

Risk-Need-Responsivity

Recommendations for Community Courts

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for
Justice
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Author**January 2024**

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**Guiding Principles of Community
Justice** ⁰⁵

**Determining Program Requirements
with Risk-Need-Responsivity** ⁰⁷

Introduction to Risk-Need-Responsivity ⁰⁸

Identifying Risk ⁰⁸

Responding to Need ¹⁰

Implementing Responsivity ¹²

Legal Leverage and Expectations ¹²

Endnotes ¹⁴

Guiding Principles of Community Justice

Guiding Principles of Community Justice⁽¹⁾

Community justice was coined over 30 years ago to describe an alternative approach to reducing crime. The aim of community justice is to meet the needs of victims, communities, and litigants, with the goal of ending the “revolving door” that moves those charged with low-level offenses in and out of the system without intervention to address the root causes that brought them into the system in the first place.

The foundational principles of community justice provide a blueprint for building programs to meet current challenges and to keep community justice at the cutting edge of justice system reform. **These principles should be considered when developing community court programs and most notably when generating responses to crime.**

- **Put people first**
Community justice seeks to humanize the justice system by centering the needs of individuals and the communities they serve.
- **Prioritize community-based solutions**
Community justice prioritizes community solutions and turns first to responses that mitigate collateral consequences of justice involvement to promote healthier outcomes.
- **Co-create justice**
Community is an active partner in defining and creating justice and

should have a voice in planning and implementing programming.

- **Advance equity**
Community justice programs seek to end the system’s disproportionate impact on Black, Brown, and Indigenous populations.
- **Model innovation**
Community justice programs serve as models by monitoring emerging issues and research, identifying problems and appropriate solutions, and piloting programs to test new ideas.
- **Promote accountability**
Community courts promote individual and system accountability by ensuring everyone has equal access to justice, court processes are transparent and procedurally just, and individuals receive sentences that are proportionate to the offense, minimize harm, and promote well-being.

Community justice programs that serve as an alternative to incarceration often include structured incentives for compliance and sanctions for noncompliance as part of upholding the core tenet of accountability. In community courts, accountability is built into the model by connecting participants with relevant service providers to initiate meaningful treatment relationships that can alleviate existing criminogenic factors.^[2]

Determining Program Requirements with Risk-Need-Responsivity

Determining Program Requirements with Risk-Need-Responsivity

Introduction to Risk-Need-Responsivity

Risk-Need-Responsivity (RNR) is a decades-old criminal justice theory that is the basis of therapeutic and social service interventions in court.^[3] The theory posits that by offering individuals relevant and high quality services designed to eliminate their criminogenic **risk** factors, to address their underlying **needs**, and to effectively **respond** to their culture, learning style and existing strengths, courts can reduce the likelihood of recidivism.

Identifying Risk

Specific requirements to successfully graduate a community court program are based on an individual participant's assessed risk level and lead charge severity. The risk principle states that a person's recidivism can be reduced if the level of services provided to the individual is proportional to their respective risk to reoffend. The principle also finds that the more a low risk person is asked to participate in court-related activities, the higher risk they become.^[4] It is important to be mindful that the priority for lower risk individuals is to minimize their system contacts.

The amount of hours or sessions that a court mandates is not determined by a person's assessed level of need. Community courts do not punish people because they need help. Instead, they make relevant resources and

services available to them that align with their individually stated and observed needs, in a way that is commensurate with their charge and their criminal history.

- **Level of offense** is determined by local statute and/or code. Some examples of categorization may include: citations and misdemeanors (lowest level offense), misdemeanors (medium level offense), high misdemeanors and low felonies (high level offense)
- **Level of risk** is determined by the CCAT, or other risk-need-responsivity instrument. Although some jurisdictions administer an RNR assessment tool at their local jail or by probation close to the time of arrest, most community justice initiatives administer their RNR tool before or shortly after a participant opts into community court. To begin relationship and rapport building, it is suggested that the community court case manager administer the tool close in time to a participant's entry into the program.
- **Offense and risk** are combined to recommend a standardized total number of hours and/or sessions with service providers or other permitted activities

While person-centered responses are strongly encouraged, courts often develop tools to ensure that responses to behavior are fair and balanced among participants. Below is an

example of how a response matrix could look, subject to variability depending on things like local resources and eligible offenses. This matrix illustrates an example of how many treatment or engagement sessions a community court participant could be asked to complete based on their legal violation and their respective risk level.

Example of a Response Matrix

RISK LEVEL	LOWEST LEVEL OFFENSE 0-2 Months	MEDIUM LEVEL OFFENSE 2-4 Months	HIGHEST LEVEL OFFENSE 4-6 Months
Low Risk	Voluntary services ^[5]	1 session	3 session
Moderate Risk	1 session	3 sessions	5 sessions
Moderate-High Risk	2 sessions	4 sessions	6 sessions
High Risk	3 sessions	5 sessions	7 sessions

For example, using the matrix above, a participant named P is assessed by a validated risk-need-responsivity tool as being moderate-high risk and is currently before the community court on an open, low-level offense. Using the matrix above to look up *moderate-high risk* and *lowest level offense*, P would be asked by the judge to complete two treatment or engagement sessions within two months. When P completes two sessions and is otherwise substantially compliant with the rules of community court, P will graduate and have their case dismissed. Note that we are asking for *substantial compliance*, not

perfection. Case managers should work with participants, under the Responsivity banner, to make their individual mandates feasible and meaningful, not to be a hurdle that perpetually extends their case.

Additionally, community court programs should consider the competing obligations of its participants when developing responses to legal infractions. Excessive mandates and program requirements may make it difficult for many people to keep a job, find or maintain stable housing, participate in treatment or services, or fulfill financial obligations, such as child support.

Responding to Need

The need principle states that program requirements should target the driver’s of an individual’s criminal behavior. After completing an RNR assessment with a validated tool and/or a comprehensive needs assessment, the community court case manager should walk through relevant service options with each case participant. The idea is to be flexible and responsive to both the needs and desires of the participant. If an activity is relevant to a need or interest expressed by the participant, and it is building prosocial skills or supports, it should be approved as an activity. It serves to restate that a person’s level of need is never to be used to determine how long they are required to remain under court supervision.

Below are examples for several options of activities to fulfill a participant’s session requirements. These activities align with the ‘needs flags’ produced by the Center’s validated RNR tool, the Criminal Court Assessment Tool (CCAT). There are also non-therapeutic options to perform community service, participate in civic engagement work, and other reflective and/or community restoring activities. One prominent community court in Oregon, the City of Eugene Community Court^[6] calls these “Community Enrichment” hours, noting that the safety and wellbeing of a community is enhanced when its members are healthy, supported, and engaged.

Examples of Program Requirements

EDUCATION	SUBSTANCE USE
<ul style="list-style-type: none"> • Engage in literacy programming • Enroll in and begin GED/high school equivalency programming • Enroll in and begin secondary education • Apply to a college or university • Attend a guidance counseling session 	<ul style="list-style-type: none"> • Attend local AA/NA (or equivalent) group • Connect with a sponsor from your local AA/NA group • Attend OP or IOP services • Connect with a MAT provider • Attend a harm reduction training

RISK-NEED-RESPONSIVITY: RECOMMENDATIONS FOR COMMUNITY COURTS

EMPLOYMENT	MENTAL HEALTH
<ul style="list-style-type: none">• Obtain vital documents (state identification, driver’s license, birth certificate, etc.)• With support, create a resume• Volunteer at the local food bank• Attend a job fair or resource fair• Intern at a pre-approved organization• Visit Dress for Success or a similar job-readiness organization	<ul style="list-style-type: none">• Engage in mental health services• Have a one-on-one session with a social worker or therapist• Attend a group therapy session• Attend a support group
HOUSING	TRAUMA
<ul style="list-style-type: none">• Obtain vital documents (state identification, driver’s license, birth certificate, etc.)• Meet with housing coordinator and make a housing plan• Apply for housing• Move into permanent housing	<ul style="list-style-type: none">• Engage in trauma-centered mental health services• Have a one-on-one session with a social worker or therapist• Attend a group therapy session or support group for survivors of trauma
CIVIC ENGAGEMENT	OTHER
<ul style="list-style-type: none">• Volunteer at a pre-approved organization• Volunteer at a community garden• Participate in court-sponsored monthly civic engagement group discussions• Register to vote• Attend a city council meeting and write your reflections• Join your local block association or a culture-specific organization and start attending	<ul style="list-style-type: none">• Enroll in SNAP, disability, social security, or other government benefit• Find a primary care physician who accepts your insurance, and get a physical• Attend a parenting class• Write a letter of gratitude to a mentor• Write a letter of apology to the case victim• Engage in re-entry programming• Get a library card and attend library programming and/or write an essay about a book recommended by a librarian

Implementing Responsivity

The **responsivity principle** posits that an individual's ability to benefit from an intervention requires tailoring to the individual's unique characteristics such as their gender, age, ethnicity, learning style, motivation to change, cognitive abilities, mental health, culture, and strengths.

Community courts should strive to build connections with and make referrals to programs and interventions that match individual responsivity factors. For example, if an individual has strong ties to their culture or religion, seek out culturally-based programming. Faith-based providers (such as NA and AA) can be excellent and very meaningful for participants, but be sure to provide a secular option as well. In another example, one jurisdiction with a significant Hmong population took care to build a relationship with local Hmong community leaders. This relationship could then help the court identify a local service provider with native Hmong speakers on staff who culturally identify with and ultimately better serve some participants.

Legal Leverage and Expectations

Many community courts hear cases with low level offenses. Thus it is especially important to ensure that program requirements are commensurate with the lead charge, respectful of the legal leverage an offense carries, and have realistic expectations given the short duration of interventions.

- **Legal alternatives**

Community courts are designed to reduce recidivism,^[7] and the dosage and duration of program requirements

should be proportionate to traditional criminal case processing so that community court remains an attractive alternative. Participation in the program will be encouraged if the required commitment does not exceed the lead charge's legal leverage. Most community courts offer participants pre-plea dispositions, dismiss charges, and/or eliminate fines and fees upon successful completion of court-mandated engagements.

- **Net-widening**

Community court planners must avoid contributing to net-widening, which includes punishing people just to help them obtain treatment/services or forcing someone into programming longer than legally appropriate out of a desire to continue a therapeutic relationship. If an individual would not be legally involved in a jurisdiction's traditional criminal justice system, they should not be pulled into an alternative community court process only to obtain needed services. It is important to note that community court practitioners can continue to support court graduates even after their case has concluded.

- **Non-compliance**

Procedural justice theory states that the court will be deemed legitimate if it is perceived to be fair and transparent. In turn, if a court is perceived to be fair and transparent there will be an increased compliance with the law.^[8] When developing graduated sanctions ensure that the sanctions are 1) predictable and clearly defined consequences for non-compliance at the initial hearing, 2) a fair and reasonable response to the behavior,

and 3) uniformly applied. With this in mind, community courts typically serve low-level cases; therefore, sanctions for non-compliance of program requirements should take into consideration the benefit to the individual and community of continued interaction with the system. Sanctions for non-compliance should never exceed that which can be justified as proportionate to the gravity of the original crime.

- **Compulsory treatment**

Preserve participant autonomy by prioritizing participant choice regarding services. While a case manager or clinical staff should encourage the participant to consider engaging in activities that align with their stated and/or assessed needs, compulsory treatment has not been shown to improve the outcomes of treatment therapies and can be potentially harmful.^[9]

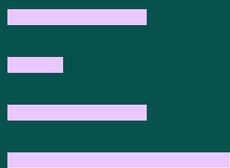
- **Outcome expectations**

Short engagements, commensurate with a low-level offense, may not cure someone of a decades-long addiction. The role of the court is to provide people with the tools and opportunities to address their needs, not to solve them.

Endnotes

- [1] Bureau of Justice Assistance; Center for Court Innovation, "Community Justice Today: Values, Guiding Principles, and Models," (Nov 2022) <https://www.innovatingjustice.org/publications/community-justice-today>.
- [2] "...researchers have demonstrated with great clarity that criminogenic risk not only contributes but is likely the leading factor in the criminal behavior committed by persons with mental illness." Morgan, Robert D.; et al. "Criminogenic risk and mental health: a complicated relationship." *CNS spectrums* 25(2):1-8, (Oct 2019).
- [3] James, Nathan. "Risk and Needs Assessment in the Federal Prison System." Congressional Research Service (Jul 2018). <https://sgp.fas.org/crs/misc/R44087.pdf>.
- [4] Mikolajewski, Amy J., et al. "Employing the Risk-Need-Responsivity (RNR) model and predicting successful completion in an alternative drug court program: Preliminary findings from the Orleans Parish Drug Court." *Journal of Substance Abuse Treatment: Volume 131*, (Dec 2021). <https://www.sciencedirect.com/science/article/pii/S0740547221001793#bb0145>.
- [5] Voluntary services means that a participant has completed a RNR assessment and has been connected with at least one local service provider or case manager, and is encouraged, but not required to participate in ongoing services.
- [6] NCSC, "City of Eugene Community Court Process and Outcome Evaluation." (Dec 2020). <https://www.eugene-or.gov/DocumentCenter/View/61132/Final-Eugene-Community-Court-Evaluation>.
- [7] Jonus, L. and Luqman, S. "Breaking the Cycle: Innovations in Criminal Justice Reform." Harvard University, Department of Public Health. (Jul 2023).
- [8] Nagin, Daniel S.; Telep, Cody W. "Procedural Justice and Legal Compliance: A revisionist perspective." *Criminology & Public Policy*, Vol 19, Issue 3. (Jun 2020).
- [9] Werb, D. et al. "The Effectiveness of Compulsory Drug Treatment: A Systematic Review." *International Journal of Drug Policy*, Vol 28 (Feb 2016). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4752879>.

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