In Brief: Risk and Needs Assessments in the Criminal Justice System
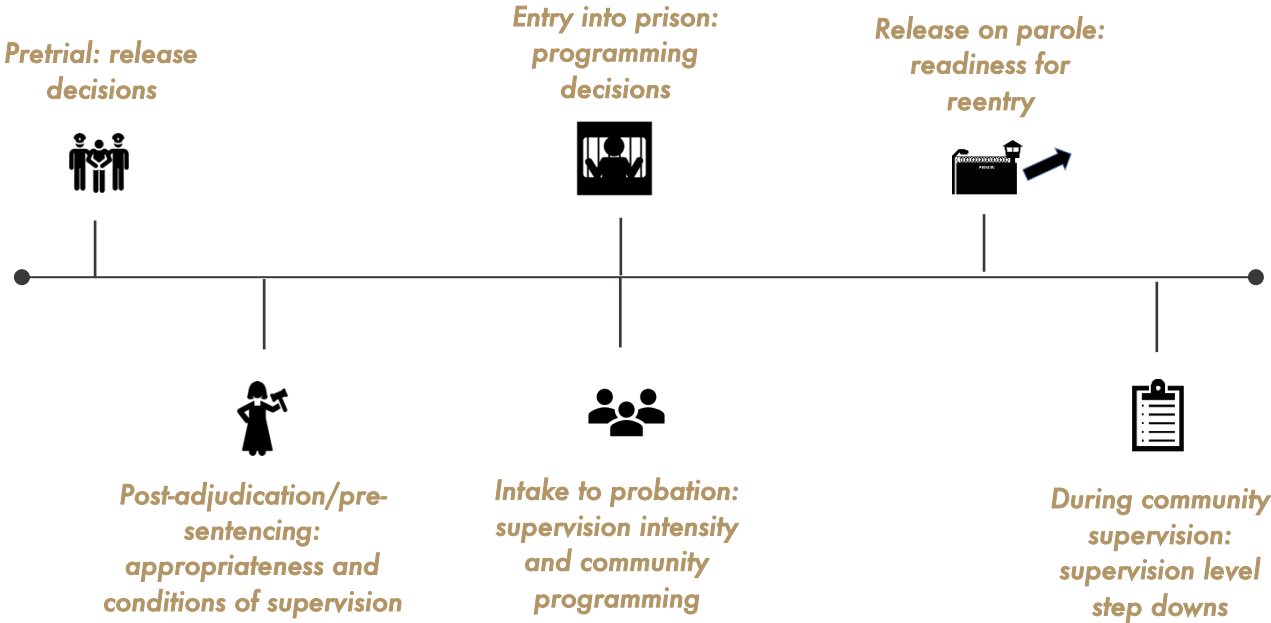
How is risk and need assessment used in the criminal justice system?

RNA tools may be used at a variety of points in the criminal justice system—from the pretrial stage to supervision on parole—

Criminogenic Risk and Needs Assessment (RNA) is an actuarial tool that is used to determine a person's likelihood of committing a future crime and to identify individual needs that can be addressed in order to lessen this risk of recidivism.

to help guide decision-making related to determining specific programming needs, establishing special conditions of supervision, and identifying which individuals require more intensive supervision (see Figure 1). Research shows that the use of assessment results in addition to professional discretion improves outcomes.[1] RNA results supplement decision-making processes by categorizing people into groups according to their risk of reoffending and providing a profile for areas that need to be addressed to reduce that risk.

FIGURE 1. DECISION POINTS WHERE RNA CAN BE USED IN THE CRIMINAL JUSTICE SYSTEM

Pretrial: release decisions

Entry into prison: programming decisions

Release on parole: readiness for reentry

Post-adjudication/pre-sentencing: appropriateness and conditions of supervision

Intake to probation: supervision intensity and community programming

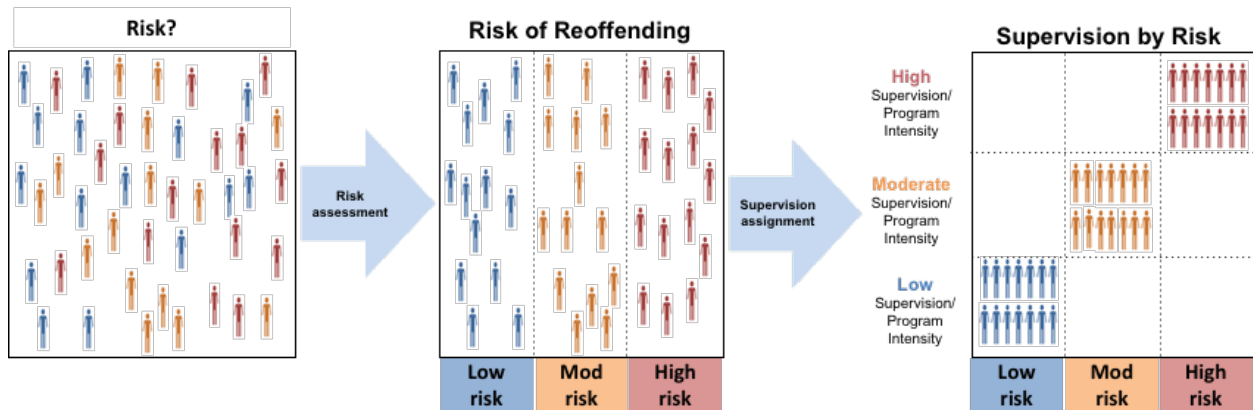During community supervision: supervision level step downs

What do risk and needs assessment tools tell us?

RNA tools do not have the ability to predict future *individual* behavior but rather sort individuals into risk groups, typically low, medium, or high. The overall group probability of reoffending is then used to inform decision-making concerning the individual's criminogenic risk and needs. For example, these assessments are similar to assessments used by doctors to evaluate patient risk of cardiac arrest. Factors such patient tobacco use and lack of exercise increase the risk of a heart attack. The assessment does not guarantee

whether a person will or will not experience a heart attack, but it does help doctors target and plan interventions for those individuals most at risk. RNAs work in a similar fashion within the criminal justice system (see Figure 2).

FIGURE 2. USING A RISK NEEDS ASSESSMENT TOOL

The results from an RNA should be used as one factor in determining if an individual can be safely monitored in the community and supplemented with an official records check and professional discretion. Since RNA tools capture both static and dynamic items, people in the criminal justice system require periodic reassessment so the results are reflective on the individual's current situation.

How common is the use of risk and needs assessment nationally?
RNA is a common tool used by many jurisdictions nationwide to guide decision-making and increase the consistency and objectivity of sentencing decisions and interventions. In the last ten years, at least 18 states have adopted statewide use of information provided by RNA tools at the sentencing decision point[2] and 47 use risk and needs assessment for people on supervision.[3]

What are the benefits of using a RNA tool?
Research shows that RNA helps reduce recidivism and improve outcomes for people in the criminal justice system by helping judicial and corrections officials tailor interventions to individual need areas.[4] RNA helps:

✓ Give decision-makers more information to make better-informed judgments
✓ Improve structure and consistency across multiple decision-makers
✓ Ensure that the intensity of an intervention is matched to an individual's risk of reoffending
✓ Identify dynamic risk factors to target, such as substance use or peer relationships, that may contribute to an individual's likelihood to reoffend
✓ Tailor an intervention to an individual's learning style, motivation, culture, and abilities

Failing to tailor interventions according to risk and needs not only wastes resources, *but it can make people more likely to reoffend*. [5] By sorting individuals into risk groups, corrections officials can target limited resources to high-risk individuals, where they are likely to have the most impact and avoid negatively impacting people who are at low risk to reoffend.

How is RNA being used in Montana?

Montana adopted the Montana Offender Reentry and Risk Assessment (MORRA) and the Women's Risk and Needs Assessment (WRNA) in 2012. These tools are used within the prison system, assessment centers, during probation and parole supervision, and within contract facilities (i.e. pre-release centers, sanction facilities and treatment facilities).

Four bills in Montana's justice reinvestment legislative package passed in 2017 include policies that pertain to RNA. These policies work to ensure that RNA results are used appropriately and help inform decision-making in a way that conforms with best practices for recidivism reduction. Highlights include:

- SB 59 creates a new pretrial program for felony defendants that uses a validated pretrial risk assessment tool (MCA 3-1-708)
- SB 59 and SB 60 require that Probation and Parole revise, maintain and fully implement the research-based Montana Incentives and Interventions Grid (MIIG) as a guide on how to respond to offender behavior. The MIIG must recommend the least restrictive placement for offenders based on the results of a validated risk and needs assessment (MCA 46-23-1028 and MCA 53-1-203)
- SB 59 also directs the Department of Corrections quality assurance unit to enforce standards to ensure that programs are using best practices for reducing recidivism, including targeting highest-risk individuals (MCA 53-1-211)
- SB 60 mandates that presentence investigation reports include the defendant's characteristics, circumstances, needs, and potentialities, as reflected in a validated risk and needs assessment, among other information includes the defendant's criminal record and harm caused to the victim (MCA 46-18-112)
- SB 63 requires probation and parole officers to recommend conditional discharge from supervision based on an individual's risk and needs, as determined by RNA (MCA 46-23-1011)
- SB 64 requires that guidelines to structure and guide release decisions used by the Board of Pardons and Parole include risk and needs levels (MCA 46-23-218)

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[1] D. A. Andrews and James Bonta, The Psychology of Criminal Conduct, 5th ed. (New Providence, NJ: Mathew and Bender & Company, Inc., 2010).

[2] Pamela Casey, Jennifer Elek, and Roger Warren, *Center for Sentencing Initiatives: Use of Risk and Needs Assessment Information in State Sentencing Proceedings* (Williamsburg, VA: National Center for State Courts, 2017).

[3] CSG Justice Center, 50-State Report on Public Safety, https://50statespublicsafety.us (2018)

[4] D. A. Andrews and James Bonta, The Psychology of Criminal Conduct, 5th ed. (New Providence, NJ: Mathew and Bender & Company, Inc., 2010).

[5] *Risk/Needs Assessment 101: Science Reveals New Tools to Manage Offenders* (Washington, DC: The PEW Center on the States, 2011).