Designing a Decision Support for Court Case Interpretation and Sentencing

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Outline

• BACKGROUND – Current Challenges in Sentencing

• DESIGN CHALLENGES – How best can EBP/ RNR help

• FOUR MAIN TASKS/STAGES IN SENTENCING
  1. Risk and Needs Assessment (Theory-Guided)
  2. Case Interpretation (Understanding, Formulation of Cases)
  3. Decision making (Sentencing goals, Interventions)
  4. Case Monitoring (Progress and Outcomes)

• IMPLEMENTATION CHALLENGES
  – MEETING SCIENTIFIC CRITERIA
  – OBTAINING COLLABORATION
  – EDUCATION AND TRAINING
Part 1: Background

A Potential “tipping point” after 30 YEARS of “TOUGH” Sentencing: CALLS FOR SENTENCING REFORM

1. WORLD’S HIGHEST INCARCERATION (Massive growth, Extreme Overcrowding; Costs)
   - Massive Reentry and Recidivism Crisis (600,000 + per year, most re-arrested)
   - Enormous costs of CJS budgets – States at crisis levels

2. DOES INCARCERATION REDUCE CRIME?
   - V. High recidivism rates (60% +, 3yrs);
   - Release of serious offenders

3. ARE WE GROWING THE CRIME PROBLEM?
   - Rising Evidence of “criminogenic effect” of inappropriate incarceration
     - Erosion of human/social capital (Joblessness, poverty)
     - Extreme social stigma and marginalization of ex-prisoners
     - Prisons as “schools for crime”/ Criminogenic effects
     - Wrong people (many non-violent) incarcerated
   - Impact on Black communities - demographic imbalance (Lower % males)

4. FINANCIAL CRISIS– Public outcry to cut costs of massive incarceration

5. EVIDENCE OF POOR JUDGEMENT by “Human decision makers”
POLITICAL AND LEGISLATIVE Pressures on Judges/Courts

To introduce EBP, What Work’s, Risk-Needs Assessment

1. Political, Legislative & Financial pressures to use RNR & EBP to improve Sentencing Decisions:
   - Oregon (2003) at least 25% of DOC funding 2005-7 for EBP programs
   - Washington Legislature 2005 Examined fiscal savings of EBP treatment & correctional programs in Sentencing

2. Revival of Rehabilitation – Successes of EBP studies & “What Works studies
   - Re-analysis of Martinson’s (Nothing Works) - Ted Palmer and others
   - Meta-analytic of “ What Works” (Gendreau, Andrews, and others)
   - Martinson recanted, Martinson’s suicide

3. Legislative branch & Policy Commissions developing statutes - new performance demands on Courts Judges:
   - Crime reduction must be a clear component and purpose of sentencing
   - Judges must consider impact of sentences in reducing future crime
   - Focus on sentencing effectiveness - calls for stronger rehabilitation components (Smart Sentencing)


5. Spread of “Problem Solving” Courts - Smart Sentencing
   - Strong focus on rehabilitation, treatment and “What Works” Principles
   - Required use of risk and needs assessment and EBP, RNR principles
   - Problem solving orientations (drug courts, etc)

6. State and National Logic Models - Risk/Needs Assessment is foundation of these models
   - California and Michigan Logic Model (Expert Panel);
   - NIC model;
State Chief Justices

Top concerns of state trial judges in felony cases:

1. High rates of recidivism
2. Ineffectiveness of traditional probation supervision in reducing recidivism
3. Absence of effective community corrections programs
4. Restrictions on judicial discretion
5. Extreme dislike of “Assembly line” justice
   1. No time, “rubber stamping” etc
   2. Overwhelming case loads

Warren ICCA 2012
Criticisms of Sentencing

1. **Sentencing Ineffectiveness**: Failure to reduce recidivism

2. **Judicial decision-making skills**
   - Rise of “Smart Sentencing” & “Problem solving” Courts (Drug Court, Mental Health, Domestic Violence, etc)
   - Is legal training sufficient to help judges use R/N Assessments, EBP and RNR principles in sentencing, and rehabilitation strategies

3. **Poor predictive accuracy**: Judges difficulty in predicting future violence/recidivism

4. **Sentencing disparities** – across Judges & Courts

5. **Weak Judicial Accountability**: Judges failures to provide “coherent justification” of their sentences (Tata 2009)
EBP in Risk Level Assessment: Professional Judgment or Actuarial Risk Assessment, or both?

1. Data Collection Phase
   - Risk/Needs Assessment
   - Background Data
   - Crim. History Data

2. Data Integration Phase
   - Human Judgment
   - Statistical Risk Assessment

3. Decision Phase
   - Reach Decisions

4. Action Phase
   - Action
   - Outcomes

Kinds of Errors:
1. Over Classification
2. Under Classification
3. Misconstruing the Case
Potential Benefits of EBP/What Works for Sentencers

1. **More accurate risk prediction for offenders**
   - Higher predictive accuracy than professional judgment
   - Fewer false positive errors (Reduce CYA tendency)

2. **More comprehensive assessment of critical NEEDS**
   - To support “theory-guided” case formulations
   - May reduce misconstrual & misinterpretation of cases
   - More consensus on case interpretation among court stakeholders

3. **More support for Rehabilitation Sentencing component**
   - More valid identification & coverage of offender criminogenic needs
   - Better matching of offenders to Tx design and intensity (Responsivity)

4. **Smarter Sentencing – EBP + RNR Guidance + What Work’s**
   - Stronger EBP, RNR INPUT into PSI construction
   - May reduce excessive incarceration
   - BUT! Judges & other stakeholders accept/USE the EBP & RNR models

5. **Improved outcomes**
   - Less recidivism, Less crime
   - Less incarceration, Less crowding, Lower costs
Part 2
Designing a Sentencing Support System

HOW TO HELP PROBATION (PSI WRITERS) AND SENTENCERS?
1. Provide predictive models as decision support for KEY judgment for major risks (Recidivism, Violence)
   - Superior to chance, better than “flipping coins”
   - Superior to human “experts” (e.g. judges, psychologists, prosecutors, etc)
   - Reduce “judgment uncertainty” errors in key decisions - by PO’s, Judges

2. Provide VALIDATED MEASURES for ALL key RISKS & NEEDS
   - Comprehensive – BUT BRIEF! WELL Organized! – AVOID OVERLOAD

3. GUIDANCE ON CASE INTERPRETATION
   - HOW TO SYNTHESIZE the Data - Connect the dots – Justify your decisions!!!
   - SEE basic PATTERNS; Logical and Coherent)

4. LINK Integrated Databases: RN + Court Decisions +Tx. Outcomes
# Design Criteria for Correctional Risk Assessment

<table>
<thead>
<tr>
<th>Scientific</th>
<th>Legal</th>
<th>Practical</th>
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</thead>
<tbody>
<tr>
<td>Predictive Validity</td>
<td>Rational</td>
<td>Ease of Use (time)</td>
</tr>
<tr>
<td>Theoretical Coherence</td>
<td>Logical</td>
<td>Ease of Training</td>
</tr>
<tr>
<td>Construct Validity</td>
<td>Validated Data</td>
<td>Consistency (w/ staff skills)</td>
</tr>
<tr>
<td>Reliability of Measurement</td>
<td>Objective Data</td>
<td>Easy to Understand</td>
</tr>
<tr>
<td>Content Validity</td>
<td>Consistency</td>
<td>Provides Clear Explanations</td>
</tr>
<tr>
<td></td>
<td>All Relevant Factors</td>
<td>Fairness</td>
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<td></td>
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<td>Provides Guidance (for decisions making, Interventions)</td>
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FROM ASSESSMENT TO TREATMENT:
EBP input at three main tasks of sentencers

PHASE 1
ASSESSMENT AND DATA GATHERING
DATA ORGANIZATION

CRITICAL TASKS
1. ASSESS RISK/NEEDS
2. ORGANISED REPORT
   - COMPREHENSIVE
   - SIMPLE/SYSTEMATIC
   - EFFICIENT
   - WELL ORGANIZED
   - EB Practice (Validated?)

PHASE 2
CASE FORMULATION

CRITICAL TASKS for counseling staff
(Mainly cognitive tasks)
1. IDENTIFY KEY RISKS-NEEDS-STRENGTHS
2. INTEGRATE RISK FACTORS
   - LINK KEY FACTOR
   - CONNECT DOTS
   - AVOID INFO-OVERLOAD
3. REACH CASE FORMULATION (Interpretation)
   - WHAT TYPE OF CASE? (Case exemplars)
   - WHAT THEORY PROCESS
   - WHAT'S THE GIST (Casual sequence)
4. EXPLORE TREATMENT IMPLICATIONS

PHASE 3
DECISION MAKING
PLANNING
MONITOR ...

CRITICAL TASKS
1. SELECT GOALS
2. SELECT PLACEMENT
3. SELECT TX PLAN
4. PRIORITIZE TX'S
5. MATCH CLIENT TO TX
6. MONITOR PROGRESS
7. MAKE ADJUSTMENTS
Routine Judgment calls made by Courts

1. What RISK LEVEL does this offender pose if released
   1. Is this offender suitable for pre-trial diversion?
   2. What supervision level does this offender require?
   3. Should I revoke this offender from probation?

2. What are the NEEDS of this offender?
   1. What are the appropriate conditions for probation
   2. Is this offender amenable to treatment?
   3. What Treatments are needed?

3. What “kind” of offender is this case?
   1. Have we seen this “kind” of case before?
   2. How do I MAKE SENSE OF (INTERPRET) this case?

4. What is the optimal matching / sequence of treatments
   1. What case plan was tried last time with this kind of case?
   2. What was the outcome?
   3. How can I learn from this case? Evidence based inferences

COMPARE ACCURACIES - Are they better than flipping a coin?

- Psychiatrist diagnosis of “high risk for violence” among patients
- Weather forecasting
- Predicting stock market shifts
Cognitive Challenges in Sentencing & Case Formulation

1. **Identify Key Factors** – (What features are critical?)
2. **Make risk predictions** - (What risks are critical?)
3. **Reach an “understanding” of the case** (Case Formulation)
   1. Synthesize the data into an explanation/ Connect dots/Make inferences
   2. Does case fit any EXPLANATORY-THEORY pattern?
   3. Does case match any PROTOTYPICAL CASE Pattern?
   4. Interpret and synthesize the Risk/Needs Profile Chart
4. **Match your Case Formulation to a Treatment Plan**
5. **Things to avoid** – Why are each of these important?
   1. Avoid overload
   2. Avoid getting entangled with Irrelevant factors
   3. Avoid oversimplifying or stereotyping the case
   4. Avoid misunderstanding the the case
6. Link your Case Formulation to Short/Long term Tx Plan
7. **Justify your decisions** (What can you say?)
Problems at each stage

**DISCOVERY**
ORGANIZED ASSESSMENT
RELEVANT FACTORS
CORROBORATING DATA

POORLY ORGANIZED
IRRELEVANT FACTORS
POOR GUIDANCE

**Good Case Formulation**
1. By Theory Pattern
2. By Case Type Pattern
3. By Exemplar Cases
4. By Complex Blends

** Poor Case Formulation**
5. By Guess-and-by-Golly
6. By Personal Stereotype
7. Mechanical Rule/
   Agency Policy
8. Rubber Stamping
9. Immobilized/Overloaded

**Treatment Plan**
1. Appropriate Match
   (Individualized and well justified)

Mismatch: Various kinds
1. All get same
   (One-size-fits-all)
2. Get what's Available
3. Wrong Treatment
   (Too much, Too Little, Wrong Sequence, etc)
4. Tx. Failure/
5. Iatrogenic effects
Part 3
The Assessment Stage
Four Critical Design Goals

1. Select the right factors, avoid irrelevant factors
2. Brief / Well organized (Courts are BUSY)
3. Empirically supported/Validated factors
4. Theory-Guided Assessment
EBP – Consensus on Validated Predictors of Recidivism

1. Criminal History
2. Criminal Peers
3. Criminal Opportunity / High Risk Lifestyle
4. Criminal Personality
5. Criminal Thinking (Anti-Social Cognitions)

6. Drug Abuse (early onset; dependency)
7. Work/Educational Failure - Low Social Capitol
8. Family Risk Factors (Parenting failure, parent crime/drugs)
9. Environmental Factors: Hi crime area, Stress, gangs, unemployment, etc
10. Age, Gender, Age at first arrest (Early starters)
MULTIPLE FALLABLE INDICATORS – Using most powerful predictive factors
(20 yrs. of Meta-analytic predictive studies - EBP)

- History of Criminal Involvement
- Antisocial Associates
- Antisocial Personality
- Antisocial Attitudes/Criminal thinking
- Antisocial Opportunity (risk) lifestyle

**Protective Factors**
- Educational-Voc Capital
- Prosocial Bonds (Control theory)
- Supportive family
- Prosocial relations

**Criminality Habitual crimes**

**Other Criminogenic factors**
- Drug Abuse
- Residence in high crime areas
- Poverty
- Antisocial parents / siblings
# COMPAS Risk Assessment

**Person**
- **Name:** Melinda Susan Thomas
- **Ethnicity:** European
- **Offender #:** 2903977
- **DOB:** 07/17/1964
- **Gender:** Female
- **Marital Status:**

**Assessment Information**
- **Case Identifier:** 2903977-1
- **Scale Set:** Composite
- **Screener:** Goodoe, Neal
- **Screening Date:** 2/19/2010

## Risk

<table>
<thead>
<tr>
<th>Risk Category</th>
<th>Level</th>
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<tbody>
<tr>
<td>Violent Recidivism</td>
<td>Low</td>
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<tr>
<td>General Recidivism</td>
<td>Medium</td>
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## Criminogenic Need Scales

<table>
<thead>
<tr>
<th>Category</th>
<th>Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Involvement</td>
<td>Medium</td>
</tr>
<tr>
<td>History of Non-Compliance</td>
<td>Medium</td>
</tr>
<tr>
<td>History of Violence</td>
<td>Low</td>
</tr>
<tr>
<td>Current Violence</td>
<td>Low</td>
</tr>
<tr>
<td>Relationships/Lifestyle</td>
<td>Medium</td>
</tr>
<tr>
<td>Criminal Associates/Peers</td>
<td>Unlikely</td>
</tr>
<tr>
<td>Criminal Opportunity</td>
<td>Unlikely</td>
</tr>
<tr>
<td>Leisure and Recreation</td>
<td>Probable</td>
</tr>
<tr>
<td>Social Isolation</td>
<td>Highly Probable</td>
</tr>
<tr>
<td>Substance Abuse</td>
<td>Probable</td>
</tr>
<tr>
<td>Personality/Attitudes</td>
<td></td>
</tr>
<tr>
<td>Criminal Personality</td>
<td>High</td>
</tr>
<tr>
<td>Criminal Thinking Self Report</td>
<td>High</td>
</tr>
<tr>
<td>Family</td>
<td>Unlikely</td>
</tr>
<tr>
<td>Family Criminality</td>
<td>Unlikely</td>
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<tr>
<td>Socialization Failure</td>
<td>Probable</td>
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<tr>
<td>Social Exclusion</td>
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</tr>
<tr>
<td>Financial</td>
<td></td>
</tr>
<tr>
<td>Vocational/Education</td>
<td>Highly Probable</td>
</tr>
<tr>
<td>Social Environment</td>
<td>Probable</td>
</tr>
<tr>
<td>Residential Instability</td>
<td>Unlikely</td>
</tr>
<tr>
<td>Social Adjustment Problems</td>
<td>Highly Probable</td>
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</tbody>
</table>
The value of Standard Scores (SS) in Risk and Need Assessment

DEFINITION: Describes an individual’s level relative to the average performance of a norming population.

Decile Scores: 1 thru 10 in equal 10% steps
- 1-4 = low risk/low need
- 5-7 = medium risk (close to average)
- 8-10 = high scorers
### COMPAS Composite (default) Norm for Supervision Recommendations

<table>
<thead>
<tr>
<th>Violence Risk Decile Score</th>
<th>Total</th>
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<tbody>
<tr>
<td>1</td>
<td>10.3%</td>
</tr>
<tr>
<td>2</td>
<td>9.8%</td>
</tr>
<tr>
<td>3</td>
<td>10.2%</td>
</tr>
<tr>
<td>4</td>
<td>9.8%</td>
</tr>
<tr>
<td>5</td>
<td>10.1%</td>
</tr>
<tr>
<td>6</td>
<td>10.1%</td>
</tr>
<tr>
<td>7</td>
<td>10.3%</td>
</tr>
<tr>
<td>8</td>
<td>9.7%</td>
</tr>
<tr>
<td>9</td>
<td>9.9%</td>
</tr>
<tr>
<td>10</td>
<td>9.9%</td>
</tr>
</tbody>
</table>

- **Minimum Supervision Recommendation:** 38.5%
- **Medium Supervision Recommendation:** 24%
- **Medium (with override consideration to High) Supervision Recommendation:** 31%
- **High Supervision Recommendation:** 6.5%
Overrides and Professional Judgment are expected

1. Overrides are expected
   • Anomalous cases
   • Cases where statistical tests are invalid: immigrants, etc
   • Offenders who refuse or sabotage the test

2. Reasons for overrides
   • Aggravating Factors - Shift Higher
   • Mitigating Factors - Shift Lower
     – Has had a long period crime free
     – Is older than 35, has mostly ended the crime career
Additional Factors requested by clients and added to COMPAS

1. Women’s Gender Responsive inventory
2. Sex offense predictive tools
3. Stages of Change
4. Detailed drug inventories
5. The LSI inventory....and others, as requested by clients

6. Under development
   – DUI specific Module
   – Domestic Violence specific Module
How can Criminological Theories help to develop a better Assessment (Theory-Guided Pathways to crime)

**BIO-SOCIAL THEORY**
- **BIOLOGICAL NEURO-PHYSIOLOGICAL CRIMINAL PERSONALITY**
  - Psychopathy

**SOCIOPATHY THEORY**
- **WEAK SOCIALIZATION**
  - Broken Homes
  - Inept Parenting
  - Oppositional cultures

**SOCIAL LEARNING THEORY**
- **LEARNING**
  - Antisocial Peers
  - Antisocial Parents
  - High Crime Areas

**STRAIN THEORY**
- **STRAIN PATH**
  - Social Deprivation
  - Lo Edu/Voc Capital
  - Poverty
  - Low Opportunities

**ROUTINE ACTIVITIES THEORY**
- **OPPORTUNITY PRECIPITATORS**
  - Hi vs. Lo Risk Lifestyle
  - Unsupervised Situation
  - Easy Victims/Tempting
  - Lo risk of capture

**SITUATIONAL OFFENDERS**
- **EMOTIONAL PRECIPITATORS**
  - Being Angry/Bored
  - Drunk /High
  - Peer Encouragement
  - Current/Recent Stressors

**LONG TERM ANTI-SOCIAL PREDISPOSITION**
- Anti-social personality
- Anti-social Attitudes

**DECISION/COGNITIVE PROCESSES**
- Rewards/Risks
- Stored Schema
- Stored Criminal skills
- Disapprovals/Approval

**JUDGMENT PROCESSES**
- Impulsivity
- History of reinforcement
- Prior consequences (Learning Processes)

**SHORT TERM ANTI-SOCIAL SITUATIONAL PRECIPITATORS**

**CRIMINAL ANTI-SOCIAL BEHAVIOR**
Part 4

Introducing Risk Needs Assessment into the Court and Sentencing
Introducing Risk/Needs Assessment into the Sentencing and Courts

1. BIG problem – Contested environment! No Collaboration
2. Will the parties understand, or accept Risk/Needs or EBP?
3. PSI overlaps substantially with Risk/Needs
4. Is PSI the right vehicle to introduce EBP?
5. Can RNR and EBP principles “improve” a PSI?
Roles of PSI - A tool to support Sentencing

1. Logically, systematically organize relevant facts of case
2. Indicate offenders RISK level for recidivism, violence
3. Identify critical NEEDS ……any other relevant factors
4. Provide “explanatory statements” to support judges’ decisions:
   • To guide a “crime reduction” component of sentence
   • To suggest non-incarceration sentences IF appropriate
   • To develop a personal criminogenic personal narrative that logically and empirically supports sentence rec’s
5. To assist / advise on Sentencing (Not make the decision)
6. To be impartial, neutral and unbiased
7. To “balance” various sentencing goals
8. To be useful, credible to judges and other stakeholders

DISCUSSION ISSUE

How does Risk-Needs Assessment fit with these goals?
Typical PSI Content
COMPAS and EBP support these components

1. Current offense seriousness + Criminal history
2. Non-compliance history, Incarceration history
3. Risk Assessment (EBP data) Viol, Recidivism, Abscond, FTA
4. Needs Assessment - Personal/Soc. criminogenic (EBP Data)
   • Social History: family, social supports, cultural, peer affiliations, etc
   • Educational factors, Work history, Skills, poverty, residence
   • Attitudes & Cognitions: to offense, to sentence; Personality factors.
5. Detailed Narrative of Case Formulation (EBP/WW formulations)
   • Organize/synthesize DATA (connect dots) into coherent explanation
   • Present Justification for decisions / Accountability & logic
6. PSI Recommendations
   • Suitability for community placement (Risk assessment + Case Type)
   • Risk Management recommendations (Risk assessment)
   • Victim impact statements, Availability of community programs.
   • Treatment & Crime reduction/Rehabilitation programs (Needs Assess.)
Is PSI the vehicle for EBP to enter Sentencing?
What EBP Input does it provide

1. **Identifies Risk** - levels of recidivism, violence, non-compliance

2. **Identifies key Criminogenic Needs** i.e. that increase risk of recidivism (Inference)
   1. To “ground” inferences, interpretations, recommendations in the DATA
   2. Identify corroborating patterns of R/N factors to ground “interpretation inferences”
   3. What strengths may mitigate risks / Are there additional aggravating factors?

3. **Attempts to support “Interpretive explanation”** - “Connect dots” - **Make sense of the Case (Narrative and Case Formulation) for the Judge**
   1. What criminogenic needs are driving criminal behaviors (Inferences)
   2. What main “Causal Theory” suggested? (Inferences, see Theories)
   3. What “kind” of a case is this? Background knowledge on case prototypes (see Typology).
      Does this case exemplify any cases from prior experience?
   5. Gives any Strengths-Mitigating-Aggravating factors (Family, job skills etc)

4. **Offers suggested Tx recommendations** - with appropriate supporting evidence
   1. Treatment/Rehabilitative GOALS (Evidence > NEEDS scores)
   2. Supervision levels (Evidence > RISK scores)
   3. Recommend treatment PROGRAMS (Evidence > Scores from 1,2, and 3)
PART 5
CASE FORMULATION
Helping Court Stakeholders with Case Interpretation

1. SIMPLE APPROACH – AVOID INTERPRETATION. JUST LIST THE KEY FACTORS

2. INTERPRETATIVE SYNTHESIS – UNDERSTAND BY CONNECTING DOTS, TWO SCIENTIFIC APPROACHES
   1. COMMON “PROCESS PATHWAYS” TO CRIME (CRIMINOLOGICAL THEORIES)
   2. TYPICAL PATTERNS OR “KINDS” OF OFFENDERS
FROM ASSESSMENT TO TREATMENT: EBP input at three main tasks of sentencers

**PHASE 1**

**ASSESSMENT AND DATA GATHERING**
- DATA ORGANIZATION

**CRITICAL TASKS**
1. ASSESS RISK/NEEDS
2. ORGANISED REPORT
   - COMPREHENSIVE
   - SIMPLE/SYSTEMATIC
   - EFFICIENT
   - WELL ORGANIZED
   - EB Practice (Validated?)

**PHASE 2**

**CASE FORMULATION**

**CRITICAL TASKS**
1. IDENTIFY KEY RISKS-NEEDS-STRENGTHS
2. INTEGRATE RISK FACTORS
   - LINK KEY FACTOR
   - CONNECT DOTS
   - AVOID INFO-OVERLOAD
3. REACH CASE FORMULATION (Interpretation)
   - WHAT TYPE OF CASE? (Case exemplars)
   - WHAT THEORY PROCESS
   - WHAT'S THE GIST (Casual sequence)
4. EXPLORE TREATMENT IMPLICATIONS

**PHASE 3**

**DECISION MAKING**
**PLANNING**
**MONITOR**

**CRITICAL TASKS**
1. SELECT GOALS
2. SELECT PLACEMENT
3. SELECT TX PLAN
4. PRIORITIZE TX'S
5. MATCH CLIENT TO TX
6. MONITOR PROGRESS
7. MAKE ADJUSTMENTS
PROBLEMS IN CASE FORMULATION IN SENTENCING

1. **The Educational Challenge:** Most judges, DA’s and other Court Stakeholders are NOT trained in Assessment, Correctional Interpretation or rehabilitation

2. **Personal and Subjective Stereotypes:** Different Court stakeholders may hold “case stereotypes” that strongly influence their decisions – but cause errors
   - “Science is an Essential Safeguard against Human Error” O’Donohue, Lilienfeld and Fowler (2007)

3. **Court Environment:** Large Caseloads + Cog. Overload may undermine Case Formulation

4. **Pride in Personal Subjective Judgments:** “We know these guys”

5. **Vulnerabilities of Human cognition:** We are vulnerable to cognitive heuristics that often distort subjective person perception
   - Confirmation bias
   - Availability Heuristic
   - Illusory Correlation
   - Different training backgrounds lead to different interpretations (Seeing the world through different lense0
CHALLENGES in Case conceptualization

1. Information Overloaded --- Ignore assessment / Immobilized
   Rely on personal assumptions
   Liberal Assumptions - Blame environment
   Conservative Assumptions - Blame person

2. Stereotyping - Attach a stereotype to the case / superficial features

3. Confirmation bias - Seeing case thru one’s own mental “lenses”
   People “find/look for” ONLY evidence to confirm notions
   COGNITIVE filtering to “confirm” own pre-conceptions OR “kind” of case
   CASE Interpretation based on personal “discipline”

4. Availability heuristic (illusory correlations, false classifications)
   Highly memorable but rare cases easily retrieved from memory
   Falsely categorize ambiguous cases with memorable cases
   Assign the “wrong kind” of case; or cause! Wrong construals

5. Premature closure - on wrong construals (Kind or Cause)

6. GroupThink - When strong “COURT CULTURE” prevails and cases are often discussed, “war stories” - shared cognitive stereotypes

Note: These can produce conflicts between stakeholders as people see the world differently
IT’S ABOUT PATTERNS, STUPID!!!
GOING BEYOND SINGLE SCORES
CONNECTING THE DOTS

RECOGNIZING RECURRING PATTERNS
COMMON “KINDS” OF OFFENDERS
HAVE I SEEN THIS “KIND” BEFORE?
(PROTOTYPES)

Examples:
1. Poor, marginalized, substance abusing, transient, MH
2. Gangbangers, drug trafficking, weapons offender, homeboy, sub-cultural social learning (Lykken)
3. Middle class, employed, stable address, repeat DUI
Levels of Interpretation

1. Level 1 Mechanical Interpretation - Single Risk Factors
   1. Identify High Range Factors  (8+)
   2. Consider single separate high scoring factors /Novice Level
   3. “dots not connected” - weak interpretation

2. Level 2 Organize around major Risk/Need Domains
   1. Skill deficiencies (Education, Job Social skills) vs. STRENGTHS
   2. Environment stressors (Poverty, Peers, etc)
   3. MH/PersFilmality/cognitive/ issues

3. Level 3 Recognise Patterns - Theory or Type Patterns (Expert level)
   1. Try to connect (logically) main Risk Factors
   2. Try Theory based patterns? Does any of them fit?
   3. Try Type patterns? Do any fit?

4. Complex Blends (Combinations for processes?)
Strategy 1. Recognize what “KIND” of case is THIS?

IS THERE SCIENTIFIC EVIDENCE FOR SUCH CATEGORIES/KINDS?

- 50 years of research of criminal types
- Contemporary FINDINGS on criminal “Patterns”
- Contemporary software to classify cases to their appropriate “kind/PATTERN”
  - Male Patterns
  - Female Patterns

CAVEAT: These diagnostic decisions are “Probabilistic” and thus open to challenge
Male Offender Patterns

OFFENDER TYPOLOGY
7 RISK/NEEDS PATTERNS

SITUATIONAL ACCIDENTAL FEW RISK FACTORS
Lykken 1995
Van Voorhis 1994

Type 8
Lowest crimes
Lowest recidivism
Fewest Risk factors
**Lie alerts

Type 3
Older DUI/Alcohol
Few risk factors
Low recidivism risk
Domestic Violence
Good soc-bonds

Type 2
Young males
Few risk Factors
Good soc-bonds
Low Crim Hist
Fighting

Type 4
Habitual crime
Mostly Minor/NV
Poor/Transient
Jobless/Homeless
Adjustment prbs
Mental Health?

Type 1
Early drug onset
High Crim Hist
Mostly non-Viol
Younger/Not poor
Not isolated
Hi Crim Peers

Type 6
Highest drugs
Habitual crimes
Mostly non-Viol
Poor / Transient
Older/Isolated
Soc Marginalized

Type 5
Social Exclusion
Socialization prbs
Crim Attitudes
Crim Peers/Family
Crim Area
Young/Gangs
Violent

Type 7
Highest criminality
Highest recidivism
Multiple Risk Factors
Crim. Personality
Crim Opportunity
Crim Attitudes...etc

DRUGS ADDICTION
HI CRIM HIST

SOCIOPATHIC
Weak Socialization
Lykken 1995

Lykken 1995
Hare's Psychopath
Mealey 1995

EMOTIONAL PROBS
ADJUSTMENT PRBS
SOC-EXCLUSION
MINOR CRIMES

NATIONAL
14%
15%
12%
12%
10%
11%
8%

Wyoming
13%
15%
12%
10%
14%
7%
10%

Alcohol/Dom V
Fighting

Highest criminality
Highest recidivism
Multiple Risk Factors
Crim. Personality
Crim Opportunity
Crim Attitudes...etc
Serious Women offenders - 8 common prototypes

**Figure 1: A classification of women's pathways to serious habitual criminal behavior**
(Core features and Suggested Labels are bolded within each pathway)

- **WOMEN PRISONERS: HABITUAL SERIOUS OFFENDERS**
  - Paths 1 and 2
  - Paths 3, 4
  - Paths 5, 6, 7, and 8
  - Paths 7, 8

- **"NORMAL FUNCTIONING" DRUG DEPENDENT WOMEN**
  - Less Marginalized / Lower crime history
  - Low Victimization / Low Abuse
  - No Mental Health Issues
  - Core features: Drug, Single Parents, Younger
  - Path 1 = 144, 19.6%

- **VICTIMIZED/BATTERED WOMAN PATH**
  - Daly’s Relational path
  - Drug Connected Path
  - Antisocial Abusive SO
  - Hi Child & Adult sexual/physical abuse
  - Core features: Drugs, Younger Single Parents, Not parenting
  - Path 2 = 106, 14.4%

- **SOCIALIZED-SUBCULTURAL**
  - Less abuse as Children or Adults
  - Less mental health issues
  - Low Anti-social Personality
  - Drug Trafficking
  - Core features: Higher crime / Hi Social Influences, Not parenting
  - Path 3 = 89, 12.1%

- **AGGRESSIVE ANTI-SOCIAL**
  - Moffitt’s LCP? Daly’s H&B
  - Street women/Homelessness, MH Issues, Abusive SO, Abusive Hi Crime family,
  - High Anti-social Personality/Hostility
  - Low Self Efficacy/Aimless
  - Core features: Drugs, Younger, Not parenting, Anti-social families
  - Path 4 = 81, 11%

- **EXTREME MARGINALIZATION**
  - Higher crime/Drugs
  - Poor, Unskilled, Uneducated
  - Residence in Higher Crime Areas
  - Core features: Psychotic, Suicide risk
  - Path 5 = 119, 16%

- **UNCLASSIFIED**
  - Hybrids/Outliers
  - (2.2%)
Common Errors in Case Formulation

1. THE PROBLEM: Human cognitive limitations and cognitive “shortcuts”
   - Streamlining response – Error of OMISSION
   - Rubber stamping – Routinization of cases
   - Individualized justice vs. “Assembly line justice” (minimal “thinking”)

2. Immobilized by Overload – Ignore the data – Premature closure
   - Rely on personal intuitive assumptions – Often Wrong Construals
   - Focus on 1 or 2 major risk factors (Oversimplification)
   - Liberal Bias - Blame environment as cause
   - Conservative Bias - Blame person as cause

3. Group Think @ Stereotyping – If a strong “COURT CULTURE” exists
   - Cases are often discussed, “war stories” shared – Staff learn stereotypes
   - Emergence of shared cognitive stereotypes – over generalization

4. Confirmation bias (Seeing cases ONLY through one’s own mental “lenses”)
   - You “find/notice” ONLY the evidence confirming preconceived notions
   - COGNITIVE filtering to “fit” one’s pre-conceptions, of a “kind” of case
   - Often based on personal “discipline training” (e.g. Sociologists, psychologists, geneticists, etc)

5. Availability heuristic (illusory correlations, false classifications)
   - Highly memorable but rare cases easily retrieved from memory
   - We falsely assign ambiguous cases to a memorable category on basis of insufficient factors – we assign to the “wrong kind”!

These produce conflicts since people see the world differently
Skills to Connect Risk Factors

1. Understand Theory Patterns - linking risk factors into coherent patterns
   1. YOU must know pattern of each theory
   2. Recognize corroborating links among factors
   3. Each theory has a signature PATTERN

2. Understand Prototypical Offender types-patterns – each may need different Tx guidance (Responsivity Principles)

3. Look for Co-occurring Hybrids/Blends of CAUSAL processes

4. Look for corroborating patterns of risk factors
STRATEGY 2 – IDENTIFY MAIN CAUSAL PROCESSES (theories)
What “causal processes” of crime drive this case?
Theory-Guided Interpretation

• What are the main causal processes (theories) of crime?
• Each causal theory implies specific treatment & crime reduction interventions

“There’s nothing more useful than a good theory”
COMPAS INDICATORS

- Family Hist. (crime/drugs)
- Family disorganization
- High Crime neighborhood
- Antisocial Attitudes
- Family crime
- Anti-social Personality
- Early Failures
- Poverty / No jobs
- Poor Education
- Transient/Homeless
- Social Isolation
- Criminal family
- Criminal Peers
- Criminal N’Hood
- Antisocial Attitudes
- Criminal Opps
- Anti-social peers/gangs
- Antisocial N’Hood
- FEW prosocial Opps
- Anti-social attitudes
- Social Alienation
- Anger/Hostility
- Peer pressure
- Ecological Factors (honor societies, etc)

THEORY-GUIDED GOALS
(Farrington 2003)

- Repair Weak Socialization
  (Lykken's Sociopathic theory, etc)
- Biological Dispositions
  (Moffitt et al)
- Social Exclusion
  Build COPING skills
  Build Prosocial BONDS
- Social Learning
  Change Reinforcement Environment change
  Cognition changes
- Avoid / Reduce Situational Precipitators
- Criminal Opportunity
- Control Emotional Precipitators
- Repair poor socialization
- Control and supervise
- Build Prosocial Opportunities
- Prosocial role models
- REDUCE ANTI-SOCIAL DISPOSITIONS
- REDUCE Anti-social cognition Values/Beliefs
- BUILD Prosocial Values/Beliefs/Skills
- TEACH BETTER JUDGMENT PROCESSES
  Combat impulsive decisions
  Reduce Drug/Alc Abuse
  Longer Term future
  Change reinforcement balance
- MINIMIZE ANTI-SOCIAL SITUATIONAL PRECIPITATORS
- Lifestyle Change
  Prosocial Activities
  Controls/Supervision
- Anger management
  Cognitive Interventions
- DESISTANCE FROM CRIMINAL BEHAVIOR
Social Learning Theory / Differential Association

Differential Exposure to Delinquency and Crime
- Criminal Peers--Criminal Family—High Crime Area--Gangs

Factors Causing Formation of Criminal Groups
1. Social or Institutional Processes
2. Personal Dispositions (Birds of a Feather)

Normal Learning Processes
- Imitation—Role Model
- Pressure
- Desire to Belong—Desire for Status
- Reinforcements--Rewards

Criminal Skills
- Anti-Social Attitudes
- Anti-Social Motives
- Antisocial Cognitions
- Neutralizations
- Delinquent Behaviors

Factors Causing Formation of Criminal Groups
1. Social or Institutional Processes
2. Personal Dispositions (Birds of a Feather)
Strain Theory

Stress-Strain
Perceived Unfairness
Blocked Goals/Opportunities
No Future
Socially Marginalized
Voc/Education Failure—No Skills--Parental Rejection—
School Rejection
Lower Social Class

Motivation to Crime
Frustration/Anger
Anxiety/Withdrawal
Dislike School/Work
Alienation
Normlessness
Social Estrangement

Coping Skills
Personal Coping Skills
Psychological Resources
Social Supports
Community Supports

COMPAS Scale Pattern
High Voc/Education High
Financial Problems/Poverty High
Social Adjustment Problems High
Substance Abuse High
Social Isolation High

Crime and Delinquency
Retreat to Drugs
Rebellion/Terrorism
Social Control – Social Bonding Theory

Family Socialization
- Neglect
- Abuse
- Parent Crime/Drugs
- Family Disorganization

School and Work experiences

STRONG BONDS
- Internal Attachment Bonds
- Commitments (church, school, family, work) High
- Aspirations/Goals (work, family, etc.) Has a Future
- External Engagement Bonds High
- Pro-social Activities
- High Belief Bonds
- Accepts Conventional Values and Roles

WEAK BONDS

Pro-social Conventional Behavior

Crime & Delinquency
- Normless
- Bored/Lost
Best Practices in Case Formulation

1. Look for coherent, logical patterns in the offender’s profile
   o Look for major causal theory processes in the profile
   o Look for any matches to standard Criminal Prototypes

2. Does the case match any STANDARD THEORY
   1. Look for evidence of any major criminological theory
   2. Rule out obvious mismatches

3. Look for corroborating factors to complete patterns and ALSO NOTE any inconsistencies that don’t fit the theory or type

4. Does the case match any STANDARD “KIND/PROTOTYPE”? 

5. What treatment goals are implied by this PATTERN?

6. Use the above observations in written Justification of your TX PLAN
How COMPAS (EBP + RNA) support Case Conceptualization

1. **Eliminates Irrelevant factors** – Takes ONLYT the most powerful factors into consideration

2. **Improved Risk Assessment** - RNA has proven higher accuracy than human decision maker, especially in reducing false positive errors

3. **Avoids Data Overload** – RNA focuses only on key factors

4. **Mitigates Cognitive errors**: Availability Heuristic, Premature closure
   - RNA forces several major alternative explanations to be considered (see theory slide); also several different “categories/kinds” to be considered
   - RNA forces a full set of major criminogenic factors to be considered

5. **Helps Case Conceptualization** – Addresses TWO key questions:
   1. What **causal process** underlies a case (Alerts users to main theoretical explanations of crime)
   2. What “**kind of case**” is this? Identifies all COMMONLY occurring protoypes

6. **Minimizes Groupthink and premature closure**
   - RNA offers classifications and theories that offer “Devil’s Advocate” options for discussion and challenges
Part 6
What is EBP?

EVIDENCE BASED PRACTICE “WHAT WORKS” and
RNR PRINCIPLES

SEAMLESS CONNECTIONS FROM ASSESSMENT,
CASE FORMULATION, TX AND OUTCOMES
Strategy 3: Learning Feedback loops
Linking Assessment, Classification & Sentencing Interventions
(DATA BASE STRUCTURE)

• No disconnect between Science and Practice
• No disconnect between Theory and Assessment
• No disconnect between Assessment and Treatment decisions
FIGURE X: EVIDENCE BASED PRACTICE - SEQUENTIAL LINKS AND FEEDBACK BETWEEN THEORY, ASSESSMENT, CLASSIFICATION AND TREATMENT INTERVENTIONS
Implications of What Works/EBP for Sentencing Decisions

1. Use validated risk and needs assessments
2. Use OVERRIDES sparingly for Risk Levels - only for good reason
3. NEED PRINCIPLE: TARGET KEY CRIMINOGENIC FACTORS
   1. Have a STRONG focus on criminogenic factors.
   2. Do NOT introduce non-criminogenic factors. May impede progress.
   3. For “sentencing conditions”, target DYNAMIC criminogenic needs.
4. RISK PRINCIPLE – MATCH RISK LEVELS TO INTENSITY
   1. Minimize sentencing/interventions for low risk offenders.
   2. Use higher intensity for medium, high risk offenders.
   3. Use responsivity “matching” of offenders to programs.
5. RESPONSIVITY AND MATCHING – Understand “patterned needs” of offenders.
6. PROGRAM INTEGRITY
   1. Recommend ONLY programs of proven effectiveness.
Evidence on predictive accuracy

• Actuarial statistical methods outperform human judgment in predicting all risky outcomes (violence, recidivism, FTA, etc)
  – 15-20% depending on the study
  – Particularly for false positive errors
• What happens when human decision makers are given the results of the Actuarial method
• Conclusion:
  – Departures from Actuarial reduce accuracy
  – Overrides are often mistaken
  – The “unique” argument is often wrong
    (Meehl’s challenge, the unique roulette game)
EBP implications of what works: RNR principles

1. Risk Principle (Treatment intensity and risk level)
   - Give Low intensity Tx to Low & V.High Risk Groups.
   - Stronger intensity Tx for medium to high risk Gps
   - Avoid Criminogenic effects on Lo risk Gps

2. Need Principle (What needs should be Targeted)
   - Target mainly criminogenic needs (Causes of crime)
   - Don’t target non-criminogenic factors (focus on Big 5/8)
   - What is a “criminogenic factor” (Dynamic factors)

3. Responsivity (Matching offender to Tx)
   - Match offender’s unique needs to Tx plan
   - Specific Responsivity (Customised plan; Co-occurring needs and Offender Types)
Main components of EBP Risk/Need Assessment

1. Risk Assessments
   - Validated and cross validated; Reliability Testing
   - Generalizability: Tests on diverse populations
   - Major Risk concerns:
     - General Recidivism
     - Violent Recidivism
     - Absconding / FTA
     - Risk of technical violation

2. Needs Assessment (Brief, organized, clear)
   - All Major criminogenic needs/predictive factors
   - Has both empirical (meta-analytic) & theoretical guidance

3. Person Narrative boilerplate report (optional, editable)
   - Some prefer personal narratives over numbers

4. Specific Classifications - for different purposes
   - Explanatory categories (Treatment relevant) classification (to guide rehabilitation and case formulation)
   - Classification for women offenders (Gender-responsive)
   - Supervision classification (Combines Recid + Viol Risks)
### What Programs work? EBP findings

Recent Findings - see cautions below

#### What works:
- Clear sanctions/rewards
- Pro-social modeling
- Cognitive-Behavioral
- Skills practice
- Emphasize intrinsic motivation
- Motivational Interviewing
- Family/Community support
- Recurrent continuous Tx
- Relapse Prevention

#### What doesn’t work:
- Punishment/sanctions
- Incarceration
- Fear based prgs (scared straight)
- Military “boot camps”
- Intensive supervision w/o treatment
- Talking cures/ Freudian
- Self Esteem programs
- …..and many others

---

Cautions:
1. These lists change w new studies, often updated
2. These findings do not address specific responsivity matching
Implications for Sentencing practices continued

1. **Responses to VOP** should take account of offender risk level, history of non-compliance, total causal pattern and need profile

2. **RELY ON CURRENT FINDINGS ON PROGRAM EFFECTIVENESS**
   1. **Cognitive behavioral Tx** generally more effective
   2. **BUT** stay informed on what programs work well, for what offender types

3. Rewards are more effective than sanctions

4. **Community social support** is critical (family, pro-social friends, work/school peers) don’t further weaken these bonds

5. **RESPONSIVITY PRINCIPLE**
   1. - Matching is critical
   2. - Be aware of **individual strengths and RNA profile** in matching offender to rehabilitation goals and programs

6. Be aware of “**Stages of Change**” as part of the assessment.

7. Keep **intrinsic motivation** in mind, use motivational interviewing techniques for interactions with offenders - minimize threatening, shaming language.

8. Offenders with multiple co-occurring needs will require multiple simultaneous supports or “wraparound” approaches
Part 7
Implementation Issues

• Building a Design – Key Issues
  – Identify and fix any design problems (Pilot testing across States)
  – Information Structure (What do Users want, What do they need to know?)
  – MUST meet all “scientific criteria” (See “Standards” – Daubert case)
    • See: Faigman and Monahan (2009), “Standards for Legal Admissibility and their Implications for Psychological Science”

• Building “Buy-In” (In “Contested” environment)
  – Stakeholders must “see” advantages of EBP and ACTUARIAL RISK ASSESSMENT
  – Stakeholder Collaboration vs. Antagonisms (SADO issue w/ Arrests)
  – Defusing Judicial resistance - “Judicial Discretion” (Offer as “support” only)
  – See Problem Solving Courts (for useful models of collaboration – Greene and Heilbrun 2011)

• Building sufficient Competencies
  – Training deficits of different stakeholders (See Problem-Solving Courts)
    • See Greene and Heilbrun (2011) “Psychology and the Legal System” Wadsworth.
  – Willingness to learn AMONG JUDGES, DA’S, DEFENSE, PROBATION OFFICERS
Implementation Challenges

• Achieving Collaboration in a “Contested” setting
  – Will Prosecutors and Defense accept risk and need findings?
  – Or constantly fight over “admissibility” and “validity” issues
  – Problem solving courts may offer a viable collaborative model

• Junk Science
  – Risk and needs assessment has attracted many who do not follow scientific criteria
  – May sabotage the field by marketing poor designs yet may achieve acceptance if users lack scientific training
Risk Needs Assessment and EBP enters a “contested” environment

1. **Risk Needs Assessment has mostly avoided the sentencing arena**
   1. Avoided the “Guilt/Innocence” decisions
   2. Avoided being implicated in punishment/sanctioning decisions
   3. Primarily focused on treatment, rehabilitation and crime reduction

2. **Different stakeholders in Courts differ in goals/purposes** and often hold differing values and orientations to crime and offenders (May see and conceptualize the world in different ways

3. **Scientific EBP and validated RNA will impose considerable pressures** on Judges, Defense, Prosecutors to incorporate its implications into their decisions:
   1. All can gain in reaching well supported decisions
   2. All will require substantial learning and training
   3. Quite high possibilities of conflict and non-collaboration

Judges - discretion; Defense - only to support client; Prosecutor - use only to support cases
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Are Judges ready for sentencing reform?

Judges Major Concerns

National Center of State Courts  2006 survey - State Trial

Judges Main Concerns

1. Very High recidivism rates
2. Ineffectiveness of traditional probation in reducing recidivism
3. Lack of effective community corrections programs
4. Restrictions on judicial discretion limit judges ability to sentence effectively or fairly

Judicial official positions (NCSC)

• Acknowledge a Sentencing crisis
• Accept (in theory) What Work’s and EBP strategies to reform sentencing, but how many will adopt these reforms
Major Phases of Implementation and Their Key Tasks

**Phase 1: Pre-Implementation**
(Build the Context of change)
- Build Motivation
- Problem Recognition
- Develop Vision
- Specify Goals/Benefits
- Build Change Teams
- Establish Leadership
- Change Agents
- Build Commitment
- Mobilize Stakeholders
- User Buy-In
- Build Capacity for Change
- Allocate Resources
  (Staff, Time, Funds)
- User Requirements
- Build Competence Training

**Phase 2: Design**
(The Content of change)
- Minimize Design Flaws
- Involve Users
- Pilot Testing Refinement
- Build Alignment
- Build Confidence Skills
- Plan Implementation

**Phase 3: Implementation**
(Process of Change)
- Competence: System Wide Training
- Introduce into Practice
- Organizational Adjustments
- Is System Designed to Promote Learning

**Phase 4: Post Implementation**
- Maintain Support
- Design Feedback to Users
- Supervision Procedures
- Assess Outcome Performance
- Evaluation
- Is it Working
- Skills Development
- On-Going Refinement
  (Evaluation)
- Upgrade Alignment

Identify Problems
Fix Design Flaws

Northpointe Institute for Public Management
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      Judges - discretion; Defense - only to support client; Prosecutor - use only to support cases
Part 3 Meeting the Scientific Criteria

• Predictive Validity
  – AUC coefficients
  – Large samples
  – Outcome periods and Cross-Validation

• Scale Reliability
  – Internal Consistency (Alpha Coefficients)
  – Test-Retest Reliability

• Content Validity
  – Comprehensive coverage of key Criminogenic risk & needs factors

• Generalizability across populations
  – Additional validation tests on diverse populations (Male/Female, Racial, Different State offenders, and so forth)
PREDICTIVE VALIDITY 1: NEW ARREST AT 24 MTHS

AUC = 0.76 (R = 0.44)

Note: AUC’s are similar to other recent researchers on recidivism (Cottle, Lee, & Heilbrun, 2001; Gran, Belfrage, & Tengstrom 2000; Quinsey et al., 1998).
Predictive validation: COMPAS Recidivism Risk Scale
Over 1 year outcome 4000+ Prison Releases:
Confidence Intervals for Low, Medium, High levels
Michigan: Cumulative incidence of a felony conviction offense within the levels of the General Recidivism Risk Scale (first releases, $n=17,913$)
<table>
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<th>Risk Matrix Level</th>
<th>Low</th>
<th>Medium</th>
<th>Med. High</th>
<th>High</th>
<th>Total</th>
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<td>Mean age at first arrest</td>
<td>24.84</td>
<td>18.92</td>
<td>17.34</td>
<td>14.87</td>
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<td>Mean prior arrests</td>
<td>5.93</td>
<td>8.86</td>
<td>11.52</td>
<td>16.33</td>
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<td>Mean prior felony convictions</td>
<td>2.20</td>
<td>3.08</td>
<td>3.47</td>
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<td>Any prior assault (%)</td>
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<td>21</td>
<td>38</td>
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<td>Any prior robbery (%)</td>
<td>12</td>
<td>27</td>
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<td>Any victim injury (%)</td>
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<td>16</td>
<td>41</td>
<td>71</td>
<td>34</td>
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<tr>
<td>Any weapons offense (%)</td>
<td>16</td>
<td>26</td>
<td>48</td>
<td>74</td>
<td>42</td>
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Failure Probabilities (naïve KM) of VFO arrest for levels of COMPAS Violent Recidivism Risk scale (NYSDP)
## COMPAS Reliability: Alpha Coefficients for Men and Women in CDCR Sample

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<th></th>
<th>Women</th>
<th>Men</th>
<th>Difference</th>
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<th>UB 95% CI</th>
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