

PROFESSIONAL DECISION-MAKING AND RISK ASSESSMENT

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I. INTRODUCTION

Working with young offenders presents us with many questions. Which one of this group of young people will go on to commit a serious crime? How can we know? Or, what can we do to help this particular young person stop offending? Should we focus our resources on dealing with i) a young person who we know is very likely to commit many crimes that are minor but persistent or ii) a young person who might possibly commit one particularly serious crime? These kinds of difficult questions cannot be avoided if we are working in youth justice because there is a constant pressure to make decisions about what action to take. Behind these dilemmas lie even more complex questions, for example, why is this young person behaving in such a way? We need some understanding of their behaviour if we are ever going to be able to respond to it effectively.

The analogy of a maze seems relevant here. We can think of this in terms of a young person who may feel lost in the fast-changing phase of adolescence, has made some poor choices and found themselves needing help to make the transition to adulthood. We can also see how it might apply to professionals working in youth justice who are dealing with complex young people and may be unable to see how best to help them.

In these three lectures, we will consider various practice frameworks that can help with navigating these challenges. Today, I will be discussing decision-making and assessment practice, tomorrow will be about working effectively with young offenders and on Thursday we will look at desistance and social re-integration. All three topics are connected and there will be many recurring themes and links across the three lectures.

For today, we will be starting with some more general conceptual information and then moving on to more specific practice-related examples. We will briefly look at the background context of the idea of 'risk' and then think about professional decision-making. This provides the foundation for considering assessment practice, before then narrowing down further to look at risk assessment. This might seem like a long way round but it is useful to think about the principles of good decision-making more widely before getting into the details of risk assessment in the youth justice context. From this foundation, we can then look at examples of risk assessment tools and their implications for real-life practice.

I will be mostly using examples from the UK, with some from the USA. I recognise that the Western European context that I am most familiar with will be different to the settings in which many of you work, but there will be many similarities also and the differences can hopefully provide some new and thought-provoking ideas. In the UK, there is a distinction between young offenders (10-17) and young adult offenders (18-21, or sometimes 18-25) and I will explain if I am referring to one or other group at any time. However, many of the key themes are similar (e.g. working with a 17-year-old is similar to working with an 18-year-old) so the discussion will apply to all those broadly defined as 'youth'.

II. CONTEXT

A. History

There are many accounts of the development of the 'risk concept' which we don't have time to explore today, but I would like to highlight some key points which are most relevant to the later material on the

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practicalities of risk assessment. The first is the transition from risks being seen as unknowable and unpredictable — as fate or acts of God perhaps — to instead being viewed as something knowable and calculable. As the methods of natural science, such as observation and measurement, were applied to the study of human behaviour, confidence in the ability of social scientists to predict future behaviour also increased. Castell argues that the result of such a ‘scientific’ approach to the assessment of human behaviour has been a move away from the idea of ‘a subject or concrete individual’ towards the perception of an individual as ‘a combination of factors, the factors of risk’ (1991: 281). Human behaviour thus becomes more susceptible to analysis and prediction if risk is understood to be ‘the effect of a combination of abstract factors which render more or less probable the occurrence of undesirable modes of behaviour’ (1991: 287).

Secondly, the modernist understanding of risk originally encompassed both good and bad outcomes — it was taken to refer to the likelihood of a particular event occurring together with the size of the resulting gains or losses (Hacking 1990). The 20th century, however, saw a shift to the point where risk is viewed as primarily negative. ‘The word *risk* now means danger; *high risk* means lots of danger’ (Douglas 1992: 24).

Thirdly, the idea that the state has a duty to protect individual citizens from harm is still widely accepted (O’Malley 1992). The risks posed by offenders perceived as dangerous are very difficult for individuals to insure against given that they are relatively rare, difficult to predict and can lead to large, perhaps permanent, losses. Consequently, demands for state protection against these particular risks persist.

B. Risk as an ‘Organising Principle’

Given the expectations on the state to protect people from ‘danger’, it is perhaps not surprising that risk has become the ‘organising principle’ in many public services, including criminal justice organisations such as probation and youth justice. Kemshall et al argue that risk is becoming ‘embedded in organizational rationales and procedures’ (1997: 214) as seen by the introduction of policies relating to risk management, risk monitoring and risk taking. The introduction of risk assessment tools for offenders is one obvious example of this.

C. Implications

There are many implications of this trend, but one of the key problems is that even though we know the prediction of human behaviour can never be 100% accurate, the constant focus on risk management creates an expectation that the criminal justice system should always be able to protect people from the harm caused by offenders. In the UK, there have been numerous examples of media criticism in cases where offenders under supervision have gone on to commit serious offences and this public blaming increases the pressure on staff. Another issue which we will return to in the next two lectures is the impact of the idea that ‘risk is negative’. This is particularly relevant when we come to look at the questions of how to work effectively with young offenders and how to promote desistance.

III. PROFESSIONAL DECISION-MAKING

With a topic like this, it is tempting to go straight into looking at risk assessment tools and focusing on technical questions of predictive accuracy. It might seem like a quick way to deal with some of the challenges of working with young offenders — of being in the maze of questions — but having a broader understanding of effective decision-making more widely will actually provide a better foundation for effective practice.

A. Judgements and Decisions

Goldstein and Hogarth differentiate between judgements and decision making. They describe judgements as ‘the ways in which people integrate multiple, probabilistic, potentially conflicting cues to arrive at an understanding of the situation’ whereas decision making can be viewed as the way in which ‘people choose what to do next in the face of uncertain consequences and conflicting goals’ (Goldstein and Hogarth, 1997, p 4). This is helpful when we think about assessing young offenders in that, firstly, we have to try to make sense of many different pieces of information from different sources — the young person, their parents/carers, school, other professionals. It is like trying to fit together different pieces of a puzzle. Once

that has been done, a decision has to be made — in the face of uncertain consequences as we do not necessarily know how the young person will react — about sentences and interventions.

B. Errors and Biases in Decision-Making

A common error is to confuse the *impact* of an event with the *likelihood* of it occurring which can often lead to unnecessary anxiety (for example, worrying too much about an aeroplane accident when the actual likelihood of this happening is very low). Another problem can be if assessors are reluctant to accept new information that is not directly related to the central problem being considered. Hollows calls this the 'decoy of dual pathology' (2008, p 56). For example, if a young person poses a high risk of serious harm to others it may be more difficult to see evidence that they are also at risk themselves (e.g. gang members who are violent to others but are also victims themselves).

Confirmation bias prevents a practitioner from taking account of new information. If an assessor has concluded that a young person is unmotivated, they may find it hard to spot evidence that the level of motivation is changing. On the other hand, if a young person is seen as being compliant, information that the young person is behaving problematically elsewhere may be ignored. These errors may be more likely to occur when practitioners are in situations of stress or are worried that they will be criticised by colleagues for changing their mind (Smith, McMahon and Nursten, 2003).

C. The Importance of Professionalism

Even when risk assessment tools are being used, it is important to keep a focus on promoting the professional expertise of staff. Professionals have been described as having 'a number of key identifiable traits, one of which is *autonomous decision making*, underscored by a distinct, theoretical, expert knowledge base' (May and Buck, 1998: 5, emphasis added). Some autonomy and flexibility will always be needed as each individual young person is different and 'the indefinite number of contingencies in individuals' circumstances requires a confident reaffirmation of the value of discretion' (Eadie and Canton, 2002: 23).

IV. ASSESSMENT PRACTICE

As part of this introductory section on decision-making, it is useful to think about the nature of assessment — this is also part of the foundation on which we can then build a more specific discussion about *risk* assessment.

The importance of preparation for assessment is often overlooked. This requires thinking in advance about what information is needed and about the young person's perspective — for example, are they familiar with the system or is this their first time of contact with criminal justice professionals? The next stage is gathering information. This is not just about *what* questions are asked but also *how* the information is obtained. Traditionally practitioners rely on interviews, but other options such as visual and diagrammatic tools could be used. What about trying to use computer games or phone apps as a way for young people to express their views? Having collected information, it then needs to be recorded. This is often seen as not a very interesting task, but accurate recording of information is vital so that colleagues can see what is happening in a young person's case and also to show the basis for any decisions that have been made in case there is an enquiry when something goes wrong.

When it comes to the critical stage of understanding the information that has been collected — fitting together the different jigsaw pieces as mentioned earlier — the following quotation provides a helpful summary of two important processes. '...assessment is a focused collation, analysis and synthesis of relevant collected data pertaining to the presenting problems and identified needs' (Parker and Bradley, 2007, p 14). The *Oxford English Dictionary (OED)* defines analysis as 'the resolution or breaking up of anything complex into its various simple elements'. Synthesis, on the other hand, is defined by the *OED* as 'the putting together of parts or elements so as to make up a complex whole'. The implication for assessment practice, therefore, is that once the specific issues and problems have been considered there needs to be a process of recombining them in order to look at the picture as a whole. We will come back to this point a number of times over the course of the three lectures.

V. RISK ASSESSMENT

A. Definitions of Risk

As we have seen, there are two key elements of 'risk' — likelihood and impact (Kemshall et al., 2007; Carson and Bain, 2008). Both need to be included in a risk assessment:

- the likelihood of further offences happening **and**
- the outcome, should further offences occur, specifically the impact or degree of harm to others that may result.

This helps to show the importance of being clear in the way we talk about risk. Saying a young person is 'high risk' for example is not very helpful. Does it mean that there is a high likelihood of him/her committing minor offences? Or could it mean that a young person might commit a very serious crime but there is a lower likelihood of this occurring? Or does it mean that they are at risk of suffering harm themselves? A more helpful approach is to use phrases such as: there is a low likelihood of this young person committing a sexual offence but if this did happen the impact would be severe. Or, there is a very high likelihood that the young person will commit theft offences but the impact will be small.

Being specific about the situations in which negative outcomes will occur is also important because risk is not an inherent characteristic of a young person but rather depends on particular events and circumstances. For example, a young person might not commit any offences on Mondays-Thursdays but does get into trouble on Saturday nights when in particular places with particular people. This also means that risk assessments can vary frequently and/or rapidly as a young person's circumstances and opportunities change.

B. Approaches to Risk Assessment

A clinical assessment often involves a relatively unstructured format for obtaining information and the conclusions are based primarily on the worker's professional experience and subjective opinion. The benefits of this approach are that it takes account of specific factors for each individual and can identify issues for which professional intervention is required. The weaknesses are that it leaves the assessment process open to bias and there may be inconsistency in the assessments made by different practitioners (YJB, 2008).

In contrast, actuarial assessments are based on knowledge about groups of offenders and are mainly based on static factors such as gender and criminal history. Such tools calculate what proportion of a group of young people with similar characteristics may go on to offend further and are shown to be more accurate than clinical approaches in indicating the likelihood of further offending. They can be very useful for screening and making initial assessments about which cases to prioritise. However, they do not tell the assessor whether any given individual is an exception to the group (for example, if 7 out of 10 young people with these characteristics go on to offend, is this young person part of the 7 or part of the 3 who won't offend?). They are better at predicting familiar events than unusual but more serious situations. They do not give a full picture of the individual's circumstances and won't take account of any recent changes in a young person's behaviour.

A third approach is the middle ground of 'structured professional judgement'. Tools based on this approach set out the minimum range of risk and protective factors that should be considered. Assessors should follow the guidelines and the structure of the tool which reflect relevant theoretical, professional, and empirical knowledge about offending. Each approach has strengths and weaknesses so it is important to understand the different approaches to assessment and know which methods are best suited to particular types of situation.

VI. RISK ASSESSMENT TOOLS

There are many risk assessment tools for young offenders, each with differences in focus, length, approach and level of detail. Rather than going through lots of technical and statistical details about the validity and reliability of specific tools, I want instead to point you to a resource that you can use after

this event to find out more information about any tools you are interested in. This resource is the Risk Assessment Tools Evaluation Directory (RATED) website from the Scottish Risk Management Authority. We can see that there are three sections on youth: general, violence, sexual offending. If we hover over a section, it shows us which tools have been validated and which are awaiting validation. From there, we can choose to look at particular tools. It tends to focus on studies from Europe/USA so may not always be applicable to different contexts but it does provide a very useful starting point.

A. Examples of Risk Assessment Tools for Young Offenders

There isn't time to give a complete list today, but here are a few examples.

1. Actuarial Tools

The Offender Group Reconviction Scale is an actuarial tool originally developed for use with adult offenders in the UK, but it has now been validated for use with young people (Howard et al, 2009). It consists of 6 data items and produces a percentage likelihood of proven reoffending within 1 year and 2 years. I will say more about how this is used in practice in the UK in a moment.

2. General Case Management Tools

The Youth Level of Service/Case Management Inventory (YLS/CMI) is perhaps the most well known risk assessment and case management tool for young offenders. It has been extensively tested and evaluated and more details of this can be found on RATED.

The Early Assessment Risk List for Boys (EARL-20B) and the Early Assessment Risk List for Girls (EARL-20G) are clinical assessment tools developed in Canada for the assessment of children under the age of 12. EARL assessments are intended to be completed by Youth Level of Service/Case Management Inventory (YLS/CMI) psychologists or others who have been specially trained in early behavioural problems (Levene et al, 2001) as part of a therapeutic relationship.

The Correctional Assessment and Intervention System (CAIS) is a supervision strategy model that combines a risk assessment and a needs assessment in one face-to-face assessment interview. The interview focuses on the underlying motivation for criminal behaviour and studies from five states across the USA indicate a reduction in recidivism linked to its use.

3. Other Specialist Tools

There are a number of other tools such as the Hare Psychopathy Checklist: Youth Version (PCL:YV) and the Structured Assessment of Violence Risk in Youth (SAVRY) which uses a structured professional judgement approach. There are also specialist tools for assessing the likelihood of sexual offending such as the Estimate of Risk of Adolescent Sexual Offence Recidivism (ERASOR) and Juvenile Sex Offender Protocol-II (J-SOAP-II).

B. Features of Assessment Tools

The RATED site will provide information about the age/gender a tool is designed for and details relating to evidence of validity and reliability. Some other factors to consider are:

1. Balance of Static and Dynamic Factors

Static factors are important because a young person's criminal history can be a useful predictor of future behaviour. However, a tool which relies too much on statics will be less useful with young people who have little offending history, or with those where rapid change has occurred (e.g. a young person who has been radicalised over the internet into adopting extremist views). In such cases there needs to be a balance of static and dynamic factors, for example, 40% weighting on statics and 60% on dynamics.

2. Balance of Risk and Protective Factors

Similarly, there should be a balance between risk factors i.e. 'prior factors that increase the risk of occurrence of events such as the onset, frequency, persistence or duration of offending' (Farrington, 2002, p 664) and protective factors which reduce, prevent or mediate risks for the onset and persistence of offending behaviour (Lösel and Bender, 2007). There is much debate over exactly how they protective factors work which there isn't space to cover today (Case and Haines 2009) but the key point here is that both need to be included.

3. 'Whole Person Perspective'

One of the limitations of tools which are structured in terms of risk domains is that '[t]he reduction of the offender's unique human story to a catalogue of components, however, offers little insight into the meaning of offending within the offender's life as a whole or into personal desires, goals and ambitions, strengths and solutions' (Hayles, 2006, p 69). As discussed earlier, the process of synthesis is important for putting all the pieces back together. A useful question to ask, therefore, is whether a risk assessment tool helps to provide a 'whole picture' of a young person that sets their behaviour in context, shows patterns over time and takes account of his/her perceptions of the choices that they face and their views of the costs/benefits associated with offending (Kemshall et al., 2006).

C. The UK Experience: Asset and AssetPlus

I will now talk in a little more detail about the tools used in the UK, not because they are necessarily better than other tools, but because I was involved in their development and validation so have more detailed knowledge of them.

Significant reforms were introduced to the youth justice system in England and Wales after 1998. This included setting up the Youth Justice Board to monitor the system and promote good practice. It also included the formation of multi-disciplinary Youth Offending Teams (YOTs). Previously young offenders had been primarily the responsibility of local social services departments but under the new system, all YOTs were required to have the involvement of the Police, Probation, Social Services, Health and Education. Many YOTs also including additional involvement from services such as housing or mental health.

The Youth Justice Board commissioned the development of a new assessment tool, which became known as Asset, and one of the main motivations was to provide a common tool that could be used by staff from different professional backgrounds. Consistency was a priority — the Board wanted to ensure that assessments of young people covered a comprehensive range of factors, regardless of whether the member of staff was a police officer, social worker, education specialist or from any other professional background.

It was based on this model, with the idea that if changes could be made in some of the areas on the outside of the circle — family or education or health for example — changes would then follow in terms of reducing offending behaviour (the 'target' at the centre of the diagram). It was introduced in 2000 in paper form, but was then gradually incorporated into IT systems to be completed electronically. It included a numerical scoring system, initially based only on dynamic factors, which was shown to have good predictive validity in several studies (Wilson and Hinks, 2011).

After ten years, the YJB revised the tool. One of the key criticisms of the original Asset was that it focused too much on negative problems in a young person's life. There were concerns that it did not cover some contemporary issues such as gang involvement and that practitioners were relying too much on the numeric scores and not giving enough thought to how to explain all the interconnecting factors in a young person's life (Baker, 2014).

The result of these revisions is a new tool called AssetPlus which is being introduced at the moment. Some YOTs have started using it and some will change to the new system soon. It is based on this diagram. Very briefly, the core record is the place to store key factual data and details of previous offending. The information gathering quadrant has four sections and practitioners can choose in which order to complete these, based on their view of what would be most appropriate in any specific case. Having collected all the information, the assessor then moves on to the Explanations and Conclusions section – this is where the synthesis of linking different pieces of information together occurs and some judgements are made about possible future scenarios. The Pathways and Planning section is then used to create intervention plans for working with the young person. The sections in blue at the bottom of the diagram relate to specific processes within the youth justice system in the UK and the practitioner would only use the ones relevant to each young person.

I will go into more detail about some of these processes in the next two lectures, but for now I will highlight some key features of the tool. Firstly, it is flexible in the sense that there are core questions to

answer for each young person and then additional questions that will be helpful in more complex cases or if a young person has particular needs in that area. It is up to the practitioner to decide whether to use these extra questions so a lot of emphasis is placed on the skill and professional judgement of staff. Secondly, the tool is meant to be used with all young people regardless of whether they are in custody or serving a community sentence. When the IT systems are fully functioning, staff in YOTs and staff in the prisons will both be able to see the same records about a young person and the system will be 'live' in the sense that it can be updated whenever a significant change occurs in the young person's behaviour or circumstances.

Thirdly, the tool uses both actuarial processes and skilled professional judgement. The OGRS tool described earlier is used to provide a statistical estimate of likelihood of reoffending. In addition, practitioners are asked to make their own judgements based on their knowledge of the dynamic factors in a young person's life using a matrix such as the one shown here. They can indicate their estimate of the likelihood and impact of different future events and there may be several different entries e.g. very high likelihood of the young person committing a robbery and medium likelihood of them committing an assault. This allows the practitioner to be specific about different types of behaviours. The practitioner then compares the static and dynamic indicators. If they are both high, for example, then it seems clear that the young person would need a high level of intervention. There are cases where they will differ though e.g. a high static score because of past offending but a lower dynamic score because the young person is now in employment, or a low static score due to a lack of criminal history but a high dynamic score because the young person is now spending time with friends who regularly offend. In such situations it is important to discuss the case with colleagues or a manager to work out the best course of action.

The AssetPlus tool is new and has not yet been evaluated. Some elements of it are specific to the UK and have arisen in response to feedback from UK practitioners and academics. However, I hope that some of the ideas will be useful in promoting further discussion.

VII. IMPLICATIONS FOR YOUTH JUSTICE SERVICES

When thinking about which tools to use and how to implement a risk assessment strategy it is helpful to remember the warning that 'even the activity of risk assessment itself creates new dangers' (Beckett, 2008: 41). This is because the more time that is spent on assessing one case, the less time is available for risk assessment in other cases. If a practitioner spends so long assessing young person A, they might miss something critical about young person B due to lack of time. The tools and processes need to be appropriate to the time and resources available — practical compromises have to be made as it is not possible to assess every detail of each young person's life.

A. Choosing Risk Assessment Tools

These questions can be helpful in deciding which tools to use:

- Will it be used for a one-off assessment or will it be repeated over time to measure change? For the former, an assessment based on static factors may be best but if it is to be used over time there needs to be more emphasis on dynamic factors.
- Will it be used for initial screening or for detailed case planning?
- Will it be used on paper or through IT (computer, phone)?
- What level of knowledge and expertise does it require?
- Is your priority: prediction of recidivism? If so, what is the evidence on validity?
- Or is promoting consistency between staff and encouraging comprehensive consideration of a wide range of risk and protective factors more of a priority?
- Is the tool just for individual practitioner use or will it be used to collect aggregate data for profiling or decisions about resource allocation?
- How with the views of young people and parents be included?
- How does it take account of factors such as gender, ethnicity, cultural background?

Sometimes there are tensions between different objectives. For example, can a structured approach encourage and enable offenders to be fully engaged in the assessment process? If practitioners perceive a tool to be too 'academic' they may be less likely to accept its use. On the other hand, if tools are

designed primarily with practitioners in mind, perhaps for example by keeping them relatively short, does this mean that their theoretical validity is compromised? Decisions need to be based on organisational priorities and the level of resources available. Different tools may also be needed for specialist areas such as young offenders with significant mental health problems or those who commit sexual offences.

B. Using Risk Assessment Tools Appropriately

Risk assessment tools have been criticised for giving the impression that outcomes for young people are 'pre-determined' by a statistical calculation (Case and Haines, 2009: 305) and also for reducing professionalism by creating a 'tick-box' culture rather than encouraging practitioners to think for themselves.

These need not be the case, however, if tools are used realistically and appropriately. A helpful analogy is to think about the difference between a map and a sat-nav system. As Baker and Wilkinson explain 'If it's a map, then it will be seen as providing guidance and important cues, but the responsibility for interpreting it, and for choosing which of the possible routes available to use, rests with the traveller. In the case of a sat-nav, there is typically less use of knowledge and fewer choices to make because it's more a case of following the instructions. You may get to the same destination but may not understand how you got there...or know how to do it again if you didn't have the sat-nav' (Baker and Wilkinson, 2011: 24). In thinking about risk-assessment tools, it can be more helpful to see them as maps rather than sat-navs, because this places more emphasis on applying knowledge, rather than just complying with instructions.

As Whyte argues, the real strength of standardised approaches and risk assessment tools is in their 'transparency in identifying which individual domains practitioners associate strongly with criminality, evidence that can be accepted or challenged, and the degree to which those identified "needs and risks" can then be incorporated meaningfully into an action plan which is dynamic, open to revision and for which service providers as well as service "users" are accountable' (Whyte, 2009, p 85).

C. Organisational Culture and Management

What can managers do to promote high quality decision making and assessment practice? There are many things but we only have space today for three brief suggestions. Firstly, to provide times when staff can discuss assessments, particularly difficult ones with a manager or more experienced colleague. Secondly, to encourage greater openness by looking at examples of assessments in team meetings to identify good practice and areas for improvement. Thirdly, to create a culture in which everyone can learn from mistakes or cases where the decisions turned out to be inappropriate (Baker et al, 2011).

VIII. CONCLUSION

To conclude, risk assessment with young offenders is difficult! Risk assessment tools and risk management policies are important in helping to improve decision, but need to be balanced with flexibility for practitioners to respond to the circumstances of each young person. If we had to summarise the key features most conducive to the flourishing of assessment practice and highlight the essential points to make most strongly to teams and senior managers, it would be that '[t]he culture of the team or agency that practitioners work within, the expectation they have of each other and that their managers have of them, all need to allow priority to be given to *practitioners taking time to think carefully and to record this thinking usefully*' (Dalzell and Sawyer, 2007, p 6, emphasis added). This careful thinking then needs to lead to action, if it is to make a difference to young people and their communities and we will go on to look at that in the next two lectures.

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Useful Websites

- Risk Assessment Tools Evaluation Directory (RATED), Risk Management Authority (Scotland)
<http://rated.rmascotland.gov.uk/risk-tools/>
- AssetPlus:
<https://www.gov.uk/government/publications/assetplus-assessment-and-planning-in-the-youth-justice-system>
- Correctional Assessment and Intervention System (CAIS):
<http://www.nccdglobal.org/assessment/correctional-assessment-and-intervention-system-cais>
- Early Assessment Risk List (EARL):
<https://childdevelop.ca/snap/risk-assessment-tools>
- Structured Assessment of Violence Risk in Youth (SAVRY)
http://www.annarbor.co.uk/index.php?main_page=index&cPath=416_419_189
- Youth Level of Service/Case Management Inventory (YLS/CMI)
<http://www.mhs.com/product.aspx?gr=saf&id=overview&prod=yls-cmi>