Risk-Needs-Responsivity
Why Does it Matter?

Kelly Van Develde
Senior Program Manager
National Technical Assistance
Center for Court Innovation
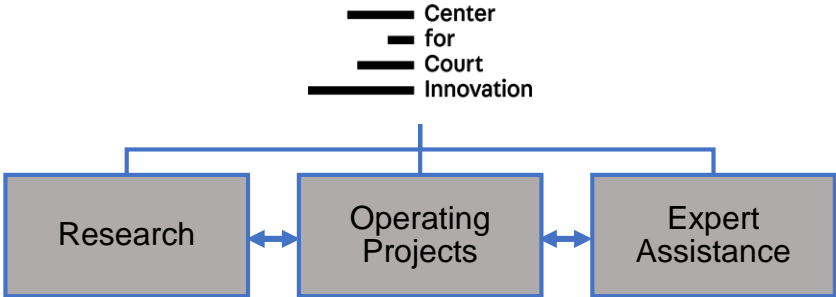
Mission
Reduce Crime
Aid Victims
Strengthen Communities
Improve Trust in the Justice System

RISK NEED RESPONSIVITY THEORY

What is a "risk need assessment tool"?

Risk and needs assessment instruments typically consist of a series of items used to collect data on behaviors and attitudes that research indicates are empirically related to the risk of recidivism.

Risk-Need-Responsivity Theory

- A model of crime prevention rooted in behavioral psychology
- Composed of three core principles:
  Risk | Need | Responsivity
- Grounded in three decades of research

The first actuarial parole prediction instruments date back to 1930's in Illinois

Increased from five states in 1998 to 28 states in 2004

There are now up to 60 risk assessment systems in use by jurisdictions across the country

---

The Three Core Principles

Risk Principle: <u>Who</u> to target

- Criminal behavior can be predicted
- Intervention is most effective with higher-risk individuals

Need Principle: <u>What</u> to target

- Assess and target "criminogenic" needs (i.e. needs that fuel criminal behavior)

Responsivity Principle: <u>How</u> to intervene

- Use interventions tailored to the needs, characteristics, learning styles, motivation, and cultural background of the individual.

Defining Risk

Risk = Probability of Criminal Recidivism

Likelihood of <u>re-arrest</u> for <u>any</u> charge, usually within the next six months to one year

While relevant to decision making

Risk ≠ clinical severity

Risk ≠ current charge

Risk ≠ violence or dangerousness

Central Predictors of Recidivism Risk	
Risk Factor	**Common Measures**
Criminal History	Prior adult and juvenile arrests; Prior adult and juvenile convictions; Prior failures-to-appear; Other currently open cases; Prior and current charge characteristics.
Demographics	Younger age; Male gender.
Antisocial Attitudes	Patterns of antisocial thinking (lack of empathy, attitudes supportive of violence, system blame).
Antisocial Personality Pattern	Impulsive behavior patterns; Lack of consequential thinking.
Criminal Peer Networks	Peers involved in drug use, criminal behavior and/or with a history of involvement in the justice system.
School or Work Deficits	Poor past performance in work or school (lack of a high school diploma; history of unemployment.
Family Dysfunction	Unmarried; Recent family or intimate relationship stress; Historical lack of connection with family or intimate partner.
Substance Abuse	Duration, frequency and mode of current substance use; History of substance abuse or addiction; Self-reported drug problems.
Leisure Activities	Isolation from pro-social peers or activities.
Residential Instability	Homelessness; Frequent changes of address.

Static

Dynamic

Static v. Dynamic

- Static factors
  - Those that are unchangeable either by virtue of being historical in nature or by being largely immutable characteristic of an individual

- Dynamic Factors
  - Those that can be changed
  - These are our criminogenic needs

CREATING A RISK NEED TOOL

Creating a Risk Need Assessment Tool

- Tools are typically based on the central 8 risk factors
- Additional questions might be added
  - e.g., more specific criminal background questions depending on the context and purpose of the assessment
- Empirical analysis conducted to assess the statistical association of each selected factor on the outcome of interest (e.g., re-arrest over a certain time period); item "weights" established based on the relative strength of each risk factor in actually predicting recidivism
- Risk categories created based upon logical "cut points" in the scoring
- Validation of pilot version

Creating a Risk Need Assessment Tool

- Validity: A tool is "validated" when…
  - The scores and categories it produces are shown to be statistically associated with recidivism.
- Accuracy: Even among validated tools, some are more accurate than others.
  - Some tools are less likely to misclassify (produce "false positives").
  - The AUC statistic measures accuracy. Higher than .7 is good by industry standards.

Understanding the Tools

- The simplest tools rely exclusively on criminal records (no defendant interview required)
- Others add a short defendant interview, integrating the results into a single risk score
- Still other tools constitute more comprehensive risk and need assessments that require a long interview
- Beyond risk classification, these longer tools offer the benefit of assessing the severity of criminogenic needs

Understanding the Tools

- Static Tools
  - Assess for static (unchanging) factors only (i.e., demographic and criminal history information).

- Dynamic Tools
  - Assess for static AND dynamic factors (those that can change).
  - Ideal when aiming to create a risk reduction or treatment plan based on individual needs.

# Does one size fit all when assessing for risk?

- Yes…No…*Maybe*

- RNR has historically been studied in general felony or "serious" offender populations

- While most research to date has found that the "central 8" predicts recidivism across subgroups, the study of RNR in offender subgroups remains an important field of inquiry.

  - E.g., low-level offenders, youth, women, racial/ethnic minorities, veterans

- That said, the principles of RNR apply across contexts.

Ohio Risk Assessment System

- ORAS went through this creation and validation process.
- Created to:
  - Separate Ohio offenders into risk groups based on their likelihood to recidivate
  - Identified dynamic risk factors that can be used to prioritize programmatic needs
  - Identify potential barriers to treatment
- Five assessment instruments were created:
  - Pretrial Assessment Tool
  - The Community Supervision Tool
  - The Community Supervision Screening Tool
  - The Prison Intake Tool
  - The Reentry Tool

WHY IS IT IMPORTANT TO MEASURE RISK?

Clinical v. Actuarial Prediction

	Clinical	Statistical
General Recidivism	0.08	0.22
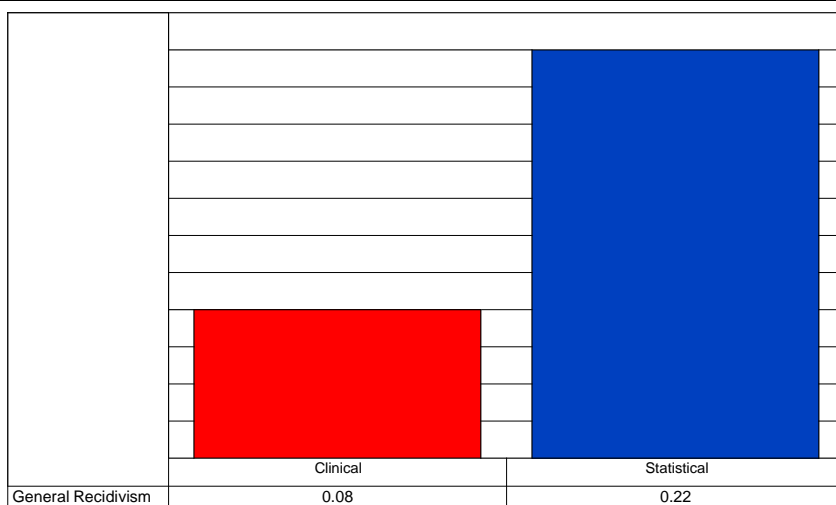
Goggin, C.E. (1994). Clinical versus Actuarial Prediction: A Meta-analysis . Unpublished manuscript. University of New Brunswick, Saint John, New Brunswick.

The Risk Principle and Case Management

- The risk principle tells us that we should <u>assess for risk</u> and vary the intensity of intervention (treatment & supervision) by risk level.

- <u>Higher risk</u>: Provide more intensive intervention.

- <u>Lower risk</u>: Intervention can be harmful. ***Why?***
  - ► Interferes with work or school
  - ► Increases contact with higher-risk peers
  - ► Can stigmatize and produce psychologically damaging effects

Jail Increases Risk

- The harm of intensive intervention to lower-risk individuals is magnified when *jailing* them.
  - Jail is the most intensive and disruptive intervention of all; AND
  - The default in many jurisdictions.

- Research generally shows that incarceration increases the likelihood of re-arrest after release—but this relationship applies especially at <u>lower</u> risk levels.

Using RNR Tools and Theory in Case Management

Risk-Based Decision-Making in the Courtroom

- **<u>Minimal or low risk</u>:** *Off-ramp ASAP* (e.g., pretrial release; conditional discharge). Beware of net-widening!

- **<u>Moderate-to-higher risk</u>:** *Supervision or treatment* at appropriate intensity (e.g., supervised release pretrial and alternatives to incarceration post-adjudication).

Risk Level	RNR Supervision Level
Low Risk	• Court 1x week for four weeks, every other week for next month, monthly thereafter • Probation (in person) weekly for first two months then twice a month for next two months, then monthly thereafter (preferably in court on the same date as court appearance) • 9-12 month term of participation
Moderate Risk	• Court 1x week for four weeks, every other week for next month, monthly thereafter • Probation (in person) weekly for first two months then twice a month for next two months, then monthly thereafter (preferably in court on the same date as court appearance) • 12-15 month term of participation
High Risk	• Court 1x week for three months, every other week for next month, monthly thereafter • Probation (in person) weekly for first 3-4 months, then less frequently as indicated • 15-18 months term of participation
Very High Risk	• Court 1x week for four months, every other week for next month, monthly thereafter • Probation (in person) weekly for first 6 months, then less frequently as indicated • 18-24 month term of participation

Legal
Leverage

**Risk
Level**

	High (Over 30 Days Jail)	Low (30 Days Jail & Under)

High	**High Risk & High Leverage**
	•
	Menu of mid-length interventions:
	   • CBT models, e.g., T4C, MRT
	   • Social services (e.g., employment, GED, etc.)
	   • Trauma-focused models (e.g., Seeking Safety)
	   • Intensive supervision (e.g., Hawaii HOPE)
	•Treatment court programs, e.g., drug court, mental health court, hybrid models
	•Voluntary social & clinical services
		High risk & Low Leverage
		•
		Brief interventions (e.g., RJ, a 3- or 5- session intervention based on PJ principles, CBT, and trauma-informed practices)
		•Menu of rolling interventions, 6 sessions+
		   • Exact # of mandated sessions responsive to "going rates"/legal proportionality
		   • Approximates the mid-length intervention models available for high risk & high leverage (e.g., MRT)
		•Voluntary social & clinical services

Low	**Low Risk & High Leverage**
	•
	Evidence-informed community-supervision model (e.g., the NYC supervised release model)
	   • Individual sessions (to avoid peer contagion effects)
	   • Incorporate a range of practices (e.g., procedural justice principles, Motivational Interviewing)
	•Voluntary social & clinical services
		Low Risk & Low Leverage
		•
		Meaningful community service, with sites selected in collaboration with community-based organizations
		•Brief educational groups (1- or 2-session models)
		•Voluntary social & clinical services
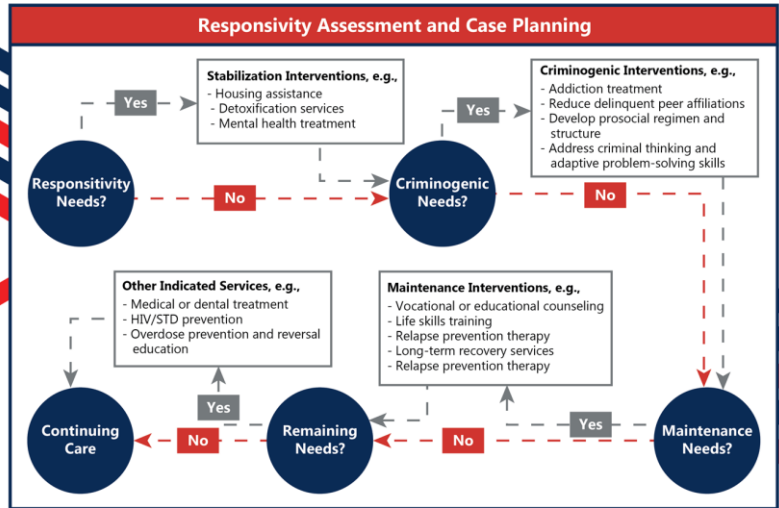
Responsivity

Responsivity Needs

- In case management you first need to address the symptoms that will interfere with attendance and engagement in treatment.

- Responsivity needs can include:
  - Mental illness
  - Homelessness/residential instability
  - Detoxification needs

Criminogenic Needs

- Criminogenic needs are the needs that relate to risk level.

- Addressing criminogenic needs reduces the participants risk of re-offense.

Maintenance Needs

- These must be addressed for long term maintenance of treatment gains.

- Maintenance needs include:
  - Vocational
  - Educational
  - Life skills
  - Relapse prevention
  - Long-term case planning

CRITIQUES OF RISK NEED TOOLS

All Risk Assessments Make Mistakes!

- The crux of the current debate is about the KINDS of errors made.

  - Classification errors can have serious real-world consequences.

ProPublica's COMPAS Analysis

- 2016 analysis of the COMPAS tool.
- Found that the tool disproportionately label black defendants who did not go on to be charged with a new crime as high-risk.
- This unfairly exposed these individuals to punitive criminal justice consequences

Center for Court Innovation NYC Analysis

- Research project that drew on real world data, but did not inform real pretrial decisions.
- 175,000 anonymized NYC defendants and an assessment tool created for this analysis.
- Reviewed the types of errors that were made by the assessment tool.

CCI Analysis Conclusions

- The current "business-as-usual" approach to pretrial decision making feel short of achieving the goals of pretrial reformers.
- Concerns regarding the potential for risk assessments to perpetuate racial disparities are real.
- While the persistence of disparities is concerning, it is not an argument for abandoning the use of risk assessments in pretrial decision-making

Moving Forward

"Too often the debate over risk assessments portrays them as either a technological panacea, or as evidence of the false promise of machine learning.

The reality is they are neither.

Risk assessments are tools with the potential to improve pretrial decision-making and enhance fairness.

To realize this potential, the onus is on practitioners to consider a deliberate and modest approach to risk assessment, vigilantly gauging the technology's effects on both racial fairness and incarceration along the way."

Thank you!

Contact Information:

Kelly Van Develde
Senior Program Manager
National Technical Assistance
Center for Court Innovation
vandeveldek@courtinnovation.org