,
 - The multi-axle nature of the ASSIST tool.
- 3.48 Consequently, while there were clear differences based on which offenders the tools determined as in need of intervention, no tools performance was able to be distinguished as clearly superior. However, from Table 16 it can be seen that for the SUOTC offenders placed to the intensive substance use offending treatment program according to the risk/need principle tended to be less likely to re-offend upon release. While this relationship would not generally be considered statistically significant (Chi Sq 3.7, $p=0.055$), it is close and certainly indicated in the right direction. This was not the case for the ASSIST, though again the numbers were very small and preclude any firm conclusion.

Table 16: Reoffending by high risk/need offenders placed to programs by the SUOTC

| | 12 month reoffending | | Total |
|-----------------|----------------------|-----------|-------|
| | No | Yes | |
| No intervention | 262 (53%) | 233 (47%) | 495 |
| Intervention | 39 (66%) | 20 (34%) | 59 |
| Total | 301 | 253 | 554 |

- 3.49 The SUOTC may, as tentatively indicated here, outperform the ASSIST. This could be due to the SUOTC consideration of reoffending risk, something which the ASSIST tool is not designed to consider. Nonetheless, it is difficult to recommend the SUOTC as truly superior, as the superiority of the performance of the SUOTC appears to be less grounded in its differentiable ability and more to the treatment assessors who were placing offenders to programs based only partially on the outcome of this tool.
- 3.50 It is interesting to note though that compared to the Static 99, the SOTC identified three times as many offenders requiring a program. It was also apparent that the treatment assessors were, when allocating offenders to programs, unwittingly favouring the

RESULTS

category of offenders who the LOSNI identified as high risk over those identified on the Department's checklist.

3.51 In Summary:

1. The existing treatment checklists are not being used in line with the risk/need principle.
2. There appears to be a heavy use of the clinical override option.
3. There is considerable variation between which offenders the checklists consider warrant intervention.
4. The study was not able to distinguish if the SOTC or the Static 99 were superior in their ability to optimally place offenders to sex offender treatment programs.
5. The preferential selection of the treatment assessors may indicate that the LOSNI would deliver a closer alignment between assessed risk/need and treatment allocation.
6. The study tended to indicate that the SUOTC may be superior in its ability to optimally place offenders to substance use offender treatment programs.

Process issues

3.52 The review of process showed:

- Just under 50 per cent of offenders were in prison for only a short duration (6 months or less). This does not generally allow sufficient time for programmatic interventions.
- Assessments are carried out to determine interventions in the areas of:
 - Sexual offending;
 - Violent offending (including domestic violence);
 - Substance abuse offending; and
 - Cognitive skills.
- Adherence to the 28 day assessment period is crucial to sentence planning and overall sentence and offender management.
- The treatment assessors are generally successful at completing the assessment and treatment booking within the 28 day period.
- Regional areas had great difficulty getting sufficiently qualified treatment assessors.
- In the process used, the treatment assessor assesses the offender, determines the program placement decision and books the offender to a program.
- There appears to have been a deterioration of the risk/needs principle in identifying offenders for programs.
- There was a lack of transparency in the decision process (a lot of information is collected but not scored). The current treatment checklists collect a lot of information that is not directly linked to risk, needs or motivation, but which appear to be used in making clinical override decisions.
- There appeared to be a large degree of subjectivity in the decision process.
- Uncertainty exists as to whether the right offenders, too many offenders or too few

RESULTS

offenders are being placed to programs.

- There appeared to be limited capacity in the decision process for oversight.
- The process only allows information to be collected on the given subset of issues and limits new information collection.
- Based on an assessment of the motivation of an offender that occurs within 28 days of commencing their sentence, some offenders were excluded from consideration for programs and other included. This is problematic where programs were not scheduled to be delivered for extended periods (often years) from that date.

3.53 As recommended in the Final Report:

There should be modification of the programmatic assessment process based on two phases with an initial screening assessment and a subsequent clinical assessment within 28 days of reception. Based on the outcome of that process offenders would be then booked to a program. The assessing clinician would be required to provide a report justifying their decision to include or exclude an offender from a program.¹⁰⁰

3.54 This changes the current purpose of the checklists from simply determining program participation to being part of a stepped process. As such, the checklists can be used as a screening tool, providing a pool of eligible offenders from which clinicians determine program participation. All such offenders would then be assessed by a clinician to identify not just their appropriateness for participation in the current suit of treatment programs but their more general criminogenic risks and needs. This would also enable the offender's motivation to be more comprehensively explored and options for maintaining or improving that motivation included into the offender's Individual Management Plan (IMP). As recommended the two step process would also enable greater transparency and improved clinical oversight to the decision process.

3.55 Ideally, the screening tool used should be short, deliverable by a uniformed officer or other prison staff member and transparent in its referral for further assessment. The three comparative tools explored above fit these criteria and the current Department checklists, while more diagnostic than screening in nature, could be modified to use only the scored components of each as a screen. Unfortunately, the scarcity of data and the fact that the assessment process was lacking in transparency and had ventured so far from the risk/need principle, meant that it was simply not possible to recommend one tool over another. In the end, with improved transparency, a stricter adherence to the risk/need principle in screening offenders and the adoption of a two step process, the actual screening tool used by the Department may be largely immaterial. It is therefore further recommended that in conjunction to the process recommended in the Final Report –

Recommendation 23

The Department select a screening tool that best fits its process and monitor the outcomes of the screening process to see if this is delivering the right offenders to its suit of programs.

100 Recommendation 15.

NEEDS ASSESSMENT

- 3.56 All prisoners are likely to be released back into the community. Therefore, all have some level of re-integration need. What constitutes this need will vary between offenders but the literature points to a number of general areas where the success or failure of an offender's re-integration can be impacted upon. The Department provides a range of services and activities (interventions) that address these areas of need, but not all prisons have access to them, the services are poorly coordinated and their value to offenders and to the wider community is often not recognised. Indeed, other jurisdictions in Australia have much clearer community re-integration interventions and strategies. These are based on the 'What Works' literature which point to non-program interventions as also important in reducing in-prison violence and improving the success of the offender's transition back into the community.¹⁰¹ Western Australia is lagging well behind the other states in this regard.
- 3.57 The Department has recognised this and has implemented a number of initiatives that are attempting to progress the re-integration needs of offenders. In this light, the Final Report recommended¹⁰²

Adult Custodial and CJS should develop a common assessment of needs. Tracking this will allow the Department to demonstrate the extent to which prisons and the Department as a whole make a difference and where that difference is being driven through.

All sentenced offenders should have a needs-based assessment, including those offenders with effective sentences six months or less.

For offenders in prison, these identified needs should be managed through the case management system.

With some exceptions, all sentenced offenders should receive some form of case management, including those with effective sentences of six months or less.

- 3.58 In line with the above recommendations, this project explored a re-integration needs assessment process that when determining needs and how to best address them, would take into consideration the whole of the offender's engagement with the Department. In doing so, the assessment and determination of eligibility for intervention would be governed by the risk/need principle. Greater services would therefore go to those with the higher risk and needs, but that all offenders were likely to review some form of intervention. In doing so this project sought also to ensure that any assessment processes developed would feed into and enable the Department's efforts to identify gaps in service delivery and would align with CJJ assessments of need.
- 3.59 As such, it was envisaged that the re-integration needs assessment would assess for those needs not specifically tied to programmatic intervention and would feed into the offender's

101 See for example, Social Exclusion Unit *Reducing Re-Offending by Ex-Prisoners*, Social Exclusion Unit, Office of the Deputy Prime Minister, London (2002); Boraycki M (2005) *Interventions for prisoners returning to the community*. Australian Institute of Criminology, Canberra; *Report and Recommendations to New York State on Enhancing Employment Opportunities for Formerly Incarcerated People*, The Independent Committee on Re-entry and Employment, New York 2006.

102 Recommendations 16-19.

RESULTS

Case Management process. This is likely to widen the scope of Case Management to a more meaningful interaction for the offender. This will allow the case management coordinators in each prison to track the effectiveness of case management in addressing these needs.¹⁰³ It is also anticipated that the addressing of an offender's needs may provide a realistic avenue to parole, independent of programmatic interventions.

Who is assessed?

3.60 As all offenders have a re-integration need, it is proposed that all sentenced offenders (excluding those in for payment of fines only) are to be assessed. For short-stay offenders, those less than 6 months effective sentence (about 50% of the prisoner population) the benefit of assessing for their re-integration needs is therefore not anticipated to derive from prison based services. They are simply not in prison for a sufficient duration to facilitate formal interventions. Rather, by drawing these short-stay offenders into the assessment process, this increases the lead time the Department has to book such offenders into community-based programs. This implies a strong link between this assessment of need and CJJ as provider of community-based programs. In this model it is proposed that the extent of case management and CJJ involvement should be dependent on a balance of risk, need, time to serve and, in the case of CJJ, eligibility for a community-based order. This process would also provide information to the Department on the needs of this group around which submissions for funding to address their needs can be framed.¹⁰⁴

When is it done and by whom?

- 3.61 It is proposed that all offenders have an initial needs assessment conducted either by a prison officer assessor or through CJJ. To facilitate sentence planning, all initial needs assessments would need to be completed within the 28 day assessment period.
- 3.62 For offenders with effective sentences longer than 12 months (13% of the sentenced population), the needs assessment should be reviewed annually by the Case Management Coordinator or delegate (eg Case Officer). For offenders past their EED, their needs assessment should be reviewed at six month intervals from EED date. Where an offender is participating in an approved pre-release program, the needs assessment would be reviewed for each PRP Progress Review report.
- 3.63 Under this proposal, all offenders would have an exit needs assessment to inform their exit planning and where relevant, their transfer of responsibility to CJJ. For offenders not on an approved pre-release program, this would be conducted by the Case Management Coordinator or delegate. Where offenders were being exited on parole, this would happen as part of their parole report. Where the offender was being released at the completion of a finite sentence, this review should happen not later than two weeks prior to their release date. For those offenders on an approved pre-release program, this exit review should happen at their last PRP Progress Review.

103 This is likely to be in effect a form of assessment of the case management process.

104 Some offenders, those from whom a pre-sentence report has been prepared, would already have a needs assessment done by CJJ (20%).

RESULTS

How does it tie in with services?

- 3.64 In this model, the assessing officer would conduct the needs assessment. For offenders eligible for an IMP, the information from this assessment would be provided to the Case Officer for the Primary Contact Report and for inputting into the IMP. Referrals and access to services (based on the identified areas of need) would be negotiated at the initial Case Conference and form part of the record of that meeting. This would allow the case management coordinators in each prison to track their effectiveness in addressing these needs. It is anticipated that this is likely to widen the scope of case management to a more meaningful interaction. It also places the prison officer at the coal face of rehabilitation, which has the potential for a positive impact on prison culture
- 3.65 For short-stay offenders (those not eligible for an IMP), this information also goes to a Case Officer for action. In this case the scope of possible activity is likely to be limited and more formulaic and may simply constitute a referral to CJJ and service providers such as health.
- 3.66 For offenders eligible for a community based order, based on the exit needs assessment, information on the addressed and unaddressed areas of need and the associated service and referral history should be transferred to the offender's CJJ case officer. NOTE: to facilitate this link to CJJ, the areas of need identified in the Re-integration Needs Assessment line-up with and can be translated directly into the needs areas identified within Part Two of the CJJ Report and Supervised Assessment.
- 3.67 This demonstrates that:
- Community re-integration needs for sentenced offenders can be assessed within a viable time period in the prison setting;
 - These needs can be aligned with the CJS assessments of areas of need; and,
 - The case management process is a viable mechanism to address and monitor needs.

Recommendation 24

After further development the community based needs assessment tools and processes outlined in this technical report should be adopted.

Section 4

RECOMMENDATIONS

Re-stated recommendations from the Final Report

- The modified assessment tools resulting from this Review should be adopted. (3.22)
- There should be modification of the programmatic assessment process based on two phases with an initial screening assessment and a subsequent clinical assessment within 28 days of reception. Based on the outcome of that process offenders would be then booked to a program. The assessing clinician would be required to provide a report justifying their decision to include or exclude an offender from a program. (3.53)
- Adult Custodial and CJS should develop a common assessment of needs. Tracking this will allow the Department to demonstrate the extent to which prisons and the Department as a whole make a difference and where that difference is being driven through. (3.57)
- All sentenced offenders should have a needs-based assessment, including those offenders with effective sentences six months or less. (3.57)
- For offenders in prison, these identified needs should be managed through the case management system. (3.57)
- With some exceptions, all sentenced offenders should receive some form of case management, including those with effective sentences of six months or less. (3.57)

Additional technical recommendations

20. That the Department adopts the ISR_D as its tool for determining an offender's initial security rating. (3.25)
21. That the Department adopts the CR_D as its tool for determining an offender's initial security rating. (3.25)
22. That an offender's classification not be routinely reviewed within the first 12 months from their sentencing. (3.29)
23. The Department select a screening tool that best fits its process and monitor the outcomes of the screening process to see if this is delivering the right offenders to its suit of programs. (3.55)
24. After further development the community-based needs assessment tools and processes outlined in this technical report should be adopted. (3.67)

Appendix 1

RE-INTEGRATION NEEDS ASSESSMENT TOOL

| | <i>Area of need</i> | <i>Not area of need</i> | <i>N/A</i> |
|--|-----------------------|-------------------------|-----------------------|
| Education/Employment | | | |
| Finished Year 10 at school or has a trade qualification? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Ever had a full-time job or been in stable employment? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Has basic literacy skills – For example, are you able to complete social security forms on your own? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Family and Intimate Relationships | | | |
| Partner/spouse likely to be supportive of the offender while in prison? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Family is supportive of the offender while in prison? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The offender’s relations/community will be happy to see the offender when released? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The offender plans to return to the same circumstances/community when released? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Ever been a victim of domestic violence or sexual assault? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Associates and Social Interactions | | | |
| Generally commits crimes alone? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| When outside normally spends time with people who do not commit crimes? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| When not in prison takes part in set activities every week (sport, meetings, community activities, family activities, etc.)? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Alcohol, Drug Use and Other Addictive Behaviours | | | |
| Spends time with people who do not use drugs? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Has a current problem with alcohol or other drugs? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| If not current, has recent (within last two years) problem with alcohol or other drugs? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| If applicable, did the offender complete the last rehabilitation program attended? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Has leisure activities that do not include alcohol or drugs? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| If the offender gambles, has paying debts caused financial hardship to the offender or offender’s family? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Appendix 2

INITIAL SECURITY RATING ITEMS AND BURGESS WEIGHTINGS (ISR_D)

| Item | Weighting |
|---|-----------|
| Current age | |
| Up to but not including 25 | 2 |
| 25 to 29 years | 1 |
| 30 to 39 years | 0 |
| 40 plus years | -1 |
| Previous detention or imprisonment | |
| None | -1 |
| More than two years ago | 0 |
| Two or less years ago | 1 |
| Seriousness of offending history | |
| Nil or low | 0 |
| Moderate | 1 |
| High | 2 |
| Highest | 3 |
| Prior section 70 charge history (violence only) | |
| No | 0 |
| Yes | 1 |
| History of escapes/attempted escapes within last two years | |
| History of escape within the last two years | 2 |
| History of escape more than two and less than five years past | 1 |
| No history of escape or more than five years past | 0 |
| Number of past escape/attempted escapes | |
| None | 0 |
| Once | 1 |
| More than once | 2 |
| Seriousness of current offending | |
| Low | 0 |
| Moderate | 1 |
| High | 2 |
| Highest | 3 |
| Length of effective sentence | |
| Up to and including six months | 0 |
| Six months to one year | 1 |
| One to three years | 2 |
| More than three years | 3 |

INITIAL SECURITY RATING ITEMS AND BURGESS WEIGHTINGS (ISR_D)

| Item | Weighting |
|--|-----------|
| Substance abuse related to current offending | |
| Nil or low | 0 |
| Moderate | 1 |
| High or highest | 2 |
| Further prison charges pending | |
| No | 0 |
| Yes | 1 |
| Disciplinary convictions current period | |
| No | 0 |
| Yes | 1 |
| Further court pending | |
| Nil or low | 0 |
| Moderate | 1 |
| High | 2 |
| Highest | 3 |

Appendix 3

CLASSIFICATION REVIEW ITEMS AND BURGESS WEIGHTINGS (CR_D)

| Item | Weighting |
|---|-----------|
| Current age | |
| Up to but not including 25 | 2 |
| 25 to 29 years | 1 |
| 30 to 39 years | 0 |
| 40 plus years | -1 |
| Seriousness of current offending | |
| Low | 0 |
| Moderate | 1 |
| High | 1 |
| Highest | 2 |
| History of escapes/attempted escapes within last two years | |
| History of escape within the last two years | 2 |
| History of escape more than two and less than five years past | 1 |
| No history of escape or more than five years past | 0 |
| Number of past escape/attempted escapes | |
| None | 0 |
| Once | 1 |
| More than once | 2 |
| Offences committed at large (within last 5 years) | |
| Not applicable | 0 |
| Non violent offences | 1 |
| Violent offences | 2 |
| History of institutional violence | |
| None | 0 |
| Assault not involving weapon nor resulting in serious injury | 1 |
| Assault involving weapon or resulting in serious injury | 2 |
| Institutional violence within previous 12 months | |
| Not applicable | -1 |
| No | 0 |
| Yes | 1 |
| Seriousness of offending history | |
| Nil or low | 0 |
| Moderate | 1 |
| High | 2 |
| Highest | 3 |
| Length of effective sentence still to serve | |
| Up to and including six months | -1 |
| Six months to one year | 0 |
| One to three years | 1 |
| More than three years | 2 |

CLASSIFICATION REVIEW ITEMS AND BURGESS WEIGHTINGS (CR_D)

| Item | Weighting |
|---|-----------|
| Further court pending | |
| Nil or low | 0 |
| Moderate | 1 |
| High | 2 |
| Highest | 3 |
| Further prison charges pending | |
| No | 0 |
| Yes | 1 |
| Disciplinary convictions current period | |
| No convictions during current sentence | -1 |
| No conviction during the previous six months | 0 |
| One conviction during the previous six months | 1 |
| More than one conviction during the previous six months | 2 |
| Most severe disciplinary conviction past 12 months | |
| None | 0 |
| Section 69 charge | 1 |
| Section 70 charge | 2 |
| Matter heard in a Magistrates Court or higher | 3 |
| Industrial/education report | |
| Above average worker or student | -1 |
| Average worker or student, willing but unable to work | 0 |
| Unsatisfactory worker or student | 1 |
| Refuses to work | 2 |
| Program performance | |
| No programs required | -1 |
| Completed necessary programs | -1 |
| Assessed program need but not yet completed | 0 |
| In denial | 1 |
| Refuses or failed programs | 2 |



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

www.custodialinspector.wa.gov.au

Level 27, 197 St George's Terrace, Perth, Western Australia, Australia 6000
Telephone: +61 8 9212 6200 Facsimile: +61 8 9226 4616