

COSA in Belgium

Summary



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Summary

COSA (Circles of Support and Accountability) is an innovative approach to the challenge that is imposed on our society by the presence of sex offenders. COSA aims at preventing recidivism by addressing some of the key risk-factors for re-offending: social isolation and emotional loneliness. A COSA circle provides a medium to high-risk sex offender with a group of 3 – 5 trained volunteers, preferably from the local community, who meet with the sex offender (core member in a circle) on a regular basis. Volunteers support the core member by modelling pro-social behaviour, offering moral support and assisting with practical needs. They hold the core member accountable by challenging pro-offending attitudes, beliefs and behaviour. The volunteers are assisted by an outer circle of professionals. Volunteers report their concerns to the professionals who – when necessary- can take appropriate measures to prevent the core member from reoffending. Volunteers report to professionals via a circle coordinator who's task it is to mediate between inner and outer circle and support and supervise the circle process.

Circles have been successfully operating in Canada since 1994 and in Great Britain since 2002. A Dutch circle initiative has started in 2009, and in 2010 a European consortium (Circles together for Safety, CTS) acquired financial support from the European Commission (Daphne III funding) for a two year project to support the further development of COSA in the Netherlands and the introduction of COSA in Belgium and other European countries.

In this study the opportunities for COSA in Belgium are explored in relation to the legal context and the infrastructure of mental healthcare and after-care and probation services for sex-offenders.

The goal of this study is twofold: first, it provides a theoretical framework to underpin the policy decisions of the Belgian associate partner within CTS, (Justitiehuis Antwerpen; House of Justice, Antwerp) that are necessary to adopt COSA to the Belgian situation. Secondly, it provides all necessary information for local partners about COSA, its background and implications.

Organizational model

The experiences in Canada and the UK show that circles can be run in different organizational models. In the model that was developed by Circle UK, an independent national organization (Circles UK) assists and monitors regional circle projects, that are set up and run by a regional project team, which works in close partnership with local agencies. Therefore it can rely on established relationships without having to negotiate with them each time they want to start a new circle in the area. Regional projects operate under a licence agreement with Circles UK, and have to live up to its quality standards. Circles NL has adopted this organizational model and acquired a license from Circles UK.

With the European funding in 2010 a small number of pilot circles will be able to start in the region of the Antwerp House of Justice, the local probation institution. During the course of the project, the Belgian project is to be seen as a regional project that draws from Circles NL's facilities and its licence agreement with Circles UK. On the long run, acquiring an independent license agreement and a more structural financial basis may be necessary in order to be able to develop more regional projects and to develop into a national Circles organization.

Judicial context

In the Belgian penal system three different groups of sex - offenders are imprisoned and – at any point – probably up for a re-socialisation process. First, there are those who are fully accountable for their offence and serve their punishment in prison (detainees). Secondly, those who suffer from mental illness and therefore are not fully accountable for their offence and/or in need of treatment rather than punishment (internees). Thirdly, those who pose an unacceptable risk to society and therefore are kept imprisoned after they have served their sentence (protection of the government - Ter Beschikking van de Regering – TBR). Although internees are meant to be treated in specialised and secured mental health care institutions, the lack of adequate facilities forces the authorities to detain them in penal institutions, often in special wards.

There is also a group of sex offenders that is not imprisoned, but whose sentence is suspended under conditions. Core members may come from each of these four groups.

In the COSA model as it is developed by Circles UK and adopted by Circles-NL, the supporting and coaching role of circle volunteers is complemented with the task to report risky behaviour to professionals in the judicial and forensic statutory agencies, who then can act with appropriate interventions, like revocation of conditional release or reinforcing of mandatory treatment.

In Belgium there are several modalities of conditional release that enable a sufficiently long term¹ of mandatory supervision of prohibitive and/or imperative conditions that thus provide a legal framework for this monitoring aspect of circles. For sex-offenders the forms of conditional release are: conditional release of prison (voorwaardelijke invrijheidsstelling van gedetineerden), custodial release of prison (voorlopige invrijheidsstelling van gedetineerden), and conditional release for internees and those who are under preventive detention (invrijheidsstelling op proef). Also a conditional suspended sentence and probation (probatieopschorting en – uitstel), sometimes in combination with electronic monitoring provide for sufficient temporary terms of mandatory supervision.

Compliance with prohibitive and/or imperative conditions is supervised by the police, who reports failure to the prosecution office. The prosecution office may order provisional arrest in urgent cases. The role of the justice assistant is a more supporting one: the justice assistant helps the person to comply with prohibitive conditions and assists in fulfilling imperative conditions like finding employment, enrolling into training or treatment. The justice assistant usually does not report directly to the police in order not to undermine a positive working alliance.

Treatment

Core members have to be able and willing to communicate with their circle about the offence and their offence-scenario and about the specific risk factors. They have to understand the importance of relapse-prevention strategies and should be able to use them when they are at risk of reoffending.

The role of the other circle members is to encourage the core member's efforts to deal with probably risky situations and emotional lows in an appropriate way. These circle dynamics are most effective when the core member has made significant progress in specific sex-offender treatment - meaning he is familiar with his own offence-scenario and a relapse prevention plan has been developed. Yet most sex-offender have not been in therapy prior to their (conditional) release.

Sex-offender treatment is usually mandatory for sexual delinquents who apply for conditional release in one of the modalities mentioned above and is provided for by assigned forensic teams within Mental Health Care institutions and Welfare institutions. Treatment attendance and progress is guided and supervised by the justice assistant. On an individual basis mental health care and welfare-institutions may start sex-offender treatment with those who are to be released soon, in order to bridge the gap between incarceration and living in the outside, but the facilities are very limited. Since in Belgium there is no specific sex-offender therapy in prison, and the number of treatment facilities for interned sex-offenders is very limited, treatment therefore often only starts after the (conditional) release is effected. In recent years, more and more sex – offenders choose to serve their term to the end instead of applying for early release in order to avoid mandatory treatment and long term supervision.

Organizations

In Belgium the most relevant agencies that are involved in the managing of sex offenders during their re-socialisation process are: the Houses of Justice, the ambulatory treatment facilities for interned sex-offenders, the specialized forensic teams for the treatment of sex offenders within mental health institutions and public welfare institutions, the police force and the federal prosecution office.

¹ Based upon experiences in the UK a circle is expected to be fully operational for at least one to one and a half year.

An important pre-condition for COSA is a well established basis of co-operation and clear information-sharing agreements with the local organizations, as they deliver the professionals for the outer circle. These professionals need to be well-informed about the process of the core member, in order to be able to intervene in time – when necessary – and prevent recidivism.

The existing forms of co-operation may need to be intensified – especially with the police. The police has a unique role in reporting the failure of prohibitive and imperative conditions to the prosecution office. Direct information sharing between justice assistant and the police is not common practice, and is in fact not in line with the working guidelines of the House of Justice.

Risk-assessment and selection of core members

In order to legitimate the substantial costs in terms of personnel and means, COSA should only be targeted to medium or high- risk sex-offenders. Recent and accurate risk assessment (preferably by validated, standardized risk-assessment tools) therefore is obligate in the selection process.

In Belgium, structured risk-assessment is not yet good practice in all agencies that manage sex offenders. In cases of conditional or custodial release from prison, a Psychosocial Service in penitentiary institutions applies a structured risk – assessment, but in cases of suspended sentences and probation (probatieopschorting of – uitstel) risk-assessment is often based only upon the clinical judgement of a forensic psychiatrist.

Therefore in some cases the application of additional diagnostic and risk-assessment tools by the local circle project may be necessary in the selection of core-members. On behalf of the ongoing research that evaluates the effectiveness of COSA, application of the same instruments that are used by Circles NL would be helpful in order to maintain comparability between cases.

The other selection criteria are also applicable to Belgian core-members²:

- high need for pro-social support;
- low level of monitoring capacity in the social context;
- the sex offender is willing and motivated to lead an offence free live;
- the sex offender is willing to communicate with circle members about the offence and his specific risk factors;
- a diagnostic report is available in which level of risk and criminogenic factors are assessed;
- offence scenario and relapse prevention plan is worked out in treatment or are being worked out in treatment as soon as the Circle starts;
- a judicial framework (conditional release, conditional sentence);
- having participated in sex – offender treatment.

Also the same exclusion criteria are relevant:

- diagnosed psychopath;
- complete denial of the offence;
- under aged (< 18);
- very low IQ.

Since core-members must have participated in some form of sex-offender treatment, there is probably only a small group that is adequately prepared for a circle: interned sex-offenders, who have been in residential treatment in one of the specialised forensic clinics and re-entering into society on conditional release. In compliance with the integrity of the Circles model, it is advisable to draw core-member for the first circles from this group en let COSA be the next step in their re-socialisation process.

² Due to a lack of treatment facilities and differences in treatment modalities, an offence scenario and relapse prevention plan will not always be sufficiently worked out, therefore this criterion is changed by the Belgian project organization into: "has to be able to openly communicate about offence behaviour and risk factors".

Recruiting and selection of volunteers

Serving the community on a voluntary basis is not uncommon in Belgium, in fact, during the last decennium numbers are rising. Between 1 and 1.4 million Belgian inhabitants work as volunteers, mostly assisting cultural, sports and leisure activities.

In Belgium a specialised welfare organization known as Assistance Services for Law Subjects (Justitieel Welzijnswerk, JWW) offers support and assistance to detainees and their families. These organizations are familiar with recruiting and working with volunteers, although due to a substantial cut down in their finances, these activities are now very limited. Nevertheless seeking co-operation with the JWW may be useful as an extra strategy in the difficult process of recruiting enough volunteers.

However, as in all former Circle projects, personal communication and recruitment within the personal and professional network of project members may also be an important strategy.

There are no arguments against the adoption of already developed and well-established selection – and exclusion criteria and procedures for selection and training of circle volunteers in Belgium. The protocols for selection, training and supervision of circle volunteers can be adopted from the Dutch circles project.

The role of professionals

Providing stakeholders with information about the key principles of COSA and the way it works is vital to the development of local support and the targeting of possible core-members in the region. Providing all necessary information is even more important when professionals are going to be involved in a circle as member of the outer circle. All implementation issues should be clarified at forehand, and preferably be put down in written agreements. The option of a case-centered direct communication infrastructure in which all professionals of a circle can participate is going to be further investigated, as is the stakeholders' perspective on COSA and their willingness to participate.

Monitoring and evaluation

In the UK and Dutch organization model of COSA the national Circles organization maintains an elaborate protocol for the monitoring and evaluation of circles and the auditing of regional circles projects. All circle meetings are reported to the circle coördinator in circle minutes, the circle coordinator reports to the regional project coordinator and to the professionals on a monthly basis, and the regional project coordinator reports to the national Circles office on a quarterly basis. Also on a quarterly basis, the circles evaluate the process of the core member by assessing the dynamic risk factors. Once a year the national Circles office audits all regional projects. Since the Belgian pilot has the status of regional circle project of Circles NL, the Dutch protocols and materials for the monitoring and evaluation of circles can be adopted.

An effect study is part of the European Project, combining a process evaluation with a more quantitative effect-study. De Belgian circles can participate in this research, depending on comparability and practical feasibility.

Disclaimer

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