

Strategies for Serving Low-Risk or Low-Need Individuals



This project was supported by Grant No. 2019-DC-BX-K012 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office.

Points of views or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.



A Review of Risk-Need-Responsivity Theory



Risk-Need-Responsivity Theory

- Risk principle: Match the level of service to the person's criminogenic risk (risk to re-offend).
- Need principle: Target services to the person's criminogenic needs.
- Responsivity principle: Maximize the person's ability to succeed by tailoring services to the person's learning style, motivation, abilities, and strengths.

What is Risk?

Standard tools predict “criminogenic risk”:

- the likelihood that a person will commit a new crime

Standard tools do NOT predict:

- the likelihood that a person is dangerous
- the likelihood that a person will commit an act a violence
- the likelihood that a person will fail to appear for court

How is Risk Measured?

Risk is measured using a validated assessment tool that considers the central eight risk factors:

1. History of antisocial behavior (measured through criminal history)
2. Antisocial personality
3. Antisocial cognition
4. Antisocial peers
5. Problematic home environment
6. Problematic school or work environment
7. Few positive leisure activities
8. Substance abuse

What is Need?

Standard tools assess “criminogenic need”:

- those dynamic risk factors that can be changed through targeted interventions

How is Need Measured?

Standard risk assessment tools flag a person's dynamic risk factors (their "criminogenic needs"):

- ~~1. History of antisocial behavior (measured through criminal history)~~
2. Antisocial personality
3. Antisocial cognition
4. Antisocial peers
5. Problematic home environment
6. Problematic school or work environment
7. Few positive leisure activities
8. Substance abuse

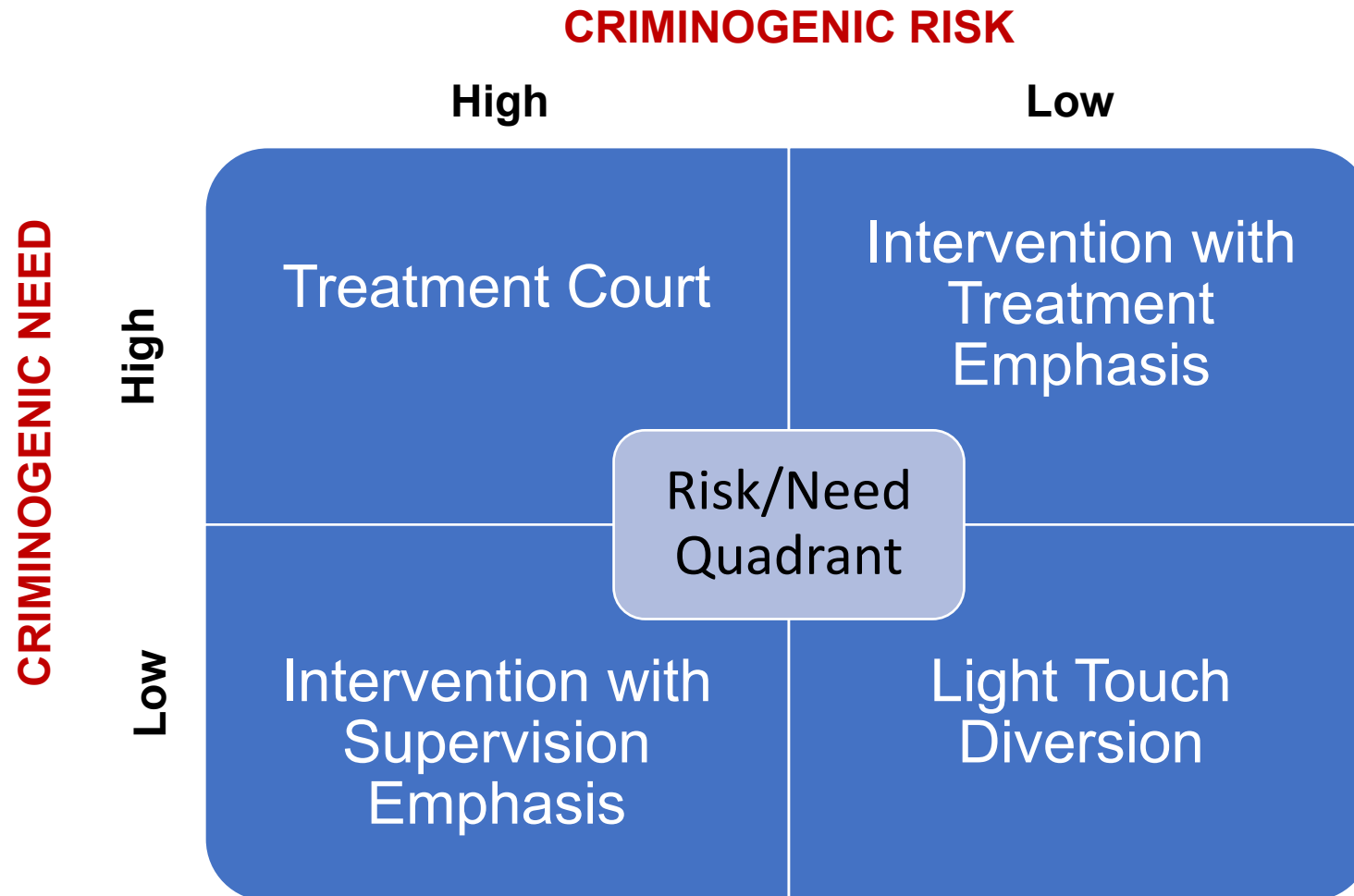
Responsivity refers to factors that can affect a person's ability to benefit from treatment interventions:

- General (everyone): cognitive behavioral interventions
- Specific (person-specific): takes into account the strengths, learning style, personality, motivation, and bio-social characteristics of the individual
 - Race/ethnicity
 - Gender
 - Mental health

The justice system should tailor case dispositions and interventions to the RNR profile of each individual.

TAKE AWAY

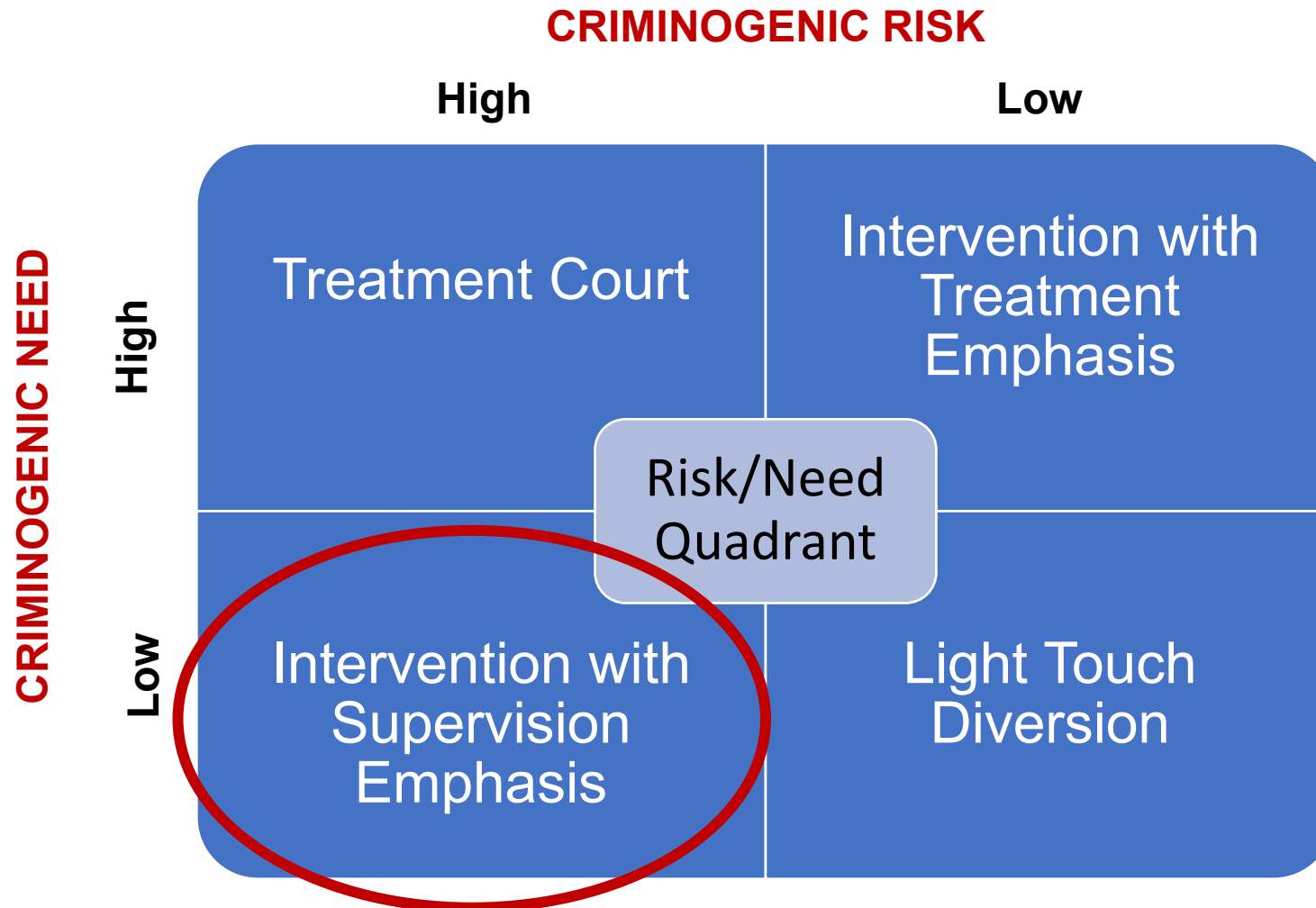
RNR Bottom Line



Interventions for High- Risk/Low-Need Individuals



High Risk/Low Need



A high-risk/low-need person has significant risk factors for reoffending but no major treatment or service needs.

For example:

- Extensive criminal history and anti-social personality
- But no severe substance use disorder or other major needs (e.g., housing assistance, job skills training)

- Interventions should include close monitoring of behavior, swift and consistent responses to infractions and achievements, and interventions to enhance adaptive skills
 - Frequent and random drug and alcohol testing
 - Field visits to the home
 - Gradually escalating sanctions for infractions and incentives for achievements
 - Interventions to teach adaptive skills to avoid reoffending
 - May include housing, employment, or educational services

HOPE Probation (Hawaii Opportunity Probation with Enforcement)

- Participants selected based on risk score or multiple technical violations; usually not voluntary
- Frequent and random drug testing
- Swift and certain jail sanctions for positive drug tests, missed appointments, etc. (2-15 days)
- Substance use and mental health treatment are provided only upon request or demonstrated need
- No reduction or dismissal of charges for successful completion

HOPE Probation Results

- Original program:
 - 55% less likely to be arrested for a new crime in following 12 months
 - 72% less likely to test positive for illicit drugs
 - 61% less likely to miss probation appointments
 - 53% less likely to have their probation revoked
- Other jurisdictions produced similar findings
- But a 4-site randomized controlled trial found no effects (possibly because they didn't target high-risk/low-need individuals)

Research suggests that interventions should include:

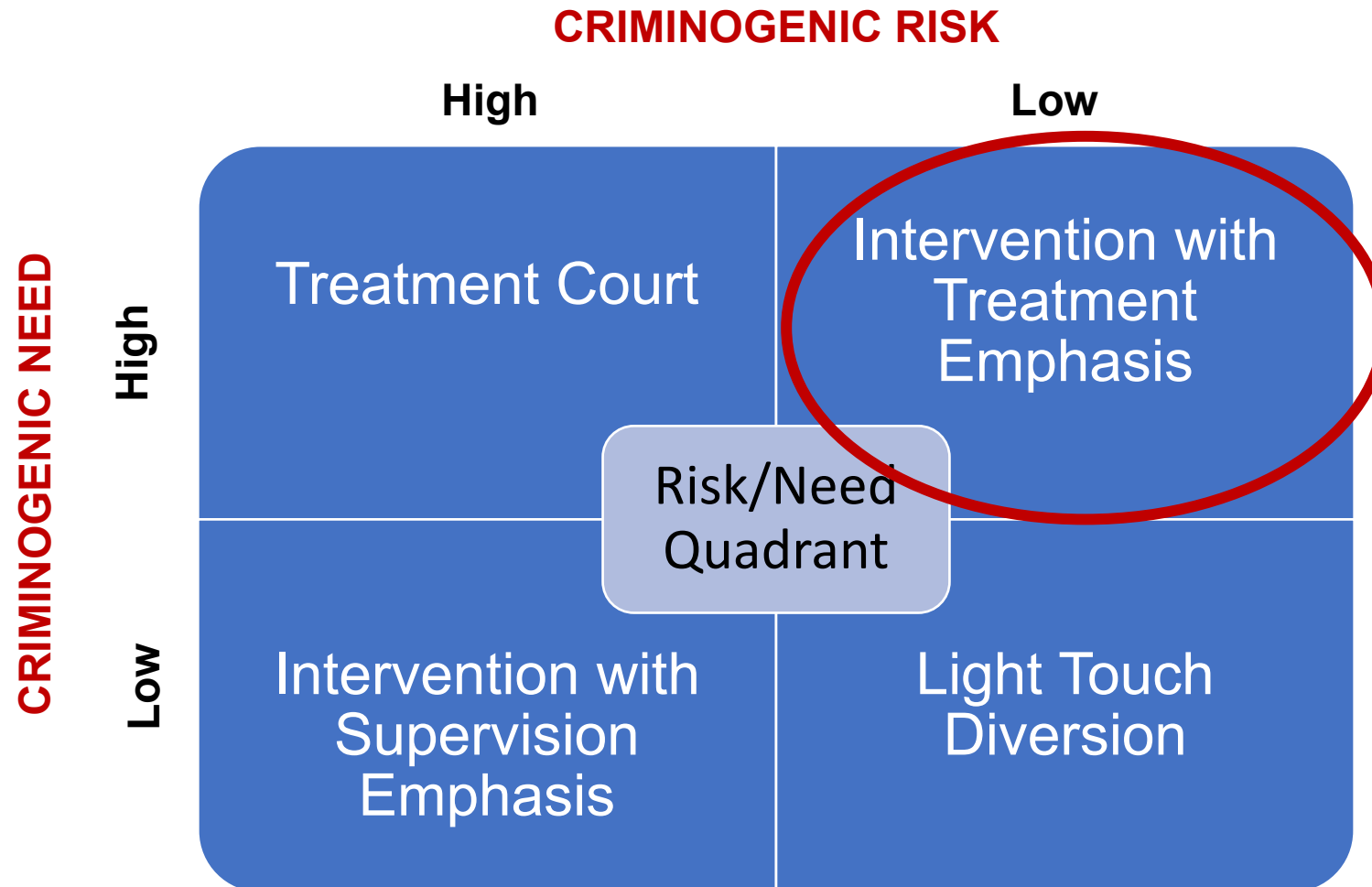
- Frequent and random drug and alcohol testing
- Home visits
- Gradually escalating sanctions for infractions and incentives for achievements
- Interventions to teach adaptive skills to avoid reoffending
- May include housing, employment, or educational services as needed

TAKE AWAY

Interventions for Low- Risk/High-Need Individuals



Low Risk/High Need



Low Risk/High Need

A low-risk/high-need person has serious treatment and/or service needs but lacks significant risk factors for reoffending.

For example:

- Severe substance use and/or mental health disorder, chronic homelessness
- Minimal criminal history; no antisocial personality

Low Risk/High Need

- Interventions should include appropriate treatment and other services and monitoring of participation in such services.
 - Substance use treatment
 - Mental health treatment
 - Housing assistance
 - Employment services
 - Educational programs
- These individuals generally pose a minimal threat to public safety and are likely to desist from crime with adequate services.

Promising Program #1 for LR/HN

Pretrial Diversion

- Extremely flexible, endless design possibilities
 - Pre-filing/post-filing
 - Eligibility
 - Services offered
 - Level of supervision
- You probably have some of these programs in your state
- Allows jurisdictions to utilize many evidence-based practices outside a formal problem-solving court setting
- But the key is to incorporate evidence-based practices!!

Promising Program #1 for LR/HN

Pretrial Diversion

- Don't simply look at the defendant's charges and criminal history
- Screen everyone for risk and need
- Match services and supervision to each person's risk and need profile
- Following these rules maximizes:
 - Reductions in convictions and jail sentences
 - Reductions in re-arrest
 - Cost savings

NIJ's Multisite Evaluation of Prosecutor-Led Diversion Programs

Strategies, Impacts, and Cost-Effectiveness

By Michael Rempel, Melissa Labriola, Priscillia Hunt, Robert C. Davis,
Warren A. Reich, and Samantha Cherney

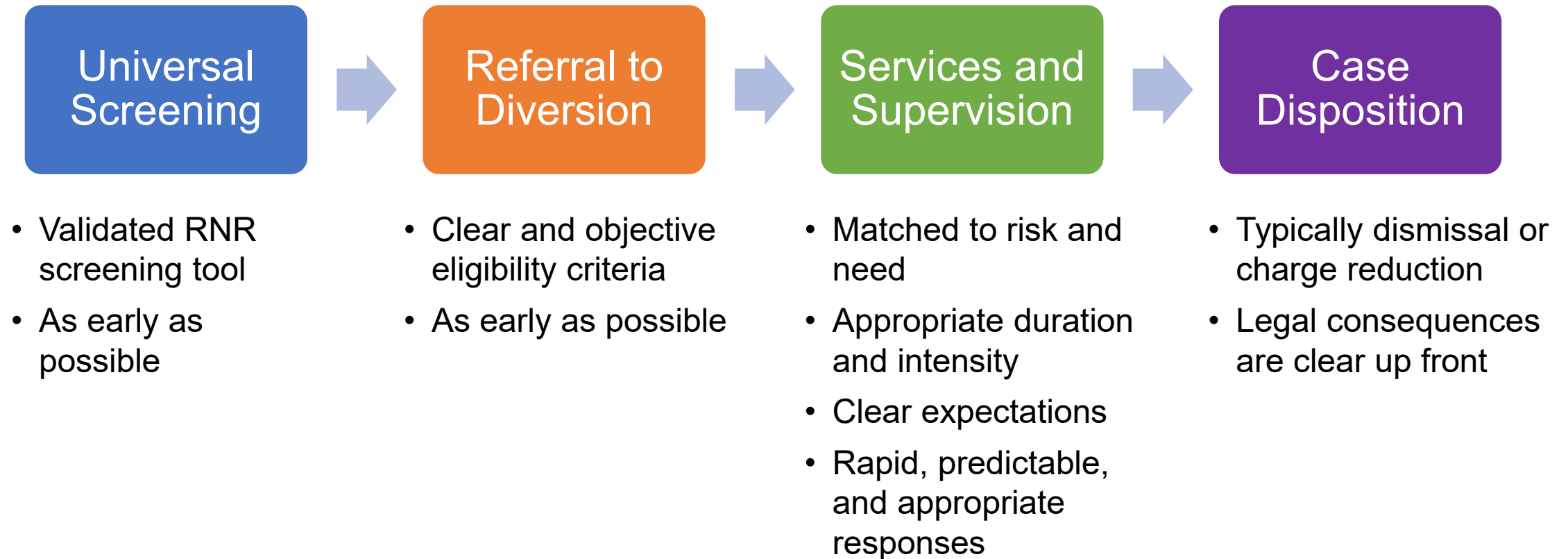


This resource was prepared by the author(s) using Federal funds provided by the U.S. Department of Justice. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

<https://www.ojp.gov/pdffiles1/nij/grants/251665.pdf>

Promising Program #1 for LR/HN

Pretrial Diversion



Promising Program #1 for LR/HN

Pretrial Diversion

- Build diversion programs based on evidence-based practices
- Utilize local resources
- Ask for help with program design

Evidence-Based Strategies for Working with Offenders

Over the last 20 years, a critical mass of social science evidence has accumulated challenging what had previously been the prevailing notion that "nothing works" in the rehabilitation of offenders. Findings from academic and program evaluation literatures in the fields of psychology, criminal justice, sociology, and public policy suggest that evidence-based interventions, which effectively combine the core principles of rehabilitation (risk-need-responsivity), deterrence, procedural justice, and collaboration, can significantly reduce recidivism. Additionally, emerging treatments for previously undertreated and underpublicized criminogenic needs (i.e., cognitive-behavioral therapy for criminal thinking) are proving feasible and effective with offender populations in the United States and abroad.

This fact sheet seeks to distill a growing body of research about evidence-based strategies in five areas for reducing recidivism among criminal offenders: (1) assessment, (2) treatment, (3) deterrence, (4) procedural justice, and (5) collaboration.

1. ASSESSMENT

USE VALIDATED SCREENING AND ASSESSMENT TOOLS TO DETERMINE OFFENDER RISKS AND NEEDS.

Offenders vary widely both in the future risk they pose to public safety and in their specific treatment needs. Evidence-based screening and assessment protocols can help criminal justice officials match each offender to an intervention of appropriate type and intensity. Screening refers to the use of one or more brief tools to identify possible risk and needs early in the justice system process, such as at the booking or initial arraignment stage. Screening tools indicate the need for further assessment and typically do not exceed 10 or 15 minutes. Assessment refers to a longer evaluation process that should occur before an offender is matched to a particular treatment type. Both screening and assessment tools should be validated and should focus on major "criminogenic" risk and need factors, or those factors that research has demonstrated to be statistically correlated with recidivism (see below).



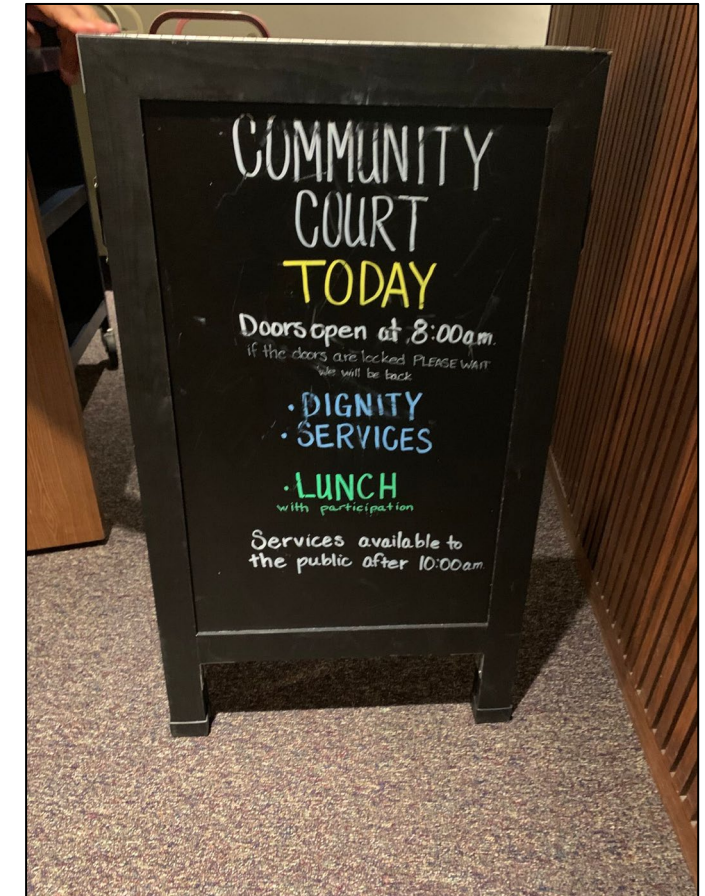
This publication was written by Michael Rempel, director of research at the Center for Court Innovation. The publication was supported by Grant No. BJA 2011-DC-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official positions or policies of the U.S. Department of Justice. Published April 2014.

<https://www.innovatingjustice.org/sites/default/files/documents/EvidenceBasedStrategiesForWorkingWithOffenders.pdf>

Promising Program #2 for LR/HN

Community Court

- An evolving and adaptable model that is typically:
- Neighborhood-focused
- Community + justice system stakeholders
- Criminal cases or multi-jurisdictional
- Linkages to social services and treatment
- Reduce incarceration and other system harms



Promising Program #2 for LR/HN

Community courts serve:

- Whole cities
- Downtown business districts
- Residential neighborhoods
- Suburban areas
- Rural areas



Las Vegas, Nevada



Honolulu, Hawaii



Ft. Lauderdale, Florida



Melbourne, Australia



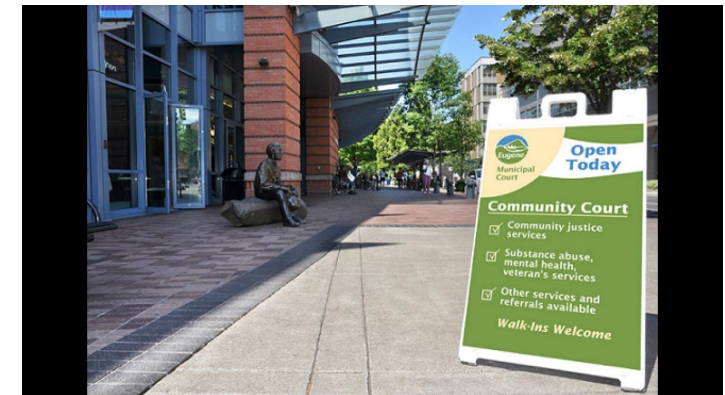
Nashville, Tennessee

Promising Program #2 for LR/HN

Community courts spaces:

- Courthouses
- Stand-alone buildings
- Community locations
- Mobile outreach

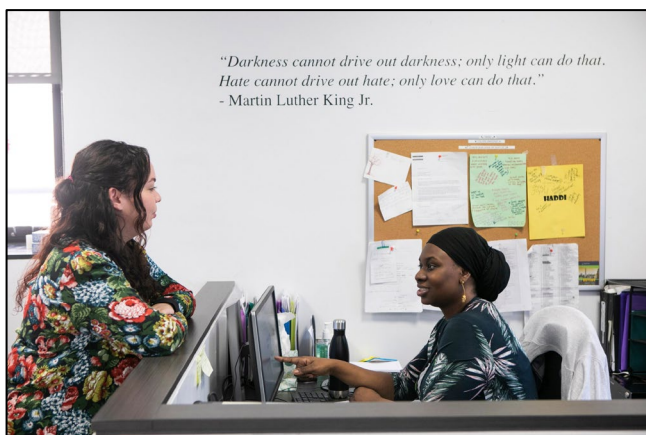
A focus on person-centered design



Promising Program #2 for LR/HN

A community court can:

- Adapt to the needs of your jurisdiction
- Provide varying levels of oversight
- Offer the appropriate level of intervention
- Improve relationships with your local community
- Increase the trust in the justice system of court users



Red Hook Community Justice Center

Social Services

- Community Court: 78%
- Traditional Court: 22%



Jail Usage

- Community Court: 1%
- Traditional Court: 36%



Red Hook Community Justice Center

- 20% lower arrest rate for adults
- For every \$1 spent = \$2 savings
- Increased trust in the justice system
 - 12% to 72% within 3 years of opening
- Community members use of public space increased and fear of going outside decreased



Promising Program for HR/LN: Spokane, WA

	<u>Community Court</u>	<u>Criminal Court</u>
After 6 Months	20% new charge	32% new charge
After 12 Months	30% new charge	46% new charge

Reducing Recidivism: San Francisco

“For arrestees with CJC-eligible charges, we find that the probability of rearrest for those originally arrested outside the CJC catchment area increased over time, while the probability of rearrest for those originally arrested inside the CJC decreased over time.”

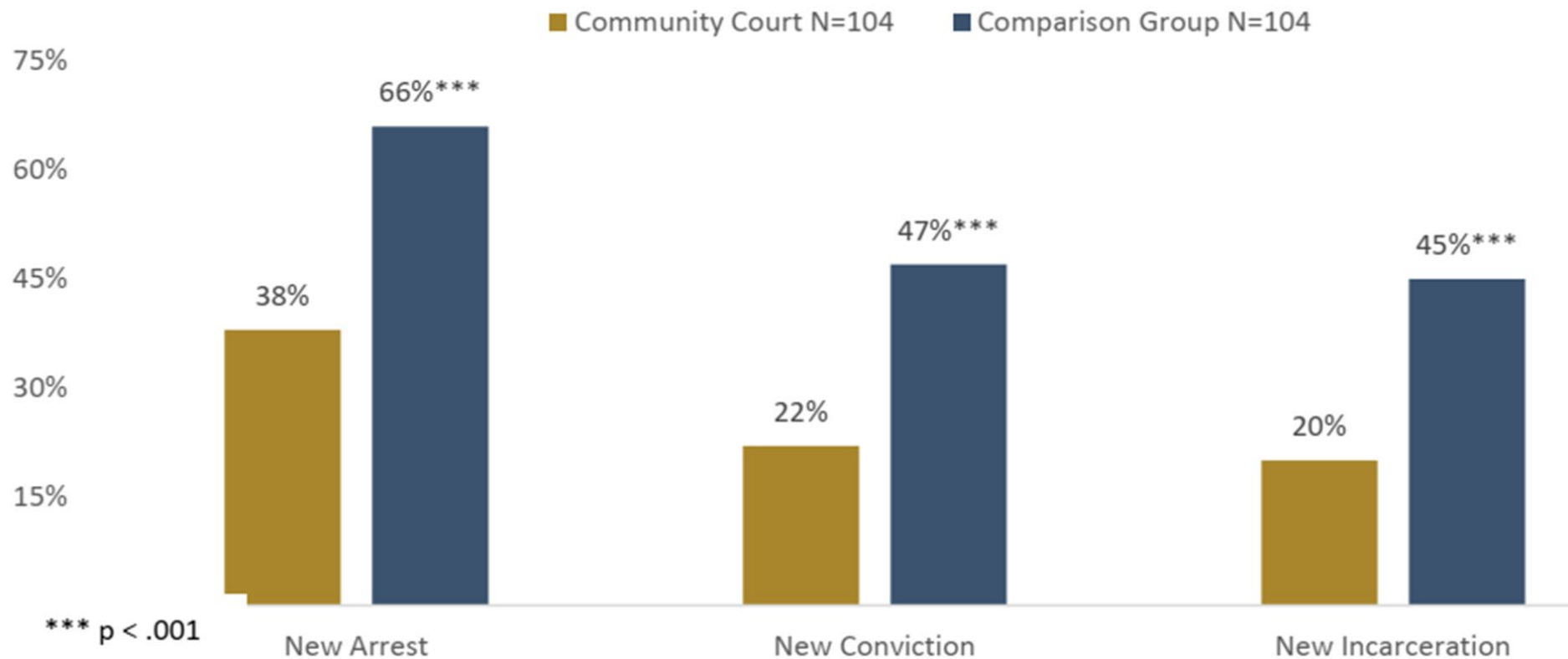
Figure 5: Areas for Sensitivity Analysis Control Groups—Concentric Circles Around CJC Catchment Area Centroid (each circle = 2,000 feet)



Promising Program for HR/LN: Eugene, Oregon

Eugene, Oregon community court results

Figure 10: Matched Sample One-Year Follow-Up Cohort Recidivism



Promising Program for HR/LN: Eugene, Oregon

Cost Savings:

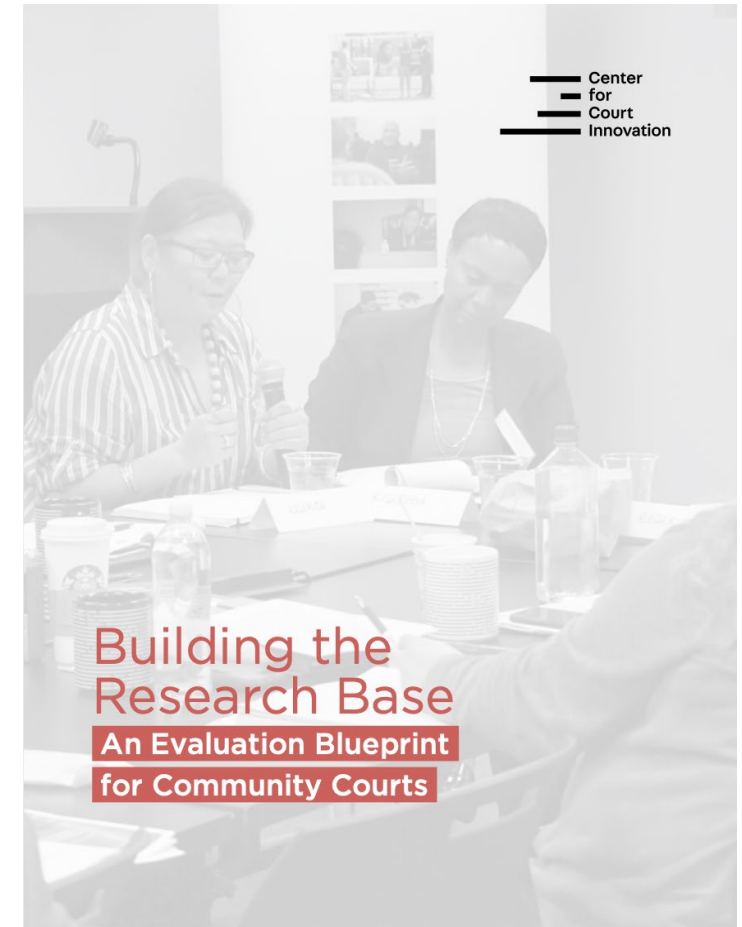
Eugene: 27% savings overall, after factoring in community court costs

Benefits	
Saved cost of initial offense during the one-year follow-up period	\$68,490
Saved cost of subsequent convictions during the one-year follow-up period	\$89,798
Saved cost of subsequent incarceration during the one-year follow-up period	\$20,150
Saved cost from community restoration during the one-year follow-up period	\$11,700
Total estimated benefits during the one-year follow-up period	\$190,138
Total cost of the ECC program for one year	-\$139,130
Net Annual Savings of the ECC	\$51,008

Measuring Impacts of Community Justice Centers

Community courts measure:

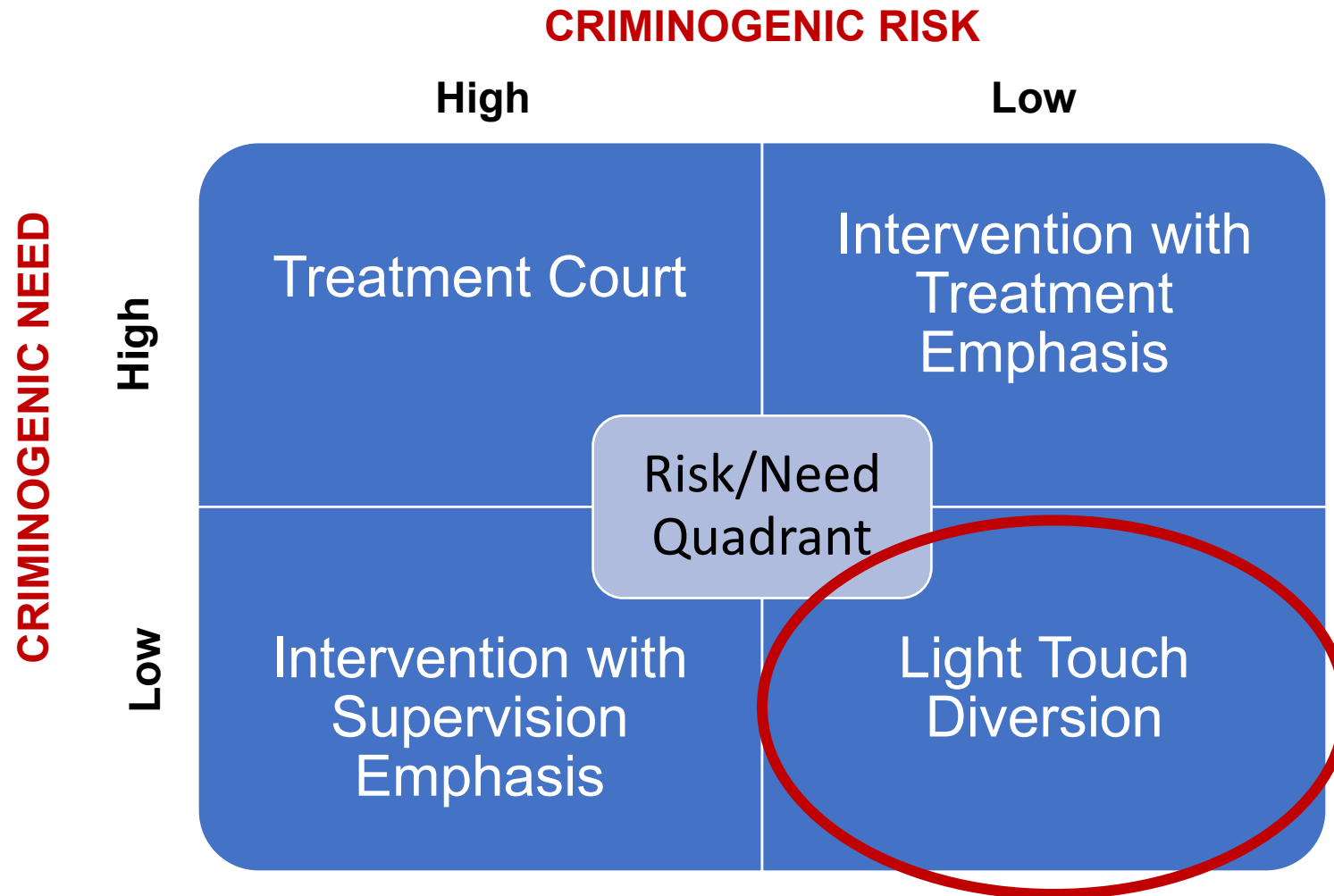
- Reducing the use of jail
- Reducing failure to appear rates
- Increasing the use of social services
- Cost savings
- Reducing recidivism
- Impact indicators for individual quality of life



Interventions for Low- Risk/Low-Need Individuals



Low Risk/Low Need



Low Risk/Low Need

A low-risk/low-need person has no significant risk factors for reoffending and no major treatment or service needs.

For example:

- Minimal criminal history
- No severe substance use disorder or mental health disorder
- No pressing social service needs

Low Risk/Low Need

- Low-risk/low-need persons are unlikely to reoffend
- Placing unnecessary conditions on such persons can increase recidivism by interfering with prosocial activities and supports
- Mixing such persons with high risk or high need individuals can increase recidivism by exposing them to antisocial behavior and attitudes.

Low Risk/Low Need

- Interventions, if any, should involve minimal reporting obligations and should avoid requiring participation in unnecessary services.

Promising Program for LR/LN

Project Reset (Bronx, NY)

- Brief intervention grounded in restorative justice:
If crime is a wound, then justice should be healing
- Brings together people directly impacted by a crime and their broader community to come up with a collective resolution to the harm
- Provides participants with an opportunity to speak about their experiences
- Explores root causes and contributing factors
- Encourages reflection and accountability

PROJECT
RESET



Project Reset (Bronx, NY)

- In Reset circles, participants:
 - Share stories from their lives to break down barriers, make connections, and build trust
 - Explore the arrest experience, including underlying issues and impact
 - Focus on building a sense of community and reducing isolation
 - Discuss how to move forward in a positive way



Promising Program for LR/LN

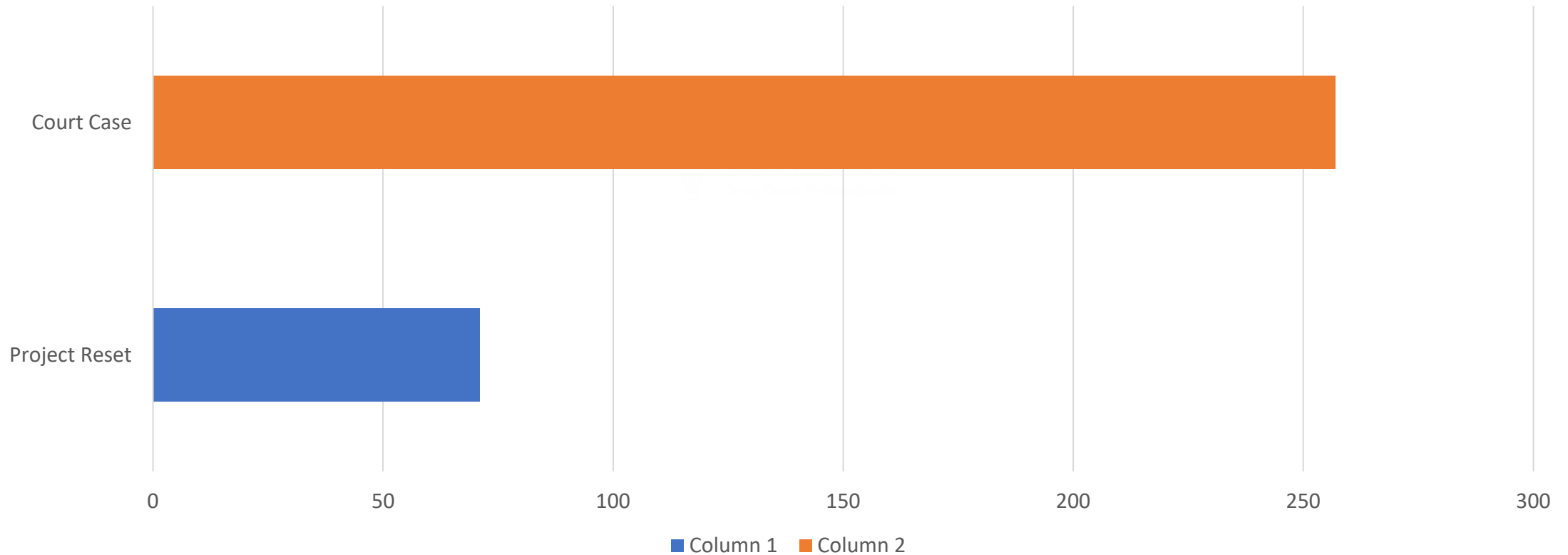
Project Reset (Bronx, NY)

- Circle logistics
 - 2 hours long
 - 2 facilitators, 1-2 community volunteers, and 1-5 participants
 - In-person at community partner site or over video



Length of time to case disposition comparison

Length of time to case disposition comparison: Project Reset vs. Court Case



Promising Program for LR/LN:

- 96% of participants said they would recommend the Project Reset to others.
- Case disposition time: 257 days vs. 71 days
- The cases are resolved before the arraignment date and successful program participants never have to step foot in a courtroom.
- The arrest record is immediately sealed and helps people avoid the collateral consequences of the arrest.

Promising Program for LR/LN:



Project Reset: In their own words

99% of respondents said they made the right decision by participating in programming.

99% of respondents said they would recommend the program to family and friends in a similar situation. 93%

"I feel ready to change my behavior and advance my future success."

"I believe the program... gives people the opportunity to look at their behavior in a way to change and work on the negative behavior. It allows my voice to be heard."

"Today's program is a good way to hold people accountable."

"I was definitely given a chance to tell my side of the story."

Aaron F. Arnold, J.D., chief development officer
National Association of Drug Court Professionals

Justice For Vets

National Center for DWI Courts

National Drug Court Institute

625 N. Washington St. Ste. 212, Alexandria, VA 22314

D: 315-559-0160 | **E:** aarnold@allrise.org



NADCP

**National Association of
Drug Court Professionals**



NDCI

**NATIONAL DRUG
COURT INSTITUTE**

est. 1997



NCDC

**NATIONAL CENTER
FOR DWI COURTS**

est. 2007



**JUSTICE
FOR VETS**

est. 2010