Assessment of offenders: new trends in Norway

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Abstract

This article will focus on the introduction of an assessment of needs and resources in the Norwegian Correctional Service known as BRIK. It was initially introduced in one prison and a section of the probation service. The main aim of BRIK is to aid the social reintegration of offenders. The BRIK assessment tool is rooted in an ideology that successful reintegration is a process that is largely dependent on the offender's willingness to change. The lessons learned from the two settings show that the use of BRIK helps to motivate convicts to change, but also that follow-up measures are needed to bring about a lasting change towards a more law-abiding life.

This article will focus on the introduction of an assessment of needs and resources in the Norwegian Correctional Service known as BRIK. The article is based on our evaluation of trials of BRIK by the Norwegian Correctional Service (Hansen et al., 2014). The trials took place in one prison and a section of the probation service. The aim of BRIK is to help offenders successfully reintegrate into society. The BRIK assessment tool was developed on the basis of an ideology that successful reintegration is a process largely dependent on the offender's willingness to change. The question raised by this article is therefore: Can BRIK help to motivate offenders in a process of change towards a more law-abiding life?

Background

Norwegian correctional policies

Public institutions in Norway are organised on three levels: state, counties (regions) and local authorities. There are more than 400 local authorities and 19 counties, but the state is responsible for the judiciary and penal institutions. However, this does not mean that the state has sole responsibility for following up offenders. Local authorities are responsible for providing health care in prison, and housing and social and financial support upon release.

In Parliamentary Report No. 37 (2007-2008). "Punishment that works - less crime - a safer society", the Government strongly emphasised that punishment should be more than just locking up offenders. A sentence must contain elements that enhance the likelihood that the offender will live a life without crime upon release. Penal policy in Norway is based on a humanistic approach, which implies a clear emphasis on the fact that imprisonment is primarily a loss of liberty, which should not be more burdensome than necessary. Offenders lose their freedom, but do not lose their rights to public services. Local authorities therefore have a responsibility to ensure that offenders receive services both during and after the prison term. The rights to health and social services that the individual had before the sentence will not be lost during imprisonment. Although the need for such services normally diminishes in prison, it will generally increase again when the offender is released. The responsibility that health and social services had before the sentence is thus put on hold. However, not all offenders have received services from the health and social sector prior to conviction, even though they may have needed them. The correctional services therefore have a duty to identify the needs offenders may have during and after the prison sentence. If the individual agrees, the correctional services will use the information obtained to contact relevant health and social services to meet his or her needs both during and after imprisonment. Since the 1990s, the Norwegian Correctional Service has had a future planning scheme whereby the offender works together with the Service to plan the time to be spent in prison and the services to be provided during and after imprisonment (Circular KSF 1/2002). On the basis of the plan drawn up, the Correctional Service is to assist the offender in contacting external bodies, such as health and social services (Circular G-8/2006).

Norway has not previously had a common standardised system of offender assessment. However, the future planning scheme has provided some clarification of the needs of offenders, both during and after imprisonment. Therefore, in practice, some prisons have drawn up internal assessment forms. In addition, the probation service has had its own case administration system, called "Kompis-kif", which has contained details of offenders currently on probation. Against this background, the Norwegian Correctional Service has now developed the BRIK assessment tool mentioned above. BRIK has two basic aims: firstly, to identify offender needs, and secondly, to form a basis for cooperation with other bodies with a view to providing comprehensive services during and after imprisonment (Hansen et al., 2014).

Even though there has been a trend internationally towards shifting the focus from pure risk analysis to an assessment of the possibilities, resources and needs of offenders, risk still plays a central role in assessments. The Norwegian Correctional Service has questioned whether it is appropriate to link risk assessment with the resources of offender (Hansen et al., 2014). BRIK is therefore an assessment system in electronic form focusing on needs - evidence-based criminogenic as well as those identified by the offender himself - and resources. There are several categories concentrating on of life areas and containing a relatively small number of questions, followed by an overall assessment of that category. This results in - if relevant - a recommendation to the case-manager by referring to certain organisations, persons, programs, ways to implement the sentence etc from a roll-down menu. The assessment is carried out together with the offender, looking at the same screen, inviting comments at the end of each category. The offender is also asked to indicate how he or she believes their resources can be made use of in a positive way ("agency") and how this could contribute to their view of a good life.

Offenders in Norwegian prisons

It is particularly previously convicted offenders who represent a challenge for the correctional services. As much as 50% of this group have been in care as children, almost 60% have had close family members in prison, 60% only completed compulsory education, 70% are unemployed, about 45% do not have their own housing, 55% have chronic illnesses and nearly 60% have serious alcohol or drug problems (Statistics Norway, 2015). There is thus little doubt that these offender have a great many challenges in their life situation, and that they need a variety of support both within and outside the correctional services to reduce these challenges. A prime objective of BRIK is therefore to create a basis for solving such challenges (Hansen et al., 2014).

A path away from crime

However, BRIK has a broader perspective than finding solutions to the challenges of offender. In order for offenders to decide to be law-abiding in future, they will often need to go through a change process (McNeill, 2006). In Norway, the correctional services have therefore placed increased emphasis on theories that focus on what makes people law-abiding rather than on what leads to crime (Hansen et al., 2014). These theories are often linked under the term "positive criminology". Positive criminology focuses primarily on what causes a person to desist from criminal behaviour, permanently or at least temporarily (Ronel and Elisha, 2011). Positive criminology is described by Ronel and Elisha (2011) as a perspective which unites a number of theories, models and approaches. In their view, this perspective fills a void and can help to expand and develop this new field of criminology. Positive criminology is not intended to refute or replace classical criminological approaches, but rather to represent a different aspect, in order to achieve complementarity. Under the term positive criminology we find a number of different approaches. Here we will highlight theories related to the concepts of social role, desistance and restorative justice. The boundaries between the various terms are somewhat vague and there is therefore a certain degree of overlap between them. However, we will attempt to present a brief schematic representation of the elements that we consider relevant in this context.

One perspective concerns roles. In a prison, offenders are subjected to considerable pressure to take on a role which glorifies criminal activity (Wolff and Draine, 2004; Christie, 2007). If offenders can be taught to identify with other roles, such as that of a family man, it can increase their determination to turn away from the criminal role (Magaletta and Herbst, 2001; Lösel et al., 2012, Hansen et al., 2013). Activities that allow offenders to see themselves in a new role may thus reduce criminal activity (Hunter et al., 2013; Ronel and Segev, 2014).

Desistance may be seen as the offender's own wish to discontinue criminal behaviour. This approach focuses on factors that cause people to stop reoffending instead of factors that cause reoffending. McNeill et al (2012) point out that what creates desistance will depend on the individual and how far that individual has come in life. Simply put, it is the perception of too great a distance between what the person considers important in life and the life the person actually leads which will motivate that person to do something about his or her criminal behaviour. In order to support offenders in their desire to change their way of life, the correctional services offers a variety of measures including ordinary education, work-training and programs.

The third perspective to be emphasised here is restorative justice. This is about "repairing harm", getting the offender to accept that the crime was unacceptable and if possible take action to show remorse towards the victim or others affected, such as the offender's family (Ness, 2005). Offenders who show empathy and remorse in the encounter with the victim will experience a greater feeling of fairness (Sherman et al., 2005). An offender may apologise for what happened and perhaps compensate for the harm done. One of the results of this approach is that the victim may experience a greater degree of justice than in a normal court case and find it easier to move on from the incident (Hayes 2005). For this reason, the Norwegian Correctional Service cooperates with the mediation service, which has established a venue where perpetrator and victim can meet.

Bringing together different perspectives under the term of positive criminology allows us to view the offender as a complete human being, to realise that he or she is more than a criminal, a drug addict, etc. Instead, one can see offenders as individuals with different problems, different wishes and especially different "paths" away from crime (Ronel and Segev, 2014). The main focus in positive criminology is on the resources to be found in the individual and in his or her network. This implies a need for individual assessments to uncover these resources (Weaver and McNeill, 2011).

Data collection

This article is based on our evaluation of the trial of BRIK conducted by the correctional services in one prison and one section of the probation service (Hansen et al, 2014). We wished to gain a broad perspective on how the assessment had worked for the participants and therefore chose a qualitative approach with different data collection methods (Danermark et al., 2003). The present article is based on interviews with offenders and staff, both in the prison and in the probation context. We conducted a total of 28 individual interviews, 16 with staff and 12 with offenders.

For practical reasons, the correctional services selected the informants.

The interviews were recorded digitally and the audio files were transferred to a computer where they were listened to several times using the Olympus DSS Player software. Overall impressions were noted during the initial listening. The files were then listened to again to ascertain the topics most emphasised by participants. Meaning condensation and categorisation were initially performed directly from the audio files (Kvale, 1997; Hansen, 2007). Key parts of the interviews were printed, but all information about the participants' background (criminal career, drug use, social networks, etc.), which many mentioned, was not printed, in order to ensure their anonymity. The texts were then re-categorised. Through a process of identification and sorting of meaning units, condensation and synthesis (Malterud, 2012), we found statements that showed how BRIK had led to changes for both staff and offenders. In the analysis process, we also drew inspiration from so-called "contribution analyses" (Mayne, 2012). This meant making an effort to identify statements that could show how far the offenders felt that BRIK had supported them in a process away from crime (Lemire et al., 2012).

Data presentation

Since the aim of this article is to demonstrate how BRIK has influenced the willingness of offenders to move away from crime, most of the statements presented here are from offenders

rather than staff. These show that BRIK has changed the attitudes of a large number of the offenders assessed.

The assessment: reflection and responsibility

Many of the offenders reacted with statements such as: *I had to do some introspection and think a bit about my life ahead*. Others provided a more detailed description:

BRIK made me reflect more, it gave me something to work on. I learned more about myself, I became more conscious of what was behind some of the choices I've made.

The fact that the assessment was extensive and allowed offenders time to consider their own resources and how they had used these clearly provided a number of them with a new self-image. It was therefore not surprising that one concluded: *This has given me help to get on in life*.

But it is not a simple matter to realise that one has done something wrong which has affected others. One offender clearly stated that this had been difficult:

My first thought was that this was fine - to do a bit of assessment. My first reaction afterwards was that I kind of got a bit depressed. It's a bit like rubbing salt in old wounds. Once you've done something stupid and get in here, it's obvious you try to put a lid on things to survive - you get a bit guilty and you see what you've lost. For me, it started a bit of a painful process.

Although it was a painful experience for this offender, it was probably an intended consequence of the goal of helping offenders to want to desist from a criminal career.

Offenders naturally reflect on their crime after undergoing a BRIK assessment. One of the staff explained this as follows:

The assessment also allows us to talk about crime - that's something we don't often do otherwise.

Crime becomes an issue because the assessment forms include questions on the topic. Another employee pointed out:

The form indicates areas like asking about violence - I don't think I would have asked about that - restitution is also included, that's a good thing.

This employee also pointed out that one aim of the assessment is for offenders to consider restitution to their victims. This is a topic highlighted by many of the staff:

You ask whether you've recompensed the victim - that arouses a lot of shame and guilt.

The following quote indicates the consequences of this:

About restitution - there are far more meetings with the mediation service about restitution.

This suggests that those offenders assessed by BRIK realise that they have done something wrong and are interested in relating to their victims.

BRIK is not only concerned with crime and problems. An important aspect is to reveal offenders' resources and the opportunities these provide. Greater emphasis on this by the staff makes for a different form of assessment than previously. Here are two examples:

What distinguishes BRIK from other assessments is that it's so broad - you include all parts of life, not only problems but also resources.

The focus on resources means a lot to many of them. It's not like just harping on about everything that's gone wrong before.

Offenders were also aware that this was a new way of doing things. One of them made this quite clear:

It was good to have a focus on resources.

It is interesting that the assessment led to both reflection and a feeling of receiving care and consideration, even though its main objective is to change the behaviour of offenders.

Change

Feedback from offenders also shows that the assessment was not only an eye-opener, as several also followed it up with specific actions, primarily in relation to their families. One said:

The assessment led to a good open talk with my family.

Another offender described a similar situation:

I had an especially bad relationship with my daughter, now I'm working at connecting with her.

Several emphasised that it was not just their own choice to make contact with their family. One expressed it as follows:

My assignment was to contact my children. I've talked to my daughter on the phone and I've also talked to my son.

Another offender had a similar story:

My "homework" was to contact and talk to my children, to re-establish contact and talk to them about what had happened.

These examples show that the assessment resulted in a focus on the family by both offenders and staff, leading to improved contact between offender and family members. The offenders used words like "assignment" and "homework" to explain why they contacted their families. This may indicate a form of coercion; however, it is evident that those who used such terms were satisfied with the re-establishment of contact with their family members. We therefore choose to view such initiatives by the staff as motivation and support to contact family members.

For many, consideration for their family was the motivation to help them find solutions to some of their challenges. One of the offenders on probation described what had happened to him as follows:

I've contacted my kids - I gave up that nonsense - drugs - and I was allowed to be with them. I was ordered to go to a mental health centre - it helped me! Things went so well with me that I could be with my children. I took a traffic course to get my licence back - I've been on a hash course - it's been great!

Another of those on probation recounted his experience as follows:

Everything about mental health - and the solutions for it - that was good. That was an area we soon got to talk about. That was a great help.

Another one told a similar story:

It was good to have a focus on resources and then information about services that could help.

The offenders naturally did not have the same opportunity to realise the solutions as the offenders on probation, but one of the offenders had at least received some help:

I've got in touch with a debt counsellor - but otherwise it'll be such a long time till I get out that most stuff about housing and work and so on, that's on hold.

Following up

Those who had achieved solutions resulting from BRIK had a positive view of it and were generally pleased that they had accepted the offer of assessment. Unfortunately, not everyone was equally pleased. One offender expressed this clearly:

I had high hopes after the assessment but it wasn't followed up. Now I feel cheated - I should never have taken part in the assessment.

This shows part of the challenge of using such a comprehensive assessment. If it is not followed up, it may yield disappointment as much as hope. Another offender gave the

following explanation of why the assessment had not led to a positive outcome for him:

We had a meeting in the responsibility team where we discussed follow-up, but it wasn't followed up. One of the counsellors at school has been trying to arrange another meeting, but it hasn't worked out yet. At the first meeting there were several people who came late and started by saying I've got no time for this, seemed uninterested and didn't take it seriously. The assessment hasn't led to anything specific. It depends a lot on the personal contact officer you have - with mine it doesn't work. It was another person that assessed me. Others have been lucky, having personal contact officers that function properly - then it works.

Discussion

Most of the feedback we have received clearly shows that the assessment was an eye-opener for the offenders. In theories of desistance, the first step away from crime is that the criminal acknowledges the distance between the life he has lived and the life he wants to live (McNeill et al., 2012). We also see that the offenders were interested in taking responsibility. It is also interesting to see that several stated that they not only had taken responsibility for themselves but also felt responsible for others and wanted to re-establish contact with family members. That is also a key element in the process away from crime (McNeill, 2006), for which offenders often need support.

We also perceive the offenders' descriptions of being given a "homework" assignment to contact their children as an expression of important support by the staff in the process. It is vital that offenders feel that they are receiving support for the changes they make to move away from crime; this enables a new self-image to emerge (Panuccio et al., 2012).

Both offenders and staff make it clear that the assessment results in a broader image of the offender than the usual one, and it is especially interesting to note that the offenders themselves feel this. One of the ambitions of positive criminology is to help offenders to change their self-perception and to see themselves as something other than criminals (Ronel and Segev, 2014). In our view, BRIK can support offenders in a change of role identification from criminal to ordinary citizen.

A key element in desistance is change in role identity (Mapham and Hefferon, 2012; Rocque et al., 2014). How roles are created and changed has long been a central theme in the social sciences. Much of the basic understanding of roles and changes in roles is rooted in the work of Goffman (1959) and Barth (1966). A key element of their approach is that roles are created in interaction with others. The role a person identifies with is largely a result of how others see the person and how they respond to his or her behaviour. In prisons, people are generally identified as criminals and treated as such by other offenders and staff. If sufficient resources are allocated to an assessment, this can provide both staff and offenders with a different image, which can then create a basis for a different role identity.

Another role emphasised by several offenders was that of a family man. We can therefore see that they realise that taking responsibility means restoring a good relationship with one's family. Improved contact between offender and family is an important factor. A number of studies suggest that stronger ties to the family reduce criminal activity after release (Lösel et al., 2012; Markson et al., 2015). There is reason to believe that strong family ties are the best catalyst for success in rehabilitation in society. Here it is important that offender and family

have good contact and good communicative skills (Magaletta and Herbst, 2001). Furthermore, key post-release issues such as employment, housing and finances will be easier to solve with support from a satisfactory social network (Hunter et al., 2013). Raising awareness of the role of the father may be expected to enhance the offender's feeling of responsibility for family and children. One factor that may aid this process is that the family has worked at reconciliation, which would be difficult if the person remained a criminal and risked being imprisoned (Weaver, 2012).

A number of the offenders acknowledged that their actions have affected both their victims and close persons such as family members, and are ashamed of this. In theories of restorative justice, empathy is an important prerequisite for a process where the victim feels that the perpetrator truly regrets his or her actions. The victim must feel that the criminal understands the harm caused and expresses credible remorse (Rosman et al., 2009). In our material, this was seen in that offenders felt ashamed towards their victims, which is a good starting point for empathy in the further process. Several offenders clearly stated that they wanted to "make it up to" those affected by their crime.

The fact that BRIK was a key element of this process is underlined by the clear feedback that it was helpful to look into an offender's violent background and the possibility of restitution, creating a basis to focus on how these challenges can be met. In this way, BRIK provides the foundation for a focus on restorative justice (Menkel-Meadow, 2007).

As we see it, the design and use of BRIK enhances the basis for offenders to embark on a process of change with the aim of reintegration into society. Our data suggest that the adoption of the principles of positive criminology results in willingness to change on the part of the offenders.

This tradition involves working with the offender towards desistance. The approach helps offenders to discover their strengths and possibilities, and is most likely to be effective when based on encouragement, respect and self-determination (McCulloch, 2005). This was seen in a number of the offenders in this study.

However, BRIK can only create a basis for further action. Feedback from some offenders assessed some time before our study clearly indicates that if the assessment and the positive reactions to it are not followed up, it feels demotivating. As we have pointed out above, social support is a key element of a desistance process (Panuccio et al., 2012). The negative feedback from some offenders may be seen as evidence that the possibility of change will diminish without follow-up to provide the offender with a feeling of support.

Our conclusion is therefore that BRIK has the potential to lay the foundation for positive change processes in offenders, but this foundation must be followed up with further action if it is to be utilised fully.

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