



Individualized Risk Need Assessment in a Comprehensive Pretrial Services Program

What is a Pretrial Service Program? A comprehensive Pretrial Service Program acts as the gatekeeper to the criminal justice system; it diverts offenders to appropriate alternative programs, and it informs decision-making regarding release conditions, supervision, sentencing and programming based on an offender's individual risk and needs.

Components of an effective Pretrial Program include: 1) Early collection of comprehensive offender information; 2) Identification of diversion candidates for alternatives such as drug court, mental health court, veteran's court, community court, etc.; and 3) Use of a validated assessment tool. These measures ensure that jail beds are reserved for those who truly pose a threat to the community and reduce failure rates and recidivism by tailoring supervision, sentencing and programming to individual risks and needs.

What is an Individualized Risk Need Assessment? When an individual is arrested there are several assessments that may be made to determine appropriate release conditions, supervision, sentencing and programming. One, labeled *a risk assessment*, evaluates the likelihood that the person will re-offend, which is measured by gathering historical information such as age, criminal history, and age at first offense. The second is a needs assessment which measures criminogenic needs: 1) Anti-social cognition; 2) Anti-social companions; 3) Anti-social personality or temperament; 4) Poor family and/or marital relationships; 5) Substance abuse; 6) Un- or under-employment; 7) Poor performance or failure in school; and 8) Poor use of leisure and/or recreational time. These needs can then be addressed in treatment. If substance addiction and/or serious mental illness are present, these issues must be addressed first. Another assessment is made by the jail to classify an inmate for custody purposes.

What are Spokane City and County Doing Now? The Jail classification officer does an evaluation to determine jail classification for housing purposes, e.g. for minimum, medium, maximum or protective custody. This occurs near the time of booking. Sometime before the person's first appearance in court, the Office of Pre-trial Services completes a "First Appearance Evaluation" based on an interview with the inmate. This is a risk assessment which focuses on whether the person should be released or detained. The County Consultant, David Bennett reviewed a risk need tool for the County in 2011, but concluded that it was too time consuming to administer. Additional review of risk tools was planned. Superior Court Judges began receiving the offender's risk assessment in May 2012.

The Department of Corrections (DOC) completes a risk need assessment on each offender sentenced to prison.

What are Other City and Counties Doing? The National Association of Pretrial Services Agencies reviewed promising pre-trial practices in 2010 and noted that *risk assessment* for diversion purposes was commonly used. But 58% of the surveyed programs were also using additional *risk need assessments* so that rehabilitative services needs could be determined early. This is important "[s]ince faster connection to supervision and treatment interventions can increase effectiveness and reduce recidivism." National Association of Pretrial Services Agencies, "Promising Practices in Pretrial Diversion," 2010, p. 12.

Mecklenburg County, N.C. was able to reduce its average daily jail population by 33 percent by using a pretrial risk assessment instrument and a research-based program to match supervision conditions to risk levels. Pretrial Justice Institute, "Pretrial Risk Assessment 101: Science Provides Guidance on Managing Defendants," Issue Brief, p. 5.

How Can Spokane City and County Improve? The County Consultant, David Bennett, recommended a *risk assessment* at booking for everyone, not just felons, using a validated tool as a part of a comprehensive pre-trial services program that operates 24/7. In addition, for at least medium and high risk individuals, a validated *need assessment* should also be done. It is also critical that financial information be obtained as a part of this assessment, so that eligibility for appointment of a public defender is accomplished without delay. Ideally, one validated risk need tool should be used by all courts and the assessment should be shared so that at the individual's first court appearance, the judge, prosecutor, defense attorney and probation officer can make an informed decision about disposition based upon this information. The person could be 1) diverted to a Specialty Court, to Community Court, or to Early Case Resolution (ECR); 2) released on supervision; or 3) held in jail if that is required. Victim contact should also be made early in the process so victim input is available when a release decision is made.

If all judges, prosecutors, defense attorneys and probation officers had access to the risk need assessment smarter sentencing could occur. See "Dispositional Court: A Smart Sentencing Opportunity."

How will Spokane City and County Benefit by Implementing these Changes?

- **Cost Savings:** Comprehensive assessments of individuals at booking allow for more appropriate diversion and early case resolution, eliminating the need for extra days in jail at \$120/day. When financial information is obtained at booking and eligible inmates are appointed a public defender earlier, the case can progress faster, which decreases system costs. The County Consultant, David Bennett observes that whether a jail is overcrowded is directly related to the hours of operation of the pre-trial services program. Those programs that are open 24/7 have less jail overcrowding issues.
- **Safer Communities:** Community safety is enhanced by individualized risk need assessments. If individuals are properly assessed, those that are non-violent can be released from jail and jail-beds can remain available for those that need to be in jail for community safety reasons.

- Better Outcomes for Victims and Offenders: A comprehensive system of assessment provides for victim contact so that victim information is presented when inmate release decisions are made. Offenders who have substance abuse, mental health, or other special needs are identified earlier and they can be matched with appropriate alternatives to incarceration and treatment programs. Earlier interventions increase effectiveness and reduce recidivism.

Sources of Information:

David Bennett and Donna Lattin, "Spokane County Corrections Needs Assessment Master Plan Draft," February 14, 2008, Chap. 4, pp. 3-14.

[http://www.spokanecounty.org/data/countysheriff/jep/Needs%20Assessment%20\(5Mb\).pdf](http://www.spokanecounty.org/data/countysheriff/jep/Needs%20Assessment%20(5Mb).pdf)

David Bennett and Donna Lattin, "Spokane County Inmate Risk and Needs Study" (Power Point), March 2, 2011.

Washington Superior Court Criminal Rule 3.2,

http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=sup&set=CrR&ruleid=supCrR3.2

Pretrial Justice Institute, "Pretrial Risk Assessment 101: Science Provides Guidance on Managing Defendants," Issue Brief,

[http://www.pretrial.org/Featured%20Resources%20Documents/PJI%20Risk%20Assessment%20101%20\(2012\).pdf](http://www.pretrial.org/Featured%20Resources%20Documents/PJI%20Risk%20Assessment%20101%20(2012).pdf)

National Association of Pretrial Services Agencies, "Promising Practices in Pretrial Diversion," 2010, p. 12, <http://www.pretrial.org/Docs/Documents/PromisingPracticeFinal.pdf>

"Research-Based Smarter Sentencing, Training for Prosecutors, Public Defenders, Judges and Community Corrections Professionals," September 28-29, 2012, presentation by Frank Domurad and M. Elaine Nugent-Borakove to Spokane City and County, Spokane, WA.

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"Best Practices in Drug Courts and Reentry Courts," September 12, 2012, presentation to Federal STEP Reentry Court, Spokane, WA.

"Evidence-Based Sentencing for Drug Offenders," September 13, 2012, presentation to Spokane Municipal Courts, Spokane, WA.

"A Criminal Justice System that Works," September 13, 2012, Community presentation, Spokane, WA.

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