Addressing the Equity and Fairness of Assessments:

How the National Guidelines Can Transform Agencies' Communication and Use of Post-Conviction Risk and Needs Assessments

Community Supervision RESOURCE CENTER — csrc

CEPP — Center for Effective Public Policy

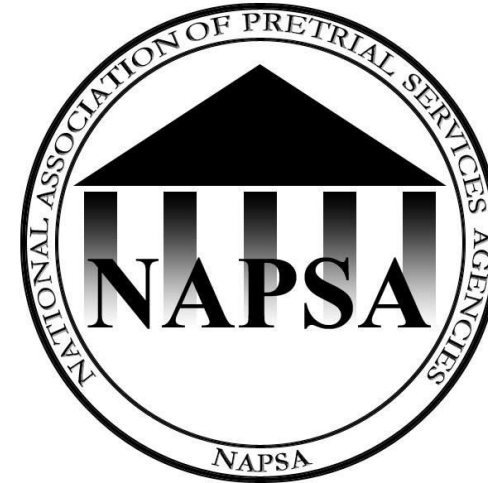Use the QR code to sign up to receive announcements and updates about the CSRC.

The CSRC is managed by the Center for Effective Public Policy with funding support and thought partnership from the Bureau of Justice Assistance.

CSRC Project Partners

The Council of State Governments Justice Center

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

The National Guidelines for Post-Conviction Risk and Needs Assessment project is funded by the Bureau of Justice Assistance (BJA).

Presentation Outline

1. The Need for Guidelines
2. Brief Overview of the Guidelines
3. Validation/Revalidation
4. Practical Application of the Guidelines
5. Racial Equity Discussion
6. Resources and Next Steps

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There is a need for a standardized approach to risk and needs assessment tools across the nation.

Instruments are developed and **used differently** across the country.

States want to ensure that the use of assessment instruments does not **increase disparities** within the system.

Perceptions of unfairness and concerns over a lack of transparency exist.

Justice Reinvestment Initiative

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The guidelines pose three questions to help policymakers and practitioners.

1 What degree of accuracy should the post-conviction risk and needs assessment instrument meet?

2 How can users best determine the fairness of these instruments across race, ethnicity, and gender—especially given the history of bias and disparities in the criminal justice system?

3 In what ways should information about the use of these instruments and their underlying algorithms be transparent and communicated publicly?

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Methodology

Foundational Survey
- Definitions of fairness, accuracy, transparency, interrater agreement, fidelity, and (re)validation

1st Phase
- Understanding the current state of the field

Advisory Group

2nd Phase
- Parsing out fairness
- Improving equity
- Considering context

Consensus Survey
- Six questions defining risk and needs, improving equity, and risk and needs assessment contexts to consider

3rd Phase
- Effectiveness of communication

Proposed Guidelines
Consensus on highest ranked factors

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26-Member Advisory Group

Dr. Ashlee Barnes

Bree Derrick

Dr. Stephen Hart

Dr. Edward Latessa

Charles Robinson

Mark Bergstrom

Dr. Kevin Douglas

Dr. Kirk Heilbrun

Dr. Brian Lovins

Dr. Ralph Serin

Dr. Guy Bourgon

Dr. Grant Duwe

Dr. Natalie Jennifer Jones

Dr. Eyitayo Onifade

Christopher Slobogin

Dr. Gina Vincent

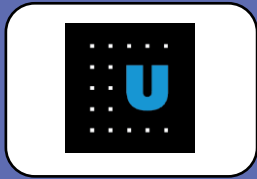Kristofer "Bret" Bucklen

Dr. Faye Taxman

Carey Green

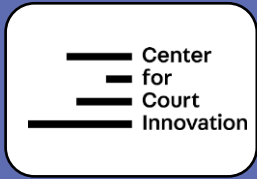Dr. Joel Dvoskin

Dr. KiDeuk Kim

Dr. Osonde Osoba

Dr. Raymond "Chip" Tafrate

Dr. Christina Campbell

Dr. Daryl Kroner

Dr. Sarah Picard

Perspective:

Supervision and Reentry Success

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The Impact of Evidence-Based Risk and Need Assessments on Case Planning and Reentry Outcomes

Targeted Intervention

Evidence-based assessments *identify recidivism factors, informing case planning for more effective interventions* in reducing reoffending risk.

Client Engagement and Compliance

Evidence-based assessments involve individuals in case planning. This *boosts client engagement, fostering active participation and compliance* based on their specific needs.

Monitoring and Evaluation

Evidence-based assessments *establish a baseline for monitoring and adjusting interventions based on evolving needs and circumstances.*

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The Impact of Evidence-Based Risk and Need Assessments on Case Planning and Reentry Outcomes

Recidivism Reduction

Evidence-based assessments help identify specific *risk factors and needs* of individuals.

Resource Allocation

Targeting high-risk individuals and impactful interventions through evidence-based assessments optimizes resource allocation.

Rehabilitation and Treatment Planning

Evidence-based assessments enhance outcomes by *guiding tailored rehabilitation and treatment plans, addressing specific needs and risks.*

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The guidelines launched August 30, 2022, on BJA's Public Safety Risk Assessment Clearinghouse website and the CSG Justice Center website.

www.bja.gov
www.csgjusticecenter.org
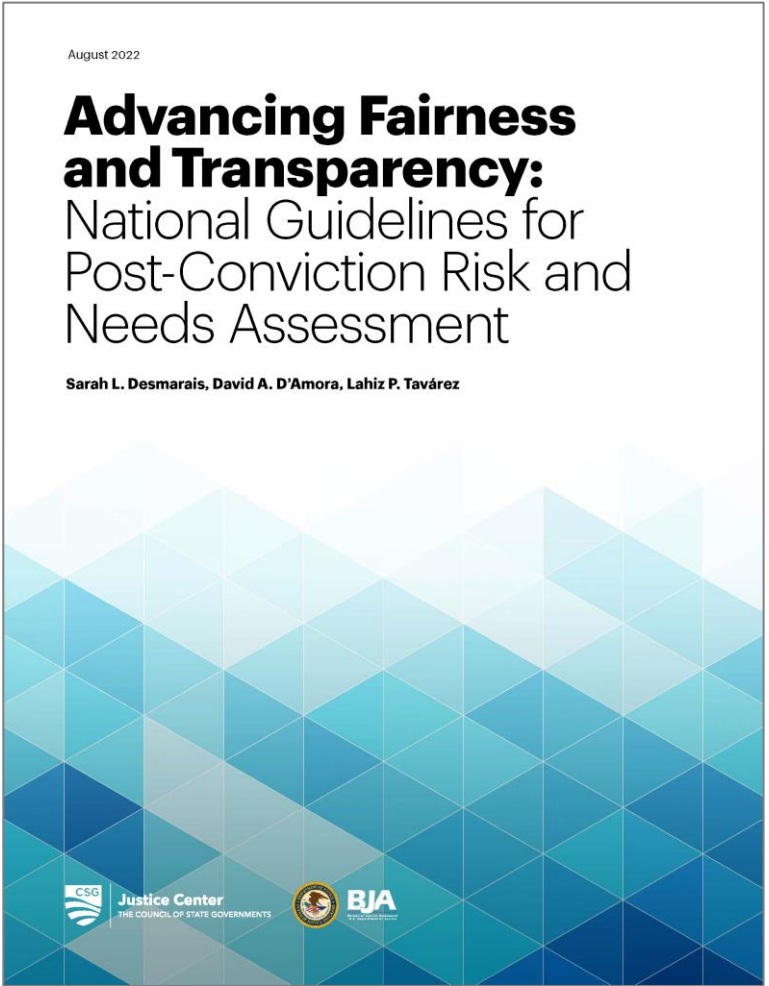
The guidelines include four sections.

IV. Communication and Use

I. Accuracy

III. Transparency

II. Fairness

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Accuracy

Accuracy refers to the degree to which assessment results predict the recidivism outcomes they were designed to predict.

Fairness

Fairness is the degree to which assessment results have the same meanings and applications across groups defined by race, ethnicity, gender, or other characteristics such as mental illness.

Transparency

Transparency refers to how information about the content, structure, and application of these instruments is disseminated to stakeholders.

Communication and Use

Communication and use refers to the fact that the manner in which individual assessment results are communicated and used can greatly affect their impact on decision-making and, consequently, their effectiveness.

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Validation 101: What Is Validation?

- An empirical evaluation used to determine the ***predictive validity*** of the results of a post-conviction risk and needs assessment instrument

    - **Predictive validity**: The accuracy with which results of the post-conviction risk and needs assessment instrument forecast the outcomes they were intended to predict (e.g., recidivism)

- **Two metrics** that are used to understand the performance of a risk assessment instrument:

    1. The **observed rates of criminal behavior** at each risk level; and

    2. An **overall index** of predictive validity

Validation 101: Predictive Validity

Examples of **key questions** regarding predictive validity that can be explored during validation:

1. How well does the assessment separate those who experience an outcome of interest (e.g., recidivism) from those who do not?

2. How accurately does the assessment predict the likelihood of such an outcome?

3. How frequently does the assessment inaccurately predict a low-risk individual to be at high risk (i.e., false positive errors) and vice versa (i.e., false negative errors)?

4. How generalizable are validation results to different test settings (i.e., different samples, methods)?

5. How does the assessment perform across subgroups by **race**, **ethnicity**, and **gender**?

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Validation 101: Best Practices

- **Complete a local validation** to establish performance in relation to jurisdiction-specific rates of recidivism, ideally prior to using the instrument.

- **Consult with experts** such as university partners or other experienced evaluators to inform the methods of their local evaluation efforts.

- Validation studies should account for **time at risk** and **length of follow-up**.

  - **Time at risk**: the amount of time for which an individual may be able to engage in criminal behavior.

  - **Length of follow-up**: the period from assessment to the end of the follow-up.

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Validation 101: Best Practices

Two approaches to validating assessment instruments:

    1. Validate the tool **at the time of development**; or

    2. Upon **implementing the assessment for a specific population**.

It is **important to note** the following:

    1. The performance of validation tests is **sensitive to test settings** and the **data used.**

    2. It is highly recommended to **examine validation in various ways** rather than relying on a single method or data run.

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Validation 101: Best Practices (CQI)

- Even the most well-established, vetted, and validated post-conviction risk and needs assessment instrument may fail to produce the desired results—**if not implemented with fidelity**.

- **Continuous Quality Improvement (CQI)** protocols allow for prompt identification of issues that may interfere with the effectiveness of assessment instruments and enable the deployment of strategies to address those issues—**promoting accuracy of assessment results**.

- These **CQI protocols** should ideally be developed and documented in consultation with diverse stakeholders—including instrument developers or other experts, staff, supervisors, and administrators—before using the instrument.

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Validation 101: Best Practices (CQI)

- **CQI protocols** should be **revisited periodically to mitigate emergent issues** that call for changes in the frequency or focal points of CQI-related efforts.
  - Thinking through and planning for CQI **before using the instrument** will ensure that the necessary data, resources, and staffing are available to support CQI over time.
- Agencies should **provide training** on the **site-specific policies and protocols for applying assessment results to inform case plans** before they begin using the instrument in the field.
- Agencies that already use an instrument should develop a strategy to provide this training within a six-month period.

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Validation 101: Best Practices (CQI)

- Agency case reviews should occur **every six months** and **examine** the following:
    1. Fidelity to the rating and scoring guidelines
    2. Adherence to the implementation protocols
    3. Concordance among assessment results and case decisions, resource allocation, and service provision

- Agencies should plan to **examine the following metrics** within groups defined by race, ethnicity, and gender:
    - Percentage of each type of case decision
    - Assigned levels of classification, supervision, or condition
    - Average number of services provided overall
    - Percentage of each type of service

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Validation 101: Revalidation

Revalidate assessment results at least every five years—or sooner if there are major policy or population changes—to verify that the assessment results continue to meet minimum performance thresholds.

- Agencies should **establish a timeline for revalidation** and **identify and allocate resources and staffing** to support the revalidation.
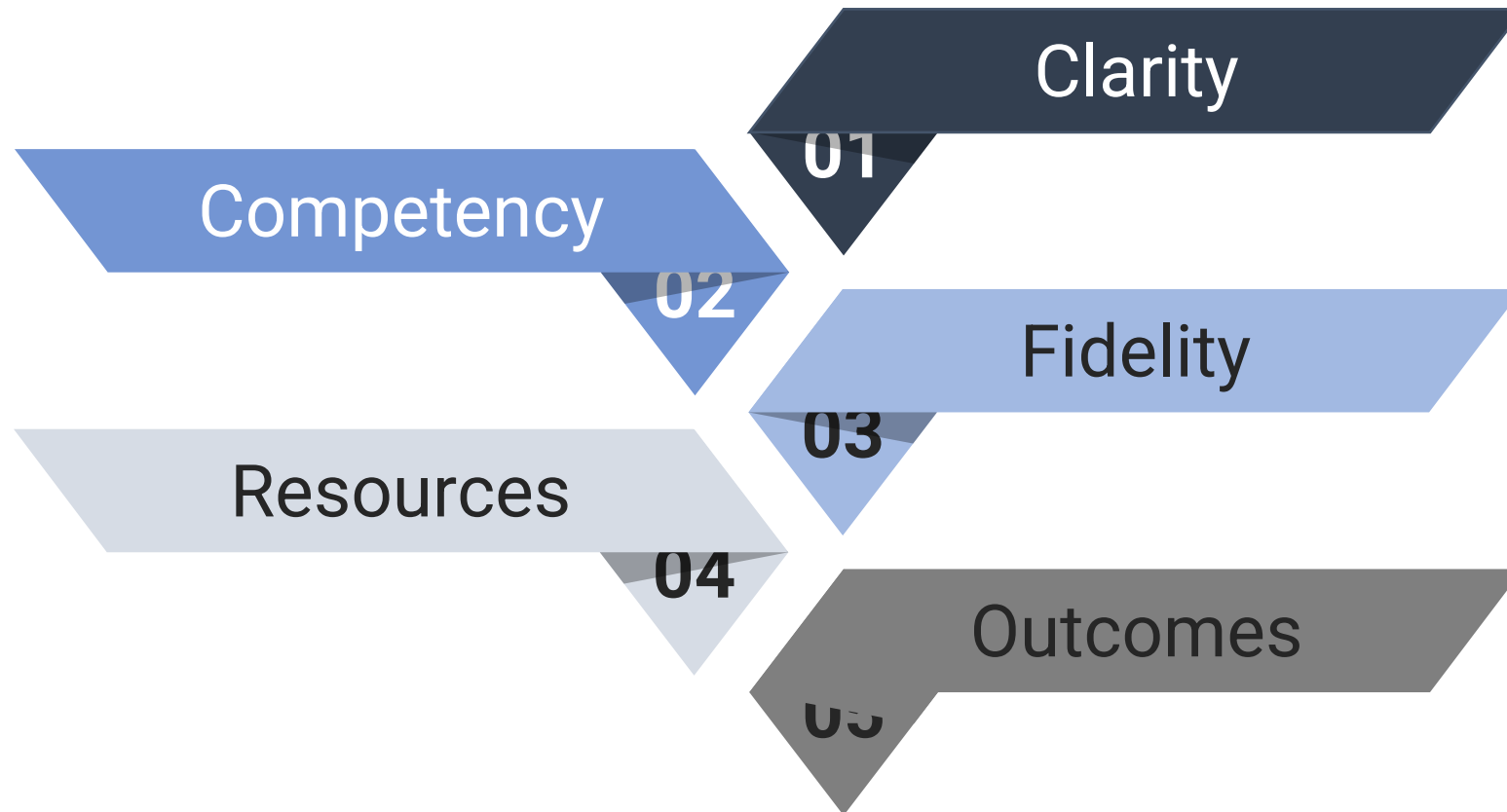
Establish a process and **timeline to review and update the written policy**—ideally during the planning period prior to using the instrument.

- Note that agencies may also need to **review and update the policy between revalidations** to account for major circumstantial changes.
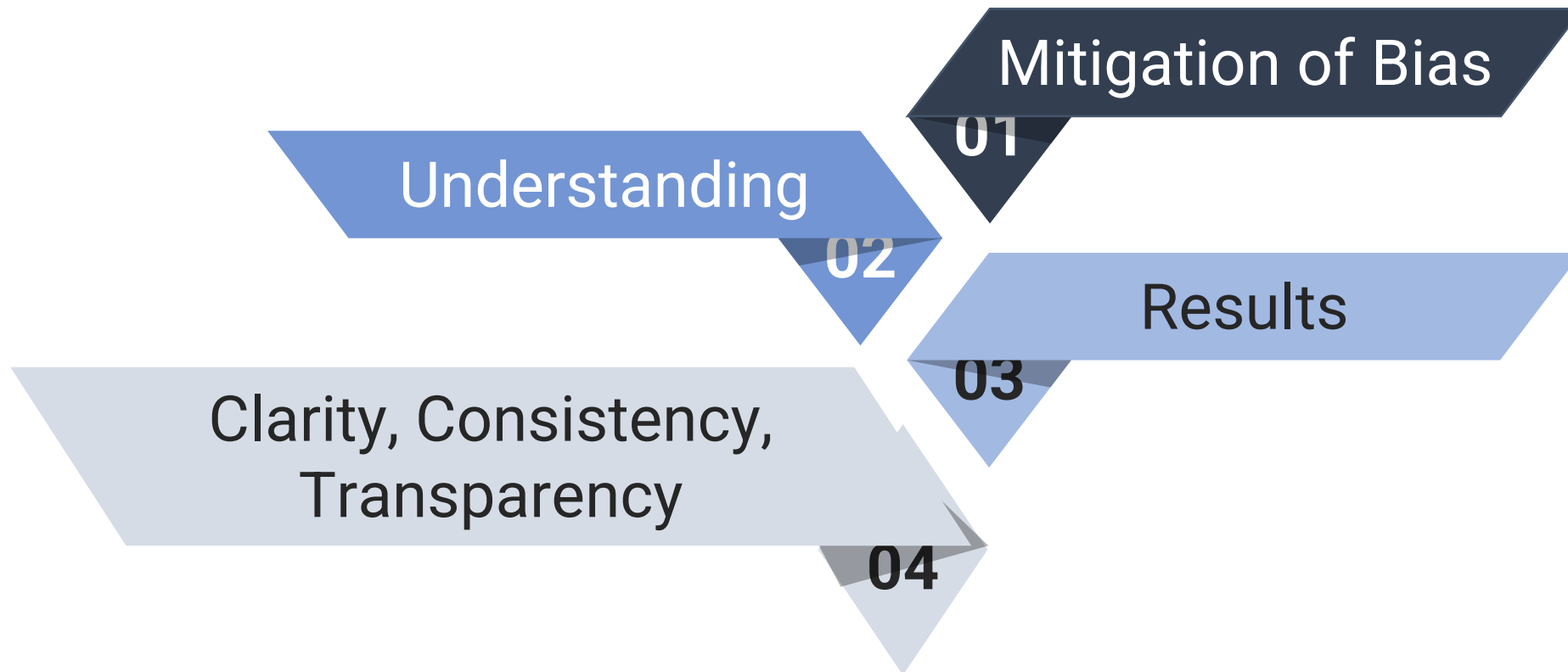
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Organizational Benefits

Clarity

01

Competency

02

Fidelity

03

Resources

04

Outcomes

05

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Benefits for People in the Criminal Justice System

01 Mitigation of Bias

02 Understanding

03 Results

04 Clarity, Consistency, Transparency

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Stakeholder and Community Benefits

Opportunity

01

Trust

02

Collaboration

03

Funding Allocation

04

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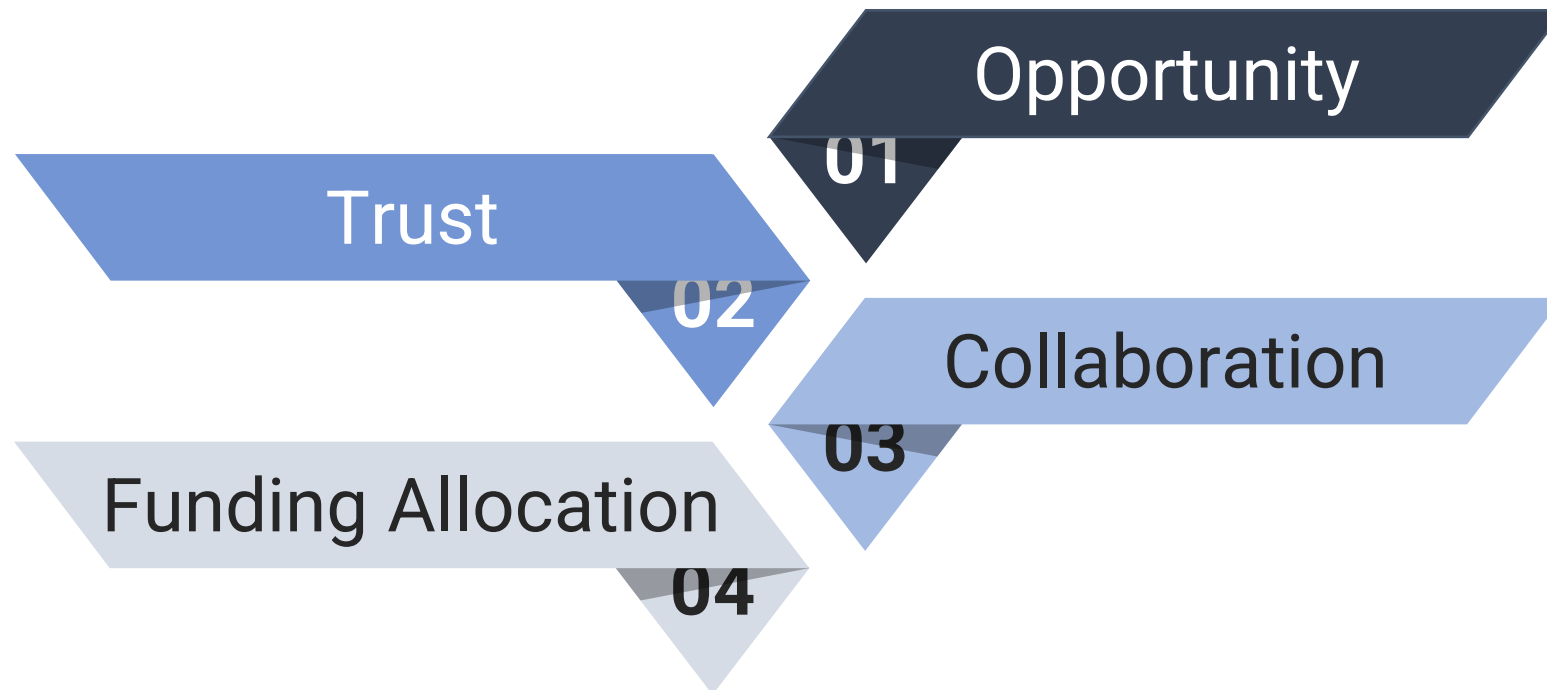
Research and Practitioner Benefits

Sustainability

01

Evaluation

02

Implementation

03

Effectiveness

04

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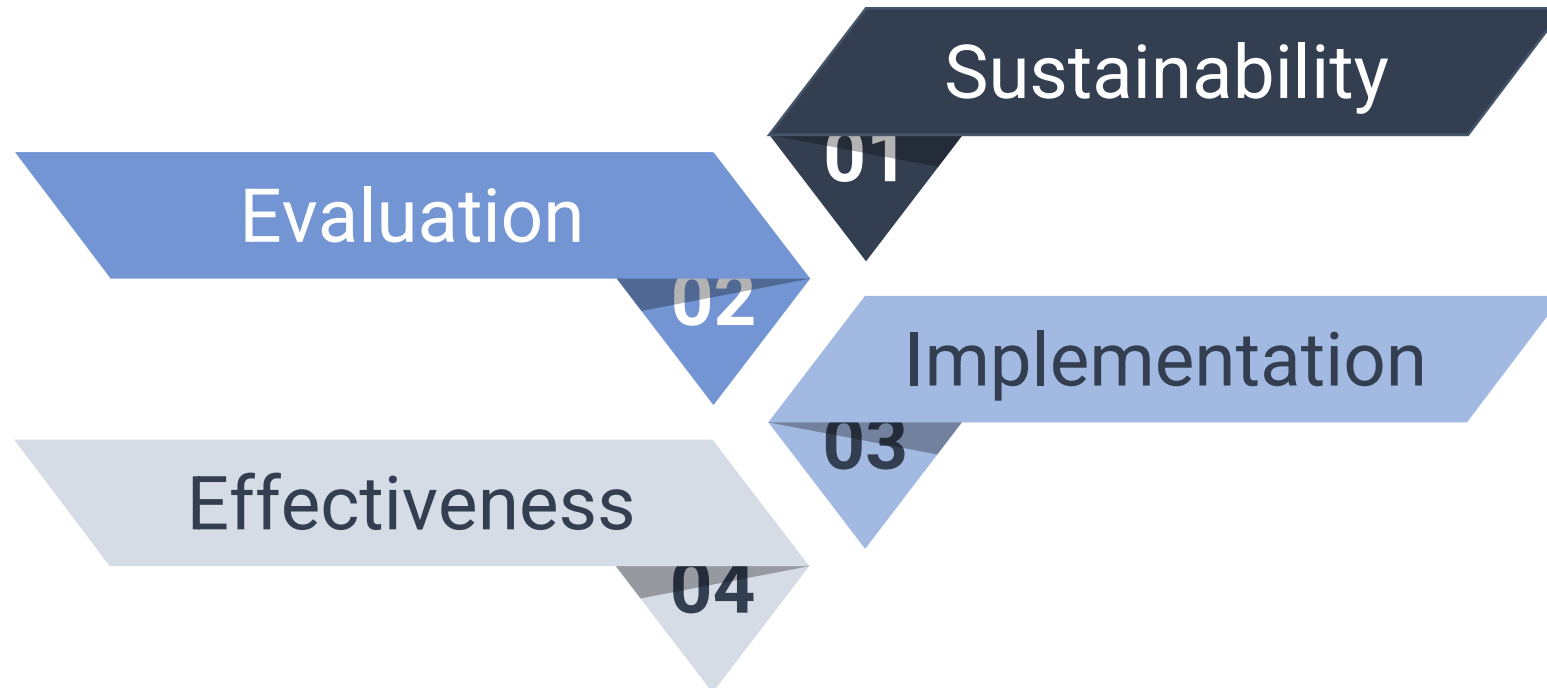
New Jersey Department of Corrections is implementing the Women Risk and Needs Assessment (WRNA) for their female population while examining race and ethnicity.

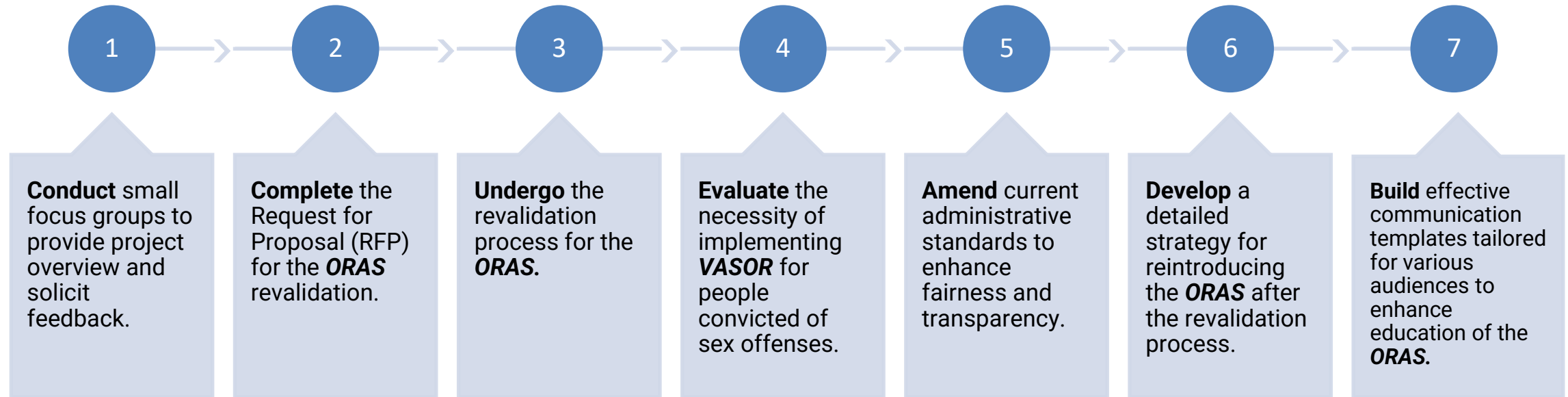| 1	2	3	4	5	6	7
Select statewide RNA instrument and **receive approval** from DOC leadership to move forward with selection.	**Establish** a working group to identify agency needs for the implementation and training process.	**Undergo** the validation process for the **WRNA.**	**Design** an implementation and staff training process for the **WRNA.**	**Develop** administrative standards to ensure fairness and transparency.	**Develop** a detailed strategy for introducing the **WRNA** after the validation process.	**Build** effective communication templates tailored for various audiences to enhance education of the **WRNA.**

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Massachusetts Probation Services is revalidating the Ohio Risk Assessment System (ORAS) and developing communication templates for various audiences.

1 → **2** → **3** → **4** → **5** → **6** → **7**

Conduct small focus groups to provide project overview and solicit feedback.

Complete the Request for Proposal (RFP) for the *ORAS* revalidation.

Undergo the revalidation process for the *ORAS.*

Evaluate the necessity of implementing *VASOR* for people convicted of sex offenses.

Amend current administrative standards to enhance fairness and transparency.

Develop a detailed strategy for reintroducing the *ORAS* after the revalidation process.

Build effective communication templates tailored for various audiences to enhance education of the *ORAS.*

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Minnesota Corrections and Probation Agencies are implementing the Level of Service/Case Management Inventory (LS/CMI) while collaborating with Tribal Nations.

1

Select statewide RNA instrument and **establish** a subcommittee working group.

2

Collaborate with the **Tribal Nations** representatives to identify the best approach for an RNA tool with their population.

3

Complete the Request for Proposal (RFP) for the *LS/CMI* validation for all three delivery systems.

4

Undergo the validation process for the *LS/CMI* for all three delivery systems.

5

Amend current administrative standards to enhance fairness and transparency.

6

Develop a detailed strategy for statewide implementation of the *LS/CMI* after the validation process.

7

Build effective communication templates tailored for various audiences to enhance education of the *LS/CMI.*

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One-fifth of disparities can be linked to system processes and actors (e.g., differential treatment).

Reason for Disparities in Incarceration between Black and White Americans

20%

80%

■ Differential Involvment ■ Differential Treatment
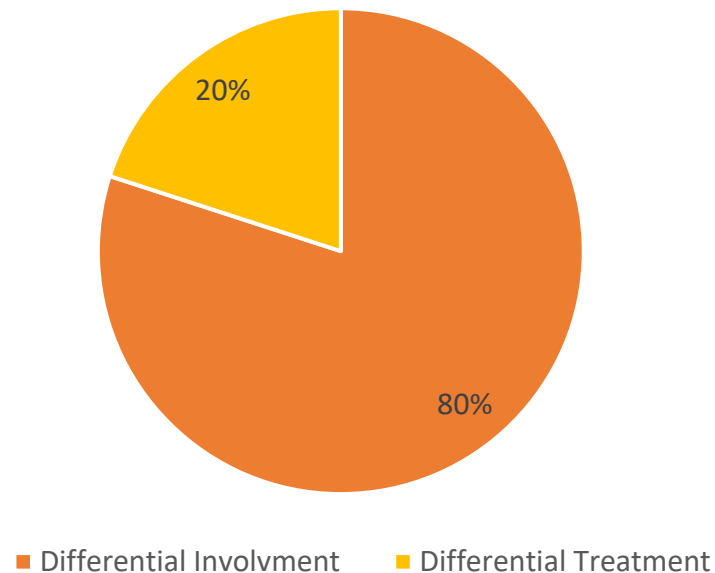
"Who among us will willingly accept that twenty percent of such a life-changing decision is left to potentially problematic, unknown influences?"

—Robert Crutchfield, 2004

A. J. Beck and A. Blumstein. "Racial disproportionality in US state prisons: Accounting for the effects of racial and ethnic differences in criminal involvement, arrests, sentencing, and time served," *Journal of Quantitative Criminology* 34, no. 3 (2018): 853–883.

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Disparities come from a variety of sources.

Potential Explanation	Examples
Community Member Behavior	• Different propensity to engage in rule-violating behavior • Risk of criminal involvement may be related to educational and economic opportunities • Risk of criminal involvement may be related to neighborhood, family, or peer group
Likelihood of Discovery	• Differential exposure (e.g., neighborhood setting) • Increased surveillance (e.g., enforcement targeting for individuals and/or communities)

System and System Actor Behavior	• Differential treatment across criminal justice system actors and agencies
	   • Laws targeting behaviors (e.g., Rockefeller Drug Laws)
	   • Enforcement priorities (e.g., Quality of Life, Open-Air Drug Markets)
	• Racial bias (explicit or implicit)

Differential involvement

Differential treatment

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Where do system actor biases come from?

Only **2 percent** of emotional cognition is consciously available.

Implicit bias

Expressed indirectly
Unconscious

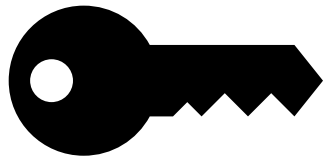Example: Property manager conducting more criminal background checks on Black applicants

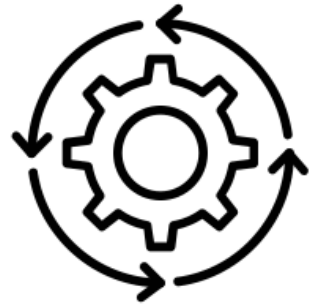| System 1	System 2
Fast	Slow
Unconscious	Conscious
Automatic	Effortful
Everyday Decisions	Complex Decisions
Error prone	Reliable
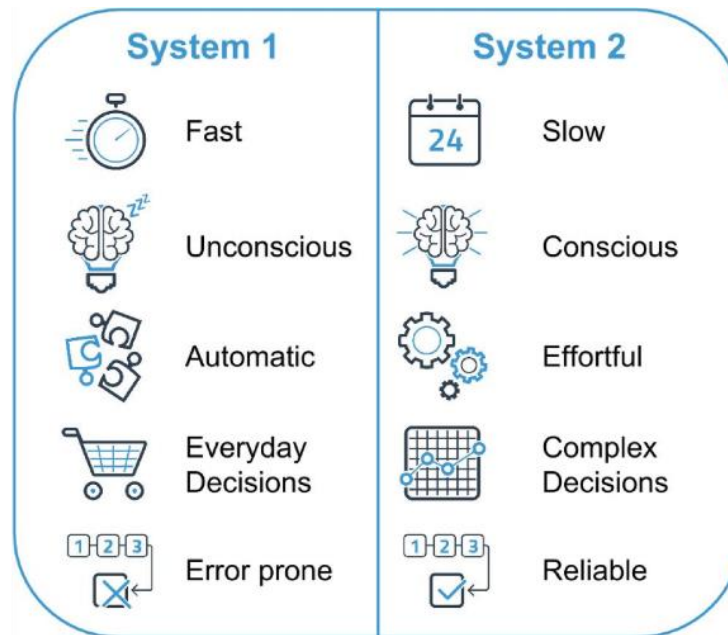
Explicit bias

Expressed directly
Conscious

Example: Sign on a window of an apartment building— "whites only"

A. Blumstein, "Race and the criminal justice system," *Race and Social Problems1*, no. 4 (2009), 183.

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Setting Your Program Up for Success

Access

Utilization

Quality

Outcomes

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Identifying Disparities

- Collect data that will provide sufficient information on who, what, where, when, and how.

- Speak with staff, clients, and conduct case reviews.

- Use existing program data, local data.

- Identify what is still unknown and develop a plan to address.

- Identify opportunities to collect additional information, including intake forms, satisfaction surveys, discussion groups, and evaluations.

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Demonstrating Cultural Humility

- Although there are different perspectives on the concept of cultural humility, one definition is "a person's willingness and openness to demonstrate respect and a lack of superiority when interacting with those whose cultural identities, values, and worldviews differ from their own (Hook et al., 2013)."
- In moving toward more inclusive and responsive treatment, agencies need to move toward cultural humility.

This includes being mindful of the following:
- Respect for a person's cultural identity
- Socioeconomic status
- The impact of trauma
- Individualized needs
- Clients' strengths

Jones and Franco, "Cultural Consideration in Addiction Treatment", 19.

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Online Resources

1. FAQ for legislators

2. FAQ for agency administrators

3. Executive summary for practitioners

4. 50-page "deep-dive" publication for researchers and others charged with implementing the guidelines

5. Self-assessment tool

6. Communication templates

7. Technical assistance

*Recorded webinars available

Advancing Fairness and Transparency: National Guidelines for Post-Conviction Risk and Needs Assessment

The Issue

There are valid and growing concerns about accuracy, fairness, transparency, and communication in the use of risk and needs assessment. Risk and needs assessment results are not used enough to inform case decisions and management. Criminal justice agencies have not been given the guidance they need to communicate the strengths and limitations of risk and needs assessment. Furthermore, people who are being assessed rarely receive information about these assessments, how they work, and what they will be used to determine.

The Solution

Advancing Fairness and Transparency: National Guidelines for Post-Conviction Risk and Needs Assessment, a new resource from the U.S. Department of Justice's Office of Justice Programs' Bureau of Justice Assistance (BJA) and The Council of State Governments Justice Center, addresses these gaps with clear, concrete direction. Funded by BJA as a project of the Public Safety Risk Assessment Clearinghouse, the guidelines were developed under the advisement of a national group of researchers, risk and needs assessment instrument developers, practitioners, and leaders in the field. They prioritize accuracy, fairness, and transparency in the communication and use of risk and needs assessment.

Intended Audience

These guidelines and their associated resources were developed with a variety of audiences in mind, including legislators, administrators, practitioners, and researchers.
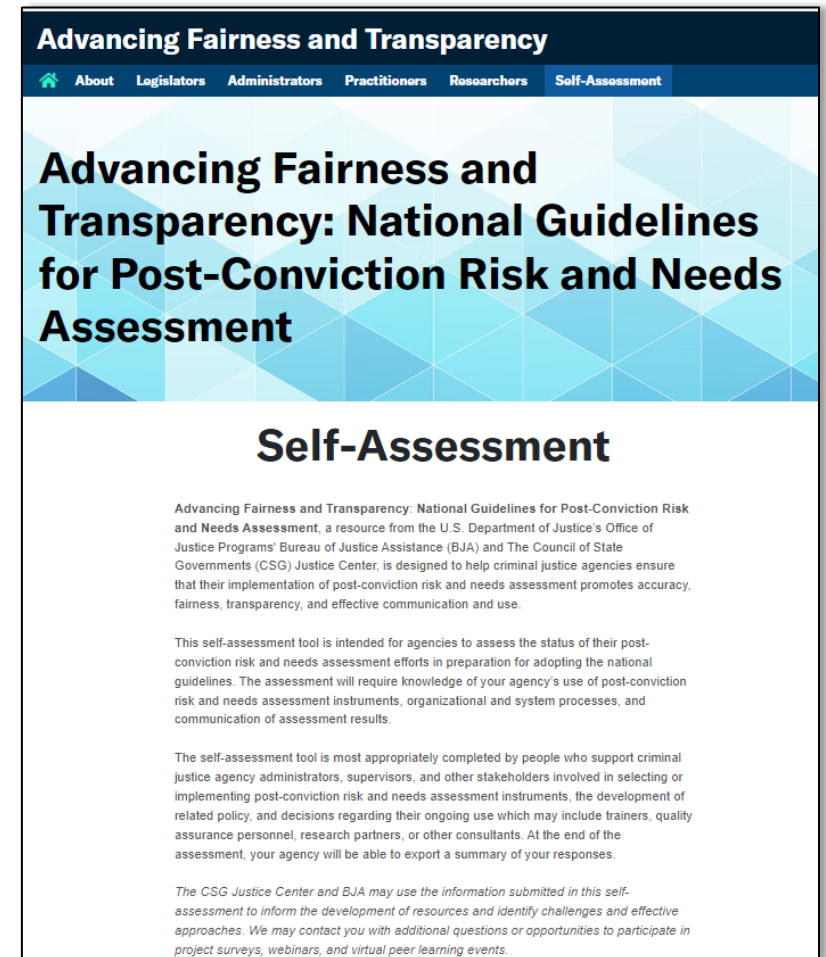
Legislators   Administrators   Practitioners   Researchers

Complete the self-assessment tool

- **Why:** Assesses the status of your efforts in preparation for adopting the guidelines

- **Who:** People responsible for selecting or implementing post-conviction risk and needs assessment instruments, developing related policy, and making decisions regarding their use

- **Where**: https://riskselfassessment.org

Advancing Fairness and Transparency

About | Legislators | Administrators | Practitioners | Researchers | Self-Assessment

Advancing Fairness and Transparency: National Guidelines for Post-Conviction Risk and Needs Assessment

Self-Assessment

Advancing Fairness and Transparency: National Guidelines for Post-Conviction Risk and Needs Assessment, a resource from the U.S. Department of Justice's Office of Justice Programs' Bureau of Justice Assistance (BJA) and The Council of State Governments (CSG) Justice Center, is designed to help criminal justice agencies ensure that their implementation of post-conviction risk and needs assessment promotes accuracy, fairness, transparency, and effective communication and use.

This self-assessment tool is intended for agencies to assess the status of their post-conviction risk and needs assessment efforts in preparation for adopting the national guidelines. The assessment will require knowledge of your agency's use of post-conviction risk and needs assessment instruments, organizational and system processes, and communication of assessment results.

The self-assessment tool is most appropriately completed by people who support criminal justice agency administrators, supervisors, and other stakeholders involved in selecting or implementing post-conviction risk and needs assessment instruments, the development of related policy, and decisions regarding their ongoing use which may include trainers, quality assurance personnel, research partners, or other consultants. At the end of the assessment, your agency will be able to export a summary of your responses.

The CSG Justice Center and BJA may use the information submitted in this self-assessment to inform the development of resources and identify challenges and effective approaches. We may contact you with additional questions or opportunities to participate in project surveys, webinars, and virtual peer learning events.

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Request Technical Assistance (TA)

How to request TA:

Visit our [Take Action](#) page!

TA is available to elevate your practices, enhance fairness, and lead in implementing cutting-edge strategies that benefit criminal justice agencies, individuals in the system, and your broader communities.

✓ Complete the **TA request form**.

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How can my state or local jurisdiction get involved if not requesting TA?

1. Review the suite of resources available for a variety of audiences, including legislators, administrators, practitioners, and researchers.

2. Take the self-assessment to evaluate the status of your agency's risk and needs assessment efforts in preparation for adopting the national guidelines.

3. Sign up for our newsletter to stay up to date on new opportunities, resources, and webinars for this project.

4. If you have any questions, submit a request for assistance.

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Thank You!

Join our distribution list to receive updates and announcements:

https://csgjusticecenter.org/resources/newsletters/

For more information, please contact:

David A. D'Amora at ddamora@csg.org

Jennifer Kisela at jkisela@csg.org
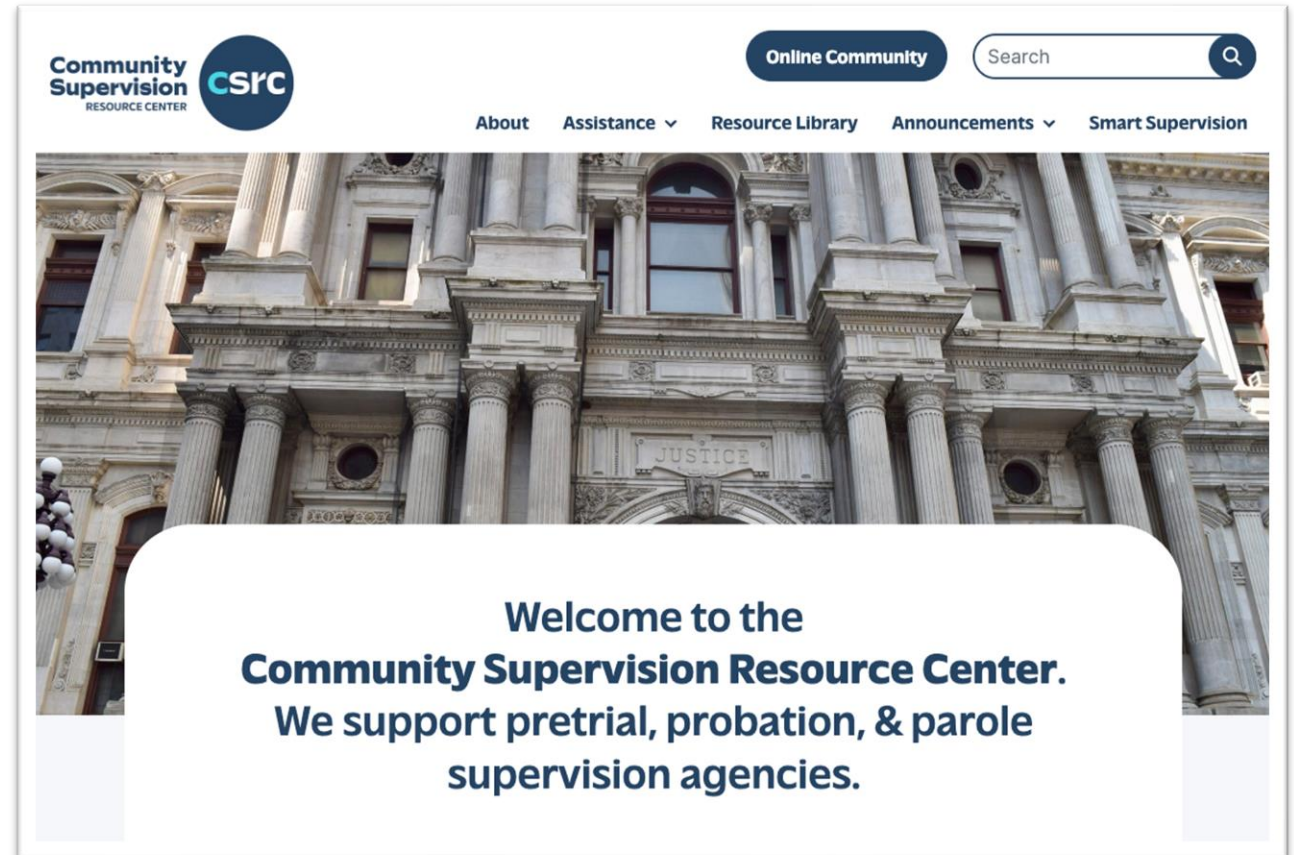
Lahiz P. Tavárez at ltavarez@csg.org

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