

Violent Criminals, sex offenders, convicted robbers and gang members set to be supervised by private security firms

A briefing from Napo the trade union and professional association for probation and family court staff – March 2013

On 9 January 2013 the government announced that it planned to outsource up to 70% of the Probation Service's work. The supervision of all medium and low risk offenders would be undertaken by private security firms such as Serco, G4S and Sodexo. Only work with high risk offenders would stay with the public sector. Persons therefore posing significant risk to the public would be supervised by private companies with no history of managing offenders. It is envisaged that England and Wales will be divided into 16 lots for tendering purposes. The government wants the outsourced system to be in place by March 2015, i.e. before the next general election. This is a very ambitious timetable.

Napo estimates that nearly 70,000 of the 140,000 cases, which are likely to be privatised, are medium or low risk offenders who have been convicted of violence, sexual matters, burglary, robbery and domestic violence. Further, many are also known to be gang members. In determining risk of harm or reoffending status, staff must follow Ministry of Justice guidelines.

Many staff believe that the guidelines are drafted so that as few cases as possible are deemed high risk.

Risk definitions

High – *There are identifiable indicators of serious harm. The potential event could happen at any time and the impact would be serious.*

Medium – *There are identifiable indicators of risk of harm. The offender has the potential to cause harm but is unlikely to do so unless there is a change in circumstances e.g. failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse.*

Low – *There are no identifiable indicators of risk of harm.*

(Serious harm – physical or psychological harm that would be very difficult to recover from within a 2 year period).

Case histories gathered by Napo and published in this briefing show that there are significant public protection risks should the government's scheme go ahead. Currently the Probation Service is very effective; all its targets were met or exceeded last year. Indeed the Probation Service won the British Quality Foundation (BQF) Gold Medal for Excellence, an award that is given to an organisation in recognition of its outstanding, continued, commitment to sustained excellence over a number of years.

Ministry of Justice figures for all Trusts show that victim feedback in 2011-12 was positive in 98% of cases; that 49% of offenders were in employment at the termination of their orders; that 89% had accommodation and that 82% of orders or licences were successfully completed during the period. Completion targets were also met or exceeded on the vast majority of probation programmes. The service was set a target of 90% in terms of court reports timeliness and was successful in 99% of cases. and in all but five probation areas three-quarters of orders or licences were successfully completed. In addition, participation in supervision plus an offender programme reduces reoffending from 50% to 35%.

Contrary to government claims, reoffending rates for supervision in the community are falling¹.

- For community orders there has been a 2.1% drop in proven reoffending rates from 2005 to March 2011. (37.7 to 35.6). This represents an actual decrease of 5.6%.
- For suspended sentence orders there has been a 6.1% drop in proven reoffending rates from 2005 to March 2011. (36.3 to 30.3). This represents an actual decrease of 16.8%.
- For those people on license there has been a 1.7% drop in proven reoffending rates from 2008 to March 2011. (39.2 to 37.5). This represents an actual decrease of 4.3%.

However, for those in prison for less than 12 months there has been a 3.5% increase in reoffending between 2000 to March 2011 (54.3 to 57.8). This represents an actual increase of 6.4%. The Probation Service has no statutory responsibility for this group of offenders, nor currently does anybody else.

The government has also announced that if risk escalates the case must transfer to the public sector. Last year 24% of the probation caseload of 190,000 were involved in a change of risk status; either a medium to high or vice versa. About 45,000 cases were involved with an estimated third of that group involving risk escalation. Napo assumes that money will follow case transfer. Arguably therefore there is a disincentive for the private sector to reclassify cases, which would further jeopardise public safety. The public sector will also be responsible for recalling parolees who have violated their licences and any breaches of community orders. Last year 17,000 prisoner were recalled and a further 25,000 breached. The government remains silent however on just how the public sector will carry out these recalls or breaches on individuals they have not supervised or do not know. The government has also said nothing on how the private sector will assess whether risk has escalated or not.

Whatever emerges, the system that will be created will be bureaucratic, costly and will lead to delays before recalls are put in place or risk transferred, which again raises major concerns for public protection. In addition the Ministry of Justice has calculated that there needs to be 11 significant changes to existing IT systems. This again is uncostered.

Those who are currently deemed medium or low risk need efficient professional and experienced supervisors. Extrapolation from figures produced by the London Probation Trust on the numbers who are medium or low risk in certain categories of offence is as follow²:

Medium and Low Risk		
Offence	Number	Percentage of all convictions for this offence
Domestic violence	8,400	73%
Burglary	15,940	86%
Robbery	7,605	38%
Violence against the person	29,840	58%
Sexual offences	2,310	30%
Gang members	3,290	56%
Total	67,385	

Offenders are not a compliant group of individuals who are free of social problems and economically healthy. They are in fact characterised by having multiple problems and factors of disadvantage. Last year the Prison Reform Trust through its Bromley Briefings³ gave an overview of the problems faced by offenders.

Characteristic (Males)	Offenders	General Population
Taken into care	27%	2%
Regular truant	30%	3%
Excluded from School	49%	2%
No qualifications	52%	15%
Numeracy at or below 11 years	65%	23%
Unemployed	67%	5%
Two or more mental illnesses	72%	5%
Drug use	65%	13%

Figures for female offenders, who only comprise 5% of the caseload, show that: 70% had two or more mental disorders; 33% were excluded from school; 71% had no qualifications and 55% had used drugs during the pervious 12 months.

This is why risk is not static and can change considerably at short notice. Professor Carol Heidemann, from Leicestershire University, wrote in a letter to the Independent in January 2013 that risk is: “a dynamic condition which requires active management, so splitting the caseload by risk is by no means simple. A sudden change in circumstances such as the breakup of a long term relationship may at the individual level have a dramatic effect on the chances of a young man reoffending”.

HM Inspector of Probation, Liz Calderbank, has commented this year: "Given the dynamic and situational nature of risk, which can change according to circumstance, these individuals can present an even greater challenge to the offender manager than their higher risk counterpart. The majority of individuals who commit a further serious offence are drawn from this group." Indeed over the last 10 years there have been on average 500 to 600 serious further offences committed by people either on parole or offender supervision and 80% of those individuals at the time of the further offence were thought to be low or medium risk.

It is essential therefore that those who supervise offenders are highly skilled and experienced. A review carried out into the quality of probation supervision by academics at the Universities of Sheffield and Glasgow for the Ministry of Justice in March 2012⁴ concluded that the following were important to good supervision:

■ Building genuine relationships that demonstrate care about the person being supervised, their future and their reoffending, not just monitoring and surveillance.
■ Engaging offenders in defining needs and setting goals for supervision including a supervisory relationship which shows active listening by supervisors.
■ Supervisors who keep on trying to steer supervisees into the direction of not reoffending through motivating them, encouraging them to solve problems and talking about their problems.

Private sector companies do not have experience of supervising very difficult, non-compliant, individuals who have a raft of problems and have experienced social exclusion.

Private companies do have experience of tagging. However in June 2012 Napo published a dossier of over 120 cases which showed grave concerns about the nature of the tagging process.⁵ The paper also noted the vast profits that were made from tagging by the private companies, G4S and Serco, who won the contract.

Problems included:

- Serious delays after orders were made or individuals released before the tags were fitted. In some instances the tags were not fitted at all for various reasons, and the delays varied between three or four days and seven weeks.
- There appeared to be confusion between probation and the private companies about who was responsible for breach. Most of this confusion occurred when the curfew tag was freestanding and not attached to a supervision order. In these circumstances there is no probation responsibility but this was unclear in many cases.

- There were a number of instances where the tagging company seemed unable to locate the address of the offender, believed that address to be bogus and commenced breach proceedings. The addresses however were valid and should have been easy to find on Google.
- Private companies were often unaware of previous data concerning other offences and responses to supervision, which may well have affected positively or negatively decisions on whether to breach or not.

CASE STUDIES

On 8 February 2013 Napo asked members to send in examples of cases which were currently deemed medium risk and to identify the complexities of the case and the need for vigilant supervision.

Case studies were received from the following Probation areas:		
Avon & Somerset	Kent	South Yorkshire
Cheshire	Lancashire	Staffordshire
Devon and Cornwall	London	Wales
Dorset	Merseyside	West Midlands
Greater Manchester	Northamptonshire	West Yorkshire
Humberside	Northumbria	

The following cases are classed as medium risk within current Ministry of Justice guidelines; and if the government plans go ahead will in future be supervised by private security companies.

1. Greater Manchester

A 32 year old male is currently convicted for violence against a child. He has previous convictions for assault and excess use of alcohol. He suffers from memory impairment relating to brain injuries that he suffered. This has made it difficult for him to maintain employment and he needs considerable support. Risk issues around the offence involve injury to a two month old child. The individual had met the child's mother when she was 14 and he was 26. There was social services involvement. There is evidence of domestic violence in the relationship. He now has a new partner who has a child who does not live with her. If the child changes residence then there would be immediate considerations for risk assessment and he would cross the threshold for serious risk of harm. The probation officer describes the case as very complicated and difficult to manage in terms of risk and coming to terms with separation from children. This man would be immediately increased to high risk should he come into contact with his new partner's child. The probation officer notes that most given life sentences and indeterminate public protection sentences are assessed as medium risk on release.

2. **West Yorkshire**

A 22 year old male is currently convicted for aggravated taking of a car without consent and driving under the influence of alcohol whilst disqualified plus no insurance. He has four previous convictions involving violence against the person, burglary and robbery. This man is of Asian background; his parents are devote Muslims and there is a lot of disapproval of the sons activities. He has a poor education; his schooling was disrupted as he went back and forth to Pakistan and there are considerable family tensions. The risk issues in the case include binge drinking, substance misuse, inappropriate friendships, inappropriate behaviour towards females. He is on the sex offenders register and he is known to have possessed knives.

3. **West Midlands**

A 20 year old female has a current conviction for breach of a community order through unacceptable behaviour. She has previous convictions for threatening behaviour causing fear and provocation of violence, malicious communications, criminal damage, battery, common assault, possession of a blade in a public place, public order offences and racially aggravated harassment. There are two outstanding matters; actual bodily harm, in which a man was put in hospital; and assault on a police constable and threatening behaviour. Whilst growing up in the south she made a reputation for herself as a person not to be crossed. She has reported links with the English Defence League. She has self harm and suicide issues which are current. There is a history of alcohol abuse and recreational use of drugs. She has been a victim of rape. In her very short life she has developed major problems with anger and was unable to stay with her family because of her aggression to her younger sister. She clearly poses a risk of harm towards men particularly male police officers. She is currently trying to develop a positive working relationship at a local women's centre. She was initially banned for a week because of swearing at staff and then banned on a long term basis because she repeatedly self harmed at the centre. There were a number of police call outs because of aggressive behaviour and she then turned on the centre manager because the police had been called. She is being kept under close monitoring. It is thought that her risk assessment at medium suggests she is not likely to harm female members of staff in an all female environment as long as she remains sober and clean from drugs.

4. **Merseyside**

A 21 year old male has a current conviction for affray. He has previous convictions for possession of cannabis and cocaine. He has recently been released from prison and is unemployed. His risk assessment went from low to high overnight after he was shot and a previously hidden gun and gang involvement was revealed. Since being shot again, for a second time within two months, he is now heavily involved with the police who are paying him daily visits and management of his licence has been transferred to the public protection team.

5. **West Midlands**

A 46 year old male has current convictions for the wounding of two teenage girls. He also has a current conviction for false imprisonment at his flat. He has 19 previous convictions including burglary, robbery, possession of offensive weapons x 6, actual bodily harm, possession of Class A drugs, criminal damage, threatening and insulting words and behaviour and affray. He has been involved in the drug culture for a considerable number of years. For the current offence he invited three young women to his flat; made a cocktail of Class A drugs and had a psychotic episode. He smashed a glass on one of the young women's heads, smashed a hammer on one of the victims' hands, fracturing bones, and threatened the third victim with some shears. All suffered significant physical and psychological trauma. Risk issues include lifestyle, associations, being prone to violence and using drugs. He is currently on parole. He did do violence related work in prison and for that reason he is deemed medium risk, however he has recently tested positive to a Class A drug.

6. **West Yorkshire**

A 30 year old female has a current conviction for robbery. She is currently out on licence. She has several previous convictions for theft and also for soliciting and possession of cannabis. She has been diagnosed with a personality disorder, has had a long history of addiction to alcohol and drugs and has always been in very violent relationships. Her offending is mainly financially motivated and she admits to more violence than she has been convicted of. Her two children are not in her care due to issues with substance misuse and she has no contact with them. She is currently in a relationship with a man who abuses her physically, emotionally, sexually and financially. She is unemployed and struggles to cope with her mental health issues. She is very isolated and has limited support networks. She is deemed to be a risk to the public, mainly relating to alcohol use and if she feels threatened. There is also risk of self-harm; she has been a victim of violence for most of her life and is currently in a violent relationship but feels unable to leave her partner saying the violence is "not as bad" as in previous relationships. She is currently the subject of a multi agency risk assessment conference and lots of liaison work with other agencies (i.e. Women's Aid, police, children's services, addiction services, and NHS services) is required to manage both risk to her and to her partner, as she may retaliate. She is also pregnant and there are concerns about risk to the child when born both in terms of the relationship issues described and as she was not deemed able to care for her other two children effectively.

7. **Lancashire**

A 52 year old male has a current conviction for assaulting a police officer. His previous convictions include Section 20 wounding (*defined as unlawful wounding – maximum sentence, 5 years*), racially aggravated assault and animal cruelty. He is described as a mature man who has abused substances for approximately 30 years including alcohol and opiate drugs. He is currently of no fixed abode and his life is highly chaotic. The long term impact of substance abuse has impacted on his thinking. He is barred from the premises of most voluntary agencies because of his hostile behaviour.

Those agencies that will work with him only do so under strictly controlled circumstances which he struggles to comply with. Supervision therefore has to be highly flexible and issues driven. He seldom reports on the day he is expected or waits patiently to see his probation officer when he does turn up. He becomes aggressive if he is told he cannot be seen. Issues include his long history of street violence towards other street drinkers and police officer. He has been supervised by probation for the last seven years on various orders such that staff are now able to predict changes in his behaviour. Regardless of the level and frequency of his behaviour he does not qualify as high risk of serious harm under the current guidelines as the violence he is involved in does not lead his victims to endure long term harm from which they are unlikely to recover.

8. **Northamptonshire**

A 28 year old male has a current conviction for threats to kill. His victims included his partner and her brother. He is currently out on licence on a indeterminate public protection order having served six years in prison and undertaken considerable work whilst inside. He was released in 2012. He has complied with the conditions of his licence. In September he was arrested and interviewed by the police following a complaint from his ex-partner that he had threatened to kill her. His probation officer spoke to the investigating officer and was told that no charge was being brought as they had doubts about the ex-partner's story. Any other decision would have resulted in escalation of risk and recall, but as it is the offender remains assessed as medium risk. He has a supportive family and his current partner, who is aware of his convictions, provides a good level of support. His probation officer expresses concern about how the necessary information would be shared if this medium risk offender were managed by a private company. In this case the probation officer was able to speak to the police officer concerned, but if he had not done so the individual could have been recalled to prison unnecessarily. Equally, the probation officer questions how, if the risk was escalated, would the offender be transferred to the public sector.

9. **Greater Manchester**

A 30 year old male is currently convicted of assaulting a police officer. He has previous convictions for burglary, theft, attempted robbery, affray, common assault and a further assault against a community police support officer. Because of the complexity of the case he is being monitored and supported by a number of professionals including the police, mental health teams and probation. He has 21 previous convictions dating back to when he was 16, the majority of which are acquisitive in nature and linked to funding his drug use. In the past he has been involved in attempted robbery of other young persons in an attempt to fund his drug misuse. The offences of affray and assault were committed against his mother when she refused to give him money to buy drugs. He has been an in-patient in two psychiatric units and has received outpatient care in addition. He is prescribed anti-psychotic drugs, anti depressants and sleeping tablets. Unfortunately he has consistently misused his medication. He has lived in many different places including his own and supported accommodation. It is thought that at present he could not function without all day support.

He has disclosed problematic alcohol misuse which has been witnessed by a number of staff in the residential premises where he currently lives. Intoxication increases his risk of offending and poor decision making affects his vulnerability. If he is alcohol tested positively again he is likely to be evicted which is bound to undermine relapse prevention work.

10. **Greater Manchester**

A 33 year old male is currently convicted of growing cannabis; however he has over a dozen previous convictions since his early 20s for driving, drug possession and dealing, and commercial burglaries. The most recent community order was made for possession but also following a recent domestic violence incident. Previously he had been in prison. There are said to be complex issues which need addressing particularly his relationship with his former partner and child contact, which is restricted because of domestic violence offences even though they have low impact. There is a support package in place which is normally reserved for higher risk individuals. At the time of going into custody two years ago he was estranged from his partner and child. Both he and the partner were heavy drinkers. He has erratic contact with his 5 year old daughter. He has found a job but has failed to establish any stable relationships and has had period of homelessness. He has mental health issues. He has from time to time cooperated with probation and the police but is prone to escalating binge drinking. He is currently deemed medium risk providing his drug use is in control, there is minimum use of alcohol, that his involvement in work continues and that he ceases to commit domestic violence. He is in touch with numerous statutory and voluntary agencies including children's services and mental health, which would be difficult to sustain via the private sector.

11. **Cheshire**

A 22 year old male is currently convicted of actual bodily harm. There are previous convictions of the assault of a police officer, public order offences and on another assault. There are difficulties within the family home, especially with his stepfather. He has been homeless off and on since the age of 16, had difficulties at school including exclusion. He was diagnosed with attention deficit hyperactive disorder (ADHD) when he was 13. There are current concerns regarding mental health and autism. He has problems with both drugs and alcohol. It is thought that he poses medium risk to the general public and staff, particularly police and ambulance staff. There is a risk he could assault someone causing serious injury. It is also felt that certain adults that he knows, such as ex-partners, are at risk of threatening and abusive behaviour. He has the potential to become aggressive towards anyone he disagrees with or feels threatened by. He has a quickly changeable mood and can become angry without provocation. It is thought that there is likelihood of serious harm occurring in certain circumstances. He continues to misuse alcohol even when at a hostel but the Ministry of Justice assessment has him at medium risk as the risk is not imminent.

12. **West Yorkshire**

A 24 year old male has current convictions for taking, permitting to be taken, making, distributing or publishing indecent photographs or pseudo photographs of children. He has no previous convictions. He has the support of family and lives with his father. He is in debt and sometimes self medicates with alcohol. He is thought to pose medium risk to children; although evidence suggests that those who commit offences related to indecent photographs of children are more likely to commit contact offences in the future. He is therefore most at risk to young and vulnerable children where contact is not supervised. Staff feel there is a risk that he will go on to access and download further illegal images of children. At times of personal difficulty he heavily uses alcohol or cannabis. He accepts responsibility for his offending behaviour but claims he is not sexually attracted to children.

13. **Lancashire**

A 19 year old male has a current conviction for violent disorder and affray. There are many previous convictions and cautions dating back to 2006. These include offences of wounding, assault, possession of cocaine and actually bodily harm. His offending is gang related over a period of the last six years. He was forced to move out of one area to protect the public and himself. There are indications of racist behaviour combined with territorial issues. His criminal attitudes are supported by the gang he belongs to. He is trying to start over in a new area but there are also prevalent gangs and there is a danger he will get involved in that culture again. He is also unemployed. He is currently assessed as posing a medium risk of harm to adults and young people from other gangs and ethnic groups. The nature of the risk is physical and verbal violence leading to injury. Other risk factors include lifestyle and associates, drug and alcohol misuse, attitude and gang related believes.

14. **West Midlands**

A 26 year old male is currently convicted of manslaughter. He has a previous conviction for assault on a police officer. He has historically been linked to the JC gang in the West Midlands and received 10 years for manslaughter. The offence was believed to be gang linked. He recently left custody as high risk of harm but has now been reduced to medium risk following his referral to a multi agency gang unit in the West Midlands.

15. **West Midlands**

A 23 year old male has current convictions for robbery. He has previous convictions for anti social behaviour and attempted robbery. He is known to be a member of the BMW gang in the West Midlands, which resulted in him and many others being given an ASBO. He recently left custody as a high risk gang nominal but has now been reduced to medium risk. He is being managed by a multi agency gang unit and is thought to be a persistent, prolific, offender.

16. **Avon and Somerset**

A 49 year old man is currently convicted for paying for the sexual services of a child. He has two previous convictions of theft by employee. He is an IT specialist who has set up a site for models at his home address. He has three children who have been now placed on the child protection register because of the threat of sexual abuse. He has served a prison sentence and is currently on licence requiring him not to return home until the risk is manageable. He is deemed medium risk of further sexual activity with children and his own children are thought to be at possible risk of abuse.

17. **London**

A 25 year old female has a current conviction for causing an affray. She assaulted her boyfriend who is a vulnerable adult. She has a number of previous convictions for racially threatening words and behaviour, criminal damage, and common assault. The criminal damage was in a mental health ward where she was an inpatient and the assaults were on workers in her care home. She has mental health issues and lives in sheltered housing. She has been diagnosed with personality disorder and was subject to domestic abuse by past partners. She was sexually assaulted by her step father when she was a child and has been in the mental health care system since the age of 15. She self harms when stressed and has low self esteem. She has a history of violence in relationships both as a victim and a perpetrator and is assessed as being a risk to partners and particularly male staff in care establishments.

18. **Dorset**

A 26 year old male has a current conviction for malicious wounding and possession of a firearm with intent to cause fear of violence. He has a number of previous convictions with a pattern as a juvenile of low level interpersonal violence and driving offences. This pattern largely continued as an adult with numerous breaches of community orders and two convictions for public disorder with a racial and religious element and one for actual bodily harm. He has a history of poor family relations, transient unstable housing and unemployment. Probation is doing a lot of work in liaison with other agencies to address these. Risk issues are identified as his mental and psychological health, drug use and a pro-violence attitude with poor impulse control. He also has problems complying with his medicine regime. Probation is involved in a great deal of intervention work with specialist agencies to address these. They are also working closely with the victim liaison team and the police through multi agency public protection arrangements. Through this and risk information sharing with mentoring projects and other agencies such as the job centre and through home visits probation is able to monitor any changes in his circumstances that might affect his risk level. The probation officer says they have been able to establish a high level of trust with the offender that has led to greater openness enabling them to monitor his risk effectively.

19. **Wales**

A 22 year old male has current convictions for grievous bodily harm. He has two previous convictions for criminal damage and possession of a knife. He is a binge drinker and drug user. In the current offence he attacked a stranger in a pub, breaking a glass in his face, for allegedly staring at his girlfriend. The victim had many stitches and nearly lost an eye. For this offence he was given a custodial sentence of 42 months. He was released in March 2012, has attended supervision regularly but is regarded as medium risk of harm and reoffending because of the link between alcohol and violence.

20. **Wales**

A 29 year old male has a current conviction of affray in a domestic setting. He has one previous conviction from 2010 for a similar offence and has also been convicted of drink driving and breaching a community order. In the first offence, police were called to the family home after he had committed assault on his partner. He produced a knife and threatened the police. A child was in the home at the time. He received a suspended sentence order. His behaviour was repeated in 2013. On this occasion he claimed to the police he had a gun. The police were genuinely fearful for their safety. He is currently on bail awaiting interview for report and is regarded as medium risk of harm.

21. **Wales**

A 21 year old male has a current conviction for common assault. He has one previous assault conviction. His needs include homelessness, poor employment record, low literacy skills and psychological issues stemming from childhood abuse from his father. He is a recreational drug user. There is a medium risk of domestic violence. There have been at least two convictions for assault against the same partner. Both his children were taken into care. The violent offending is linked to alcohol abuse. He began consuming alcohol at the age of 11 in order to mask the daily beatings from his father. He was placed on a community order with a condition that he attends a domestic abuse programme and confronts his alcohol activity. He is still assessed as medium risk of harm towards female partners.

22. **West Yorkshire**

A 44 year old male has a current conviction for assault. He has previous convictions for wounding, violent disorder, assaulting a police officer, criminal damage and possession of a bladed article in a public place. He is currently unemployed and has long term issues with alcohol and gambling. Alcohol has been involved in all his offending behaviour and he has become dependent on it in recent months. His partner has five children from a previous relationship and he cannot appreciate her need to put them first. He takes money from his partner and demands lots of her time, threatening to leave her if she complains or puts the children before him. His partner struggles to engage with victim services and lots of liaison work is required to ensure good exchange of information and risk management. The offender is financially, emotionally and physically abusive to his partner and there is also risk to the children even though he does not currently live with them.

Liaison is currently taking place with children's services, victim services, the police, alcohol services, the rehabilitation centre (he has just entered residential detox) and programme staff (he has almost completed a community domestic violence programme). It is assessed that risk could increase at any point and therefore this liaison and exchange of information is vital to manage that risk. This is especially challenging as the offender's partner feels too frightened to engage with victim services. The offender is assessed as medium risk but this is subject to constant review on the basis of updated information.

23. **Wales**

A 29 year old male is currently convicted of burglary but is also awaiting trial for grievous bodily harm. He has numerous previous convictions for theft, burglary, possession of Class A drugs, actual bodily harm and criminal damage. He has major drug addiction problems and has spent considerable time sleeping rough and homeless. He is assessed as medium risk but his drug addiction, peer influence, identifiable victims and child protection issues means that risk could escalate.

24. **Wales**

A 20 year old male has current convictions for domestic violence and possession with intent to supply Class B drugs. He has previous convictions for assaulting a police officer and criminal damage. His probation officer describes him as difficult to engage, focus or identify his guilt. There have been a number of callouts for domestic violence over the last year. The risk issues include domestic violence against his family and partner, which remains unchanged due to reluctance to prosecute; and significant mental health issues, which involves joint working with the local mental health trust and voluntary agencies.

25. **West Yorkshire**

A 19 year old male has a current conviction for burglary. He has no previous convictions but social factors include binge drinking, substance misuse and inappropriate relationships with gang members and peers. The significant risk issue in the case is his targeting of lone females in their homes and breach of trust.

26. **West Yorkshire**

A 22 year old male is currently convicted of taking a car without consent, no insurance and driving whilst disqualified. He has 14 previous convictions for domestic violence, robbery and violence against the person. He is described as both a domestic violence victim and perpetrator. There are children involved and Cafcass is involved with the family. He is also having assistance from alcohol services. He is the subject of a restraining order; there have been breaches and there are severe health issues. Risk matters include his binge drinking, substance misuse, domestic violence, driving whilst disqualified and robbery.

27. **Staffordshire**

A 36 year old male has a current conviction for common assault and battery. He has previous convictions for driving offences. He has a number of problems including alcohol and heroin addiction. There have been domestic violence episodes in the past and periods of homelessness and unemployment. He is assessed as a medium risk although there remain concerns about risk of violence against the public and his partner and to himself because of a potential overdose due to intravenous drug use.

28. **Greater Manchester**

A 34 year old male is currently convicted of Section 18 wounding (*defined as intent to cause grievous bodily harm – maximum sentence, life*) on a male stranger. He has a dozen previous convictions since his teens for driving offences, drugs, public disorder and less serious violence. He has been under supervision for some years but is deemed of medium risk and is likely, according to his probation officer, to be outsourced under government arrangements. At the time of going to prison six years ago he was a single man, a heavy drinker and had a failed relationship with a much younger person, and had a 12 year old daughter with whom he had some erratic contact. He has had some positive family support, but within that family there are a number of heavy drinkers and evidence of drug related anti-social behaviour. He has been out of prison for 15 months; has had painstaking support, has health issues but has maintained a job and done an evening course. He is now cohabiting with a different partner. There has been intense support. Probation staff believe it needs socially skilled and professionally aware staff to recognize and motivate change and to intervene as an advocate with other agencies. It is thought that his medium assessment would stay as long as he remains drug-free, sustains minimum alcohol intake, keeps at work, keeps good health and maintains reasonable finances. Staff believe that knowing and seeing the man frequently is directly critical to his continued success; however the risk could easily escalate if he experienced a social or economic problem.

29. **Dorset**

A 55 year old male has a current conviction for breaching a suspended sentence order. He has previous convictions for downloading internet indecent pictures. He is unemployed and thought to pose medium risk to children.

30. **Lancashire**

A 31 year old male is currently under licence for Section 20 wounding and witness intimidation. He has previous convictions for criminal damage, burglary, theft, possession of knives, indecent exposure, Section 18 wounding and breaches of community orders. He is diagnosed as a paranoid schizophrenic, suffers from anxiety and is known to social services. He is medium risk of harm although there are domestic violence issues, sexual offending and drug misuse.

31. **West Midlands**

A 19 year old male has a current conviction for a serious assault. He has two previous convictions for public order offences. He has mental health issues and is a regular drug and alcohol misuser. He is assessed at medium risk but has the propensity to get involved in street fights. He had previously been assessed as high risk following deterioration in behaviour after he was thrown out of his parent's home, which resulted in a collapse in his mental health. He was later found emergency accommodation, which he wrecked. He is now deemed medium risk and is waiting a referral to a hostel.

32. **Lancashire**

A 28 year old male has a current conviction for assault. He has previous convictions involving robbery, burglary and many other assaults. He is a drug misuser, is homeless and has no family support. He is deemed medium risk but his offending is linked to drug misuse followed by violence.

33. **Lancashire**

A 22 year old male has current convictions for burglary. His previous convictions include assault, burglary and drunk and disorderly. He is an alcoholic. He lives in a direct access hostel having previously been of no fixed abode for around six years. There are thought to be risk issues around homelessness, misuse of alcohol and violence.

34. **Lancashire**

A 22 year old male has a current conviction for two assaults, one of which was against his partner. He has numerous previous convictions for assault which are domestically related. He has problems with alcohol, depression, the loss of his daughter through adoption because of his and his partner's behaviour. He is currently deemed medium risk but is still living with the partner who he attacked.

35. **Kent**

A 22 year old male has current convictions for wounding, inflicting grievous bodily harm and assault on the police i.e. the arresting officer. His previous convictions include handling stolen goods, making false representation, criminal damage, possession of a controlled article for use in fraud, actual bodily harm and common assault. He has also been breached for failing to comply with the requirements of a community order. He lives in self contained privately rented accommodation and is on benefits. He smokes cannabis every day and binge drinks. He is in a relationship with a woman who is 14 years his senior and who has two children of her own by a previous relationship and is currently pregnant with the offender's baby. There were both previous and current assaults against family members, one of whom is under 18. He is deemed medium risk of harm to children, to adults he knows, to staff and to the public.

36. **Wales**

A 23 year old male has a current conviction for grievous bodily harm. He has no previous convictions. There are a number of social factors that cause concern including mental health issues; the fact that he justifies violence as an act of vengeance; and he has been a heavy cannabis user for many years. He is assessed as medium risk but it is thought he has a personality disorder linked to self esteem issues, possibly connected to a previous car accident which put him in a coma for several months. He has a serious grudge and believes violence is justified.

37. **Wales**

A 24 year old male has a current conviction for grievous bodily harm. He has no previous convictions. He is an excessive user of alcohol with peers which has led to violence when the offender feels aggrieved. It is thought that he does pose a risk to members of the public especially when drinking in social situations with peers. He is thought to be medium risk of repeat violence offences against other males in clubs and bars.

38. **Cheshire**

A 22 year old male has a current conviction for aggravated harassment and public order offences. He has previous convictions for public order offences and possession of an offensive weapon. He is unemployed and has mental health problems. His relationship with his parents is a violent one and his parents, who also have mental health problems, are violent to one another when they have consumed alcohol or drugs. The risk issues are identified as use of alcohol and drugs, mental health issues, domestic violence and self-harming. He is deemed to be medium risk.

39. **Dorset**

A 42 year old male has a current conviction for making indecent images of a child and possession of extreme pornographic images. He has no previous convictions. He is assessed as having mental health problems, is socially isolated and prone to boredom. Factors affecting offending include his mood state and use of alcohol and drugs as well as access to the internet.

40. **Kent**

A 22 year old male has a current conviction for burglary of a dwelling. He has 15 previous convictions, mainly burglary. He is currently serving a 32 month prison sentence and will be of no fixed abode when he is released into probation supervision. He has one daughter but little family support. Risk issues are assessed as drug use and violence.

41. **South Yorkshire**

A 25 year old female has a conviction for violence. She has been known to probation for a number of years. She started as low risk and was then assessed medium risk two years ago. Since then she has been raised to high risk, lowered back to medium risk and then raised again to high risk. She is currently deemed high risk but is due to be reassessed next month when her living arrangements are set to change, which could mean her risk is reduced to medium. Her probation officer gives this as an example of how risk assessment can change on a regular basis and queries how this will work if different providers are dealing with medium risk and high risk offenders.

42. **South Yorkshire**

A 30 year old male has a current conviction for threatening behaviour. He was assessed as low risk and supervised by a probation service officer (PSO). However he was subsequently reassessed as high risk following making a threat to shoot someone and transferred to a probation officer. The officer however says that she and the PSO were able to work closely on the case and share information and the offender was able to continue to report to the same probation office, which was good because his lifestyle was already chaotic. It was also assessed that the threat was unlikely to be carried out but it was important that there was close supervision to make sure of this before reassessing the case and the risk. In the event the offender breached and it took some time to reengage him, at which point he was reassessed as low risk. The probation officer cites this case as an example of how low risk cases can for a time demonstrate concerns that means they need to be managed as a riskier offender until all are satisfied that the risk is no longer present. Moving the offender between agencies to do this would be highly disruptive.

43. **West Midlands**

A 29 year old male has a current conviction for burglary. He has numerous previous convictions for driving offences, theft, burglary, criminal damage, handling stolen goods, threatening words and behaviour, battery, affray, actual bodily harm, possession of controlled drugs, harassment, robbery and breach. He is usually homeless and has no family or other support network. He has possible mental health issues. Risk issues are identified as drug use and lack of financial resources as well as issues surrounding relationships.

44. **Dorset**

A 55 year old male has a current conviction for breaching a sexual offences protection order. He has previous convictions for downloading and storing indecent pictures of children from the internet. He is considered to be of risk of harm to children but is deemed medium risk.

45. **Cheshire**

A 29 year old male has a current conviction for harassment under the Protection from Harassment Act. He had sent over 2,000 texts of an abusive nature to his victim. He has nine previous convictions mainly for dishonesty and public order offences. He is generally of no fixed abode and risk issues are his attitude towards his partner and his minimisation of the significance and impact of his behaviour towards her.

46. **Humberside**

A 37 year old male has a current conviction for aggravated burglary and grievous bodily harm. He has previous convictions for theft, driving offences, assault, robbery and burglary. He has a history of drug misuse and homelessness. His risk factors will increase if he faces further relationship breakdown, loses his current accommodation and returns to drug misuse.

47. **Greater Manchester**

A probation officer in Greater Manchester reports: "I have just been to a Safeguarding conference for a medium risk offender. How could someone supervising the case working for the non-statutory sector be privy to that conference, e.g. restricted police information, or have the professional status to be so? The case involved a child on the child protection register. How would that person know how to risk assess it, as the problems highlighted at the conference could raise the risk to high? Under the proposed arrangements the case would then have to be transferred. However, I have built up a relationship with the offender and am best placed to challenge him, to keep him informed and to try to get him to engage with his social worker; in other words to manage his risk. This would be lost if he transferred not just to another worker but to another service and his risk management would definitely suffer".

48. **Lancashire**

A 33 year old has a current conviction for robbery. He has 17 previous convictions including arson, when a child, and numerous driving offences. He was released on licence in January having been sentenced to nine years in prison. He had not received any offender supervision or resettlement assistances whilst in prison. He was assessed as medium risk. He was of no fixed abode on release from prison. Probation found him temporary accommodation but had concerns about information he was giving them and therefore checked and found no evidence that he was residing there. Several days later he was seen driving a car whilst disqualified and arrested. He was immediately reassessed as high risk and a recall report submitted. It was possible to do this speedily because clear lines of communications with the police enabled his probation officer to get his charge sheet right away and take the necessary action.

49. **Merseyside**

A 52 year old male has a current conviction for a serious assault. He had previous convictions for harassment of his partner. He has mental health issues and problems with thinking skills and behaviour. His domestic circumstances involve childcare responsibilities.

50. **Northumbria**

A 21 year old male has a current conviction for robbery. He has a number of previous convictions for battery, racially aggravated threatening behaviour and criminal damage. He is living in temporary accommodation and has negative peer influences and learning disabilities. He was recalled for a further offence but says he does not know why he did it. It is extremely difficult to engage with him because of his mental health issues. He is assessed as medium risk to the public.

51. **Devon and Cornwall**

A 31 year old male has a current conviction for burglary and a recall offence of public disorder, committed 17 days after release from prison. He has numerous previous convictions for aggravated burglary, robbery, possession of an offensive weapon, domestic violence, criminal damage and arson. He also has a pattern of breaching community orders and bail. He suffered horrific sexual and physical abuse as a child and spent most of her childhood in care. He refuses to discuss these issues or to engage in any drug or alcohol treatment, believing he can control his substance misuse. He has no strong family contacts and moves around the country in a nomadic lifestyle and is of no fixed abode. He is assessed as medium risk to the public, known adults and staff. His behaviour is difficult and challenging as he has no regard for authority figures. His behaviour becomes violent and aggressive under the influence of alcohol and drugs. He has previously been monitored under MAPPA arrangements because of risk to his ex-partner who was pregnant.

52. **Merseyside**

A 48 year old male has a current conviction for driving whilst intoxicated, without a licence or insurance and failing to provide a specimen. He has two previous convictions for assault against a police officer and for using threatening words, common assault against his partner, actual bodily harm, robbery and escaping from custody. He has lost his job because of his current conviction and has financial problems meaning he cannot keep up payments on his mortgage and this is putting a strain on his current relationship with his wife. There has been evidence of domestic abuse in the past and concerns about his self medicating with alcohol. He demonstrates poor thinking in terms of resolving the issues in his life. He appreciates what he needs to do but has problems with motivation. His risk factors are assessed as impulsive thinking and poor problem solving skills and pro-criminal attitudes in terms of resolving circumstances and problems, particularly violence.

A typical caseload

One officer in West Yorkshire reports that he has a caseload of 34 offenders all of whom are medium risk. Most have convictions for burglary and many of the offenders themselves are considered to be prolific. Some of the offenders have committed as many as in excess of 100 offences, again mainly burglary. The officer says of the 34 offenders the following is of note: four have convictions for robbery; 16 have convictions for assault; two have convictions for sexual matters; eight have been involved in domestic violence; four have child protection concerns. The officer reports he has real concerns about the fluctuation in risk for a vast number of these offenders. There are also a host of complex social factors relating to virtually every case.

Re-tiering

One officer reports from the West Midlands that she has major concerns about the massaging of figures which has resulted in probation service officers (PSOs) who do not have a formal probation qualification holding cases that may involve domestic violence, sexual matters and child protection issues. She believes that the rule of thumb in the past was that if substantive work had been done by probation officers related to issues of risk then the case is down-tiered to allow a PSO to take over. Were they to be outsourced she believes, the staff may not necessarily have the oversight that is needed to ascertain risk. In her view, the massaging of figures to ensure that really high risk offenders stay with probation officers means that PSOs are doing work they should not really be involved in.

Views from the frontline

- Another officer from Manchester asked a sex offender who he was supervising what he thought about privatization. He felt that private sector companies were just in it for the money and would not provide the care service that probation currently does. His experience was that probation provided support for various problems offenders experience and he is not sure whether private companies would do the same. He also thinks that probation staff are skilled at their jobs and private companies would use people who were less skills.

Further comments from offenders

The following are comments made to probation officers by offenders.

- “One young man informed me that he had enjoyed his time in a private prison because he could do as he wished. He did not have to complete any courses or training so found the custodial element very easy. Others in the group challenged him and asked about rehabilitation. He said he was not bothered; he did not want to be rehabilitated and was quite happy to return to custody if recalled. He did not like having to be accountable to his probation officer and wanted a life where he could do as he pleased. He said he would not be happy to go back to a public sector prison”.

- “One person in the group, when asked about privatization, said he was concerned about information not being secure and short cuts would be made and information passed on which is confidential. He also thought private companies would be more concerned about meeting targets and making money rather than rehabilitation and the professionalism of trained officers. He also said he believed staff would be significantly reduced in numbers and would not be happy in their role, which would impact negatively on themselves. Men and women with addictions take time to change and need support from professionals which they appreciate but realize it takes time. He also recognized that this could be a problem in relation to payment by results and was worried because if he could not change quickly no one would want to take him on”.

High risk cases

In June 2011, Napo published a briefing highlighting real concerns about dangerous prisoners being released once they had done half their sentence and it being necessary to recall them to prison immediately⁵. All of these were high risk. The following are reproduced as examples.

1. Humberside

A 28 year old male persistent offender was sentenced to two years custody for a Section 20 assault. He was assessed as posing a risk of serious harm to members of the public and probation staff. Previous offences over a ten year period included actual bodily harm involving stabbing a child, two counts of battery, assault of a police constable, racially aggravated harassment, affray, robbery, common assault and further assaults on the police. During the course of his offending behaviour he was accused of repeatedly attacking victims, of resisting police and whilst in prison of displaying disruptive behaviour resulting in the occurrence of criminal damage to both his cell and the segregation unit. He was also charged with assault on a prison officer. Staff in several prisons he was sent to said he did not demonstrate any motivation to change nor remorse or guilt. There were numerous reports of unprovoked assaults on victims and several attacks on police officer. Earlier in 2011, whilst on licence he was arrested and taken into police custody then charged with robbery, assaulting a police officer and possession of controlled substances.

2. Dorset

A 20 year old offender was convicted of robbery and fraud in early 2010 and given a three year custodial sentence. The victim was an elderly female who was pushed to the ground and had her property was stolen. He was assessed as high risk of harm to the public and high risk of violent offending. He had four previous convictions for violence and possession of an offensive weapon. He was released from custody in the spring of 2011 with a condition that he lived at an approved premises. He failed alcohol tests. He asked permission to stay at a separate address to look after an elderly relative. This was granted but the information subsequently found to be untrue.

He then did not return to the approved premise. An immediate recall notice and warrant were issued but his risk is described as unmanageable. At the time of the publication of the briefing he was at large and his whereabouts unknown.

3. **Humberside**

A 32 year old male was sentenced to two and a half years custody in July 2009 for burglary and possession of offensive weapons. He was described as high risk to the public. In the previous 15 years he had been convicted of six different counts of robbery. He has behaved in a unpredictable and violent manner towards children and was classed as medium risk to all children. There were issues of control in custody and he was 'ghosted' out of prisons on average every two months. He had barricaded himself in a cell and had attacked prison staff. The index offence was burglary and possession of two offensive weapons. Upon release he failed to keep any appointments during the first three weeks. A recall was issued. It was discovered he was probably living inside the exclusion zone, possibly with his former partner despite social services' restrictions. At the time of the publication of the briefing was on the run and had been absent for 12 weeks.

4. **Devon and Cornwall**

A 19 year old male was convicted of offences of violence against family members and sentenced to 15 months. He was regarded as high risk of harm when released on licence. He had previous convictions for violence including using a knife. He was extremely hostile to probation staff, argumentative and intimidating but charming at the same time and manipulative for his own ends. He denied he had problems. He was placed in supported accommodation on licence but there was repeated aggressive behaviour to other residents and staff so he was evicted. He then threatened to burn the building down and threatened to produce a firearm. He was immediately recalled.

5. **West Yorkshire**

A 23 year old male was sentenced to 42 months for unlawful wounding, dangerous driving, theft, damage to property, driving whilst disqualified and without insurance and taking a vehicle without consent. He was assessed as high risk. This was later reduced to medium risk but information from the family suggested the risk was escalating so he was reassessed as high risk. He then stopped attending probation meetings and a warrant was issued for his arrest and return to custody in January 2011. He was absent without leave for at least three weeks before he was apprehended by the police.

6. **South Yorkshire**

A 30 year old male received a two year custodial sentence for grievous bodily harm against his then partner. The partner's jaw was broken and her baby received a slight injury. He was assessed as high risk of harm. There had also been issues with previous partners and there was a belief that he would undertake revengeful behaviour and the child was also thought to be at risk.

On release he had unsupervised contact with the child which was against the conditions of his licence and he failed to notify the authorities of a change of address subsequently. He was not to have unsupervised access to any child under the age of 16 nor leave his address even for one night. His risk level was immediately raised and recall papers issued. The child was also placed on the 'At Risk Register'. He had significant drug and alcohol problems in the past. He was apprehended immediately and returned to custody.

7. **Greater Manchester**

A 28 year old male was convicted of wounding and grievous bodily harm and received a three year custodial sentence. He had enticed a victim into meeting him and then committed the violence which resulted in significant hospitalisation. Shortly after release he was apprehended by the police and charged with a further offence of criminal damage involving domestic violence. He had been aggressive and threatening towards his partner, broken her car windows, damaged some of her possessions and then committed an assault. All the offences were drug related. Breach papers were issued but he remained at large for a short period before being apprehended and returned to custody.

9. **West Mercia**

A 30 year old male was sentenced to six years for the wounding of his partner and arson on the partner's parents' house. He did not participate in any programmes whilst in prison but was released automatically at the halfway point. He was assessed as high risk. A condition of the licence was that he stay at a hostel. Within 48 hours of release he was recalled after he was seen by police in the vicinity of the house he had previously set fire to.

CONCLUSION

The case histories in this dossier show that offenders who are classed as medium risk are potentially dangerous and most do pose a risk to the public. The government is planning to outsource these and tens of thousands of other cases to private security companies. Those companies do not have the professional experience and expertise that is contained within the Probation Service in England and Wales. If an offender's risk changes from medium to high then the theory is they will be returned to be supervised by the public sector. However, it is the private sector who will make that initial assessment and arguably they do not have the skills or experience to make such decisions. Cases therefore will be missed and public safety compromised.

The government says that decisions of recall to custody or breach of a community order will be taken by the public sector; but they will not be supervising medium and low risk cases, that will be done by the private sector. It would be extremely difficult and dubious legally for a public sector employee to make a serious decision about incarceration without having firsthand knowledge of supervising the case.

There are also likely to be delays before a person can be recalled because of the need to assess the veracity of the information supplied by the private sector. That too could be dangerous and compromise public safety. They will need to employ experts who can judge whether information sent in by the private sector about recalls is accurate and reliable. Presumably if a case is transferred from one sector to the other the money will go with the case. Currently 24% of cases on the probation caseload change risk during the course of supervision. The Ministry of Justice therefore will need to employ an unknown number of accountants to work out payments and transfers.

The cases outlined in this briefing are typical of individuals who are classed as medium risk. The Ministry guidelines state that risk is deemed high if reoffending is thought imminent and that it will cause harm from which the victim is unlikely to recover.

The model being put forward by the government to outsource probation is overtly bureaucratic, cumbersome and fraught with problems and flaws. The Probation Service met all its targets during 2012 and indeed was awarded the British Quality Foundation Gold Award for its excellent work with offenders. The government is risking destroying this expertise and replacing it with a high risk fragmented system. The government must take these factors into account before proceeding with privatisation.

Harry Fletcher
Assistant General Secretary

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