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To: Delaware Justice Reinvestment Task Force

Subject: Risk and Needs Assessments

From: Vera Institute of Justice, Center on Sentencing and Corrections

In response to the requests of the Delaware Justice Reinvestment Task Force, this memorandum provides a national overview of offender assessment in the criminal justice system. The memorandum is organized as follows:

- Part I begins by providing context for the risk and needs assessment, summarizing the core principles underlying evidence-based practice in order to explain why assessment is essential to effective approaches to supervision.
- Part II gives a brief history of offender assessments, highlighting the more recent inclusion of assets and strengths into the assessment of offender behavior.
- Part III details the results of a survey national survey conducted by the Vera Institute of Justice of the use of assessment instruments by community supervision agencies and releasing authorities.
- Part IV provides an overview of current assessment instruments used in the adult criminal justice system.
- Part V explains the validation process.
- Part VI summarizes the various points in the criminal justice system at which assessment can be used.
- Appendix A is a Chart of Common Assessment Tools.
- Appendix B consists of examples of pretrial assessment instrument.
- Appendix C is a resource list, for further reading.

I. WHY ASSESS? THE RISK, NEED AND RESPONSIVITY PRINCIPLES

For many years, criminal justice practice was based primarily on normative ideas and principles. Now, with the benefit of decades of research, there exists strong, empirically-based knowledge of how to reduce recidivism. Collectively, this research has led to the development of *evidence-based practices*, which are rooted in several key principles, including assessing actuarial risk, enhancing intrinsic motivation, and targeting interventions.

The foundation of good correctional practice is the administration of a *validated* risk and needs assessment tool. Correctional risk assessment instruments measure the probability that a person will reoffend based on actuarial (statistical) information. Needs assessments identify criminogenic factors (*i.e.*, the factors linked to criminal behavior) and provide the basis for how supervision, programming, and interventions should be structured to meet those needs. Objective, research-based information has resulted in improved decision-making throughout the criminal justice system, leading to reductions in recidivism and increased public safety.

Underlying the development of evidence-based practices in the criminal justice system are the *risk*, *need*, and *responsivity* principles. These principles speak to *who* should be treated, *what* should be treated and *how* to treat.

Risk principle: who to target. The risk principle directs that, for the greatest impact on recidivism, the majority of services and interventions should be directed toward higher-risk individuals. “High-risk” refers to those people with a higher probability of reoffending; low-risk people are those with prosocial attributes and a low chance of reoffending. Research demonstrates that placing low-risk people in more intensive programs can often increase their failure rates, resulting in recidivism. Placing those who are low-risk in intensive programming or supervision interrupts support or self-correcting behaviors that are already in place. It also exposes low-risk offenders to high-risk offenders, who may negatively influence low-risk individuals’ thinking and behavior.

Need principle: what to target. The need principle states that correctional treatment should be focused on criminogenic factors—those needs that are directly linked to crime-producing behavior. Extensive research on recidivism among the general criminal population has identified a set of factors that are most associated with criminal behavior. Table 1 summarizes the primary criminogenic needs and their indicators.

Table 1: Major Criminogenic Need Factors¹

| Major Need Factor | Indicators |
|---------------------------------|---|
| History of anti-social behavior | Early and continuing involvement in antisocial acts in a variety of settings |
| Antisocial personality | Impulsive, adventurous pleasure seeking, weak self-control, restlessly aggressive |
| Antisocial attitudes | Rationalizations for crime, negative attitudes towards the law, resentment and defiance |
| Antisocial associates | Criminal friends, isolation from prosocial others |
| Family/marital relationships | Inappropriate parental monitoring and disciplining, poor family relationships |
| School and/or work | Poor performance, low levels of satisfaction |
| Leisure and/or recreation | Lack of involvement in prosocial recreational/leisure activities |
| Substance abuse | Abuse of alcohol and/or drugs |

Responsivity principle: how to target. The responsivity principle refers to the delivery of treatment programs in a manner that is consistent with the ability and learning style of the client. For example, some people respond to written material, others to oral material; some may have learning disorders and serious mental illnesses. Treatment should be delivered in a manner tailored to each offender’s abilities and interventions should be based on behavioral strategies, including cognitive-behavioral, skill building, or social learning.

¹ Table adapted from James Bonta & D.A. Andrews, “Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation,” Public Safety Canada, 2007.

II. HISTORY OF OFFENDER ASSESSMENT

Until the 1970s, the assessment of offender risk was a matter of professional judgment: correctional and clinical staff decided which offenders presented the greatest danger to public safety. Those offenders received enhanced security and supervision based on the staff's professional experience as well as the nature of an arrest charge or conviction offense.

A second generation of risk assessments emerged in the 1970s, which augmented professional judgment with the use of actuarial, evidence-based instruments. These tools typically considered *static factors* (*i.e.*, those factors that do not change over time) that have been demonstrated to predict the risk of reoffending, such as criminal history, age at first arrest, or history of substance abuse. Each item is assigned a quantitative score. "For example, the presence of a factor may receive a score of one and its absence a score of zero. The scores on the items can then be summed—the higher the score, the higher the risk that the offender will reoffend."²

In the 1980s, researchers developed a third generation of risk assessment tools that added questions related to *dynamic factors* – such as attitudes, beliefs, behaviors and service needs (*i.e.*, substance abuse, housing, employment) – that can be addressed and changed through targeted interventions. These risk and needs instruments not only assess the risk of reoffending but also provide staff with information about the needs that should be targeted in their interventions.

In recent years, a fourth generation of assessment tools has been introduced, which builds upon the risk and needs measurements of the third generation, but also integrates a case management component and a systematic use from intake to case closure. These newer instruments have the added advantage of advancing the development of management information systems and the capacity to assess treatment services.

Many tools in current usage also identify the assets or strengths of an offender that are most associated with positive outcomes. Although building strengths has been common in the juvenile justice setting for years, the approach is relatively new in adult correctional systems. In the juvenile setting, positive or "protective" factors are circumstances that promote healthy behaviors and decrease the chance that the juvenile will engage in risky behaviors; these factors generally focus on building better supports in the family, school, and community.

For example, the COMPAS tool includes a number of strengths and protective factors in its assessment, including job and educational skills, history of successful employment, adequate finances, safe housing, family bonds, social and emotional support, noncriminal parents and friends. Many jurisdictions use the identified assets, as well as the needs, to develop the offender's supervision case plan. The incorporation of both strengths and needs in a case plan ensures that the supervision officer does not order an intervention that will interfere with or disrupt these protective factors. It also guides the officer toward recognizing and reinforcing positive behavior during the supervision process.

² Id.

III. NATIONAL SURVEY

In 2010, the Vera Institute of Justice conducted a national survey to identify the most commonly used assessment tools and to identify trends in how agencies are using the information collected by the tools. Results showed that almost every state uses an assessment tool at one or more points in the criminal justice system to assist in the better management of offenders in institutions and in the community. Overall, over 60 community supervision agencies in 41 states reported using an actuarial assessment tool, suggesting that an overwhelming majority of corrections agencies nationwide routinely utilize assessment tools to some degree.³

The key findings from the survey include the following:

- *Assessment is new.* Many jurisdictions are relatively new to assessment: seventy percent of respondents implemented their assessment tools since 2000, with one third of those having implemented since 2005. Less than 20 percent reported the use of assessment tools in the 1990s or earlier.
- *State-specific or state-modified tools are most common.* Of the 41 states that responded to this survey, twenty reported using a state-specific tool.⁴
- *LSI-R is the most commonly used generic tool.* Of the remaining 20 states, 16 of them reported using the LSI-R. Other commonly used tools are the COMPAS (three states) and the LS/CMI (three states).
- *Risk and need are routinely assessed.* A significant majority (82 percent) of respondents reported assessing both risk and need, while just 18 percent reported that they assess only risk. Releasing authorities reported assessing only risk at a greater rate than supervision agencies. All respondents who use COMPAS report assessing both risk and need. Most – but not all – of those using LSI-R also assess both factors.
- *Paroling authorities generally assess risk only.* Despite being responsible for setting parole/post-release supervision conditions, nearly 40 percent of the releasing authorities assess only risk and not needs.
- *Assessment at pre-sentence stage.* Nearly all probation agencies report that they conduct their assessments in the pre-sentence phase. Assessment used to guide supervision levels. The most common use of the assessment is to guide supervision levels. Assessment results are also used to develop case plans, set caseloads and guide revocation decisions.
- *Sharing results is common.* Nearly all probation agencies share the results with the sentencing judge, and one jurisdiction even shares the results with the judge, district attorney and defense attorney. Many respondents reported sharing the results with treatment providers.
- *Storage of results is nearly all electronic.* While most reported storing the results of the assessments in an electronic database, only some are web-based (nearly all COMPAS users and some LSI-R users).

³ Responses were received from 72 agencies (probation, parole, and releasing authorities) across 41 different states.

⁴ Some of these state-specific tools were modified versions of the LSI-R, LS/CMI or Wisconsin Model.

II. DESCRIPTION OF ASSESSMENT INSTRUMENTS

A. Commonly Used Assessment Instruments

Drawing upon findings from the national survey as well as literature on offender assessments, this section presents a more detailed description of the tools most commonly used by states: the LSI-R, COMPAS and LS/CMI.⁵ A chart comparing these tools is included in Appendix A.

Level of Service Inventory-Revised (LSI-R)

General Information. As indicated in our survey, the LSI-R is the most commonly used and researched generic assessment tool throughout the country. The LSI-R was developed by Canadian researchers Don Andrews and James Bonta, both of whom are widely recognized for their research on the risk, need, and responsivity principles.⁶ The tool is a robust predictor of recidivism across a range of correctional settings – corrections, probation and parole – and claims validity across age, gender, race and economic backgrounds. It assists correctional professionals in making decisions concerning the necessary levels of supervision and can also aid in decisions concerning sentencing, program, or institutional classification; release from institutional custody; bail and security level classifications; and treatment progress.

Domains. The LSI-R assesses a range of risk and criminogenic needs factors through semi-structured interviews with offenders and other sources of data collection, including a self-report survey. The tool consists of a 54-item scale comprised of the following ten subscales: prior criminal history, education/employment, financial situation, family/marital relationships, accommodation, use of leisure time, companions, alcohol/drug use, emotional/mental health, and attitudes/orientation (see Appendix A for more details).

The LSI-R also has a screening instrument called the LSI-R:SV (Screening Version), which is used when resource and time constraints prohibit the full assessment from being administered. The LSI-R:SV consists of eight of the 54 items contained in the complete instrument and covers four risk factors: criminal history, criminal attitudes, criminal associates and antisocial personality patterns. The screening tool is a brief and inexpensive way to establish whether the full LSI-R should be administered, and it is not intended as a stand-alone assessment instrument.

Criticism. Although the LSI-R is a strong general predictor of recidivism across different backgrounds and settings, it has been criticized as not being a valid predictor for women. Critics assert that the tool was validated on an all-male sample and does *not* include certain items that may be significant to female risk; for example, whether the offender has children or has a criminal spouse.⁷ However, more recent research suggests that the tool is a valid predictor of risk for both males and females.

⁵ The COMPAS and LS/CMI instruments are considered “fourth-generation instruments,” while the LSI-R is considered a “third-generation instrument.”

⁶ Multi-Health Systems (MHS), Inc. is the proprietor of the LSI-R.

⁷ Holtfreter, K. & Cupp, R. (2007). Gender and Risk Assessment. *Journal of Contemporary Criminal Justice*, Vol. 23, No. 4, 363-382.

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)

General Information. The COMPAS assessment instrument was developed by Northpointe Institute for Public Management, Inc., a research and consulting firm based out of Michigan. COMPAS is a statistically based risk and needs assessment designed to assess risk and criminogenic needs factors in adult and youth correctional populations. While other risk assessment instruments provide a single risk score, the COMPAS provides separate risk estimates for violence, recidivism, failure to appear, and community failure. The COMPAS also provides a “criminogenic and needs profile” for the offender, which provides information about the offender with respect to criminal history, needs assessment, criminal attitudes, social environment, and social support.

Domains. The COMPAS assessment includes a number of strength and protective factors, including job and educational skills, history of successful employment, adequate finances, safe housing, family bonds, social and emotional support, and noncriminal parents and friends. In some states where COMPAS is used (*e.g.*, Michigan), the assessment summary form includes a section for the practitioner to list an individual’s strengths.

Criticism. Although research suggests that the instrument is gender-responsive for both men and women, the tool has demonstrated mixed results regarding ethnicity. A 2008 research study found weak results for predicting arrest outcomes for African-American men.⁸ The results indicated a tendency to either over- or under-classify study participants depending on race and ethnicity. However, the study has several limitations, including a short outcome period (12 months post-release) and a relatively small sample size. More recently, a study found that the COMPAS recidivism models performed equally well for African-American and White men at predicting arrest outcomes.⁹

Level of Service/Case Management Inventory (LS/CMI)

General information. The LS/CMI system is a comprehensive assessment instrument that assesses risk and criminogenic needs. Similar to COMPAS, it serves as a fully functional case management tool. The LS/CMI was developed by the same researchers who developed the LSI-R and it is owned by the same company (Multi-Health Systems). It was created to reflect the expanding knowledge base about offender risk assessment that has emerged since the development of the LSI-R.

Domains. The instrument was updated to assist correctional professionals with the expanded duties required of them, namely the focus on behavior change through programmatic interventions and referrals. The revision includes refining and combining the 54 LSI-R items into

⁸ Fass, T., Heilbrun, K., DeMatteo, D., & Fretz, F. (2008). The LSI-R and the COMPAS: Validation Data on Two Risk-Needs Tools. *Criminal Justice and Behavior*, 38, 1095-1108.

⁹ Brennen, T., Dieterich, W. & Ehret. (2009). Evaluating the Predictive Validity of the COMPAS Risk and Needs Assessment System. *Criminal Justice and Behavior*, Vol. 36, No. 1, 21-40

43 items. In addition, assessors can indicate areas of offender strength, serving as protective factors.

As indicated in Table 1, the LS/CMI is comprised of eleven sections. Section 1 produces the total risk/need score based on the 43-item assessment. Sections 2, 3 and 4 assess mitigating or aggravating factors that can affect risk and need levels indicated in the first section. Section 6 documents a professional or administrative override. The remaining sections deal exclusively with case management considerations, including assessing responsivity concerns.

Table 2: LSC/MI Section Functions

| Section | Content |
|--|--|
| 1. General Risk/Need Factor | Total Risk/Need Score |
| 2. Specific Risk/Need Factors | Personal problems with criminogenic potential (e.g., racist behavior), history perpetration |
| 3. Prison Experience/Institutional Factors | Crucial institutional considerations including history of incarceration and barriers to release |
| 4. Other Client Issues | Supplementary psychological and physical health, financial, accommodation, and victimization items |
| 5. Special Responsivity Considerations | Dominant responsivity considerations from clinical research and correctional opinion |
| 6. Risk/Need Summary and Override | Summarizes risk/need scores and allows for overriding score-based risk/need level |
| 7. Risk/Need Profile | Graphically summarizes the Section 1 subcomponent and risk/need level scores |
| 8. Program/Placement Decision | Record of major classification decisions (e.g., program placement) |
| 9. Case Management Plan | Lists criminogenic needs, non-criminogenic needs, and special responsivity considerations |
| 10. Progress Record | Log of activities designed to measure change resulting from case management strategies |
| 11. Discharge Summary | Summarizes information useful if the offender returns to custody or community supervision |

Research and validation. Extensive scientific validation has been conducted on the LS/CMI's predictive validity. A review of the literature suggests the LS/CMI as a valid and reliable assessment tool across a range of offenders. Furthermore, a 2004 meta-analysis of the LS/CMI concluded that the instrument is as predictive and reliable with females as it is with males.¹⁰ The researchers also determined the instrument to be effective across a range of settings including, probation, probation, and prison/jail.¹¹

¹⁰ Williams, K. , Andrews, D. , Bonta, J. , Wormith, J. , Guzzo, L. and Brews, A. , 2009-03-04 "The Level of Service/Case Management Inventory (LS/CMI): Reliability and Validity in Female Offenders" *Paper presented at the annual meeting of the American Psychology - Law Society, TBA, San Antonio, TX* <Not Available>. 2010-03-11 from http://www.allacademic.com/meta/p295679_index.html

¹¹ Ibid.

B. Other Assessment Tools

Ohio Risk Assessment System (ORAS)

General information. In collaboration with the Ohio Department of Rehabilitation and Corrections, researchers at the University of Cincinnati (led by Dr. Ed Latessa) developed the Ohio Risk Assessment System (ORAS), which assesses individuals at several points in the criminal justice system. Ohio developed ORAS with two specific goals in mind: first, to promote consistent and objective assessment of risk throughout the criminal justice system; and second, to improve communication and avoid duplication of information from one system point to the next.

Tools and domains. Five assessment instruments were created: Pretrial Assessment Tool, Community Supervision Screening Tool, Community Supervision Tool, Prison Intake Tool, and Reentry Tool.

- The *Pretrial Assessment Tool* is designed to predict risk of failure to appear at a future court date and risk of arrest. It consists of seven items from four domains: criminal history, employment, substance abuse, and residential stability. The tool appears as an appendix to this memorandum.
- The *Community Supervision Screening Tool* identifies moderate- to high-risk offenders in need of the complete assessment instrument. It is a four-item instrument designed to quickly identify low risk cases that do not need the full assessment.
- The *Community Supervision Tool* assists in the designation of supervision levels and guides case management for offenders in the community. It consists of 35 items from seven domains: criminal history, education, employment and finances, family and social support, neighborhood problems, substance abuse, antisocial associations, and antisocial attitudes and behavioral problems.
- The *Prison Intake Tool* prioritizes prison treatment based on the likelihood of reoffending. It consists of 31 items from five domains: criminal history, education, employment, and finances, family and social support, substance abuse, and criminal lifestyle.
- The *Reentry Tool* predicts the likelihood of recidivism and was designed to be administered within six months of release. It consists of 20 items from three domains: criminal history, social bonds, and antisocial attitudes.

Research and validation. The five tools were validated on the Ohio population. The results of the validation study indicate that the ORAS instruments performed as well, if not better, than both the LSI-R and the Wisconsin Risk/Need instrument. The tools are in the public domain and are available in non-automated paper-only format from the University of Cincinnati.

Arizona Suite of Tools: OST, MOST and FROST

General information. In 2004, the Arizona Administrative Office of the Courts sought to standardize assessment procedures across its 15 state probation offices and implement a uniform screening instrument. The tools used by Arizona include the Modified Offender Screening Tool

(MOST), the Offender Screening Tool (OST), and the Field Reassessment Offender Screening Tool (FROST). The MOST is a pre-screening tool to filter out low risk offenders. The OST is a comprehensive assessment and case-planning tool, which is conducted on all medium or high risk placements as identified by the MOST screening tool. The FROST is used for reassessment.

Domains. These tools were developed by the Maricopa County Adult Probation Department, which decided to create its own tool after reviewing the performance of existing offender risk and needs assessment tools. The OST collects information in 10 categories that are supported by the research as predictors of an offender's criminal behavior: physical health/medical, vocation/financial, education, family and social relationships, residence and neighborhood, alcohol, drug abuse, mental health, attitude, and criminal behavior. The items on the OST include both static and dynamic criminogenic risk factors.

Assessments are used by the probation departments to determine appropriate supervision levels, guide development of case management strategies, and provide a mechanism to measure offender progress. The MOST and OST are used by all probation departments in Arizona and by local probation offices (handling misdemeanors) in Virginia.

IV. ASSESSMENTS AT DIFFERENT POINTS IN THE SYSTEM

As indicated above, assessments can occur at different points in the system including pretrial detention, sentencing, intake to probation, entry to prison, release on parole, and during probation or parole supervision. Given the different contexts, each assessment serves a different purpose and may measure different outcomes. For instance, an assessment at pretrial is used to help judicial officers measure the defendant's risk of failure to appear or risk of re-arrest. Given the time constraints and case volume of the pretrial process, such a tool should consist primarily of a short list of questions about static factors, as well as be quick to complete and easy to use. On the other hand, assessment upon intake to probation is used to determine the offender's supervision level and create a case management plan, and measures the offender's risk of reoffending and the needs of the offender. A probation intake assessment should be a much more comprehensive assessment tool that covers all major risk and need factors.

This section provides a description of the various system points at which assessment instruments can be used, highlighting state and county-specific examples where applicable.

Pretrial Detention. The use of a risk assessment instrument at pretrial review helps judicial officers decide which defendants can be safely released into the community pending trial. The assessment typically measures the defendant's likelihood of failure to appear in court and his or her danger to the community if released.

The use of an objective, research-based risk assessment instrument by pretrial services agencies to assist judicial officers in making decisions is strongly recommended by both the American Bar Association and the National Association Pretrial Services Agencies Standards. In addition, a 2009 federal study of pretrial detainees recommended that all federal pretrial services agencies use a standardized, empirically-based risk assessment.

Although some local jurisdictions have validated pretrial risk assessment instruments for their specific jurisdiction, three states—Virginia, Ohio, and Kentucky—have created and validated a risk assessment tool for pretrial services agencies statewide:

The Virginia Pretrial Risk Assessment Instrument (VPRAI) was developed, implemented, and re-validated in 2009 for use by all Virginia pretrial services agencies. The Commonwealth of Kentucky is the nation’s only state-wide pretrial, paid for by the state and made available to counties, and thus the full commonwealth uses the instrument validated in 2010. The Ohio instrument was developed in 2009 and is optional for counties, some of who already have their own validated instruments.¹²

In addition, Florida is working with six counties to create a validated pretrial risk assessment instrument, ultimately to be made available to all Florida counties.

Sentencing. An offender assessment can be used at sentencing to aid the judge’s decision whether to place the offender in prison or on community supervision and with what conditions in either placement. In most jurisdictions, the assessment is conducted as part of the pre-sentence investigation, and a summary of the results is included in the subsequent pre-sentence investigation report. These results may include the offender’s level of risk, the needs or risk factors identified, and the strengths or assets identified. The report may also include a proposed supervision plan based on the identified needs and a recommendation as to whether the person is suitable for community placement. Some of the states and counties that use an offender assessment in this manner at sentencing include Virginia, Missouri, Iowa and Travis County (Austin), Texas.

Virginia is the only American jurisdiction that has formally introduced a risk assessment instrument specific to the purpose of sentencing.¹³ In 1994, the Virginia General Assembly directed the Virginia Criminal Sentencing Commission to develop an empirically-based risk assessment instrument to divert 25 percent of the lowest risk, incarceration-bound drug and property offenders in non-prison sanctions. In fiscal year 2008, among the more than 7,000 people for whom a risk assessment was completed, 51 percent were recommended for an alternative sanction. Judges gave some form of alternative punishment to 41 percent of those recommended for an alternative sanction.¹⁴ Outcomes also were promising: “Of the 555 diverted

¹² Mamalian, Cynthia A. (2011) *State of the Science of Pretrial Risk Assessment*. U.S. Department of Justice, Bureau of Justice Assistance; VanNostrand, M. and K. Rose (2009) *Pretrial Risk Assessment in Virginia: The Virginia Pretrial Risk Assessment Instrument*. VA Department of Criminal Justice, Virginia Community Criminal Justice Association, and Luminosity, Inc. Visit <http://www.pre-trial.org/Pages/bail-decision.aspx> for current information on validated pretrial risk assessment instruments.

¹³ Several provinces in Canada use an actuarial risk assessment at sentencing.

¹⁴ The increase in the number of offenders sentenced to non-prison sanctions has resulted in substantial savings to Virginia. A 2002 evaluation conducted by the National Center for State Courts found that Virginia saved \$1.5 million dollars in the pilot sites alone by using the risk assessment to target people for community punishment. If the pilot had been statewide, the estimated savings would have been \$3.7 to \$4.5 million dollars.

offenders, 159 offenders (28.6 percent) were rearrested for a new felony or misdemeanor offense, while 76 offenders (13.8 percent) were reconvicted on a new felony or misdemeanor.”¹⁵

Probation/Post-Release Supervision. Probation and parole supervision agencies across the country use risk assessment instruments to predict the likelihood that individuals under supervision will reoffend. This information is used to guide several decisions regarding case management. First, probation or parole agents use information from the risk assessment to place offenders in the appropriate supervision level (*i.e.*, low, medium, high). In accordance with the principles of evidence-based principles, those who pose the highest-risk to public safety are supervised more intensively.

Second, probation agents use assessment information to identify the offender’s criminogenic needs and strengths, which serves as the basis for the development of an individualized case management plan. The case management plan prescribes the programmatic interventions required to supervise the offender safely in the community.

In addition, agencies use the information collected from the offender assessment to guide revocation or violation decisions. For example, Kansas developed a graduated response guide, called the Behavior Adjustment/Response Guide that provides suggested responses to both positive and negative behaviors. Officers are required to consider the individual’s risk level and needs before selecting the appropriate sanction or response. Corrections officials in several other states, including California, Massachusetts, and Washington, have also formally incorporated risk assessment into their systems of graduated responses.

Prison. Assessment instruments are used in the institutional setting to classify inmates by custody level and determine the type of facility to which they will be assigned. Prison classification systems identify those prisoners at high risk of escape or who may present management problems. Notably, factors that have been found to be *non-predictive* of prisoner behavior include: drug and alcohol use, history of escape, sentence length, offense severity, and time left to serve. All state prisons throughout the country use some form of an objective assessment tool to classify inmates.

Parole Boards and Releasing Authorities. Risk assessments can also be used to help releasing authorities make decisions about parole and inmate release. In the early 2000s, the Kentucky Parole Board developed a risk assessment instrument for the purpose of identifying low-risk candidates for parole. The tool and the Board’s guidelines have helped increase the number of low-risk prisoners released on parole and have made the parole decision-making process more consistent from case to case.

The Pennsylvania Board of Probation and Parole has also adopted a decision-making tool to provide a consistent protocol for reviewing eligible cases for parole release. The tool combines four factors – (1) risk level, (2) original offense, (3) compliance with in-prison risk reduction programming, and (4) institutional misconduct in the previous year – in making a determination

¹⁵ Ostrom, Brian J., Kleiman, Matthew and Cheesman, Fred II (2002). *Offender Risk Assessment in Virginia: A Three-Stage Evaluation*. The National Center for State Courts and the Virginia Criminal Sentencing Commission. The follow-up period for the study ranged from one to three years, averaging 24 months.

of release. Having these core common factors ensures that all offenders are compared consistently with one another.

VI. EVALUATION OF RISK ASSESSMENT TOOLS

A valid instrument is one that successfully predicts outcomes of interest with regard to the targeted population.¹⁶ For the corrections population, these outcomes typically include likelihood of appearing in court and risk of reoffending. The best practice would call for an instrument to be validated as applied to the local population. However, there is ongoing debate in the academic and practitioner community about whether a “universal risk assessment instrument,” one that could be used by a wide range of jurisdictions without local validation, is desirable.¹⁷ On the one hand, such an instrument would not be tailored to the specific population. On the other hand, using a tool validated on a similar population may be preferable to no instrument at all.

The process of validation tests whether an instrument can distinguish between offenders with different probabilities of re-offending. Researchers use two main methods: predictive validation and concurrent validation. Predictive validation tests how well the tool differentiates between offenders at different levels of risk to re-offend; concurrent validation assesses how the tool compares to other, established tools. Predictive validity is generally assessed by scoring a group of offenders using the instrument in question, assigning them a risk-level (*e.g.*, low, medium, high) and collecting data to determine what percent of each group recidivate in the follow-up period. For a tool to be considered valid, offenders classified at higher risk levels should have higher rates of re-offending. Concurrent validation is tested by comparing the results of the tool to the results of other established instruments (*e.g.*, the LSI-R) on the same group of offenders.

In addition to testing a tool’s validity, it is important to ensure that it produces consistent results. “Inter-rater reliability” assesses the extent to which the tool can be accurately applied by staff who will be implementing it. Testing inter-rater reliability usually involves having several different staff members who have been trained in using the instrument each calculate a score for a sample of offenders. Different staff members scoring the same offenders similarly would indicate high inter-rater-reliability. Studies typically aim for an overall agreement level of 90 percent across different raters.

CONCLUSION

Across the country, criminal justice agencies are shifting current practice to conform with the principles of evidence-based practice. Critical to the effective implementation of evidence-based practices is the use of a *validated* actuarial assessment tool that identifies risk, needs, and increasingly, assets. Assessment instruments provide practitioners at all stages in the system with objective information to enhance decision-making. If used correctly, risk-assessment instruments have the potential to ensure more effective use of resources and enhance public safety.

¹⁶ Lowenkamp, C., R. Lemke, and E. Latessa (December, 2008) *The Development and Validation of a Pretrial Screening Tool*. Federal Probation, Vol. 72 (3): 2-9.

¹⁷ Mamalian, Cynthia A. (2011) *State of the Science of Pretrial Risk Assessment*. U.S. Department of Justice, Bureau of Justice Assistance.

Appendix A:
Chart of Common Assessment Tools

| Multi-Health Systems (MHS) | | | | Northpointe, Inc. | | | | Ohio Risk Assessment System (ORAS) | | | |
|----------------------------|---|--|--|---|--|--|---|---|--|--|--|
| Tool | LS/CFMI | LSI-R | COMPAS | ORAS-CSST (Community Supervision Screening Tool) | ORAS-CST (Community Supervision Tool) | ORAS-PAT (Pretrial Assessment Tool) | ORAS-PIT (Prison Intake Tool) | ORAS-RT (Reentry Tool) | | | |
| Number of Items | 43 | 54 | Varies | 4 | 35 | 7 | 31 | 20 | | | |
| Domains | <ul style="list-style-type: none"> • Criminal history • Education/ Employment • Family/Marital • Leisure/Recreation • Companions • Alcohol/Drug problem | <ul style="list-style-type: none"> • Criminal history • Education/ Employment • Financial • Family/Marital • Accommodation • Leisure/Recreation • Companions • Alcohol/Drug problem • Emotional/Personal • Attitudes/Orientation | <ul style="list-style-type: none"> • Criminal history • History noncompliance • History of violence • Current violence • Criminal associates • Substance abuse • Financial problems • Vocational/educational • Criminal attitudes • Family criminality • Social environment • Leisure • Residential instability • Criminal personality • Social isolation | <ul style="list-style-type: none"> • Number of prior felonies • Current employment • Availability of drugs • Number of criminal friends | <ul style="list-style-type: none"> • Criminal history • Education • Employment/Finances • Family/Social support • Neighborhood problems • Substance abuse • Antisocial associations • Antisocial attitudes/Behavioral problems | <ul style="list-style-type: none"> • Criminal history • Employment • Residential stability • Substance abuse | <ul style="list-style-type: none"> • Age • Criminal history • Education • Employment/Finances • Family/Social support • Substance abuse • Criminal lifestyle | <ul style="list-style-type: none"> • Age • Criminal history • Social bonds • Criminal attitudes | | | |
| Generation | 4 th | 3 rd | 4 th | 4 th | 4 th | 4 th | 4 th | 4 th | | | |
| Case Management Tool | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | | | |
| Strengths | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes | | | |
| Cost | Per-use | Per-use | No Per-use Cost / Not Public Domain | Public Domain | Public Domain | Public Domain | Public Domain | Public Domain | | | |

Appendix B:
Pretrial Assessment Instruments

The Ohio Risk Assessment System (ORAS)

In 2006, the Department of Rehabilitation and Corrections (DRC) contracted with the University of Cincinnati, Center for Criminal Justice Research, to create a set of research-driven tools that would provide risk assessments at multiple points in the criminal justice system validated on an Ohio offender population. Not all offenders are equal in their risk to reoffend, or their need for treatment and programming. Informed by a commitment to the principles of evidence-based practice, the intent was to separate adult offenders into risk groups determined by their likelihood of recidivating, and to identify dynamic risk factors (or criminogenic needs) to guide and prioritize appropriate and effective programmatic intervention.

The Ohio Risk Assessment System (ORAS) has since been created using a research design that involved conducting in-depth structured interviews of over 1,800 offenders at different stages in the justice system: pretrial, community supervision, prison intake, and community reentry. After the interviews were conducted, offenders were tracked for approximately one year to gather follow-up information on recidivism. Six assessment instruments have since been created: the Pretrial Assessment Tool (PAT), the Community Supervision Tool (CST), the Community Supervision Screening Tool (CSST), the Prison Intake Tool (PIT), the Prison Screening Intake Tool (PSIT), and a Reentry Tool (RT). (See the chart on the next page summarizing the variables associated with the four primary assessment instruments and the principal stages to which they apply.)

Counties in Ohio presently rely on a wide array of predictive tools creating a great deal of variation in the assessment of offenders' risks and needs. The launching of ORAS which will occur in April 2011 is designed to facilitate greater objectivity and consistency in the assessment of offender risk across jurisdictions. The tools developed under ORAS are non-proprietary, and will be made available to authorized users (those certified in the application of the tools) at no cost. Training of staff on the various ORAS instruments is already underway supported by the Corrections Training Academy (DRC).

ORAS identifies risk levels and points practitioners towards needs areas that must be addressed to reduce recidivism. However, ORAS, in and of itself, is not a case planning / management tool. To assist criminal justice agencies, ORAS will be integrated with case planning / management within a structure that identifies and targets specific treatment domains.

The individualized assessments under ORAS are not intended to dictate to decision-makers what to do, or to remove professional judgment. Rather, the results are designed to better inform the decisions that are made at different stages of criminal justice processing. The tools provide for professional overrides and for making sentencing or placement decisions that depart from the ORAS-associated recommendations.

An ORAS Oversight Committee has been established to guide the implementation of this important initiative, and to ensure ongoing cross system communication. Its membership consists of key stakeholders from the Department of Rehabilitation and Correction, the Attorney General's Office, the Office of the Ohio Public Defender, the Ohio Supreme Court, the Ohio Judicial Conference, the Department of Youth Services, and external community correctional agencies representing probation departments, halfway houses and community-based correctional facilities.

There are numerous benefits to be gained by the adoption of ORAS statewide. The assessment of risk and needs will permit the sorting of outcomes and the placement of offenders into different risk levels for the first time by gender. The use of the tools will provide recommended levels of community supervision, and suggest programmatic and placement options. Over time with proper implementation

state, regional, and site-specific county profiles will be available offering offender descriptions, and identifying gaps in services and local resources. Finally, ORAS will also assist in the more efficient allocation of staff support and supervision activities.

This is an exciting time for Ohio. No other state or adult criminal justice agency has developed such a system with interconnected assessment tools that can be deployed at various stages in the justice system. Once ORAS is in place, it will enhance the effectiveness of the criminal justice system, thereby contributing to greater public safety, reduced recidivism, and successful offender reintegration.

Ohio Risk Assessment System (ORAS) University of Cincinnati – Center for Criminal Justice Research

| Phase | Initial Contact with the Criminal Justice System | Probation/Community Control | While in Prison | While in Prison | Parole or Post-Release Supervision |
|--------------------|--|--|--|---|--|
| Tool | Pretrial Tool (PAT) | Community Supervision Tool (CST) | Prison Intake Tool (PIT) | Reentry Tool (RT) | Community Supervision Tool (CST) |
| Domains | <ul style="list-style-type: none"> ▪ Criminal/Supervision History (3 items) ▪ Employment (1 item) ▪ Substance Abuse (2 items) ▪ Residential Stability (1 item) | <ul style="list-style-type: none"> ▪ Criminal/Supervision History (6 items) ▪ Educ., Employ., Finances (6 items) ▪ Family & Social Support (5 items) ▪ Neighborhood Problems (2 items) ▪ Substance Abuse (5 items) ▪ Peer Assoc. (4 items) ▪ Crim. Attitudes & Behav. Prob. (7 items) | <ul style="list-style-type: none"> ▪ Criminal History (7 items) ▪ Educ., Employ., Finances (6 items) ▪ Family & Social Support (5 items) ▪ Substance Abuse (5 items) ▪ Criminal Lifestyle (7 items) | <ul style="list-style-type: none"> ▪ Criminal History (8 items) ▪ Social Bonds (4 items) ▪ Criminal Attitude & Behavior Problems (7 items) | <ul style="list-style-type: none"> ▪ Criminal/Supervision History (6 items) ▪ Educ., Employ., Finances (6 items) ▪ Family & Social Support (5 items) ▪ Neighborhood Problems (2 items) ▪ Substance Abuse (5 items) ▪ Peer Assoc. (4 items) ▪ Crim. Attitudes & Behav. Prob. (7 items) |
| # Variables | N=7 | N=35 | N=31 | N=20 <i>*administered only to those subject to Parole or Post-Rel. Supervision</i> | N=35 |
| Outcomes Predicted | Failure to Appear Reoffend | Technical Violations Reoffend | Reoffend | Reoffend | Technical Violations Reoffend |

Ohio Risk Assessment System – Pretrial Assessment Tool (ORAS-PAT) Interview Guide

Conducting the Interview

The interview guide is designed to assist the assessor in gathering the information necessary to accurately assess the defendant. It is important to establish rapport with the defendant. While it is recommended that the interview guide be closely followed, the wording of the questions may vary. Here are some tips for conducting the interview:

- Conduct the interview in a relaxed and private environment.
- Explain the purpose of the interview, and stress the need for honesty and complete answers to questions.
- Do not hesitate to use follow-up questions and probe. Examples of follow-up questions:
 - Tell me more. I want to be certain that I understand you.
 - What happened next?
 - Could you explain that further?
 - What do you mean?
 - Can you describe some examples?
 - How did that make you feel?
- Remember what information you are trying to obtain. Develop clear examples and remember there are sometimes differences in perception.
- Remember that the interviewer sets the tone. Be patient and try not to correct or teach.
- Whenever possible, use open-ended questions where the respondent provides his or her opinion and is able to elaborate. For example, “Tell me more about your relationship with....”
- Avoid double-barreled questions where the respondent is asked a combination of questions:
 - “How is your relationship with your mother and father?”
- Avoid biased questions where the respondent is led in a certain direction:
 - “Your relationship with your mother isn’t bad, is it?”

Also remember that the interview is only one source of information. Official records and collateral sources such as family members or other professionals should also be consulted when needed. It is important to corroborate the defendant’s responses whenever possible.

The Following Items are scored for the Pretrial Assessment Tool:

1. Age at First Arrest:
0=33 or older
1=under 33

2. Number of Failure-to-Appear Warrants Past 24 Months:
0=None
1=One Warrant for FTA
2=Two or More FTA Warrants

3. Three or More Prior Jail Incarcerations:
0=No
1=Yes

4. Employed at the Time of Arrest:
0=Yes, Full-time
1=Yes, Part-time
2=Unemployed

5. Residential Stability:
0=Lived at Current Residence Past Six months
1=Not Lived at Same Residence

6. Illegal Drug Use During Past Six Months:
0=No
1=Yes

7. Severe Drug Use Problem:
0=No
1=Yes

Questions:

1. Do you have any prior arrests or convictions: Y N

2. How old were you when you were arrested for the first time? _____

3. What was it for? _____

4. As an adult, have you ever gotten a warrant filed for failure-to-appear to court? Y N

5. How many times? _____

6. How many times during the past two years? _____

7. What happened as a result? _____

8. Have you ever been incarcerated in jail as a result of a conviction? Y N

(Probe to make sure that incarceration was a result of sentencing and not simply pretrial detention).

9. How many times? _____

10. Have you ever been in prison? Y N

11. How many times? _____

12. Were you employed at the time of arrest? Y N

13. If employed, how many hours a week do you work? _____

14. Is work temporary, seasonal ____, or permanent? ____

15. Are you in school? Y N

16. If yes, full-time ____ or part-time? ____

17. If not employed or enrolled in school find out if defendant is retired, disabled, or full-time homemaker. _____

18. How long have you lived at your current residence? _____

19. Is this your primary residence? Y N

If no, please explain: _____

20. Do you own ____ or rent ____?

21. If you have moved within the past six months, what was the reason? _____

22. Have you ever had a problem with drugs other than alcohol? Y N

If yes, please explain: _____

23. Have you ever been arrested for drug use? Y N

If yes, please explain: _____

24. When? _____

25. What drugs have you used? _____

26. What is your drug of choice? _____

27. How often on average do you use? _____

28. When was the last time you used drugs? _____

29. How has your drug use affected other parts of your life? _____

30. For example, has a doctor ever told you to quit using drug? _____

31. Have you ever had problems at work because of drug use? _____

32. How does your family feel about your drug use? _____

(Probe about problems with health, relationships (family and social), legal, etc.)

If I asked you to rate the severity of your drug use problem on a scale from 1 to 5, with 1 being few or no problems and 5 being many problems, what score would you give yourself?

1

2

3

4

5

Few or none

Many problems

THANK YOU.

Ohio Risk Assessment System – Pretrial Assessment Tool (ORAS-PAT) Scoring Guide

Center for Criminal Justice Research
University of Cincinnati
School of Criminal Justice
PO Box 210389
Cincinnati, Ohio 45221-0389

Introduction

The following scoring guide is intended to be a user's guide for the Ohio Risk Assessment System – Pretrial Assessment Tool (ORAS-PAT), which was developed by the Center for Criminal Justice Research at the University of Cincinnati. The scoring guide will give a brief overview of the assessment tool followed by an item-by-item explanation of scoring criteria.

Overview of the Pretrial Assessment Tool (PAT)

The Pretrial Assessment Tool (PAT) was designed to be quick to administer, but at the same time be predictive of both a defendant's failure-to-appear and risk of violating pretrial probation with a new offense. In keeping with the idea of brevity, the PAT consists of seven risk variables in three dimensions (criminal history, employment and residential stability, and drug use). The tool can be administered in 10-15 minutes and involves a face-to-face interview with the defendant with some questions of the interview being verified through official records (i.e., criminal history variables, employment, etc). Based on scores of these items, cut-points have been constructed to differentiate between groups that are low, medium, and high risk to violate pretrial supervision (Failure-to-Appear or new arrest). The pretrial assessment was designed to seamlessly contribute to more comprehensive assessments at later stages of the criminal justice system (probation, intake classification, and community release following incarceration).

Accuracy of Information

An accurate assessment requires accurate information. There are several sources of information that should be used: official records, offender interview, and collateral sources. Remember the following tips:

- Ask the right questions in the right way – follow the questionnaire.
- Use effective interviewing techniques – probe and allow offender to talk.
- Get the quality and depth of information needed – take your time and do not rush.

- Get collaboration from collateral sources – when in doubt, double check information.
- Score accurately – double check scoring, follow scoring guide, and consult with supervisor if in doubt about an item.

Verification of Information

While verification of assessment items is optimal, there are times when the assessment determination must be calculated and reported without the ability to subsequently verify reported information. The following things should be kept in mind when verifying information:

- Use official records to collect and verify information whenever possible; however, each assessment item does not need to be validated in order for the assessment to be scored. Although verification is optimal, the scoring of the PAT is not dependent upon verification of every item in the assessment.
- Unless verification from official files/employment records directly refutes the information provided, the default scoring should be the information provided by the defendant.

Scoring

Each assessment item is scored using specific criteria that is gathered through the interview and review of the defendant’s file. Based on these criteria, the defendant is assigned a score ranging from 0 to 2 depending on the item. The total score is a summed product of each of the individual items creating a range between 0-9. The higher the score, the greater the risk the individual poses. Individuals who score between 0-2 are classified as low risk defendants, 3-5 as medium risk, and 6-9 as high risk defendants. The following cutoff scores and failure rates have been established for this instrument:

| Score | Risk Level | % Fail to Appear | % New Arrest | % Failure (any type) |
|-------|------------|------------------|--------------|----------------------|
| 0-2 | Low | 3% | 0% | 3% |
| 3-5 | Moderate | 20% | 2% | 22% |
| 6-9 | High | 30% | 17% | 47% |

General Assessment Information

- **Arrest vs. Conviction:** Items which ask about arrests are inquiring to times the offender was taken into custody for a misdemeanor or felony, regardless of the final disposition. There are a variety of reasons why a charge might not become a conviction: dismissal, court diversion in lieu of conviction, etc. For clarification, convictions are findings of guilt by a court which results in a criminal record.

- **Prior:** Items which ask about prior incidents are inquiring about events which occurred before the current offense. Current offenses should not be considered when scoring these items. For example, an offender who is being assessed for their third conviction would only have two prior convictions.
- **Current:** Items which ask about current behavior should focus on the last six month period prior to the assessment, unless otherwise stated.
- **Incarceration:** Items which ask about prior incarcerations in a secure correctional facility are inquiring about custodial sentences imposed as punishment upon conviction. Jail incarceration which result from pretrial detention or other non-court issued confinement should not be scored as a yes. Jail stays resulting from probation violations should be counted in this question.

PRETRIAL ASSESSMENT TOOL ITEMS

1. Age of the defendant at first arrest. If unknown, use first conviction.

Score this question as a 1 if the defendant's age at first arrest was 32 or under, and score as 0 if over 32. Note that, as mentioned above, arrests are inquiring to the first time the defendant was taken into custody, for a misdemeanor or felony, regardless of the cases final disposition. If the defendant does not remember or a discrepancy exists, use available official criminal history to determine the age that the defendant was first convicted of either a misdemeanor or a felony. Note: As stated, to score this as a 1 the defendant must have been taken into custody.

2. How many failure-to-appear warrants have been filed in the last 24 months?

The range of scoring for this item is 0 to 2 depending on the number of warrants issued for failure-to-appear. Score this question as a 0 if the defendant has never had a warrant for failure-to-appear for an adult case or if the warrants were over two years from the date of the assessment. Score this question as a 1 if the defendant has a single warrant for failure-to-appear within the last 24 months, and score as a 2 if there are two or more. Only consider *adult criminal cases*.

3. Did the defendant have 3 or more prior jail and/or prison incarcerations?

Score this question as a 0 if the defendant has had 2 or fewer previous jail and/or prison incarcerations including sentences to a secure correctional facility imposed upon sentencing. Score this question as a 1 if the defendant has had three or more jail/prison incarcerations imposed upon sentencing. Jail incarcerations resulting from pretrial detention or other non-court issued confinement should not be considered when scoring this item. Any sentence in which the defendant spent time in jail, regardless of duration, should be counted. Jail sentences that are credited due to pretrial detention should also be counted, even if the credit is for the entirety of the sentence.

4. Was the defendant employed at the time of arrest?

The range of scoring for this item is 0 to 2 depending on the employment status of the defendant at the time of arrest. Score as a 0 if the individual is employed full-time (40 hours or more a week) or is verifiably disabled and unable to work, is retired and existing on a pension, or currently attending a school full time (or part-time schooling co-occurring with a part-time job). If the individual works part-time (between 10 and 39 hours a week), the defendant should receive a score of 1. A score of 2 is assigned to those individuals who work less than 10 hours per week, or if their hours are inconsistent from week-to-week.

Considerations:

- If the individual works seasonally (i.e., construction) or intermittently, but the income covers expenses year round, score this question as 0.
- If the individual is a homemaker or whose job is to maintain the house and care for dependents, score this item as 0.
- If the individual reports being self employed and the assessor is unable to verify this before final determination is required, score this individual as a 2 (i.e., unemployed).

5. Residential Stability: Was the defendant at the current residence for the last 6 months?

Score this item as 0 if the offender has lived at the current residence over the past 6 months. If the individual has lived in multiple residencies or if living arrangements have otherwise not been stable (such as sleeping on a friend's couch, no permanent address, being constantly thrown out of the house, or is homeless), score as a 1.

Specific considerations:

- When a defendant reports living in a family owned housing unit (i.e. parental owned home), determine if the housing situation is a temporary adjustment due to circumstances or if the defendant is maintaining stable residence at that location.
- Clarify that time at residence is when the defendant personally lived in the home, not the duration when the family/parents have owned/lived in the home.

6. Defendant reported drug use in last 6 months.

Score this question as a 1 if the individual self reports *illegal* drug use (not alcohol use or legally prescribed medication taken in accordance to directions) in the last six months, or if there are official records (i.e., urinalysis results) that indicate that such use occurred. Official possession charges can be indicators of use, but inquiries should be made into the specifics of the charge as

the assessment item is about drug use in the last 6 months, not drug dealing or drug selling. Score as 0 if there is no evidence of illegal drug use in the last 6 months.

7. Severe drug-related problems in the last 6 months.

This question addresses the severity of drug use related problems of the defendant during the past six months. Those defendants whose illegal drug use has caused serious problems in the past six months (legal, employment, family, health, etc.) or that self-report severe drug related problems should be scored a 1. Individuals who have not used illegal drugs in the past six months or who do not appear to have a severe drug-related problem should be scored a 0. This item can be scored from official information or self report. If self report score from the following question:

“Please rate yourself on a scale of 1 (none/not at all) to 5 (Lots of problems). Drug use has caused problems in my life in the last 6 months.”

An individual who reports a score of 1-3 (i.e., no drug related problems or slight problems) should be assigned an assessment score of 0 for this question, while defendants who self report a 4 or 5 should be given a score of 1.

Considerations:

- If an individual’s official record contradicts the self reported statements, default to use the official record (e.g., urinalysis, drug abuse convictions, etc.). For instance, if the defendant denies use, but official records indicate recent problems due to use, default to the official records.
- Look for indicators of major disruption to the offender’s life due to drug abuse. For example, problems holding or obtaining a job, health or relationship problems due to drug use, or legal problems related to drug use.
- This question should focus on drug *use* problems, and should not be scored for individuals who have family, employment, or legal problems due to the illegal selling or manufacturing of illicit narcotics unless they are also users.

Harris County Pretrial Services

Interview# _____

Defendant's Name: _____ Def SPN: _____

Court: _____ Charge: _____ Bond Amount: _____

Court: _____ Charge: _____ Bond Amount: _____

Assessed By (SPN & Initials): _____ Assessed Date/Time: _____

I. Risk Assessment – Circle All that Are True

| Criminal Risk Items | Pts | Background Risk Items | Pts |
|--|------------|---|------------|
| 1. The current charge is for burglary, robbery, weapons, other property crime (except theft or fraud), or man/del CS | 1 | 10. Defendant is male | 1 |
| 2. Def is on probation | 1 | 11. Def does not have a high school diploma, or, earned a GED | 1 |
| 3. Def is on parole | 1 | 12. Def does not have a phone in residence | 1 |
| 4. Def has only one prior misd. conviction OR | 1 | 13. Def lives with someone other than spouse, children, or self | 1 |
| 5. Def has two or more prior misd. convictions | 2 | 14. Def does not own an automobile | 1 |
| 6. Def has only one prior felony conviction OR | 1 | 15. Def is not employed or attending school full time, and is not retired, disabled, or a homemaker | 1 |
| 7. Def has two or more prior felony convictions | 2 | 16. Def is under 21 years old and has a prior juvenile adjudication | 2 |
| 8. Def has one or more verified FTA's | 1 | 17. Def is under age 30 (skip if 16 used) | 1 |
| 9. Def has a hold | 1 | Risk Score (add items 1-17) | |

Low = 3 points or less Low Moderate = 4-5 points Moderate = 6-8 points High = 9+ points

II. If risk level needs to change, indicate override reason(s)

| Mitigating Risk Factors | Aggravating Risk Factors |
|---|--|
| <input type="checkbox"/> Stable employment <input type="checkbox"/> Satisfactory family controls and support <input type="checkbox"/> Previous success on pretrial release <input type="checkbox"/> Age <input type="checkbox"/> Medical impairment/disabled <input type="checkbox"/> Age of prior convictions and arrests | <input type="checkbox"/> Gang member <input type="checkbox"/> Criminal record more serious than the risk score reflects <input type="checkbox"/> Active hold <input type="checkbox"/> Significant, untreated mental health problem <input type="checkbox"/> On probation, parole, or bond at time of current arrest <input type="checkbox"/> Unverifiable information |

III. Final Risk Level

Low
 Low Moderate
 Moderate
 High
 Refused Interview

Defendant Interview Form, continued

HARRIS COUNTY PRETRIAL SERVICES AGENCY DEFENDANT INTERVIEW

DEFENDANT NAME: TEST SPN: 00482505

FINANCIAL INFORMATION 997

SPOUSES EMPLOYER _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____

SPOUSES INCOME _____ CASH ON HAND _____ OTHER PROP OWNED _____

BANK NAME _____ AMT CHECKING _____ AMT SAVINGS _____

RESIDENCE STATUS _____ NAME ON LEASE _____

OTHER INCOME SOURCE _____ INCOME _____ SOURCE _____ INCOME _____
 SOURCE _____ INCOME _____ SOURCE _____ INCOME _____

| | | | |
|-----------------------|------------------|-------------|------------|
| MOTOR VEHICLE 1 _____ | MAKE/MODEL _____ | VALUE _____ | OWES _____ |
| MOTOR VEHICLE 2 _____ | MAKE/MODEL _____ | VALUE _____ | OWES _____ |

MONTHLY EXPENSES MORT/RENT _____ UTIL _____ FOOD _____ MEDICAL _____
 CHILD CARE _____ INS _____ AUTO _____ CREDITORS _____
 COURT ORDERED _____ OTHER _____

REFERENCES 997

CONTACTED ANYONE SINCE ARREST _____ WHO _____ PHONE NUMBER _____
 ATTORNEY'S NAME _____ ATTORNEY'S PHONE NUMBER _____

NEXT OF KIN _____ RELATION _____ KNOWN DEF _____ ADDRESS _____
 HOME PH _____ WK PH _____ CONTACT _____ VERIFIER _____ DATE/TIME _____

VERIFIED : ADDRESS 1 2 3 4 5 COMMENTS _____

REFERENCE _____ RELATION _____ KNOWN DEF _____ ADDRESS _____
 HOME PH _____ WK PH _____ CONTACT _____ VERIFIER _____ DATE/TIME _____

VERIFIED : ADDRESS 1 2 3 4 5 COMMENTS _____

REFERENCE _____ RELATION _____ KNOWN DEF _____ ADDRESS _____

HOME PH _____ WK PH _____ CONTACT _____ VERIFIER _____ DATE/TIME _____

VERIFIED : ADDRESS 1 2 3 4 5 COMMENTS _____ 997

COMMENTS 997

BAIL CLASSIFICATION SCALE

| VARIABLE | SCORING | POINTS |
|--|---|-----------|
| 1. AUTO | Add 1 point if the defendant has an automobile | 05 |
| 2. TELEPHONE | Add 1 point if the defendant has a phone in his / her residence | 05 |
| 3. FULL TIME EMPLOYMENT OR SCHOOL, OR HOME MAKER | Add 1 point if defendant is either employed or attending school full time, or if defendant is a full time homemaker | 05 |
| 4. NUCLEAR FAMILY | Add 1 point if defendant lives alone or with his / her spouse and or children | 05 |
| 5. UNDER 21 YEARS OLD | Subtract 1 point if the defendant is under 21 years old | (1) |
| 6. PRIOR FAILURES TO APPEAR | Subtract 1 point if defendant has one or more verified fta's | (1) |
| 7. PRIOR MISDEMEANORS | Subtract 1 point if defendant has 2 or more prior misdemeanor convictions | (1) |
| 8. PRIOR FELONIES | Subtract 2 points if the defendant has 2 or more prior felony convictions | (2) |
| TOTAL | RANGE +4 TO -8 | 00 |

INTERVIEW PARTICULARS 997

INTERVIEWER 01010101 TEST SHIFT 1 DATE/TIME 010195/0101 LOCATION SEL DATE OF ARREST _____
 JMS CHECKS _____ TOC HIST _____ TOC WANTS _____ NOC HIST _____ NOC WANTS _____
 HPD RAP _____ SD ID _____ CRSS CROSS _____ OTHER _____

JUDICIAL DECISION

DENIED _____ APPROVED _____
 DATE _____ DATE _____

C.2 Special Needs Referral Form

Harris County Special Needs Referral

| | | | |
|---|-------------------------------|---|---|
| Client's Name: _____ | | S.S.#: _____ | |
| SPN #: _____ | | Phone: _____ | |
| Address: _____ | | | |
| D.O.B. _____ | SEX: M F | SID NO. _____ | Offense: M F B |
| Disabled? _____ | Disability Type: _____ | | Lang: _____ |
| Physical Health Problem? _____ | Problem Type: _____ | | PH Code: _____ |
| Mental Impairment? _____ | Impairment Type: _____ | | MI Code: _____ |
| On Maintenance Medication? _____ | Names(s) of Medication: _____ | | Med Type: _____ |
| MHMRA Client Now? _____ | MHMRA Past? _____ | MH Hospitalizations? _____ | Last year hospitalized: _____ |
| Defendant wants substance abuse treatment? _____ | | Substance Abuse type: _____ (Drug, Alcohol, Both) | |
| Personal Contact/Guardian: _____ | | Phone: _____ | Rel to Def: _____ |
| Is Client receiving any of these services at the time of the interview: | | | |
| Outpatient Substance Abuse Treatment? _____ | | Outpatient Psychiatric Treatment at MHMR? _____ | |
| Outpatient Psychiatric Treatment/Other? _____ | | Inpatient Psychiatric Treatment? _____ | |
| SSI _____ | Food Stamps _____ | AFDC _____ | Medicare _____ Medicaid _____ VA Benefits _____ |
| Social Security _____ | TRC _____ | Public Housing _____ | Halfway House _____ |

Circle Applicable Observations (from the TCIS Jail Screening Instrument)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Does the individual talk or act in a strange manner? 2. Does the individual seem unusually confused or preoccupied? 3. Does the individual talk very rapidly or seem to be in an unusually good mood? 4. Does the individual claim to be someone else like a famous person or fictional figure? | <ol style="list-style-type: none"> 5. Does the individual's vocabulary (in his/her native tongue) seem limited? 6. Does the individual have difficulty coming up with words to express him/herself? 7. Does the individual seem extremely sad, apathetic, helpless, or hopeless? |
|---|---|

Comments/Other Observations:

| ACTION REQUESTED | ARREST/COURT ACTIVITY |
|--|------------------------------------|
| MI/MR Confirmation _____ | PTSA Interview Date/Location _____ |
| Assessment _____ | PCH Date and Time _____ |
| MI Conditional Release Options _____ | Referral Date/time _____ |
| MI Confirmation Only; Def Released _____ | PCH Outcome _____ |
| SN Conditional Release Options _____ | Assigned Court Setting _____ |
| SN Notification Only; Def Released _____ | Assigned Court/Cause _____ |
| Additional Infor (Ref Before) _____ | Other _____ |
| Other _____ | Other _____ |

**Fourth Judicial District of Minnesota
Hennepin County**

2007 Pretrial Scale

| TYPE | NEW WEIGHT | ITEM |
|---|-----------------------------|--|
| <i>Charged Current Offense Information</i> | +12 | All felony offenses on the Judicial Review list * |
| | +6 | Felonies not on the Judicial Review list and gross misdemeanor or misdemeanor <i>person</i> offenses |
| | +3 | Gross misdemeanor DWI |
| <i>Personal Information On Defendant</i> | +3 | Employed less than 20 hours per week, not a full time student, not receiving public assistance/other (if yes) |
| | +1 | Homeless or 3 or more addresses during the past 12 months or moved around between friends and shelters ** (if yes) |
| | +2 | Current Problematic Chemical Use: The defendant either admits to current substance abuse issues or is engaging in a pattern of problematic chemical use that represents an increased risk of pretrial failure (if yes) |
| <i>Prior History</i> Prior Conviction Information and Prior Warrants for failure to appear or conditional release violations | +9 for each | Prior felony level <i>person</i> convictions |
| | +6 for each | Prior non-felony level <i>person</i> convictions |
| | +2 for each | Prior other felony convictions |
| | +1 for each | Other non-felony level convictions (EXCLUDE traffic offenses that do not involve alcohol/drugs) |
| | +6 if 1-2 Warrants | Prior warrants for failure to appear or conditional release violations within last three years |
| | +9 if 3 or more Warrants | |

* Cases with these charge offenses must be reviewed by a judge and cannot be released by Pretrial regardless of total score on this scale.

**The Hennepin Risk and Needs Triage tools defines this indicator as ‘Count as homeless if the individual tended not to have a steady address or moved around between friends, family and/or shelters – do not include address changes due to incarceration, residential placement, hospitalization, job relocation or military service’.

HENNEPIN COUNTY PRE-TRIAL EVALUATION

| | | | | | | | | |
|---|------------------|---------------------------|--|----------------|---|-------------------------------|---|--------|
| Screen Date: | Div. | SILS Tracking # | Case # | SID/FBI # | | | | |
| Name (Last) | | (First) | (Middle) | D.O.B. | Age | Sex | Race | |
| Street Address (Verified? Y or N) | | Apt# | City | State | | Zip | | |
| Telephone # | | Most Recent Prior Address | | | | | | |
| Social Security # | | Aliases: | | Birth Place: | | Marital Status S M D Sep W | # Kids: | # Dep: |
| Arrest Type: | Arrest Location: | Bail/Bond Amount: | Main Charge: F GM M Other Charges: | | | | Points Assigned | |
| Income Sources/School Status | | | | | | | | |
| Current Problematic Chemical Use | | | | | | | | |
| Homeless or 3 or More Address Changes in Past Year | | | | | | | | |
| Criminal History Points | | | | | | | | |
| Failure to Appear or Conditional Release Violation Warrant Points | | | | | | | | |
| Holds/Type: | | Complaint/Police Report: | | | Scale Score  | | | |
| Collateral Source/Phone #: | | Collateral Comments: | | | | | <u>Pretrial Score</u> Lower = 0-8 points Moderate = 9-17 points Higher = 18 or more points | |
| Victim Name: | | Victim Comments: | | | | | | |
| Address/Phone #: | | | | | | | | |
| Current Probation/Parole: County: P.O. Name/Phone #: | | | | Pending Cases: | | | | |
| Probation Officer Comments/Observations (include mental health concerns and other relevant information used to assess the defendant): | | | | | | | | |
| Systems Checked CIS GLWS JMS BCA MNCIS DL S3 | | | | P.O. | | | | |

Pretrial Release Guidelines Matrix and Release Order, With Standard Conditions

Figure 1: Judicial Form

| | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|-------------------------------------|--------------------------------------|-------------------------------------|-------------------------|
| <i>Date</i> _____ | <i>Log #</i> _____ | <i>Name of Defendant (Last, First, M.I.)</i> _____ | | | | | <i>Police Photo #</i> _____ | <i>Prepared by:</i> _____ | | | |
| Key HD = high dropout rate V = high diversion rate | | PRETRIAL RELEASE GUIDELINES Philadelphia Municipal Court and Court of Common Pleas | | | | | <input type="checkbox"/> Bench warrant only <input type="checkbox"/> New charges only <input type="checkbox"/> B/W and new charges <input type="checkbox"/> If open case, conditions: _____ | | | | |
| Charge Seriousness Level Least Serious ← 1 2 3 4 5 6 7 8 9 10 → Most Serious | | | | | | | | | | | |
| Lowest ↑ 1 2 3 4 ↓ Highest | ROR/ Standard Conditions V 1 | ROR/ Standard Conditions V 3 | ROR/ Standard Conditions V 9 | ROR/ Standard Conditions V 13 | ROR/ Standard Conditions 17 HD | ROR/ Standard Conditions 21 | ROR/ Standard Conditions 25 | \$ 1,000 - \$ 3,000 29 HD | \$ 1,500 - \$ 4,500 33 | \$ 2,000 - \$ 8,000 37 HD | Held Without Bail |
| ROR/ Standard Conditions V 2 | ROR/ Standard Conditions 6 HD | ROR/ Standard Conditions 10 HD | ROR/ Standard Conditions 14 HD | ROR/ Standard Conditions 18 | Release on Special Conditions Type I 22 | Release on Special Conditions Type I 26 HD | \$ 2,000 - \$ 4,500 30 HD | \$ 2,500 - \$ 5,500 34 | \$ 2,500 - \$ 8,000 38 | Held Without Bail | |
| ROR/ Standard Conditions 3 | Release on Special Conditions Type I 7 | Release on Special Conditions Type I 11 HD | Release on Special Conditions Type I 15 | Release on Special Conditions Type II 19 | Release on Special Conditions Type II 23 | Release on Special Conditions Type II 27 | \$ 2,500 - \$ 5,000 31 | \$ 3,000 - \$ 6,500 35 | \$ 4,500 - \$15,000 39 | Held Without Bail | |
| Release on Special Conditions Type I 4 | Release on Special Conditions Type I 8 | Release on Special Conditions Type I 12 | Release on Special Conditions Type II 16 | Release on Special Conditions Type II 20 | Release on Special Conditions Type II 24 | \$ 2,500 - \$ 4,500 28 | \$ 3,000 - \$ 5,000 32 | \$ 3,000 - \$ 8,000 36 HD | \$ 6,000 - \$ 50,000 40 HD | Held Without Bail | |

| | | |
|---|---|--|
| UNUSUAL CIRCUMSTANCES <i>(If Appropriate)</i> _____ _____ _____ | SPECIAL CONDITIONS OF PRETRIAL RELEASE Type I _____ Type II _____ <div style="background-color: #cccccc; height: 40px; width: 100%;"></div> | PTS USE ONLY <div style="background-color: #cccccc; height: 40px; width: 100%;"></div> |
| ELIGIBLE FOR: <input type="checkbox"/> Early Disposition <input type="checkbox"/> Special Drug Program <input type="checkbox"/> RIP _____ <input type="checkbox"/> Other _____ | | |

STANDARD CONDITIONS OF PRETRIAL RELEASE

The defendant shall conform to the following conditions of his/her release pending adjudication of criminal charges:

- The defendant shall attend all court proceedings as required when scheduled.
- The defendant shall submit to all orders and processes of the issuing authority or Court.
- The defendant shall provide Pretrial Services with the address at which he/she is residing and with a working telephone number at which he/she may be reached reliably.
- The defendant shall notify Pretrial Services of any change in address or telephone within 24 hours of the change.
- The defendant shall not engage in, cause, or encourage threats, intimidation or retaliation against complainants or witnesses.
- The defendant shall not possess any weapons.
- The defendant shall obey such other conditions as imposed by the Court or Pretrial Services Agency.

Other (specify): _____

| | | |
|---|---|--|
| DECISION INFORMATION | | |
| COMMISSIONER'S DECISION <input type="checkbox"/> ROR/Standard Conditions <input type="checkbox"/> Release on Special Conditions <input type="checkbox"/> Type I _____ <input type="checkbox"/> Type II _____ <input type="checkbox"/> Ten Percent Financial Bail (specify full amount): _____ | GUIDELINES FOLLOWED: <input type="checkbox"/> YES <input type="checkbox"/> NO; <input type="checkbox"/> Less Restrictive <input type="checkbox"/> More Restrictive If no, provide reasons: _____ _____ _____ | |
| COMMISSIONER'S SIGNATURE _____ (Date) _____ | REVIEW REQUESTED BY: <input type="checkbox"/> DA <input type="checkbox"/> PD | APPEALS JUDGE'S DECISION: _____ (Signature) (Decision) |

Pretrial Services Worksheet for Risk Classification

Figure 2: Pretrial Services Worksheet

PRETRIAL SERVICES WORKSHEET
Part I Classification of Criminal Charges
 [Note: Refer to Pretrial Release Guidelines Charge Seriousness Classification]

Bench warrant only
 New charges only
 BW and new charges
 If open case, conditions:

Date _____ **Log #** _____ **Name of Defendant (Last, First, M.I.)** _____ **Police Photo #** _____

| New Charges [List 10 most serious] BIFF # | Offense Name | Misd./Fel. Grade | Seriousness Level | Charge Type | Bench Warrants [List 10 most serious] BIFF # | Offense Name | Misd./Fel. Grade | Seriousness Level | Charge Type |
|--|--------------|------------------|-------------------|-------------|---|--------------|------------------|-------------------|-------------|
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| | | | | | | | | | |

Total number of MC cases _____ Total number of charges _____

Total number of MC bench warrant cases _____ Total number of CP bench warrant cases _____

MOST SERIOUS CHARGE LEVEL: L-1 L-2 L-3 L-4 L-5 L-6 L-7 L-8 L-9 L-10 [ENTER ON GUIDELINES MATRIX]

Part II Classifying Defendants According to Risk of Misconduct (Flight or Rearrest)

SELECT CHARGE TYPE (CIRCLE)

TYPE 1 [GO TO SECTION A]

TYPE 2 [GO TO SECTION B]

TYPE 3 [GO TO SECTION C]

For the selected charge type, check the appropriate responses below and continue or stop, as indicated.

SECTION A: CHARGE TYPE 1 DEFENDANTS

- Does the defendant have any prior willful FTAs?
 Yes → GO TO QUESTION 2
 No → GO TO QUESTION 3
- If 'yes' to Question 1, is defendant now arrested on any new charge(s)?
 Yes → Risk Group = 4 STOP
 No → Risk Group = 3 STOP
- If 'no' to Question 1, is defendant currently living with spouse and/or child?
 Yes → Risk Group = 2 STOP
 No → GO TO NEXT QUESTION
- Did defendant complete high school/GED?
 Yes → Risk Group = 2 STOP
 No → GO TO NEXT QUESTION
- Does defendant have telephone at residence?
 Yes → Risk Group = 3 STOP
 No → Risk Group = 4 STOP

SECTION B: CHARGE TYPE 2 DEFENDANTS

- Was defendant arrested for both new charges and bench warrants?
 Yes → Risk Group = 4 STOP
 No → GO TO NEXT QUESTION
- Does defendant have recent (past 3 years) prior arrests?
 Yes → Risk Group = 3 STOP
 No → GO TO NEXT QUESTION
- Does defendant have telephone at residence?
 Yes → Risk Group = 2 STOP
 No → GO TO NEXT QUESTION
- Is defendant now under arrest on a bench warrant or bench warrants only?
 Yes → Risk Group = 2 STOP
 No → Risk Group = 4 STOP

SECTION C: CHARGE TYPE 3 DEFENDANTS

- Is defendant now charged with any serious crimes against the person?
 Yes → Risk Group = 1 STOP
 No → GO TO NEXT QUESTION
- Does the defendant have any prior willful FTAs?
 Yes → Risk Group = 3 STOP
 No → GO TO NEXT QUESTION
- Is the defendant currently living with spouse and/or child?
 Yes → Risk Group = 1 STOP
 No → Risk Group = 2 STOP

Notice of Rights—English Language

United States District Court
Southern District of New York

PRETRIAL SERVICES AGENCY

Notice to Persons Accused of Federal Crime

I, _____
Print Name (First, Middle, Last)

understand that I am being requested to give information about myself to a U.S. Pretrial Services Officer.

I also understand the following:

I will not be questioned about the alleged offense(s) and I should avoid discussing the charges at this time.

I may speak to an attorney before answering any questions. If I am unable to afford the services of an attorney, I understand that I may request that the court appoint one on my behalf at no expense to me.

Information which I provide will be used by the court to determine whether I will be released or detained pending trial and under what conditions. The information contained in the pretrial services report will be made available in court to my attorney and the prosecuting attorney.

I understand that information which I provide may not be used against me on the issue of guilt or sentence in any judicial proceeding, except with respect to prosecution for perjury or false statements allegedly made in the course of obtaining my release or a prosecution for failure to appear for the criminal judicial proceeding with respect to which pretrial release is granted.

I have read the above form, or had it read to me, and I understand my rights.

_____ DATE

DEFENDANT'S SIGNATURE

_____ AM
_____ PM

PRETRIAL SERVICES OFFICER

NOTES: _____

Notice of Rights—Spanish Language

**Tribunal Federal De Los Estados Unidos
Distrito Sur De Nueva York**

DEPARTAMENTO DE SERVICIOS PREVIOS AL JUICIO (PSA)

Notificacion de Derechos a Personas Acusadas de Delitos Federales

Yo, _____,
nombre y apellidos (letras de molde)

entiendo que un oficial del Departamento de Servicios Previos al Juicio me pide informacion sobre mi persona.

Ademas, entiendo que:

No me hara preguntas sobre el (los) supuesto(s) delito(s) y en esta entrevista no debo hablar de los cargos.

Puedo hablar con un abogado antes de contestar cualquiera de las preguntas. Si no puedo pagar los servicios de un abogado, entiendo que puedo solicitarle al juez que me nombre un defensor sin costo alguno para mi.

El tribunal usara la informacion que yo de para determinar si quedare en libertad o detenido en espera de juicio, y bajo que condiciones. El informe del Departamento de Servicios Previos al Juicio se pondra a la disposicion de mi abogado y del fiscal.

Entiendo que no se utilizara en mi contra esta informacion para determinar mi culpabilidad en ningun proceso judicial, salvo en caso de enjuiciamiento por perjurio o declaraciones falsas supuestamente hechas para obtener mi libertad, o de enjuiciamiento por no comparecer en la causa penal con respecto a la cual se me conceda la libertad previa al juicio.

He leído o se me ha leído el presente formulario, y entiendo mis derechos.

_____ FECHA

_____ FIRMA DEL ACUSADO

_____ HORA

_____ OFICIAL DEL DEPARTAMENTO DE SERVICIOS
PREVIOS AL JUICIO

NOTAS: _____

Appendix C:
Risk Assessment Resource List

Risk Assessment Tool Resource List

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