

Maximizing Use of Risk-Needs Assessments in Court Decisions



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<https://www.nysap.us>

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Overview

1. Why Do Risk Assessment?
2. How to Prevent Future Violence & Offending—Risk-Need-Responsivity
3. How To Implement Risk Assessment



Some Terms

- **Risk**– likelihood of recidivism (or violence)
- **Disposition** – where will the youth go? E.g., diversion, informal handling, probation, placement
- **Services** – any rehabilitative or treatment-oriented activity or program (e.g., mentoring program, therapy, cognitive behavioral therapy, job training).
 - Does NOT include community service, restitution, intensive supervision and other ‘conditions’.



WHY CONDUCT RISK ASSESSMENTS?

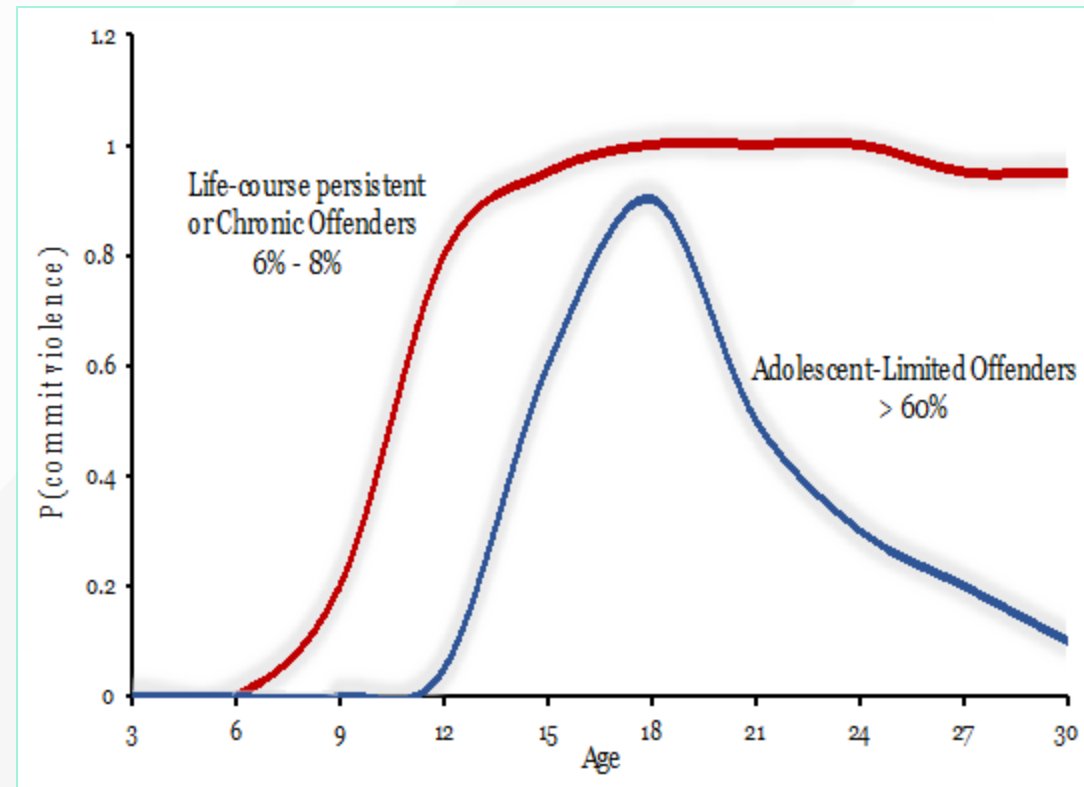
Adolescent Development and Offending

- Some delinquent behavior is near normative

In JJ, Low risk = 40% to 50%

- One-size fits all responses and services do not significantly reduce recidivism (e.g., Lipsey, 2009), and may even be harmful (e.g., Gatti et al., 2009)

- Risk is malleable. Most adolescents and young adults, will desist.



(Mulvey et al., 2010 – also see Farrington, 1995; Loeber et al., 1991 Moffitt, 1993, Moffitt & Caspi, 2001)

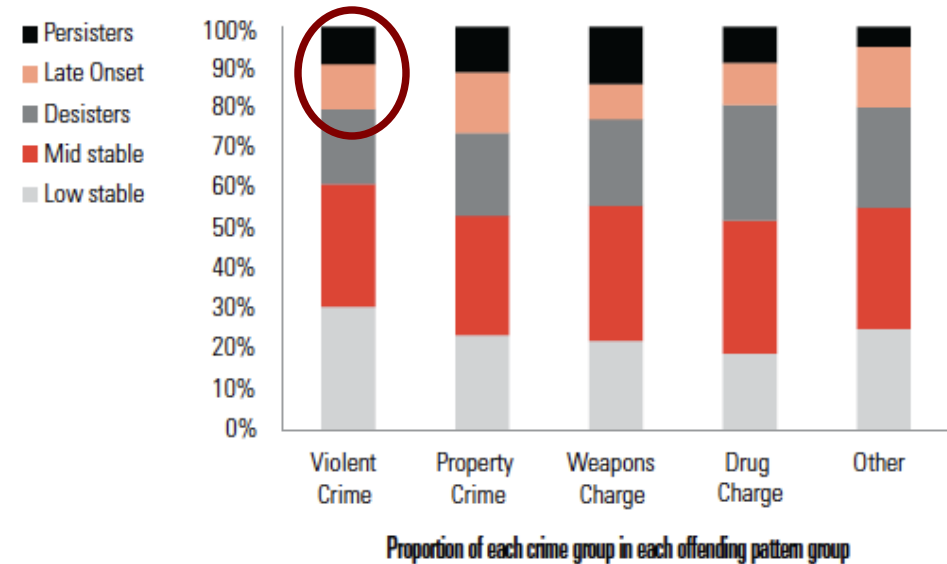
So How Do We Tell Who is Likely to Continue Engaging in Violence or Serious Offending?

- ❖ Severity of a youth's offense is not a strong indicator of the future pattern of offending (Mulvey et al., 2010).



- ❖ What about number of prior offenses?

Figure 2. The type of crime does not predict future criminal careers
(similar proportions of persisters, for example, are found in each type of crime group)



Over Reliance on Static Factors (e.g. Juvenile Record) Will Lead to Racial Inequity (2022 Juvenile Court Statistics)



16.5 court referrals
for persons offenses
per 1,000 Black
youth vs

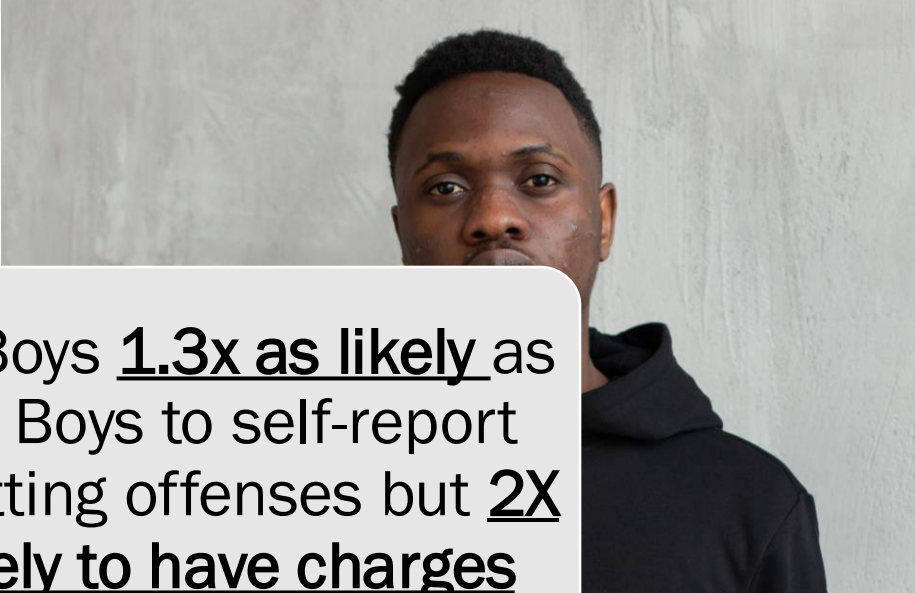
5.4 court referrals
per 1,000 White
youth

(Hockenberry & Puzzanchera, 2024)



Racial Differences in Official Records

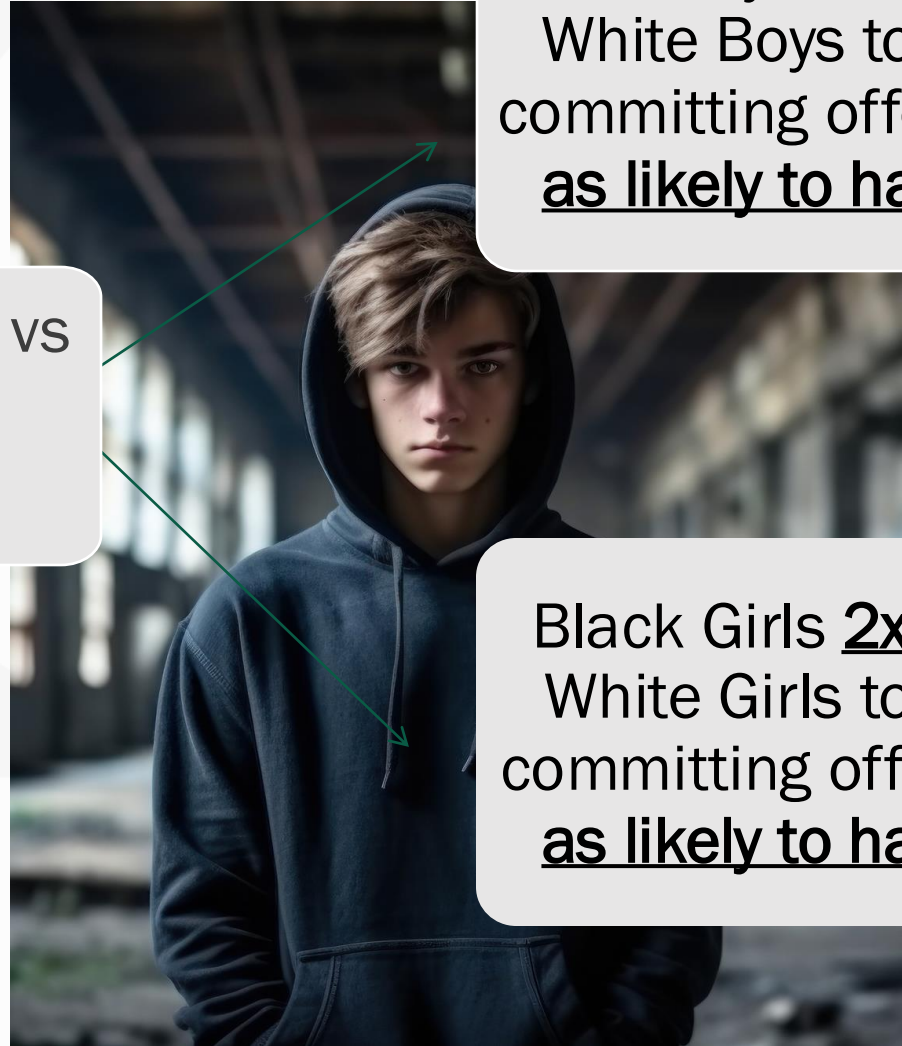
Self-Reported Offending vs
Official Records
(Loeber et al., 2015)



Black Boys 1.3x as likely as
White Boys to self-report
committing offenses but 2X
as likely to have charges



Black Girls 2x as likely as
White Girls to self-report
committing offenses but 7x
as likely to have charges





Activity



Individual Exercise: Write down your top 2 or 3 indicators that a youth is likely to reoffend seriously or be violent in the future?

Risk/Needs Assessment



1. Who do I need to be most concerned about?
(quantifies risk)

2. What should I do about it?
(guided by youth's primary dynamic risk factors)

Risk Instruments Can Reduce Disparities That Already Exist in the System When ‘Implemented’

11/22/24

BRINGING DATA TO THE DEBATE ON RISK ASSESSMENTS

NOVEMBER 2024

KEY TAKEAWAYS

- ▶ Current evidence overall signals that risk assessments are not resulting in harsher treatment for individuals with minoritized racial and ethnic identities.
- ▶ More than one third of articles in this systematic review found that risk assessments helped decrease pre-existing racial and ethnic disparities in legal decision making.
- ▶ Most of the included articles focused on pretrial-related outcomes and a narrow type of risk assessment (e.g., brief pretrial risk screening tools).
- ▶ Overall, most studies tended to be methodologically weak. More gold-standard (i.e., pre-post comparison) studies are needed.

Disparate Impact Findings

10 articles reporting that the use of risk assessments did not lead to the creation of racial or ethnic disparities in legal decision making, nor did it worsen disparities that already existed

8 articles showing that the application of risk assessments decreased racial and ethnic disparities in legal outcomes

3 articles finding risk assessments may have increased disparities



<https://www.umassmed.edu/lawandpsychiatry/law-and-psych/news/>

(Lawson & Vincent, 2024)

Why Do Risk Assessment?

Take Home Messages

1. Increase consistency and transparency

2. Increase objectivity (rectify existing racial/ethnic and gender biases)

3. Obtain a roadmap for effective intervention (conditions)



HOW WE BEST PREVENT FUTURE VIOLENCE & REOFFENDING? RISK-NEED-RESPONSIVITY

Recommendations For Juvenile Justice Reform & Preventing Youth Reoffending

National Research Council of the National Academy of Sciences (2013). *Reforming Juvenile Justice: A Developmental Approach*

- Use structured risk and need assessment instruments to identify low-risk youths who can be handled less formally in community-based settings, to match youths with specialized treatment, and to target more intensive and expensive interventions toward high-risk youths.
- Risk-need-responsivity



To Be Effective, Risk Assessment Should be Paired With Risk-Need-Responsivity

The "Who"

Risk Principle

Match the intensity of the intervention with one's level of risk for re-offending

The "What"

Need Principle

Target dynamic or changeable risk factors and only those factors

The "How"

Responsivity Principle

Match the mode & strategies of services with the individual

When RNR is Implemented Effectively, What Are the Outcomes?

Increased
diversion if
implementation
is early

Improved
resource
allocation for
supervision &
services

Matching
services to needs
(individualized
case planning)

Cost-effective

Protecting
public safety
(e.g.,
recidivism)

Risk-Need-Responsivity: 3 Principles

The "Who"

Risk Principle

Match the intensity of the intervention with one's level of risk for re-offending

'How much to do & with Whom'

The "What"

Need Principle

Target dynamic or changeable risk factors and only those factors

The "How"

Responsivity Principle

Match the mode & strategies of services with the individual

Risk Principle

- **Low risk** – unlikely to reoffend even if we do nothing
 - *Do as little as possible – divert/handle informally*
- **Moderate risk** – Some likelihood of serious reoffending
 - *Risk factors should be matched to proper services; Some monitoring*
- **High risk** – likely to reoffend seriously if we do nothing
 - *High intensity services & management*

***Does not mean the youth must be confined to protect public safety –depends on whether well-matched resources exist in the community*

The Risk Principle Applies To....

Legal decisions

- Eligibility for diversion/informal handling
- Eligibility for detention
- Severity of disposition
- Reentry planning - when to release

Placement

- Level of structure and security

Case Management

- Match intensity of services/programs to level of risk
- Match # of contacts in community to level of risk

Risk-Need-Responsivity: 3 Principles

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Target dynamic or changeable risk factors and only those factors

'What to do'

The "How"

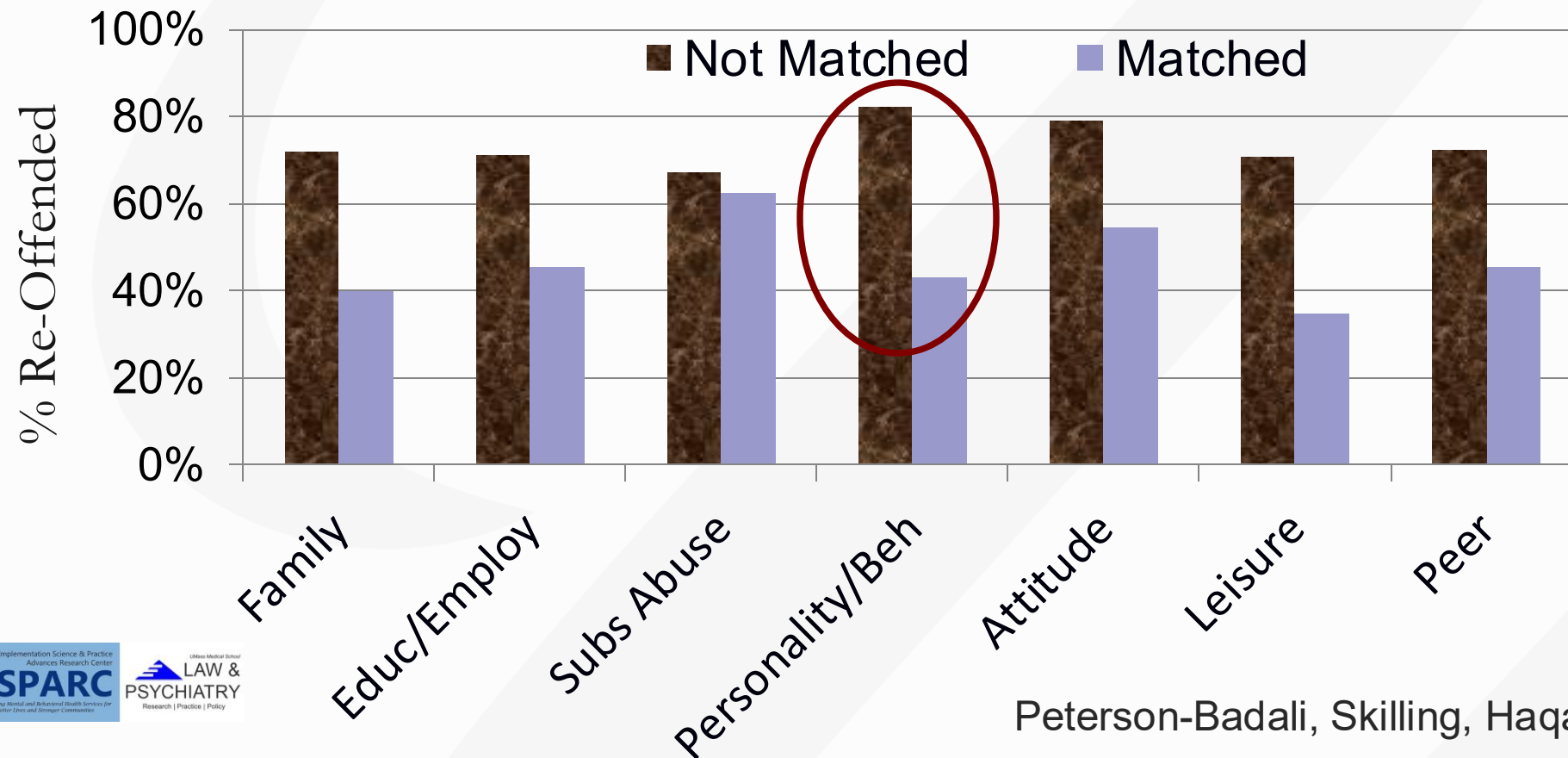
Responsivity Principle

Match the mode & strategies of services with the individual

Need Principle:

Individualizing services to target changeable risk factors is more effective than one-size fits all case planning

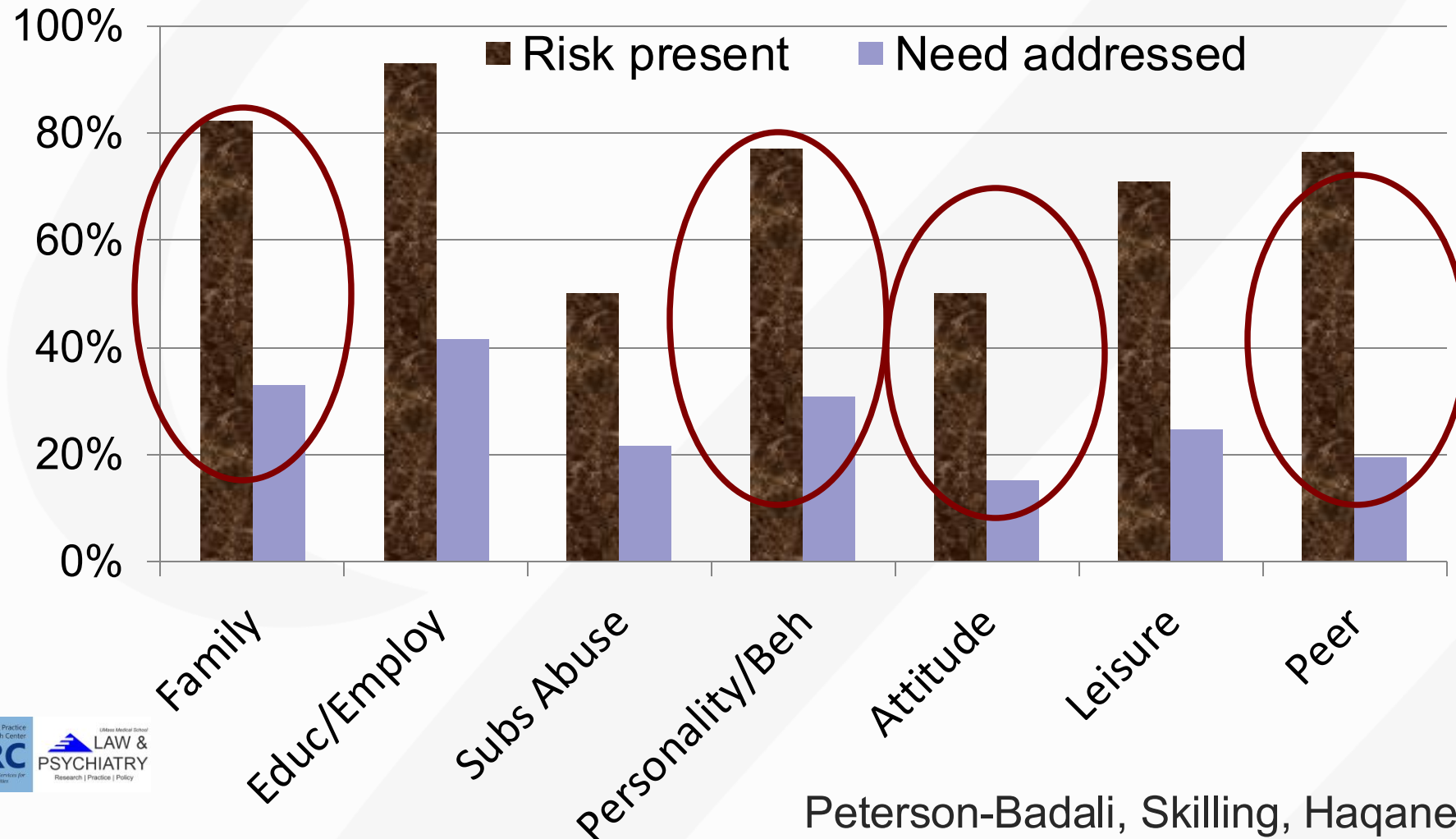
Example: Recidivism of 148 Probationers



What Typically Happens in Practice?

Need-to-Service Matching (Need Principle)

% of Probationers with each risk domain that received an appropriate service (n = 148)



The Need Principle Applies To....

Case Management

- Match services/programming to the priority risk/need areas (more intensive for high risk)

Release Planning

- Reentry plan addresses priority risk/need factors still remaining after custody
- Maintain flexibility; risk factors can decrease and/or change over time

Risk-Need-Responsivity: 3 Principles

The "Who"

Risk Principle

Match the intensity of the intervention with one's level of risk for re-offending

'How much to do & with Whom'

The "What"

Need Principle

Target dynamic or changeable risk factors and only those factors

'What to do'

The "How"

Responsivity Principle

Match the mode & strategies of services with the individual

'How to do it'

Responsivity Principle

- Essential for planning programming but not used to estimate risk level
- Characteristics of individuals, their environment, or their services that may affect response to programming/services
 - Includes **strengths**

Strengths Factors

➤ Strengths Principle of the RNR model (2023)

- Bolster to increase likelihood of success (i.e., no recidivism)
- Leverage strengths for successful completion of programming
- Use to improve 'therapeutic alliance'

Youth Protective Factors Study: Effective Supervision and Services Based on Risks, Strengths, and Development



- Self-control
- Self-efficacy
- Prosocial engagements (sense of purpose, school connectedness for younger youth)
- Social support from caregivers

Responsivity Principle

- Characteristics of youth, their environment or services that may affect response to programming/services
 - Internal barriers
 - External barriers
- Goal is to match the mode of program delivery to these youth and environment characteristics when needed. Examples:
 - *Learning disabilities*
 - *Culture Gender*
 - *Motivation or readiness to change*
 - *Transportation issues/homelessness*
 - *Drug/Alcohol problems (also a risk factor)*
 - *Mental health issues (e.g., PTSD, bipolar, psychosis)*
 - *Trauma-related symptoms*



What About Mental Illness?

- Proportion of violence within society attributable to serious mental illness is 12%
 - *Mainly symptoms of psychosis and bipolar disorder*
 - *First episode psychosis - onset typically age 16 to 25 for boys*
- However, most who engaged in violence/aggression did so due to comorbid factors; the stronger predictors of violence:
 - *Substance misuse/SUDs*
 - *Externalizing disorders/personality*
- Medication - effective for those with MI as the primary driver
- *Complicated for adolescents*

Connection - Mental Health, Risk Factors, & Recidivism in JJ Settings

(Guebert & Olver, 2014; McCormick et al., 2016; Schubert et al., 2011; Skeem et al., 2008)

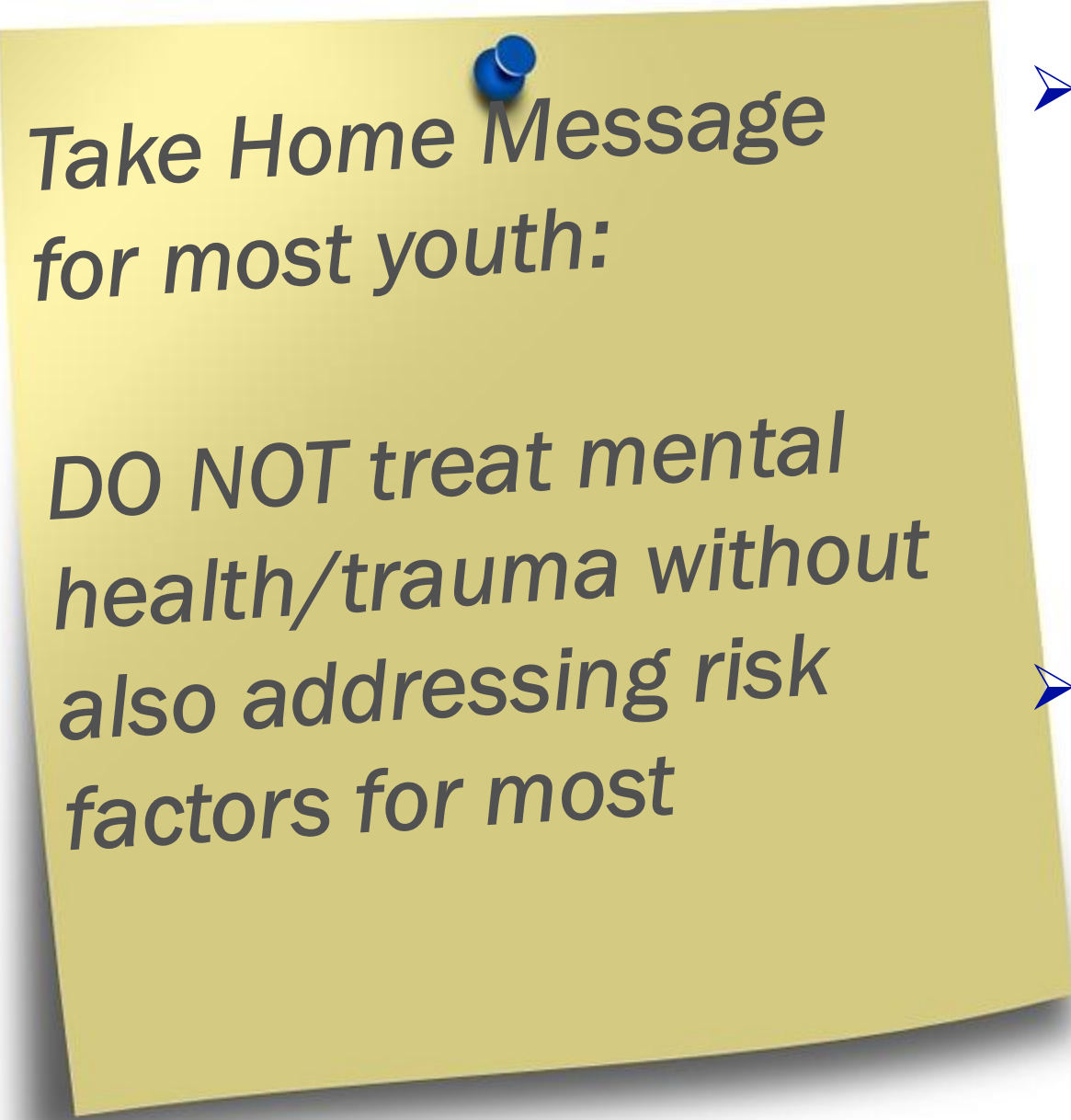
Youth with mental health needs tend to have higher levels of risk factors than their peers

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graph TD; A[Youth with mental health needs tend to have higher levels of risk factors than their peers] --> B[Youth with mental health needs are no more likely to reoffend than those without mental health needs]; B --> C[Matching services to youths' risk factors = lower recidivism. Giving mental health treatment to those with mental health needs did NOT]; C --> D[Treating BOTH risk factors AND mental health results in the most significant reductions in recidivism];
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Youth with mental health needs are no more likely to reoffend than those without mental health needs

Matching services to youths' risk factors = lower recidivism. Giving mental health treatment to those with mental health needs did NOT

Treating BOTH risk factors AND mental health results in the most significant reductions in recidivism



**Take Home Message
for most youth:**

**DO NOT treat mental
health/trauma without
also addressing risk
factors for most**

- Mental Health and Trauma-Related Symptoms are important because they may....
 - Exacerbate existing dynamic risk factor domains
 - Interfere with the ability to benefit from services designed to address risk factors
- Clinicians are needed to assess the severity of the mental health condition and its association to youth's violence



Question



What is the most common service prescribed to youth by the juvenile justice system?

Youth Protective Factors Study: Effective Supervision and Services Based on Risks, Strengths, and Development



<https://www.umassmed.edu/lawandpsychiatry/law-and-psychiatry-research/NIJ-Youth-Protective-Factor-Study/>

What Services DO Reduce Violence Among Youth?

Top Tier

- Cognitive Behavioral Therapy (CBT) & its variants
- Multisystemic Therapy (MST)
- Multidimensional Family Therapy (MDFT)
- Functional Family Therapy (FFT)

High-2nd Tier

- Parenting with Love and Limits
- Big Brothers/Big Sisters of America
- Dialectical Behavior Therapy (DBT)

Low-2nd Tier

- Multidimensional Treatment Foster Care
- Brief Strategic Family Therapy
- Parent Management Training



HOW TO IMPLEMENT RISK ASSESSMENT & RNR

Keys to Success:

1. Involve judges/attorneys in the planning
2. Do the risk assessment as early as possible
3. Share key information with the decision-makers

Planful Implementation is Critical

8 Steps to Implementation

1. Getting ready
2. Establish buy-in
3. Select the risk assessment
4. Develop policies & procedures
5. Sustainability steps (QA plan)
6. Training staff
7. Pilot test
8. Full implementation

Judicial, DA,
& PD
involvement
is critical

Risk Assessment in Juvenile Justice: A Guidebook for Implementation

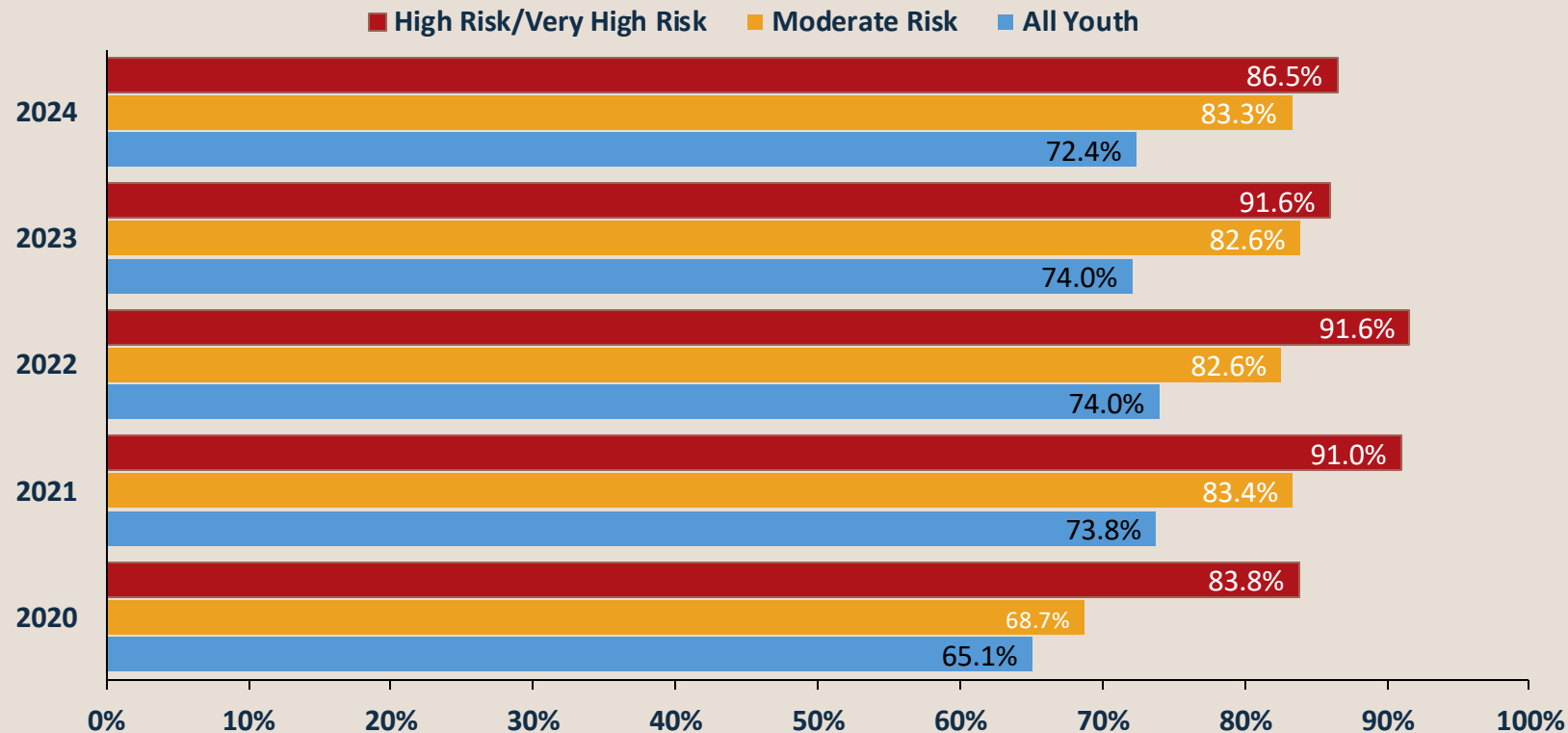
Gene M. Vincent, Ph.D.
Laura S. Guy, Ph.D.
Thomas Grisso, Ph.D.
National Youth Screening & Assessment Project

ModelsforChange
Systems Reform in Juvenile Justice

Vincent, Guy, & Grisso (2012) Funded by MacArthur Foundation

Data Tracking – Important for Sustainability

Risk Reduction, 2020 - 2024

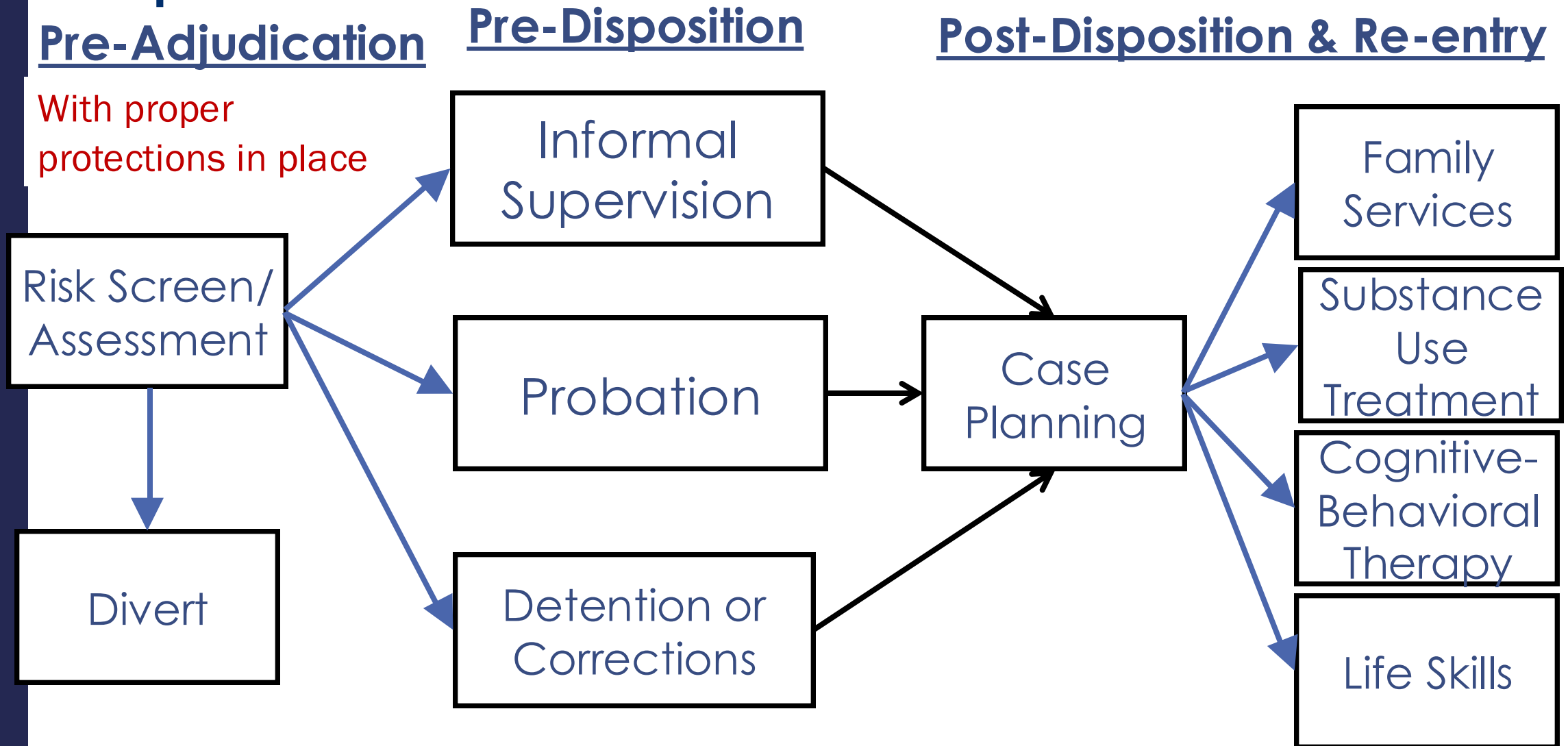


Among youth ending supervision in 2024:

- 72.4% had a lower risk score at closing compared to their initial assessment.
- 83.3% of moderate risk youth had a lower risk score at closing compared to their initial assessment.
- 86.5% of high risk or very high-risk youth had a lower risk score at closing compared to their initial assessment.

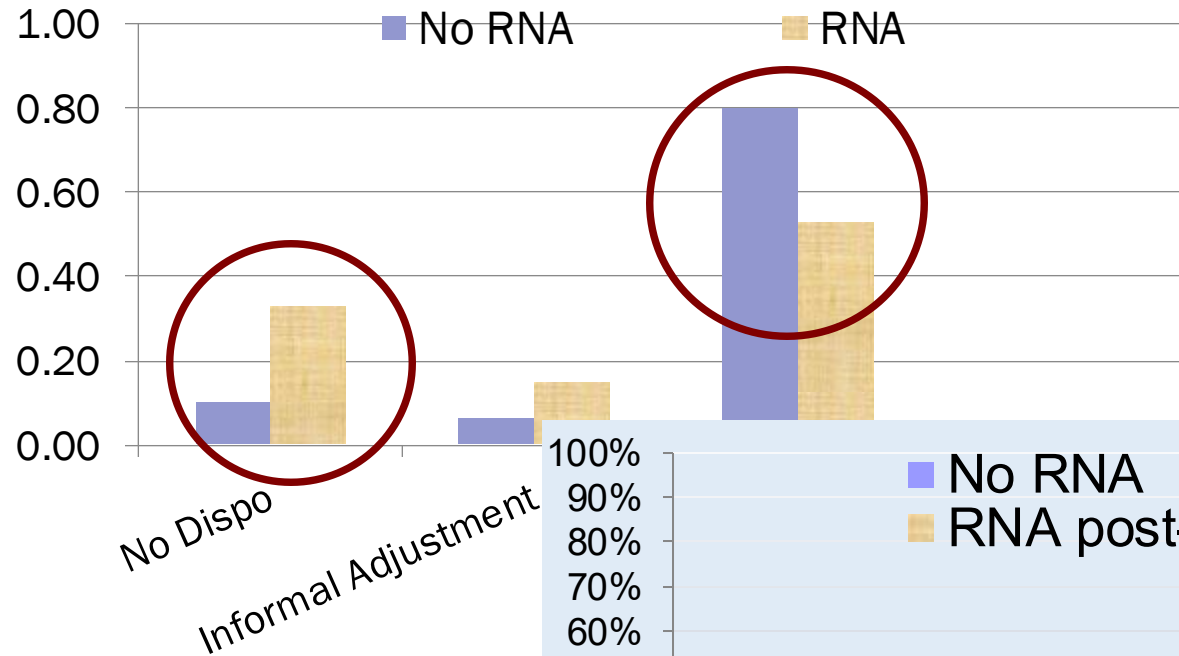


The Earlier The Assessment, The More Decisions It Can Impact

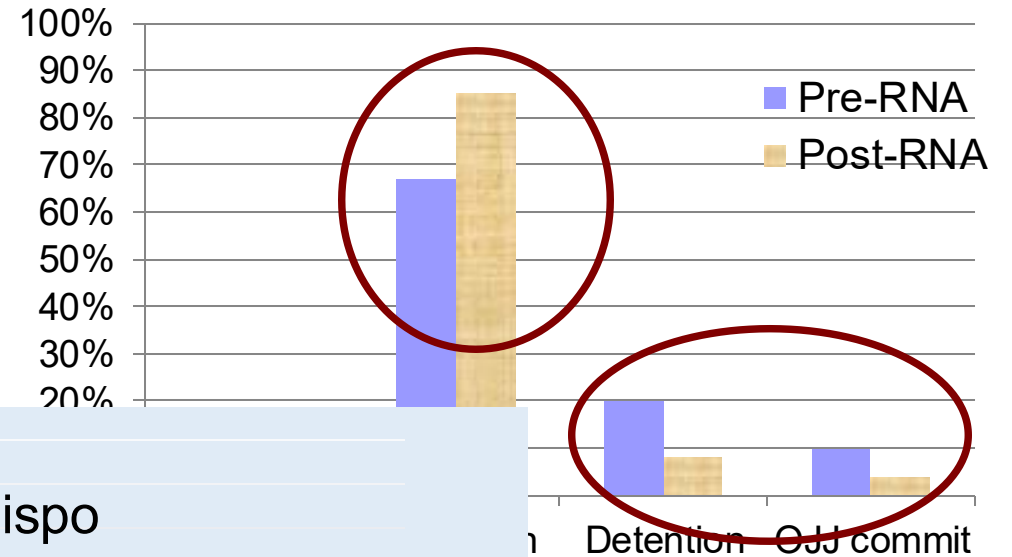


Earlier Assessments Have Best Ability to Inform Court Decisions

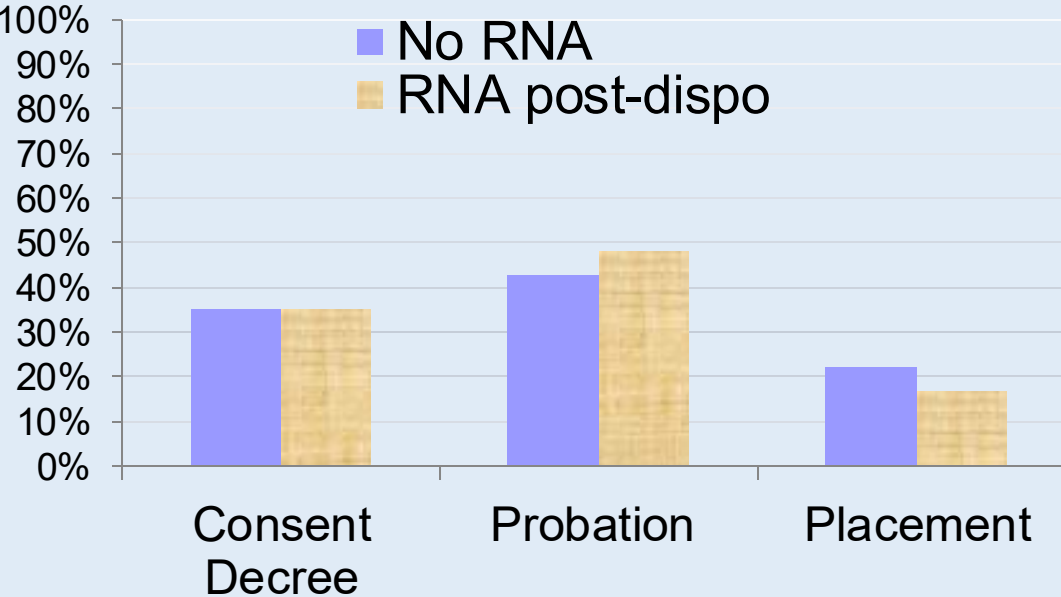
Pre-adjudication assessment



Post-adj/Pre-disposition assessment



*Guy et al. (2015);
Vincent et al. (2012)*



Change when RNA
information NOT
shared with court

Information needs
to be shared with
the court
consistently

Pre-Disposition Recommendations Template

Juvenile Disposition Report			
January 8, 2025			
Petition Number(s):			
Youth Information			
Youth Name:		Phone #:	
AKA:		JJIS #:	
Age:	DOB:	Gender:	
Assessments			
Type of Assessment		Date	
JCP Risk Score & Level			
Score: ____ (0-30) Level: ☐ Low (0-5) ☐ Medium (6-13) ☐ High (14-30)			
Override Reason: _____			
<i>*Narrative should be added to provide further context for score/level. At a minimum, narrative should identify and explain domains where the youth score was significant and provide supporting information for any recommendation to override.</i>			
Present Situation			
Narrative should be added to describe why youth is currently before the court.			
Youth Interests, Attitudes, Values, Beliefs:			
Youth Strengths & Protective Factors:			
Behavior:			
Education/Work Status:			
Current School/Work Status:		Current Grade:	
Current School/Employer:		Current School Credits:	
IEP:		Last Grade Completed:	
Substance Use/Treatment History:			
Mental Health/Treatment History:			



Risk Principle



Strengths-based

Pre-Disposition Recommendations Template

Family Functioning:

Peer and Other Relationships:

Identified Developmental Needs and Recommended Supports:

Response to Supervision:

Victim Notified of Hearing? ☐ Yes ☐ No ☐ No Victim Identified

Victim Rights Requested? ☐ Yes ☐ No

Referral History

PENDING REFERRALS

Date	Charges	Outcome

PRIOR REFERRALS

Date	Charges	Outcome

**Attach separate document for large histories.*

Disposition Recommendation

Disposition Type: *(drop down options: Probation, OYA, ODHS, Other)*

Disposition Length: *(drop down options: include all individual probation length options)*

Recommended Treatment/Services and other conditions: *(ie. drug & alcohol, mental health, restitution, community service, restrictions on associations, etc.)*

**Narrative should be added to describe Juvenile Court Counselor's recommendation to the court for current disposition and to connect identified risk score/level with recommendations.*

Signatures

Prepared By:

Approved By:

Name Date
Juvenile Court Counselor/
Juvenile Probation Officer

Name Date
Juvenile Department Supervisor

RNR-based
recommendations

Common Practices NOT in Alignment with Science on Reducing Risk and Recidivism

Basing decisions primarily on juvenile records

Not completing risk/needs assessment before disposition – UNLESS
Conditions provide flexibility for JJC's to plan

Focusing on MH treatment while neglecting risk factors

Over-supervising and over-servicing low risk youth



RESEARCH