



Pennsylvania  
Commission on  
Sentencing

**April 4, 2018**

**CJAB Annual Conference**

# Introducing Risk Assessment at Sentencing in Pennsylvania

**Ryan S. Meyers**

**Sentencing Policy Specialist**

**PA Commission on Sentencing**

# Outline

- **Risk and Criminal Justice**
- **Commission's Sentence Risk Assessment**
  - Developed
  - Purpose and Use
  - Implementation
- **Outreach Efforts**

# Generations of Risk Assessments

- **1<sup>st</sup> Professional judgement**
- **2<sup>nd</sup> Static factors**
  - *risk*
- **3<sup>rd</sup> Static & dynamic factors**
  - *risk and needs*
- **4<sup>th</sup> Static, dynamic, & case management**
  - *risk, needs, and responsivity (RNR)*

# Risk-Needs-Responsivity (RNR) Model

## Core Principles

### ■ *Risk*

- Match level of service to risk of re-offense

### ■ *Needs*

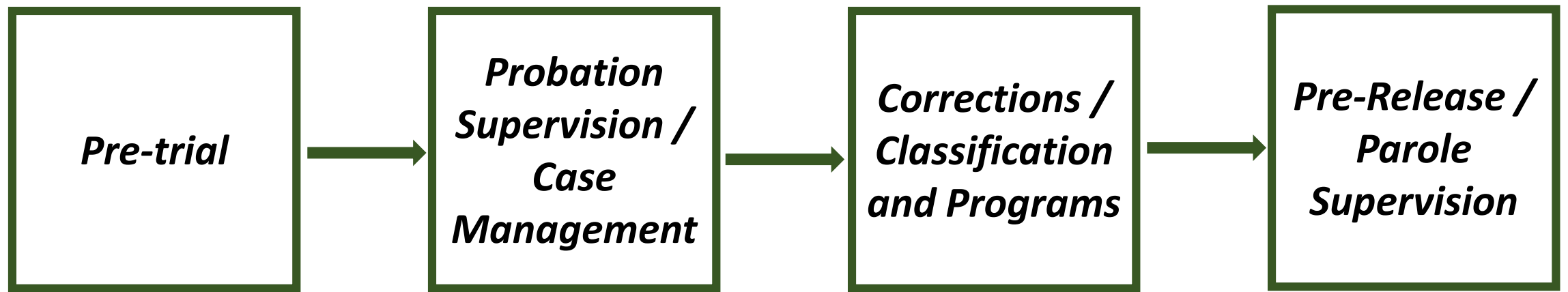
- Assess criminogenic needs & target through treatment

### ■ *Responsivity*

- Provide treatment & tailor intervention to offender

# Criminal Justice System and Risk Assessment

- **Used by multiple entities**
- **At multiple decision points**
- **For multiple purposes**



# Criminal Justice System and Risk Assessment

- Frequently used (Pre & Post)



- Not widely used (Sentencing)

# Sentence Risk Assessment Instrument

# The Commission's Mandate – Act 95 of 2010

- **Develop empirically-based worksheet predictive of recidivism**
- **Adopt actuarial instrument for the court to help determine appropriate sentence**
- **May be used to:**
  - Evaluate relative risk of re-offense and threat to public safety
  - Determine need for more thorough assessment and/or PSI
  - Determine candidates for alternative sentencing programs



# Research & Development

- **Multifaceted**
- **Identified factors**
- **Collaborated with 4 pilot counties**
- **12 Interim & Special Reports**
  - <http://pasentencing.us>

# Commission Policy Decisions

- **Generation of Assessment**
- **Risk Factors**
- **Outcome Measures**
- **Purpose and Use**
- **Presentation**
- **Implementation**

# Sentence Risk Assessment - Developed

- **2nd Generation Assessment**
- **Actuarial instrument estimating risk**
- **Empirically based worksheet using relevant factors**

# Sentence Risk Assessment – Developed

- **Two Outcomes:**

- General Risk: Re-Offense for *any offense*
- Person Risk: Re-Offense for an *offense against a person*

- **Re-Offense is defined as:**

- Re-arrest within 3 years of:
- Release from incarceration; or
- Imposition of community supervision

# Sentence Risk Assessment – Developed

## ■ **7 Static Factors:**

- Offender's age
- Offender's gender
- Number of prior convictions
- Type of prior convictions
- Type of Offense (Current Conviction)
- Multiple Offenses (Current Convictions)
- Prior Juvenile Adjudications

# Sentence Risk Assessment - Purpose and Use

- **Identify offender risk of:**

1. Re-offense for any offense
2. Re-offense for an offense against a person

- **Recommend additional information be prepared**

# Sentence Risk Assessment - Purpose and Use

- **Order a PSI and/or a fuller risk-needs assessment**
  - 3<sup>rd</sup> or 4<sup>th</sup> generation
- **Not be used to deviate from:**
  - Guideline sentence recommendation; or
  - As an aggravating or mitigating factor.
- **Used to receive more information**

# Risk Assessment Summary (General)

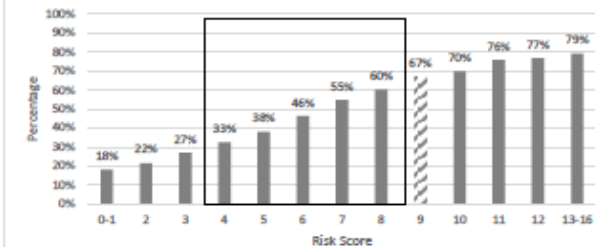
## Risk Assessment Summary OGS 3

<b>OFFENDER</b>		
Name: Test, Case	DOB Or Age: 7/14/1963	State ID:
<b>JUDICIAL PROCEEDING</b>		
Docket #: CP-02-CR-0000002-2013	Commission ID: W99999999	Status: Pending Completion
Judge: Common Pleas Court Judge	County: Allegheny	
<b>RISK SCORE INFORMATION</b>		
Current Offense:		
OTN: Z9999999	OGS: 3	Offense Date: 11/27/2014

### RISK FACTORS FOR ANY OFFENSE

	Possible Points	Offender's Value	Offender's Point Total		Possible Points	Offender's Value	Offender's Point Total
<b>Gender</b>				<b>Number of Prior Convictions</b>			
Female	0	Male	1	0	0	5	3
Male	1			1	1		
<b>Age at Sentencing</b>				<b>Greater than 3</b>			
Greater than 39	0	32	0	2-3	2		
30-39	1			Greater than 3	3		
26-29	2			<b>Prior Person/Sex Conviction</b>			
21-25	3			No	0		-NA-
Less than 21	4			Yes	0		
<b>Current Offense Type</b>				<b>Prior Property Conviction</b>			
Drug - Felony	0	Property-Felony	2	No	0	Yes	1
Drug - Misd.	1			Yes	1		
Other	1			<b>Prior Drug Conviction</b>			
Person/Sex	1			No	0	Yes	1
Property - Misd.	1			Yes	1		
Property - Felony	2			<b>Prior Public Order Conviction</b>			
<b>Multiple Current Convictions in JP</b>				<b>Prior Public Administration Conviction</b>			
No	0	Yes	1	No	0	No	0
Yes	1			Yes	1		
<b>Prior Juvenile Adjudication</b>				<b>Prior DUI Conviction</b>			
No	0	No	0	No	0		-NA-
Yes	1			Yes	0		
<b>TOTAL RISK SCORE</b>							9
<b>RECIDIVISM RATE FOR ANY OFFENSE</b>							67%

Percentage of Offenders Arrested for ANY OFFENSE, within 3 Years, by Risk Score: OGS 3



The graph depicts the likelihood of offenders at OGS 3 being arrested for ANY OFFENSE (within three years of release from incarceration or imposition of probation or county IP), based on their risk score.

The box indicates the recidivism rates for typical offenders. The striped bar represents the recidivism rate for ANY OFFENSE for offenders with a risk score of 9 which is 67%. The average recidivism rate for AN OFFENSE AGAINST A PERSON for all offenders is 11%.

For offenders with lower or higher than typical risk for ANY OFFENSE, the Commission recommends the court obtain additional information by ordering a Pre-Sentence Investigation (PSI) report that contains RNR information, or the preparation of a Risk Needs Assessment (RNA) or Risk Needs Responsivity (RNR) assessment.

Please see page two for information on this offender's risk to commit an offense against a person.

The following OTNs were used in the calculation of this risk score: T0000000, Z0000000, X0000000, Y0000000, W0000000



# Sentence Risk Assessment - Implementation

## ■ Phase I

- Non-DUI offenders
- Convictions obtained:
  - Open plea; or
  - Verdict (Bench or Jury)
  - *Felonies Only*
- Effective: January 1, 2019

## ■ Phase II

- Expands to include all other convictions
- Effective: January 1, 2020

# Sentence Risk Assessment – Next Steps

- **2018 Outreach Efforts:**

- Judicial Education Seminars (March-April)

- *County Work Group Meetings (Implementation)*

- Additional presentations throughout Commonwealth

# Sentence Risk Assessment – Next Steps

- **Public Hearings (2018):**

- June 4 (Pittsburgh), June 6 (Philadelphia), and June 13 (Harrisburg)

- **Final Adoption**

- Submission to General Assembly (Summer 2018)

- **Commission Meetings (2018):**

- June 14, September 6, and December 6

# Contact Information

- **Mark H. Bergstrom**

- Executive Director
- [mhb105@psu.edu](mailto:mhb105@psu.edu)
- 814.863.4368

- **Ryan S. Meyers**

- [rsm208@psu.edu](mailto:rsm208@psu.edu)
- 814.865.0078

- **Nancy S. Xavios**

- [nix5003@psu.edu](mailto:nix5003@psu.edu)
- 717.772.4144

<http://pasentencing.us>