Risk-Needs-Responsivity
Why Does it Matter?

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Mission
Reduce Crime
Aid Victims
Strengthen Communities
Improve Trust in the Justice System
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 Three Core Principles

**Risk Principle:** Who to target
- Criminal behavior can be predicted
- Intervention is most effective with higher-risk individuals

**Need Principle:** What to target
- Assess and target “criminogenic” needs (i.e. needs that fuel criminal behavior)

**Responsivity Principle:** How 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 re-arrest for any 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

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

<table>
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<tr>
<th>General Recidivism</th>
<th>Clinical</th>
<th>Statistical</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>0.08</td>
<td>0.22</td>
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The Risk Principle and Case Management

• The risk principle tells us that we should **assess for risk** and vary the intensity of intervention (treatment & supervision) by risk level.

• **Higher risk**: Provide more intensive intervention.

• **Lower risk**: 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 **lower risk** levels.
Using RNR Tools and Theory in Case Management

Risk-Based Decision-Making in the Courtroom

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

- **Moderate-to-higher risk**: Supervision or treatment at appropriate intensity (e.g., supervised release pretrial and alternatives to incarceration post-adjudication).
<table>
<thead>
<tr>
<th>Risk Level</th>
<th>RNR Supervision Level</th>
<th>Legal Leverage</th>
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<tbody>
<tr>
<td>Low Risk</td>
<td>• Court 1x week for four weeks, every other week for next month, monthly thereafter</td>
<td>High (Over 30 Days Jail)</td>
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<tr>
<td></td>
<td>• 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)</td>
<td>• High Risk &amp; High Leverage</td>
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<td>• 9-12 month term of participation</td>
<td>• Brief interventions [e.g., RJ, a 3- or 5-session intervention based on PJ principles, CBT, and trauma-informed practices]</td>
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<tr>
<td>Moderate Risk</td>
<td>• Court 1x week for four weeks, every other week for next month, monthly thereafter</td>
<td>• Menu of mid-length interventions:</td>
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<tr>
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<td>• 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)</td>
<td>• CBT models, e.g., T4C, MRT</td>
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<td></td>
<td>• 12-15 month term of participation</td>
<td>• Social services (e.g., employment, GED, etc.)</td>
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<tr>
<td>High Risk</td>
<td>• Court 1x week for three months, every other week for next month, monthly thereafter</td>
<td>• Trauma-focused models (e.g., Seeking Safety)</td>
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<tr>
<td></td>
<td>• Probation (in person) weekly for first 3-4 months, then less frequently as indicated</td>
<td>• Intensive supervision (e.g., Hawaii HOPE)</td>
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<td></td>
<td>• 15-18 months term of participation</td>
<td>• Treatment court programs, e.g., drug court, mental health court, hybrid models</td>
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<tr>
<td>Very High Risk</td>
<td>• Court 1x week for four months, every other week for next month, monthly thereafter</td>
<td>• Voluntary social &amp; clinical services</td>
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<tr>
<td></td>
<td>• Probation (in person) weekly for first 6 months, then less frequently as indicated</td>
<td></td>
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<tr>
<td></td>
<td>• 18-24 month term of participation</td>
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**Legal Leverage**

**High (Over 30 Days Jail)**

- 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

**Low (30 Days Jail & Under)**

- 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 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

**Risk Level**

- 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
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!

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