

**FOLLOW-UP REPORT TO THE MSCCSP:  
USING ASSESSMENT INSTRUMENTS DURING  
CRIMINAL SENTENCING\***

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This report serves as a follow-up to the 2014 white paper *Decision Points for Risk Assessment Implementation* (Collins and Lynch, 2014). The white paper was intended to assist the Maryland State Commission on Criminal Sentencing Policy (hereafter “Commission”) with its risk assessment feasibility study, which seeks to determine whether a risk assessment instrument could be deployed at sentencing to help further inform sentencing decisions. The feasibility study is an element of the Commission’s three-stage approach towards the potential implementation of risk assessment at sentencing. Phase I was initiated in 2010 and involved a review of research on risk assessment, how other states have incorporated it into sentencing, and the risk instruments being used by other agencies in Maryland. Phase I was completed in May 2011 with the Commission Guidelines Subcommittee’s recommendation to proceed with further review of how risk assessment could be used as a diversionary tool for low-risk offenders.

In 2013, Phase II began when the University of Maryland received funding to begin the risk assessment feasibility study. That project culminated in the September 30, 2014 presentation of the white paper by Dr. James Lynch at a meeting of the Commission. The meeting was also attended by the five judges assigned to the Judiciary’s Risk Assessment Advisory Group (JRAAG), which was established by Chief Judge Barbera in April 2014. The Commission members and the JRAAG members had the opportunity to review the white paper, to view the presentation, and to ask Dr. Lynch and his research team several questions.

Much of the discussion was focused on four particular topics: (I) the assessment of risk only, or risk-needs; (II) the need for supplemental information about the information demands of risk-needs instruments, and the availability of such information in Maryland; (III) more specific information about the feasibility of adapting existing tools for sentencing; and (IV) information about the advantages and disadvantages of different measures of recidivism when validating tools.<sup>1</sup> It was noted that the first issue was a normative issue that the MSCCSP would likely need to address regarding the goals and objectives of the instrument.

This follow-up to the 2014 white paper addresses the latter three issues, providing additional information and research, to help guide the Commission through decision points in its risk assessment feasibility study. It is possible that the additional information reviewed regarding the latter three issues will also help inform any decision about whether to pursue a risk-only instrument or a risk-needs instrument.

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<sup>1</sup> A summary of the meeting and the Commission’s initial work and decisions concerning risk assessment at sentencing are detailed in a memorandum, provided in its entirety, in Appendix A. The complete 2014 white paper is provided as a separate email attachment.

### ***I. Information Requirements of Risk-Needs Assessment Tools***

Risk assessment instruments vary in what information they require, depending on what goals they are trying to achieve. It is important to distinguish tools that assess an individual's risk of recidivism from those that assess both their risk and service and programming-related needs (i.e. risk-needs assessments; Monahan and Skeem, 2014; Vera Institute of Justice, 2011). Accordingly, instruments used to assess both risk and needs require both more data and resources to implement, compared to those that evaluate only risk or needs (Monahan and Skeem, 2014; Collins and Lynch, 2014). Risk-needs assessments may be utilized at various decision points throughout the criminal justice process; for example they may be used to assist in making decisions regarding pretrial detention, sentencing, treatment and services, and parole.

Since many members of the Commission and the JRAAG expressed interest in instruments that include both risk and needs assessments, the following review focuses on existing instruments used to inform sentencing in other jurisdictions that include both elements. These instruments include the following: the Correctional Assessment and Intervention System (CAIS); the Correctional Offender Management Profile for Alternative Sanctions (COMPAS); the Level of Service-Revised (LSI-R) and Level of Service/Case Management Inventory (LS/CMI); the Ohio Risk Assessment System Community Supervision Tool (ORAS-CST) and state-specific variations thereof; and the Offender Screening Tool (OST). (In a later section, each of these tools is described in further detail, but here they are introduced with regard to the range of information each incorporates.)

These instruments vary in how they assess individual risks and needs. For example, assessment tools may: use a single instrument to produce a composite risk and needs score; use a single instrument to produce separate risk and needs scores; or use two entirely separate risk and needs instruments (Casey et al., 2014). In reviewing instruments that assess both risk and needs, it is not always specified exactly what information informs the risk assessment, and what informs the needs assessment. However these instruments generally include a core set of measures, such as:

- Criminal history
- School adjustment/education
- Employment and finances
- Residential stability and/or neighborhood characteristics
- Family and marital relationships
- Other interpersonal relationships, including criminal associates as well as social supports
- Emotion, personality and/or attitude constructs
- Substance abuse
- Mental health

Some instruments include additional factors in risk-needs scores; for example, COMPAS, LSI-R, and LS/CMI also take leisure and recreation measures into account. Other risk-needs instruments consider behavioral patterns that are distinct from criminal history. In particular, CAIS and COMPAS consider specific offending patterns, whereas LSI-R, LS/CMI, and ORAS-CST measure antisocial patterns or behavioral problems more generally.

The Pennsylvania Commission on Sentencing (PCS, 2011) identified the most frequently cited factors in fourteen risk and needs assessment instruments. The instruments studied were utilized at multiple stages of the criminal justice system, not just at sentencing. The PCS found that after criminal history, the most common factors included were the following: psychosocial factors (particularly current employment, criminal associates or friends, current level of education, social support/quality of relationships, and residential stability); substance abuse; dynamic factors (particularly pro-criminal attitudes, impulsivity, responsibility for actions, and anger management deficits); mental health; antisocial personality/psychopathic traits; and demographics. A survey of other risk and needs assessment instruments not included in the PCS review<sup>2</sup> corroborates these findings, as such tools similarly utilize information about factors such as education, employment, family, friends, residential stability, neighborhood characteristics, alcohol and drug use, mental health, personality, and attitudes and behaviors (Casey et al., 2014; Desmarais & Singh, 2013).

A categorical description of the domains included in the instruments discussed herein is included below (Table 1).<sup>3</sup> The primary source of information used in risk-needs assessment instruments is the individual offender, as the tools are typically administered through a semi-structured interview with the offender, a self-report questionnaire, or both (Casey et al., 2014; Desmarais & Singh, 2013). Certain tools rely on official records, though these are generally criminal justice records for the purposes of completing criminal history information. For instance, COMPAS uses official criminal records to inform “criminal involvement” while the remainder of the instrument is populated with information collected through offender self-reports and interviews (Blomberg et al. 2010). Other tools, such as CAIS, LSI-R, LS/CMI, and ORAS-CST supplement information obtained directly from the offender with official records and collateral sources when possible—though it is unclear how often this is actually done in practice (Andrews et al., 2010; Casey et al., 2014).

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<sup>2</sup> These risk-needs assessment instruments include the Risk Management Systems (RMS), Service Planning Instrument (SPIn), and Static Risk and Offender Needs Guide (STRONG).

<sup>3</sup> This is a broad classification of different categories within assessment tools, but does not mean to suggest that how “substance abuse” is classified in CAIS is the same as in LS/CMI; instead it should be taken to mean that both models take substance abuse in some form into consideration in their assessment.

**Table 1. Information Demands in Risk-Needs Assessment Instruments**

<b>Information Domains</b>	<b>CAIS</b>	<b>COMPAS</b>	<b>IORNS</b>	<b>LSI-R</b>	<b>LS/CMI</b>	<b>ORAS-CST</b>	<b>OST</b>	<b>SAQ</b>	<b>STRONG</b>
Number of Items	11	vars.	117	54	43	35	44	72	81
Offender Demographics	X								X
Education	X	X		X	X	X	X		X
Employment	X	X		X	X	X	X		X
Marital Status/Family	X			X	X	X	X		X
Substance Abuse/Mental Health	X	X	X	X	X	X	X	X	X
Criminal History	X	X	X	X	X	X	X	X	X
Offense Type		X							
Offense Seriousness									
Criminal Associates & Friends	X	X		X	X	X	X	X	X
Leisure/Lifestyle	X	X		X	X				
Antisocial Behavior/Attitudes	X	X	X	X	X	X	X	X	X
Residential Stability	X	X		X		X			X
Neighborhood Characteristics				X		X	X		
Protective Factors			X						

## ***II. Relevant Information Currently Collected in Maryland***

Jurisdictions that presently utilize risk-needs assessments at sentencing typically complete the instrument as a part of their pre-sentence investigation process. The information gathering is typically completed by the county probation department and provided to the court in a pre-sentence investigation report (see Monahan & Skeem, 2014; NCSC, 2015).<sup>4</sup> According to the Code of

<sup>4</sup> One exception is Yamhill County, Oregon, where risk-needs assessment information is prepared after arraignment on indictment and is presented to the court in an Early Defendant Analysis (NCSC, 2013h). In Virginia, in instances

Maryland § 6-112, judges have significant discretion about whether to order a presentence investigation report (PSI) for a defendant. The only instances in which a PSI is required is in those cases in which imprisonment for life without the possibility of parole is the requested sentence, or when the defendant has been convicted of sexual abuse of a minor (Md. Code Ann., Correctional Services Art., § 6-112 & Md. Code Ann., Criminal Procedure Art., § 11-727; statutory text presented in Appendix B).

When a PSI is ordered, an agent from the Division of Parole and Probation (DPP) conducts the investigation, and completes the report, which includes an evaluation and a recommendation regarding sentencing. A victim impact statement, as well as a sentencing guidelines worksheet, are attached to the report. The PSI information includes a description of the present offense, a statement from the defendant, and descriptions of the defendant's criminal history, motor vehicle record, education, military service, employment, family and personal history, health, drug use, and other significant factors reported by the defendant (a template of the sections to be completed for the PSI report appears in Appendix C). In addition to the PSI, the agent conducts a Static 99 risk instrument for any sex offenders or the Violent Prevention Initiative (VPI) for other types of offenders. If the offender is determined not to be at risk for violence by the VPI, a Static Risk Assessment is completed.

Given Maryland's current format and practice, however, the redeployment of information from PSIs into a widely used risk or risk-needs instrument does not appear to be feasible. In Maryland, PSIs are ordered in a fairly low percentage of sentencing guidelines cases. In calendar year 2014, PSIs were completed for 16.2 percent of sentencing guidelines cases across all jurisdictions, and, for the jurisdiction with the most cases, Baltimore City, the completion rate was 4.6 percent. Furthermore, the completion rate of PSIs is not constant across the distribution of offenses according to seriousness. Those being sentenced for the most serious offenses are three to four times more likely to have a PSI completed, compared to those being sentenced for the least serious offenses. Given that the anticipated target population for any assessment tool is likely to be low-risk, non-serious offenders, current patterns of completion appear to skew towards adding further to the current information-gathering burdens on DPP agents.

Additionally, there is neither a uniform nor an automated method of retrieving all the information that contributes toward the PSI. At present, these reports are completed in Microsoft Word, and filed in the office in which they were completed. There is no database from which these data may be extracted or queried.

The format, storage, and current rates of completion of PSI reports suggest that the adoption of an assessment tool at sentencing will likely present an additional information-

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where no PSI is ordered, prosecutors may complete the state's risk assessment tool for non-violent offenders (Ostrom et al., 2002).

gathering burden on the DPP, or any other entity that may be assigned the responsibility to complete an assessment tool.

In the future, however, the DPP will be completing the Investigations Module in the Offender Case Management System (OCMS) once the module is activated. At that time, pre-sentence investigations will be stored, and certain data points will become extractable. Furthermore, in the near future, the DPP will implement a significant change in the information it gathers for case management purposes. The DPP has adopted the LSI-R (an existing risk-needs tool discussed further in the next section), and DPP agents are currently being trained in completing that assessment tool. In October 2015, the DPP estimated that all agents will have completed the required training to complete the LSI-R by mid-2017, and that the tool will then be used comprehensively throughout the state. In addition to the adoption of the LSI-R, there are no plans to alter the format or content of the information gathered through the PSI. The conclusion of this paper further discusses the potential relevance and impact of these transitions at the DPP on the Commission's own deliberations about assessment tools.

### ***III. Existing Risk and Needs (risk-needs) Assessment Tools used at Sentencing***

If the Commission chooses to implement a risk or risk-needs instrument to complement the sentencing guidelines, the Commission and associated entities will ultimately need to decide whether to utilize an existing or locally-developed assessment tool. A 2010 survey by the Vera Institute of Justice found that, of sixty community supervision agencies in forty-one states that reported using an actuarial assessment tool, the most common type of instrument employed was a state-specific or state-modified tool (Vera Institute of Justice, 2011). While the development of a new assessment tool requires substantial time and financial investment, it may encourage a greater sense of ownership of, and support for, the instrument by local stakeholders, which in the long term may lead to more faithful implementation (Casey et al., 2014).

Nevertheless, adoption of an "off-the-shelf" instrument offers certain advantages as well. For instance, some vendors of assessment tools can provide an array of support services, including customized software and integration with existing case management systems, user training, quality assurance monitoring, and local validation studies (Casey et al., 2014). The latter can be especially important, as an existing tool may fail to meet the needs of a specific jurisdiction due to variations in law, policy, the type of recidivism risk calculated, or the composition of the target offender population (Casey et al., 2014). Extant validation studies on a specific assessment tool are helpful in determining whether that tool can be effectively used across different jurisdictions or settings, but validation of the instrument on the local offender population is considered the best practice, particularly when extensive research on that instrument has not been conducted (Casey et al., 2014). The following section provides summaries of existing risk-needs assessment instruments

that are being, or have been, used in at least one jurisdiction at sentencing. (The descriptions below draw primarily from Casey et al., 2014; other sources of information are cited in-text.)

### **Correctional Assessment and Intervention System**

The Correctional Assessment and Intervention System (CAIS) is an automated assessment and case management system that is based on updated versions of the Wisconsin Risk and Needs (WRN) assessment and Client Management Classification (CMC) system.<sup>5</sup> It is currently used by ten agencies, including county probation departments and reentry programs, and was used for sentencing in two jurisdictions.<sup>6</sup> CAIS combines a risk and needs assessment in four major sections of the instrument – general information, objective history, behavioral observations, and interviewer impressions – where eleven risk items are embedded into the first two sections. The risk component of the CAIS instrument is based on the Wisconsin Department of Corrections risk assessment instrument (also known as the DOC-502 risk scale), although clients have the option of substituting their own validated risk instruments for the default CAIS risk assessment.

CAIS produces a report with two main sections. The first section is the Primary Case Planning Approach, which provides the supervision strategy classification based on items from each section of the CAIS; offenders are classified into either the Selective Intervention, Casework/Control, Environmental Structure, or Limit Setting strategies. The second section, the Specific Client Profile, reports the offender's risk level (as either low, moderate, or high), principal service needs, and special concerns. The CAIS assessment takes approximately forty-five minutes to complete and is administered through a structured interview with the offender, though assessors are encouraged to follow up on important or interesting information revealed during the interview. CAIS is a proprietary tool owned by the National Council on Crime and Delinquency, which also offers technical assistance, training, and local validation of the risk assessment component (the latter is included as part of the packages of services provided).

### **Correctional Offender Management Profile for Alternative Sanctions**

The Correctional Offender Management Profile for Alternative Sanctions (COMPAS) is a proprietary risk-needs assessment instrument and case planning system offered by Northpointe, Inc. The tool is adaptable for use at various decision-making points throughout the criminal justice system, and is currently used by the California Department of Corrections and Rehabilitation, Michigan Department of Corrections, New Mexico Corrections Department, New York State

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<sup>5</sup> To be precise, it is the Wisconsin Risk and Needs Assessment (WRN) combined with the Client Management Classification (CMC) system that has been utilized at sentencing (in Douglas County, Nebraska, and Travis County, Texas). More recently, however, the CAIS was developed, which combines updated versions of the WRN and CMC into a single, automated system (Casey et al., 2014). Because the available information pertains to the CAIS, this section focuses on the CAIS rather than the WRN and CMC.

<sup>6</sup> The previous version of the CAIS, the WRN and CMC, had previously been used at the sentencing stage in Douglas County, Nebraska and Travis County, Texas. These jurisdictions, however, have transitioned to the LS/CMI and Texas Risk Assessment System (TRAS), respectively (NCSC, 2013f, 2013i, 2015).

Department of Corrections and Community Supervision, South Carolina Department of Corrections, Wyoming Department of Corrections, and most notably, the Wisconsin Department of Corrections at the sentencing stage (NCSC, 2013j).

Although the content of COMPAS varies by client, it is generally composed of separate risk and needs scales, along with validity scales designed to detect false responses provided by offenders to self-report items. The two main risk models of COMPAS are General Recidivism Risk and Violent Recidivism Risk (Northpointe Inc., 2015). COMPAS contains static as well as dynamic factors, which assess the areas of attitudes, associates or peers, history of antisocial behavior, personality problems, school or work circumstances, leisure or recreational activities, substance abuse, mental health problems, and housing (Desmarais & Singh, 2013). Raw scores from the COMPAS risk-needs assessments are converted into deciles, and cutoff values of decile scores (based on an appropriate norming group selected by the client) are then used to determine the level of risk probability and needs areas. The time required for the assessment ranges from ten minutes to one hour, depending on the version of the instrument used. Information for the assessment comes from a structured interview with the offender, a self-report questionnaire administered to the offender, and a review of official records. Users of the tool are required to complete a two-day COMPAS user training course, although Northpointe also offers advanced training on topics such as motivational interviewing (Desmarais & Singh, 2013). In addition to training, for an additional fee, Northpointe will conduct local validation studies of the COMPAS tool for clients.

### **Inventory of Offender Risk, Needs, and Strengths**

The Inventory of Offender Risk, Needs, and Strengths (IORNS) is an instrument for the assessment of risk, dynamic needs, and protective strengths (Miller, 2006). IORNS is composed of four separate indices: the Static Risk Index, the Dynamic Need Index, the Protective Strength Index, and the Overall Risk Index. The Static Risk Index contains twelve items relating to the risk of reoffending, including information on parole or probation revocations, previous violence, and juvenile arrests (Miller, 2006). The Dynamic Need Index contains seventy-nine items across the six scales of Criminal Orientation, Psychopathy, Intra/Interpersonal Problems, Alcohol/Drug Problems, Aggression, and Negative Social Influence (Miller, 2006). The Protective Strength Index contains twenty-six items across two scales, the Personal Resources and Environmental Resources scales (Miller, 2006). These two scales are used to capture offender strength or protective influence in an area. The final index, the Overall Risk Index, calculates a total score, which is the sum of scores on the Static Risk Index and Dynamic Need Index, minus the score on the Protective Strength Index (Miller, 2006). A higher score on the Overall Risk Index indicates a greater potential risk and treatment need (Miller, 2006). In addition, the IORNS includes two validity scales, the Favorable Impression and Inconsistent Response Style scales. The tool is a simple true/false self-report questionnaire administered to offenders, and requires a third-grade reading level (Desmarais & Singh, 2013). Approximately fifteen to twenty minutes is required for

the administration of the IORNS assessment, with an additional twenty to twenty-five minutes needed for scoring (Desmarais & Singh, 2013). There are no specific training requirements for assessors, although it is recommended that the score interpretation and report writing be limited to professionals with formal training in assessment and interpretation of psychological tests (Miller, 2006). IORNS is a proprietary tool available from Psychological Assessment Resources.

### **Level of Service Assessments**

The Level of Service assessments include the Level of Service Inventory-Revised (LSI-R) and Level of Service/Case Management Inventory (LS/CMI), both of which are widely-used actuarial risk and needs assessment instruments. The 2010 survey by the Vera Institute of Justice found that among the sixty community supervision agencies that reported using an actuarial assessment tool, LSI-R was the most commonly used generic tool (Vera Institute of Justice, 2011). Andrews et al. (2010) assert that to the extent that risk, need, and responsivity are considered at the time of sentencing, use of the Level of Service assessments at the sentencing stage is appropriate. Currently, the LSI-R is used at the sentencing stage in Mesa County, Colorado and the 7<sup>th</sup> Judicial District, Idaho, while the LS/CMI is used at the sentencing stage in Napa County, California, Douglas County, Nebraska, and Yamhill County, Oregon (NCSC, 2013b, 2013c, 2013d, 2013f, 2013h).

The LSI-R is composed of fifty-four static and dynamic risk factors across ten subcomponents: criminal history; education/employment; financial; family/marital; accommodation; leisure/recreation; companions; alcohol/drug problems; emotional/personal; and attitude/orientation (Andrews et al., 2010). The instrument produces a single risk and needs score as well as separate subcomponent scores that are calculated as the simple sum of the individual items, coded as either present (1) or absent (0) (Andrews et al., 2010). The overall risk-needs score is used to classify an offender as either minimum, medium, or maximum risk, whereas high subcomponent scores are used to identify specific needs areas to be addressed in the offender's case plan.

Like the LSI-R, the LS/CMI provides a single risk and needs score based on the sum of forty-three static and dynamic items across eight subcomponents. Seven of the subcomponents in the LS/CMI are the same as those in the LSI-R, while the eighth subcomponent, antisocial pattern, replaces the emotional/personal subcomponent. The financial and accommodation subcomponents that appear in the LSI-R are represented elsewhere in the LS/CMI, specifically in an unscored qualitative section which captures "other client issues" (Andrews et al., 2010). The overall risk and needs score from the LS/CMI is used to classify an offender into one of five levels of risk (very low, low, medium, high, or very high). Notably, the LS/CMI also uses subcomponent scores to assign risk-needs levels to each subcomponent, as offenders are rated as either very low, low, medium, high, or very high on the eight subcomponents. Another distinguishing feature of the

LS/CMI is that it permits any subcomponent to be rated as a strength, thus identifying that area as one which could be built upon in a case plan (Andrews et al., 2010).

Both the LSI-R and LS/CMI are proprietary tools offered by Multi-Health Systems Inc. (MHS). The assessments are scored based primarily on a structured interview with the offender and reviews of files and official records, although interviews with collaterals (such as family members) and psychological test data (such as paper-and-pencil assessments of antisocial thinking) can serve as supplementary sources of information (Andrews et al., 2010). The time required is approximately thirty to forty-five minutes for the LSI-R and 20 to 30 minutes for the LS/CMI, not including an estimated hour to ninety minutes required for the offender interview. Administrators of the Level of Service assessments must either be trained by an MHS-approved trainer or be supervised by an administrator trained by an MHS-approved trainer. Once 1,000 assessments have been conducted, MHS will norm the instrument on the local population, which is done at no additional cost. A list of the questions used in the LSI-R is provided in Appendix D.

### **The Ohio Risk Assessment System**

The Ohio Risk Assessment System (ORAS) is a non-proprietary risk-needs assessment instrument developed by the University of Cincinnati's Center for Criminal Justice Research for the Ohio Department of Rehabilitation & Correction. It has been validated for statewide use in Ohio, Indiana, and Texas (in Cuyahoga County, Ohio, Grant County, Indiana, and Travis County, Texas, the tool is or was used at the sentencing stage; see NCSC, 2013e, 2013g, 2013i), and has been adopted in a number of other jurisdictions for correctional uses (including California, Colorado, Connecticut, Florida, Montana, Nevada, New Hampshire, Pennsylvania, and Vermont).<sup>7</sup> ORAS is composed of several separate risk assessment tools designed for use at different stages of the criminal justice process.

The Community Supervision Tool (CST, or ORAS-CST) was developed to be used with community supervision populations and is the instrument recommended by the developers for use at sentencing. ORAS-CST is composed of thirty-five items across the seven subscales of: criminal history; education, employment and finances; family and social support; neighborhood problems; substance abuse; antisocial associations; and antisocial attitudes and behavioral problems. These items factor into the calculation of a total score, which is used to categorize offenders as either low, moderate, high, or very high risk. The scores on each of the seven subscales are used to identify offender needs, in that for each subscale, the score determines the priority level (low, moderate, or high) for that particular area in case planning and service provision. ORAS-CST

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<sup>7</sup> It is not uncommon for states to adopt the ORAS, and then transition to their own ORAS-modeled state-specific tool after a period of time. Grant County, IN, previously used the LSI-R, but is now using a modified version of ORAS, called the Indiana Risk Assessment System (IRAS), and Travis County, TX is transitioning to the Texas Risk Assessment System (TRAS) (NCSC 2015). Pennsylvania, a former ORAS user, is implementing its own originally-designed sentencing tool, which will be deployed in 2016 (<http://pcs.la.psu.edu/publications-and-research/research-and-evaluation-reports/risk-assessment>).

additionally informs case planning efforts by identifying possible barriers to treatment, though such factors are not included in the risk level determination. Information for ORAS-CST is gathered through a structured interview with the offender and an offender self-report form, with administrators encouraged to corroborate information obtained directly from the offender using official records and collateral sources. The tool takes approximately fifty minutes to administer, and assessors must undergo basic user training. The University of Cincinnati offers a two-day basic ORAS training course as well as a “train the trainer” course for a fee, and it can also be hired to perform validation analyses. A copy of the ORAS-CST instrument is provided in Appendix E.

### **Offender Screening Tool**

The Offender Screening Tool (OST) is a non-proprietary risk-needs assessment instrument developed by the Maricopa County Adult Probation Department and Dr. David Simourd. It is used statewide in Arizona with adult probationers (and at the sentencing stage in Coconino County, Arizona; see NCSC, 2013a) as well as in local Virginia probation departments with misdemeanor offenders. The OST consists of forty-four items (over half of which are dynamic) with forty-two of the items divided across nine domains. These nine domains include: vocational/financial; education; family and social relationships; residence and neighborhood; alcohol; drug abuse; mental health; attitude; and criminal behavior. The remaining two items are responsibility factors that identify health-related concerns that may pose barriers to treatment; these two items do not factor into the determination of offender risk or needs.

The forty-two items in the nine domains are used to produce a single overall score, which classifies offenders into one of four levels of risk (low, moderate, moderate-high, or high). Offender needs are identified on the basis of scores in each of the nine domains, although these scores are not used to rank the level of need in each domain (as in the ORAS-CST, for example). Instead, needs areas are identified as those domains with higher scores. The OST is scored on the basis of a structured interview with the offender that relies partly on self-reported information. Administrators are trained to perform quality control checks on the information obtained through the interview, for instance by using existing records to verify criminal history information. The instrument takes approximately twenty-five minutes to complete, and the Arizona Adult Probation Department requires presentence division staff and probation officers to complete initial and three-year refresher training on administering the OST tool. At present, support services, such as training courses and validation analyses, are not offered by the developer.

### **Self-Appraisal Questionnaire**

The Self-Appraisal Questionnaire (SAQ) is a proprietary risk assessment instrument developed by Dr. Wagdy Loza and offered by Mental Health Systems (MHS). It is intended to assess risk for general offending across male offenders and consists of seventy-two true/false items in a self-report questionnaire (Desmarais & Singh, 2013). These seventy-two items, which capture both static and dynamic factors, are divided across seven subscales, six of which are used to assess

risk for recidivism (Mitchell & MacKenzie, 2006). These six subscales are: Criminal Tendencies; Conduct Problems; Alcohol/Drug Abuse; Criminal History; Antisocial Personality Problems; and Antisocial Associates (Mitchell & MacKenzie, 2006). The scores from the items in the six subscales are used to classify offenders as either low, low-moderate, high-moderate, or high risk (Desmarais & Singh, 2013). The seventh subscale, the Anger subscale, is used to identify offenders for anger management interventions (Mitchell & MacKenzie, 2006). Additionally, offender's responses can be used as part of an individualized cognitive treatment plan (Loza and Loza-Fanous 2001). Validity of offender responses is assessed through five items embedded in the questionnaire that ask about prior arrests and convictions, which can then be compared with official criminal history records to detect inconsistencies (Mitchell & MacKenzie, 2006). The SAQ requires a fifth-grade reading level and takes approximately fifteen minutes to administer, plus an additional five minutes to hand-score (Mitchell & MacKenzie, 2006). Because the SAQ is a simple self-report questionnaire, it can be administered in group format and does not require assessors to have formal training (Desmarais & Singh, 2013).

### **Static Risk and Offender Needs Guide**

The Static Risk and Offender Needs Guide (STRONG) is a proprietary risk-needs assessment instrument developed by the Washington State Institute for Public Policy, in collaboration with Assessments.com. STRONG has been implemented statewide by the Washington Department of Corrections and is also in use in certain jurisdictions in California, Florida, and Texas. Two separate assessment instruments comprise STRONG: the Risk Assessment and Offender Needs Assessment. The Static Risk Instrument assesses offender risk for re-offense, and consists of twenty-six items across the six categories of demographic information. STRONG also considers juvenile felony convictions and commitments, Department of Corrections commitments, felony conviction types, misdemeanor conviction types, and adult sentence violations. The instrument produces three separate risk scores measuring general felony risk, property felony risk, and violent felony risk; each of these risk scores is used to determine the offender's overall risk category (low, moderate, high non-violent, or high violent). Presently, researchers are in the process of developing a modified version of the Static Risk Instrument that can be used by the courts to inform pretrial release and alternative sentencing decisions. Information for the Static Risk Instrument comes from criminal history and demographic data extracted from case files, and the instrument takes approximately fifteen to thirty minutes to complete. A copy of the Static Risk Instrument is provided in Appendix F.

The Offender Needs Assessment is designed to identify dynamic offender needs and protective factors to inform reentry and supervision planning. The instrument consists of fifty-five items, divided across the following domains: education; community employment; friends; residential; family; alcohol and drug use; mental health; aggression; attitudes and behaviors; and coping skills. Each of the ten domains is identified as either a low, moderate, or high need and/or a low, moderate, or high protective factor. Information for the Offender Needs Assessment is

collected through a file review, a structured interview with the offender, and collateral contacts, with the assessment taking approximately one hour to complete. Local validation of STRONG is offered by both Assessments.com and Noble Software Group. These companies also provide a two-day user training for the tool, which is mandatory for assessors. In addition to the mandatory training, it is recommended that users of STRONG attend training on motivational interviewing as well as booster training.

### **Validation and Feasibility**

The eight risk-needs assessment tools described in this section have been subjected to a range of validation studies. Table 2 (on the following page) summarizes the number of validations of each tool that have appeared in the published literature, as well as the number of independent validations. Validation studies may be commissioned by the entity that developed and/or sells a tool, or an independent researcher may conduct a study to validate a tool in a jurisdiction. The left-hand side of Table 2 indicates the breakdown of total versus independent validations for each tool. Even though each tool included in this review was used in at least one jurisdiction in the context of sentencing (as opposed to correctional management), few validations have been published explicitly in the context of sentencing. This is because risk-needs tools are less common at the sentencing stage than risk-only tools. The use of risk-needs tools at sentencing appears to be a recent, although increasing, phenomenon, and using such tools to divert low-risk offenders from incarceration is considered an appropriate and suitable use (James, 2015). Currently, though, the appearance of validation studies in the published literature of such tools in the sentencing context is very limited. (Appendix G provides a brief summary listing of each validation study found in the literature.)

Regardless of which off-the-shelf tool is adopted, however, any adopting jurisdiction must validate a risk-needs tool on its own population, and do so prospectively (as opposed to retrospectively, since no subject interviews and scores for dynamic factors would be available for past cases). Local validation may be completed as part of a pre-test or pilot study, or after the tool has been adopted and used for a period of time. But only a local validation will allow a jurisdiction to assess whether the tool is appropriate for its own population. If a tool is not working appropriately, the validation should also be able to inform the recalibration of the tool to improve its accuracy, assuming the tool may be successfully recalibrated through norming it on the local population.

**Table 2. Validations and Administrative Burdens of Risk-Needs Assessment Instruments**

<b>Assessment</b>	<b>Number of validations</b>	<b>Number of independent validations</b>	<b>Training</b>	<b>Time of administration</b>
CAIS	0	0	National Council on Crime and Delinquency offers training and technical assistance	45 minutes
COMPAS	13	5	Required 2 day COMPAS user training	10 minutes- 1 hour
IORNS	2	0	No training requirements. Recommended that score interpretation and written reports be limited to professionals with training in assessment and interpretation of psychological testing	15 to 20 minutes; additional 20 to 25 minutes for scoring
Level of Service Assessments	24	22	Administrators must be trained by Multi-Health Systems Inc. or supervised by a trained administrator	LSI-R- 30 to 45 minutes; LS/CMI- 20 to 30 minutes. Not including hour to 90 minutes for offender interview
ORAS	1	0	Assessors must undergo basic training, University of Cincinnati offers 2 day training	50 minutes
OST	3	1	Arizona Adult Probation Department requires initial training for presentence division staff and probation officers. Also requires three-year refresher training. The developer does not offer training	25 minutes
SAQ	4	3	No required formal training	15 minutes to administer and 5 minutes to score
STRONG	2	0	2 day user training mandated for assessors	15 to 30 minutes

The eight risk-needs assessment tools described in this section are also summarized in Table 2 on the previous page (right-hand side), with respect to their varying levels of administrative burden. The administrative burden described in Table 2 includes both the training necessary to prepare those who will administer the tool, as well as how long each tool takes to administer on a subject. The use of a risk-needs tool by any jurisdiction entails a range of costs, in terms of both preparing those who will administer the instruments (typically probation agents already familiar with such a process due to their experience in completing pre-sentence investigations), as well as how long each tool will take to complete.

The upfront and recurring administrative burdens of adopting a tool vary widely depending on the tool selected, and the frequency with which the tool is used on identified populations at sentencing. It should be noted that the administrative burden represents only a portion of the overall cost of adopting a tool. Some tools are proprietary, meaning the jurisdiction will pay the tool's developer either a fixed cost to use the tool, or incur charges based on the number of times the tool is administered. In addition to an initial validation of any adopted tool, it will be necessary to re-validate any tool periodically, in order to ensure its continued usefulness. The cost of implementing a tool will also depend on the current state of administrative database systems in a jurisdiction. The more information needed to populate a tool that may be efficiently extracted or queried, the more time an administrator saves in gathering the information necessary to complete the instrument. Finally, existing database systems must be updated to allow for the storage and retrieval of the data captured by the tool and the scores generated. Not only is this necessary for sentencing and correctional management purposes, but the ability to retrieve such data for analytical purposes is critical to conducting validation studies efficiently.

Ideally, there would be some reliable extant estimates of what it may cost a jurisdiction to adopt any particular tool. Unfortunately, no relevant information exists, due to the wide variety of burdens and costs associated with each tool, as well as the variation in local circumstances that may increase or decrease the overall cost of implementing any particular tool.

#### ***IV. Measures of Recidivism Used to Validate Risk-Needs Assessment Tools***

To be clear, recidivism is discussed here in the context of validating an assessment tool, and not as a variable incorporated in the assessment itself. Thus, this discussion about measures used to capture recidivism does not apply to the content of risk-needs instruments. Instead, this discussion pertains to determining whether an instrument is successful in identifying individuals according to risk level, as measured by recidivism, particularly those who may be appropriate candidates for community sanctions instead of incarceration.

Differences in the kind of recidivism risk calculated are an important consideration when selecting an existing risk-needs assessment instrument to match local policies and in defining recidivism reduction goals (Casey et al., 2014). Among the validation studies conducted for the instruments discussed in this report (studies are listed in Appendix G), the most common measure of recidivism was rearrest (used in 17 studies), followed by reconviction (7 studies), and reincarceration (4 studies). In addition, nine studies used some other type of recidivism measure, such as in-program disciplinary incident or violation of rules, violation of supervision conditions, or petition to revoke. Finally, two of the studies measured recidivism as any one of multiple outcomes, including rearrest, reconviction, or revocation of community supervision.

Many have made the argument that it is best to use arrest as a measure of recidivism, as it is more comprehensive, and more likely to account for crimes that go unreported and/or without conviction. For example, Beck and Shipley (1989) asserted that although some individuals who are rearrested may be innocent of the crime being charged, using conviction as the sole measure of recidivism may provide a drastic undercount for “true” recidivism rates because not all offenders are caught or found guilty. Furthermore, using arrest as a recidivism measure also reduces the required follow up time (Latessa et al. 2010). Using a shorter follow up time is generally preferred, because it requires fewer resources; specifically, the time, money, and manpower needed to track the behavior of offenders is reduced. In this context, time to recidivism can be measured as the number of days between entering a community-based punishment and the time of a new arrest (Kleiman et al. 2007).

Another potential measure of recidivism is reconviction. This measure can provide specificity about the offense, compared to the less formal charges or citations produced during an arrest. Furthermore, these convictions could be used to update risk (e.g. if the new offense was violent, drug-related, etc.); this would also provide greater certainty of guilt, as the individual would have been convicted, rather than just arrested. Bonta, Wallace-Capretta, and Rooney (2000) argue that using conviction data reduces the possibility of overstating criminal behavior. Nirel and colleagues (1997) agree, stating that convictions are less arbitrary and more legally accurate, when compared to arrests, especially for those who may be innocent.

However, reconviction measures are likely to miss some number of offenses for which the individual was either not prosecuted and/or not found guilty. Additionally, due to the lengthy criminal justice process, the information about time until first offense would be lost, although some have accounted for this by determining time to arrest for cases that subsequently led to a conviction (e.g. Kleiman et al. 2007). Furthermore, the criminal history records that would most likely be used to measure recidivism may be less complete for court processing of offenders than they are for arrests (booking).

Another type of conviction measure, re-incarceration, would potentially provide a wider net of infractions (ranging from new offenses to technical violations); however this measure also

does not necessarily ensure that it is capturing the first (or one of the first) offense(s) (Beck and Shipley, 1989). Many offenses drop out of the criminal justice system before a person is incarcerated for that offense, leading to an underestimation of recidivism. Re-incarceration might be useful for assessing the effects of sentencing decisions on the correctional system, but it is not as appropriate for assessing effects on reoffending and public safety (Harris et al. 2009).

The only alternative to using official criminal justice records to capture the first, true reoffending incident would require collecting accurate self-reported information. Official records are thought to represent just the “tip of the iceberg” with regard to the amount of offending that actually takes place. Low police clearance rates for all offenses, with the exception of homicides, indicate that much offending is never officially recorded, even in arrest records. For example, Cohen (1998) estimated that Philadelphia youths committed an average of fifteen offenses per police *contact* through the age of twenty-six; that ratio is likely to be even higher if limited to contacts that resulted in arrests. However, this method is labor intensive, and requires accurate memory, compliance, and honesty in self-reporting one’s past activities. Previous survey work completed for the Prison Rape Elimination Act (PREA) indicates that high-quality self-report surveys of released offenders are prohibitively expensive (e.g. Beck and Johnson, 2012).

Finally, although less common, other possible recidivism measurement options either discussed or implemented include the following: probation violations, institutional rule infractions, probation revocations, or loss of halfway house privileges (Latessa et al. 2010; Miller 2006).

Another important aspect to recidivism measurement is time—both the amount of time until one first recidivates (however defined), and the length of time the courts, researchers, or other entities monitor offenders for recidivism. A study in Virginia found that the number of crimes one would have committed while un-incarcerated can be derived from the inverse of the length of time until their first subsequent arrest (Netter, 2007). In other words, researchers can attempt to estimate how many crimes were prevented while the individual was incarcerated by using the length of time it takes them to recidivate upon release. As such, time until first arrest appears to be an important recidivism measure. However, it is important to note that the first arrest is not necessarily the first offense committed—just the first officially detected, and again it is possible that the police may have arrested the wrong individual.

The length of follow up is also related to the recidivism measure selected. When recidivism is measured as conviction, then a much longer follow-up period is required than when using arrest (and consequently more resources) (Latessa et al. 2010). These resources can include manpower (e.g. researchers), time, and some form of surveillance (e.g. follow-up surveys, monitoring arrests, etc.). Thus, the longer a follow up period lasts, the longer and more expensive a validation study becomes. However, a lengthier follow-up period does allow the validation of a tool to be considered more robust.

Approximately equal numbers of studies in Appendix G used follow-up periods of 12 months or less, or greater than 12 months but less than or equal to 24 months (11 studies and 10 studies, respectively). Five studies used a follow-up period of greater than 24 months but less than or equal to 36 months, whereas three studies used a follow-up period of greater than 36 months.<sup>8</sup>

The various definitions of recidivism and the length of follow-up periods employed in the evaluations of several state-specific and off-the-shelf risk-needs assessment instruments are summarized in Table 3 below. (Table 3 is a condensed version of Appendix G, limited to only those studies that specified population, recidivism measure, and follow-up period length.) It is readily apparent that rearrest is the most often used recidivism measure across evaluations of risk-needs instruments, with reconviction, reincarceration, and violation of supervisory rules much less common.

**Table 3. Recidivism Measures in Risk-Needs Assessment Instruments**

<b>Study</b>	<b>Population</b>	<b>Recidivism Measure</b>	<b>Follow-Up Length</b>
<b>COMPAS</b>			
Brennan & Oliver (2000)	Probationers	Rearrest	12 months
Brennan et al. (2009)	Probationers	Rearrest	At least 15 months
Blomberg et al. (2010)	Pretrial jail release	Rearrest, failure to appear	12 months
Farabee & Zhang (2007)	Parolees	Rearrest	12 and 24 months
Fass et al. (2008)	Males released from two assessment and treatment centers	Rearrest	12 months
Lansing (2012)	Probationers	Rearrest	24 months
Zhang et al. (2014)	Parolees	Rearrest	24 months
<b>IORNS</b>			
Miller (2006)	Pre-release offenders	Halfway house rule violation	At least 15 months
Miller (2015)	Pre-release sex offenders	Rearrest	72 months
<b>LSI-R and LS/CMI</b>			
Austin et al. (2003)	Parolees	Rearrest, absconding, detention, or return to prison while on parole	12 months
Baronski & Aos (2003)	Community placements (either following prison/entire sentence)	Reconviction	24 months
Fass et al. (2008)	Males released from two assessment and treatment centers	Rearrest	12 months
Flores et al (2006)	Federal probationers	Reincarceration	12-36 months
Holsinger et al. (2006)	Community placements	Rearrest	17 months
Kelly & Welsh (2008)	Released drug offenders that participated in 12 month prison treatment program	Reincarceration	Approx. 15 months

<sup>8</sup> Several of the validation studies listed in Appendix D used more than one measure of recidivism and/or varying follow-up periods; each measure of recidivism and/or follow-up period is counted in the above frequencies.

Lowenkamp & Bechtel (2007)	Probationers and Parolees	Rearrest	Approx. 25 months
Manchak et al. (2008)	Released inmates (in state without parole)	Reconviction	12 and 28 months (2 analyses)
Reisig et al. (2006)	Women under community supervision	Violation of supervision conditions, rearrest, reconviction, or revocation of community supervision	18 months
Schlager & Simourd (2007)	Parolees, halfway house residents, and 1 day reporting offender	Rearrest and reconviction	24 months
Vose et al. (2008)	Probationers and parolees	Reconviction	Approx. 46 months
Whiteacre (2006)	Federal community corrections offenders	Program disciplinary incidents	Approx. 3 months
<b>ORAS-CST</b>			
Latessa et al. (2010)	Community supervision, prison intake, and reentry	Rearrest	12 months
<b>SAQ</b>			
Kubiak et al. (2014)	Incarcerated women	Reconviction, self-reported behavior	No limit for conviction; 12 months before incarceration for self-report
Mitchell & MacKenzie (2006)	Drug dealing offenders	Rearrest	At least 3 months
Mitchell et al. (2013)	Drug dealing offenders	Reconviction	At least 6 months
<b>STRONG</b>			
Barnoski & Drake (2007)	Offender released from jail or placed on community supervision	Reconviction	36 months
Hamilton et al. (2015)	Washington State offenders	Reconviction	36 months

## ***V. Conclusion***

The purpose of this follow-up was to answer questions that arose from the original *Decision Points* presentation to the Commission in September 2014. The specific areas of concern were the following: the information demands of risk-needs instruments, the availability of such information in Maryland, more specific information on the feasibility of adapting existing tools, and an evaluation of the advantages and disadvantages of different measures of recidivism when validating an assessment instrument.

Taking the last of these issues first, in the 2014 *Decision Points* paper, which recommended the adoption of a risk-only tool, subsequent arrest was recommended as the appropriate measure of recidivism when validating a tool's actuarial accuracy. In this paper, recidivism measures used in validating risks-needs tools were examined, and it appears that subsequent arrest is the most commonly accepted measure of recidivism. The recommendation, then, to use rearrest as the measure when validating an assessment tool is reaffirmed. This is not to say that reconviction is

an inappropriate measure, as there are compelling arguments for its use as a recidivism benchmark. However, rearrest is measured more readily and quickly, and it also has the benefit of being well-suited for validating a tool that would be implemented to identify low-risk individuals who may safely be diverted from incarceration.

There are three sequential choices the Commission currently faces: whether to adopt an assessment tool; and if so, whether to adopt a risk or risk-needs assessment tool; and if so, which specific tool to adopt (original or off-the-shelf). In this paper, we presented several examples of risk-needs tools that may be used in sentencing. As noted earlier, the use of risk-needs tools at sentencing is a recent, although growing, practice, and using such tools to divert low-risk offenders from incarceration is an appropriate application of such tools (James, 2015).

In *Decision Points*, we recommended that a risk-only tool be adopted instead of a risk-needs tool:

Short term interests support the full implementation of a risk-assessment instrument (a tool to quantify individual levels of risk); the identification, verification, and evaluation of a *risk-needs* assessment (a tool to assign treatment based on risk scores) should only be considered following the successful launch of a risk-assessment instrument (which will be a sizable task in itself). (Collins and Lynch, 2014).

We re-affirm this recommendation, because successful experience with risk assessment at sentencing dates back to the 1980s, but the experience with risk-needs assessment at sentencing is limited in comparison.

Nevertheless, we note a practical consideration that influences the universality of such a recommendation in Maryland at this time. In addition to the normative issues involved in the selection of a risk-only or risk-needs instrument, the feasibility, administrative burden, and cost of implementing any selected tool should also be weighed when comparing options. These are important procedural considerations to navigate in adopting and implementing a tool. Initially, such considerations would include determining who would be authorized to administer the tool, and how and when that entity would become capable of doing so.

The current implementation of the LSI-R (a risk-needs tool described in full earlier) by the Maryland Department of Probation and Parole, and the associated training of DPP agents already underway, are relevant developments for the Commission's deliberations. Should a risk-needs tool be the choice of the Commission, and should the LSI-R specifically be selected, then some of the anticipated difficulties that weigh against adopting a risk-needs tool would be mitigated. The DPP is expected to achieve comprehensive implementation of the tool in mid-2017, once all of its agents have been trained. Accordingly, a Maryland-specific validation study could be completed at some point in 2018. Such a study would be a necessary step in evaluating the tool's impact on sentencing practices, and in validating its success in terms of recidivism outcomes. In this

scenario, then, the timeframe for implementing the LSI-R as a tool at sentencing becomes more competitive with that of an off-the-shelf risk-only tool.

Finally, as the Commission deliberates about the possible adoption of an assessment instrument, it may be helpful to examine the recent experience of the Pennsylvania Commission on Sentencing (PCS). (A summary narrative of the major milestones in Pennsylvania's experience is provided in Appendix H.) Since legislation was enacted in 2010, the PCS has worked to design and validate an original risk assessment tool for statewide use, to be applied to all defendants. The PCS is just now approaching the beginning of the implementation stage of statewide risk assessment at sentencing, which is expected to take place in 2016 or 2017. Pennsylvania's path was lengthened by its decision to develop its own tool to be applied to all defendants. Nevertheless, there are instructive lessons that may be learned from its experience, such as those about the scope of research and administrative efforts required to implement a tool, as well as what interests and concerns may arise among the public and stakeholders as the tool is developed, validated, and finalized.

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### **Legislation and Case Law**

Md. Code Ann., Correctional Services Art., § 6-112

Md. Code Ann., Criminal Procedure Art., § 11-727

**APPENDICES**

Appendix A: Memo Summarizing September 2014 Meeting



MEMORANDUM

DATE: January 8, 2015  
TO: Judiciary Risk Assessment Advisory Group  
FROM: MSCCSP Staff  
RE: Update on Risk Assessment Feasibility Study

At the September 30, 2014 meeting of the Maryland State Commission on Criminal Sentencing Policy (MSCCSP), Dr. James Lynch delivered a presentation to the MSCCSP and the Judiciary Risk Assessment Advisory Group based on the white paper titled *Decision Points for Risk Assessment Implementation*. Dr. Lynch is leading a team of researchers at the University of Maryland who obtained funding through the Governor's Office of Crime Control and Prevention to study the feasibility of incorporating a risk assessment instrument at sentencing. He offered the paper as the first of a series in the risk assessment feasibility study intended to assist the Commission in trying to identify and implement a risk assessment tool. This risk assessment feasibility study was the culmination of preliminary work done by the MSCCSP to consider whether an actuarial risk assessment instrument should be utilized at sentencing.

Given the length of time since the Commission's initial discussions about risk assessment and the turnover of some members of the Commission since that time, the staff thought it would be useful to first provide a brief recap of the work completed by the Commission and then ask the Commission to consider a few key questions with respect to moving forward with the risk assessment feasibility study.

**Recap of MSCCSP Work and Decisions Concerning Risk Assessment at Sentencing**

In June 2010, the MSCCSP adopted a three-stage approach towards risk assessment at sentencing. Phase I of the risk assessment project began in 2010 and was conducted over the course of a year. It involved a review of research on risk assessment, a discussion of how other states such as Virginia and Missouri have incorporated risk assessment into the sentencing process, and a review of the risk assessment instruments being utilized by other agencies in Maryland. Phase I was completed in May 2011 when the MSCCSP unanimously approved the Guidelines Subcommittee's recommendation that, given the work being done in risk assessment by other criminal justice agencies in Maryland as well as in other states, it would make sense for the MSCCSP to proceed to Phase II of the project by examining how risk assessment might be incorporated to augment the sentencing decision in Maryland. The MSCCSP agreed to seek funding to begin research on developing or adopting an existing risk instrument to be utilized at sentencing.

At the May 2011 meeting, the MSCCSP also agreed to focus on the use of risk assessment as a diversionary tool for low-risk offenders. In the course of the Guidelines Subcommittee's review during Phase I, the Subcommittee was informed that the prediction of violence presents difficulty in that violent crimes are a rare event and therefore there is an increased likelihood of false positives. Thus, instead of focusing on the difficult task of identifying a small group of serious offenders, the Guidelines Subcommittee recommended using risk assessment to identify low-risk, nonviolent

## Appendix A: Memo Summarizing September 2014 Meeting



offenders who would be good candidates for diversion from incarceration. It was further noted that this approach is consistent with the MSCCSP's legislative mandate to develop guidelines for identifying defendants qualified for corrections options programs.

At the May 4, 2011, the MSCCSP also made a determination to start by focusing on assessment of risk only, as opposed to risk and needs. It was noted that Judge Philip Caroom, Chair of the Ad Hoc Committee on Sentencing Alternatives, Reentry, and Best Practices\*, had indicated his preference for a risk-needs assessment instrument that would be completed at sentencing. Judge Caroom's hope was that the needs assessment would be used to develop a treatment plan for the offender that would follow him or her throughout the entire sentence. However, the MSCCSP noted that such an approach would require substantial funds to develop the instrument and would require information that is not readily available at sentencing. The MSCCSP agreed instead to focus on developing an instrument to assess risk only, and revisit the issue of developing a needs instrument later on once the risk assessment instrument was operational.

In 2013, Phase II of the risk assessment project was initiated when the research team at the University of Maryland received funding to conduct the risk assessment feasibility study. The feasibility study was designed to enable the MSCCSP to formally and comprehensively examine the potential implementation of a sentencing risk assessment instrument in Maryland by assessing several fundamental considerations. In particular, the feasibility study was designed to focus on the specific objective(s) of risk assessment, the definition of recidivism to be used by the risk assessment instrument, the type of information that would be required for the risk assessment instrument, the availability of this information at sentencing, and the procedures for involving the Maryland Judiciary in the research and development process. The UMD research teams was also asked to consider whether a new risk assessment instrument should be developed or an existing instrument could be refined for this particular purpose, and who should take the lead on developing the instrument. Dr. Lynch's presentation at the September 30, 2014 meeting was the first step in addressing these questions.

### Questions for the MSCCSP to Consider in Moving Forward with the Risk Assessment Feasibility Study

During the course of the presentation by Dr. Lynch on September 30, 2014, the Commissioners and Advisory Group members offered several comments. Following the meeting, Dr. Lynch provided his recommendations based on this feedback. Dr. Lynch's full comments are provided in a separate document. He offered that he thought the UMD research team could address many of the questions raised during the September 30, 2014 presentation. Specifically, he indicated that the research team would work on getting additional information and specifics on three topics: 1) the information demands of needs assessment tools and the availability of such information in Maryland; 2) more specific information on the feasibility of adapting existing tools; and 3) information on the advantages and disadvantages of different measures of recidivism (re-arrest, reconvictions, etc.). Dr.

\* The Ad Hoc Committee on Sentencing Alternatives, Reentry, and Best Practices was established, at least in part, in response to feedback from members of the Judiciary who attended a national conference where representatives from Missouri and Virginia presented information on their states' efforts to implement risk assessment as part of the sentencing guidelines system. The Committee had invited the MSCCSP to its May 26, 2010 meeting to discuss the possibility that the MSCCSP might undertake creation of a risk assessment tool to be utilized at sentencing. Judge Caroom is presently a member of the Judiciary advisory group identified by Chief Judge Barbera for the risk assessment feasibility study.

## Appendix A: Memo Summarizing September 2014 Meeting



Lynch also indicated that the MSCCSP would likely need to address a few normative issues regarding the goals and targeted population for the risk assessment instrument. At the December 9, 2014 meeting, the MSCCSP staff asked the Commission to revisit the following questions and recommendations regarding risk assessment at sentencing (as based on goals previously determined by the MSCCSP):

**Question # 1:** What is the goal of the risk assessment instrument?

**Recommendation #1:** Divert otherwise incarceration-bound nonviolent offenders to community-based alternatives, without compromising public safety.

**Question # 2:** What is the target population for the risk assessment instrument?

**Recommendation #2:** The initial instrument should be used to identify low-risk, nonviolent offenders, who would make suitable candidates for non-custodial sanctions.

**Question #3:** Should the instrument focus on assessment of risk only, or risk and needs?

**Recommendation #3:** Full implementation of a risk-assessment instrument should precede the development of a *risk-needs* assessment.

The December 9, 2014 MSCCSP meeting included a full agenda that did allow sufficient time for the Commission to revisit these questions in depth, so the MSCCSP agreed to renew these discussions in 2015.

**Appendix B: Code of Maryland**

§6-112.

- (a) (1) On request of a court, a parole and probation agent of the Division shall:
  - (i) provide the court with a presentence investigation report;
  - (ii) conduct other investigations; and
  - (iii) perform other probationary services.
- (2) Except on court order, a presentence investigation report is confidential and is not available for public inspection.
- (3) On request, a presentence investigation report shall be made available to:
  - (i) the defendant;
  - (ii) the defendant's attorney;
  - (iii) the State's Attorney;
  - (iv) a correctional facility;
  - (v) a parole, probation, or pretrial release official of this State, any other state, or the United States;
  - (vi) a public or private mental health facility located in this State or any other state if the individual who is the subject of the report has been committed, or is being evaluated for commitment, to the facility for treatment as a condition of probation; or
  - (vii) a community substance abuse treatment provider located in this State or any other state if the individual who is the subject of the report will be treated or evaluated for treatment by the provider as a condition of probation.
- (b) (1) If a circuit court is satisfied that a presentence investigation report would help the sentencing process, the court may order the Division to complete a report before:
  - (i) sentencing a defendant who is convicted of a felony or of a misdemeanor that resulted in serious physical injury or death to the victim to the jurisdiction of the Division of Correction; or
  - (ii) referring a defendant to the Patuxent Institution.
- (2) The party that requests the report has the burden of establishing that the investigation should be ordered.
- (3) If required under § 11-402 of the Criminal Procedure Article, the report shall include a victim impact statement.
- (4) If the defendant has been convicted of a felony or misdemeanor that is related to the defendant's membership in a criminal gang, as defined in § 9-801 of the Criminal Law Article, the report may include information regarding the group affiliation of the defendant.

- (c)
  - (1) The Division shall complete a presentence investigation report in each case in which imprisonment for life without the possibility of parole is requested under § 2–203 of the Criminal Law Article.
  - (2) The report shall include a victim impact statement as provided under § 11–402 of the Criminal Procedure Article.
  - (3) The court or jury before which the separate sentencing proceeding is conducted under § 2–304 of the Criminal Law Article shall consider the report.

§11–727.

- (a) Unless waived by the State’s Attorney and defense counsel, before sentencing a defendant who is required to register under § 11–704 of this subtitle for a violation of § 3–602 of the Criminal Law Article, the court shall order the defendant to submit to:
  - (1) a presentence investigation conducted by the Division of Parole and Probation; and
  - (2) a mental health assessment, including whether the defendant is a danger to self or others, conducted by a qualified mental health professional employed or engaged by the Department of Health and Mental Hygiene.
- (b) The court shall consider the presentence investigation and mental health evaluation when sentencing the defendant.

Appendix C: Maryland Pre-Sentence Investigation Forms

DPSCS-DPP-ADM 19 (REV. 4-03)



**Department of Public Safety and Correctional Services**  
**Central Region Community Supervision – Investigation Unit – Baltimore County**  
17 West Pennsylvania Avenue • 3<sup>rd</sup> Floor • Towson, Maryland 21204  
(410) 832-2200 • FAX (410) 321-2314 • TOLL FREE (877) 227-8013 • V/TTY (800) 735-2258 www.dpscs.state.md.us

STATE OF MARYLAND  
MARTIN O MALLEY  
GOVERNOR  
ANTHONY G. BROWN  
LT. GOVERNOR  
GARY D. MAYNARD  
SECRETARY  
G. LAWRENCE FRANKLIN  
DEPUTY SECRETARY  
ADMINISTRATION  
J. MICHAEL STOLFFER  
DEPUTY SECRETARY  
OPERATIONS  
WENDELL M. FRANCE  
REGIONAL EXECUTIVE DIRECTOR  
KEVIN D. PATTEN  
CENTRAL REGIONAL DIRECTOR  
ADMINISTRATIVE SERVICES  
JOSEPH F. CLOCKER  
DIRECTOR  
COMMUNITY SUPERVISION

May 29, 2012

[Redacted]

Dear Mr. [Redacted]

I have been assigned the completion of a Pre-Sentence Investigation ordered by Judge [Redacted] on [Redacted] case # [Redacted]. You must contact the office and schedule an interview appointment with me as soon as you receive this letter. My office is located at 17 West Pennsylvania Avenue, Towson Maryland 21204.

Enclosed is a form "Defendant's Questionnaire" for you to complete and bring with you for your interview. In addition also bring the following items;

1. Birth Certificate
2. Certified High School/College Transcript or original diploma
3. Documentation of any school or employment program completed
4. Documentation of any counseling program you are currently attending or have completed in the past. Letter from current psychiatrist/therapist.
5. Documentation of your current employment
6. You will also be asked to list all previous places of employment with their addresses and telephone numbers. Recent pay-stub, if employed
7. List of current medications/prescriptions

It would also be helpful if you were to write a brief family history as to when and where you were born, and by who you were raised. Please include a listing of your brothers and sisters along with their date of births. Include any difficulties in the home or special circumstances, if any, which existed while you were growing-up.

If you have any questions, you may contact me at [Redacted]

Sincerely,

Senior Agent

Appendix C: Maryland Pre-Sentence Investigation Forms

DPP-INV-11  
(Revised 4/96)



State Of Maryland  
Department Of Public Safety And Correctional Services  
**DIVISION OF PAROLE AND PROBATION**

**DEFENDANT'S QUESTIONNAIRE**

NAME (Last First Middle)			COURT		
ALSO KNOWN AS (Include Maiden Name)			JUDGE		
PRESENT ADDRESS & TELEPHONE NUMBER			TYPE OF DWELLING		RENT OR OWN
HOW MANY YEARS? MONTHS?			Apartment <input type="checkbox"/>	Rent <input type="checkbox"/>	MONTHLY PAYMENT
			House <input type="checkbox"/>	Mortgage <input type="checkbox"/>	
			Other <input type="checkbox"/>	Own <input type="checkbox"/>	
AGE	DATE OF BIRTH	PLACE OF BIRTH	SEX	RACE	SOCIAL SECURITY NO.
MARITAL STATUS	DRIVER'S LICENSE OR SOUND EX NO.			ALIEN REGISTRATION NO.	

**WHO ARE YOU LIVING WITH?**

Name	Relationship	Name	Relationship

**PRIOR RESIDENCES**

LIST LAST THREE (3) ADDRESSES (Start with most recent)

DATES (From - To)	ADDRESS	CITY	STATE

**WRITE OUT IN YOUR OWN WORDS HOW AND WHY YOU BECAME INVOLVED IN THIS OFFENSE**

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Use additional paper if necessary

Appendix C: Maryland Pre-Sentence Investigation Forms

DPP-INV-11  
(Revised 4/98)

2

**PRIOR RECORD  
JUVENILE**

DATE	PLACE	OFFENSE	DISPOSITION	REP.

**ADULT**

DATE	PLACE	OFFENSE	DISPOSITION	REP.

**MOTOR VEHICLE**

DATE	PLACE	OFFENSE	DISPOSITION	REP.

ARE YOU ON PROBATION OR PAROLE NOW? EXPLAIN:

HAVE YOU EVER BEEN ON PROBATION OR PAROLE? EXPLAIN:

HAVE YOU EVER SERVED A SENTENCE IN A CORRECTIONAL INSTITUTION OR LOCAL JAIL? EXPLAIN:

Appendix C: Maryland Pre-Sentence Investigation Forms

DPP-INV-11  
(Revised 4/96)

3

**LIST NAMES OF PARENTS, STEP PARENTS, GUARDIAN**

NAME	RELATIONSHIP	PRESENT ADDRESS	OCCUPATION

**MARITAL HISTORY (Present and previous marriages)**

NAME OF SPOUSE (husband or wife)	DATE AND PLACE OF MARRIAGE	NUMBER OF CHILDREN	STATUS OF MARRIAGE

**DEPENDENTS**

NAME	BIRTHDATE	WHO HAS CUSTODY	WHO SUPPORTS

**FINANCIAL CONDITION**

ASSETS (Real Estate, Insurance, Property, Pensions, Stocks, Bonds, Savings, Rentals, and Personal Income)	LIABILITIES (Mortgage, Rent, Utilities, Charge Accounts, Loans, Fines, Restitution, Child Support)

**EDUCATION**

LIST SCHOOLS ATTENDED (Start with last school including business or trade schools)

DATES ATTENDED	NAME OF SCHOOL	LOCATION	HIGHEST GRADE COMPLETED	REASON LEFT

Appendix C: Maryland Pre-Sentence Investigation Forms

DPP-INV-11  
(Revised 4/96)

4

**EMPLOYMENT**  
LIST EMPLOYMENT HELD DURING PAST 5 YEARS (Begin with present or most recent job)

DATES	NAME & ADDRESS OF EMPLOYER	NATURE OF WORK	SALARY	REASON FOR LEAVING
STARTED				
ENDED				
STARTED				
ENDED				
STARTED				
ENDED				
STARTED				
ENDED				
STARTED				
ENDED				

**MILITARY SERVICE**

BRANCH OF SERVICE	DATE OF ENTRY	DATE OF DISCHARGE	TYPE DISCHARGE	HIGHEST RANK HELD

**HEALTH**

- Rate your health by circling one:      *Excellent*      *Good*      *Fair*      *Poor*
- Describe any physical problems. Are you under a doctor's care? Give doctor's name, address, & telephone number.
- Do you drink alcohol? How much?
- Have you ever used drugs? If so, explain.
- Have you ever been examined or treated by a mental health professional? If yes, give his/her name, address & telephone number.
- Are you taking any prescribed medicine? If so, what?

\_\_\_\_\_  
Signature & Date

Appendix C: Maryland Pre-Sentence Investigation Forms

DPSCS-DPP-ADM 18 (REV. 4/03)



**Department of Public Safety and Correctional Services**  
**Central Region Community Supervision – Investigation Unit – Baltimore County**  
17 West Pennsylvania Avenue • 3<sup>rd</sup> Floor • Towson, Maryland 21204  
(410) 832-2200 • FAX (410) 321-2314 • TOLL FREE (877) 227-8013 • V/TTY (800) 735-2258 www.dpscs.state.md.us

STATE OF MARYLAND

MARTIN O'MALLEY  
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CENTRAL REGIONAL DIRECTOR  
ADMINISTRATIVE SERVICES

JOSEPH F. CLOCKER  
DIRECTOR  
COMMUNITY SUPERVISION

**Statement of the Defendant:**

**Interview Date:**

**Criminal History:**

**Juvenile record:**

**Current Charge:** Could you describe in your own words how you came to be involved in the instant offense? Was this the first and/or only incidence or the first time that you were arrested for such an offense?

Did anyone threaten or pressure you to become involved in this incident?

How if anything has this arrest changed or affected you?

How differently would you say you would behave because of this arrest?

**Appendix C: Maryland Pre-Sentence Investigation Forms**

DPSCS OPP-ADM 19 (REV. 4/03)

**Prior History of Supervision:**

**Personal History:**

Parent's names and occupations: *OK*

Are your parents still living? *+*

Who raised you? *OK*

Do you have any brothers or sisters? *OK*

How good was your relationship with your parents? How was your relationship with your brothers and sisters? *OK*

Can you describe your childhood for me? *+*

Appendix C: Maryland Pre-Sentence Investigation Forms

DPSCS-DPP-ADM 19 (REV. 4/03)

What type of Discipline did your parents use? *be*

While growing up, did you live in an apartment or house? *be*

Where do you live now? With who?

Are the other residents of the house currently employed? *be*

Do you have any children? *be*

Are you currently required to pay child support? *be*  
*Wish State*

Have you been paying towards this?

**Appendix C: Maryland Pre-Sentence Investigation Forms**

DPSCS-DPP-ADM 19 (REV. 4/03)

**Could you list for me all the addresses where you have lived over the past years and for how long you resided at each residence?**

**Is there anyone in your family who has been convicted of a crime? Has anyone in the family had to serve any time in jail or prison?**

**While growing up did you witness any domestic violence in the home?**

**Did you suffer any physical abuse growing up?**

**Did you suffer any sexual abuse while growing up?**

**SCHOOLS**

**What was the highest grade that you completed?**

**Appendix C: Maryland Pre-Sentence Investigation Forms**

DPSCS-DPP-ADM 19 (REV. 4/03)

**What High School did you attend?**

**Did you have any problems while you were in school? Were you ever diagnosed with any learning disabilities?**

**Did you get placed in any special programs?**

**While in school did you ever the subject of any disciplinary actions , suspensions, Expulsions, etc?**

**How would you describe your school attendance?**

**Have you ever completed any specialized job training or programs?**

**Appendix C: Maryland Pre-Sentence Investigation Forms**

DPSCS-OPP-ADM 19 (REV. 4/03)

**EMPLOYMENT**

**Could you list the names, positions, salary, addresses and supervisor's phone numbers for your current job? Could you also provide the reason you left that job.**

**Could you also provide the name, position, salary, addresses and supervisor's number for your previous jobs including the reason you left each of those jobs?**

**Have you been unemployed for a period longer than 90 days? How did you support yourself during that time?**

**MILITARY SERVICE**

**MENTAL HEALTH**

**Have you suffered from or been diagnosed with any mental health problems?**

**Could you list any treatment history including the name of the programs, your counselor's name, the dates you attended?**

**Appendix C: Maryland Pre-Sentence Investigation Forms**

DPSCS-DPP-ADM 19 (REV. 4/03)

**Have you ever been prescribed any medication for any mental health problems?**

**PHYSICAL PROBLEMS**

**Have you suffered from any health problems ?**

**Any diagnosed long term or short term disabilities?**

**FINANCIAL**

**Do you have any assets? Do you own a car, Do you currently receive a Job pension?  
Own any properties or stocks?**

**What if any financial obligations do you currently have? Car payments, Utilities,  
Mortgage, Rent, Credit Card, Attorney Fees, Personal Loans, Child Support, Car  
insurance?**

**Appendix C: Maryland Pre-Sentence Investigation Forms**

DPSCS-DPP-ADM 19 (REV. 4/03)

**Were you satisfied with your legal representation for this trial?**

**DRUG HISTORY**

**Drugs used:**

**Could you tell me about your experience with Marijuana? When was first used(Age). For how long did you use? Do you currently use this drug?**

**What if any experience have you had with Mushrooms? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Could you tell me about your experience with Ketamine(Special K)? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Could you tell me about your experience with Crack Cocaine? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Could you tell me about your experience with Crank? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Could you tell me about your experience with Cocaine? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Appendix C: Maryland Pre-Sentence Investigation Forms**

DPSCS-OPII-ADM 19 (REV. 4/03)

**Could you tell me about your experience with Methamphetamine? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Could you tell me about your experience with Heroin? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Could you tell me about your experience with Glue? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Could you tell me about your experience with Huffing paint or any other inhalants? When was first used (Age). For how long did you use? Do you currently use this drug?**

**Could you tell me about your experience with PCP? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Could you tell me about your experience with LSD? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Appendix C: Maryland Pre-Sentence Investigation Forms**

DPS-CS DPP-ADM 19 (REV. 4/03)

**Could you tell me about your experience with Hash? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Could you tell me about your experience with Ecstasy? When was first used(Age). For how long did you use? Do you currently use this drug?**

**Have you sold drugs in the past? Does anyone in your family sell drugs?**

**Any family members use or have a history of using?**

**Any family member served time for selling drugs?**

**Could you tell me about your alcohol history? When did you first start? How much alcohol would you say you currently use?**

**What do you usually drink?**

**About how often do you drink?**

**Appendix C: Maryland Pre-Sentence Investigation Forms**

DPSCS-DPP-ADM 18 (REV. 4/03)

**Have you undergone any drug or alcohol treatment programs?**

**When? For how long? Was this treatment completed satisfactorily?**

**Do you currently feel you may need to complete drug or alcohol treatment?**

**Did you have any questions or additional information you would like to add?**

**Appendix D: Level of Service Inventory-Revised (LSI-R), as published by the West Virginia Department of Corrections**

**CRIMINAL HISTORY- 1-4**

1. What is your current offense/sentence?
2. How long have you been incarcerated?
3. How many prior convictions (misdemeanors/ felonies) have you had?
4. What led up to you getting arrested?
5. What were the circumstances of your offense?
6. How did you decide to commit the offense?
7. What part did others play in the offense?
8. What part did drugs and alcohol play?
9. What time of day did the crime happen?
10. How were the victims hurt or threatened by you or anyone else during the offense?
11. What was your plan if the victim did not cooperate?

**JUVENILE HISTORY- 5**

1. Do you have any juvenile arrests or convictions?
2. How old were you when you were arrested for the first time?
3. Tell me about the first time you were ever involved with the police.
4. What was the disposition?
5. What lead up to the offense?
6. How did you decide to commit the offense?
7. Were there any other offenses or contacts with law enforcement as a juvenile? Explain.

**INSTITUTIONAL HISTORY 6-8**

1. Have you ever been incarcerated (prison or jail) as a result of a conviction? Explain.
2. Where? How long?
3. What were the personal consequences of your incarceration?

**Appendix D: Level of Service Inventory-Revised (LSI-R), as published by the West Virginia Department of Corrections**

4. Have you ever attempted to escape from a juvenile or adult correctional facility?
5. Have you ever walked away from half-way house, group home or mental health facility?
6. Have you had any institutional violations (juvenile or adult)? What charges and sanction imposed?

**COMMUNITY SUPERVISION- 9**

1. Have you ever (juvenile or adult) been on community supervision? For what and how long?
2. What was the hardest part of being on supervision?
3. Did you successfully complete you last supervision?
4. Did you receive any technical or criminal violations while on supervision? What were the consequences?

**HISTORY OF VIOLENCE- 10**

1. Was anyone threatened or physically hurt during any of your crimes? Describe.
2. Have you had any involvement in a domestic violence incident where the police or social services were called? What were the circumstances?
3. Have you ever gotten into trouble for fighting or assault type behaviors? Describe.
4. What do you think the long-term impacts of your crimes have been on your victim(s)?

**EMPLOYMENT- 11-14, 19**

1. Were you employed at the time of the offense?
2. How long did you work there?
3. If no, how were you supporting yourself?
4. Are you currently working? Where/ how often?
5. How long have you worked?
6. If no, how are you supporting yourself?
7. What kind of jobs have you had in the past?
8. How long did you work at each?

**Appendix D: Level of Service Inventory-Revised (LSI-R), as published by the West Virginia Department of Corrections**

9. What was the reason for leaving your previous jobs?
10. How did you support yourself between jobs?
11. What is the longest period of time you have been employed?
12. Have you ever been fired? What did you do after being fired? Do you feel it was justified.
13. Tell me what you like most about your job. What do you dislike?
14. How do you think you are doing?
15. What, if any, difficulties do you have with your work?
16. Who evaluates your work performance? Do you get positive or negative remarks?
17. What rewards do you get from your job?
18. How do you get along with your co-workers/ other students?
19. How do they act towards you?
20. How do they like you?
21. What kind of activities do you do with them?

**SUPERVISION/TEACHER RELATIONS - 18-20**

1. Tell me the best thing you like about your supervisor.
2. How do they act towards you?
3. Can you go to your supervisor (or instructor) with questions or concerns?
4. What happens if your supervisor (or instructor) gives you criticism or points things out about your work?
5. Does (will) your employer (instructor) know about your conviction? What was his/her reaction? How do you feel about a parole officer visiting your work place?

**EDUCATION- 15-17**

1. Did you graduate from high school, when?
2. How far did you go in school?
3. What was the last grade you completed?
4. If you did not complete high school, why? Have you completed your GED?

**Appendix D: Level of Service Inventory-Revised (LSI-R), as published by the West Virginia Department of Corrections**

5. Why did you quit your education when you did?
6. Did you have any learning difficulties in school?
7. Did you have any behavior problems in school?
8. Were you ever suspended or expelled?
9. Have you had any additional job training?

**FINANCIAL STATUS- 21-22**

1. What is/ was your financial status?
2. What is your household income?
3. Describe your sources of income?
4. How do you support yourself/family?
5. How do you budget your money?
6. Are you behind in any debts or court-ordered obligations?
7. How do you think your financial situation contributes to your stress level?
8. Have you received any unemployment compensation, food stamps, disability income, state support? When?

**FAMILY/ MARITAL**

Tell me about your family.

**IF IN RELATIONSHIP-23**

1. Describe your relationship with your current partner.
2. How do you resolve disagreements?
3. How do your arguments usually turn out?
4. In this relationship, have you experienced physical, psychological or sexual abuse?
5. What is the best part of being in a relationship?

**Appendix D: Level of Service Inventory-Revised (LSI-R), as published by the West Virginia Department of Corrections**

**IF SINGLE- 23**

1. How do you get along being single?
2. What is the best part of being single?

**PARENTS – 24**

1. Do you have a supportive relationship with your parents? Describe your relationship.
2. How frequently do you see them?
3. What is their reaction to you being in trouble with the law?
4. What happens when there is trouble with your mother or father?
5. How has your conviction changed your relationship with them?
6. Did you have parental support during the time of the offense? What was that like?

**OTHER RELATIVES- 25**

1. What is your relationship like with other relatives (siblings, aunts, uncles, etc.)?
2. How often do you have contact with them?
3. What kinds of things do you do together?
4. What has their reaction been to you getting in trouble?
5. What do your in-laws think of you?
6. Did you have a supportive relationship with family members at the time of the offense? What was that like?

**CRIMINAL INVOLVEMENT-26**

1. Does anyone in your family have a criminal record? Who?
2. Has either of your parents, spouse or significant other engaged in anti-social/criminal activity? Explain.
3. At what point in your life were they involved in the criminal activity?
4. How much of an influence have they had on your life?

**Appendix D: Level of Service Inventory-Revised (LSI-R), as published by the West Virginia Department of Corrections**

5. What do you think of their behavior? How do you feel about them?

**ACCOMODATIONS - 27-29**

1. Tell me about where you live(d).
2. How would your friends describe your residence?
3. How did you choose the place?
4. What is the best thing about your living arrangements? Worst?
5. How do you feel about your living arrangements?
6. What about your environment do you consider to be the barriers to reaching your goals?
7. How long have you lived at your current residence?
8. How many times have you changed your address in the past year?
9. What were the reasons for the move?
10. What influence did the conviction have on your moving?
11. What kinds of crime happened in your neighborhood?
12. Were the police in your neighborhood often?
13. How safe did you feel?

**LEISURE/ RECREATION- 30-31**

1. What kind of things did you do in your leisure time?
2. Do you belong to any organizations (AA, NA, clubs, church)?
3. What did your typical week look like?
4. Tell me about a typical weekend.

**COMPANIONS 32-36**

1. Do you spend your free time primarily alone or with others?
2. What do you and your friends do for fun?

**Appendix D: Level of Service Inventory-Revised (LSI-R), as published by the West Virginia Department of Corrections**

3. Who would you go to if you had a problem?
4. Who is your best friend and for how long?
5. Were any of your friends in trouble with the law? How?
6. Was any one else involved in your crime? What was your relationship?
7. Is any one in your social group involved in heavy drinking or drug use?

**ALCOHOL/ DRUG PROBLEMS 37-45**

1. Have you ever had a problem with alcohol or drugs?
2. Has anyone ever expressed concern about your drinking or drugging?
3. How much, how often, did you drink or use drugs?
4. Did you use alone or with others?
5. How has your alcohol/ drug use impacted other parts of your life?
6. Was alcohol or drugs involved in this or any other offense?
7. What are your current alcohol/drug habits like?
8. What do you normally drink?
9. What drugs do you use?
10. How does your use impact your life?
11. What benefits do you gain from use?
12. What crimes or violations of supervision have you committed while drinking or using drugs?
13. What types of crimes or infractions have you done to support your drug/alcohol use?
14. Has any of your relationships be affected by your substance use?
15. In what ways has alcohol/drug use impacted you on the job or in school?
16. What types of health problems have you experienced due to drinking or drugs?
17. Has a health care professional warned you about your use?
18. Have you used drugs or alcohol first thing in the AM?
19. Have you experienced black-outs, hangovers, vomiting?
20. Have you tried to stay clean and failed?

**Appendix D: Level of Service Inventory-Revised (LSI-R), as published by the West Virginia Department of Corrections**

**EMOTIONAL/ PERSONAL 46-50**

1. Have you ever been treated by a mental health professional?
2. Have you ever taken medication for your nerves?
3. How do you handle stress, depression, anger, or anxiety?
4. Have you ever thought of or attempted suicide?
5. Have you ever been hospitalized for a mental health issue? When/Where?
6. Have you ever been hospitalized for substance abuse treatment?
7. Are you currently receiving any mental health treatment?
8. Are you currently taking any medication?
9. What programming are you involved in?

**ATTITUDES/ ORIENTATION**

1. Tell me what you think about crime.
2. Why do people commit crime?
3. How do you feel about what you have done?
4. Tell me the worst thing you have done to someone.
5. Who are your victims and how do you believe they were impacted by your crime?
6. What are your court ordered financial obligations?
7. What do you think of people who lead basically conventional lives?
8. Could you see yourself as becoming that kind of person?
9. What do you hope your life will look like in five years?
10. What is your feeling about your sentence/ conviction?
11. What have you learned from your incarceration?
12. What are your thoughts about community supervision?

**Appendix E: Ohio Risk Assessment Community Supervision Tool**

<b>OHIO RISK ASSESSMENT SYSTEM: COMMUNITY SUPERVISION TOOL (ORAS-CST)</b>	
Name: _____	Date of Assessment: _____
Case#: _____	Name of Assessor: _____

<b>2.0 CRIMINAL HISTORY:</b>	
2.1. Most Serious Arrest Under Age 18	<input style="width: 50px; height: 20px;" type="text"/>
0=None	
1=Yes, Misdemeanor	
2=Yes, Felony	
2.2. Number of Prior Adult Felony Convictions	<input style="width: 50px; height: 20px;" type="text"/>
0=None	
1=One or Two	
2=Three or more	
2.3. Prior Sentence as Adult to a Jail or Secure Correctional Facility	<input style="width: 50px; height: 20px;" type="text"/>
0=No	
1=Yes	
2.4. Received Official Misconduct while Incarcerated as Adult	<input style="width: 50px; height: 20px;" type="text"/>
0=No	
1=Yes	
2.5. Prior Sentence to Probation as an Adult	<input style="width: 50px; height: 20px;" type="text"/>
0=No	
1=Yes	
2.6. Community Supervision Ever Been Revoked for Technical Violation as Adult	<input style="width: 50px; height: 20px;" type="text"/>
0=No	
1=Yes	
<b>Total Score in Criminal History:</b> <input style="width: 50px; height: 20px;" type="text"/>	

<b>3.0 EDUCATION, EMPLOYMENT AND FINANCIAL SITUATION:</b>	
3.1. Highest Education	<input style="width: 50px; height: 20px;" type="text"/>
0= High school graduate or higher	
1= Less than high school or GED	
3.2. Ever Suspended or Expelled From School	<input style="width: 50px; height: 20px;" type="text"/>
0=No	
1=Yes	
3.3. Employed at the Time of Arrest	<input style="width: 50px; height: 20px;" type="text"/>
0= Yes	
1= No	
3.4. Currently Employed	<input style="width: 50px; height: 20px;" type="text"/>
0=Yes full time, disabled, or retired	
1=Not employed or employed part-time	
3.5. Better Use of Time	<input style="width: 50px; height: 20px;" type="text"/>
0=No, most time structured	
1=Yes, lots of free time	
3.6. Current Financial Situation	<input style="width: 50px; height: 20px;" type="text"/>
0=Good	
1=Poor	
<b>Total Score in Education, Employment, Financial:</b> <input style="width: 50px; height: 20px;" type="text"/>	

**Appendix E: Ohio Risk Assessment Community Supervision Tool**

<b>4.0 FAMILY AND SOCIAL SUPPORT</b>	
4.1. Parents have Criminal Record 0=No 1=Yes	<input type="text"/>
4.2. Currently Satisfied with Current Marital or Equivalent Situation 0=Yes 1=No	<input type="text"/>
4.3. Emotional and Personal Support Available from Family or Others 0=Strong Support 1=None or Weak Support	<input type="text"/>
4.4. Level of Satisfaction with Current Level of Support from Family or Others 0=Very Satisfied 1=Not Satisfied	<input type="text"/>
4.5. Stability of Residence 0=Stable 1=Not Stable	<input type="text"/>
<b>Total Score on Family and Social Support:</b> <input type="text"/>	

<b>5.0 NEIGHBORHOOD PROBLEMS</b>	
5.1. High Crime Area 0=No 1=Yes	<input type="text"/>
5.2. Drugs Readily Available in Neighborhood 0=No, Generally not available 1=Yes, Somewhat available 2=Yes, Easily available	<input type="text"/>
<b>Total Score in Neighborhood Problems:</b> <input type="text"/>	

<b>6.0 SUBSTANCE USE</b>	
6.1. Age First Began Regularly Using Alcohol 0=17 or older 1=Under Age 17	<input type="text"/>
6.2. Longest Period of Abstinence from Alcohol 0=6 months or longer 1=Less than 6 months	<input type="text"/>
6.3. Offender Ever Used Illegal Drugs 0=No 1=Yes	<input type="text"/>
6.4. Drug Use Caused Legal Problems 0=None 1=One time 2=Two or more times	<input type="text"/>
6.5. Drug Use Caused Problems with Employment 0=No 1=Yes	<input type="text"/>
<b>Total Score for Substance Use:</b> <input type="text"/>	

**Appendix E: Ohio Risk Assessment Community Supervision Tool**

<b>7.0 PEER ASSOCIATIONS</b>	
7.1. Criminal Friends 0=None 1=Some 2=Majority	<input type="text"/>
7.2. Contact with Criminal Peers 0=No contact with criminal peers 1=At risk of Contacting criminal peers 2=Contact or actively seeks out criminal peers	<input type="text"/>
7.3. Gang Membership 0=No, never 1=Yes, but not current 2=Yes, current	<input type="text"/>
7.4. Criminal Activities 0=Strong identification with prosocial activities 1=Mixture of pro and anti social activities 2=Strong identification with criminal activities	<input type="text"/>
<b>Total Score for Peers:</b> <input type="text"/>	

<b>8.0 CRIMINAL ATTITUDES AND BEHAVIORAL PATTERNS</b>	
For the Following Items Please Rate the Offender:	
8.1. Criminal Pride 0=No pride in criminal behavior 1=Some pride 2=A lot of pride	<input type="text"/>
8.2. Expresses Concern about Other's Misfortunes 0=Concerned about others 1=Limited concern 2=No real concern for others	<input type="text"/>
8.3. Feels Lack of Control over Events 0=Controls events 1=Sometimes lacks control 2=Generally lacks control	<input type="text"/>
8.4. Sees No Problem in Telling Lies 0=No 1=Yes	<input type="text"/>
8.5. Engages in Risk Taking Behavior 0=Rarely takes risks 1=Sometimes takes risks 2=Generally takes risks	<input type="text"/>
8.6. Walks Away from a Fight 0=Yes 1=Sometimes 2=Rarely	<input type="text"/>
8.7. Believes in "Do Unto Others Before They Do Unto You" 0=Disagree 1=Sometimes 2=Agrees	<input type="text"/>
<b>Total Score Criminal Attitudes and Behavioral Patterns:</b> <input type="text"/>	

<b>TOTAL SCORE:</b> <input type="text"/>
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**Appendix E: Ohio Risk Assessment Community Supervision Tool**

Risk Categories for MALES			Risk Categories for FEMALES		
Scores	Rating	Percent of Failures	Scores	Rating	Percent of Failures
0-14	Low	9%	0-14	Low	7%
15-23	Moderate	34%	15-21	Moderate	23%
24-33	High	58%	22-28	High	40%
34+	Very High	70%	29+	Very High	50%

Domain Levels					
<b>1.0 Criminal History</b>			<b>2.0 Education, Employment and Financial Situation</b>		
	Score	Failure		Score	Failure
_____	Low (0-3)	27%	_____	Low (0-1)	21%
	Med (4-6)	46%		Med (4-6)	37%
	High (7-8)	53%		High (7-8)	55%
<b>3.0 Family and Social Support</b>			<b>4.0 Neighborhood Problems</b>		
	Score	Failure		Score	Failure
_____	Low (0-1)	32%	_____	Low (0)	17%
	Med (2-3)	41%		Med (1)	35%
	High (4-5)	48%		High (2-3)	45%
<b>5.0 Substance Use</b>			<b>6.0 Peer Associations</b>		
	Score	Failure		Score	Failure
_____	Low (0-2)	27%	_____	Low (0-1)	21%
	Med (3-4)	40%		Med (2-4)	43%
	High (5-6)	45%		High (5-8)	64%
<b>7.0 Criminal Attitudes and Behavioral Patterns</b>					
	Score	Failure			
_____	Low (0-3)	24%			
	Med (4-8)	44%			
	High (9-13)	59%			

**Professional Override:**

Reason for Override (note overrides should not be based solely on offense):

**Other Areas of Concern. Check all that Apply:**

- Low Intelligence\*
- Physical Handicap
- Reading and Writing Limitations\*
- Mental Health Issues\*
- No Desire to Change/Participate in Programs\*
- Transportation
- Child Care
- Language
- Ethnicity
- Cultural Barriers
- History of Abuse/Neglect
- Interpersonal Anxiety
- Other \_\_\_\_\_

\*If these items are checked it is strongly recommended that further assessment be conducted to determine level or severity.

**Appendix F: Washington Department of Corrections' Static Risk Instrument**

**Department of Corrections' Static Risk Instrument**

**Offender Risk Factors**

<b>I. Demographics</b>			
1. Age at time of current sentence	<input type="radio"/> 60 or older	(0)	<input type="radio"/> 20 to 29 (4)
	<input type="radio"/> 50 to 59	(1)	<input type="radio"/> 18 to 19 (5)
	<input type="radio"/> 40 to 49	(2)	<input type="radio"/> 13 to 17 (6)
	<input type="radio"/> 30 to 39	(3)	
2. Gender	<input type="radio"/> Female	(0)	<input type="radio"/> Male (1)
<b>II. Juvenile Record</b>			
(All prior and current times the offender was sentenced. Each sentence is defined by a unique or different date of sentence.)			
3. Prior juvenile felony convictions	<input type="radio"/> None	(0)	<input type="radio"/> Three (3)
	<input type="radio"/> One	(1)	<input type="radio"/> Four (4)
	<input type="radio"/> Two	(2)	<input type="radio"/> Five or more (5)
4. Prior juvenile non-sex violent felony convictions for: homicide, robbery, kidnapping, assault, extortion, unlawful imprisonment, custodial interference, domestic violence, or weapon	<input type="radio"/> None	(0)	<input type="radio"/> Two or more (2)
	<input type="radio"/> One	(1)	
5. Prior juvenile felony sex convictions	<input type="radio"/> None	(0)	<input type="radio"/> One or more (1)
6. Prior commitments to a juvenile institution	<input type="radio"/> None	(0)	<input type="radio"/> Two or more (2)
	<input type="radio"/> One	(1)	
<b>III. Commitment to the Department of Corrections</b>			
7. Current commitment to the Department of Corrections	<input type="radio"/> First	(1)	<input type="radio"/> Fourth (4)
	<input type="radio"/> Second	(2)	<input type="radio"/> Fifth or more (5)
	<input type="radio"/> Third	(3)	
<b>IV. Total Adult Felony Record</b>			
(All prior and current times the offender was sentenced. Each sentence is defined by a unique or different date of sentence.)			
8. Felony homicide offense: murder/manslaughter	<input type="radio"/> None	(0)	<input type="radio"/> One or more (1)
9. Felony sex offense	<input type="radio"/> None	(0)	<input type="radio"/> Two or more (2)
	<input type="radio"/> One	(1)	
10. Felony violent property conviction for a felony robbery/kidnapping/extortion/unlawful imprisonment/custodial interference offense/harassment/burglary 1/arson 1	<input type="radio"/> None	(0)	<input type="radio"/> Two or more (2)
	<input type="radio"/> One	(1)	
11. Felony assault offense—not domestic violence related	<input type="radio"/> None	(0)	<input type="radio"/> Two (2)
	<input type="radio"/> One	(1)	<input type="radio"/> Three or more (3)
12. Felony domestic violence assault or violation of a domestic violence related protection order, restraining order, or no-contact order/harassment/malicious mischief	<input type="radio"/> None	(0)	<input type="radio"/> Two or more (2)
	<input type="radio"/> One	(1)	
13. Felony weapon offense	<input type="radio"/> None	(0)	<input type="radio"/> Two or more (2)
	<input type="radio"/> One	(1)	
14. Felony property offense	<input type="radio"/> None	(0)	<input type="radio"/> Three (3)
	<input type="radio"/> One	(1)	<input type="radio"/> Four (4)
	<input type="radio"/> Two	(2)	<input type="radio"/> Five or more (5)
15. Felony drug offense	<input type="radio"/> None	(0)	<input type="radio"/> Two (2)
	<input type="radio"/> One	(1)	<input type="radio"/> Three or more (3)
16. Felony escape	<input type="radio"/> None	(0)	<input type="radio"/> One or more (1)

**Appendix F: Washington Department of Corrections' Static Risk Instrument**

<b>V. Total Adult Misdemeanor Record</b>			
Total number of sentences, past and current, involving a misdemeanor conviction for:			
17. Misdemeanor assault offense—not domestic violence related	<input type="radio"/> None (0) <input type="radio"/> One (1) <input type="radio"/> Two (2)	<input type="radio"/> Three (3) <input type="radio"/> Four (4) <input type="radio"/> Five or more (5)	
18. Misdemeanor domestic violence assault or violation of a domestic violence related protection order, restraining order, or no-contact order	<input type="radio"/> None (0) <input type="radio"/> One (1)	<input type="radio"/> Two or more (2)	
19. Misdemeanor sex offense	<input type="radio"/> None (0) <input type="radio"/> One (1)	<input type="radio"/> Two or more (2)	
20. Misdemeanor other domestic violence: any non-violent misdemeanor convictions such as trespass, property destruction, malicious mischief, theft, etc., that are connected to domestic violence	<input type="radio"/> None (0)	<input type="radio"/> One or more (1)	
21. Misdemeanor weapon offense	<input type="radio"/> None (0)	<input type="radio"/> One or more (1)	
22. Misdemeanor property offense	<input type="radio"/> None (0) <input type="radio"/> One (1)	<input type="radio"/> Two (2) <input type="radio"/> Three or more (3)	
23. Misdemeanor drug offense	<input type="radio"/> None (0) <input type="radio"/> One (1)	<input type="radio"/> Two or more (2)	
24. Misdemeanor escapes	<input type="radio"/> None (0)	<input type="radio"/> One or more (1)	
25. Misdemeanor alcohol offense	<input type="radio"/> None (0)	<input type="radio"/> One or more (1)	
<b>VI. Total Sentence/Supervision Violations</b>			
26. Total sentence/supervision violations	<input type="radio"/> None (0) <input type="radio"/> One (1) <input type="radio"/> Two (2)	<input type="radio"/> Three (3) <input type="radio"/> Four (4) <input type="radio"/> Five or more (5)	

Appendix G: U.S. Validation Studies of Existing Risk and Needs Assessment Tools

Citation	Independent	Outcome	Length of Follow-Up
<u>CAIS</u>			
<i>No validation studies of the CAIS are available in the general literature to date.</i>			
<u>COMPAS</u>			
Blomberg, T., Bales, W., Mann, K., Meldrum, R., & Nedelec, J. (2010). <i>Validation of the COMPAS risk assessment classification instrument</i> . Tallahassee, FL: Florida State University.	Yes	(1) Rearrest for a subsequent crime; (2) rearrest for an act of violence; and (3) FTA.	12 months.
Brennan, T., & Dieterich, W. (2008). <i>Michigan Department of Corrections Core COMPAS pilot study: One-year follow-up</i> . Traverse City, MI: Northpointe.	No	Not available.	Not available.
Brennan, T., & Dieterich, W. (2009). <i>Testing the predictive validity of the DPCA COMPAS risk scales: Phase I</i> . Traverse City, MI: Northpointe.	No	Not available.	Not available.
Brennan, T., & Oliver, W. L. (2000). <i>Evaluation of reliability and validity of COMPAS scales: National aggregate sample</i> . Traverse City, MI: Northpointe.	No	Rearrest.	12 months.
Brennan, T., Dieterich, W., & Breitenbach, M. (2008). <i>New York State Division of Parole COMPAS reentry pilot study: Two-year follow-up: Updated predictive models</i> . Traverse City, MI: Northpointe.	No	Not available.	Not available.
Brennan, T., Dieterich, W., & Ehret, B. (2007). <i>Research synthesis reliability and validity of COMPAS</i> . Traverse City, MI: Northpointe.	No	Not available.	Not available.
Brennan, T., Dieterich, W., & Ehret, B. (2009). Evaluating the predictive validity of the COMPAS risk and needs assessment system. <i>Criminal Justice and Behavior</i> , 36, 21-40.	No	(1) Rearrest; (2) rearrest for person offense; and (3)	At least 15 months.

Citation	Independent	Outcome	Length of Follow-Up
		rearrest for felony offense.	
Dieterich, W., Brennan, T., & Oliver, W. (2011). <i>Predictive validity of the COMPAS Core risk scales: A probation outcomes study conducted for the Michigan Department of Corrections</i> . Traverse City, MI: Northpointe.	No	(1) Rearrest for felony offense; (2) rearrest for person offense; and (3) noncompliance.	Not available.
Dieterich, W., Oliver, W., & Brennan, T. (2011). <i>Predictive validity of the Reentry COMPAS Risk scales: An outcomes study with extended follow-up conducted for the Michigan Department of Corrections</i> . Traverse City, MI: Northpointe.	No	(1) Rearrest for felony offense; (2) rearrest for person offense; and (3) noncompliance.	Not available.
Farabee, D., Zhang, S., Roberts, R. E. L., & Yang, J. (2010). <i>COMPAS validation study: Final report</i> . Los Angeles, CA: University of California.	Yes	(1) Rearrest; (2) rearrest for violent offense.	12 and 24 months, respectively, for two different samples.
Fass, A. W., Heilbrun, K. DeMatteo, D., & Fretz, R. (2008). The LSI-R and the COMPAS: Validation data on two risk-needs tools. <i>Criminal Justice and Behavior</i> , 35, 1095-1108.	Yes	Rearrest.	12 months.
Lansing, S. (2012). <i>New York State COMPAS-probation risk and need assessment study: Examining the recidivism scale's effectiveness and predictive accuracy</i> . Albany, NY: Division of Criminal Justice Services, Office of Justice Research and Performance.	Yes	Felony or misdemeanor rearrest.	24 months.
Zhang, S. X., Roberts, R. E. L., & Farabee, D. (2014). An analysis of prisoner reentry and parole risk using COMPAS and traditional criminal history measures. <i>Crime &amp; Delinquency</i> , 60, 167-192.	Yes	(1) Rearrest; (2) rearrest for violent offense.	24 months.

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Citation	Independent	Outcome	Length of Follow-Up
<b>IORNS</b>			
Miller, H. A. (2006). A dynamic assessment of offender risk, needs, and strengths in a sample of pre-release general offenders. <i>Behavioral Sciences and the Law</i> , 24, 767-782.	No	Half-way house rule violation.	At least 15 months.
Miller, H. A. (2015). Protective strengths, risk, and recidivism in a sample of known sexual offenders. <i>Sexual Abuse: A Journal of Research and Treatment</i> , 27, 34-50.	No	(1) Rearrest for any nonviolent and nonsexual offense; (2) rearrest for sexual offense; and (3) rearrest for nonsexual violent offense.	72 months.
<b>Level of Service Assessments</b>			
Andrews, D. A., Bonta, J., & Wormith, J. S. (2006). The recent past and near future of risk and/or need assessment. <i>Crime and Delinquency</i> , 52, 7-27.	No	Not available (literature review).	Not available (literature review).
Andrews, D. A., Bonta, J., Wormith, J. S., Guzzo, L., Brews, A., Rettinger, J., & Rowe, R. (2011). Sources of variability in estimates of predictive validity: A specification with Level of Service general risk and need. <i>Criminal Justice and Behavior</i> , 38, 413-432.	No	Not available (meta-analysis).	Not available (meta-analysis).
Austin, J., Coleman, D., Peyton, J., & Johnson, K. D. (2003). <i>Reliability and validity study of the LSI-R risk assessment instrument</i> . Washington, DC: The Institute on Crime, Justice and Corrections at the George Washington University.	Yes	Rearrest, detention, absconding, or return to prison while on parole.	12 months.
Barnoski, R., & Aos, S. (2003). <i>Washington's offender accountability act: An analysis of the Department of Corrections' risk assessment</i> (document no. 03-12-1202). Olympia, WA: Washington State Institute for Public Policy.	Yes	Re-offending, divided into: (1) misdemeanor and felony recidivism; (2) felony recidivism;	24 months.

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Citation	Independent	Outcome	Length of Follow-Up
		and (3) violent felony recidivism.	
Campbell, M. A., French, S., & Gendreau, P. (2009). The prediction of violence in adult offenders: A meta-analytic comparison of instruments and methods of assessment. <i>Criminal Justice and Behavior</i> , 36, 567-590.	Yes	Not available (meta-analysis).	Not available (meta-analysis).
Fass, A. W., Heilbrun, K., DeMatteo, D., & Fretz, R. (2008). The LSI-R and the COMPAS: Validation data on two risk-needs tools. <i>Criminal Justice and Behavior</i> , 35, 1095-1108.	Yes	Rearrest.	12 months.
Flores, A. W., Lowenkamp, C. T., Holsinger, A. M., & Latessa, E. J. (2006). Predicting outcome with the Level of Service Inventory-Revised: The importance of implementation integrity. <i>Journal of Criminal Justice</i> , 34, 523-529.	Yes	Reincarceration.	At least 12 months and no more than 36 months.
Flores, A. W., Lowenkamp, C. T., Smith, P., & Latessa, E. J. (2006). Validating the Level of Service Inventory-Revised on a sample of federal probationers. <i>Federal Probation</i> , 70, 44-78.	Yes	Reincarceration in the Federal Bureau of Prisons for either a technical violation or a new offense.	Not reported.
Gendreau, P., Goggin, C., & Law, M. (1997). Predicting prison misconducts. <i>Criminal Justice and Behavior</i> , 24, 414-431.	Yes	Not available (meta-analysis).	Not available (meta-analysis).
Gendreau, P., Goggin, C., & Smith, P. (2002). Is the PCL-R really the “unparalleled” measure of offender risk? A lesson in knowledge accumulation. <i>Criminal Justice and Behavior</i> , 29, 397-426.	Yes	Not available (meta-analysis).	Not available (meta-analysis).
Gendreau, P., Little, T., & Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: What works! <i>Criminology</i> , 34, 575-607.	Yes	Not available (meta-analysis).	Not available (meta-analysis).
Geraghty, K. A., & Woodhams, J. (2015). The predictive validity of risk assessment tools for female offenders: A systematic review. <i>Aggression and Violent Behavior</i> , 21, 25-38.	Yes	Not available (literature review).	Not available (literature review).

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<b>Citation</b>	<b>Independent</b>	<b>Outcome</b>	<b>Length of Follow-Up</b>
Holsinger, A. M., Lowenkamp, C. T., & Latessa, E. J. (2006). Exploring the validity of the Level of Service Inventory-Revised with Native American offenders. <i>Journal of Criminal Justice</i> , 34, 331-337.	Yes	Rearrest.	17 months.
Holtfreter, K., & Cupp, R. (2007). Gender and risk assessment: The empirical status of the LSI-R for women. <i>Journal of Contemporary Criminal Justice</i> , 23, 363-382.	Yes	Not available (literature review).	Not available (literature review).
Kelly, C. E., & Welsh, W. N. (2008). The predictive validity of the Level of Service Inventory-Revised for drug-involved offenders. <i>Criminal Justice and Behavior</i> , 35, 819-831.	Yes	Reincarceration.	15 months on average.
Lowenkamp, C. T., & Bechtel, K. (2007). The predictive validity of the LSI-R on a sample of offenders drawn from the records of the Iowa Department of Corrections data management system. <i>Federal Probation</i> , 71, 25-29.	Yes	Rearrest on felony charge or indictable misdemeanor.	761 days on average.
Manchak, S. M., Skeem, J. L., & Douglas, K. S. (2008). Utility of the revised level of service inventory (LSI-R) in predicting recidivism after long-term incarceration. <i>Law and Human Behavior</i> , 32, 477-88	Yes	Reconviction for a new offense in the state of Washington, further divided into: (1) general recidivism; and (2) violent felony recidivism.	28 months on average for survival analysis; 12 months for other analyses.
Olver, M., Stockdale, K., & Wormith, J. (2014). Thirty years of research on the Level of Service scale: A meta-analytic examination of predictive accuracy and sources of variability. <i>Psychological Assessment</i> , 26, 156-176.	Yes	Not available (meta-analysis).	Not available (meta-analysis).
Reisig, M. D., Holtfreter, K., & Morash, M. (2006). Assessing recidivism risk across female pathways to crime. <i>Justice Quarterly</i> , 23, 384-405.	Yes	Violation of supervision conditions, rearrest, reconviction, or revocation of	18 months.

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Citation	Independent	Outcome	Length of Follow-Up
		community supervision.	
Schlager, M. D., & Simourd, D. J. (2007). Validity of the Level of Service Inventory-Revised (LSI-R) among African American and Hispanic male offenders. <i>Criminal Justice and Behavior</i> , 34, 545-554.	Yes	(1) Rearrest; and (2) reconviction.	24 months.
Smith, P., Cullen, F. T., & Latessa, E. J. (2009). Can 14,737 women be wrong? A meta-analysis of the LSI-R and recidivism for female offenders. <i>Criminology &amp; Public Policy</i> , 8, 183-208.	Yes	Not available (meta-analysis).	Not available (meta-analysis).
Vose, B., Cullen, F. T., & Smith, P. (2008). The empirical status of the Level of Service Inventory. <i>Federal Probation</i> , 72, 22-29.	Yes	Not available (literature review).	Not available (literature review).
Vose, B., Lowenkamp, C. T., Smith, P., & Cullen, F. T. (2009). Gender and the predictive validity of the LSI-R: A study of parolees and probationers. <i>Journal of Contemporary Criminal Justice</i> , 25, 459-471.	Yes	Felony or misdemeanor conviction.	1,384 days on average for the first assessment; 1,724 days on average for the second assessment.
Whiteacre, K. W. (2006). Testing the Level of Service Inventory-Revised (LSI-R) for racial/ethnic bias. <i>Criminal Justice Policy Review</i> , 17, 330-342.	Yes	(1) Program outcome (unsuccessful termination or successful completion); and (2) in-program disciplinary incidents for federal community corrections center.	On average 12.2 weeks.

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<u>ORAS</u>			
Latessa, E., Smith, P., Lemke, R., Makarios, M., & Lowenkamp, C. (2009). <i>Creation and validation of the Ohio Risk Assessment System: Final report</i> . Cincinnati, OH: University of Cincinnati Center for Criminal Justice Research.	No	Rearrest for a new crime.	12 months.
<u>OST</u>			
Lowenkamp, C. T., Latessa, E., & Bechtel, K. (2008). <i>A reliability and validation study of the Offender Screening Tool (OST) and Field Reassessment Offender Screening Tool (FROST) for Arizona</i> . Cincinnati, OH: University of Cincinnati Center for Criminal Justice Research.	Yes	(1) Rearrest; (2) petition to revoke.	Not available.
Simourd, D. (2003). <i>Arizona Supreme Court: Administrative Office of the Courts, Adult Probation Services Division, Risk and needs assessment project</i> . Kingston, ON: Algonquin Correctional Evaluation Services.	No	Current probation behavior status.	Not available.
Simourd, D. J. (2010). <i>Validation of the Offender Screening Tool (OST) for the Virginia local probation agencies</i> . Kingston, ON: Algonquin Correctional Evaluation Services.	No	Probation closure type.	Not available.
<u>SAQ</u>			
Kubiak, S. P., Kim, W. J., Bybee, D., & Eshelman, L. (2014). Assessing the validity of the Self-Appraisal Questionnaire in differentiating high-risk and violent female offenders. <i>The Prison Journal</i> , 94, 305-327.	Yes	(1) Current or past violent conviction; (2) self-reported violent behavior.	No time restriction for first outcome; 12 months prior to incarceration for second outcome (both measured retrospectively).
Loza, W., Neo, L. H., & Shahinfar, A. (2005). Cross-validation of the Self-Appraisal Questionnaire: A tool for assessing violent and nonviolent recidivism with female offenders. <i>International Journal of Offender Therapy and Comparative Criminology</i> , 49, 547-560.	No	Reincarceration for new conviction.	Not available.

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<p>Mitchell, O., &amp; MacKenzie, D. L. (2006). Disconfirmation of the predictive validity of the Self-Appraisal Questionnaire in a sample of high-risk drug offenders. <i>Criminal Justice and Behavior</i>, 33, 449-466.</p>	<p>Yes</p>	<p>Rearrest.</p>	<p>At least 3 months, for 403 days on average.</p>
<p>Mitchell, O., Caudy, M. S., &amp; MacKenzie, D. L. (2013). A re-analysis of the Self-Appraisal Questionnaire: Psychometric properties and predictive validity. <i>International Journal of Offender Therapy and Comparative Criminology</i>, 57, 445-459.</p>	<p>Yes</p>	<p>Reconviction.</p>	<p>At least 6 months, for 26.4 months on average.</p>
<b><u>STRONG</u></b>			
<p>Barnoski, R., &amp; Drake, E. (2007). <i>Washington's Offender Accountability Act: Department of Corrections' Static Risk Instrument</i>. Olympia, WA: Washington State Institute for Public Policy.</p>	<p>No</p>	<p>Reconviction for a felony offense, separated into: (1) felony recidivism; (2) property or violent felony recidivism; and (3) violent felony recidivism.</p>	<p>36 months.</p>
<p>Hamilton, Z., Neuilly, M. A., Lee, S., &amp; Barnoski, R. (2015). Isolating modeling effects in offender risk assessment. <i>Journal of Experimental Criminology</i>, 11, 299-318.</p>	<p>No</p>	<p>(1) Any felony reconviction; (2) violent felony reconviction; (3) felony drug reconviction; and (4) felony sex reconviction.</p>	<p>36 months.</p>

**Appendix H: Summary of Pennsylvania's Experience in Developing a Risk Assessment Tool for Sentencing (2010-present)**

Legislation was passed in Pennsylvania in 2010, mandating that the Pennsylvania State Sentencing Commission should develop an assessment tool for use at sentencing. The numerous, original reports produced throughout Phases I and II of PCS's experience in developing and validating its risk assessment tool may be found on their website: <http://pcs.la.psu.edu/publications-and-research/research-and-evaluation-reports/risk-assessment>. What appears below is a brief summary of the contents of the published milestone and special reports.

Phase I, during 2010 to 2012, involved the development of a risk assessment tool for offenders sentenced under Levels 3 and 4 of the Pennsylvania sentencing guidelines. These offenders are mostly mid-level theft and drug offenders.

The first step in Phase I involved a review of factors used in risk assessment instruments. The Commission examined risk factors included in 29 existing instruments, and created a list of sources validating these instruments. Additionally, the Commission examined pre-sentence investigation reports in 25 counties throughout Pennsylvania to gain a better understanding of what information was already collected at that stage.

The next two steps in Phase I included a study of initial recidivism information in which the Commission attempted to determine the best predictors of recidivism and an examination of these factors for various types of offenders. The study utilized re-arrest and re-incarceration on a technical violation as the measures of recidivism with a follow-up period of 3 years. The Commission found that the most consistent recidivism predictors were age and the number of prior arrests, while prior convictions and type of sentence were not significant predictors. Age and the number of prior arrests, along with six other factors, made up the total of eight variables included in the risk assessment scale.

Next was the development of the scale itself, in which the Commission examined various types of risk classification models to determine the best fit. The three types of models examined were the following: Burgess, in which every variable is given equal weight; Weighted Burgess, in which variables are weighted differently depending on their strength of predicting recidivism; and Predictive Attribute Analysis, in which variables are clustered to create subgroups of risk prediction. The Commission found that all three models performed equally well but chose Burgess as the best option due to its predictive ability, ease of understanding, and generalizability. Thus, the eight predictors were formulated into a 14-point scale.

The next step of Phase I involved developing categories of risk in which the Commission examined the effects of grouping risk scores into two (low, high) or three (low, medium, high) categories of risk to examine error rates. Following this step, the Commission examined the impact of the risk assessment tool for low risk offenders. The Commission studied this group in two ways:

by examining the impact of a sentence reduction for all low risk offenders, and by examining the impact of a sentence reduction only for the offenders who had been incarcerated. When examining current sentencing practices, the Commission found a large percentage (45%) of sentences were already below the recommended sentencing range. The Commission specified the necessity of weighing the probability of overestimating recidivism against the probability of underestimating recidivism before establishing the cut-off threshold for a “low-risk” offender in their 14-point scale.

As part of the construction of a risk assessment scale, the Commission sought to understand the best ways to communicate risk at sentencing, by using a survey administered to judges, district attorneys, public defenders, and probation officers in four Pennsylvania counties. This survey presented information on six actual cases with varying information on the risk score presented in six different ways. The goal of the survey was to examine the preferences of people in the field, and the Commission found that providing risk score information had a modest effect on the participant’s perceptions of the risk of recidivism.

The last part of Phase I involved a study examining the impact of juvenile record on recidivism risk. The same 8 factors that predicted recidivism in the original sample were also found to predict recidivism among the juvenile sample. The Commission also found that while some juvenile factors were significant predictors of recidivism, their inclusion in the developed risk-scale did not improve the overall accuracy of the risk assessment. Still, juvenile record has been retained as a factor in the instrument.

Phase II, which began in 2013 and is on-going, involves the development of a risk assessment tool for all offenders (Levels 1 through 5). The first step in Phase II involved the development of a comprehensive set of tools according to the Offense Gravity Scores. Developing a risk scale for each Offense Gravity Score resulted in nine separate risk assessment tools, allowing for the control of the seriousness of the offense within each tool. This step found nine factors to be significant predictors of recidivism. The next step involved validating these risk scales and validating these findings using criminal histories. Additionally, the Commission is working with a software vendor to develop a risk assessment module for the database system.

The most recently completed step of Phase II involved the study of the impact of removing demographic factors from the tools. The 9 factors used in the assessment tools in Phase II include the following: number of prior arrests; prior offense type; prior record score; prior juvenile adjudication; current offense type; multiple current convictions; age; gender; and county of conviction. The Commission found that removing age from the risk scale would significantly reduce the accuracy of that scale, and the removal of the other two demographic factors (gender and county) would significantly reduce the accuracy of the scale for half of the Offense Gravity Scores. Thus, the Commission concluded that the exclusion of these demographic factors would negatively impact the accuracy of the developed risk scales. However, later in 2015, the Commission subsequently decided to remove “county of conviction” from its instrument.