



Summary

Advisory report clients with a high safety risk

Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ)

This is a summary of an advisory report by the Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (hereinafter referred to as the RSJ).

The probation service has indicated that it is increasingly having to deal with clients who pose serious safety risks to probation workers, fellow clients and/or themselves. The probation service designates these clients as 'high safety risk clients' (referred to below as: HSR clients).

Definition and scope

There is no unambiguous definition of HSR clients, but it is possible to identify two types of HSR clients. The first type concerns clients who pose a danger because of their (possible) involvement in organised crime activities. Safety risks may come from clients themselves or from those around them. The second type concerns clients with severe mental health problems. The unpredictability of their behaviour as a result of these problems, can pose serious safety risks. However, in practice there are different views on classifying these clients as HSR clients.

In relation to the total number of clients that the probation service supervises annually, the number of HSR clients is only a fraction of the total population. In addition, there are only a few examples of HSR cases where the probation service has been unable to carry out an assignment due to very serious safety risks. However, that does not lessen the impact on the probation officers involved and the organisation as a whole.

Assessment process in HSR cases

To assess whether and how, in HSR cases, the probation service can both guarantee the safety of staff and fulfil its assignment, the probation service has developed a 'weighting framework'. Specially trained probation officers use the weighting framework to determine the threat level, the level of commitment in terms of probation resources and the safety measures to be taken. This process involves risk information being collected from chain partners. However, according to the probation service, this exchange of information is fraught with difficulties. If there are (very) serious safety risks, the probation service can consider taking (additional) security measures, or indicate that it cannot carry out probation activities.

Little is known about the creation of the weighting framework and its use in practice. This raises questions of, for example, a substantive, methodological and practical nature. It also raises questions about the implications for the client's legal status. The RSJ believes that the assessment process should be transparent and unambiguous, based on a validated weighting framework. The RSJ also believes that a proper information process should be put in place, with the Public Prosecution Service having the responsibility to inform the probation service of the existence of safety risks. It may be possible at this point to align with the approach of the Public Prosecution Service, the Custodial Institutions Agency (*Dienst Justitiële Inrichtingen*, DJI) and the police in which they share risk information with each other to prevent continued criminal acts in detention.

With a view to unambiguous assessment and implementation of working methods in HSR cases, the probation service could put more effort into training and educating (new) probation officers and into improving the way in which experienced probation officers are informed and enabled. The probation service also needs to pay ongoing attention to mental support for its employees, given the impact HSR cases can have on them.

Legal position

The issues surrounding high safety risk clients show that, in general, the legal status of clients is not explicitly regulated.

This poses a particular problem for the HSR target group, as the probation service's decision-making can have far-reaching consequences for this group of clients and there are few options for them to do anything about it. While HSR clients can submit a complaint to an independent complaints committee, the powers of this committee are limited and the decision is often made (too) late, as a result of which the decision for the complainant is in most cases a matter of retrospective recognition or vindication. The RSJ considers it important to improve the legal position of clients by laying down the criteria and framework under which clients are classified as a 'high safety risk client' in a ministerial regulation.

Consequences for the probation service and HSR client

The presence of serious safety risks may lead the probation service to conclude that it cannot carry out its assignment. The consequences of this are far-reaching for the client, especially when the failure of probation activities results in the inability to enforce the sentence and/or a modification of the sentence and, in an extreme case, the client having to undergo, for example, detention as a substitute penalty. Given these consequences the RSJ considers it important that consultation takes place between the chain partners at the start - when the court (or public prosecutor) imposes community service or monitoring - so that it becomes clear whether and how probation activities can be carried out.

The RSJ believes that supervision and monitoring should also be offered in HSR cases and that the probation service should be given additional opportunities to do so. Opportunities to enable supervision in (the most serious category of) HSR cases are currently being developed. The RSJ considers it important that more specifics are provided about the actual form these opportunities - expanding anonymous working and multidisciplinary



working - are going to take. In addition, the RSJ recommends considering alternative options for the enforcement of community service with HSR clients, as the two proposed options only provide a solution for counselling and supervision. The RSJ considers customisation and alertness to changes in safety risks during an HSR process to be important, so that the probation service can adjust its working method as soon as the situation changes and safety risks increase or decrease.

Recommendations

- In the short term, come up with a good definition of the HSR target group which is supported by the entire criminal justice chain so that HSR clients in the chain can be identified in an unambiguous way and so that expectation, deployment and approach can be aligned accordingly.
- Provide insight into the assessment process and ensure that the process is transparent and unambiguous, based on a validated weighting framework.
- To the extent possible, inform the client of the information gathered using the weighting framework and the decisions based on it.
- Establish a sound information process and create an 'information line' between the Public Prosecution Service and the probation service. In doing so make the Public Prosecution Service responsible for providing accurate information to the probation service about existing safety risks.
- Find out what else the probation officer needs in order to carry out monitoring and supervision properly in an HSR case. This could include aspects such as education, training and peer review, as well as mental support for employees.
- Improve the legal position of clients by laying down the criteria and framework under which clients are classified as a 'high safety risk client' and the resulting decisions in a ministerial regulation.
- The probation service should examine the feasibility of probation activities in HSR cases at the front end in consultation with chain partners, so as to avoid situations in which the court has to decide on an alternative at a later stage.
- Specify how the anonymous unit and the multidisciplinary approach should take shape in practice. The probation service should be able to call on chain partners in this regard.
- Try to find other solutions for the HSR target group, for example the creation of (more) probation locations in a secure setting.
- During an HSR process, ensure periodic reassessment to properly assess the current situation and the need for the safety measures taken.

You can consult the advisory report on the [RSJ website](#).

