Risk-Need-Responsivity Theory (RNR) & the Misdemeanor Population

Implications for Translating Theory to Practice
In the context of a broad national push to reduce unnecessary incarceration while preserving public safety, many jurisdictions are considering risk-based approaches to modifying sentencing practices and enhancing the use of supervised release programs for low-risk offenders.

We think Risk-Need-Responsivity Theory can help.....
Scope of Presentation
Risk-Need-Responsivity Theory in a Nutshell

► A model of crime prevention rooted in behavioral psychology (primarily, social learning theory).

► Composed of three core principles.

► Grounded in three decades of research and a major influence in the resurgence of the rehabilitative model in corrections.

► “Nothing Works” ► “What Works?”
Risk-Need-Responsivity Theory: The Three Core Principles

- **Risk Principle**: *Who* to target.
  - Intervention is most effective with higher-risk individuals (risk of re-offending).

- **Need Principle**: *What* to target.
  - Assess and target “criminogenic” needs (i.e., needs that fuel criminal behavior).

- **Responsivity Principle**: *How* to intervene.
  - Tailor intervention to the characteristics and learning styles of the individual.
Disregarding the Risk and Need Principles...

...here’s the risk:

- **Best Case Scenario:** Depletion of scarce resources.

- **Worst Case Scenario:** Inappropriate treatments and/or increased risk of recidivism for previously low-risk offenders.
The “Big Four” Risk Factors

- Criminal History (static)
- Antisocial Personality Pattern
- Antisocial Cognition
- Antisocial Associates
The “Moderate Four” Risk Factors

► Family/Marital Problems

► Education and Employment Deficits

► Leisure/Recreation

► Substance Abuse
  (Substance abuse? Did they say moderate?!)
Proponents often use the terms “risk” and “need” interchangeably, e.g., defining criminogenic needs as “those dynamic risk factors most associated with criminal behavior.”

A criminogenic need is simply a risk factor amenable to change.
Risk-Need-Responsivity

TOP FIVE FAQS
FAQ #1: Risk of *what*, exactly? And *why*, exactly?

- The *Risk Principle* holds that the intensity of intervention should correspond to the offender’s level risk to recidivate or otherwise fail to comply with the court:
  - Risk does NOT equate to the severity of the offender’s clinical needs or presentation.
  - Most validated instruments currently on the market measure risk for general recidivism (*NOT* risk for violence or any specific type of offense).
FAQ #2: What about Mental Illness?

► According to Risk-Need-Responsivity theory, there is not a causal link between mental illness and recidivism.

► That said, the disproportionate representation of mentally ill offenders in jails and prisons is well documented.

So where is the disconnect?
Mental Illness and RNR

► Even though mental illness is not a “central” risk factor, addressing mental illness is considered crucial to ensuring successful rehabilitation and risk reduction.
► This makes it a *responsivity* factor!

► Because mental health problems are prevalent in justice-involved groups, it continues to be of central importance in RNR research and practice.
FAQ #3: Responsivity… eh?

► **The Responsivity Principle** holds that intervention design should incorporate cognitive behavioral and social learning strategies, and it should be responsive to the specific developmental and clinical needs of offenders.

► Thus, integrating trauma-informed care and mental illness assessment and treatment (where possible) or referral is crucial consideration for quality diversion programs.

“"This is gobbledygook. I asked for mumbo-jumbo."
FAQ #4: One Size Fits All?

► NO… well… maybe not, at least not entirely.

► Existing RNR tools (assessments, interventions) are models that should be adapted to fit specific contexts.
  ► Validated assessment instruments should be re-tested on the local population; EBPs should be designed to work in local contexts (i.e., work with local resource distribution).

► That said, the principles of RNR apply across contexts.
FAQ #5: Is RNR Theory Applicable to all Criminal Defendants?

The Answer is Unclear:

- RNR has historically been studied in general felony or “serious” offender populations (prisoners or those under community supervision).

- While most research to date has found that the “Central 8” predicts recidivism across some subgroups (e.g., drug-involved offenders), the study of RNR in offender subgroups remains an important field of inquiry.
  - Low-level offenders, women, racial/ethnic minorities.
Risk-Need-Responsivity and New York City’s Misdemeanor Population
The Misdemeanor Assessment (“MAP”) project re-examined Risk-Need-Responsivity theory in a diverse, low-level offender population using a 183-item survey that covered the “Central 8” and established responsivity factors (trauma, mental illness).

Some major findings....

- The sample is **chronically justice-system involved** (extensive criminal histories).
- Nearly 40% of the sample re-arrested within six months.
  - No significant difference in re-arrest between the subsamples with and without mental illness.
- The sample is **high-need** across established criminogenic and behavioral health domains.
# MAP Sample Demographics

<table>
<thead>
<tr>
<th>Sample Size</th>
<th>Bronx</th>
<th>Midtown</th>
<th>Red Hook</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sample Size</td>
<td>382</td>
<td>274</td>
<td>308</td>
<td>964</td>
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</tbody>
</table>

| Average Age | 35    | 37      | 35       | 35    |
| % Under 25  | 31%   | 30%     | 31%      | 31%   |

<table>
<thead>
<tr>
<th>Race</th>
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</thead>
<tbody>
<tr>
<td>Black Non-hispanic</td>
<td>42%</td>
<td>49%</td>
<td>34%</td>
<td>42%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>38%</td>
<td>25%</td>
<td>37%</td>
<td>34%</td>
</tr>
<tr>
<td>White (Non-Hispanic)</td>
<td>7%</td>
<td>9%</td>
<td>15%</td>
<td>10%</td>
</tr>
<tr>
<td>Other</td>
<td>13%</td>
<td>17%</td>
<td>14%</td>
<td>15%</td>
</tr>
</tbody>
</table>

| % Male       | 72%   | 78%     | 72%      | 74%   |
| % Graduated High School or Gained GED | 65% | 74% | 65% | 67% |

| Employed at Arrest | 43% | 45% | 45% | 44% |

<table>
<thead>
<tr>
<th>Living Situation</th>
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</thead>
<tbody>
<tr>
<td>Homeless (street or car)</td>
<td>12%</td>
<td>22%</td>
<td>8%</td>
<td>13%</td>
</tr>
<tr>
<td>Transitional Living</td>
<td>38%</td>
<td>37%</td>
<td>35%</td>
<td>37%</td>
</tr>
<tr>
<td>Permanent Residence</td>
<td>50%</td>
<td>41%</td>
<td>57%</td>
<td>50%</td>
</tr>
</tbody>
</table>
Chronic System Involvement: Arrests *

*Administrative data except Arrested before 16, which is self-report; Significantly higher rates across items in the Bronx.
Criminal History: Convictions and Incarceration*

* Convictions based on DCJS data; Incarceration by Self-report; Significantly lower rates of conviction and incarceration in Red Hook site.
Problems with Employment

*Current “real” unemployment rate approximately 12% (BLS via CNBC.com).
Problems with Education

- No High School Diploma or GED: 33%
- History of Suspension: 51%
- History of Enrollment in Special Education: 26%

*US population high school non-completion rate is 19% (NCES, 2011).
# Criminal Thinking/Antisocial Attitudes

**Criminal Thinking Measure (5-point Scale: Strongly Agree to Strongly Disagree)**

<table>
<thead>
<tr>
<th>Items</th>
<th>Subscales</th>
</tr>
</thead>
<tbody>
<tr>
<td>I wouldn't hesitate to hit or threaten people if they have done something to hurt my friends or family</td>
<td>Violence &amp; Manipulation</td>
</tr>
<tr>
<td>The trouble with getting close to people is they start making demands on you</td>
<td>Violence &amp; Manipulation</td>
</tr>
<tr>
<td>I am really good at talking my way out of problems.</td>
<td>Violence &amp; Manipulation</td>
</tr>
<tr>
<td>I have the ability to &quot;sweet talk&quot; people to get what I want.</td>
<td>Violence &amp; Manipulation</td>
</tr>
<tr>
<td>Some people must be treated roughly or beaten up to send them a clear message.</td>
<td>Violence &amp; Manipulation</td>
</tr>
<tr>
<td>In general, many people get into trouble or use drugs because society has not given them enough education, jobs or a future.</td>
<td>External Blame</td>
</tr>
<tr>
<td>It's okay to break the law to pay for things you need</td>
<td>External Blame</td>
</tr>
<tr>
<td>You have paid your dues in life</td>
<td>External Blame</td>
</tr>
<tr>
<td>Society owes you a better life.</td>
<td>External Blame</td>
</tr>
<tr>
<td>A hungry person has a right to steal.</td>
<td>External Blame</td>
</tr>
<tr>
<td>I do not feel bad if I break a promise I have made</td>
<td>Low Empathy</td>
</tr>
<tr>
<td>It doesn't bother me to see someone get hurt</td>
<td>Low Empathy</td>
</tr>
<tr>
<td>You do not get upset when you hear someone has lost everything in an accident</td>
<td>Low Empathy</td>
</tr>
</tbody>
</table>
Criminal Thinking/Antisocial Attitudes

Percentage Scoring High on Criminal Thinking Subscales

- Violence and Manipulation: 49%
- External Blame: 34%
- Low Empathy: 10%
Substance Abuse: Self-Reported Drug Problems

*Current user defined as at least once per month over the last year. Any past month use in general population is approximately 9.4% (SAMSHA NSDUH 2013).
Prevalence of suicide attempts in the general US population is 2.9%; Prevalence of major mental health disorder is approximately 18%.

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Six Month Re-Arrest Trends

► Forty percent re-arrested in 9 months (primarily for new misdemeanors).

► Multivariate analysis of the long-form assessment revealed the following factors predicted re-arrest: prior misdemeanor convictions, prior FTA, open cases, housing instability (particularly homelessness), employment problems, lack of education, substance abuse, criminal thinking.

► Findings from this analysis largely comport with RNR theory and prior validation studies of risk-need assessments.
Re-arrest Probabilities for NYC Misdemeanants

- Minimal Risk: 3% (Any Rearrest), 0% (Felony Re-Arrest)
- Low Risk: 16% (Any Rearrest), 5% (Felony Re-Arrest)
- Moderate Risk: 30% (Any Rearrest), 9% (Felony Re-Arrest)
- Moderate - High Risk: 54% (Any Rearrest), 22% (Felony Re-Arrest)
- High Risk: 82% (Any Rearrest), 33% (Felony Re-Arrest)

Center for Court Innovation
Criminogenic Needs (Full MAP sample)

- Substance Abuse: 77%
- Criminal Thinking: 67%
- Employment Problems: 48%
- Education Deficits: 32%
- Housing Instability: 13%
Criminogenic Needs (Mental Health Subgroups)

- Substance Abuse: MI Subgroup 85%, Non-MI Subgroup 74%
- Criminal Thinking: MI Subgroup 78%, Non-MI Subgroup 59%
- Employment: MI Subgroup 53%, Non-MI Subgroup 43%
- Education: MI Subgroup 36%, Non-MI Subgroup 29%
- Housing Instability: MI Subgroup 18%, Non-MI Subgroup 10%
RNR & Risk Assessment → Diversion & Risk Reduction
Some jurisdictions are using risk assessment to inform decisions at arraignment (e.g., release of lowest-risk offenders).

Other jurisdictions are using risk and need assessments to structure supervision levels post-disposition (e.g., levels of probation supervision).

In all cases, the use of risk and need information is discretionary and balanced with judicial priorities of proportionality and public safety.
Newer Frontiers: Risk and Need Assessment at Arraignment

► Few jurisdictions are doing this in the broadest sense.

► There is a wide range of existing RNR-based assessment tools, but only some of these tools are feasible for use at early stages (e.g., arraignment) and with lower-level populations.

► What to look for:
  ► Third Generation/RNR-based (e.g., assesses for both static risk factors AND criminogenic needs)
  ► Brevity, simplicity, transparency
  ► Nonproprietary (proprietary tools inhibit sustainable practice)
Challenges of Applying RNR to the Misdemeanor Context

- Balancing Legal Proportionality with Risk and Need.
  - Dosage and Risk Reduction Issues
  - Procedural Justice Issues
- Distinguishing between types of risk.
  - Risk of violence
  - Risk of general re-offense
- Recognizing the weaknesses of detention and incarceration.
# Sample Risk-Need Triage Matrix (hypothetical)

<table>
<thead>
<tr>
<th></th>
<th>Low Risk</th>
<th>High Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Low Need</strong></td>
<td>Off Ramp or Service Referrals</td>
<td>Frequent Supervision with Minimal Service Intervention</td>
</tr>
<tr>
<td><strong>High Need</strong></td>
<td>Infrequent Supervision with Service Mandates or Referrals</td>
<td>Infrequent Supervision with Service Mandates</td>
</tr>
</tbody>
</table>
Wrap Up

- Accurate and reliable knowledge of risk and need is crucial to developing effective diversion schemes.

- Probability vs. Certainty
  - Ongoing importance of local context and professional judgment.

- The dilemma of high need and low leverage cases.
  - Claiming progress as perfection
Questions?