

# Can high-risk offenders be reliably identified?

## A follow-up study on dangerous offenders in Switzerland released from prison for legal reasons

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### Summary

After the recent introduction of preventive detention in Germany, the Swiss national council has passed a similar law. In both these countries, as well as other nations, there is a controversial debate on post-sentence preventive detention of offenders who are found to be very dangerous during enforcement of sentence. Empirical results as to if and how far post-sentence preventive detention is sensible and appropriate are lacking, due to the scarcity of such cases and the need for systematic observation and long survey periods.

In all cases used in the present study, a very high dangerousness was assessed during enforcement of sentence, but release had to be granted for legal reasons. With a total of nine cases (all registered from 1997 to 2005), these high-risk offenders represented a small and narrowly defined group, ie 2% of all violent and sex offenders administered by the Canton of Zurich. They also differ from the main population regarding socio-demographics and psychiatric and criminological

aspects. It was possible to evaluate the progress of eight of the released offenders in a follow-up study. All eight offenders re-offended with grave violent and sex offences, seven within a year of their release, causing a total of twenty-four victims.

The present study supports the supposition that at least some categories of very dangerous offenders can be reliably detected. It also supports the notion that systematic risk assessment during enforcement of sentence, using all obtainable information, can help prevent serious violent and sex offences. Furthermore, the results also illustrate the necessity of post-sentence preventive detention of a small number of high-risk offenders as an important measure for the protection of potential victims.

*Key words: post-sentence preventive detention; risk assessment; violent offenders; sex offenders; sentence enforcement*

### Introduction

Risk assessment is of great importance for the prevention of crimes. The decision of what action to take to lower the risk of an offender re-offending is based on a calculation of that risk; thus the risk assessment must be as precise as possible. Additionally, great importance is attached to prognostic assessment after sentencing, for example in decisions concerning the granting of graduated enforcement schemes like leave and transfer to open correctional facilities, or release from the penal correctional system. The consequences following a negative prognostic assessment depend on the respective legal system; for example, an offender in Switzerland who has been sentenced to a finite prison term has to be released at the end of his prison sentence, even if there are indications of high dangerousness. In view of the inevitable release, the correctional service has to make a diffi-

cult decision between two equally unsatisfactory alternatives: (1) the offender receives no graduated enforcement scheme, due to dangerousness, and remains imprisoned till the end of the sentence (and thus has no possibility to adapt gradually to life outside a correctional institution); and (2) the offender is granted a graduated enforcement scheme which carries the risk of re-offending during the prison term.

In cases where the court has ordered therapy during imprisonment, this can be discontinued due to failure; subsequently the case may be sent to court for a new verdict, which, in rare cases, can lead to the conversion of court-ordered therapy to preventive detention [1].

There is a debate currently taking place in Switzerland about whether to introduce post-sentence preventive detention [2, 3]. An expert group

instituted by the federal councillor of the justice department presented a draft for such a law that led to a proposal by the federal council [4] and recently has passed the national parliament [5]. It states that post-sentence preventive detention is possible for offenders sentenced to a finite term of imprisonment if indications of very high dangerousness are identified during imprisonment. According to the revision principle, post-sentence preventive detention is only possible if the dangerousness already existed at the moment of sentencing but was either not identified or not adequately legally considered. Therefore the regulation in Switzerland is drafted as a legal revision which is to the disadvantage of the person sentenced. In Germany, according to article 66b of the German penal code, offenders can only be placed into post-sentence preventive detention if new facts appear during imprisonment which could not have been identified at the time of judgement [6, 7].

The possibilities and limitations of prognostic assessments have been a primary focus of the controversial debate on post-sentence preventive detention. Empirical findings, especially on the question of whether and how far post-sentence preventive detention is expedient and appropriate, do not yet exist. Reasons for this lie in both the difficulty of systematic observation and the fact that such cases occur rarely and require long observation periods.

The goal of the present study was to evaluate whether high-risk offenders can reliably be identified and whether post-sentence preventive detention is necessary to manage the recidivism risk of high-risk offenders with finite sentences thus identified.

The findings of this study have been presented at expert hearings and have been noted in the political process by parliamentarians, leading to the introduction of post-sentence preventive detention in Switzerland.

## Methods

### Research question

The present study aims to examine the legal probation of a small group of high-risk offenders with finite sentences who, had it been legally possible, would have qualified for post-sentence preventive detention due to very unfavourable legal prognoses during enforcement of sentence.

### Identification of high-risk offenders who qualify for post-sentence preventive detention

Identification of high-risk offenders with finite sentences was achieved by analysing statements made by the psychiatric/psychological service (PPS). The PPS is one of five departments of the Zurich Office of Penal Correction that collaborate on an interdisciplinary basis. In addition to forensic research and the psychiatric and psychotherapeutic care of all offenders in Zurich correctional facilities, the PPS provides prognostic statements regarding offenders. Risk assessment expertise is generally available for the entire penal correction system through the integration of a forensic psychiatric competence centre, independent of any particular discipline, into the organisation and decision-making structures of the criminal justice system [8]. Additionally, access to the entire population of imprisoned offenders of the Canton of Zurich is available. The staff of the PPS sees approx. 1,300 offenders in the course of a year. Almost all cases of violent or sex offenders in the penal system (see below) are known to the PPS, as it is consulted when problems occur during penal enforcement or for the planning of enforcement of sentences. This non-selective access makes systematic scientific observation possible.

### Population

In a comprehensive survey during a test day in August 2000, all violent and sex offenders who had been sentenced to a minimum prison sentence of ten months due to a violent or sex offence and were actively administered by the probation and correctional services of the Office for Penal Correction of the Canton Zurich were determined

( $n = 533$ ). In all cases, socio-demographic, psychiatric and criminological data were collected from correctional and court files.

### Entry criteria of the high-risk offender group

From the violent and sex offenders administered by the probation and correctional services a group of high-risk offenders was identified who (1) were released from prison due to a finite sentence within a short to medium period after 1<sup>st</sup> of January 1997, and (2) whose high risk of committing another serious crime was documented in a statement made or supported by the PPS. This statement of high risk on release could take various forms:

- (a) a communication from the PPS to the correctional office, the correctional facility or court stating the high dangerousness of the offender upon release;
- (b) a confirmation by the PPS of a high dangerousness assessed by another institution of the correctional services which led to a refusal of conditional release and to the enforcement of the entire sentence or an enforcement of sentence focusing on this (if it was impossible for the Zurich Office of Penal Correction to prevent the release or to arrange for relegation); or
- (c) a motion supported by the PPS to the court to convert a time-limited sentence into unlimited preventive detention due to high recidivism risk.

As a minimum, the prognostic assessment was based on penal corrections records, including psychiatric experts' opinions, and observations by the staff of the penal correctional facility or probation and correctional services. In most cases additional information was available from direct contact with the offenders in the context of therapy, therapy assessment or consultation services.

### Criterion variable: legal probation

In January 2006, extracts from the offenders criminal records were obtained, or if currently administered by the probation and correctional services due to a new infraction, their files were analysed.

## Results

### Description of the population

From January 1<sup>st</sup>, 1997 to December 31<sup>st</sup>, 2005 nine cases were identified who fulfilled the inclusion criteria of the high-risk offender group. Thus this kind of high-risk offender represents a very narrowly defined group of offenders (2% of 533 actively administered violent and sex offenders in the Canton of Zurich).

In all cases, there was a finite sentence for a sex and/or violent offence at the moment of prognosis, as well as a very unfavourable short- and mid-term legal prognosis. In all nine cases, the planning of the sentence enforcement focused on the assessed re-offending risk, and in two cases, where it was legally possible, a detention measure was requested. The offenders were on average 26.8 years of age at the time of their index crime, and 36.0 at the time of their release. Table 1 gives a short

overview of the nine offenders at the time of prognosis.

Of the nine offenders, eight were released after the sentence had been served, and one was released in the context of a parole trial. One offender was expelled from the country immediately after the sentence and prohibited from re-entering. During the serving of his sentence, the offender let it be known on numerous occasions that he intended to continue offending after release. Shortly after his release, he claimed millions of Swiss Francs from a Swiss businessman whom he claimed was responsible for his long prison term (in return for payment, "I'll forget everything and we're even"). As the offender had already served sentences in several European countries, international information would have been necessary for the evaluation. An international request for information for solely

**Table 1**  
Description of  
the population.

Offender	Index offence	Course of enforcement of sentences and orders	Prior convictions
1	Sex murder, five rapes, multiple robberies, handling of stolen goods, amongst others	Commitment to a juvenile prison and therapy	None
2	Intentional killing, attempted intentional killing and multiple robberies	Further convictions during enforcement of sentence (multiple robberies and drug offences), therapy discontinuation, disciplinary trouble, eg escaping and renewed delinquency	More than 10 prior convictions (robbery and property and drug offences, amongst others)
3	Intentional killing of a child, multiple thefts, amongst others	Discontinuation of therapy after release into a half way house, transfer back into regular detention after exhibitionism, contacting children and possession of pertinent image material amongst others	3 prior convictions: arson, larceny and sexual acts with children
4	Attempted rape, multiple thefts, and drug offences, amongst others	After granting of move to a half way house transfer back into closed detention due to sexual harassment on the telephone	Multiple property offences in adolescence and sexual conspicuousness. Rape of an attendant in a reformative training institution (was not reported). Shortly after release: murder, defilement of a corpse, theft, rape and robbery
5	Multiple sexual acts with children, multiple possession of pornography and multiple frauds	Disciplinary problems during enforcement of sentences, contact with children, possession of pornography, discontinuation of therapy	More than 10 previous offences: once a sexual act with children, also property and traffic offences and bodily injury
6	Rape and multiple duress (during leave)	Multiple disciplinary infractions, transfer back into closed detention after granting of move to a half way house	Drug offences, sexual acts with children and 4 rapes
7	Attempted intentional killing, robberies, multiple bodily injuries and numerous property offences	Various disciplinary infractions during enforcement of sentences, grievous bodily injury of an inmate, two attempted escapes and attempted duress, extended stay in the high security wing	3 prior convictions: handling stolen goods, larceny, burglary, bodily injury, extortion and drug offences
8	Robbery, grievous bodily injury and indecent assault	Discontinuation of therapy	No previous offences known (lived in Switzerland from age 17), but various police files exist: carrying a weapon, theft, threat and robbery, amongst others
9	Attempted murder, endangering human life, repeated robberies, and multiple property offences, amongst other things	Escape, bodily injury, robberies, shooting a firearm, repeated escape using a weapon and repeated armed robbery. Additional sentence while still in a current enforcement of sentence, for, amongst other things, attempted murder, bodily injury, multiple robbery endangering human life, making threats, drug offences	From age 12 years, various property offences. At 14 committed to an observation station. At 17 more than 30 property offences. A stay in reformative training institution, with 10 escapes during which offences were committed

scientific reasons was not permitted, so the further development of this case could not be examined and the offender had to be excluded from the population. Accordingly, the final population consisted of eight offenders.

These offenders differ from the other administered sex and violent offenders in regard to many socio-demographic, biographic and forensic-psychiatric variables. For example, more offenders from the high-risk group grew up in a foster home, were Swiss, or had poor education and/or training, and fewer offenders had been married. Furthermore, they were more likely to have pertinent previous convictions and to have been appraised (in fact all of them were). Due to the very small size of the sample, only two differences were statistically significant (see table 2).

### Early victimisation and behavioural problems

Half of the high-risk offenders had suffered physical or sexual abuse in childhood, a third of the gravest kind. Seven out of nine offenders had grown up in a family situation overshadowed by neglect and violence, and four had spent more than half their childhood in homes or other extra-parental settings. Seven out of nine offenders had serious conduct problems during childhood or early adolescence, which in four cases led to expulsion from school.

### Sentence of the index offence

All eight offenders were given finite sentences. Up-to-date expert opinion was available at the time of judgement for six out of eight cases. In one case, a preventive detention ordered in the court of first instance was overturned by the second instance. This was the only one of the eight cases in which the expertise commissioned due to the index offence spoke in favour of preventive detention. In the other seven cases, the courts did not order preventive detention either with reference to the expertise or on the basis of their own risk assessment or legal considerations. Thus, for ex-

ample, it was assumed in one case that preventive detention was only justifiable after a third pertinent sentence, though the two convictions were for four rapes. Overall, the courts threatened preventive detention in three cases, assuming a further conviction.

In all other cases, the court did not discuss the measure of preventive detention, and the experts avoided clear statements, even when unanimous negative prognostic assessments were present. One expert did not even voice an opinion on legal probation. In three cases, therapy during the time of imprisonment was ordered by the court, all of which were discontinued during enforcement of sentence due to lack of success. One offender participated in voluntary therapy, which was also discontinued.

The sentence for the index offences was 9.4 years on average, ranging from 27 months to 23 years (cumulated after renewed conviction during a current enforcement of sentence, plus enforcement of sentences not yet served).

### Criminal history

Two offenders of the high-risk group were sentenced for the first time to a term in prison. For both offenders, convictions followed several crimes (*Offender 1*: murder, five rapes and various property offences; *Offender 2*: robbery, bodily injury and indecent assault). All other offenders had pertinent previous convictions, and three had more than ten prior offences. In many cases, there were records of violent acts and property offences during childhood and adolescence, which led to commitment to homes but not to criminal prosecution, either because they were not appropriate or because the offenders were too young to be criminally prosecuted. On average the offenders were 17.3 years of age (SD = 4.3) when they committed their first crime leading to conviction. If offences before the age of 16 are not included, the average age of the first crime increases to 18.9 (SD = 3.3) years. In four cases, commitment to re-

**Table 2**

Socio-demographic, biographic, and forensic-psychiatric variables.

	All offenders (N = 533)		High-risk group (N = 8)	
	n (N)	%	n (N)	%
Lived in a foster home prior to the age of 15*	89 (450)	19.8	5 (8)	63
Swiss national	281 (532)	52.8	6 (8)	75
Completed elementary school	292 (492)	63.3	2 (6)	33
Completed vocational training	228 (483)	47.2	2 (8)	25
Married	134 (534)	25.6	1 (8)	13
Having a child	201 (522)	38.5	1 (8)	13
Criminal record	362 (529)	68.4	6 (8)	75
Pertinent criminal record*	180 (529)	34.0	6 (8)	75
Expert appraisal	369 (529)	69.8	8 (8)	100
History of alcohol abuse or dependency	147 (490)	30.0	4 (8)	50
History of drug abuse or dependency (illegal drugs)	158 (460)	34.3	5 (8)	63
History of attempted suicide	78 (396)	19.7	1 (6)	17

Note: \* =  $p < 0.05$  using Fishers exact  $\chi^2$

formative training institutions was ordered in reaction to adolescent delinquency, according to the Swiss code of correctional measures; this led to discontinuation of the measure in two cases. In one of the two cases which led to normal release, the offender raped an attendant using massive violence shortly before release, which was neither reported to the police nor officially registered due to pressure from the institution, nor did it have any effect on the imminent release. A few days after the release, the offender committed murder, defilement of a corpse, theft, rape and robbery.

### Diagnosis of mental disorder

Altogether there were twenty-two psychiatric expert reports (between one and four per person) for the eight cases. All offenders had at least once been diagnosed with a personality disorder, in seven cases with dissocial personality disorder. Further diagnoses were: schizophrenia, paedosexuality and sadism according to ICD-10. Six cases were additionally diagnosed with substance abuse problems, mostly alcohol.

In one case a delusional syndrome existed at the time of the index crime. Six of the offenders were alcoholised at the time of the crime; only one offender was under the influence of drugs.

### Offence categories

Six persons committed a sex offence, either as their index crime or previously, and five had violent offences documented.

### Conduct during enforcement of sentence

Seven offenders were granted leave or transfer to a half-way-house in one or several phases of the current enforcement of sentence. Six offenders were transferred back to closed institutions due to grave disciplinary infractions (eg new offences, pertinent pornography consumption and taking steps towards making contact with children, possession of a firearm, escape). Six of the offenders committed new crimes during current enforcement of sentence, usually in the wake of the granting of enforcement easing, such as leave or transfer to half-way-house, or during escapes. In four cases there were new convictions which led to an increase of the existing sanction, some of which were convictions due to rape, attempted murder and robbery. One violent offender (*offender 9*) who was convicted for attempted murder during escape was additionally charged with armed robbery during a further escape. After various witnesses withdrew their original testimonies, according to information from the state attorney, there was an acquittal of robbery and endangering human life. During arrest after escape during leave, the offender carried a loaded and used firearm.

### Legal prognosis

The group of high-risk offenders was by no means a homogenous one, with the offenders differing in important features such as offence type,

offence mechanism and psychiatric diagnoses. Nevertheless, they all had certain prognostic features in common, and their highly unfavourable legal prognosis was due to the presence of an extraordinary accumulation of aggravating factors:

- 1 They all scored maximum, or nearly maximum, in various prognostic tools assessing risk of violent and/or sexual re-offending.
- 2 The assessed mutability of that risk disposition was low concerning both diagnosis and stable personality traits.
- 3 Therapies indicated that they were unable and/or unwilling to be treated.
- 4 The index crime was characterised by brutality; this was accompanied by little or no admission or awareness of either guilt or empathy with their victims.

In all cases it had not been possible to reduce the risk of recidivism with therapeutic interventions or other kind of coping strategies.

Apart from clinical risk assessments, the following actuarial risk assessment tools were used: Psychopathy Checklist-Revised (PCL-R) [9], the Violence Risk Appraisal Guide (VRAG) [10], the Static-99 (for the sex offenders of the group) [11] and the Forensic Operationalised Therapy/Risk Evaluation System (FOTRES) [12].

The mean score of the PCL-R in this group was 27 (range: 18–36), which is on the threshold of psychopathy. The mean score of the VRAG in this group was 21 (risk-category 8), which corresponds to a recidivism risk of 82% within 10 years. The five sex offenders of the group had an average score of 6+ on the Static-99, which places them all in the highest risk category and corresponds to a re-offending risk of 45% for sexual recidivism and 51% for violent recidivism within 10 years. It is not unusual that incarcerated sexual and/or violent offenders score high on actuarial risk assessment scales; what distinguishes this group of high-risk offenders is the extraordinary combination of high basic risk with a lack of mutability of disposition and unsuccessful attempts at therapy or other kinds of coping strategies.

This combination was identified through the application of the FOTRES. The FOTRES assesses three main dimensions: structural risk of recidivism (0–4, with 4 representing the highest risk category); mutability of an offender's disposition (0–4, with 4 representing a strong possibility that the offender's risk disposition can be influenced); and dynamic risk reduction, which documents the risk-reducing effects of therapy and other coping strategies on the offender's disposition (0–4, with 4 indicating that risk of re-offending can be reduced considerably). All nine offenders had a very high score of 3.5 or 4 in structural risk of recidivism, and very low scores of 0 or 0.5 in mutability and dynamic risk reduction.

### Reactions of the authorities to an unfavourable prognosis

In all eight cases, high dangerousness had been assessed and documented in the offender during enforcement of sentence, on the basis of which the possibility of changing the sanction to preventive detention was discussed. In seven cases the usual release on probation was refused due to high relapse risk, and the sentence was enforced to its maximum.

In two cases the possibility existed of applying to the court for a change to preventive detention. This was rejected in both cases (*offenders 5 and 8*) – in one of the two cases by the Federal Supreme Court. The rejections referred, amongst other things, to the general unreliability of risk assessment, and in one case the rejection was even based on an expert opinion which did not take a clear position. In one case (*offender 8*) preventive detention was ordered in the first instance, which was overturned by the second instance. Against expert recommendation, therapy was ordered to accompany the enforcement of the sentence, which was discontinued by the PPS due to non-practicability.

The state attorney again motioned for the order of a preventive detention, which was refused a second time, and immediate release and further outpatient therapy was ordered instead. Again, the therapy had to be discontinued, as it was not practicable. Yet again the correctional service petitioned the court for the order of unlimited stationary measures or preventive detention, but this was again rejected. For another offender (*offender 3*), an attempt to establish a custodial measure after his release, with reference to his high re-offending risk, was unsuccessful.

### Legal probation of the released high risk population

Of the eight offenders whose development could be examined, all re-offended pertinently: four offenders relapsed with rapes, one with murder, one with bodily injury and extortion and two with sexual acts with children. Seven re-offended within one year. The relapses are listed in table 3.

One of the eight offenders committed suicide during remand detention; the other seven are now in preventive detention.

**Table 3**  
Recidivism of high-risk population.

Nr	Re-offence	Nr of victims	Time since release
1	4 rapes	4	4.5 months
2	1 murder, 1 attempted murder, etc.	2	3 days
3	More than 10 sexual acts with children	8	9.5 months
4	1 rape, extortion, and more	1	3 months
5	10 sexual acts with children	5	17 months
6	Rape	1	0 days (leave)
8	Several sexual acts with children, Several rapes and more	2	9 months
9	Bodily injury, extortion	1	2 months

## Discussion

It has been noted on various occasions that very high or very low risks are easier to recognise than moderate ones [13, 14]. Additionally, both very high and very low risks are easier to assess. For example, with very high risks, the recidivism rate reflects almost exclusively the level of risk-relevant characteristics in the offender's personality, while situational factors (eg specific life situations) have hardly any influence on the emergence of the offence. Studies that have examined dimensionally ranged risk classes confirm this statement, as in the highest risk class the recidivism rates were almost 100% [15–17]. This study confirms the assumption that very highly developed risks can, in principle, be predicted accurately, and are expressed directly in the outcome of the dependent variable (recidivism).

It has been argued that the accuracy of negative prognoses cannot usefully be examined scientifically, as the respective offenders are not released due to the prognosis [18]. In fact, in the 1970s

studies were presented in which offenders had had to be released due to legal reasons despite negative assessments [19, 20]. In these studies, those offenders released against the recommendation of the justice department had a clearly higher recidivism rate than those that had been released with a favourable legal prognosis. In addition, the present study offers the possibility, because of legalities, to empirically examine highly negative assessments of dangerousness.

It can be argued that the sample is very small and no inferences can be drawn from it as to the reliability of prognoses. In fact, the very high accuracy rate does not allow conclusions to be drawn offhand as to the general reliability of prognoses. It is a sample that has been certified with a very high recidivism risk, and furthermore it resulted implicitly in a normative evaluation as interventions by the PPS or the correctional service of sentences only took place if a very high degree of severity of future offences was assumed. The sam-

ple thus specifically includes persons with a very high relapse risk for grave offences that had to be released for legal reasons. With a 100% relapse rate, inferences can be drawn as to the reliability of prognoses for a group thus characterised, despite the small size of the sample.

The most important factor in interpreting the results is the completeness of recording in all cases that fulfilled the entry criteria. Due to a foreseeable situation of enforcement of sentence, cases that fulfil entry criteria lead to long-term interventions in which many cooperation partners are involved (eg meetings, preparations for the draft to the court, cooperation with the police, etc.) This is why such cases are better documented than usual. Therefore, the possibility that such cases would not have been registered by the PPS can almost certainly be excluded.

During the examined catamnesis period of six years, there was more than one case per year on average. One could argue that post-sentence preventive detention is not necessary if it is only rarely applied to an offender. Inversely, the small number of cases makes it clear that post-sentence preventive detention can be understood only as an ultima-ratio-measure that should only be made use of on rare occasions. Similar to other areas, such invasive measures are only justified in those rare cases where extraordinarily grave consequences are expected.

The legal basis for post-sentence preventive detention already exists in Germany, via article 66b of the German Penal Code. There are differences in the conditions for this detention compared to the provisions planned in Switzerland. In Germany, "new facts" which have only become apparent during enforcement of sentence are a prerequisite for the order of post-sentence preventive detention. In the Swiss draft, which is consciously influenced by the revision principle, the risk that causes the application for post-sentence preventive detention must have existed at the time of conviction but was not recognised or sufficiently taken into account. Thus, the Swiss definition relates to the offence to which the conviction is connected, and amounts to a correction of the previous verdict. At the root of this lies the consideration of interests that if there is a grave endangerment of important objects of legal protection, an error made in a verdict should not disadvantage later victims.

All offenders of the present study's high-risk group would have fulfilled the conditions for post-sentence preventive detention according to the Swiss definition, but probably not according to article 66b of the German Penal Code, as in all cases the risk which led to an endangering of public security existed at the time of the index offence's verdict.

The question is why preventive detention was not ordered at the time of the conviction. When analysing the verdicts, it becomes clear that the order for preventive detention based on the index crime was usually not even considered. This was

due to there being either no expertise or (difficult to comprehend) favourable legal prognoses by experts. Furthermore, there was a clear reluctance to order a drastic measure for offenders who were still young at the time of the index offence, even if many serious crimes had been committed.

With hindsight, it can be argued that it was a mistake to not order preventive detention at the time of the index crimes. However, from a perspective that does not concentrate on what was lacking, another aspect should be considered. Long observation periods allowing the formation of opinion become available for persons who are incarcerated for a long time, something not available to the court at the time of sentencing. Offenders with a high-risk profile and great behavioural penetration almost inevitably become conspicuous with risk relevant behaviours. If these are used systematically as a basis for continuous risk assessment, a pronounced dangerousness will become more evident and can be more reliably assessed. Thus it becomes apparent that many of the offenders in this study had grave disciplinary and risk relevant infractions with subsequent relegation. Also from this perspective, it makes sense to take into account observations from the course of enforcement of sentence. In two cases, there was a possibility of changing the sentence to preventive detention. However, these applications were rejected by the courts; in one of the cases preventive detention ordered by an earlier instance was overturned by the second instance. In both cases, the court's more positive prognosis differed from the risk assessment calculated by the correctional service. Arguments were made referring specifically to the presumed unreliability of prognosis of dangerousness. The fact that courts, due to their judicial independence, are far less often confronted with public and political criticism for misjudgement than are correctional service authorities and forensic psychiatric clinics could also have played its part in the judgement.

In the present study, it became obvious that all the offenders who fulfil the criteria for post-sentence preventive detention are extraordinary cases. The early documented conspicuousness, the biographical stress, early delinquency – partly serious offences – as well as the polyvalent range of delinquency are all important in this regard. Not a few offenders committed property, violent and sex offences.

In the present study, it was possible to identify some features in which the group examined differed from other violent and sex offenders. However, due to the small number of persons, few statistically significant results could be found. The goal of further investigations might be to examine whether significant, predictive usable features can be found with which offenders with a very high behavioural penetration can be discriminated from other violent and sex offenders.

The key results of the present study can be summed up as follows: all eight offenders whose

course was evaluated re-offended. Twenty-four people were harmed by these violent and sex crimes. Most of the offenders are now in preventive detention. The present study supports the supposition that at least some categories of very dangerous offenders can be reliably detected. It also supports the notion that systematic risk assessment during enforcement of sentence, using all the information that can be obtained from enforcement of sentence, can help prevent serious violent and sex offences. Furthermore, the results also illustrate that the possibility of post-sentence preven-

tive detention can represent an important measure for the protection of potential victims.

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