



The Resource Page



NEW PUBLICATIONS OF INTEREST

PAMELA M. CASEY, ROGER K. WARREN, & JENNIFER K. ELEK, *USING OFFENDER RISK AND NEEDS ASSESSMENT INFORMATION AT SENTENCING: GUIDANCE FOR COURTS FROM A NATIONAL WORKING GROUP*, National Center for State Courts, 2011. 48 pp. <http://www.ncsc.org/RNAPrinciples>

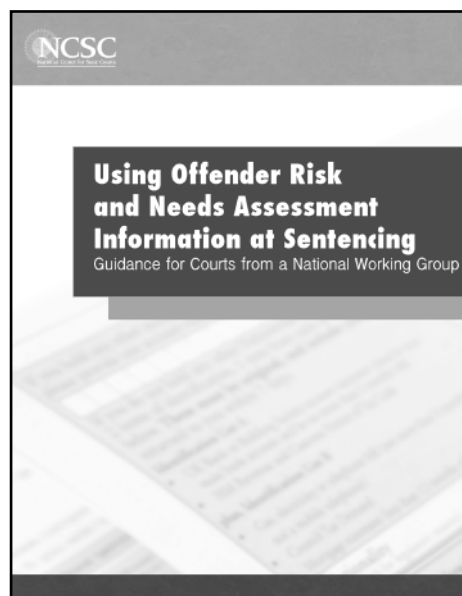
Recent studies have exposed offender recidivism as a major public-safety issue that the courts need to address. Out of a sample of 275,000 prisoners who were released in 1994, two-thirds were arrested again within 3 years. Reports indicate that 1 in 31 adults is currently under criminal supervision. Of course, judges have some sense of local recidivism rates, as they see the same offenders over and over in the courtroom. But the public is also aware of the high level of recidivism, and general perceptions of public safety and the criminal-justice system suffer as a result.

The good news, according to this new guide from a national working group, is that a clear path to improvement exists. The guide suggests that courts can use more detailed information about the risks and needs of an offender to significantly lower the offender's chances of being rearrested.

Published by the National Center for State Courts, the guide informs judges, attorneys, and other legal stakeholders about how to implement or enhance risk-and-needs-assessment information in their jurisdictions. These assessments detail an offender's dynamic risk factors—that is, the factors that may still be changed—including personality pattern, social supports for crime, substance-abuse issues, and family relationships. The working group, chaired by recently retired Alabama Chief Justice Sue Bell Cobb, recommends that courts integrate this individualized assessment into every

stage of the sentencing process, from plea-bargaining to probation.

The guide calls for judges to focus on reducing recidivism as a primary goal of sentencing. Appropriate classification of offenders using risk-and-needs-assessment information, in combination with appropriate sentencing using the same classification, can reduce recidivism by up to 26%. And research cited in the guide suggests that “[a] potential decrease of even 5 or 10 percent in the rate of recidivism is significant given current rates of reoffending.”



As any systemic change is difficult to initiate, the working group offers nine principles to help courts move to a more evidence-based system of sentencing. The first few principles state that risk-and-needs-assessment information should inform matters such as probation conditions, but should not be used as an aggravating or mitigating factor in determining the offender's sentence. Risk-and-needs-assessment information is valuable when considering whether an offender can be effectively supervised while on probation, and it can aid in determining probation conditions as well as proper responses if the conditions are not met.

The guide then turns to education and training. For an evidence-based system to

be successful, all stakeholders—the judge, the defense attorney, the prosecutor, the probation officer, victims advocates—must be comfortable using and interpreting risk-and-needs-assessment information. Training can be done through conferences, workshops, and even webinars, including those conducted by the Crime and Justice Institute.

To build an efficient evidence-based system, the entire infrastructure of a probation department or assessment agency should factor in the risk-and-needs-assessment report for each offender. An assessment report should be made available to all parties at each stage of a sentencing process, and the parties should be encouraged to use the report during deliberations about appropriate probation conditions.

Each jurisdiction must select tools for integrating risk-and-needs assessments based on its individual resources and needs. Judges must consult with other agencies to determine the length, formatting, and content of the reports, and the data should be routinely reviewed so that any necessary modifications may be made to increase accuracy. When a jurisdiction is establishing a new system, periodic evaluation is crucial to avoiding damaging misclassifications.

The guide concludes by calling on judges to lead the way in implementing risk-and-needs-assessment information. If a jurisdiction already uses limited evidence-based practices, judges can seek to increase the use of such materials in other areas. Other jurisdictions will need to begin from the ground up with judges advocating for funding, bringing colleagues and other legal actors on board, and discussing the future implementation of risk-and-needs-assessment information.

At every stage, the guide suggests, it's necessary for judges to explain the clear benefits of using risk-and-needs-assessment information: improving public safety, reducing recidivism, and, in many cases, reducing excessive costs associated with incarceration.