Montana Commission on Sentencing

Risk and Needs Assessment
November 17

Council of State Governments Justice Center
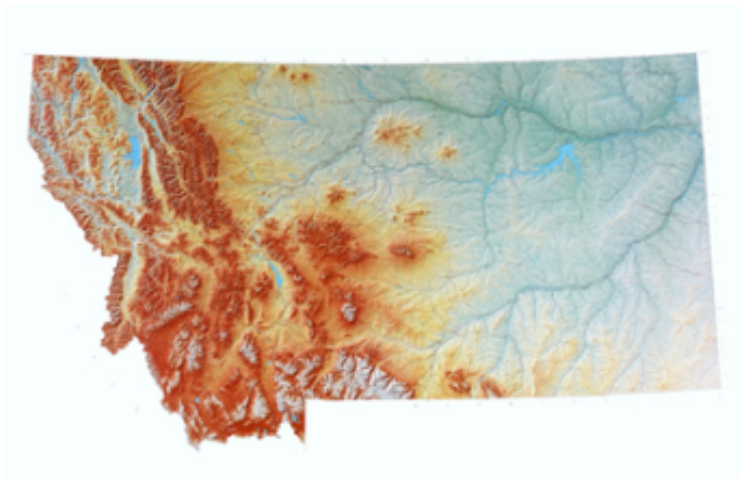
Carl Reynolds, Senior Legal and Policy Advisor
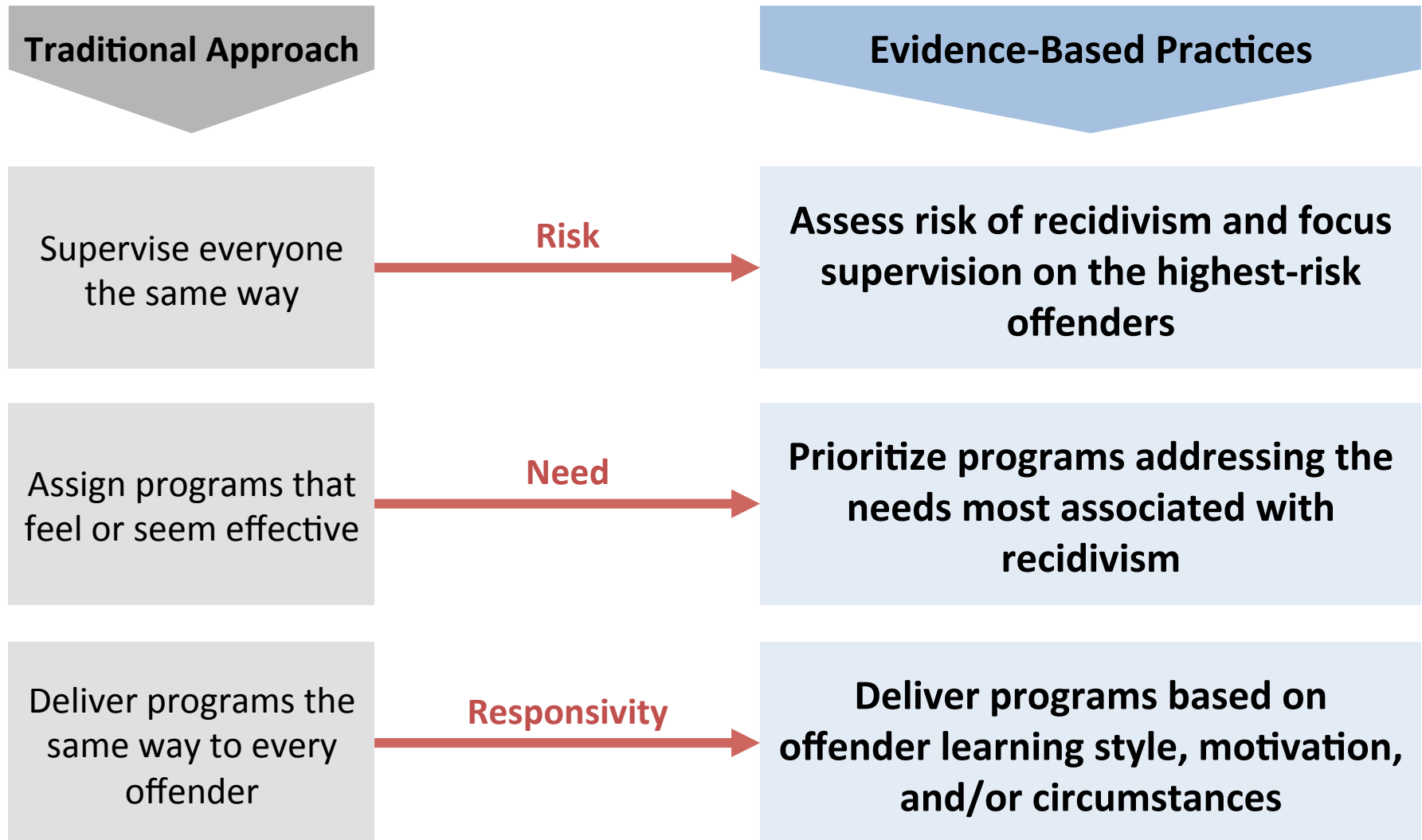**Steve Allen,** Senior Policy Advisor
Chris Fisher, Senior Policy Advisor
Karen Chung, Policy Analyst
David Sisk, Policy Analyst

Reducing criminal behavior requires focusing on risk, need, and responsivity.

Traditional Approach

Evidence-Based Practices

Traditional Approach		Evidence-Based Practices
Supervise everyone the same way	**Risk** →	**Assess risk of recidivism and focus supervision on the highest-risk offenders**
Assign programs that feel or seem effective	**Need** →	**Prioritize programs addressing the needs most associated with recidivism**
Deliver programs the same way to every offender	**Responsivity** →	**Deliver programs based on offender learning style, motivation, and/or circumstances**

Risk assessments considers key factors that predict reoffending.

Ohio Risk Assessment System – Community Supervision Tool

OHIO RISK ASSESSMENT SYSTEM: COMMUNITY SUPERVISION TOOL (ORAS-CST)

Name: _____ Date of Assessment: _____
Case#: _____ Name of Assessor: _____

1.0 CRIMINAL HISTORY:
1.1. Most Serious Arrest Under Age 18
 0=None
 1=Yes, Misdemeanor
 2=Yes, Felony
1.2. Number of Prior Adult Felony Convictions
 0=None
 1=One or Two
 2=Three or More
1.3. Prior Sentence as an Adult to a Jail or Secure Correctional Facility
 0=No
 1=Yes
1.4. Received Official Misconduct while Incarcerated as an Adult
 0=No
 1=Yes
1.5. Prior Sentence to Community Supervision as an Adult
 0=No
 1=Yes
1.6. Community Supervision Ever Been Revoked for Technical Violation as an Adult
 0=No
 1=Yes

Total Score in Criminal History:

2.0 EDUCATION, EMPLOYMENT, AND FINANCIAL SITUATION:
2.1. Highest Education
 0= High School Graduate or Higher
 1= Less than High School or GED
2.2. Ever Suspended or Expelled From School
 0=No
 1=Yes
2.3. Employed at the Time of Arrest
 0= Yes
 1= No
2.4. Currently Employed/School
 0=Yes, Full-time, Disabled, or Retired
 1=Not Employed or Employed Part-time
2.5. Better Use of Time
 0=No, Most Time Structured

35 questions assessing:

- ❖ Criminal history
- ❖ Education, employment, and financial situation
- ❖ Family and social support
- ❖ Neighborhood problems
- ❖ Substance use
- ❖ Peer associations
- ❖ Criminal attitudes and behavioral patterns

Risk Categories for MALES		Risk Categories for FEMALES	
Scores	Rating	Scores	Rating
0-14	Low	0-14	Low
15-23	Moderate	15-21	Low/Moderate
24-33	High	22-28	Moderate
34+	Very High	29+	High

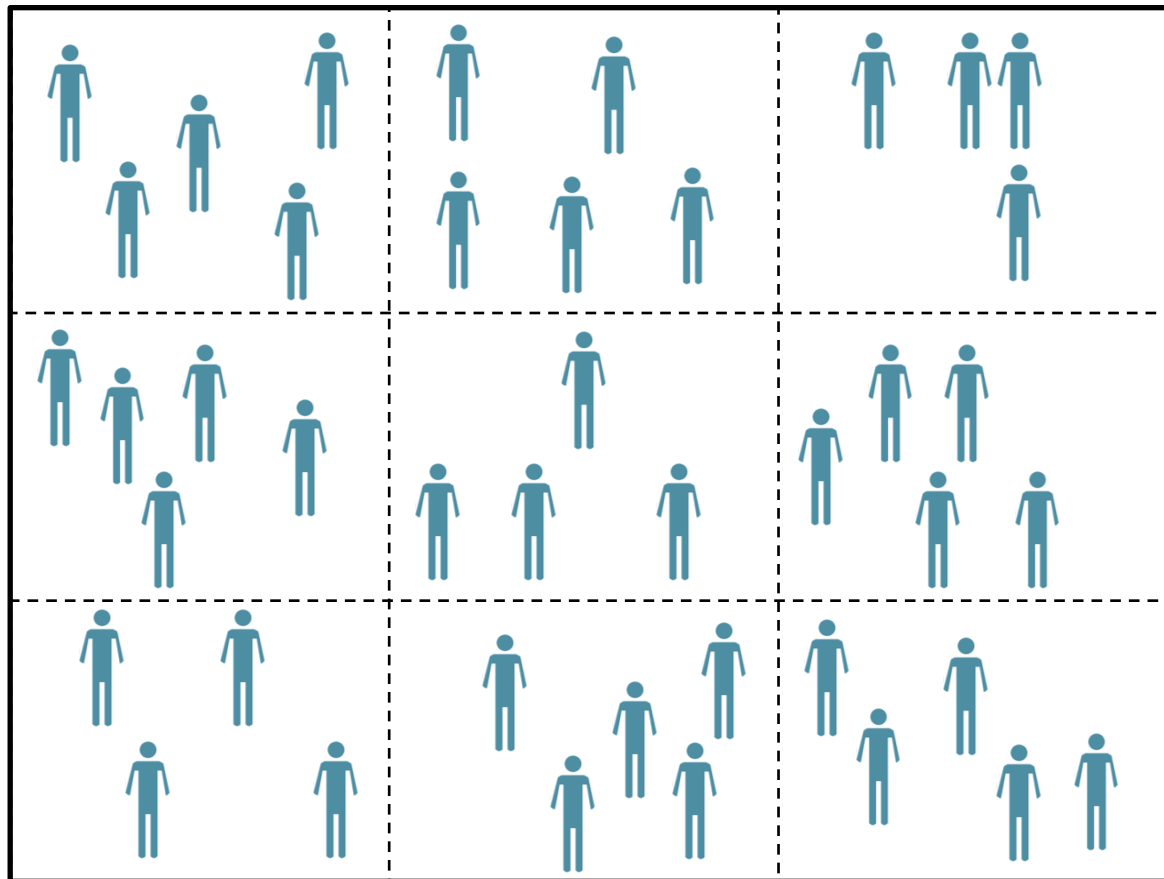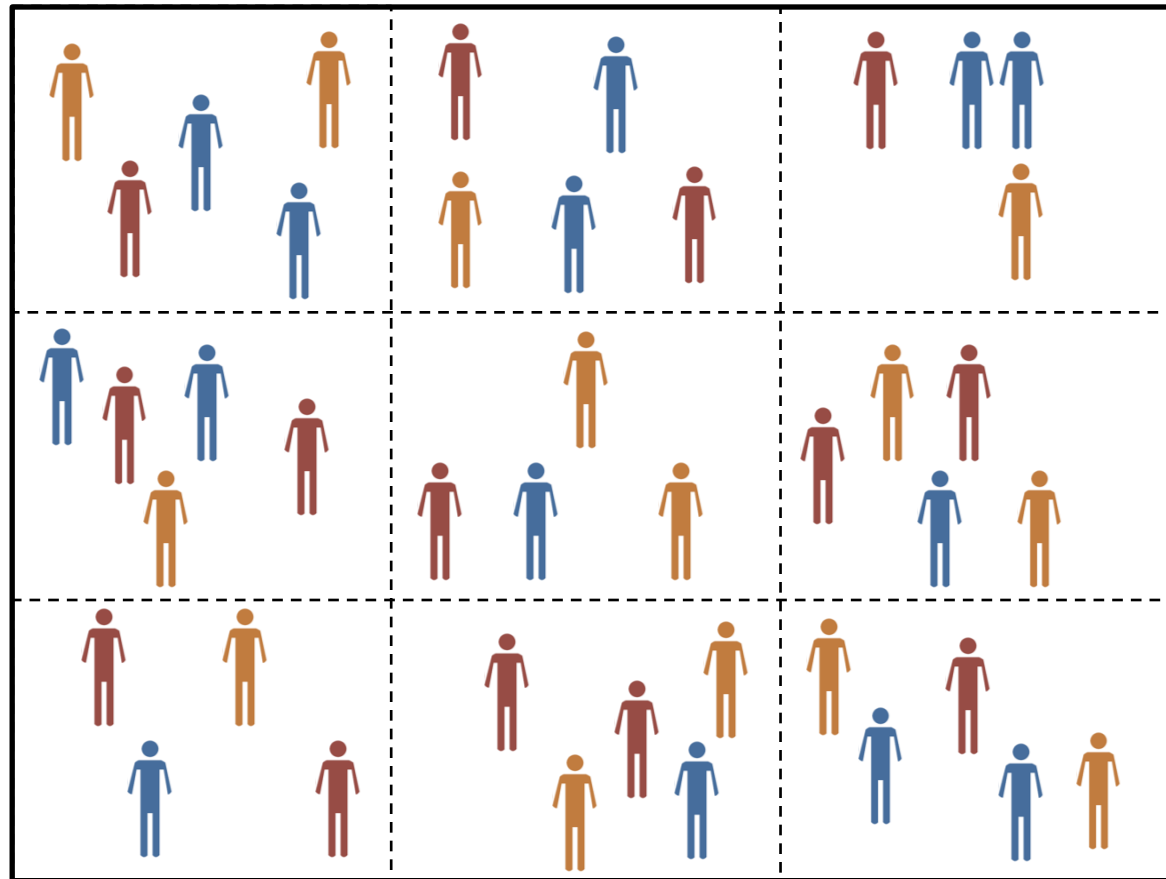# "Risk" refers to the likelihood of committing another crime.

Risk

Assess risk of re-offense and focus programs and supervision on the highest-risk offenders

Risk factors are conditions associated with the risk of committing a crime, and not:

- Seriousness of an offense
- Dangerousness
- Relapse

After assessment, levels of risk are identified.

Risk of Re-offending

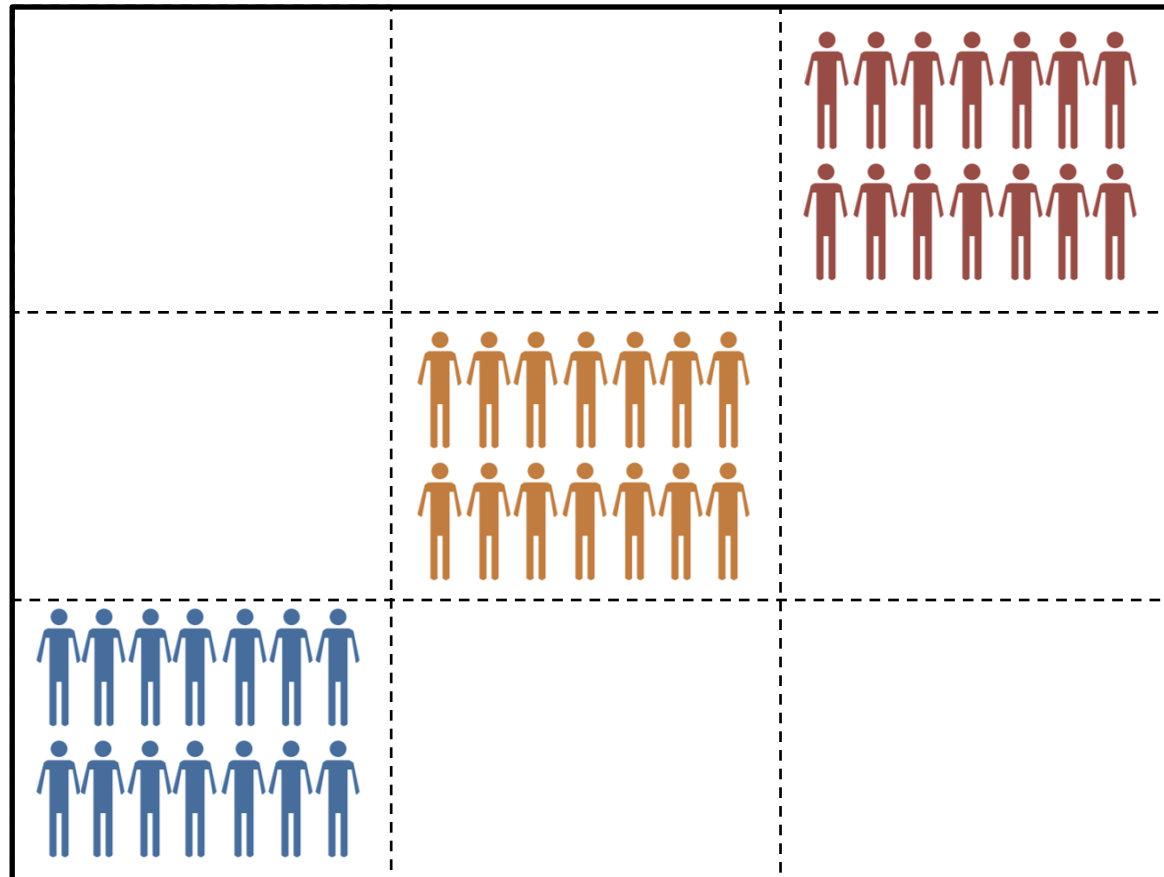| LOW RISK 10% re-arrested | MODERATE RISK 35% re-arrested | HIGH RISK 70% re-arrested |

After applying risk principle, similar risk people are differentiated.

Risk of Re-offending

Y-axis (bottom to top):
- **Low** Supervision/Program Intensity
- **Moderate** Supervision/Program Intensity
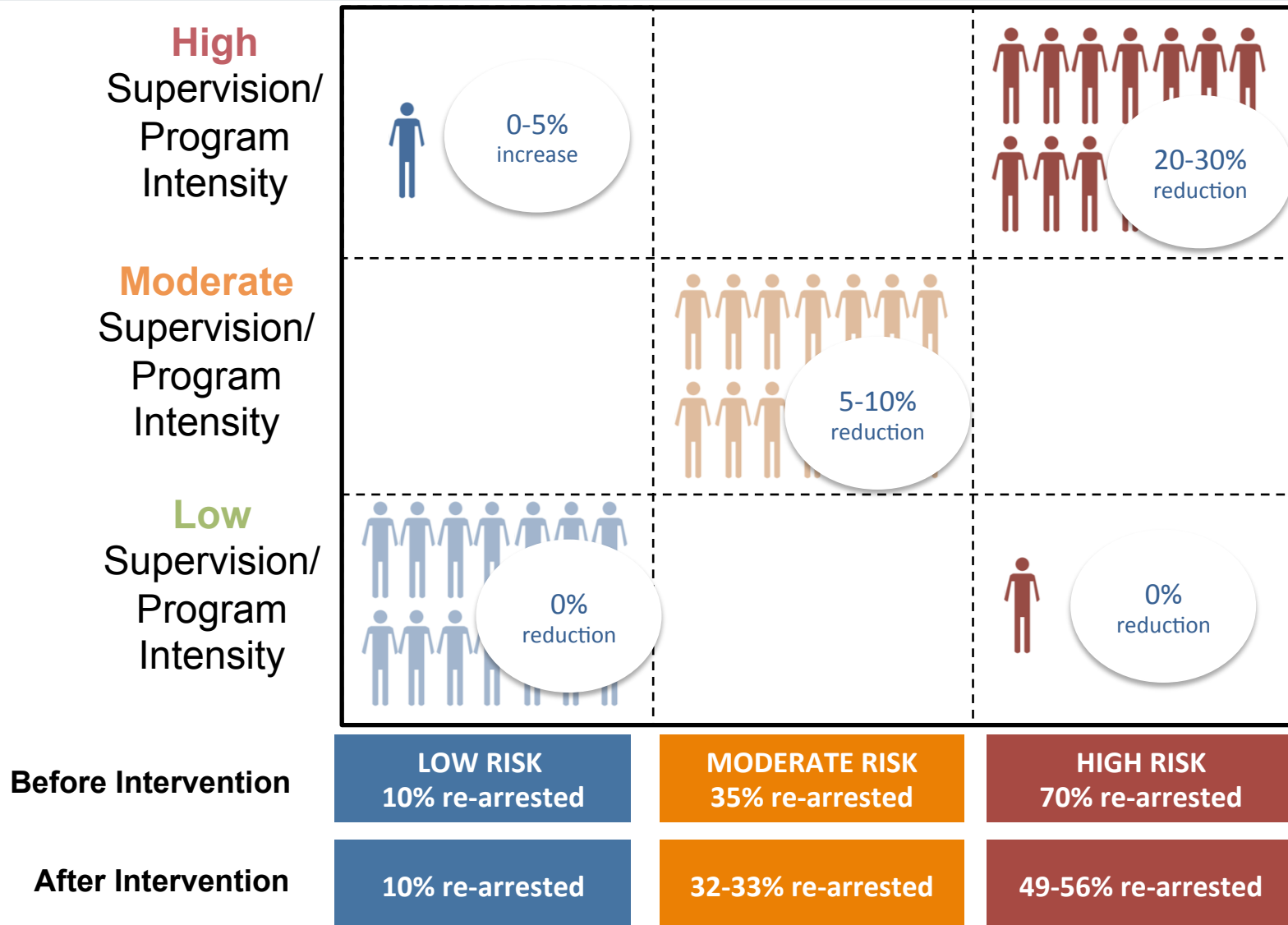- **High** Supervision/Program Intensity

LOW RISK
10% re-arrested

MODERATE RISK
35% re-arrested

HIGH RISK
70% re-arrested

If risk principle is not adhered to, recidivism can increase.

High Supervision/Program Intensity	0-5% increase		20-30% reduction
Moderate Supervision/Program Intensity		5-10% reduction	
Low Supervision/Program Intensity	0% reduction		0% reduction

| Before Intervention | LOW RISK 10% re-arrested | MODERATE RISK 35% re-arrested | HIGH RISK 70% re-arrested |
| After Intervention | 10% re-arrested | 32-33% re-arrested | 49-56% re-arrested |

Conducting assessments at multiple system points informs key decisions.

Law Enforcement → Pre-Trial → Courts → Prison → Supervision

Courts → Diversion Programs → Supervision

Courts → Supervision
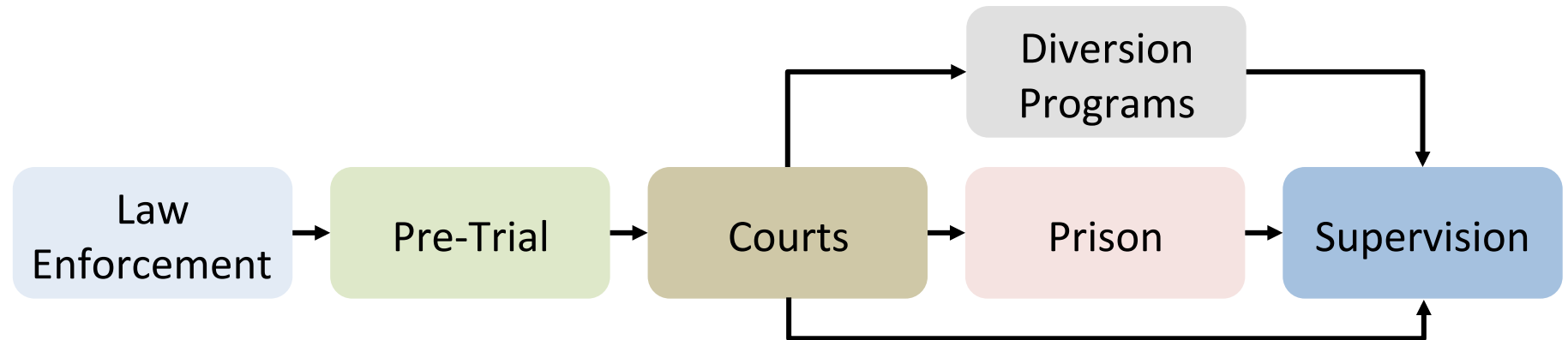
Initial Assessments Inform:
- Immediate treatment needs
- Diversion decisions
- Sentencing
- Problem solving courts
- Need for confinement
- Community supervision strategy

Subsequent Assessments Inform:
- Risk management
- Programming & treatment needs
- Case planning
- Re-entry
- Community supervision
- Programming effectiveness

Risk factors associated with criminal thinking are the strongest predictors of reoffending.

Risk

The following risk factors are most strongly associated with reoffending:

- Antisocial attitudes
- Antisocial friends and peers
- Antisocial personality pattern
- Antisocial behavior

As programming and treatment impact risk factors, risk levels can also change over time.

"Criminalized" thinking neutralizes an expected sense of responsibility.

**Examples of Types
of Criminal Thinking**

Denial of Injury
"No one really got hurt here."
"They have insurance for that."

Denial of Victim
"I'm the one who is getting messed with."
"They had it coming."

Denial of Responsibility
"I didn't do it."
"I had no choice!"
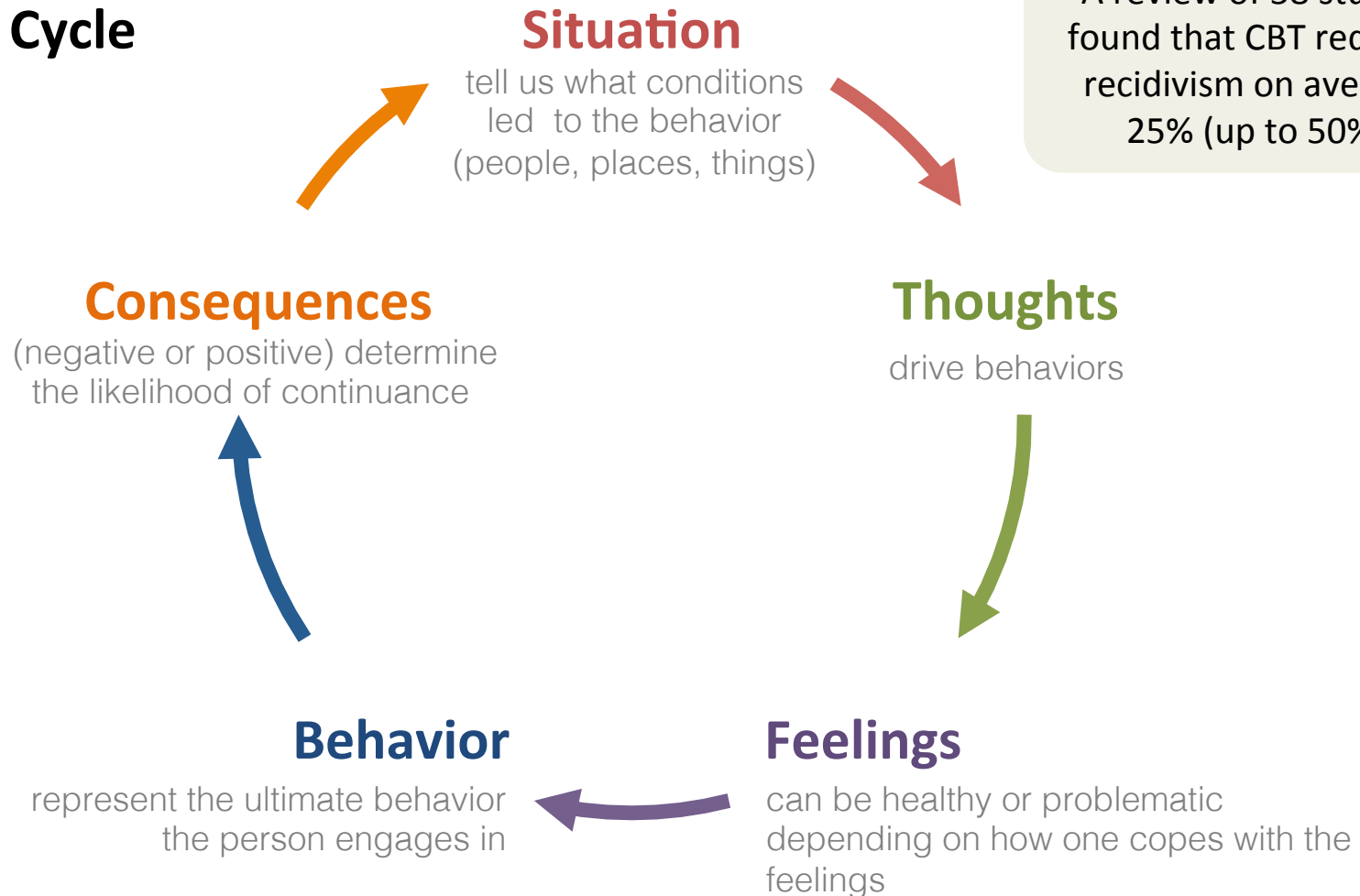
The Condemnation of the Condemners
"The cops are just out to get me."
"You do the same things. You just haven't been caught."

Appeal to Higher Loyalties
"My friends needed me. What was I going to do?"
"I didn't do it for myself."

Cognitive behavioral therapy takes advantage of the interconnections between thoughts, feelings and behavior.

Cognitive-Behavioral Cycle

A review of 58 studies found that CBT reduced recidivism on average 25% (up to 50%)

Situation
tell us what conditions led to the behavior (people, places, things)

Thoughts
drive behaviors

Feelings
can be healthy or problematic depending on how one copes with the feelings

Behavior
represent the ultimate behavior the person engages in

Consequences
(negative or positive) determine the likelihood of continuance

Example Interaction Addressing Criminal Thinking

High-risk individuals do not improve with limited interventions.
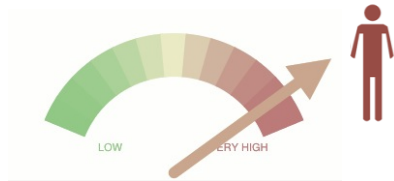
- **Current conviction**:
  - Burglary
- **Previous convictions**:
  - Burglary
  - Assault
  - Felony theft
- **Risk factors**:
  - Substance abuse – high need
  - Antisocial thinking
  - Antisocial personality
- **Other factors**:
  - History of trauma
  - No employment
  - No prosocial supports

Ineffective Interventions

- Weekly AA/NA meetings
- Limited supervision
- Job placement program

Why?

- AA/NA meetings do not provide enough intensity of programming to address substance abuse.
- Biweekly visits do not provide enough supervision/control to reduce recidivism.
- Without addressing antisocial thinking and personality through cognitive-behavioral interventions, offender is unable to maintain employment.

Intensive interventions can increase low-risk individuals' likelihood of reoffending.

- **Current conviction**:
  - Felony theft
- **Previous conviction**:
  - Misdemeanor theft
- **Risk factors**:
  - Antisocial thinking
  - Substance abuse – low need
- **Other factors**
  - Employed
  - Strong network of prosocial family and friends

Ineffective Interventions

- Residential substance abuse program
- Intensive supervision

Why?

- Participation in a residential program and intensive surveillance:
  - Disrupts prosocial networks and ability to maintain employment;
  - Enables fraternizing with and learning antisocial attitudes and values from high-risk offenders.

Risk assessments can go wrong, and it is important to have oversight of the assessment process and to identify ways to improve.

JUSTICE ★ CENTER
RISK ASSESSMENT QUALITY INSTRUMENT

The CSG Justice Center has developed an instrument to help measure risk assessment quality and identify ways to improve the assessment process.

Example Questions

- What, if any, risk assessment tool is your department currently using?

- When is the tool administered?

- Does your department regularly review risk assessments to ensure scoring accuracy?

- If deficiencies are identified through the quality assurance process, what does the department do to improve the assessor's skill?

- Has your department had a validation study conducted for the risk assessment tool?

- Does the assessment instrument appear to predict recidivism in your jurisdiction?