Targeting Dispositions By Risk and Need

Douglas B. Marlowe, J.D., Ph.D.
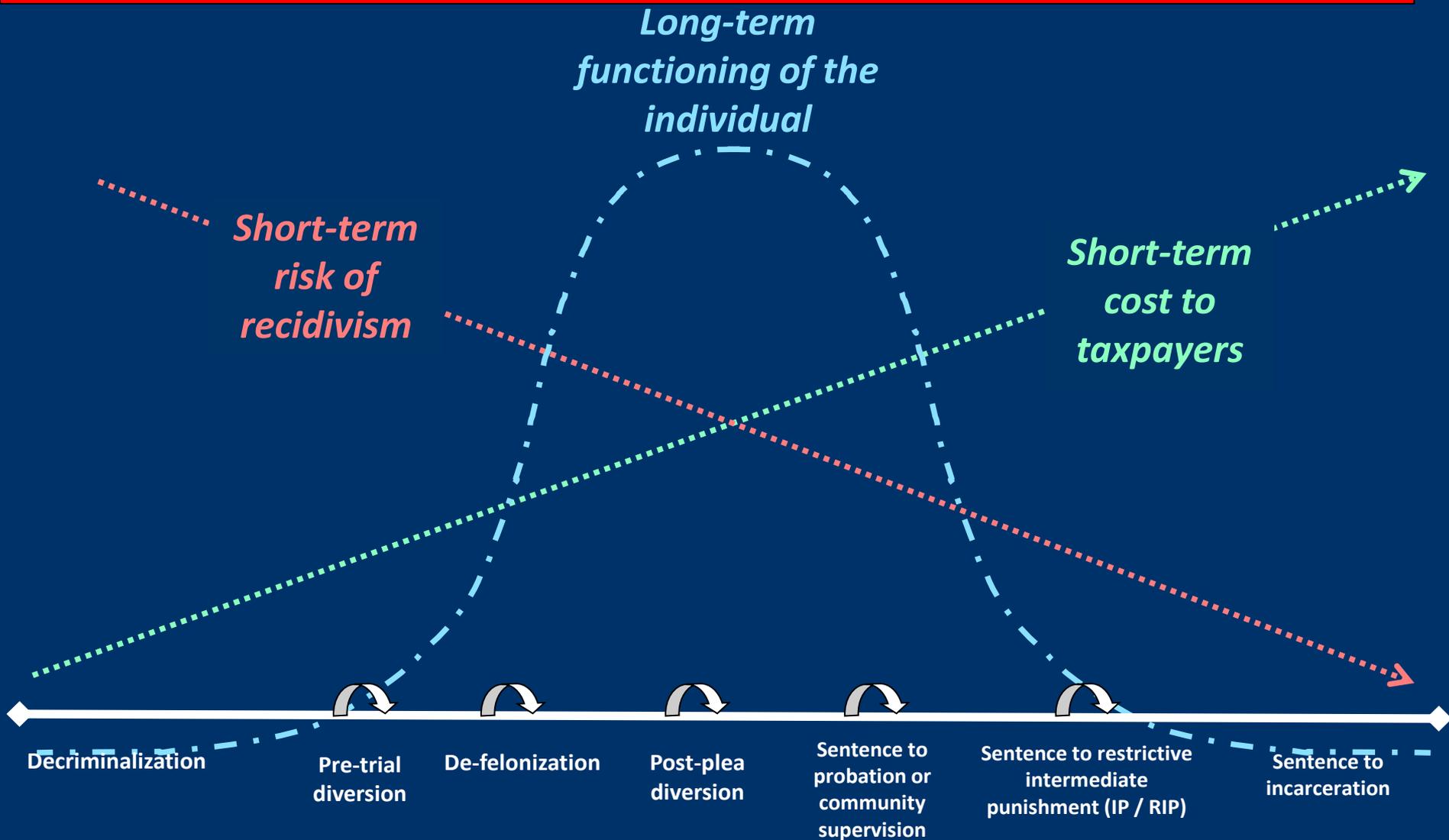
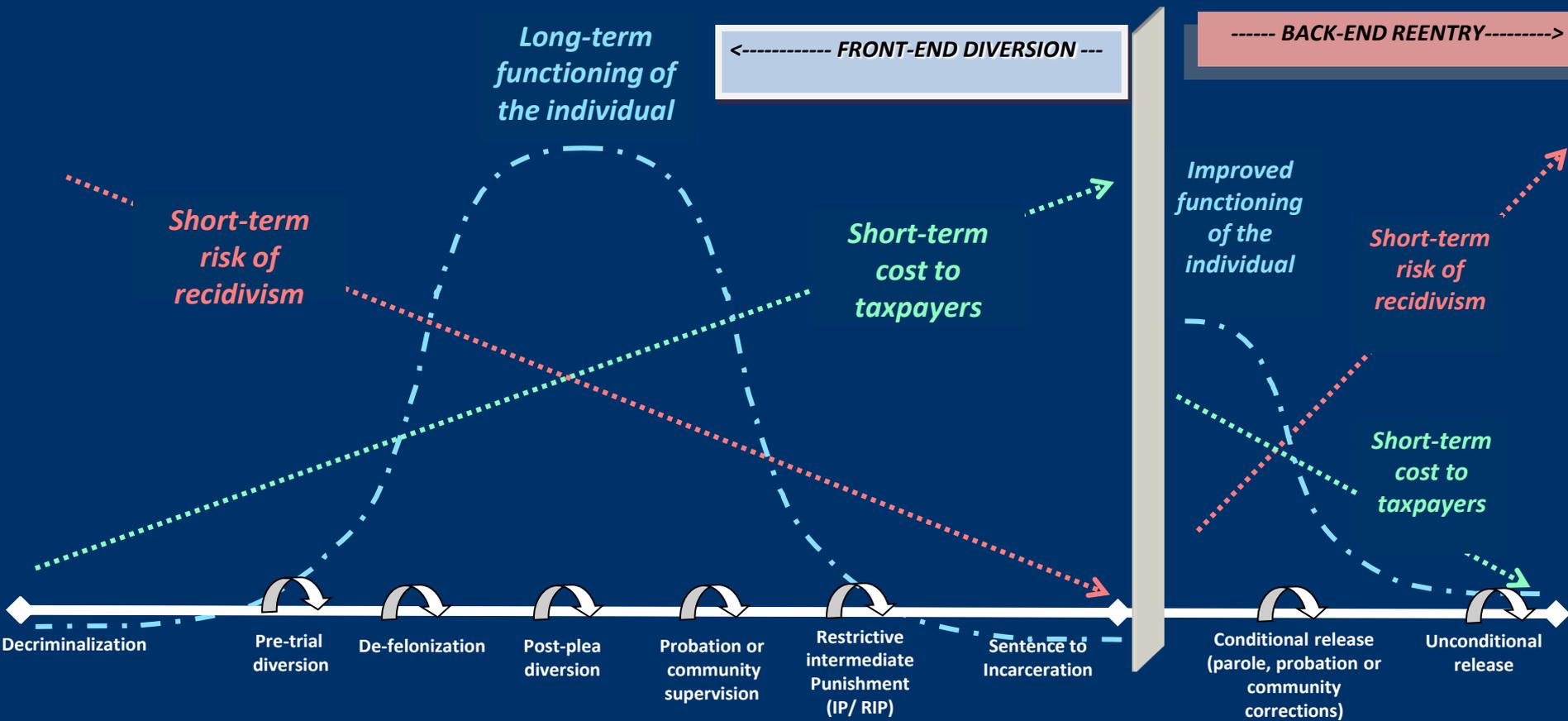### National Association of Drug Court Professionals

Modeling If / Then Decisions

Offense vs. Offender Decisions

- **Risk-Needs-Responsivity (RNR)**

- **Evidence-based practices (EBPs)**

- **Graduated sanctions**

- **Positive incentives**

- **Collateral consequences**

Dispositional Continuum

Long-term functioning of the individual

<------------ FRONT-END DIVERSION ---

------ BACK-END REENTRY--------->

Short-term risk of recidivism

Short-term cost to taxpayers

Improved functioning of the individual

Short-term risk of recidivism

Short-term cost to taxpayers

Decriminalization

Pre-trial diversion

De-felonization

Post-plea diversion

Probation or community supervision

Restrictive intermediate Punishment (IP/ RIP)

Sentence to Incarceration

Conditional release (parole, probation or community corrections)
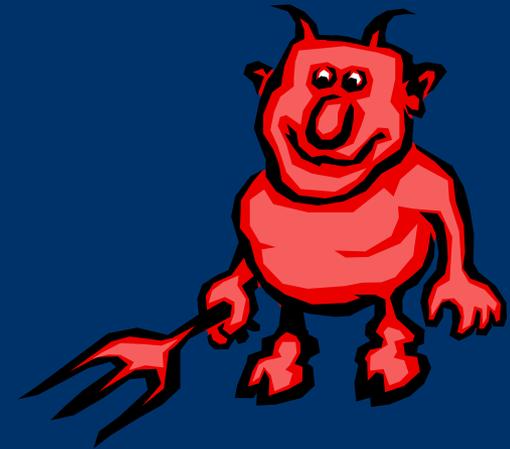
Unconditional release

1. Prognostic Risk

- **<u>Not</u> necessarily a risk for violence or dangerousness**

- **Serious prognosis or lesser amenability to treatment**

- **The higher the risk level, the more intensive the supervision and accountability should be; <u>and vice versa</u>**

- **Mixing risk levels is contraindicated!**

Prognostic Risk Factors

- Current age < 25 years
- Delinquent onset < 16 years
- Substance abuse onset < 14 years
- Prior convictions or incarceration
- Prior rehabilitation failure
- History of violence
- Antisocial Personality Disorder / Psychopathy
- Familial history of crime or addiction
- Criminal or substance abuse associations

2. Criminogenic Need

- **Clinical syndromes or impairments (diagnosis)**

- **Cause crime ("criminogenic") or interfere with rehabilitation ("responsivity")**

- **Addiction is criminogenic, and Axis I mental illness interferes with rehabilitation**

- **The higher the need level, the more intensive the treatment or rehabilitation services should be; <u>and vice versa</u>**

- **Mixing need levels is contraindicated!**

Risk & Needs Matrix

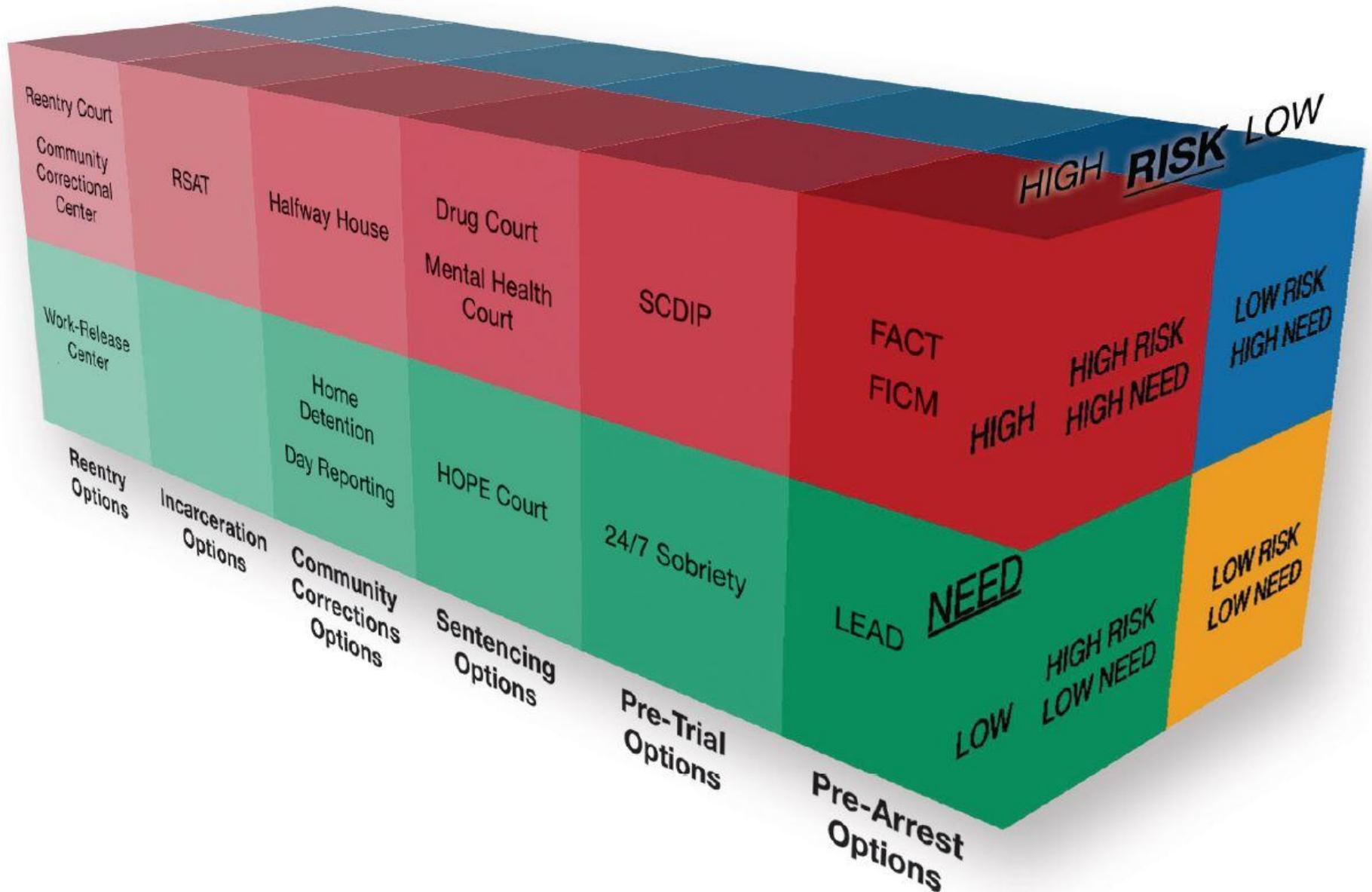|	High Risk	Low Risk
High Needs	• Supervision • Treatment • Pro-social habilitation • Adaptive habilitation	• Treatment • (Pro-social habilitation) • Adaptive habilitation
Low Needs	• Accountability • Pro-social habilitation • (Adaptive habilitation)	• Secondary prevention • Diversion

3. Stage in System

- **Legal standards differ**

- **Defense or prosecution agreement**

- **Available time for treatment and supervision**

- **Differences in base rates for risk and need**

- **Impacts risk or need level (e.g., reentry)**
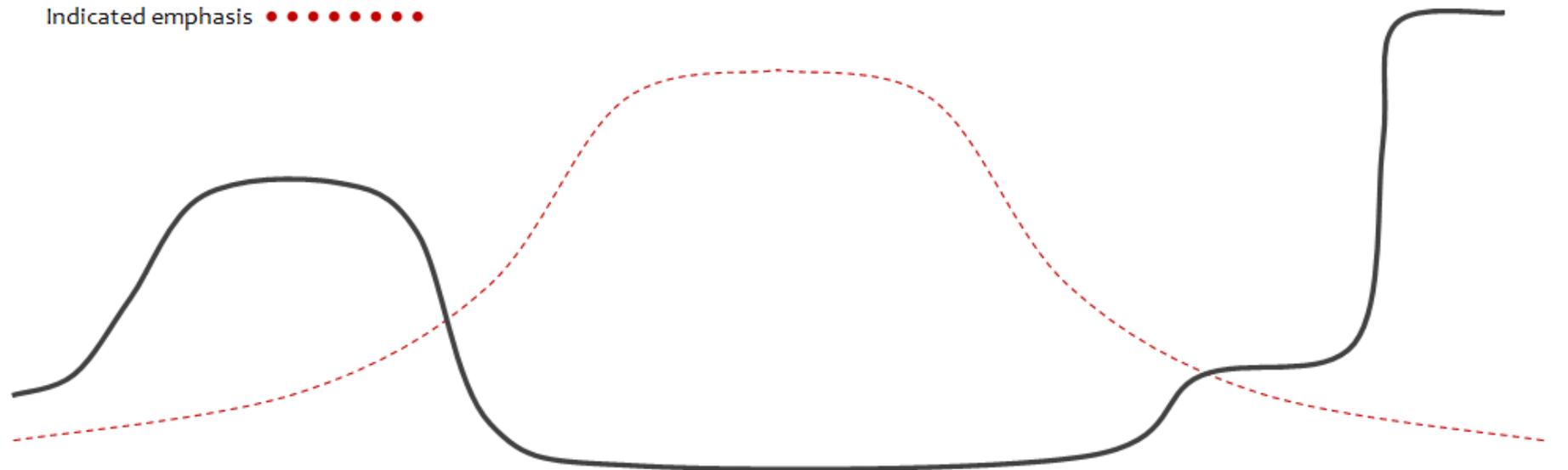
**** Need to get 3-dimensional ****

Quadrant Model Applied at each Intercept

Community Corrections Options

Current emphasis ▬▬▬▬

Indicated emphasis ● ● ● ● ● ● ● ●

Court-monitored probation; e.g., HOPE Court

Treatment court; e.g., Drug Court, MH Court

| **Banked probation;** *e.g., kiosk, phone-ins* | **Standard probation;** *e.g., office sessions* | **Intensive probation;** *e.g., field visits* | **Home detention;** *e.g., monitored curfew* | **Day reporting center** | **Therapeutic community (TC);** *e.g., C-RSAT* | **Halfway house; work-release center** | **Community correctional center (CCC)** | **Detention center** |

RIP

I----------LR/LN----------I I----------HR/LN----------I I----------LR/HN------I I----------HR/HN----------I I-Exigent R or N-I

LR = Low Risk   LN = Low Need

HR = High Risk   HN = High Need

Exigent Risk or Need = Unsuited for alternative disposition at this stage

Pre-Disposition Assessment

- Use immunity, especially at pre-adjudication stage

- Require assessment of risk and need after adjudication but prior to disposition (e.g., as part of a PSI)

- Valid, reliable & culturally unbiased instruments

- Substance abuse vs. dependence diagnosis guides treatment conditions and response to technical violations involving new drug use

Guided Discretion

- <u>Require</u> professionals to <u>consider</u> risk and need (excluding certain offenses)

- Require professionals to consider effectiveness and cost-effectiveness (excluding certain offenses)

- Publish data on recidivism and costs of alternative dispositions

- Include dispositional rationale on the record

- Restrictive basis for appeal (abuse of discretion)

- Publish data on dispositional decisions

Validated Risk Tools

Level of Service Inventory-Revised (LSI-R)

https://ecom.mhs.com/(S(zhkd5d55qlwc3lr2gzqq5w55))/product.aspx?gr=saf&prod=lsi-r&id=overview

Wisconsin Risk and Need Assessment Scale (WRN)

http://j-sat.com/Toolkit/Adult/adf6e846-f4dc-4b1e-b7b1-2ff28551ce85

Risk and Needs Triage (RANT)

http://www.trirant.org/

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)

http://www.northpointeinc.com/software-suite.aspx

Ohio Risk Assessment System (ORAS)

http://www.uscourts.gov/uscourts/FederalCourts/PPS/Fedprob/2010-06/02_creation_validation_of_oras.html

Federal Post Conviction Risk Assessment (PCRA)

http://www.uscourts.gov/FederalCourts/ProbationPretrialServices/Supervision/PCRA.aspx

Risk Prediction Index (RPI)

http://www.fjc.gov/public/pdf.nsf/lookup/0013.pdf/$file/0013.pdf

Validated Needs Tools

Addiction Severity Index (ASI)
http://www.tresearch.org/wp-content/uploads/2012/09/ASI_5th_Ed.pdf

Global Appraisal of Individual Needs (GAIN)
http://www.gaincc.org/products-services/instruments-reports/

Offender Profile Index (OPI)
https://www.ncjrs.gov/pdffiles1/Digitization/148829NCJRS.pdf

Level of Service/Case Management Inventory (LS/CMI)
https://ecom.mhs.com/(S(0aqkan55ovozwq55w2oxt445))/saf_om.aspx?id=Training

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)
http://www.northpointeinc.com/software-suite.aspx

Offender Screening Tool (OST)
http://www.azcourts.gov/apsd/EvidenceBasedPractice/RiskNeedsAssessment/OffenderScreeningTool%28OST%29.aspx

Inventory of Offender Risk, Needs, and Strengths (IORNS)
http://www4.parinc.com/Products/Product.aspx?ProductID=IORNS

Validated Diagnostic Tools

Global Appraisal of Individual Needs (GAIN)

http://www.chestnut.org/LI/gain/index.html#Instruments

Structured Clinical Interview for the DSM-IV (SCID)

http://www.scid4.org/

Psychiatric Research Interview for Substance and Mental Disorders (PRISM)

http://www.columbia.edu/~dsh2/prism/

Diagnostic Interview Schedule (DIS)

http://www.enotes.com/drugs-alcohol-encyclopedia/diagnostic-interview-schedule-dis

Texas Christian University (TCU) Drug Dependence Screen-II

http://www.ibr.tcu.edu/pubs/datacoll/Forms/ddscreen-95.pdf