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RISK NEED ASSESSMENT

CEO's message

VERONICA CUNNINGHAM, M.S.
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This This Perspectives issue on risk-needs assessments contains excellent articles. Accurate assessment of the risk and needs of each individual under supervision is a core need for community supervision staff. Needless to say, the tools I used as a parole officer are not at all acceptable today. I expanded my knowledge as I read through each of the articles for this journal.

As noted by some of the authors, decades have passed since standardized tools were developed to assess risk and needs, and our experience using them has given us an ability to see both their merits and shortfalls. That includes opening our eyes to the need to adapt "off the shelf" tools to truly fit specific local communities, making them more pertinent and valuable. That also includes understanding how utilizing the Impaired Driving Assessment to supplement standard RNR tools is beneficial.

One area where assessment tools need to be fine-tuned, both in design and how they are used, involves ridding them of any bias regarding assessment of marginalized, underprivileged, disadvantaged, or people of color. Fairness is the aim, and we must be ever vigilant in our efforts to achieve that goal. It is heartening to know that so many people care about this issue and strive to produce tools and procedures that make treatment and support within the criminal justice system less biased and more equitable.

Yet another important topic is increasing the communication component within the risk-needs assessment process— particularly optimizing communication with those under supervision regarding the measurements process in a way that lessens the focus on risks and engages them, hopefully broadening their perspective and increasing their buy-in. The crucial role of the parole officer in communication is explained, along with suggestions on constructive communication strategies that delve into the micro-processes of language and interactions, as well as recommendations regarding the use of effective graphics to convey what a risk score means.

All in all, these efforts have the potential to give community corrections staff who have not embraced all aspects of the risk-needs assessment process a greater understanding. One of the articles mentions how newer algorithms can "squeeze more juice" out of data. What an excellent image! Having tools that are more pertinent and useful and using them as a doorway to better—and empowering—communication with those on supervision is a win-win, giving all concerned the wings to fly.
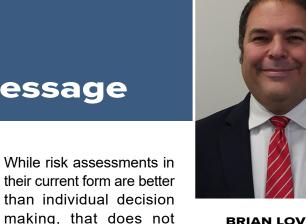
As always, I am extremely appreciative and proud of the writers as well as the editors and all other volunteers for contributing to such rich discussions that will yield nothing less than enhancements to the vitally important work of community corrections.

Veronica Cunningham

board president's message

BRIAN LOVINS, Ph.D
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Risk assessment instruments have become a mainstay in the corrections field and for good reason. Our history of relying on an individual's gut feelings and perceptual shortcuts has led us down a path of disparate outcomes for people of color, women, LGBTQIA population, people who have been convicted of sex offenses, people who use violence, and younger people to name a few. In nearly every meta-analysis comparing the validity of standardized, actuarial assessments to professional judgement, science wins out. In fact, when you aggregate the effectiveness of system decision makers ability to measure risk to reoffend, without the benefit of an actuarial assessment, the group does not improve much beyond chance. Of course, there are individual decision makers that are better than others, but as Dr. Ed Latessa used to say, not everyone is a good watermelon thumper.

Actuarial assessments provide a structured way in which information is processed across decision makers, ensuring that each decision maker weighs the information similarly and does not infuse implicit or explicit bias into the measurement of risk. If you're not sure about how important a structured assessment is, just ask five of your colleagues what is the singularly, most important predictors of new criminal behavior. One of them will probably say peers, another attitudes, and third employment. All three are correct. All three of these are consistently identified as risk factors for engaging in new criminal behavior, but which is right as to the importance of the specific risk factor. This is a perfect example of why we need to use structured risk assessments to help balance the opinions of individual decision makers.

While risk assessments in their current form are better than individual decision making, that does not make them above reproach either. We must continue to challenge ourselves to move the field forward, working to improve the tools we use, ensuring they are valid for all subpopulations, lead to better decision making, and are locally operationalized to ensure maximum benefit. This edition of Perspectives brings five articles together that challenges us to think about the role of risk assessment, how they are developed, implemented, how the results are shared with the people being assessed, and ultimately, the importance of ensuring that assessments are used in ways that improve diversity, equity, inclusion, and accessibility.

As a field, we are far from perfect in understanding the measurement of risk. We have come a long way in the past 30 years. I imagine over the next 30 years we will continue to evolve in our ability to assess the drivers of recidivism and help people move towards success. But for this to happen, we need to spend our energy and resources on creating better models that produce ways to mitigate the biased and disparate histories of our system, ultimately producing more equitable approaches to success.

editor's notes

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Assessment is a fundamental piece of the Evidence-based Practices puzzle. The Perspectives audience would be hard-pressed to find any version of correctional principles that does not include the actuarial assessment of risk and needs as a cornerstone. Without accurate determinations of risk and needs, corrections agency staff are unable to use their limited resources effectively. When agencies are unable to use their resources effectively, they are unable to reduce recidivism and address client needs to the degree that corrections science promises. Indeed, assessment is an essential starting point of identifying effective interventions. We devote this issue of Perspectives to examining recent advances in this topic.

The National Institute of Corrections recently commissioned a paper on best practices in risk and need assessment. Two articles feature components of this paper. In the first, titled "The Future is Now: Establishing State of the Art Standards in Risk Needs Assessments (RNA)", the authors (Dr. Bret Bucklen, PA Department of Corrections; Dr. Grant Duwe, Minnesota Department of Corrections; and former Perspectives Co-Editor Dr. Faye Taxman, George Mason University) of the paper provide us with a summary version. The second, "Talking about the Way We Talk: Understanding Assessment Tool Communications to Improve Core Correctional Practices" by current Perspectives Co-Editor Dr. Kim Kras (University of San Diego), Dr. Shannon Magnuson (Justice System Partners), and Dr. Faye Taxman hones in on an often-overlooked aspect of assessment best practice—communicating assessment processes and results to clients. We feel this focus will help practitioners use assessments in ways that to go beyond mere resource allocation to support better understanding by clients.

The superiority of assessments over clinical judgment alone with regard to accuracy is well-established in the literature. Intuitively, it seems much more likely that structured decision-making will produce less-biased results than unstructured decision-making. Even so, the focus on bias in assessment is a topic of contemporary concern. Janis Bane examines problematic policies in this regard related to risk-assessment with a focus on the pre-sentence intercept in a piece called "Observations on Risk Assessment and Racial Equity." She concludes by imploring the corrections industry to do better in regard to developing, adopting, and

implementing risk and need tools. We agree, and we take comfort in knowing that there are promising practices that can help us to do just that.

To this end, we are pleased to present an article, "Modernizing Needs Assessments," by Baylee Allen, Addison Kobie, and Dr. Zachary Hamilton. In addition to exploring the relationship between dynamic needs and static risk, the authors provide a discussion of the statistical methods used to identify bias in assessment and consequently how to mitigate it.

We thank Perspectives editorial board members Katie Meyer, David Sattler, and Mark Stodola for their efforts in assembling this issue. Katie led the effort of this team, and they did a notable job of attaining excellent content. Additionally, Mark led an initiative to survey how agencies use assessments. Albeit informal, the findings of this effort are intriguing. We think that our audience will be interested in seeing where they and their respective agencies stand in relation to their peers.

Despite their flaws, the evolution of risk and need assessments suggests promise for the future. As risk and need assessments are essential in our endeavors to create safer communities through reduced recidivism and addressing individual's areas of need, the future of these tools is in progress toward resolving the critiques about them. As we continue to improve, we hope that you fully utilize the assessments available to you in ways that optimize their utility and offer the most accurate and least biased results.

instructions to authors

Perspectives disseminates information to the American Probation and Parole Association's members on relevant policy and program issues and provides updates on activities of the Association. The membership represents adult and juvenile probation, parole, and community corrections agencies throughout the United States and abroad. Articles submitted for publication are screened by an editorial committee and, on occasion, selected reviewers, to determine acceptability based on relevance to the field of criminal justice, clarity of presentation, or research methodology. *Perspectives* does not reflect unsupported personal opinions.

Articles must be emailed to perspectives@csg.org in accordance with the following deadlines:

- Unless previously discussed with the editors, submissions should not exceed 12 typed pages, numbered consecutively, and double-spaced. All charts, graphs, tables, and photographs must be of reproduction quality. Optional titles may be submitted and selected after review with the editors.

- All submissions must be in English and in American Psychological Association (APA) Style.

- Authors should provide a one-paragraph biography, along with contact information.

- Notes should be used only for clarification or substantive comments, and should appear at the end of the text.

- References to source documents should appear in the body of the text with the author's surname and the year of publication in parentheses, e.g., to (Mattson, 2015, p. 73).

- Alphabetize each reference at the end of the text using the following format:
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THE FUTURE IS NOW:
Establishing State of the Art Standards in Risk and Needs Assessment

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THE FUTURE IS NOW:
ESTABLISHING STATE OF THE ART STANDARDS IN RISK NEEDS ASSESSMENT

The use of risk and needs assessment (RNA) tools is now ubiquitous in the field of corrections. These tools are used to forecast an individual's likelihood of re-offending for such purposes as developing treatment recommendations and setting appropriate supervision levels. Unfortunately, the field of corrections lags behind in technological advances and is overdue for establishing new methods and adopting new standards when it comes to the use of RNA tools. Current RNA practices, both in terms of development and implementation, are often outdated and inefficient and demonstrate suboptimal predictive validity.

In an effort to help the field of corrections realize the potential that RNA tools have for improving decision-making and reducing recidivism, we recently prepared a commissioned paper for the National Institute of Justice (NIJ) in which we outlined four principles that must be addressed (Bucklen et al., 2021). Moreover, we drew upon our collective experience to offer guidelines and recommendations in each of these four areas that we hope will become the foundation for new industry standards for RNA use in corrections. While these guidelines draw on an evidence-based approach to RNA, they are relatively novel and innovative recommendations, at least in the field of corrections. We recognize that it may be difficult for correctional organizations and other agencies to meet all of these recommended standards. It is not our intention to outline a set of minimum standards for RNA practice, but rather to lay out optimal ("gold") standards for achieving maximum benefit in the use of RNA. As such, we hope these recommendations become an aspirational playbook for correctional jurisdictions as they update their RNA practices over time. The full paper provides a checklist to guide in the development and implementation of RNA. We summarize these recommendations below.

Principle #1: Fairness

The fairness principle holds that RNA tools should be used to yield more equitable outcomes. Recently, RNA tools have been characterized by some as biased, usually in reference to racial or gender groups (Pretrial Justice Institute, 2020). An important question that should be raised, however, is "biased as compared to what?" The alternative to RNA tools would be individuals relying solely on their own subjective judgment. With the field of psychology recognizing over 175 different types of cognitive biases affecting human decision-making (Benson, 2016), it becomes easier to see how the structured use of information through RNA tools can actually reduce bias. We believe that RNA tools can be powerful instruments for reform that help correctional systems achieve more equitable outcomes. However, this potential can only be realized if RNA tools are both properly designed and properly used.

One difficulty in approaching the subject of fairness within RNA tools is understanding how "fairness" is defined. Statisticians have identified at least six different definitions of fairness as it relates to RNA tools (Berk et al., 2018). "Overall accuracy" is defined as equal model accuracy between each class (e.g., between races) but does not distinguish between false positives and false negatives. "Statistical parity" is defined as equal marginal distributions of the predicted outcome for each class (e.g., the fraction of black parolees forecasted to recidivate is equal to the fraction of white parolees forecasted to recidivate). "Conditional procedure accuracy" is defined as equal false negative and false positive rates between each class (i.e., equal errors conditioned on the actual outcome). "Conditional use accuracy" is defined as equal positive predictive values and negative predictive values between each class (i.e., equal errors conditioned on the predicted outcome). "Treatment equality" is defined as an equal ratio of false negatives to false positives between each class. Finally, "total fairness" is defined as a situation in which all of the above conditions are met simultaneously. As Berk and colleagues point out, trade-offs are inevitable here, since "total fairness" (i.e., the situation in which all five other measures of fairness are met) is statistically impossible in a situation where different classes have different base rates of the outcome predicted (which is almost always the case in criminal justice). Furthermore, there is often a trade-off between fairness (however defined) and accuracy that must be wrestled with by policy-makers in designing and implementing an RNA tool.

Researchers have identified three stages of RNA tool development where strategies can be used to improve fairness, once definitions of fairness are settled on: (a) preprocessing, (b) in-processing, and (c) post-

processing (Romei & Ruggieri, 2013). Preprocessing requires assessing the source data for various types of biases that might exist due to how the data are collected, stored, measured, and generally reported. In-processing refers to building adjustments in the algorithms and/or classification procedures during RNA development in order to account for any biases that might occur. Post-processing involves making adjustments to the algorithms after they have been created to further reduce biases that may still exist. Although a more detailed discussion of the specific innovative strategies within each of these three phases of development for addressing bias is outside of the scope of this paper, it can be found in the NIJ paper on this topic (Bucklen et al., 2021).``

One final note on this fairness principle is that RNA tools must be properly used in addition to being properly designed in order to maximize fairness and reduce bias. Disparities can be reduced through the way in which practitioners use RNAs, such as delivering more programming resources to those who need it the most (the risk principle) and ensuring proper training and auditing on the use of the tool.

Principle #2: Efficiency

This principle addresses the need for RNA tools to utilize processes that promote reliability, expand assessment capacity, and do not overburden staff. The vast majority of RNAs rely on time-consuming, cumbersome processes that mimic paper and pencil instruments; that is, forms must be completed and then manually scored by staff. The efficiency of RNA tools can be improved by adopting automated and computer-assisted scoring processes to increase reliability, validity, and assessment capacity. Automated assessments reduce staff time required to pull together data. By reducing the time spent reviewing records or filling out forms, automation increases the capacity to do better assessments through quality assurance. Automation can improve predictive performance by eliminating inter-rater problems and scoring interpretation issues (Duwe & Rocque, 2017). Automation may also address Principle #1 in that it has been demonstrated through previous research to reduce bias such as racial disparities (Duwe & Rocque, 2019). It is important for RNA tool developers to maximize the use of automation to the fullest degree possible. If auto-scoring or automation is not feasible, then the use of technology such as computer-assisted survey software should be considered. If an RNA must be scored manually, then it is also necessary to demonstrate through an inter-rater reliability (IRR) assessment that the tool can be scored consistently.

Principle #3: Effectiveness

It is not enough for RNA tools to be fair and efficient. They also need to be effective, which is the third key principle. The use of algorithms, even very simple ones, has long been shown to be more accurate in making predictions than professional judgment or "gut instincts." Moreover, contemporary algorithms, such as machine learning techniques, have been shown to outperform older, much simpler algorithms used in the development of many previous and existing RNA tools. Machine learning approaches differ from earlier statistical approaches in that they are not based on a parametric model that is imposed on the data in advance. Instead, the data itself inductively determine the structure of the model. These newer algorithms can "squeeze more juice" out of the data. Examples of machine learning algorithms include classification and regression trees, k-means clustering, Bayesian networks, artificial neural networks, support vector machines, and ensemble methods like random forests and stochastic gradient boosting.

A commonly agreed metric should be utilized for determining the comparative effectiveness (i.e., predictive accuracy) in RNA tool development. The most common metric is the Receiver Operating Characteristic Area Under the Curve, or AUC. An AUC value ranges from 0 to 1, with the worst possible score being 0.5 and the best possible score being either a 1 or a 0. One practical way to interpret an AUC score is the percentage of the time that a recidivist scores higher than a non-recidivist on an RNA tool (assuming a higher score means a higher likelihood of recidivism). A score of 0.5 is like flipping a coin; you have a 50% chance of being right. On the other hand, a score of 1 means that 100% of the time you are right in your prediction (i.e., perfect predictive accuracy). Standards for an acceptable AUC value on an RNA tool are changing as technology advances and new best practices in RNA development are implemented. One review of several popular RNA tools found that published AUC scores averaged 0.68 across tools (U.S. Department of Justice, 2019). However, more recent and improved instruments are consistently producing AUC scores well above 0.7. Scores between 0.65 and 0.7 were once considered acceptable but may become unacceptably low as new standards and improvements in RNA are adopted.

On the topic of metrics for comparing effectiveness of RNA tools, it is also important to point out that every tool has two types of errors: false positives and false negatives. A false positive is a situation in which an individual forecasted to recidivate actually turns out not to recidivate. A false negative is a situation in which an individual forecasted not to recidivate actually turns out to recidivate. The AUC metric represents a compilation of false positive and false negative errors. It is often important and advisable to examine each type of error separately, since there is an inevitable trade-off between these two types of errors, and decision-makers may place more or less emphasis on one type of error over the other.

Another important recommendation under the effectiveness principle is that RNA tools should ideally be customized to be jurisdiction-specific by being developed using local data. Wholesale adoption of proprietary, "off-the-shelf" RNA tools should be a thing of the past. To use a sports analogy, research has established that there is a clear "home field advantage" to creating a jurisdiction-specific assessment tool (Duwe & Rocque, 2018).

Principle 4: Communication

The fourth key principle is that RNA tools should employ strategies that improve risk communication to decision-makers and to clients. Existing RNA tools focus on gathering information from individuals, but that information and what it means is often not effectively communicated back to staff or clients. The goal should be for the tool to facilitate information sharing to guide individual clients as to the actions they should take to improve outcomes. That is, the RNA tool administrator should share the information with the client and ensure that the client understands what the information is and why it is important. Explaining risk factors can be a tool for motivating individuals to change. This is similar to a credit report or other consumer device that communicates factors that drive risk. A good RNA tool should communicate and educate about risk factors and about the best path in order to make headway to reduce the risk of recidivism. This connection between assessment and case planning is often referred to as a 4th generation RNA tool.

Effective training of correctional staff who will be using the RNA tool is essential for effective communication, particularly in ensuring ability to explain risks and needs and how to translate them into a case plan. A risk communication system, which includes case plan improvements, treatment-matching algorithms, and graduated sanctions and incentives, provides an integrated model for decision-making that helps increase awareness in clients of their own circumstances and need for programming.

Transmitting information effectively is also key to risk communication. Increasingly, information can be shared visually instead of using words to describe a problem. The surge in web-based therapies, cell phones, and apps increases enthusiasm for visual messaging and multimedia messages. Using effective graphics to convey what a risk score means, for example, has the potential to greatly enhance communication.

Conclusion

Collectively, it is time for the field of corrections to modernize methods for developing and implementing RNA tools. Antiquated tools are burdensome to our agencies, are inefficient, and produce less reliable and valid assessments of individuals. An investment in new and improved methods which have proven to be effective is critical to ensure maximal use of RNA tools and to ensure that the information is truly valuable to correctional agencies. The four principles described in this paper–fairness, efficiency, effectiveness, and communication–are important for improving the use of RNA.

At the same time, some of the principles and guidelines outlined here represent a relatively innovative approach to the design and use of RNA tools in corrections. We are not aware of any jurisdiction that has applied all of the guidelines and recommendations included within these four principles. What we have set out to do here is to outline the state of the science in RNA development and application with the goal of providing a blueprint and a goal for correctional jurisdictions to aspire to. We believe that adoption of these principles can help RNA tools mitigate system disparities and achieve better recidivism outcomes.

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MODERNIZING RISK AND NEEDS ASSESSMENTS SCORING TO IMPROVE AGENCY OUTCOMES

Understanding an individual's characteristics and programming needs is one of the key principles for rehabilitation (Bonta & Andrews, 2016). Case management is built upon the concept that individuals often need different types of interventions. However, given the large size of many correctional populations, it is difficult to individually create consistent and detailed rehabilitation plans within a reasonable time frame and budget. Nearly all contemporary risk and needs assessment tools have been modernized in the last decade to provide software-generated reports and case management recommendations. With the expanded use of risk and needs assessments, agencies now possess the ability to identify those with the greatest need for programming, maximizing limited resources (Bonta & Andrews, 2016; Sullivan & Childs, 2021). Further, by using the results of these tools within the risk-needs-responsivity (RNR) model, all agencies, whether they represent small jurisdictions or supervise a statewide population, now have the ability to provide more standardized programming and service recommendations. Guided by research evidence, these tools allow staff to feel a greater sense of confidence in their case management recommendations, using programming and referrals to strategically reduce an individual's recidivism risk. While far from perfect, needs assessment tools can help guide and standardize decisions at different stages in the justice process, increasing the opportunity for successful outcomes.

In this article, we first discuss the development of modern risk assessment and the different characteristics that make these assessments powerful tools for justice stakeholders. Next, we introduce the infrequently discussed distinction between risk versus needs assessments, how each is developed, and their intended use. We then describe contemporary concepts to be considered when implementing and validating needs assessments as part of case management and planning, including localization, gender responsivity, and considerations for youth. Finally, we provide an example application of the RNR model using the Modified Positive Achievement Change Tool (M-PACT), highlighting the need to update developed assessments to fit agency needs.

The Development of Risk and Need Assessments

To understand modern risk assessment, it is important to acknowledge the underlying principles on which most risk assessments are based. Andrews, Bonta, & Hoge's (1990) seminal work outlined three principles of a Risk-Needs-Responsivity (RNR) model to increase the effectiveness of rehabilitation, given previous evidence that "some things work for some people." First, the Risk Principle uses the findings of an assessment tool to identify those who are the highest priority for supervision and programming. This is often expressed as some variation of high, moderate, and low risk levels. Second, the Needs Principle outlines criminogenic areas to address, where directed interventions may reduce needs and an individual's likelihood of recidivism. Third, the Responsivity Principle outlines barriers that reduce programming effectiveness if not accounted for or properly addressed (Andrews et al., 1990). Modern case management teams use the RNR model to organize their treatment plans, with risk assessments being the foundation. These newer assessment tools combine overall risk level and subdomain scores to create a wholistic report of each individual's needs.

Contemporary Risk-Needs Assessments

Contemporary assessments, or those developed in the last 15 years, have utilized risk and needs in a combined sequence, where those scoring as higher risk are prioritized for specific interventions using needs scores. Within the items scored in an assessment tool, "needs items" are identified to be dynamic (or changeable over time) and predict recidivism, and these concepts can be combined and described as defined as "criminogenic" needs (Bonta & Andrews, 2016). Clusters of needs items form "domains" that produce sub-scores for targeted areas impacting recidivism. Ideally, evidenced-based practices are available to strategically reduce needs scores in these target areas and thus reduce the individual's overall risk for reoffending. However, modernization and development have had the unintended consequence of merging the concepts of risk and needs in discussions of justice assessments, thereby losing the historical context and conceptual distinction.

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Contemporary tools are often referred to as "Risk-Need Assessments" (RNAs). This naming mechanism reflects tools with combined features, measuring both risk factors as well as criminogenic needs (Hamilton et al., 2017). Risk factors are personal characteristics and circumstances that are present in an individual and are predictive of future criminality (Andrews et al., 1990). Risk factors can be static (unchanging) or dynamic (changeable). However, dynamic factors may also represent criminogenic needs and become the target of case management and programming referral (Andrews et al., 1990; Hamilton et al., 2017). For example, a common static factor is age at assessment, as, of course, an individual's age will increase with time but cannot change via intervention, while a common dynamic factor, current drug use, can change over time and may be influenced via programming. Notably, contemporary RNAs are composed of two tool components–a risk assessment and a needs assessment, where risk assessments use any item (static or dynamic) that improves the prediction of recidivism. However, needs assessments include only a subset of dynamic items that can be altered through intervention.

Risk assessment scoring is commonly a summary of all items, regardless of content or type. Threshold scores are then set for the assessment to determine an individual's risk category (i.e., high, medium, or low risk). These levels are either determined by the developer when the tool is created or can be modified to fit the agency/population needs. These risk levels are then used by agencies to prioritize resources, including provision of transitional living services, cognitive-behavioral programming, or even level of community supervision (Montford & Hannah-Moffat, 2021). This prioritization is not only beneficial to agencies with limited resources, restricting supervision and programing to higher-risk individuals, but it also prevents lower risk individuals from being "over programmed." This element of modern assessment has been used to help identify participant eligibility for such interventions as diversion, administrative community supervision, kiosk reporting, and even early release from incarceration for those deemed lower risk (Hamilton, Duwe, et al., 2021; Taxman et al., 2013).

Risk Versus Need Assessment

Risk-needs assessments have evolved in many important ways. There have been nearly 40 years of historical assessment development, evolving from a "gut feeling" to the addition of items relevant to case management. The first few risk assessment tools only contained static, demographic, and historical items to predict risk. From that beginning of using tools that assess individuals on fewer than a dozen criminal history and demographic indicators, we have advanced to using tools that include additional indicators to assess both static and dynamic risks and potential responsivity barriers to be considered when assigning programming (Andrews, Bonta, & Wormith, 2006). However, unlike the risk portion of a tool, a "needs assessment" is more strategic in item content, including only changeable, dynamic measures that are considered "criminogenic" (or correlated with recidivism) and changeable in nature (Hamilton et al., 2017). Unlike the risk score, needs are divided by domains to produce sub-scores, where item responses collectively indicate higher/lower levels of concern for a given programming target. Combining both immediate and long-term needs, modern assessments allow case managers to understand the totality of an individual's needs and provide interventions in a logical sequence. For instance, for those beginning community supervision, needs such as employment and housing must be resolved more quickly and represent "stabilizers" needed prior to addressing longer term programming needs (Taxman et al., 2013). However, for incarcerated individuals, an alternative sequence of programming, such as one focusing on criminal thinking and substance abuse prior to addressing reentry needs, may prove beneficial and more feasible.

By pairing risk and needs scoring, case managers can also identify cohorts of individuals needing different treatment intensities. For example, the Correctional Service of Canada groups inmates into high- and moderate-risk cohorts, where those in the high-risk cohort receive a greater intensity (number and duration of sessions) of cognitive-behavioral programming as compared to moderate-risk cohort participants. Further, routine reassessments allow dynamic scales to provide more immediate feedback of reduced needs, providing an assessment of programming progress and changes over time.

Criminogenic Risk Factors

As the generations of assessment evolved, the addition of dynamic items was perceived as a positive contribution to the field (Taxman et al., 2013). Yet, development of the "needs assessment" has been an afterthought for many developers and researchers. Beginning with Andrews and Bonta's development of the Central Eight (Education/ Employment, Family/Marital, Leisure/ Recreation, Companions, Alcohol/Drug Problem, Pro-criminal Attitude/Orientation, and Antisocial Pattern), these domains were developed as clusters of similar items representing a consensus of research findings at the time, and that research is now over three decades old (Andrews & Bonta, 2010). While utilized widely—and even being adapted for assessments of juvenile populations—when implemented many of these domain scales have weak empirical support or represent ineffective predictors of recidivism (Caudy et al., 2013). As additional generalized assessment tools were developed (COMPAS, ORAS/OYAS, STRONG-R, PACT/YASI, SPIn, and WRNA), an array of items and alternate domains have been created, expanding the selection available for correctional agencies to adopt. With the field's renewed focus on providing rehabilitative services and the reduced use of incarceration/detention, there is an expanding demand to evaluate, update, and recalibrate needs assessment elements of current RNAs, improving their case management utility (Sullivan & Childs, 2021).

Protective and Responsivity Factors

Related to the development of needs, research on resiliency has expanded the conversation regarding the types of items to be included in an RNA. The needs assessments in many contemporary tools focus on what individuals lack (i.e., housing, employment, or sobriety). In contrast, a recent focus on strengths-based assessment seeks to develop instruments that measure protective factors, specifically adding assessment items that measure strengths or acquired abilities that diminish the effects of a criminogenic risk (Rennie & Dolan, 2010). Examples are having completed a criminal thinking program or having measurable skill improvements in communication, problem-solving, or emotional regulation, all of which may make an individual less likely to re-offend. Assessing protective factors can also reduce the likelihood of inflating someone's risk score, or over-classification, further individualizing a client's treatment dosage (Cording & Beggs Christofferson, 2017). However, while exciting and innovative, this area of assessment is still relatively new, and we can expect conversations regarding it and the development of such scales to grow in the coming years.

It is also worth noting that responsivity factors,[1] representing the last R in the RNR model, have largely been ignored when discussing modern assessments. Briefly, responsivity factors are not crime-producing indicators, but they do represent potential barriers to programming. Some of these factors include education, language proficiency, mental health symptoms (i.e., anxiety, paranoia, dementia), trauma history, medical needs, and intoxication issues (Jung & Dowker, 2016; McDougall et al., 2014). Although these are not considered risks or needs, responsivity factors can substantially affect a person's ability to participate in treatment. To make programming accessible to those who need it, it is important to address responsivity factors before treatment begins. For example, those who speak English as their second language may not be comfortable conversing about their needs in English, reading programming materials, or writing in a workbook, but these are common requirements of cognitive-behavioral approaches. RNA developers have also begun including responsivity items as unscored items. These identifiers assist case management teams in tailoring program cohorts to best fit the needs of the individual to the program group. For example, identifying individuals who are more likely to be disruptive or lack motivation for participation can help direct treatment selection in terms of utilizing a particular clinician and/or placing the individual with participants with similar characteristics. Gender also plays a role, as specified programs (such as Moving On & Beyond Trauma) have demonstrated a greater effectiveness in female correctional populations (Montford & Hannah-Moffat, 2021).

Contemporary Concepts in Risk and Needs Assessment

As assessments have become commonplace in correctional settings, a variety of advancements have been developed to improve instruments' accuracy and specificity. Specifically, efforts to localize assessments as well as to consider individual characteristics such as gender, racial/ethnic identity, and age have been added to the design of assessment tools in order to describe risks and needs more accurately. In this section, these topics are outlined, and their contribution to the future of RNA is considered.

Localization

Most contemporary assessments used today were developed to be applied "off the shelf," meaning that a given tool may have been developed for a probation population in Canada, a parole population in New York, or a detention population in Florida, but it is nonetheless assumed to function similarly everywhere. To assess how well a tool predicts for their population, agencies may complete a local validation of an off-the-shelf tool. Typically, local validations demonstrate shrinkage, where the off-the-shelf version of the tool does not perform at the same level as advertised. Recent research has indicated the importance of incorporating local variations (Duwe, 2014; Hamilton et al., 2017) and the need to update or improve an assessment's items, responses, and scoring to account for distinctions within an agency's population through a process called localization (Hamilton, Kigerl, et al., 2021). This often means altering a weighted tool, scoring all items "0" for the absence of an attribute and "1" when it is present (e.g., history of drug use), and recalibrating presence to a score of 2, 5, or 10, depending on the item's importance for the local population. Unfortunately, assessments are commonly adopted by agencies, and used for many years, without using their local population's data to adjust tool content. This results in less accurate classifications of risk and, as described, may produce a mis-assessment of needs and incorrect program placements (Caudy et al., 2013). Fortunately, when an assessment is localized, results become substantially more accurate and have the potential to improve prediction beyond the tool's original findings (Hamilton, Kigerl, & Kowalski, 2021).

More specifically, localization uses an agency's assessment responses and recidivism data, entering their population's scores into a statistical model. Based on the local population's patterns of responses, predictive items are selected, and those with greater importance are given a larger weight. In addition, those found to be uncorrelated with recidivism are removed, potentially reducing the size of the tool and time needed for completion. Although certain items are universally predictive (e.g., age at assessment), others, such as number of prior incarcerations, might be irrelevant for one agency (diversion) while vitally important for another (parole). Further, populations may change, and following years of use of a tool some periodic updates can help combat shrinkage of accuracy over time. While many

agencies have sought to adjust risk category thresholds to provide a better fit for their population, only recently have researchers and practitioners began a process of validating and updating assessments, creating localized versions (Duwe, 2014; Hamilton et al., 2016; Hamilton et al., 2019). We further advocate localization as a developing best practice, adopting new versions of tools over time, as this will enable agencies to provide an improved link between provided programs and individual need.

Gender Responsivity

Gender responsive assessments are a key component to understanding an individual's specific pathway to recidivism (Hamilton, Kigerl, & Kowalski, 2021; Hamilton et al., 2019). Historically, the assessment creation process has ignored, or tried to remove, the influence of gender on recidivism prediction (Rettinger & Andrews, 2010). A primary critique of many contemporary assessments is that correctional populations are comprised of mostly males, which increases the likelihood that items specifically predictive for females are removed or scored to have less importance during assessment development (Hamilton et al., 2017). The result has been the over-classification of women by many classification tools and RNAs (Montford & Hannah-Moffat, 2021). This highlights the importance of localization and using assessments that are validated with the population of intended use. While some tool developers will claim their tools are "gender neutral," a growing body of research has identified several variations in the types of items and scoring of risk and need factors applicable for women. Current literature highlights female-specific needs as histories of trauma, relationship issues, mental illness, drug use, self-efficacy, poverty, and parental issues (Van Voorhis et al., 2010). These differential needs suggest that gender affects not only risks but also criminogenic needs and the types of programs that need to be developed for female populations to reduce their specific risk2.

Race/Ethnicity Considerations

Following a ProPublica article depicting potential sources of bias in assessment classification (Angwin et al., 2016), researchers have sought ways of examining race/ethnicity disproportionality in assessment tools that may lead to biased risk assessment scoring and classifications. Recent studies have identified a

disproportionate pattern in which non-white individuals are commonly scored and classified as higher risk than white individuals, suggesting bias (Angwin et al., 2016; Campbell et al., 2018; Miller et al., 2021; Onifade et al., 2009). However, when examining the accuracy of tools across race/ethnicity sub-groups, bias is not identified. While new findings are quickly emerging, there is an early consensus that using a standardized risk assessment tool reduces the likelihood of bias as compared to returning to first generation assessments or "gut feelings." Nonetheless, even though assessment tools have the potential to reduce disproportionality, criminal history items used as both predictors and outcomes of assessment tools contain inherent sources of bias. Specifically, people of color more frequently reside in areas of disadvantage with increased police presence, enforcement, and rates of conviction.

The disproportionality ingrained into assessment measures has led many to suggest the need to explore new metrics and update current models to remove sources of bias (Hamilton et al., 2019). Two recent studies have suggested methods for removing criminal history items from tools, with one advocating for increasing the number of needs assessment indicators as a method to reduce classification disproportionality and, in turn, classification bias (Butler et al., 2021; Miller et al., 2021). Similar to the localization methods described previously, Butler and colleagues (2021) utilized a sample of youth assessed using the same RNA. By removing criminal history and other items found to be correlated with race/ethnicity—the items with the greatest potential for bias—they developed a new version of the original RNA. As a result, the remaining items, mostly dynamic needs, were allowed to supplement, or carry more statistical weight, in predicting recidivism, creating a tool that was equally predictive when compared to the original tool. In this way, reducing the use of disproportionate criminal history measures via increased use of needs items has the potential to decrease, or remove, bias while more accurately identifying the programmatic needs of the population assessed.

Specifications for Youth Assessments

Unfortunately, research on youth assessments commonly lags behind that done on adult tools. Some recent findings have demonstrated, however, that contemporary tools are in substantial need of modification and advancement (Hamilton, Kigerl, & Kowalski, 2021; Mei et al., 2021).

Regarding risk, Hamilton and colleagues (2021) identified that youth tools implemented off the shelf could have their predictive accuracy improved to the tune of 10% with modern updates such as localization, adding elements of gender responsivity, and predicting more specified outcomes. They noted that many agencies (i.e., Washington, Delaware, Florida, Iowa, Nebraska, and Maryland) are currently in the process of creating state-specific versions of some tools. All in all, youth risk assessments are like their adult counterparts in being overdue for revalidation.

Mei and colleagues (2021) described a sheer lack of research on youth needs, noting that many assessment developers failed to consider the specific needs of youth, creating only slightly modified versions of their adult tools. Moreover, youth need scales have not been sufficiently examined, and several contemporary tools have tried, and failed, to confirm that assessment domains are measuring youth needs or validly predicting recidivism (Andrews & Bonta, 2010; Farabee & Zhang, 2007; Mei et al., 2021; Schmidt et al., 2005). Regarding youth needs assessments, special care should be taken to link scored domains to the evidence-based programs available to the agency. While Lipsey's Standard Program Evaluation Protocol (SPEP) has given agencies a baseline regarding how to evaluate the effectiveness of youth programming, the assessment tools used to make programming recommendations go largely unevaluated. For example, domains that are generally tied together for adults (i.e., education and employment) should be redesigned for youth and probably separated. Further, many needs domains require re-framing to suit integrated programs designed to address multiple needs simultaneously (i.e., Functional Family Therapy, or Multi-Systemic Therapy). Thus, when updating youth tools, it is necessary to understand how their programming needs may be distinct and to consider adjusting needs domain scales to inform the evidence-based recommendations commonly/currently available.

An RNR Update Example

While many agencies may view their assessment as stable, prescribed, and even pitched as a "valid" or even "the most validated" tool, these instruments are built on decades-old research and are in need of reevaluation. Using a somewhat extreme example, just as the medical field no longer recommends leeches as a common or effective treatment to relieve infections, we

should continually update and not use ineffective tools now that our knowledge of the justice system and the populations it serves has expanded. More specifically, the justice system is constantly evolving, with governments enacting new statutes and agencies implementing new policies, with resulting fluctuations in both crime rates and sentence lengths. Still, many contemporary tools are stagnant and slow to adapt.

Some development efforts have sought to break new ground, advancing both the science and application of assessment tools. As an example, the Washington State Juvenile Court Administrators–Risk Assessment (WAJCA-RA) was developed in 1997. Made non-proprietary in 1998, yet relatively unchanged since its creation, the instrument has been adopted as both name brand tools (i.e., the PACT, YASI, Back on Track) as well as state-specific versions. Gathering 10 states worth of assessment and recidivism data, Hamilton and colleagues (2021) developed local versions of the tool, selecting and weighting assessment content to improve prediction and develop gender-responsive risk models. To update the needs assessment, advanced statistical methods were employed to redesign tool domains. Efforts were made to both create and empirically validate needs domains, identifying their correlation with recidivism and ensuring that reductions in needs is translating to reductions in risk (Mei et al., 2021). Six domains have specifically been related to youth recidivism (Education,

Associations, Family, Alcohol & Drug, Mental Health, and Cognitions & Behaviors), with a global needs score to be used by case managers when considering programming recommendations (see Figure 1). While the six needs domain scores operate similar to other tools, the global score offers the ability to classify individuals as high, moderate, or low need by providing a single summary score combining scores across all domains. This novel assessment of overall need coincides with the RNR model, providing case managers a more expedient and simple method of identifying individuals that are both high-risk and high-need and hence the intended target of programming (Bonta & Andrews, 2016). The culmination of this work outlined the development of the Modified Positive Achievement Change Tool (M-PACT), which is currently implemented, or in the final development stages of implementation, in several state juvenile agencies. While updates were specific to this one tool, authors sought to outline a process for which tools can be similarly updated as an agency best practice.

Conclusion

Modern risk and needs assessments have become vital to effective rehabilitative practices. In this article, we have discussed how assessment development has adapted the scoring, domains, items, and responses to align with the RNR model. The field continues to advance, attempting to adapt to contemporary issues, such as
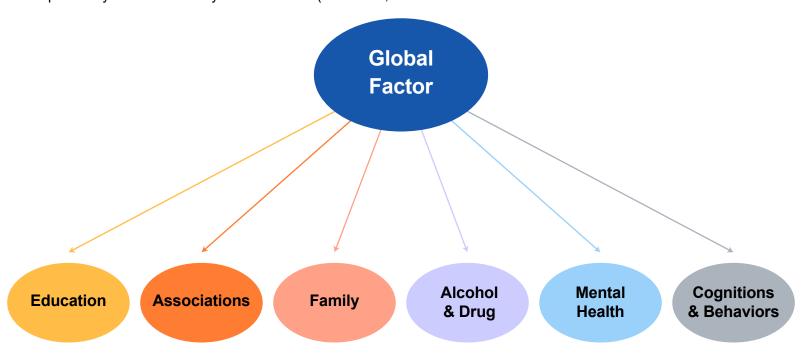
Figure 1. M-PACT Needs Assessment

accuracy, responsivity, and bias that can be improved through research and updated versions of assessments designs. As a recent example, we detailed the application of the MPACT, adapting an off-the-shelf tool to the local populations and specified needs of youth.

While RNAs provide a powerful tool that predicts risk of recidivism, we direct readers to consider how their tool is designed to function and how it, or any other tool, may be used to best inform supervision and case management needs of the population needing to be served. As discussed, there are many considerations for stakeholders when adopting and implementing new tools. Specifically, one should ensure items and responses have been properly adapted to the populations to be assessed, with an understanding that off-the-shelf versions may differ with regards to gender, race/ethnicity, and age. Second, after implementation, revalidation plans should be developed to assess the performance of the tool with local data. Where findings suggest the need for modification, agencies should explore updated versions, requirin`g assessment developers to adapt to the agency's needs. Furthermore, updated tools should be able to both outline the criminogenic needs of the population and make necessary case management connections, guiding programming recommendations that are both available and provided by the agency. It is through these customization efforts that further reductions to the correctional population can occur, reducing recidivism and focusing limited resources on those with the greatest needs.

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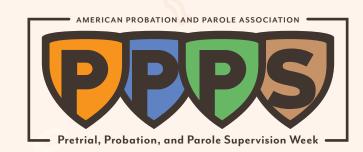
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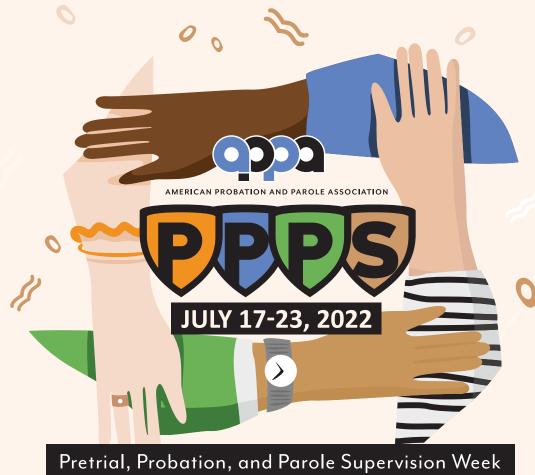
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TALKING ABOUT THE WAY WE TALK:

Understanding Assessment Tool Communication to Improve Core Correctional Practices

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TALKING ABOUT THE WAY WE TALK: UNDERSTANDING ASSESSMENT TOOL COMMUNICATION TO IMPROVE CORE CORRECTIONAL PRACTICES

Risk/Need Assessments (RNAs) are an established evidence-based practice (EBP) and widely used in community supervision as well as the criminal-legal system more broadly (pre-trial release, parole processes, etc.). RNA tools help criminal justice system officials (pre-trial officers, corrections staff, community corrections officers) assess justice-involved individuals' risk for recidivism, identify areas of need that when addressed may mitigate this risk, and use this information to develop a case plan for appropriate services and interventions to guide an individual's time under correctional supervision toward successful completion of probation or parole supervision.

However, there is a growing tension about how RNA tools are built by researchers and used by practitioners. For example, advocates for system-impacted people note that researchers and RNA developers build both pretrial and post-conviction tools with potentially problematic and racist arrest data (Freeman et al., 2021; Pre-Trial Justice Institute, 2020). There is also concern the tools increase probation and parole revocation rates and exacerbate racial and ethnic disparities when agencies use risk scores to drive contact standards. This latter concern taps into another growing tension about the use of "risk" language and how community corrections staff talk about and use the concept of risk in practice (Rudes et al., 2016). More specifically, at times actuarial risk and perceived risk may be conflated.

Actuarial risk scores typically come from an array of indicators including static risk (things someone can't change, like criminal history or age) and dynamic risk (things someone can change, like substance misuse or employment), also known as criminogenic needs. Perceived risk reflects one's viewpoints about who might be a "risky" person, based on implicit bias or prior experiences. Prior experiences with certain "types of people" or "types of situations" can create a "cognitive shorthand" which encourages individuals to overestimate the risk of individuals they are currently working with. In community corrections settings, this lends itself to staff perceiving individuals as "high risk" or "risky" when RNA tool results would indicate otherwise. However, both perceived risk and RNA tools use the language of "risk," complicating how we think about these concepts in everyday conversations and creating a barrier to parsing out the differences. Importantly, using the language interchangeably can influence how staff use RNA results, what information they include in the case planning process, how they broker resources, and ultimately what they report to the court (Steiner et al., 2011).

These tensions are important, and we believe the tools themselves need continued evolution, including reconsidering whether measuring risk is even necessary. We also recognize actuarial assessments that predict an outcome (e.g., arrest or community supervision completion) are an EBP guiding day-to-day community supervision, and the use of these actuarial assessments is a critical step in the supervision process. To that end, it is imperative we continue unpacking how and why we engage in this practice.

In this article, we contend that communicating information to individuals on community supervision about the goals of using assessments and the results of these assessment tools is an essential practice. Whichever assessment tool is used, communicating why it is used, how it is used, and the results comes with important opportunities to impact the individual experience and influence outcomes, especially success. This article will examine the micro-processes of communicating the assessment in practice, and how best to incorporate a person-centered and restorative approach. We contend that effective communication of the purpose, function, and results of assessments will result in a more transparent, equitable, and humanizing community supervision experience.

Communication in Community Supervision Practice

In criminology and criminal justice, researchers studying the use of assessment tools in practice have largely ignored the importance of communicating assessment information. Even less is known about if and how practitioners are attending to issues of communication. Drawing on research about an officer's interactional style provides some knowledge about communication strategies. For example, the work of Kennealy and colleagues (2012) suggests the dual role that officers play in community supervision, and a style that is "firm, fair, and caring" is most effective at achieving individual

compliance with supervision conditions. Morash and colleagues' study of women on probation (2016) found that those who were supervised by officers with an adversarial style experienced greater anxiety and lower self-efficacy than those with positive styles. Morash and colleagues (2018) also found that collaborating with individuals to understand their goals and then centering those goals in the case plan improved individual's perceptions of the relationship with their officer.

While most researchers and practitioners acknowledge the importance of good communication skills among corrections staff, the specific strategies for how to discuss assessment results with individuals is far more underdeveloped than in other disciplines. This is a direct result of assessment developers (both academic and for-profit companies) not prioritizing communication and translation in their training, implementation, and fidelity assessments. As criminologists continue to evolve actuarial assessment tools, it is their responsibility to also consider how staff best understand, use, and talk about their tools–and to provide training to agencies and their staff for doing so. In other disciplines using actuarial assessments, like public health, researchers have long understood the importance of successfully communicating test results and, specifically, contextualizing risk for disease or negative health outcomes (Glik, 2007). Researchers in these spaces note that effective communication establishes and facilitates a more meaningful doctor-patient relationship. There is an obvious parallel in the experiences of those on community supervision. This parallel suggests that communicating how an individual's past behaviors can impact their likelihood of success on community supervision is as important as discussing adverse health outcomes to patients. Importantly, in both public health and legal system settings using actuarial tools, proper communication can provide individuals agency and power in their journey.

In a 2021 National Institute of Justice publication, Bucklen and colleagues argue that a core component of effective assessment practice includes (actuarial) risk communication.[1] However, using proper communication tools and techniques requires staff to understand the information and translate it properly, lessening the potential for discrepancy and bias that comes with conflating actuarial and perceived risk. For instance, "When there is a discrepancy between how staff perceive a person's risk behaviors and the individual's perception of their own risk, it may be partly due to the power imbalance that comes from not sharing information" (Bucklen et al., 2021, p. 25). This suggests that when staff communicate effectively, they provide individuals information capital and lessen the power differential inherent in the officer-individual dynamic. With more information capital, individuals can then make more informed decisions and understand where they have more agency in their experience. As such, Bucklen and colleagues (2021) contend researchers and practitioners should consider assessment communication as much a part of effective assessment practice as completing the tool itself.

The inclusion of communication as an evidence-informed practice put forth by Bucklen and colleagues is an important step in advancing the functionality and impacts of assessing individuals. However, the emphasis on "risk communication" specifically emphasizes predictions of failure, reinforces stigma, and too easily conflates perceptions of "risky" and "bad" with researcher measurements of risk. Talking about how to properly communicate assessment results must name this tension and acknowledge that the concept of "risk" (actuarial or perceived) tempers how we can infuse concepts of equity, fairness, and dignity into communication strategies within community supervision. As a result, this article will not specifically describe how to effectively communicate risk, actuarial or perceived. We recognize that on its face excluding risk communication when talking about communicating assessment tools may appear at odds with EBP, given that the first principle of the Risk-Need-Responsivity model—and the foundation for many legal system tools and practices—is risk (Bonta & Andrews, 2007). Nonetheless, we will instead discuss how to communicate the assessment's measured outcomes (e.g., arrest or successful completion of probation) more broadly and detail several other communication micro-processes when using an actuarial assessment tool.

We believe assessment tools are critical for community supervision and are most highly effective when they take on an equity approach by identifying individuals who need intervention and support the most. This is what we see as the true spirit of the risk principle in the RNR framework. As a result, we extend the call of Bucklen and colleagues (2021) to make assessment tool communication a defining feature of effectively "using" tools by describing a several opportunities for meaningful communication.

Performing Assessments: The Micro-Processes of Assessment Communication

The first steps community supervision staff take when they begin supervising a new case, reflecting the first two principles of the RNR model, are to assess which individuals need support and services, identify the specific services they need, and determine how best to intervene (National Institute of Corrections, n.d.; Bonta & Andrews, 2007).

What is missing from this core practice is how best to administer the assessment and how to create action steps with assessment results. Research indicates that staff are using assessment tools in limited ways. For example, Miller and Maloney's 2013 study of over 1,000 American Probation and Parole Association members found that nearly half of frontline officers reported formally complying with agency policy to complete an assessment tool but failed to incorporate the results from the tool into a case plan. Viglione and colleagues' ethnographic study of probation officers in one state found the same type of "formal" policy compliance in which officers completed an assessment tool but did not incorporate the individual's results into the case plan they then developed (Viglione et al., 2015). Previous research shows that case plans tend to emphasize court and general conditions of supervision (such as abstaining from substance use, obtaining employment) rather than the results of assessment tools (Thurman et al., 2019). Viglione and colleagues (2015) suggest the missed connection between the tool's results and the case plan is related to staff's lack of trust and belief in the tool's ability to "accurately" assess individuals, as that assessment may contradict the officer's cognitive shorthand about the individual and the officer's perception about what that individual actually needs (perceived risk). Further, studies find that, regardless of the results, community supervision officers were most likely to target simpler criminogenic needs in their case plans (like leisure and employment) rather than complex needs like criminal personality, in part because of their lack of understanding about how these concepts are measured, how to talk about them, and how to address them (Magnuson et al., 2019; Viglione et al., 2015). Unpacking how to "use" actuarial assessments via several micro-processes may enhance staff's understanding of the tools, allow staff to more effectively talk about the tools, and support individual's understanding of how their results can translate into connections to resources and different choices.

We think about micro-processes as the granular steps, or the process on a very small scale (lexico.com). This includes the language and interactions that someone undertakes in an activity. We propose the following framework (presented in Figure 1) to more effectively use assessment tools in the community supervision process and allow officers to bring individuals into the center of the process as early as the first interaction. At each stage we identify some of the core assumptions through the communication practice.

1. **Staff acknowledge the past experiences of individuals and internalize the importance of effectively communicating to individuals.**

   Proper assessment communication begins by communicating the importance of this activity *to staff*. Before we can do that, researchers and assessment developers/trainers must consider and include communication education as part of their training. This training must prioritize understanding the cultural context of the population as well as educating staff

Figure 1. The Assessment Communication Process

Acknowledge and Internalize → Purpose of the Assessment Tool → Administer: Casual & Conversational → Discuss Level of Suppport Needed (Risk Calculation) → Discuss Specific Supports (Need Calculation) → How Results Inform Supervision

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[1.] It should also be noted that the term "risk communication" has been applied in the sub-field of managing individuals convicted of sexual offenses. Here, the term refers to uniform communication of risk information (e.g., risk levels) between correctional agencies (Hilton et al. 2016) and not the specific communication with individuals. While Bucklen and colleagues (2021) refer to the consistency in language communicating risk levels among providers, they also highlight the importance of communicating with individuals.

on adverse childhood experiences, neighborhood or community trauma, and intergenerational trauma. When staff understand the cultural context and how these experiences apply to the population on community supervision, they are better equipped to respond to their individual needs and characteristics– the core of the responsivity principle. Further, when staff understand these topics, they will better understand why the microprocesses are important to using the assessment tool. First, staff must acknowledge and internalize the following dimensions as central to the assessment process:

a. *Empowering the individual to make changes* requires that an individual has knowledge of how they can succeed on community supervision. The staff member has the responsibility of effectively sharing this knowledge or information capital.

b. *Inaction by individuals does not equate to lack of motivation to make changes.* Many individuals have a litany of barriers they face navigating systems to which they are referred by community supervision staff. Their previous personal experiences navigating those systems, or observing others navigate those systems, can contribute to cynicism or present as anxiety or worry they will not be successful. Centering individuals in their own community supervision journey decouples inaction from willingness and intention and at the same time acknowledges that social systems are as much at play in success as an individual's own agency. The staff member has the responsibility of helping an individual through the situations where their agency is not enough.

c. *Centering individuals in the process requires acknowledging their past experiences.* The current assessment process is likely not the first experience individuals are having with an assessment process in that jurisdiction. Acknowledging the length of questions, the intimacy of the questions, the potential for questions to trigger a trauma response, and the lack of continuity and communication between legal system agencies dignifies individuals. The staff member has the responsibility to supervise individuals with dignity.

d. *Increasing transparency is paramount to increasing fairness.* Staff must acknowledge the power imbalance but be willing to provide some of that power to individuals by sharing assessment result information. Staff must recognize they have the power to require compliance, but their role instead should be to empower individuals. Sharing information capital and their lens for how they make decisions about individuals can improve equity and reduce bias.

2. **Discuss the purpose of the assessment tool**

An overlooked aspect of the assessment process is explaining to the individual why and how the assessment will occur. This step is crucial for cuing the individual about what they can expect from the exchange with the officer. By explaining the purpose of performing an assessment, the officer can engage in rapport building, improve honesty and transparency in the exchange, allay worry or anxiety, and gather useful information. It also sets the tone for creating a space of healing through information gathering. Officers should consider how explaining the purpose of the assessment will:

a. *Provide the first opportunity for individual engagement,* which will support individual understanding and engagement with the process and model empathy as early as possible. It also begins to lay the foundation for restorative practices if/when challenging information is encountered.

b. *Inform the supervision process,* which is the key connection point identified by the research as being missed. By explaining how the assessment results connect to the overall supervision, including how the results inform frequency of meetings and case plan goals, the individual has a greater understanding of their responsibilities on supervision, rather than focusing on the things they cannot change (like static risk).

3. **Administer the assessment tool in a casual and conversational style**

Prior research establishes the importance of positive interactional styles but does not isolate those styles in practice, especially during the assessment process. Officers should rely on a casual and conversational style in their use of tone, language, and demeanor,

creating an environment where individuals can feel safe and empowered to disclose information. An officer's approach to administering the assessment should respond to:

a. *The individual's known responsivity factors,* like past trauma, language, literacy concerns, and gender identity, among others.

b. *The individual's needs factors,* including the prioritizing of survival needs like housing and food. If the staff member is aware of critical needs during the assessment, like lack of shelter or food insecurity, then they can shape the conversation knowing the individual may not be able to answer as fully as when those needs are met.

c. *The individual's demeanor as the process unfolds*— officers should be constantly perceiving and interpreting the individual's reactions to questions and need for time to provide responses to questions in order to adapt their tone, language, and approach to match the individual's emotional state. Staff can also use this information to determine whether the assessment conversation should happen in one meeting or be broken down over several meetings to better support the individual's bandwidth to receive and understand the information.

d. *Their own tone and demeanor,* which is a critical aspect of proper communication. Officers should constantly be reflecting on how their tone, language, delivery, responses and non-verbal cues like sitting position might impact the individual's perceptions and experience of the process and disclosure of information.

4. **Discuss how the tool identifies their level of support needed (current actuarial risk score)**

Officers must understand the outcome that their organization's assessment measures (e.g., rearrest or successful completion of supervision), how developers measured this outcome, and how this measurement informs the output categories on the assessment tool (e.g., low risk or limited support needed). Organizations should work to develop staff understanding about:

a. *The outcome of interest and how it is calculated* by the tool. For example, if the outcome of interest is risk of recidivism, staff should have a deep

understanding of how developers specifically measure recidivism so they can discern between actuarial risk and perceived risk. Knowing exactly how the risk score is calculated, as provided by the RNA trainers, will help staff understand the nature of actuarial risk and what it means and does not mean. When officers have greater technical knowledge, this can lead to greater confidence translating the information to individuals.

b. *What the outcome means* in the context of community supervision and their role as a supervision officer. Previously, we stated staff must internalize the idea that an individual's agency is not enough to succeed on supervision and that systematic barriers can impede individual's best efforts. If staff accept this dimension–and, importantly, acknowledge it to individuals—then a staff member's role inherently includes helping individuals navigate through those barriers. When the assessment uses the outcome of success, or predicts an individual's likelihood for success on supervision, then this more clearly aligns with this shared responsibility by staff. When staff understand they share responsibility, they can clearly articulate why an individual needs a specified level of support or frequency of contact.

c. *Using destigmatizing language* when describing the outcome, shared responsibility, and scoring of assessment tools. This is likely one of the most critical micro-processes in the assessment activity because it is at this point where staff can introduce concepts of perceived risk into the conversation and negatively impact the individual's perceptions of themselves and their ability to make different choices.

5. **Discuss the needs calculation**

Similar to level of support, officers should know how their assessment tool calculates the need scores. When staff understand the technical aspects of the need domains, they are better equipped to translate this information and prioritize the most appropriate needs with individuals. Organizations should work to develop staff understanding about:

a. *How the assessment tool calculates the need scores* to improve staff knowledge they can impart on the case planning process. This will also allow them to

explain why reassessment is important and why these need scores can change over time. Most importantly, unpacking the measurement helps to prevent staff from conflating needs with risk, and over subscribing how those need scores contribute to continued offending.

b. *What different needs means* and being able to contextualize them in the in the scope of the individual's current assessment to develop case plan goals and to respond appropriately to an individual's circumstances. For example, understanding how an individual's history of trauma or legal system involvement might impact their responses to other areas of need, such as substance use or mental health, will support the staff member in identifying the proper intervention, such as inpatient versus outpatient treatment services.

c. *Using destigmatizing language* to discuss need scores, as individual's past experiences and potential traumas impact their current scores.

6. Discuss how the assessment results will inform the time on supervision

Once the assessment is complete, it is important to pause and reflect on the above micro-processes to ensure the discussion about how the results inform the supervision process is infused with caring, concern, and empathy, as well as positioning the strengths the person brings to the case planning process. Organizations should train staff in knowing how to:

a. Develop the case plan and goals based on the more nuanced conversation the assessment process will bring. Organizations can train staff in a greater range of case planning strategies to attend to the complex situations they will encounter.

b. Focus the case plan on what the individual wants first, and then include some of the needs identified by the assessment. By centering on the individual's position and actively listening to what they want to work on, and, importantly, allowing them to decide what matters most in their experience, staff use their power to empower through choice and agency in the process.

c. Ensure that the case plan is not overwhelming. Building a case plan that includes many goals addressing many identified needs may be too overwhelming for individuals presenting with an array of complex issues. This can lead to shutting down or resistance on the part of the individuals. Instead, the current case plan items may all reflect progress to same identified need and consist of steps that match the individual's responsivity factors. It is crucial that individuals have the ability to shape case plan items in ways that are accessible and attainable. Likewise, if the individual is overwhelmed by the process generally and does not know where to begin, the staff member's responsibility is to support building initial case plan items based upon the assessment knowledge and their growing knowledge of the individual's circumstances.

d. Follow-up conversations about how the information supports success on supervision. By centering success as the goal of supervision, not focusing on reducing risk, the communication can continue to empower individuals to process information.

Importantly, researchers, developers and practitioners must recognize that these micro-processes may need to be altered even further depending on individual factors. It may be the case that an individual is not capable or ready to fully understand all the information provided by the assessment tool. Some individuals with neurocognitive disabilities, with limited literacy or cognitive bandwidth, or who are under extreme stress may not be positioned to understand or internalize this information, or receive it all at once. These situations highlight the responsivity principle and the importance of centering individuals to best meet individuals where they are. Thus, uniformly communicating results to individuals is misaligned with the responsivity principle and requires greater attention to tailoring the message to the individual. One potential solution, similar to medical therapeutic interventions, is to consider "micro-dosing" the information to an individual— that is, breaking down the results into smaller parts to better suit the individual's ability to take in the information and prevent it from being overwhelming.

An important feature of this process, and central to enhancing fairness and equity, is the emphasis on using destigmatizing and person-first language. It is widely understood that labels can have adverse long-term effects on both the psyche of individuals, as well as the structural and community barriers they face (Chiricos et al., 2007). Ensuring that the language spoken to individuals truly embodies a reflexive approach where

staff are constantly challenging their own biases and assumption will improve the equal treatment of individuals they serve. By acknowledging where discrimination can occur in these micro-processes and through our language and tone, staff can make adjustments and establish fair practices that recognize and respond to the complexity of people's backgrounds. In this way, these specific language and delivery choices operationalize supervising individuals with dignity.

Examples in the Assessment Micro-Process

During our work together at the Center for Advancing Correctional Excellence (ACE!) at George Mason University, we had the opportunity to develop and deliver an in-depth training program to evidence-based practices (EBP) managers in a statewide agency. The training was unique in that, beyond the typical day-long seminars, each participant was paired with a researcher to perform a variety of "assignments" (i.e., mini research projects) in their jurisdictions. This not only brought the content to life, but also empowered the managers to assess their jurisdiction's challenges with a particular policy or practice and implement solutions to resolve them.

The genesis of our curiosity about the role of communicating assessment results to individuals emerged from fieldwork conducted by the second author, where officers were observed in the field struggling to convey the meaning of assessment scores to individuals. Further, these interactions were rife with discomfort. For example, as the officers attempted to gloss over the risk scores prominently featured on the report they shared, attempting to focus instead on needs (presumably because that conversation is easier and less awkward), it was apparent the individual was fixated on the risk results.

The research study that followed, published in the journal Corrections (Magnuson et al., 2019), revealed that officers don't feel they are on solid ground when they attempt the complex and difficult process of talking about assessment score information. It became clear that officers had received training to administer the RNA tool and use the results in the case plan, but they did not receive guidance on how

to introduce the assessment and translate the tool results to individuals in a meaningful way.

Example 1: Introducing the Assessment Tool

It became clear that communicating the results of the tool was not the first stage of the problems staff were facing. In fact, introducing the tool to individuals, and explaining its purpose and function, emerged as central to initiating the RNA activity in the community supervision process. To address this very specific micro-process, researchers and staff collectively developed the following sample script for officers to use (Magnuson et al., 2019, p. 10):

> Today, we're going to go over something called an RNA. The RNA is a tool we use to see how each person on probation is different. There are a lot of questions and some are a bit strange, so I appreciate your patience as we go through them. Once we complete the tool, we will get a printout that will help us identify areas we can work on together to help you be successful on and off probation. The collection of these areas will be the case plan and we will continue to work on this plan through your time on supervision.

Example 2: Altering Language to Facilitate Information Communication

Following the creation of this script and other scripts, the research team developed and delivered a training session to improve RNA tool use by officers and found increases in the officers' knowledge of the tool's domains and comfort in explaining them to individuals (Magnuson et al., 2019). This increase in knowledge and comfort was, in part, a result of accompanying one-page handouts providing officers scripts and new terms for explaining assessment domains. The culture of learning and leadership by key supervisors in the office also contributed to staff's willingness to talk more candidly about their struggles with the tool, because it provided opportunities for directed coaching. Table 1 from the study shows some of this example language (Magnuson et al., 2019, p. 15):

Table 1. Example cheat sheet descriptions by need.

Criminal Personality Refers to your client's temper or aggression, impulsivity, feelings of empathy or remorse and comfort with emotions. **Leisure and Recreation** Refers to how often your client feels bored, restless or can't focus attention on a single activity for too long.	**Criminal Thinking Self Report** Refers to the type of thinking your clients use to justify, support, rationalize, or minimize the seriousness of their behavior and the consequences of behavior. **Criminal Opportunity** Refers to the number of potential crime opportunities the client is exposed to in their neighborhood and/or while hanging out with friends. This category also considers how they spend their free time, and if they might avoid crime opportunities by attending school or working.

Supervisors encouraged staff to adapt the scripts to their own voice, which would improve the understanding and delivery of the message. They discussed ways to adapt certain terms or phrases to respond to individual characteristics like bilingualism, literacy concerns, learning disorders, and cognitive capacity. Prior work in implementation science suggests focusing on a specific part of the process can better inform where fidelity is lost. Looking at the micro-processes within a practice informs solutions, as they did for our case study jurisdiction. Ultimately, feedback indicated that by focusing on this micro-process of introducing the assessment tool and explaining the previously hard-to-explain assessment domains, staff felt more prepared and capable of performing this core correctional practice effectively. The resulting knowledge reinforced the need to expand the resources and information provided to trainers and assessment developers to support staff's effective use of tools, primarily through comprehension, believability, and acceptability (Magnuson et al. 2019; Proctor, 2011: Viglione et al. 2015).

Conclusion

Community corrections staff rely on RNA tools to provide information about individuals, yet we do not often provide this information to individuals. Concerns with fidelity of assessment implementation and effectiveness may reside in our ability (or inability) to communicate this important information to individuals in ways they understand, and free from bias or stigma.

This reality puts the onus on researchers and assessment tool developers to study communication and incorporate it as an integral component of assessment trainings for practitioners. As we have outlined, there are many micro-processes that likely reflect standard or best practices as identified by communication scholars, but researchers have not examined these practices in legal systems settings. While we rely on public health models and communication science to consider the principles of effective assessment communication in community corrections, we encourage researchers and practitioners to engage with other disciplines. This cross-disciplinary approach will support the most comprehensive model of assessment communication, especially attending to issues related to bias, stigma, and equity. It is likely that without specific attention to assessment communication techniques we invite the potential for creating more harm to individuals and communities.

Finally, we have an opportunity to engage in responsivity by knowing what individuals understand about their assessment results and how well they understand this information. At present there are no published studies describing how individuals understand what the assessment tells them, and ongoing research by the first author suggests they may not know much at all—primarily because officers don't have the tools to share this information effectively or know what information is relevant to share, as presented in this article. What we do know from people impacted by the legal system is that the processes can definitely be more empathetic and less stigmatizing. It is our belief that attention to proper communication around a core EBP can support that effort, support staff doing their best work, and center individuals in their own community supervision journey.

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Observations on

RISK ASSESSMENTS AND RACIAL EQUITY

BY JANIS BANE

OBSERVATIONS ON RISK ASSESSMENTS AND RACIAL EQUITY

Introduction

Led by the American Public Health Association (APHA), cities, counties and states across the country have made public declarations that "racism is a public health crisis" (APHA, 2020). Harris County, Texas made the declaration in July 2020 and recommended examining intercept points in systems to identify policies or procedures resulting in racial injustice and disparate impact on communities of color (Hansen, 2020). Two months prior to the declaration, the death of George Floyd at the hands of police during an arrest sparked protests and demands for racial justice in policing and awakened an awareness of structural racism in the criminal justice system. Regardless of whether the policies are related to over-policing, money bail, or mass incarceration, criminal justice reformers are acknowledging the impact of racism throughout the system (Davis, 2021). It makes no difference if the impact is intentional or unintentional, implicit bias or overt, the result is the same: people of color are being hurt. One intercept point in the system that deserves attention is the process of assessing risk to re-offend.

For twenty-six of the past thirty-seven years, I held a position in a Texas Adult Probation, or Community Supervision and Corrections, Department. My first position, in 1978, was Probation Officer for a District Criminal Court in Harris County, Texas, and, I retired in 2015 as Chief Probation Officer in neighboring Galveston County. Within a few months of retirement, fate led me to a position as a justice related consultant for the City of Houston Health Department's My Brother's Keeper (MBK) initiative[1]. Throughout my career I have been a fervent advocate for individuals caught up in the criminal justice system who were not a threat to public safety. I supported prevention projects designed to interrupt the school to prison pipeline, to utilize brain science in the development of programs for young legal-system involved adults and to address the disproportionate impact of systems on minorities. Houston MBK gave me the opportunity to continue to advocate for projects designed to transform systems and undo biased practices and structures. Much of my time in recent months, has involved bringing attention to the potential negative impact risk assessment instruments (RAIs) have on the sentencing and supervision of people of color.

RAIs have been used by the Adult Supervision field for decades to assist in decision making and case planning. During my early years as a Probation Officer, we used the Base Expectancy Scale, a list of approximately 10 items, on each new felony defendant assigned to probation supervision. For all practical purposes, the scale was completed to determine the number of contacts required for each person on a caseload, which ranged from twice monthly for a maximum score, to every three months for a minimum score. By the 1980's, the National Institute of Corrections adopted the Wisconsin Risk/Needs instrument as the gold standard recommended for adult probation classification systems (Henderson & Adams, 2010). The Wisconsin tool was validated based on the probability of successfully completing probation and was required by the State of Texas (Henderson & Adams, 2010). The Texas Risk Management System also included Strategies for Case Supervision (SCS) for probationers who scored High Risk or High Needs on the Wisconsin. The assessment assisted the probation officer in creating plans for intervention to address the identified areas and the SCS provided strategies for the supervision of the highest risk clients.

The Wisconsin instrument was used in Texas from the 1980's until January 2015 when the Texas Risk Assessment System (TRAS) became the required RAI. The TRAS was designed to accurately assign a level of risk to reoffend and to identify criminogenic needs contributing to the potential for re-offense (Lovins et al., 2017). At each step in the evolution of these assessments, the Criminal Justice System relies on a validated instrument that intends to provide scientific objectivity in predicting risk to reoffend and therefore reduce the occurrence of personal bias and discriminatory action.

[1] In 2014, President Obama launched My Brother's Keeper, MBK, and challenged communities to make a commitment to provide opportunities for the success of young boys and men of color. The City of Huston accepted the challenge and began an ambitious undertaking to strategically identify targeted areas of the City where young boys and men of color were at high risk. The process included reviewing data on school attendance, suspensions and dropout rates, poverty levels, and juvenile justice referrals. The Houston Health Department is the backbone organization managing the Houston MBK initiative. The work includes a network of partners including school districts, non-profits, local programs working with youth and families, and criminal justice agencies. MBK supports programs that address identified milestones that contribute to successful outcomes for boys and young men of color.

KEY TAKEAWAYS FROM PRETRIAL JUSTICE INSTITUTE

"Pretrial risk assessment instruments (RAIs) are constructed from biased data, so the RAIs perpetuate racism.

RAIs are not able to accurately predict whether someone will flee prosecution or commit a violent crime.

RAIs label people as "risky" even when their odds of success are high.

RAI scores inform conditions of release, but there is no proven connection between RAI scores, specific conditions, and pretrial success."

However, despite the best intentions, RAIs have recently come under scrutiny for contributing to mass incarceration and the disproportionate negative impact they have on minority populations as described and cited below.

- In 2014, then Attorney General Eric Holder expressed apprehension about the adverse impact of risk assessments on minorities (Department of Justice, 2014).

- The Sentencing Project published a report in 2014 titled, Incorporating Racial Equity into Criminal Justice Reform. The report describes sentencing policies that have a disparate impact on people of color: "Some policies disadvantage lower income individuals, who are disproportionately people of color. Examples include risk assessments that require employment for pretrial release, or probation or parole requirements to report at locations where there is little public transportation" (Mauer & Ghandnoosh, 2014).

- In 2018, more than 100 civil rights and community-based organizations released a shared statement regarding concerns about risk assessments and money bail reform (Leadership Conference on Human and Civil Rights, 2018).

- In the January 2020 publication, The False Promise of Risk Assessments: Epistemic Reform and the Limits of Fairness, Green concludes:

"that risk assessments are an ill-advised tool for challenging the centrality and legitimacy of incarceration within the criminal justice system. First, risk assessments fail to provide objectivity, as their use creates numerous sites of discretion. Second, risk assessments provide no guarantee of reducing incarceration; instead, they risk legitimizing the criminal justice system's structural racism" (Green, 2020, p. 595).

In 2020, after many years of advocating for Pretrial RAIs, the Pretrial Justice Institute (PJI) released a statement opposing their use. In the November 2020 publication of the PJI report, The Case Against Pretrial Risk Assessment Instruments, the key takeaways are a condemnation of a process that advises decisions based on a risk score resulting from a biased system (PJI, 2020). According to the PJI report, pretrial risk assessments are perpetuating structural racism in the criminal justice system by measuring areas that contain racial bias such as prior convictions, current charge, employment, drug use, age at time of arrest, and prior sentence to incarceration (PJI, 2020).

When I read the PJI report, I recognized that it specified pretrial RAIs. However, based on my experience, the post-sentence instruments used by probation rely on similar metrics to determine part of the composite risk score—leading me to question if the post-sentence tools havewith the same disproportionate impact described by PJI. In addition, the report provided insights on how decision makers use the results of the pretrial RAI that resonated with my experience relative to post-adjudication supervision of for those assessed as high risk, including the following:

- The result of a high-risk score can lead to judges adding harsher and more punitive conditions of supervision. The negative collateral consequences of a high-risk score, using some data elements from a racially biased criminal justice system, indicates that often those who possess the fewest resources necessary for compliance with court ordered conditions of supervision (i.e., education, good paying job, child care, transportation) are expected to complete more onerous conditions. Practitioners often describe these additional conditions as a set up for the defendant to fail.

- The additional conditions, which may include, but are not limited to, electronic monitoring, increased reporting requirements, and drug testing, are ordered even though there is no scientific evidence that these stipulations are related to the successful completion of probation or future public safety.

- These additional conditions of supervision for those who are least likely to have the resources needed for successful compliance, contribute to a higher likelihood of revocation. Black people are 18-66% more likely than white people to have their probation revoked (The Vera Institute, 2021). In October 2020, the APHA passed a new resolution: Advancing Public Health Interventions to Address the Harms of the Carceral System. The resolution recognizes that structurally marginalized people are overrepresented among those incarcerated in the US, and the number of conditions people on parole or probation are required to meet have increased in recent years. The stress of meeting all these conditions - alongside factors like a lack of resources, unmet health needs, and racism - has a detrimental effect on the health of formerly incarcerated people (APHA, 2020).

There is ample research describing the disproportionate representation of Blacks, Latinx and Native Americans in jails and prisons across the country and cannot be ignored. Systemic racial bias has been identified in areas such as educational discipline, employment, over policing of minority neighborhoods, jail population data and sentences to prison. For more context on the assignment of risk level based on biased measurements, consider the research cited below.

- Thirty percent of Black men have experienced at least one arrest by age 18, compared to 22% of White males (Brame et al., 2014).

- Structural and individual biases in policing practices make it more likely that Black people will be stopped, searched, subjected to force and arrested than white people for the same behavior (Mayson, 2018).

- A 2020 Harvard Law School study found that racial/ethnic differences in the initial charge, accounted for 70% of racial disparities in sentence length. Among those sentenced to incarceration, Black and Latinx people were sentenced to terms approximately 5 months longer than white people (Bishop et al., 2020).

- Since 1954, The Bureau of Labor Statistics has consistently shown the unemployment rate for Black people as twice that of white people (Desilver, 2013).

- The use and selling of drugs occur at approximately the same rate for Black and White people; however, Black people are 2.7 times more likely to be arrested for drug-related offenses (The Hamilton Project, 2016).

- According to the Bureau of Justice statistics, young Black males are nine times more likely than young White males to be imprisoned (Monahan & Skeem, 2016).

- In a 2018 report by The Sentencing Project, the author states "5.7 million children under the age of 18 have experienced having an incarcerated parent" (Gotsch, 2018). These children face many challenges that have been documented by a decade of research including psychological stress and future mental health issues, suspension and expulsion from school, and economic hardships. They are also six times more likely to be incarcerated themselves. The racial disparity is clear with one in four African Americans impacted by incarcerated parents (Martin, 2017).

- Black students are almost four times as likely to be suspended from school as white students, almost three times as likely to be removed from the classroom but kept within school, and almost three times as likely to be expelled (Morrison, 2019).

- The National Institute of Justice's (NIJ) Recidivism Forecasting Challenge initiative, describes the issues in community supervision related to potential bias in risk assessment instruments (National Institute of Justice, 2021), stating that racial and ethnic minorities continue to be overrepresented in community supervision compared to their representation in the U.S. population.

The issues regarding racial bias in actuarial risk assessments may be best summed up by a 2018 Yale Law Journal article titled Bias In, Bias Out (Mayson, 2019). In the article, a hearing by the Pennsylvania Commission on Sentencing in Philadelphia on the newly proposed Pennsylvania Risk Assessment Tool was described:

The room was packed. One by one, community members walked to the lectern and delivered impassioned pleas against adoption of the tool." They argued that reliance on criminal-history factors would have disparate impact, and that the likelihood of arrest is an artifact of racially skewed

law enforcement rather than a meaningful measure of risk. Several speakers wondered why the system is so fixated on risk—the prospect of failure—in the first place. (Mayson, 2019, p. 2296)

The article asserts that "as long as crime and arrest rates are unequal across racial lines, any method of assessing crime or arrest risk will produce racial disparity" (Mayson, 2019, p. 2296).

Conclusion

The calls for system reform and justice transformation permeate the criminal justice system around the country. There is no question we can do better in creating a more just system that will advance racial equity. Practitioners and policy makers argue that actuarial assessments of risk are a vast improvement over the past subjective decisions made by individuals. However, the presence of measures that are inherently tied to structural racism, and the potential negative impact they have on people of color is becoming hard to ignore. Criminal justice professionals must increase the awareness of the flaws in the risk assessment tools and make improvements to their construction. Until revisions are made to current RAIs, decision makers need to use assessment results as a tool and not consider the score as an absolute determination of a person's likelihood of failure.

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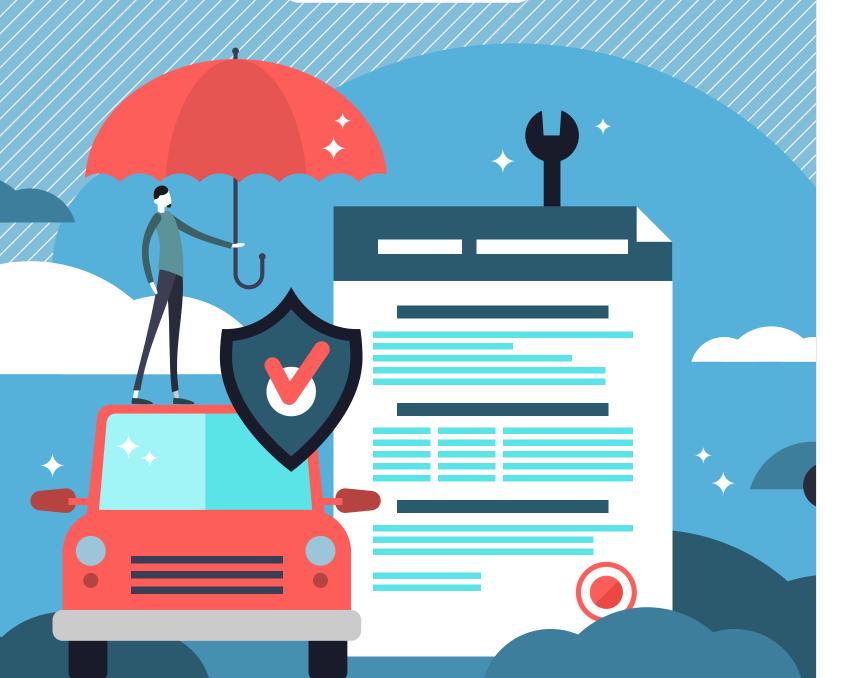
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IMPLEMENTATION OF THE IMPAIRED DRIVING ASSESSMENT:

Lessons Learned

BY MARK STODOLA

IMPLEMENTATION OF THE IMPAIRED DRIVING ASSESSMENT: LESSONS LEARNED

Every year about a million people enter the court system in the United States after being arrested for impaired driving (FBI, 2019). Due to the actions of this population, approximately 10,000 men, women, and children lose their lives annually. Since 1982, over 400,000 people have died in impaired driving crashes (National Highway Traffic Safety Administration, 2019).

In 2008, the American Probation and Parole Association (APPA) requested and received funding and support from the National Highway Traffic Safety Administration (NHTSA) to develop an assessment tool specifically designed to capture the unique risk factors of impaired drivers. Thanks to that support, the Impaired Driving Assessment (IDA) was developed and, in 2014, was made available to community supervision officers with no cost to the users for training or the use of the tool.

While the development and release of the IDA was welcome news, training and implementation of this tool presented challenges. We intend to share some of the lessons learned that should be considered when incorporating a new assessment tool. First, however, we will provide some background clarifying why this tool was developed.

Why Do We Need the IDA?

Research tells us that about two-thirds of the impaired driving population are "one and done." That is, their first arrest for Driving While Intoxicated (DWI) is their last (Maruschak, 1999, p. 5). We can't say with any certainty that they stop drinking or drugging, but perhaps the shame and the financial and emotional repercussions are such that they don't commit a new impaired driving offense. The same cannot be said, however, for the other third of the impaired driving population, as these individuals continue to endanger our roadways while under the influence of drugs and/or alcohol despite multiple arrests and attempted interventions (Maruschak, 1999). These are also the individuals with high blood alcohol levels and who often have other drugs in addition to alcohol in their system. Those in this group make up a significant percentage of the 4.3 million men and women under community supervision. About 15% of those under supervision (645,000 people) have one DWI in their arrest history and approximately 8% (345,000 people) have three or more impaired driving convictions (Maruschak, 1999).

The challenge we face in the criminal justice system is determining which of those in the annual pool of over a million impaired drivers we see in our court system annually are at a high risk to reoffend instead of being "one and done."

Truth be known, we in the courts and in the field of community supervision experience wildly inconsistent approaches in how we screen, sentence, and supervise the DWI population. While some jurisdictions screen and assess for risk of DWI recidivism and supervise this population in a fashion that reflects their likelihood to reoffend, impaired drivers often end up receiving minimal supervision or placement on banked or unsupervised caseloads. This often occurs without the benefit of being evaluated for risk with a DWI-specific screening or assessment tool or addressing the needs of the individual rather than the charge. While minimal supervision may be an appropriate outcome for those individuals found to be at low risk to recidivate (commit a new DWI), if we fail to conduct upfront screening and assessment how are we to know who is truly low or high risk?

Which One of These Is Not Like the Other?

In the age of assessment-driven supervision, we have found that there are some populations within the criminal justice system that have risk factors that are not easily captured with generic risk/needs tools. This would be true of the impaired driving population. Before the development of the IDA, community supervision officers overseeing impaired drivers were quick to note that this population typically scored as being at low risk to reoffend on generic assessment tools. However, their behaviors under supervision often belied these scores. In fact, many of the criminogenic risk factors of impaired drivers are different than other populations under community supervision, typically skewing assessment results and showing them to be at a seemingly lower risk to recidivate. Generally speaking, the impaired driving population tends to have higher levels of education and employment and more stable family situations than others under community supervision (Maruschak, 1999). These along with other unique risk factors that we may fail to capture are likely to produce inconsistencies in assessments of how, or even if, we supervise this population.

The experts responsible for the development of the IDA determined that there were five major risk factors for DWI recidivism (APPA, 2014). They are:

- Prior involvement in the justice system specifically related to impaired driving.

  The more prior DWI arrests individuals have, the more likely they are to commit a new DWI offense.

- Prior non-DWI involvement in the justice system.

  This includes individuals with numerous traffic citations such as running red lights, speeding, or driving without a license, as well as non-DWI/alcohol-related criminal charges.

- Prior involvement with alcohol and other drugs.

  Research shows that a significant percentage of impaired drivers are polysubstance users. Despite this, most citations for DWI note only a single substance, usually alcohol. This population may use multiple drugs in addition to or instead of alcohol. Supervising officers should not assume that alcohol is the only substance of choice with this population (Governors Highway Safety Association, 2018).

- Mental health and mood adjustment issues.

  Research shows that 33% of men and 50% of women with multiple DWIs have a diagnosable mental health condition. This includes post-traumatic stress disorder as well as other conditions which may actually be the primary factor related to the DWI (Shaffer et al., 2007).

- Resistance to and non-compliance with current and/ or past involvement in the justice system.

  Individuals who have failed to comply with court-ordered treatment, community supervision, or electronic countermeasures are at increased risk of DWI recidivism. Non-compliance with ignition interlock devices is a strong predictor of DWI recidivism (APPA, 2014).

The IDA was developed to capture these risk factors through the use of a Convergent Validation Model. The tool includes a client self-report consisting of questions that identify the client's perception of the DWI and an evaluator report consisting of questions that capture static information including the client's arrest, treatment,

and intervention history. By comparing the information in both reports, the evaluator is able to determine the best estimate of client risk and preliminary information on treatment needs, level of defensiveness, and acceptance and motivation to change.

Since 2014, jurisdictions in 27 U.S. states and territories, including the District of Columbia and Guam, have completed certification training to conduct the IDA, with several states using the tool to assess all DWI cases under consideration for community supervision. It is being used at the pre-trial, pre-sentence, and post-sentence levels to guide supervision and to determine the appropriateness for client placement in a DWI/Hybrid Drug Court setting.

What Have We Learned?

In the seven years since the IDA was released, community corrections staff have learned (often the hard way) some important lessons on how to implement the tool and train staff on its use. We now recognize there are numerous obstacles that can result in a failure to maximize the effectiveness of the tool. Here are some of the considerations to address before and during the implementation phase:

Answer the "Why"

Given the myriad of obligations facing community supervision officers, they expect an explanation as to why this assessment tool has value. More often than not, the first question asked in IDA trainings is how long it takes evaluators to administer the assessment. If conducting the IDA is an additional responsibility for the officer, consideration should be given to reduce their workload. At the same time, it should be clearly explained that the use of an assessment tool that is incorporated into a case plan may save officers countless hours by proactively determining risk and need priorities.

Use the Right IDA Summary for the Right Population

There are two IDA summary forms: the normative form for individuals with one or two DWI convictions and minimal involvement with non-DWI criminal activity and the repeat form for individuals with multiple DWIs and a more extensive criminal history. Using the wrong summary may result in clients scoring as artificially high or low risk.

Don't Change the Client Responses

When clients with multiple prior DWI convictions indicate in the IDA self-report that they have never been drunk in their life, it is understandable that the evaluator might "suggest" that they change the answer. Don't do it! Every question in the IDA tells us a story. In addition to evaluating mental health and drug and alcohol use, we are also measuring defensiveness, motivation, acceptance, and criminal thinking. Changing answers skews these responses.

Case Plans Should Incorporate both Assessment Findings and the Expertise of the Evaluator/Supervising Officer

In the course of providing training on the IDA, some jurisdictions were of the belief that assessment results should be the sole driver of sentencing and supervision. Until we develop assessment tools with eyes and ears, officer judgment must play a part in decision making. For example, if a client scores as low-medium risk to recidivate but life circumstances (relapse, homelessness, mental health, etc.) place that individual and the community at greater risk, the officer must adjust the extent of involvement with this individual.

Do Your Legwork Before Going Live with the IDA

Notify all the individuals who play a role in DWI sentencing and supervision of your intention to use the assessment before you begin implementation. This includes obvious partners such as judges, defense attorneys, and prosecutors as well as the not so obvious players such as treatment providers and advocacy groups like Mothers Against Drunk Driving (MADD). Determine who will be responsible for conducting the IDA, and be sure they have received adequate training and have the time to complete the IDA. It takes anywhere from 30 to 45 minutes to conduct this assessment. In a high-volume court, that can be a considerable increase in workload.

Where We Are Today

The NHTSA and the APPA have made significant technical advances to support the use of the IDA. The IDA Resource Center (IDARC) was created in 2019. It offers updates about the IDA, available training, research opportunities, and information on jurisdictions using the tool. The online resource page can be found at https://www.appa-net.org/IDARC/.

APPA launched a web-based version of the IDA assessment in 2021. The web application has the same functionality as the paper and pencil IDA assessment widely used since the tool's inception but adds the convenience of a web application. It is accessible from any device with internet access. Agencies can more easily share information, assess individuals, access past results, and evaluate agency-level data. Contact APPA to start using the web-based IDA.

Where We Need to Go

Evaluation

Jurisdictions that have used the IDA for a number of years have compiled enough data to begin evaluation of the tool and to norm it for their population. This process will assist in our research of the IDA and potential revisions to the tool.

Development of an IDA Reassessment Tool

At present, the IDA is conducted only once for the duration of the client's supervision. The results drive the supervision level and guide treatment decisions. Consideration is being given to developing a reassessment tool that will help determine what, if any, progress the client has made under supervision. Additionally, the development of a screening tool that can quickly determine whether further assessment is needed would help jurisdictions more efficiently evaluate DWI clients

Further Evaluation of the IDA and Drug-Impaired Driving

A percentage of the normative group who served in the development of the IDA were polysubstance users. The legalization of recreational and medical marijuana and the opioid epidemic coupled with a better understanding of the polysubstance-abusing driver has necessitated that we take a closer look at this population and better evaluate their risk to reoffend.

Conclusions

The Impaired Driving Assessment helps inform decision-making in the management, supervision, and treatment of impaired drivers. For tools such as this to reach their maximum impact, it is essential that the handoff from researcher to practitioner be well thought out. However, regardless of how we envision going live, circumstances will require that we build in some degree of flexibility to

allow for unforeseen circumstances such as changes in laws, staffing adjustments, or, as recently occurred, a global health crisis. Additionally, there needs to be an ongoing dialogue between the IDA trainers and the practitioners who will be implementing the tool. Officers need the assurance that they will receive support while using the tool, be it answering questions on outlier cases or dealing with technical issues related to scoring. Finally, we need to be mindful of the big picture. Our efforts are ultimately to prevent future DWIs and the misery they create for our communities.

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○ Level I Agency Member	(800+ staff - 1 year)	$1,000
○ Level II Agency Member	(500-799 staff - 1 year)	$750
○ Level III Agency Member	(101-499 staff - 1 year)	$550
○ Level IV Agency Member	(<100 staff - 1 year)	$300
○ Affiliate Member	(1 year)	$250
○ Associate Member	(1 year)	$1,000
○ Corporate Member	(1 year)	$8,000
○ Educational Institution	(1 year)	$150
○ Library Subscription	(1 year)	$60
○ Lifetime Member	(Lifetime)	$300

For new Affiliate memberships a copy of the organization's current list of board of directors and/or elected officers and written mission statement. All Affiliate applications are subject to approval by the APPA board of directors. A vote will be taken at the next regularly scheduled board meeting to approve new affiliates.
(Individual must meet qualification criteria. Additional materials will be mailed to you upon receipt of this form to complete your application)

CONTACT INFORMATION:

First Name:_____ Last Name:_____

Title: _____

Email:_____

Address:_____

_____

City: _____ State:_____ Zip:_____

Phone:_____ Fax:_____

Agency/Organization: _____

◉ Check if same address as above

Agency/Org. Address: _____

_____

City: _____ State:_____ Zip:_____

Phone:_____ Fax:_____

Website: _____

METHOD OF PAYMENT:

○ Check   ○ Purchase Order

☐ Check Enclosed ☐ Government Purchase Order Enclosed;
PO #_____

For credit card payments, please call Kimberly Mills at 859.244.8204.

Mail or fax application and payment to:
APPA c/o The Council of State Governments
1776 Avenue of the States • Lexington, KY 40511-8482
Fax: (859) 244-8001

For further information, call (859)244-8204 or email appamembership@csg.org

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Individual applicants, please complete the following:

LENGTH OF EXPERIENCE IN COMMUNITY CORRECTIONS
○ Less than 2 years
○ 2-5 years
○ 6-10 years
○ 11-15 years
○ 16-20 years
○ 21-25 years
○ More than 26 years

GENDER
○ Female
○ Male

RACE/ETHNICITY
○ African American
○ Asian
○ Caucasian
○ Hispanic
○ Native American/ Alaska Native
○ Other_____

HIGHEST LEVEL OF EDUCATION
○ Associate's Degree
○ Bachelor's Degree
○ GED
○ High School Diploma
○ Master's Degree
○ Doctorate

GEOGRAPHIC WORK AREAS
○ Urban (Pop. >50,000)
○ Rural (Pop. <50,000)
○ Both Urban and Rural

JOB JURISDICTION
○ City
○ County
○ Federal
○ Province
○ State
○ Tribal
○ Alaskan Village
○ Other _____

APPA OFFERINGS
○ APPA Advocacy Stances
○ Awards & Spotlights
○ Career Center
○ Executive Summit
○ Leadership Institute
○ Marketing Opportunities
○ Online Training Courses
○ Specialized Services
○ Training Institutes
○ Writing for Quarterly Journal

I AM INTERESTED IN:
○ Case Management/Planning
○ Controlled Substances
○ Criminogenic Risk/Needs
○ Diversity
○ Domestic Violence
○ DUI
○ Electronic Monitoring
○ Evidence-Based Practice
○ Family Justice
○ Fines, Fees & Restitution
○ Gangs
○ International
○ Interstate Compact/Commission
○ Judicial
○ Juvenile Justice
○ Offender Employment
○ Offender Mental Health
○ Officer Safety/Wellness
○ Parole
○ Pretrial
○ Probation
○ Professional Development
○ Public Policy
○ Public Relations
○ Recidivism
○ Research/Evaluation
○ Restorative Justice
○ Sex Offender Management
○ Supervision Strategies
○ Technology
○ Victims Issues
○ Workplace
○ Other: _____

PRIMARY WORK SECTOR
○ Academia
○ Adult Correction
○ Adult Parole
○ Adult Probation
○ Community Justice
○ Juvenile Parole
○ Juvenile Probation
○ Judicial
○ Non-Profit
○ Pretrial Services
○ Private
○ Residential
○ Treatment Provider

PROFESSIONAL CATEGORY
○ Administrator
○ Attorney
○ Commissioner/Director/Chief
○ Consultant
○ Educator
○ Grant Coordinator
○ Judge
○ Line Officer
○ Parole Board Member
○ Private
○ Project Director
○ Retired
○ Specialist
○ Student
○ Supervisor
○ Trainer
○ Transition Specialist

A Force for Positive CHANGE.