

Mentally Disordered Offenders: Challenges in Using the OASYS Risk Assessment Tool

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Abstract

This article examines the centrality of risk both within the Government's new proposals to tackle offending behaviour (Home Office 2004) and within the professional practice of probation officers within a large metropolitan area. The pre-occupation of the government with the potential dangerousness of mentally disordered offenders also provided a focus to this article. In order to explore these issues a small scale research project was undertaken into the use of eOASys as a risk assessment tool and whether it enabled practitioners to effectively identify those offenders who may potentially have mental health problems. The research also focused on whether this led to more effective and sensitive management of mentally disordered offenders and assisted practitioners to reduce their risk of re-offending and risk of harm to themselves or others.

The key findings include the need for more detailed eOASys assessments; the importance of a consistent and sustained relationships between offender and probation officer to aid assessments; cases with incomplete eOASys assessments were the cases with little supplementary information and lacked the detailed analysis of past information contained in case records; issues of race and gender; and stereotyping of mental health issues.

Key words: OASys; Probation; Risk; Mentally Disordered Offenders; Crime Reduction; Assessment.

Introduction

This research evolved out of a recognition by the authors that there is a process of net-widening (Cohen, 1985) evident in the techniques of risk assessment currently being deployed in criminal justice and mental health services. (Fitzgibbon, 2004; Prins, 1999; Hudson, 2003; Kemsball, 2003) and also in recent proposals for mental health legislation reform (Wadham, 2002; Peay, 2002).

There appears to be a dilution of the concept of serious mental illness which allows a wider definition of mental health problems and those from socially excluded backgrounds could thus be assimilated to this category and seen as dangerous (Fitzgibbon, 2004).

New risk analysis techniques widely used in probation and mental health services could be perceived as active in broadening the concept of dangerousness. Examination of the current risk prediction system used in the Probation Service (eOASys) illustrates how these risk assessment tools may spread the net of dangerousness yet fail to address the criminogenic needs of offenders effectively.

Understanding eOASys or OASys

The Government published a National Action Plan for Reducing Re-offending through greater strategic direction and joined up working (Home Office, 2004). The Action Plan states, among other objectives, one important Government manifesto commitment which is to ensure that punishment and rehabilitation of offenders are both designed to minimise re-offending. The National Action Plan identifies three areas, which need to be successfully addressed to attain its objectives (Home Office, 2004); they are communication, information sharing and risk assessment. This applies both at strategic development level and at the point of service delivery. The report states clearly that achievement in these areas is dependent on up-to-date offender assessments being carried out by prison and probation staff. The key assessment tool is the Offender Assessment System (OASys) described in the document as,

a risk assessment and sentence planning tool for identifying and classifying offender related needs, such as lack of accommodation, poor educational and employment skills, substance misuse, relationship problems, problems with thinking and attitudes and the risk they pose to the public, and for making plans to address these needs. (Home Office, 2004:4)

The Offender Assessment System (OASys) is a joint Probation and Prison Services initiative which was designed primarily to replace previously existing instruments, which failed to fully meet the requirements of the two Services. OASys consolidated the fundamental changes in values and professional practice that have occurred within the Probation Service, namely the focus on the protection of the public, the punishment of offenders, a decrease in crime and evidence based practice (Oldfield, 2002; Bhui, 2002; Robinson, 2001). The two main principles it incorporates are adherence to the 'What Works' agenda and the necessity to bring about a reduction in risk. In order to demonstrate effectiveness, which is defined in terms of the ability both to predict risk and to implement programmes of intervention aimed at reducing risk, OASys is an actuarial and dynamic assessment tool which utilises a 300 page manual containing guidance notes for assessors. This makes clear, from the outset, its basic premise:

The assessment of the risk posed by an offender, and the identification of the factors which have contributed to the offending, are the starting points for all work with offenders. (Home Office, 2002:1)

The IT based version (eOASys) of this tool was introduced during 2003/4, and the aim was to introduce this system across all prison establishments with a view to the Probation and Prison Services having full electronic connectivity throughout the country by the summer of 2005. The objective was to facilitate the exchange of information between Probation Areas and prisons. However due to problems with implementation and technology this ambition has not been fully achieved as yet.

Assessments using eOASys are generally commenced at the pre-sentence report stage and should be regularly reviewed and amended at each subsequent stage of intervention. The eOASys tool is meant to provide a means for continuous risk and criminogenic needs assessment and evaluation which follows an offender from the start of their interaction with the Probation and Prison Services through to completion.

Researching eOASys

The small-scale exploratory research project was carried out in a large metropolitan probation area over a three month period between December 2004 and February 2005.

The broad research aims were:

- To examine to what extent the eOASys system is improving the situation of mentally vulnerable offenders.
- To explore in particular the accuracy and effectiveness of the use of this assessment tool.

Permission was obtained for access to data from the area's Probation Research Unit and ethical approval for the research was given by the University of Hertfordshire and the Probation Service in question.

The research was conducted using a purposive sample (Mason, 2002; Patton, 2002) designed to examine those offenders' cases which had been subject to eOASys assessment and had the following special characteristics (Robson, 2002):

1. Offenders viewed as mentally unstable or personality disordered.
2. Subject to current or past mental health treatment/interventions.
3. Self-identified as having a number of symptoms of mental illness.
4. Conformed, via the eOASys manual criteria in a number of the areas designed within the tool to alert the practitioner to mental health needs.
5. eOASys had been completed or partly completed on the case.
6. There had been probation officer involvement and offenders were from a range of different office locations within the probation area.

10 cases were randomly selected from an initial 24 cases using the probation area's Criminal Record and Management System (CRAMs) record database. This purposive sample comprised 2 offenders who were black, 3 white offenders and 5 offenders whose race/ethnicity were unknown. This was due to incomplete eOASys data. As Bhui (1999) has noted, Black and Minority Ethnic groups' needs in terms of the importance of not assessing or addressing factors such as mental disorder are often highlighted by research as an area of concern. Three of the sample were women offenders and all were over 18 years of age.

Naturally occurring documentary evidence, in the form of case records, reports and completed forms contained in the case files and eOASys forms was examined (Ritchie and Lewis 2004). Live cases were accessed as a way to understand their substantive content and reveal the usefulness of the eOASys tool not only to the practitioner but as a method of communication and information sharing as part of the Government's National Action Plan for Reducing Re-offending (Home Office, 2004).

The analysis of the selected cases focused on:

- Whether practitioners using this tool were able to identify those offenders who may potentially have mental health needs.
- If these needs were taken into account in needs and risk assessments.
- Did this then lead to more effective and sensitive management of their criminogenic needs and therefore more appropriate risk containment?
- How thoroughly and efficiently were the eOASys forms completed and in what detail?

Findings

The following section reports some of the key findings from the research.

No eOASys risk assessment

There was evidence in some cases, particularly those with transient officers, that service user had no full eOASys risk assessment nor had they any other form of risk assessment pre-dating the introduction of eOASys. This was despite mental health concerns being noted in the initial screening, where key factors like dual diagnosis, self harm or inability to conform to psychiatric treatment indicated a full risk assessment should be completed.

Lack of information

The majority of the sample had little supplementary information to reinforce or expand on the 'tick boxes'. Whilst eOASys allows for building in of "evidence", in script form, into the tool the lack of this additional data on the form would support other research findings that when tick boxes are presented, assessors question their ability to clinically expand on the assessment and resort to 'just getting the job done' (Maynard-Moody et al., 1990).

Using existing case material

Many of the eOASys assessments failed to incorporate or expand on significant issues contained within the case file. For example, issues such as previous suicide attempts, psychiatric treatment, and domestic violence were often highly significant to risk levels but not mentioned or only procedurally included with little analysis. Often assessments made previously in reports (PSRs) were not included particularly if risk issues were regarding self-harm (also see Morgan, 2000). This was unfortunate as some of the most detailed casework in the files pre-dated the introduction of eOASys and perhaps should have been included for a more complete assessment.

eOASys could potentially be a significant aid to the transfer of information between officers but only if time is allocated to and spent summarising information present in the file and following up queries rigorously (Prins, 1999; Canton, 2004). One case had a Crown Court judge repeatedly requesting a psychiatric report which was never produced. The offence for which the offender was sentenced was of a less serious nature than the original charge. Neither of these occurrences was taken into account in the eOASys assessment of the offender. Additionally no account was taken of the suspected mental disorder and the case was managed with no reference to mental health agencies and with a number of internal transfers of supervisor. It appears to have been somewhat of a surprise to the offender's supervisor when a local mental health professional approached the probation service to inform them that the offender had spent some time as an in-patient in a local psychiatric facility during the period of supervision.

Examples of harassment and obsessional behaviours, and being the victim of rape were also factors which were not followed through in the eOASys assessment and not therefore incorporated into the overall assessment or supervision planning concerning the case.

Many of the gaps in the case files occurred during transfer of cases between team members and a lack of thorough reading of case file materials before the eOASys assessment was completed was revealed through obvious gaps in the transfer of information or level of detail in the assessment. This was particularly significant in cases where as many as 5 probation officers had supervised one case over a 6 month period.

Although procedurally the eOASys was completed in the majority of cases examined, there were significant gaps in transfer of data from the case files. As Prins (1999) states information regarding cases and risk is often present but taking the time to assimilate and collate this information is often a low priority. Transfer of the data to the eOASys presumably is required if the risk assessment is going to be accurate and meaningful.

Professional relationship with the offender

Reading of case files revealed far better risk assessments were undertaken when there was a consistent and sustained relationship built up with one probation officer/case manager. Additionally breach and focusing on practical issues as opposed to the whole context of the mentally vulnerable offender's behaviour also significantly increased when very short term work was done by varied staff.

Much of the work undertaken with offenders with mental health issues was sensitive and focused when there was time to build up a rapport with the officer involved. However where cases were quickly passed over to other team members procedural concerns, particularly regarding practical considerations and enforcement, appear to have become the sole focus of the work with those offenders with mental disorders.

Reviews

Regular reviews were also required in these cases. However there was rarely any evidence of these having been undertaken in the majority of case files examined.

Liaison with other agencies and the family

Liaison with other agencies and the family highlighted in other studies as key to risk reduction and containment in mentally disordered offenders (Rumgay, 2003; Moore, 1996) was also lacking in these cases. Few of the sample examined had any evidence of consistent and sustained interventions by case managers, or other agents. This is of particular concern if the probation service is to discharge its role in achieving the Government's overall priority to reduce crime and protect the public.

Drugs & alcohol

A significant number (n.6) of the sample had alcohol and/or drugs related problems. This would support other research in this area of the heightened risk/vulnerability of those with mental health problems and substance misuse problems, for example, Applin and Ward (1998); Hills (1993).

Dual diagnosis

The significance of dual diagnosis in this sample with mental health problems was highlighted. Often the focus of the work was on the drug problem rather than a holistic treatment of both issues. This is borne out by other research, such as Applin and Ward, 1998, and may be due to inexperienced staff, and /or the presence of a drugs partnership locally and their approach to dual diagnosis. It could also be the existence of a 'target driven funding regime' which does not reward dual interventions (Mc Sweeney et al., 2004) or could even be fear of engagement with the mental disorder and its complexities.

Other mental health issues

Reading the case files there was repeated overlooking and ignoring of insignificant mental health issues. Some cases then degenerated into the 'revolving door' syndrome of short custodial sentences leading to loss of family ties, employment and housing. (Revolving Door Agency, 2002). The consequences escalating with the numerous petty offences leading one woman from a secure job, home and family to eventual homelessness, children taken into care and an inability to cooperate with even the smallest request such as keeping a Probation appointment. The only option then remaining was short repeated custodial sentences.

Race

Although inconclusive about issues of race, there was evidence in reading the files of stereotyping regarding mentally disordered offenders and those of minority ethnic origin, in particular the case of a Muslim Asian offender, which effected the focus of the work undertaken. This supports findings by Hudson and Bramhall (2005), which state that Asian 'otherness' is viewed negatively by some probation assessors. Supervision case records and eOASys information concentrated on possibilities of engagement, family details and superficial assessments of practical issues such as housing were common in this example. There was no evidence of using the strong family ties as a resource or positive aspect of the case and also no concentration on the offenders' mental health needs (findings echoed by Hudson and Bramhall (2005)).

Risk, release from hospital and prison

The sample highlighted significant issues regarding assessment in relation to risk (n.3), liaison with other agencies (n.2), (see Rumgay, 2003), and problems on release from hospital/prison (n.2), (see Mills, 2004; and NACRO, 1995). This would corroborate other research findings on mentally disordered offenders (Prins (1999); Gray et al. (2002)).

Suspect data collection and gender issues

What became apparent was that often eOASys assessments were inaccurate and defensive in that they erred on the side of caution to protect the case worker rather than exploring the material thoroughly for an accurate detailed picture. This was possibly due to lack of experience and exploration of the case files which did supply the materials required for a more informed assessment. As other research examining risk and mental disorder has indicated (Ryan, 1998) the gender of the assessor was found to be significant. Female assessors are more likely to rate patients more 'risky' than their male counterparts. This is of interest when one recognises the predominance of women in the probation service and other caring/social services dealing with those with mental health problems. The majority of these assessments were undertaken by women. Also the difference in ethnicity and race, which has been shown to influence risk assessment, heightening perception of risk in black mentally ill people (Prins, 1999; Bhui, 1999). Thus mental disorder could have been wrongly identified or over concentrated on as an indicator of risk concerns due to stereotypes which have previously been exposed as prejudicial or detrimental to the offenders being supervised (Peay, 2002).

Overall the findings of this research supported previous research findings on mentally disordered offenders (for example, Gray et al. (2002)). It is significant that many of the findings of this research cluster. Thus those cases with incomplete eOASys assessments were also the cases with little supplementary information and lacked the detailed analysis of past information contained in case records. Often omissions regarding ethnicity, family relationships and liaison with other agencies accompanied those cases with incomplete or inaccurate eOASys.

The more detailed eOASys assessments coincided with those cases with consistent and sustained relationship between offender and probation officer. These cases were more likely to have had regular case reviews completed, inter-agency working and a more holistic focus on the mental health issues of the offender in relation to their other problems.

Discussion

The Probation Service, which has been transformed in line with other Criminal Justice agencies, for example the police service and the prison service, places risk and public protection at the forefront of its practice and strategic management planning. It is envisaged that this process will be even more 'seamless' and will be pivotal in effective "end to end" management of offenders once the National Offender Management Service is fully operational (Halliday, J., 2001). A key feature of this process is the eOASys assessment tool which has been developed for use between both Probation and Prison staff.

However as Kemshall (2003) maintains there are limitations and failures of risk analyses as predictors of individual behaviour and potential sources of injustice if people are treated purely on the basis of membership of risk groups whose boundaries are necessarily socially constructed. In addition a feature of risk-based analyses is that in practice they are modified and mediated by more traditional professional casework skills of probation officers.

What this small scale study has illustrated is the importance of professional integrity and the need for experienced well trained staff when undertaking eOASys assessments, particularly on mentally vulnerable offenders. It has also shown that professional judgments, expertise and sensitivity are essential not just to complete the eOASys assessment proficiently but more importantly to provide the basis for appropriate and worthwhile interventions. Practitioners must be able to understand the significance of offender needs and be able effectively to prioritise interventions with all offenders, particularly those with mental health difficulties, in order to effectively monitor and reduce risk. Without this professionalism the usefulness and effectiveness of the eOASys assessment tool will be questionable.

One has to evaluate and reflect on the eOASys assessment tool within the wider context of the growth of information databases and the reliance on these rather than individual expertise within the penal system. As Aas (2004) states:

Knowledge formats define how professionals within the system should think and act...probation officers have to fill out formalised risk assessment instruments and replace their individual and professional narratives with highly structured forms of communication]. (p.382)

Undue emphasis on risk assessment can distort or prevent the quality of care received by those with mental disorder with consequences that tragically increase their risk of re-offending and harm (Munro and Rumgay, 2000).

Conclusion

This research focused on the use of eOASys as an assessment tool and the question as to whether this tool leads to more effective and sensitive management of mentally vulnerable offenders and therefore more appropriate risk containment. What became apparent was that often these assessments were inaccurate and defensive due to lack of experience and exploration of the case files which did supply the materials required for a more informed assessment. This is supported by research by Robertson (1988); Kemshall (2003) and Kemshall and Maguire (2001).

One could speculate that with new enhanced accountability forcing practitioners (Kemshall, 2003), including those undertaking OASys assessments, the over prediction of dangerousness and potential risk will occur to those, like the mentally ill, who are more vulnerable and fulfil many of the criminogenic factors by virtue of their mental illnesses not their criminality, i.e. unemployment, homelessness, lack of support from family. All these factors were identified by the Social Exclusion Unit (2004) as factors contributing to mental health problems.

Are practitioners going to be assisted to utilise the eOASys tool given that it appears standardised assessment tools will ultimately replace the last residues of the 'advise assist and befriend' tradition? There seems little doubt that the strategies of risk-analysis and the orientation to public protection have transformed the work and character of the Probation Service (Kemshall, 2003; Oldfield, 2002).

The lessons from these findings will become increasingly important if professionals and other practitioners within Criminal Justice agencies are going to avoid risk adverse assessments based on prejudicial views about those with mental health problems and others (Hannah-Moffat, 2005).

OASys was introduced in an attempt to construct a common set of concepts, a shared vocabulary in which practitioners from a variety of professions can discuss risk (Canton, 2004 p.144). However such a risk assessment tool will only be effective if it leads to appropriate and sensitive support for mentally disordered offenders (Grounds, 1995). Coercion in psychiatric services (Laurence, 2003 cited in Canton, 2004) and emphasis on pure enforcement within probation practice (Hearnden and Millie, 2004 cited in Canton, 2004) will not only fail to secure compliance but will ostracise and alienate those mentally disordered offenders who most need support and respect to reduce their chances of re-offending and relapse. Only if eOASys is implemented within a context of shared co-operation with the mentally disordered offender in planning and negotiating risk management and within a professionally based rapport within which their behaviour is contextualised can any progress, in terms of risk reduction and prevention be achieved.

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