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**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**ADDENDUM**  
**TO THE COMPILATION OF COMMENTS BY DELEGATIONS**  
**TO THE DRAFT RECOMMENDATION OF THE COMMITTEE OF MINISTERS TO**  
**MEMBER STATES CONCERNING DANGEROUS OFFENDERS**

**Changes by the French delegation**

Document prepared by the CDPC Secretariat  
Directorate General I – Human Rights and Rule of Law

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**Recommends that the member states:**

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- ensure that this recommendation and the accompanying commentary to its text are translated and disseminated to all relevant authorities, agencies, professionals and associations which deal with dangerous offenders, as well as to the offenders themselves.

**Part I - Definitions and basic principles**

**Definitions**

1. For the purpose of this Recommendation:
  - a. **Dangerous offender** is a person who has been convicted of a very serious sexual or ~~very serious~~ violent crime against person(s) and who presents a high likelihood of re-offending with further very serious sexual or ~~very serious~~ violent crimes against person(s).
  - b. **Violence** may be defined as the intentional use of physical force, whether threatened or actual use, against person(s) that either results in or has a high likelihood of resulting in ~~injury~~, psychological harm or death. This definition identifies four means by which violence may be inflicted: physical, sexual and psychological ~~assault~~attack and deprivation.
  - c. **Risk** is defined as the high likelihood of a further very serious sexual or ~~very serious~~ violent offence against person(s).
  - d. **Risk assessment** is the process by which risk is understood: it examines the nature, seriousness and pattern of offences; it identifies the characteristics of the offenders and the circumstances ~~that contribute to it~~ leading to commission of the act; it informs determination of the appropriate decisions ~~making~~ and steps to be taken~~action with the aim of~~ in order to ~~reducing~~ risk.
  - e. **Risk Management** is the process of selecting and applying a range of intervention measures in custodial and community settings and in the post-release period or preventive supervision with the aim of reducing the risk of very serious sexual or very serious violent crime against person(s).
  - f. **Treatment** includes, but it is not limited to, medical, psychological and/or social care with a therapeutic purpose. It may serve to reduce the risk represented ~~posed~~ by the person and may include measures to improve the social dimension of the offender's life.

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**Scope, application and basic principles**

2. This Recommendation shall not apply :
  - a. to ~~children~~minors;
4. Any decision that could result in a deprivation or restriction of liberty of a dangerous offender will be ~~taken~~decided or agreed by the judicial authority. It must be possible for this decision to be appealed and to prompt another decision taken or agreed by

another judicial authority. Restriction and intervention measures should not be disproportionate to the level of risk ascertained and the least restrictive measure of a kind consistent with the protection of society~~the public~~ and the reduction of risk should be applied.

5. Careful adherence to criteria for identifying the 'dangerous offender' should take into account that this concerns a limited number of individuals by comparison with the number of group~~is a small minority of the total offenders population~~ without compromising ~~the public~~ safety of society. Such criteria should include evidence of previous serious violence, characteristics ~~of the offender's~~ personality traits or ~~his/her~~ offending that indicate likelihood of substantial and continuing risk of violence, evidence of the inadequacy of lesser measures, such as previous failure to comply and persistent offending despite the application of lesser measures. Length of sentence passed or the offender's general recidivism cannot constitute the only criteria allowing for defining an offender to be defined as dangerous in this sense.
6. The risk management of dangerous offenders should have the long-term aim of their safe reintegration ~~into the community~~ in a manner consistent with ~~the public~~ protection of society from the risk posed by the offender. This should involve an individual plan that contains a staged process of rehabilitation through appropriate intervention.

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9. Special risk-related needs of dangerous offenders should be taken into account~~addressed~~ throughout the period of the intervention and sufficient resources should be allocated in order to deal effectively with the particular situation and specific needs.
10. Risk assessment and management practices should be ~~evidence~~ based on factual considerations.

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## Part II - Judicial decisions for dangerous offenders

18. Secure preventive detention is only justified when it is established that no other less restrictive suitable measure exists~~as the least restrictive measure needed~~.
19. Maintenance of sSecure preventive detention should be subject to regular examination~~review~~ at least every two years.
20. When secure preventive detention takes the form of detention beyond the period prescribed for punishment, it is essential that those detained are able to challenge their detention, or the limits on their freedom, before a court at regular intervals as from~~after~~ the expiry of the period prescribed for punishment.
21. Anyone held for preventive reasons should be entitled to receive a written document plan describing the~~which provides~~ opportunities available to ~~for~~ him/her to address the specific risk factors and other characteristics that contribute to the current classification as a dangerous offender.
22. The aim of the relevant authorities should be the reduction of restrictions on freedom and release from secure preventive detention in a manner consistent with public protection from the risk posed by the offender.

23. ~~After the expiry of the period prescribed for punishment, d~~Dangerous offenders in secure preventive detention should, ~~after the expiry of the period prescribed for punishment,~~ be held in appropriate conditions. In any case respect for human dignity shall be guaranteed.

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### Part III - Risk assessment principle

27. The ~~terms and intensity of the monitoring~~~~depth of assessment~~ should be determined by the level of risk and be proportionate to the gravity of the potential outcome.

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- a. Risk assessments should be ~~carried out~~~~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.

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34. A clear distinction should be made between the offender's risks to the outside community and inside prison. This should be evaluated separately.

### Part IV Risk management

35. Interventions for the prevention of reoffending should be clearly linked to the on-going risk assessment of the ~~individual~~ offender. It should be planned for both the custodial and community settings, ensuring continuity between the two ~~situations~~~~contexts~~.

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39. The above processes should be subject to regular review, with the capacity to respond to changes ~~ascertained during~~~~in~~ risk assessment.

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