



Risk and Need Assessments: Addressing Race, Risk, and Bias

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Criminogenic risk and needs assessment can be used across the criminal justice system



What we are certain of so far...

- It is important to match appropriate treatment and supervision strategies to the criminogenic needs determined by assessment.
- The utility of even the most accurate risk assessment is limited if not followed up with appropriate treatment and supervision responses.

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Risk Assessment in the U.S.

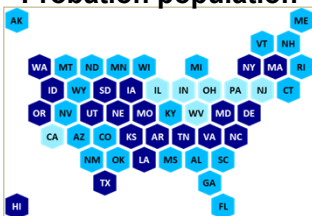
- Rise in risk assessment in correctional settings in U.S.
- As of 2015, > 60 different risk assessment tools
 - >20 broad and general use
 - >40 for use in specific jurisdictions

The Reality of Where We Are Today

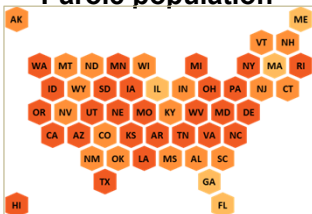
- Relatively few studies report on scores and validity by race/ethnicity
- Some evidence supporting predictive validity of structured risk assessment in offenders of diverse racial/ethnic groups
 - Slightly lower predictive validity, but not significantly so
- Some support for specific instruments with racial/ethnic minorities
 - LSI-R
 - PCRA

Most states use risk assessment for supervision populations but only about half have validated the tools recently

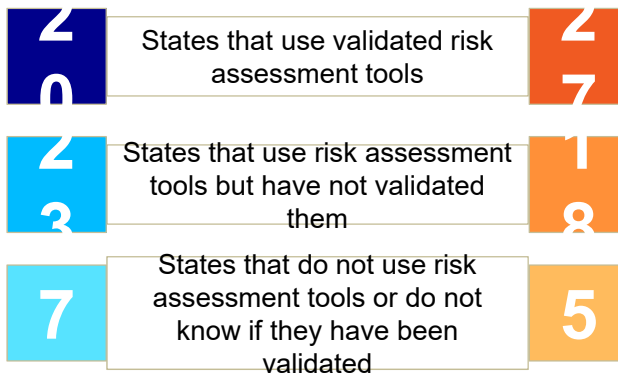
Probation population



Parole population



States that Have Validated Risk Assessment Tools Since 2012



If They Are Not Perfect, Then Why Use Risk Tools at All?

- Multiple studies have shown that **professional judgement** of (all kinds of) risk is deeply flawed and is influenced by the age, race, gender, religion and even political persuasion of the professional.
- This has been found across multiple professions including medical doctors, clinicians, and all of the criminal justice disciplines. **Bias is not limited to a profession** or to any one group of professionals.
- No risk tool will correctly predict all of the time, but **well-validated tools** will always give us **more accurate data** than professional judgement alone.

Why Use Risk/Needs Assessment? Because When Validated Correctly

Consistency

- Formalized statistical decision-making tools can help achieve consistency across individuals, cases, decision makers, and over time, increasing fairness.

Transparency

- What goes into decision-making can be explicit and clear.

Efficiency

- Data-driven risk assessment can help make more efficient use of limited justice system resources

Effectiveness

- Actuarial assessment outperforms clinical judgment alone
- The reliable measurement of risk/need underlies evidence-based practice to improve public safety.
- Implementation is key.

 Without risk-based decision-making, scarce justice system resources can be misallocated

Many systems do **too much** with low-risk individuals

or **too little** (or incorrect) intervention with higher-risk individuals



Important Points to remember

1. The use of **validated actuarial risk assessment** is necessary to more accurately determine differences in the likelihood of risk of recidivism.
2. Results tell us what group a person fits into, not what that specific person will do.
3. Effective utilization of **appropriately** validated risk assessment can help ameliorate unintended bias.
4. Assessments should be validated on the local population.
5. Validation should include determining the degree of predictive ability of the tool has across race, gender, cultural differences, and locale within the jurisdiction.
6. The validation process should specifically determine if there is any differential outcome when the tool is used across different races, ethnicities and genders.

Even if the Risk Tool Has Been Validated to be Equally Predictive Across Race and Ethnicity

- To be predictively accurate does not mean that different ethnicities will show the same levels of recidivism
- There may be problematic causes for why the arrest and incarceration of people of color is higher, but risk assessment is capturing what is occurring, that is, the assessment itself is not biased, but it may uncover
 - Higher patterns of crime because of the neighborhood and peers that many people of color reside in, even today with all of the advances made
 - System behaviors and processes that result in higher arrest, incarceration and recidivism rates of people of color
 - Can be a “canary in the coal mine” regarding what is occurring within a particular system

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Some Reforms Occurring to Help Minimize Bias

The facts of the case and the law

Brooklyn DA's office and marijuana arrests

Case circumstances

Multnomah County, Oregon and “gang affiliation”

The defendant's criminal history

Manhattan DA's office and arrest histories

Demographic characteristics: gender, age

Static factors and immutable characteristics that correlate with race and class

Berks County, PA and non-secure shelters

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Thank You

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