

Assessing Sexual Recidivism in Parole Board Evaluations

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Function of the Parole Board

- Under the provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, when considering the release of prisoners who come before it, the Parole Board is required to determine only one thing, namely whether it is “satisfied that it is no longer necessary for the protection of the public that the prisoner should remain detained”.
- In order to direct release, the Board should be satisfied that it is no longer necessary for the prisoner to be detained in order to protect the public from serious harm (to life and limb). It is not a requirement to balance the risk against the benefits to the public or the prisoner of release.

ROSH Guidance 2020 HMPPPS

- **The risk of serious harm is the likelihood of a life-threatening and/or traumatic event. Recovery, whether physical or psychological, can be expected to be difficult or impossible.**

Open Conditions

- Before recommending the transfer to open conditions, the Parole Board must consider
 - a) the extent to which the person has made sufficient progress during the sentence in addressing and reducing risk to a level consistent with protecting the public from harm
 - b) the extent to which the person is likely to comply with the conditions of any such form of temporary release
 - c) if the person is considered trustworthy enough not to abscond
 - d) the extent to which the person is likely to derive benefit from being able to address risk factors and to be tested in the open conditions environment such as to suggest that a transfer to open conditions is worthwhile

Risk Assessment

- **Who is instructing?**
 - Awareness of bias (in self and others)
 - Meaningful instruction letters are rarer in prison law than other areas
 - Check if dossier up to date/request more information
- **Assessment Interview**
 - Prepare – don't review all information where unnecessary
 - Where are the gaps in information (sexual/relational history, dysfunction, fantasy)
 - Time limited rapport building – art not science!
 - Not an assessment of likability
 - Responsivity issues, request more time where needed
 - Face to face v's videolink/telephone

Risk Assessment

■ Report

- Know your base rates – broad range in severity of offence
- Consider your audience – Expert psychologists to layperson – write for the intelligent layperson
- Tables for ratings (assists with comparison/joint statements)
- Avoid lists
- Recommendations should start from the release test backwards
- Set out all options but focus on **necessity** not **benefit**
- Challenge your own recommendations
- Check for myth perpetuation – avoid ‘setting him up to fail’

Risk Assessment

- Consider all evidence, not just evidence which supports presence – i.e. sexual interests
- Challenge the assumption of relevance on the basis of presence – it is future focused
- Always refer back to the manual, even when well acquainted
- Tricky issues of denial and unusual offence patterns
- Acknowledge where there is an absence of evidence. This does not make risk assessment impossible but will impact on the validity of the assessment.
- Use research evidence to consider risk factors/typologies
- You are in charge of the risk assessment, not vice versa, structured clinical judgement is key
- Keep up to date with research – specific and more broadly
- Be clear – what is risk of serious harm – subjective?

Intervention

- Increasing trend to recommend PIPE's as a necessary step in someone's journey.
- An understanding of 'personality disorder' is not well evidenced in risk assessments, leading to spurious recommendations
- What is core risk reduction?
- What is consolidation?
- Is morality driving recommendations?

Assessing Risk of Abscond

- Altman (1972) relationship between risk of absconding and being male, student, catholic, side burns, odd haircuts and cowboy boots
- Most of the research is based on secure hospital patients (i.e. LARA assessment, Hearn et al 2012)
- Socio-environmental factors include anger, feeling trapped, food quality, boredom, fear of others, worrying about relatives or property, and a need or desire to carry out an activity or responsibility

Community Provision

- Understand what services are available in the community in the persons home area
- Benefits of community work experience
- Where possible, speak to Community Offender Manager
- Consider provision, motivation, protective factors – listen to the person about what works and why failures have occurred
- Consider worst-case scenario in terms of provision and relational support

Preparing for Hearings

- Your role is to assist not impose - differing recommendations are a gift to the panel
- Always re-read and challenge the independence of your opinion. Would you have said the same regardless of who commissioned it?
- Bullet point your key messages for clarity which will likely centre on differing professional opinions
- Seek to highlight points of agreement rather than disagreement with other psychological risk assessments
- Try to anticipate where the panels line of questioning will go (the benefit of VL hearings)
- Anticipate both challenge and curious inquiry, panels differ significantly in their approach

Lessons Learned

- Restructuring reports in a way that is descriptive and clear – don't assume points are self evident
- Not allowing injustice or emotion to cloud opinion (Cat A/IPP)
- Staying within remit of expertise
- Appearing blasé about the severity of an offence when the risk judgement is low
- Making recommendations which are practical and realistic
- Acknowledge points which challenge your opinion rather than become defensive – pick your battles!
- Being prepared to change one's opinion mid hearing
- Giving greater consideration to the environmental challenges

Why do it?

- **Constant scrutiny as compliance monitor**
- **Interesting and varied cases**
- **High level of client contact**
- **Bring varied experience to the process**
- **Aim to offer pathway, counterargument**
- **Learn from mistakes, professional development**



Psychological Approaches

<https://www.psychological-approaches.org/forensic-conversations.html>

- Non-contact sexual offending: exploring the role of fantasy, control and sex.
- Sexual homicide: a case of sadism or panic?
- Let's talk about sex!
- Top tips for practitioners giving expert evidence
- A 10-step approach to managing complex sexual offenders
- Transgender individuals with serious convictions
- Intimate Partner Violence: taking a look at the controversial aspects of the evidence base.
- Psychosis and violence
- Stalking: what we know and why it matters
- From incarceration to the community: reflections on the process of psychological change.
- Schema Therapy and application to forensic practice