

Strasbourg, 16 April 2013

PC-GR-DD (2013) 2

**AD HOC DRAFTING GROUP ON DANGEROUS OFFENDERS
(PC-GR-DD)**

**NOTE OF THE BUREAU OF THE
EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC) ON THE
PRELIMINARY DRAFT RECOMMENDATION ON DANGEROUS OFFENDERS**

Document prepared by the Secretariat of
the Directorate General Human Rights and Rule of Law (DG1)

1. The CDPC Bureau at its meeting on 11-12 April 2013 took note of the information provided by the chair of the ad hoc drafting group on Dangerous Offenders (PC-GR-DD), Mr Sławomir Buczma, with regard to the 1st meeting of the PC-GR-DD and on the progress made in the drafting exercise of the future recommendation on dangerous offenders.
2. The CDPC Bureau welcomed the first preliminary draft recommendation on dangerous offenders, in particular taking into consideration the short time frame within which the PC-GR-DD has prepared it and decided to instruct the Secretariat to: a) prepare a short note containing the Bureau's comments on the preliminary draft recommendation; and b) to send these comments to the members of the PC-GR-DD who should take them into account at their 2nd meeting".
3. In relation to paragraph 2 a) above, the following comments should be considered by the members of the PC-GR-DD:
 - 3.1 In relation with the definition of Dangerous offender (rule 1 paragraph a), to clarify in the commentary to the recommendation the offences described as "sexual or violent crime against person(s)" and the order in which these offences should be reflected in the recommendation.
 - 3.2 In relation with the definition of violence (rule 1 paragraph b), to try to merge both sentences.
 - 3.3 In relation with the definition of preventive supervision (rule 1 paragraph h):
 - to explain why preventive supervision means measures of control, monitoring, surveillance or restriction of movement imposed by the judicial authority at the time of sentencing and not during the assessment;
 - to include after the wording "at the time of sentencing" the following wording "and while serving the sentence"

***h. Preventive supervision** means measures of control, monitoring, surveillance or restriction of movement imposed by the judicial authority at the time of sentencing **and while serving the sentence** to a person after having committed a crime and after having served a prison sentence or instead of, but in all these cases on the basis of an assessment revealing that the offender may commit other serious offences in future and is therefore a measure for public protection.*
 - 3.4 Under the heading "Basic principles", to clarify the order of priority to be given to the rule 2 and 3, in particular whether rule 3 should be placed prior to rule 2. Against this background, clearly specify in the commentary to the recommendation why children fall outside the scope of the recommendation.
 - 3.5 To clearly specify in rule 3 that mentally disordered should be excluded from the scope of the recommendation.
 - 3.6 To fine-tune the rule 11 taking into account that management treatment and interventions should be regularly updated.

- 3.7 To include in rule 20 paragraph a) “the execution of the” after the following words “circumstances that change during”.

20. Assessments should be seen as progressive, and be periodically reviewed to allow for a dynamic re-assessment of the offender’s risk:

*a. Risk assessments should be repeated on a regular basis by appropriately trained staff to meet the requirements of sentence planning or when otherwise necessary, allowing for a revision of the circumstances that change during **the execution of the** sentence.*

- 3.8 To clearly identify why suspected persons are not included in the scope of the draft preliminary recommendation.
- 3.9 To consider a more precise definition of the offences under the rule 24. Should these offences be shifted to the rule 1 paragraph a)?
- 3.10 In relation with the security measures applicable (rule 46) to further clarify and assess these measures.