

Interstate Commission for Adult Offender Supervision

Risk Assessment ad hoc Committee

Final Report

July 2011

Membership: Chair Sara Andrews, OH, Keven Pellant, KS, Jane Seigel, IN, Lee Ann Bertsch, ND, Patrick Magee, MD and Genie Powers, LA

Charge of Committee

In the interest of enhancing public safety, the Commission wishes to explore the feasibility of incorporating the use of principles of effective classification which includes risk, need, responsivity, and professional discretion in the interstate compact transfer process. Specifically, the Commission directs the Committee to consider the following:

1. Determine the feasibility of promulgating rules incorporating the use of risk assessment principles. If yes, prepare a draft of the rules for the rule committee's consideration.
2. Determine the feasibility of identifying a single risk assessment for use with interstate compact transfer cases.
3. Address any concerns regarding the reliability of using a risk assessment as part of the interstate compact transfer process.

The Risk Assessment ad hoc Committee met on April 19, 2011. Each member updated the committee on their individual state's risk assessment tool and process. The Committee then reviewed Charge #3 and determined a system wide and consistent application of risk and need assessment and explanation was necessary. Individual states are using an array of risk and need assessment tools and there is an obvious need to develop simple and common language in order to maintain reliability. The Committee developed common language for risk assessments (see attachment A).

The need to drive an assessment with common language was evident, but to adequately review Charge #2 (the feasibility of identifying a single risk assessment for use with interstate compact transfer cases), the Committee asked the National Office to assist in a survey. Survey questions included:

- Does your state use a risk assessment system/tool to manage offenders in the community?
- What is the name/description of the tool used by your state?
- Is the risk assessment tool validated?
- Did your state adopt legislation that mandates the use of a risk assessment system/tool for managing offenders in the community?

- Is your state bifurcated or is parole and probation under the authority of a single entity (unified)?
- If bifurcated, is the same risk assessment system/tool the same for both parole and probation?
- If the Commission offered a national risk assessment system/tool available to you at no cost and is validated in each state, would your state be willing to use it?
- Would your state be willing to report risk assessment outcomes during the transfer process if there were a common language or terms, such as High Risk, Medium Risk, and Low Risk?

The Committee met for a second time on June 7, 2011 to review the results of the survey and continue discussions on the three charges of the ad hoc Committee on Risk Assessment.

The survey was summarized and 75% of the 53 member states responded to the survey. 98% of those responding indicated their state uses a risk assessment system/tool to manage offenders in the community and 95% of those with a risk assessment system/tool indicated that it has been validated. The type of system/tool varies, the majority being the LSI or LSI-R.

Only 30% of the respondents reported their state adopted legislation mandating the use of a risk assessment system/tool. 40% of those reporting are in a bifurcated state and 31% of those in a bifurcated state reported that probation and parole do not use the same risk assessment system/tool.

Only 24% of those answering the survey indicated their state is willing to use a national risk assessment system/tool. However, 82% are willing to report risk assessment outcomes during the transfer process. Several of the respondents indicated the reason they are not willing to use a national risk assessment is due to: workload; not wanting to create a second national assessment in addition to their existing state assessment tool; it would have to be a very simple tool or it would not be used; already heavily invested in existing tool; a national assessment tool would be duplicative; have already incurred a large cost of implementing original tool in terms of training, quality assurance, etc.

Based on the results of the survey and following detailed discussions within the Committee, it was determined Charge #2 (identify a single risk assessment for use with interstate compact transfer cases) is not feasible. However, the Committee agreed the creation of common language and sharing of risk and need assessment information via the interstate compact transfer process is desirable and necessary. Each state continues to use their existing assessment system/tool but shares specific information between transferring states (risk level, identified needs, barriers, areas of concern, etc). The "Goal of and Common Language For Risk Assessment" document (attachment A) will be included on the ICAOS website along with each state's brief overview and explanation of their existing risk assessment system/tool (Risk Assessment System overview Attachment B). Each committee member state will complete an overview of their specific risk assessment tool and the demonstration of the new information on the National Office website will be unveiled at the Annual Business Meeting. All other

states can use these as examples of what the committee recommends for display on the National Office site.

Charge #1 of the Committee was to determine the feasibility of promulgating rules incorporating the use of risk assessment principles and if feasible, prepare a draft of the rules for the rule committee's consideration. The Committee recommends the Rules Committee consider language for placement into rule 3.107 Transfer Request to include: "Sending state shall include completed and available risk assessment tool into the transfer packet for review by the receiving state."

In summary, the Committee determined it is not feasible to use a single risk assessment for use with interstate compact transfer cases (Charge #2). However, it is feasible and will be beneficial to begin using a risk assessment as part of the interstate compact transfer process and, if a sending state has completed a risk assessment on the transferring case, it should be included in the packet as an additional piece of information for the receiving state. (Charge #1 and #3). The Committee believes we can facilitate states speaking the same or similar language in terms of the goal for risk assessments by posting state specific risk assessment information on the National Office website. In addition, the availability of the information on the National site will ultimately increase system wide support, sharing and reliability of valuable risk and need information. The Committee respectfully asks the Chair accept our aforementioned recommendations.

Attachment A:

Goal of and Common Language for Risk Assessment

Goals of assessing risk: There are six goals of a risk and need assessment process:

- Identification of risk of recidivism
- Determination of appropriate offenders for programs and levels of security
- Recognition of criminogenic needs
- Detection of factors that lead to program success
- Provision of risk and need levels that will facilitate the development of a case plan
- An opportunity to reassess the offender to determine changes to dynamic factors

Development of risk and needs assessment tools that are predictive of recidivism at multiple points in the criminal justice system (pre-trial, probation, prison, reentry, community supervision). Should also classify the risk level of offenders in the system while identifying both criminogenic needs and barriers to programming.

A major goal is to conform to the Principles of Effective Classification. The Principles have been developed to guide criminal justice agencies in the use of risk assessment systems. Suggests programs should use actuarial assessment tools to identify dynamic risk factors, especially in high risk offenders, while also identifying potential barriers to treatment. There are four major principles of effective classification: Risk Principle, Needs Principle, Responsivity Principle and Professional Discretion Principle.

- The Risk Principle suggests correctional interventions and programs are most effective when their intensity is matched to the risk level of their clients. The most intensive programs should be allocated to moderate and high risk cases, while low risk cases be allocated little if any programming.
- The Needs Principle suggests effective classification systems should identify dynamic risk factors directly related to recidivism so they can be used to target programmatic needs. Dynamic risk factors, or criminogenic needs, are factors that, when changed, have been shown to result in a reduction in recidivism. These dynamic factors can include substance abuse, personality characteristics, antisocial associates, and antisocial attitudes.
- The responsivity principle focuses on identifying barriers to treatment. These may not be directly related to recidivism, but are likely to keep individuals from engaging in treatment.
- Risk assessments do remove some degree of professional discretion, but the judgment of practitioners should not be overlooked. The principle of professional discretion recognizes that criminal justice agents are responsible for processing the risk, need, and responsivity information and making decisions based on the information provided and it is important to allow personnel the ability to override the assessment instruments in specific circumstances.

Goal of and Common Language for Risk Assessment – continued

Major Risk Factors:

- Primary
 - Antisocial attitudes
 - Antisocial peers
 - Antisocial personality
 - History of antisocial behavior
- Secondary
 - Family
 - Prosocial leisure activities
 - Education/Employment
 - Substance Abuse

Criminogenic Needs (Dynamic Risk Factors):

- Antisocial attitudes
- Antisocial peers
- Antisocial personality
- Family
- Education/Employment
- Prosocial Activities
- Substance Abuse

Attachment B:

The Ohio Risk Assessment System



The Ohio Department of Rehabilitation and Corrections contracted with the University of Cincinnati, Center for Criminal Justice Research to develop a risk and needs assessment system that improved consistency and facilitated communication across criminal justice agencies.

The Ohio Risk Assessment System (ORAS) abides by the principles of effective classification whereby it consists of assessments that separate Ohio offenders into risk groups based on their likelihood to recidivate, identifies dynamic risk factors that can be used to prioritize programmatic needs, and also identifies potential barriers to treatment. The ORAS consists of seven assessment instruments created using items that were related to recidivism: the Pretrial Assessment Tool (PAT), the Community Supervision Tool (CST), the Community Supervision Screening Tool (CSST), the Prison Intake Tool (PIT), the Prison Screening Tool (PST), the Reentry Tool (RT), and the Supplemental Reentry Tool (SRT).

The predictive power of the assessment instruments was examined and the results revealed that all ORAS instruments are able to significantly distinguish between risk levels. Each assessment instrument is broken down by domain. The assessment process not only provides an overall risk level, but also provides risk levels by case management domains.

The PAT is designed to inform court actors of the risk of a defendant to either fail-to-appear at a future court date or be arrested for a new crime and consists of seven items from four domains: criminal history, employment, substance abuse, and residential stability.

The CST is designed to assist in both designation of supervision level, as well as to guide case management for offenders in the community. The CST consists of 35 items from seven domains: criminal history, education, employment & finances, family & social support, neighborhood problems, substance abuse, antisocial associations, and antisocial attitudes and behavior problems. The CSST was developed to provide for the ability to more quickly identify moderate to high risk cases. Once identified, counties could provide these cases with the full assessment of criminogenic needs while avoiding the extra resources involved with assessing lower risk cases that were not likely to need intensive treatment services.

The PIT is designed to provide institutional case managers an assessment instrument that can be used to prioritize prison treatment based on the likelihood of recidivism. The PIT consists of 31 items from five domains: criminal history, education, employment, and finances, family and social support, substance abuse, and criminal lifestyle.

The RT is designed to be administered to inmates who have served more than 2 years of prison and are within 6 months of release. It consists of 20 items from 3 domains: crim. history, social bonds, and antisocial attitudes.

The Indiana Risk Assessment System (IRAS)

The Indiana Judicial Center, on behalf of the Judicial Conference of Indiana and in partnership with the Indiana Department of Correction, contracted with the University of Cincinnati, Center for Criminal Justice Research, to test and validate the Ohio Risk Assessment System (ORAS) for Indiana.

Indiana's Risk Assessment Task Force selected this system due to the ability to assess offenders at various stages of the criminal justice process, which allows the assessment information to follow an offender through the continuum of the justice system.

The Indiana Risk Assessment System (IRAS) consists of four assessment tools and one screening tool, all designed to predict the likelihood to recidivate by examining both static and dynamic factors to help identify criminogenic needs and responsivity factors. The instruments are: the Pre-trial Assessment Tool (PAT), the Community Supervision Tool (CST), the Community Supervision Screening Tool (CSST), the Prison Intake Tool (PIT), and the Reentry Tool (RT). Since the IRAS was modeled after the ORAS, more information regarding the development of these tools can be found on the ORAS summary page.

Indiana has adopted system-wide policies for administering these assessment instruments. These policies make it **mandatory** for all supervising entities to use the IRAS and also record the assessment information in the state's web-based application. The policies are designed to improve communication and cooperation between the Indiana Department of Correction, county supervision (probation and community corrections), and parole. The policy document, provided below, includes the purpose of the tool, recommended best practices, the minimum state-wide policies, requirements for case planning, and reassessment policies. The Indiana Risk Assessment Task Force continues to oversee this project and monitor the use of assessments in Indiana.

The Indiana Judicial Center and the Department of Correction worked with the Judicial Technology and Automation Committee to develop a web-based application in Indiana Court Information Technology Extranet (INcite) for entering assessment results so that all criminal justice agencies have real time access to the information for supervision and case planning purposes. Access to the INcite application to complete assessments and reassessments will be granted to certified users. More information about the web-based application can be found at: <http://www.in.gov/judiciary/jtac/programs/risk-assessment.html>.

In order to use the IRAS, Indiana has established criteria for training and certification of all users. Eligible participants must successfully complete a two-day training that includes a certification test. The certification test is comprised of two segments: (1) a written test, and (2) an assessment test. Recertification is required of all users every three years. More information regarding eligibility and certification criteria can be found in the policy provided below.



Policy for IRAS
revised June 16, 2011.



Policies IRAS and
IRAS user certification

Level of Service Inventory-Revised (LSI-R) Fact Sheet - Kansas

In FY2001, the Kansas Sentencing Commission applied for and was awarded Technical Assistance Grants from the National Institute of Corrections to assist with the development of a standardized statewide risk/needs assessment tool, which would be utilized by Court Services, Community Corrections and the KDOC. The tool selected for this project is the LSI-R (Level of Service Inventory Revised).

As a separate but related project, the KDOC decided to implement the LSI-R as the standardized evidence-based risk/needs assessment tool for the agency. This process will measure offender risk for re-offending and need for correctional interventions or services. The assessment process begins with inmate intake at RDU, during release planning, and during community supervision. A phased implementation began April 1, 2003.

Why was it developed and what is it? Dr. Don Andrews and Dr. James Bonta developed the Level of Service Inventory - Revised (LSI-R) in Canada in the 1970's. The LSI was a means to help overloaded Probation Officers manage their caseloads without increased risk to the general public. In other words, they wanted to match the level of risk to insure that they were effectively supervising the high-risk cases and not spending valuable time and resources on low risk cases. The items contained in the LSI-R were selected with three main concerns:

1. Available research literature had to provide support for the item as a validated predictor of criminal behavior; 2. There had to be a high consensus among correctional professionals supporting the items; 3. Items chosen had to fit into the broadband social learning perspective on criminal behavior.

How does it fit with a seamless system? By focusing on the research, professional wisdom, and theory, the tool has wide applicability. The LSI-R has been validated to predict the following: 1. Rule violations and antisocial actions such as general criminal activity; 2. Violence; 3. Institutional misconduct; 4. Probation/Parole violations; 5. Success in residential placements, institutional placements and Probation/Parole, mental health agencies and voluntary placements; 6. Treatment planning, and 7. Program evaluation.

For whom has it been validated? The LSI-R has been validated for use with Males, Females, younger and older offenders, the economically disadvantaged, the mentally disadvantaged and minority populations.

Who can use the tool and how long does it take? Staff that has been properly trained in the principles of effective correctional intervention and the use of the tool can administer the LSI-R. Scoring of the assessments does require the use of a scoring guide, which is reviewed and used during the required training.

Kansas – continued

The LSI-R can be administered and scored in 45 minutes to one hour. The instrument is scored based on a file review, the offender's interview process, and collateral contacts for verification of information as necessary.

How long is the LSI-R valid for each offender? The LSI-R assesses "dynamic risk factors" which means that the items can change. This allows for evaluation of the offender's progress in programming and to determine if his or her risk to the community is decreasing. Therefore, follow up assessments should be administered according to the needs of the program. Follow up assessments can take as little as five minutes to complete if there has been regular contact with the offender.

What is the instrument and how much does it cost? The LSI-R contains 54 items that are divided into ten categories. The categories are Criminal History, Education/Employment, Financial, Family/Marital, Accommodation, Leisure/Recreation, Companions, Alcohol/Drug Problem, Emotional/Personal, and Attitudes/Orientation. An interview guide and scoring guide is available to assist the user in properly scoring all 54 items.

The publisher of the LSI-R is Multi-Health Services. The LSI-R is a copyrighted document and must be purchased through MHS. MHS provides a catalog, which includes a price list of all products relative to the LSIR. Typically, entering into a contract agreement with MHS will result in a reduced cost of most items. Assessments may be conducted via the use of a hard-copy assessment or via a computer automated process.

What are the training costs and time commitments for becoming trained to use the LSI-R? Training provided by the Kansas Department of Corrections consists of three modules: 1) A three-day Initial Training; 2) A 5 week practice assessment period in which a minimum of 10 practice assessments and one video-taped assessment are required; 3) A 1-day Follow Up Training. It is recommended that supervisors be included in the training to ensure users are effectively using the instrument. Certification by the KDOC requires successful completion of the training and at least a 3.0 (out of a possible 4.0) overall rating on the video-taped assessment.

What are the Principles of Effective Correctional Treatment and how does the

LSI-R fit with the research? The Principles of Effective Correctional Treatment are:

- Risk
- Need
- Responsivity
 - *Cognitive Behavioral
 - *Special Considerations
- Professional Override

Kansas – continued

The Risk Principle states that offender risk should be matched to the level of service and that higher levels of service should be reserved for high-risk cases. The LSI-R's primary purpose is as a risk assessment. It can be used in both community and institutional correctional settings to assess offender risk. Once risk is assessed, correctional staff can use the LSI score to make decisions regarding placement, delivery of service, and release from supervision.

The Need Principle states that when dynamic risk factors (criminogenic needs) are changed, there is a subsequent decrease in the likelihood of further criminal behavior. The LSI-R serves also as a need assessment and again can be used in both the community and institutional corrections. This tool targets need areas so that risk for recidivism can be both measured and lowered.

The Responsivity Principle states that other factors (both staff and offender) need to be taken into consideration in order for treatment to be effective. In general, cognitive behavioral treatments are the most effective, however, the program also needs to target those criminogenic needs already discussed and it needs to be the appropriate intensity.

North Dakota Department of Corrections and Rehabilitation Risk Assessment

The North Dakota Department of Corrections and Rehabilitation (NDDOCR) has been using a risk assessment system to evaluate the risk and needs of all persons being placed on probation or parole and/or admitted to state prison. The system being used is the Level of Service inventory- Revised (LSI-R).

The LSI-R consists of 54 scoring items that are separated into ten domains (criminal history, education/employment, financial, family/marital, accommodation, leisure/recreation, companions, alcohol/drug problem, emotional/personal, and attitudes/orientation). LSI-R scores obtained are the result of interview and collateral reviews of documentation conducted by staff members trained in the use of the LSI-R. In North Dakota, the LSI-R has been used since 2001 at which time the system was evaluated by Professors Christopher T. Lowenkamp and Ed Latessa. The NDDOCR had the LSI-R re-evaluated in 2011 by Dr. James Austin.

The NDDOCR also uses a proxy score which consists of three items (current age, age at first arrest and number of prior arrests). The proxy score is used to recommend assignment to the Diversion supervision program within the Parole and Probation Division. Cases that score less than 5 points are considered eligible for the program and those that score in this range are not given the LSI-R. Those offenders scoring 17 or less on the LSI-R are eligible for the Diversion program.

The NDDOCR also uses a number of risk assessment tools to determine the risk of sex offenders. The tools used include the Minnesota Sex Offender Screening Tool (MnSOST-R), the Static 99-R, the Stable 2007 and the Acute 2007.

The Louisiana Risk Assessment Instrument

In 2003, the Louisiana Division of Probation and Parole worked with Dr. James Austin of JFA Institute to develop and validate a risk/needs assessment instrument specific to the population of Louisiana offenders. The instrument used by Probation and Parole is the LARNA 1 (Louisiana Risk Needs Assessment).

LARNA 1 utilizes twelve (12) static and dynamic factors that effectively classify offenders into supervision levels based on their likelihood to recidivate. These factors include questions on criminal history, substance abuse, employment, antisocial attitudes, and adjustment to supervision. LARNA 1 allows Officers to focus resources on high risk offenders. The initial LARNA 1 is completed no less than 60 but no more than 90 days after an offender is placed on supervision. Cases are reassessed semi-annually (except minimum cases, which are reassessed annually). Policy also guides which cases are assessed using LARNA 1. Since no instrument can accurately assess all possible circumstances, the LARNA 1 contains secondary override mechanisms that must be approved by a supervisor.

All Officers are trained in the use of LARNA 1 and periodic refresher classes are held when needed. LARNA 1 is automated through the case management system. LARNA 1 assessments are regularly audited by Regional LARNA coordinators to ensure the instrument is being properly used and the assessment is correct. In 2010 an outside vendor, SAS, conducted data mining on a variety of Department data and reported the LARNA 1 was effective in the classification and assessment of offenders and their level of supervision in relationship to revocation.

The Department of Corrections utilizes the LARNA 2, which is similar to the LARNA 1 and also developed in consultation with JFA Institute. It is used for classification purposes within the institution and is also one of the factors reviewed by the Parole Board on offenders being considered for parole.

Probation and Parole also utilizes Day Reporting Centers, and those facilities use the LSI-R as their assessment instrument.

Sex offenders are assessed using the Static 99 and other sex offender specific risk instruments.