The Criminal Justice Coordinating Council Network Mini-Guide Series:
RISK AND NEEDS ASSESSMENT

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The concept that research can reliably inform decision-making in the criminal justice field is spreading like wildfire. More and more criminal justice practitioners are learning about scientifically proven principles behind evidence-based practices that can be applied in criminal cases to produce better case outcomes: primarily, reduced recidivism among criminal defendants. As appreciation of evidence-based practices grows, tools are being introduced in numerous jurisdictions that can assist in various decision points at all levels of the justice system—tools that assess a justice-system-involved individual’s risk of criminal re-offense and identify factors underlying the individual’s criminal behavior that can be addressed to achieve behavioral change.

Using an actuarial tool to assess a defendant’s “risk and needs” (i.e., risk of re-offense and needs for treatment or other intervention to modify behavior) in combination with professional judgment have been proven to be highly effective in making decisions about the most appropriate sanctions for reducing the likelihood of recidivism.¹ A properly administered actuarial tool, or risk and needs assessment tool, can be used to inform plea negotiations, sentencing recommendations and sentences, and responses to violations of probation. There are a variety of risk and needs tools to choose from. Not all assessments are created for all purposes, and it is critically important that the tools be used for the purpose for which they were designed. The table below shows the different types of tools and their appropriate use.

¹Andrews & Bonta, 1998; Andrews, Bonta, & Wormith, 2006; Andrews et al., 1990; Bonta, 2007; Gendreau, Little, & Goggin, 1996; Grove & Meehl, 1996; Grove et al., 2000; Harris, 2006; Smith, Gendreau, & Swartz, 2009.
<table>
<thead>
<tr>
<th>Type of Tool</th>
<th>Purpose</th>
<th>Appropriate Decision Point</th>
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<tbody>
<tr>
<td>Proxy Tools (e.g., Hawaii Proxy Tool)</td>
<td>To quickly identify likelihood of recidivism (risk only) based on static factors(^2)</td>
<td>• Arrest</td>
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<td>• Diversion</td>
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<tr>
<td>Pretrial Risk Assessment</td>
<td>1.) To identify risk of failure to appear 2.) To identify risk of failure to appear and likelihood of pretrial misbehavior (e.g., Praxis tools)</td>
<td>1.) Bail</td>
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<td>2.) Pretrial diversion or deferred prosecution</td>
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<tr>
<td>Risk and Needs Assessment</td>
<td>To identify likelihood of recidivism based on static and dynamic factors and to identify the criminogenic needs underlying the behavior</td>
<td>• Plea negotiations</td>
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<td>• Sentencing</td>
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<td>• Treatment programming in institutional facilities (jail/prison)</td>
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Proxy and pretrial risk assessment tools typically collect information about risk only. Risk and needs assessment tools gather in-depth information that predict risk to re-offend and the types of sanctions that are most likely to reduce this risk, which are best used in post-conviction decision making. For all types of risk assessment, local validation of the instrument used is paramount. Use of a new tool should not be fully implemented until it has been applied and thoroughly tested in the jurisdiction among the target pretrial or offender populations to ensure predictive power and validity.

To understand how risk and needs assessment was implemented at the local level, I asked Tiana Glenn, Coordinator for the Criminal Justice Collaborating Council in Eau Claire, Wisconsin, how this worked in Eau Claire County.

\(^2\) Static factors are those characteristics about an individual that cannot be changed such as age, gender, criminal history. Dynamic factors are characteristics that are changeable such as anti-social attitudes, peer associations, etc.
Why was it important to Eau Claire County to introduce a risk needs assessment tool?

For various reasons:

- Better utilization of limited resources
- Better matching of those resources to offender needs
- Understanding and limiting risk co-mingling
- Better data upon which to base decisions at the case level, program level and system level
- Defensible decision-making (liability protection)
- Cost avoidance
- Improvements in offender outcome based on application of the correct dosage of the right intervention

What is the name of the risk needs assessment tool that Eau Claire uses?

COMPAS (short for Correctional Offender Management Profiling for Alternative Sanctions)

Can you briefly describe how the tool works?

COMPAS is an actuarial risk assessment tool in that it compares a specific person’s scores on his/her assessment questions to the way a large sample of like offenders whose outcomes we know and makes predictions about that person’s risk based on those with similar profiles in the norming sample.

The first of seven guiding principles for our Evidence Based Decision Making (EBDM) Program is that assessment tools should be utilized to identify the risk of re-offense, the criminogenic needs of the individual and appropriate programming. The two assessment tools we will be utilizing in our EBDM Program are the Proxy and the COMPAS. These instruments provide useful information in connection with arrest, charging, sentencing, and probation supervision decisions.
Which risk and needs factors are considered with this tool?

- PRETRIAL RISK
- GENERAL RECIDIVISM RISK
- VIOLENT RECIDIVISM RISK
- COGNITIVE BEHAVIORAL
- CRIMINAL ASSOCIATES/PEERS
- CRIMINAL INVOLVEMENT
- CRIMINAL OPPORTUNITY
- CRIMINAL PERSONALITY
- CRIMINAL THINKING
- CURRENT VIOLENCE
- FAMILY CRIMINALITY
- FINANCIAL
- HISTORY OF NON-COMPLIANCE
- HISTORY OF VIOLENCE
- LEISURE AND RECREATION
- RESIDENTIAL INSTABILITY
- SOCIAL ADJUSTMENT PROBLEMS
- SOCIAL ENVIRONMENT
- SOCIAL ISOLATION
- SOCIALIZATION FAILURE
- SUBSTANCE ABUSE
- ANGER
- VOCATIONAL/EDUCATION

How is information collected and by whom?

The information is collected in a variety of ways including a review of official criminal history records, an offender interview, and offender self-reporting with the assistance of the assessor. The assessor varies by location and jurisdiction.

Referrals are sent to the COMPAS assessor by the prosecution/defense/jail/DOC. The assessor then schedules a meeting with the client and completes a face-to-face interview with the client. The COMPAS is completed online.

Who has access to information from the COMPAS tool and how is it used by each of them?

Various users in the county have access to the tool. Anyone who wishes to have access to COMPAS must complete a two-day training. Non-users (e.g. court staff) can make requests for COMPAS data in which case the COMPAS user will provide (assuming a release is signed and the information requested was created in that county). Once a referral is completed, those involved in the case are listed and a release is signed by the defendant to allow for distribution of that COMPAS to those listed.

What stage of implementation are you in now?

The tool has been fully implemented and we are using the COMPAS for pretrial and sentencing decisions.

How long did it take to have the tool fully up and running?

Eau Claire actually implemented the COMPAS assessment software in December 2009, prior to the beginning of the Wisconsin DOC COMPAS project start date in July 2010. Eau Claire participated in the planning of the state-wide roll-out, and trained with DOC agents from Region 5 in January 2011. Eau Claire went live in the state COMPAS software with four pilot units from Region 5 in the Division of Community Corrections on February 5, 2011.
How was it initiated? Whose idea was it?

When I was brought onboard in 2008, it was the charge of the CJCC to evaluate the programs funded by Eau Claire County. Within the review of these programs it was determined that there was no mechanism to determine which programs were needed for the defendants we served or that we were putting the correct offenders into the programming available in the jail and as an alternative to incarceration. In 2009, after some research on Risk and Needs Assessments, Eau Claire County entered into a contract with Northpointe, the company that developed COMPAS, for the use of its product. We first trained jail program staff and treatment courts on the COMPAS. We then completed COMPAS on all jail inmates who wanted to enter a program. This provided us with a baseline of individuals’ needs coming out of the jail. We were then able to realign the programming in the jail to meet the needs of the offenders – removing any programming that was not evidence based or unneeded. In 2010, we opened the use of the COMPAS to treatment courts, with a deferred acceptance of guilty plea, presentence investigation (court-ordered) and non-presentence investigation, on access to recovery cases, and at the request of defense or the defendant.

Within EBDM in 2010, we furthered the use of the COMPAS to a more formalized process for referral and use at sentencing.

What did the planning process entail?

In 2009 - Northpointe made two site visits for planning purposes prior to the initial Eau Claire training in December 2009. Those site visits were intended to map the Eau Claire criminal justice system, develop goals and metrics for desired program outcomes, chart the major decision points at which COMPAS would be used, understand the resources required for successful implementation, and anticipate some of the challenges to program success. Judges and other court officials were brought into the discussion, as were jail officials and community partners. The process continued once the DOC began using COMPAS statewide and further finalized within EBDM Phase II and III.

Which stakeholders did you have onboard?

EVERYONE: defense, prosecution, Department of Health Services, the courts, county administration, law enforcement, service providers, the County Board, the Sheriff and jail.

Whose support did you have the most trouble gaining and how did how did you ultimately win them over?

Defense. They were nervous about having their clients respond to the COMPAS and concerned about possible self-incrimination during the pre-charge period. To overcome this, the courts stated that the defense can request a COMPAS and if counsel is not comfortable with the outcome, then the COMPAS does not have to be used. This process allowed the defense to review and see how the COMPAS could ultimately help their clients in identifying the most appropriate sentence and placement for them.
What was the biggest argument against incorporating risk needs assessment in your criminal justice system?

The only pushback we had, and somewhat still have, is that as general risk assessment tool, COMPAS is not designed to assess or predict the specific risk of future operating while intoxicated (OWI), sexual assault, or domestic violence cases. These cases usually score as lower-risk based on the nature of the cases and the history of their criminal charges. This is why the Department of Corrections and County have several mandatory overrides for risk levels on OWI cases and complete Narrow Band assessments for sex offenses, domestic violence and OWI cases. The Northpointe Suite includes a number of Alternative Screeners that address specific issues that are either not assessed by COMPAS (sex offender recidivism potential, repeat domestic violence potential, etc.) or delve further into specific areas of criminogenic need identified in COMPAS (substance abuse, criminal , etc.). Northpointe works with authors of various public domain tools to bring these screeners into the software. They serve to enrich the assessment process and to dig deeper into particular areas of interest/concern/motivation. The combination of the COMPAS and Narrow Bands offers the best risk assessment for that person.

We also went up against the prosecution and defense as some individuals, who had not yet been fully trained, were using the COMPAS as a means for making recommendations about whether an individual should be in a custodial setting or in the community. This is not the intended use of the tool.

Again, more and more education is always needed.

What was the CJCC’s role in this project?

The CJCC led the charge in the implementation of this tool and the process used throughout the system. The CJCC supported funding for the Assessor and continues to provide guidance and support for the program. Members of the CJCC are also team members of the EBDM policy team who are instrumental in the use of risk and needs assessments throughout the system.

How does use of the COMPAS tool impact your work with the CJCC? In other words, do you use any information collected from the COMPAS tool within your work with the CJCC?

It allows the CJCC to begin to look at the risk and need levels of the defendants flowing through the system. Having risk/need information, we can make better determinations about diverting low-risk individuals, serving them elsewhere, and providing our most valuable services to medium to medium-high risk offenders who will benefit most from the service in order to reduce the likelihood of recidivism. The risk/need information also allows us to review the funding allocation to each contracted provider to ensure we are placing the correct person into that service. Finally, we have been able to realign our jail programming so we can now use our jail as a true management tool for our offenders.

3 In 2009 Eau Claire entered into a contract with Lutheran Social Services to hire the COMPAS assessor. This position is funded by tax levy and is supervised by the CJCC Coordinator. All programs, hires, and new procedures must be supported by the CJCC council.
What was the cost of this project? Short term and long term?

Short term cost: In 2009, we had a budget of $5,000 for training and a contract and data support for the COMPAS. Costs included the initial training of staff by Northpointe and several follow-up trainings and presentations for court officials. The software was initially offered free of charge by Northpointe in anticipation of a state-wide enterprise licensing agreement. There is currently no charge to Eau Claire for use of the DOC software.

At this time DOC is not charging counties for use of the COMPAS. We do have to provide ongoing training for our current staff and any turnover we may have. DOC has allowed for us to send new staff to COMPAS training as needed or when offered at a very low cost (> $200.00 per person)

We also had support ($52,000) from the County board to fund a contracted Assessor for administering the COMPAS. Funding for this position continues to be a tax levy line item.

Long term cost savings: Better allocation of resources for those offenders who show, by the COMPAS, that they need XYZ services. We are no longer mandating a blanket order by the courts for bonds and sentences that have nothing to do with the individual’s needs. These blanket orders were expensive to complete by the offender, DOC, County and community.

How much outside support (IT or otherwise) did you need for implementation? Did you have to hire any new employees internally for planning and/or implementation?

The COMPAS software is housed on a Northpointe server and is web-based, requiring limited county IT support.

Internally, we hired a COMPAS assessor through a contract.

What are the biggest benefits to using the COMPAS tool?

- Research-based risk assessment
- Collaboration in terms of case management with outside stakeholders who are also using COMPAS
- Allows for learning about your system (criminogenic needs, risk distribution, etc.)
- Additional alternative screenings are available
- Allows for ad hoc reporting at the county level
- Provides a tool for judges to make well-informed decisions from the bench
- Permits the County to make pretrial decisions based on actuarial risk of pretrial failure
- Potential to increase pretrial release rates and save jail bed days
- Helps direct inmates into appropriate programming
- Utilized in drug court assessment process
- Allows for better communication with community treatment partners
What have been the biggest hurdles in planning or implementation?

- Obtaining criminal histories and state identification numbers to integrate with the COMPAS assessment.
- Bridging pre-existing silos in local and state corrections to facilitate collaboration.
- On a statewide level, getting judges, prosecutors and defense attorneys on board.

Do you foresee any other difficulties using the COMPAS tool?

Continued issues with obtaining criminal histories and Wisconsin state identification numbers for completion of COMPAS.

Does Eau Claire provide any training on how to use the tool?

Training for use of the COMPAS is provided directly by Northpointe and may be soon provided by DOC agents who are train-the-trainers.

Each user is required to complete two days of COMPAS basic training in order to gain access to the production software. This training includes information on evidence-based decision-making, the actuarial foundation of the tool, the various scale sets and their use, navigational proficiency in the software in a computer lab, interviewing techniques, interpretation skills and case planning navigation and strategy.

Why did you choose COMPAS instead of one of the alternatives?

It was a 4th generation tool that is web-based, founded in research, has been validated, and provides case management and data mining. The tool is able to grow with each phase the offender is in. It can be a pre-screener and then carried forward to a full assessment tool. It has access to secondary tools to

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In summary, first generation assessment of offender risk relied on professional judgment of correctional staff (probation officers and prison staff) and clinical professionals (psychologists, psychiatrists and social workers). Second generation assessment moved to reliance on actuarial risk assessment instruments, which were shown to more reliably differentiate lower risk offenders from higher risk offenders than professional judgment alone. These early instruments were evidence-based, but considered primarily static evidence, chiefly criminal history factors, that cannot be changed or addressed. They predict risk of recidivism but do not consider factors that can be addressed to induce positive behavior change and thereby reduce recidivism. Third generation assessment tools consider static factors in addition to dynamic factors - such as peer group and family relations, education and employment - where intervention can change behavior and decision-making related to criminal behavior. These were the first to be known as “risk-need” assessment tools. Finally, fourth generation risk assessment tools, such as COMPAS, provide information on an offender from intake through case closure and integrate systematic intervention and monitoring with the assessment of a broad range of risk factors and other personal factors considered important to treatment.
narrow the risk/need to specific areas (alcohol and other drug abuse, criminal thinking, sexual assaults), it can then transfer to DOC for supervision review, case planning, and reentry. It will also serve as a historical review of this person’s interaction with the system and which services were provided to that individual based on the needs identified.

What would you say were the three most important things you did to help introduce a risk needs assessment tool in Eau Claire?

1. Gained support from the CJCC. By researching the necessity for risk and needs and looking at what tools are out there and how are they used.
2. Show how and why do we needed it in Eau Claire.
3. Education and training for staff and stakeholders.

What would you say are the three most convincing selling points of a risk assessment tool (whether COMPAS or any other)?

1. Creates a common language by which a criminal justice system can communicate.
2. Helps our justice practitioners, wherever an offender goes, gain a better understanding of the individual’s potential risk, strengths, and challenges to success he/she faces every day.
3. Acts as a data repository for critical metrics on risk, need, programming, case documentation, and violation/sanctioning information that can provide critical information for long-term planning, policy formulation and resource allocation.

If you were to be hired in another jurisdiction and tasked with introducing a risk needs assessment tool where one did not already exist, what are the first steps you would take to get started?

✓ Identify the need for this type of tool and at which decision point will they be using the tool.
✓ Determine if the tool would be used to inform more than one decision point and to the information collected with the tool can be used throughout the defendant’s lifecycle within the system.
Conclusion

Assessment of offenders’ risks and needs is the cornerstone of a systematic approach to responding to criminal behavior in a way that leverages criminal justice resources to produce the best results: reduced recidivism, increased public safety, and enhanced community stability.

To succeed, introduction of risk and needs assessment entails cooperation across all sectors of a local criminal justice system at all phases of a criminal case, from arrest through community re-entry. The benefits justify the efforts but finding time to implement the necessary processes can be challenging. Criminal justice coordinating councils such as Eau Claire County’s are ideal vehicles to spearhead the effort and keep the process moving from project conceptualization through implementation.

RESOURCES

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