



National Scan of Policy and Practice in Risk Assessment

Introduction

The use of actuarial risk assessment in state and local jurisdictions has grown rapidly as criminal justice agencies began adopting evidence-based practices in their work. However, little research has been conducted to understand the overarching state of risk assessment in the United States and to draw connections and distinctions among jurisdictions. The Public Safety Risk Assessment Clearinghouse conducted a scan of practice to develop a national picture of risk assessment practice and policy.

Key Takeaways

- Whether there is a standard tool in use statewide depends on the decision point (e.g., pretrial tools are more likely to be determined locally, versus parole, which is more likely to be statewide).
- A large majority of states require use of risk assessment at various stages through legislation or policy.
- Validation practices vary. Although best practice is to validate tools regularly, tools that were acquired (rather than developed or adapted) tended to not be validated on the local population.
- Personnel challenges were identified as the most common concern among respondents in implementing risk assessment.

Methodology

The Clearinghouse reached out to criminal justice practitioners and researchers across the country to collect information about current practice in risk assessment. We received responses from 43 states about their experiences with risk assessment within their jurisdictions. Initial contacts were identified based on a list of state Statistical Analysis Centers and an additional online search for state criminal justice agencies and researchers working with state and local criminal justice agencies on projects related to risk assessment. We also asked them to recommend additional contacts in their state to provide us with requested information. These additional contacts included researchers as well as practitioners with working familiarity of risk assessments used in their states.

Respondents were asked in a short online survey to report on state and local policy and practice to the best of their knowledge. In cases when the survey was completed by multiple contacts in one state, responses were cross-checked to ensure the highest possible degree of validity and consolidated into a single, composite state response. The *N* we use in this report refers to the number of states, not individual respondents. Because not all respondents answered each survey item, findings are reported as percentages of the total responses for each particular item.

Respondents working in a variety of capacities with differing degrees of familiarity with state and local risk assessment systems provided their insight for this study. Findings reflect respondent's

understandings of these topics at the time of the survey and may be subject to change as the field continues to develop risk assessment policy and practice. The results of this survey nonetheless present a valuable first look at the current state of risk assessment according to experts across the nation.

Questions for the Field

The survey included questions regarding six decisionmaking stages at which risk assessments are used:

- 1) **Pretrial:** Pretrial release or detention, supervision levels, and conditions
- 2) **Jail:** Case planning and programming in jail
- 3) **Prison:** Case planning and programming in prison
- 4) **Release:** Parole or discretionary release from prison
- 5) **Parole:** Case planning, programming, and supervision levels for parole or post-prison community supervision
- 6) **Probation:** Case planning, programming, and supervision levels for probation

Responses provided insight into the following topics: 1) whether the risk assessment is standardized at the state level or used at the discretion of local jurisdictions for each stage; 2) whether risk assessment tools are required by legislation or policy; 3) how they are acquired; 4) whether they are validated; 5) challenges states face in using risk assessment; 6) pending changes to risk assessment policies; and 7) needs for training and technical assistance.

Depending on the organizational structure of criminal justice agencies and their use of risk assessment, some of the respondents were not asked about certain topic areas. It was beyond the scope of our current effort to canvas information from all local jurisdictions (i.e., counties). Only states that reported that the use of risk assessment was “standardized at the state level” saw follow-up questions regarding whether risk assessment was required by legislation or policy, how risk assessment tools were acquired, and whether the tools were validated. Thus, the number of states that responded to each of those sections varies.

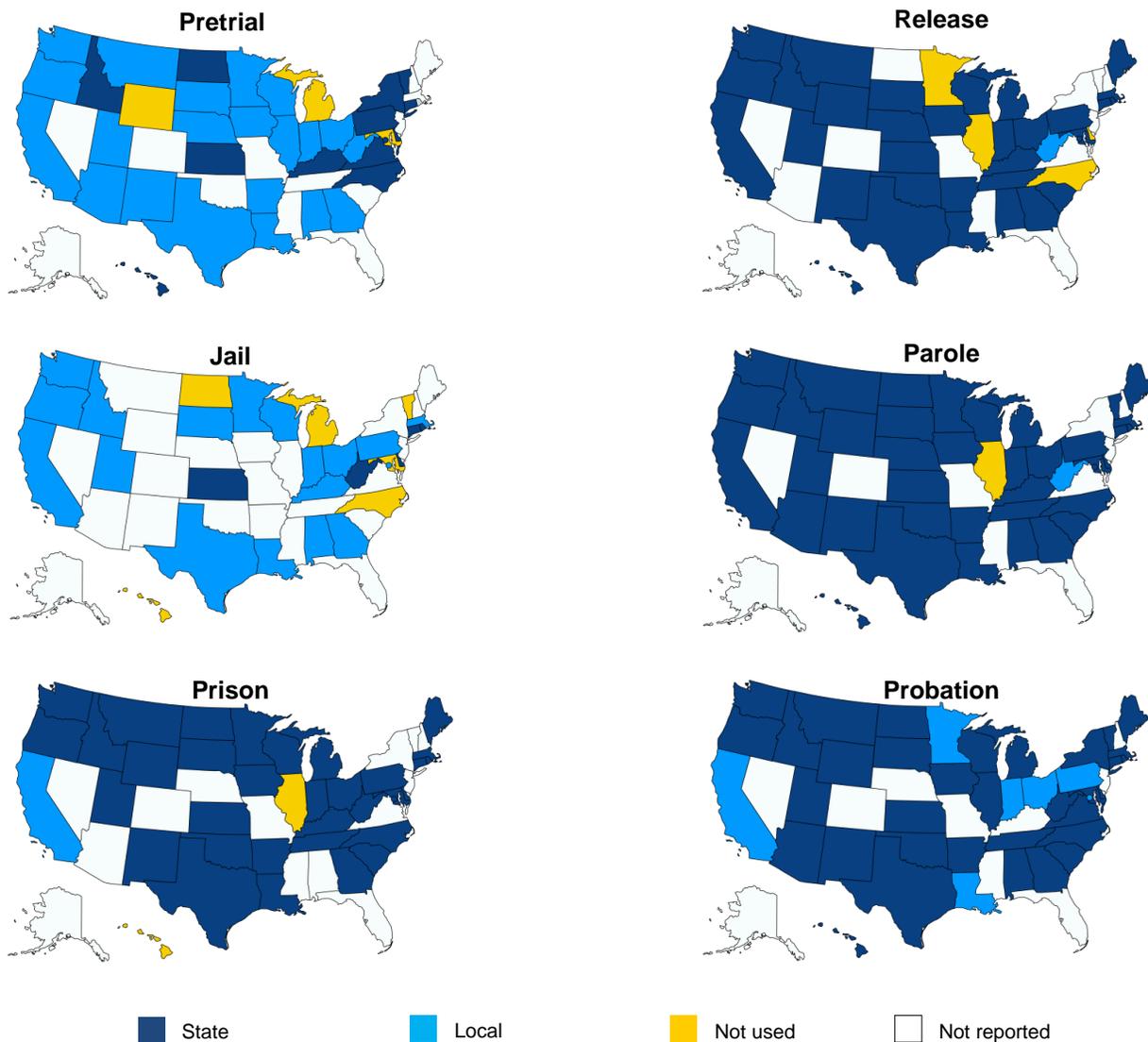
A total of 43 states participated in our effort to compile the information about current practice in risk assessment, but the total possible *N* in each of these sections includes only states with state-standardized risk assessment practices. It should be noted that all respondents from the 43 states were given questions about challenges faced, pending changes to policy, and needs for training and technical assistance.

Is tool usage standardized at the state level or left to the discretion of local jurisdictions?

Risk assessment practices are either standardized at the state level (there is a certain tool or set of tools that all jurisdictions across the state use for risk assessment), left to the discretion of local jurisdictions (local jurisdictions have discretion over which tool to use for risk assessment), or not used at all.

- At the pretrial stage, tools are most commonly used at the discretion of local jurisdictions (54 percent); but many are standardized at the state level (27 percent).
- At the jail stage, tools are most commonly used at the discretion of local jurisdictions (59 percent); however, 24 percent of states reported they do not use risk assessment in jails.
- At the prison stage, tools are almost all standardized at the state level (89 percent).
- At the release stage, tools are most commonly standardized at the state level (84 percent).
- At the parole stage, tools are almost all standardized at the state level (90 percent).
- At the probation stage, tools are most commonly standardized at the state level (78 percent).

Figure 1: Standardized at state level or left to local discretion, by decisionmaking stage

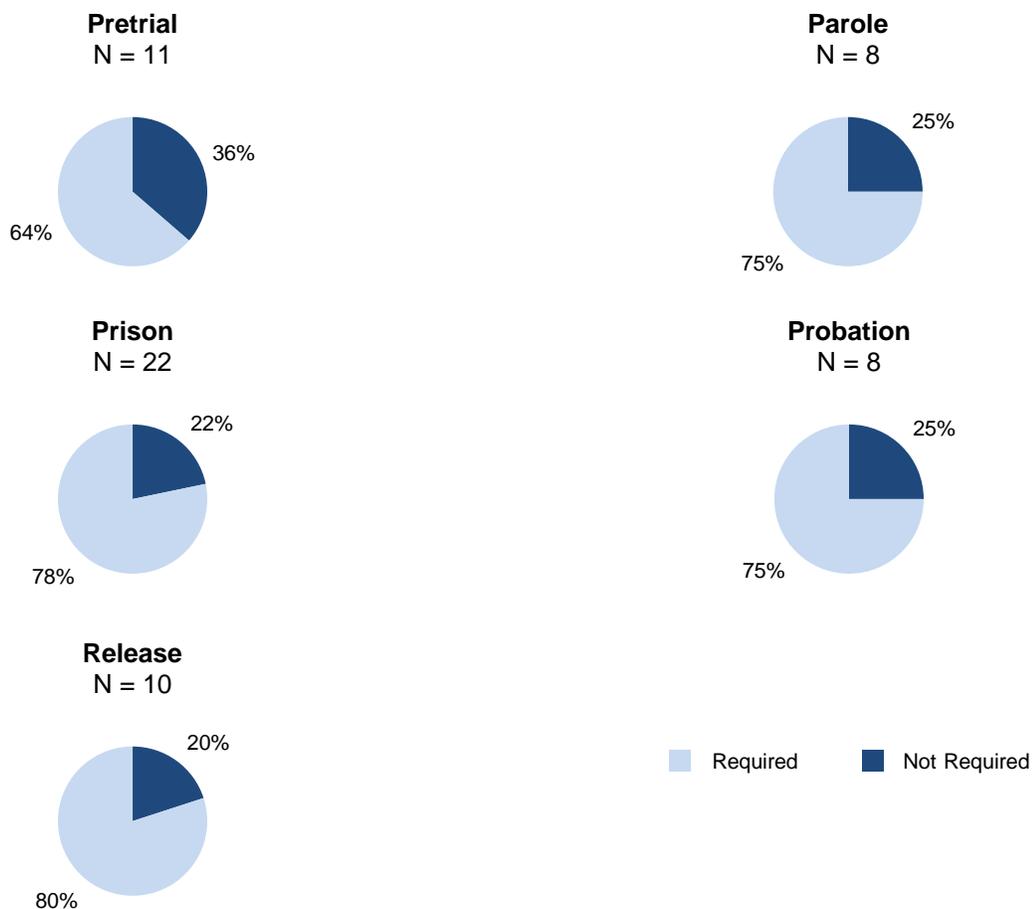


Whether risk assessment is standardized at the state level or left to the discretion of local jurisdictions is related to the stage of decisionmaking (or the type of decisions). The use of risk assessment at prison, release, parole, and probation tends to be standardized at the state level, as these are typically state functions. The use of risk assessment at pretrial and jail tends to be left to the discretion of local jurisdictions, as these are generally local functions (except for states with unified systems).

Applications of risk assessment initially began in correctional settings and have matured over time. Conceivably, the use of risk assessment at correctional decisionmaking stages (i.e., prison, release, parole, and probation) might have been more routinized and accepted as an organizational policy or norm, leading to state-level standardization, compared to other decisionmaking stages (i.e., pretrial and jail) where adopting risk assessment has been a relatively recent trend.

Is the tool required by legislation or policy?

Figure 2: Whether tool is required either by legislation or by policy, by decisionmaking stage

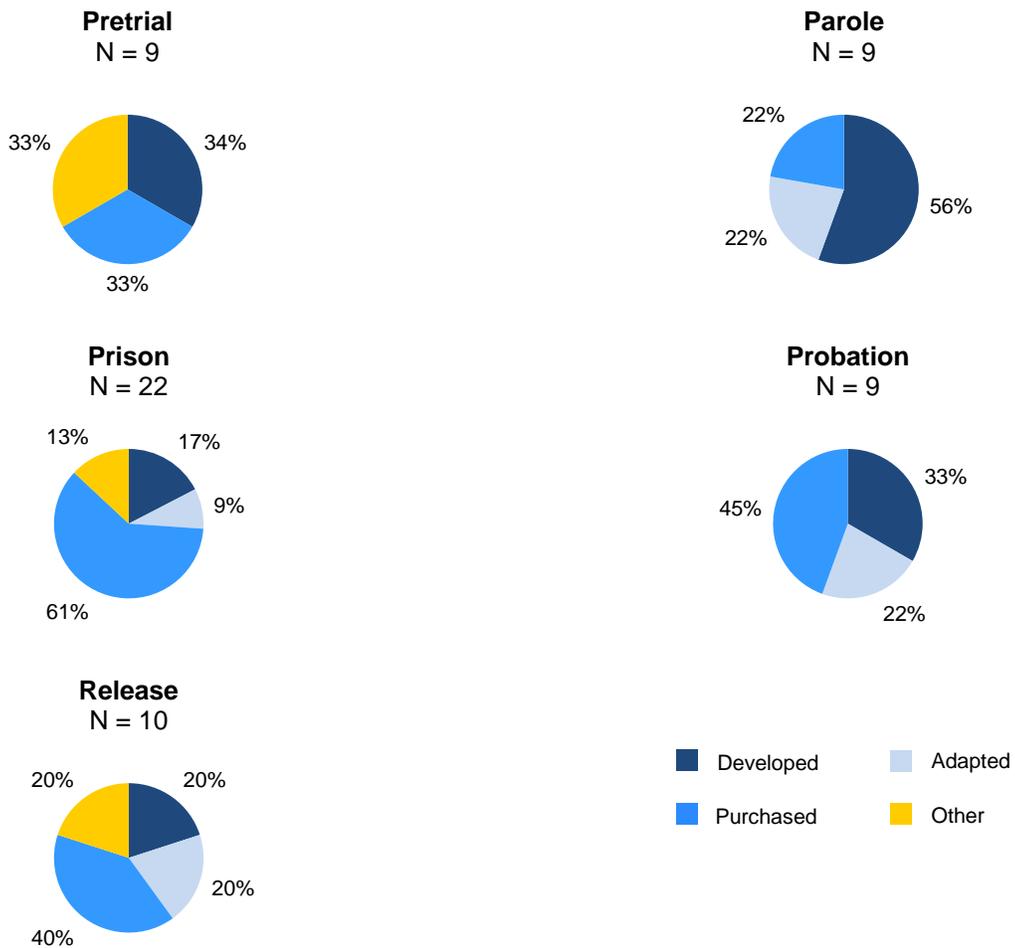


- At pretrial, most states require the use of a particular tool (64 percent).
- Risk assessment tools are most commonly required by legislation or policy at the prison (78 percent), release (80 percent), parole (75 percent), and probation stage (75 percent).

How was the tool acquired?

Risk assessment tools are acquired by states in a variety of ways. States can purchase a tool from an external source, adapt a preexisting tool, develop their own tool, or acquire the tool in another way (e.g. using a tool available in the public domain at no cost).

Figure 3: How tool was acquired, by decisionmaking stage



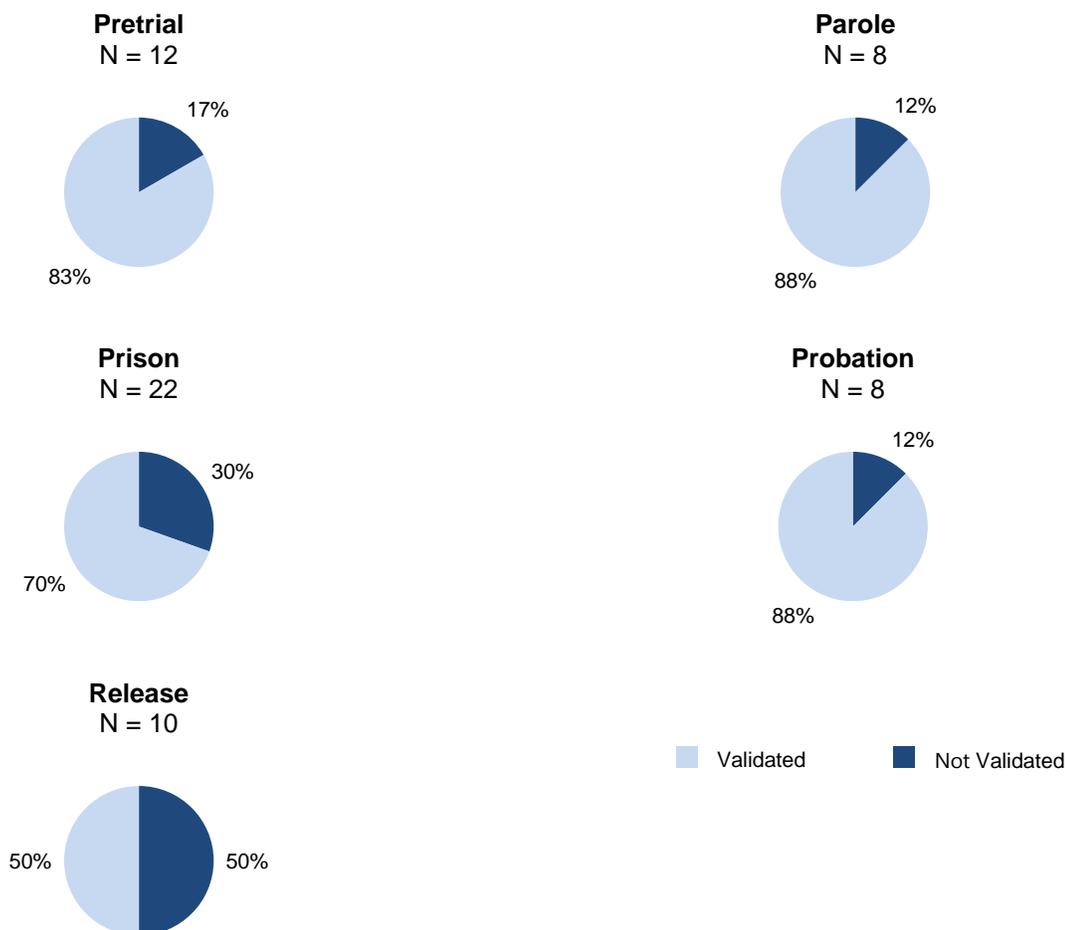
- Tools used at pretrial were evenly split between those that were developed, purchased, or acquired in another way (33 percent each).
- Tools used in prison were most commonly purchased (61 percent).
- Tools used at release were also commonly purchased (40 percent); and were also adapted, developed, and acquired in another way (20 percent each).
- Tools used in parole were most commonly developed (56 percent).
- Tools used in probation were split between those that were adapted, developed, and purchased (22 percent, 33 percent, and 44 percent respectively).

Differences in how tools are acquired may reflect important differences in priorities and resources available for risk assessment at each stage. For example, it is more costly and requires more capacity for a state to develop its own tool rather than use one available in the public domain for free.

Is the tool validated?

After acquiring a tool, a jurisdiction can undergo a process to validate the tool. This entails determining how well a tool performs at predicting risk for the local population; that is, whether a tool's estimated risk for an individual in a particular jurisdiction corresponds to their actual behavior.

Figure 4: Whether tool is validated, by decisionmaking stage



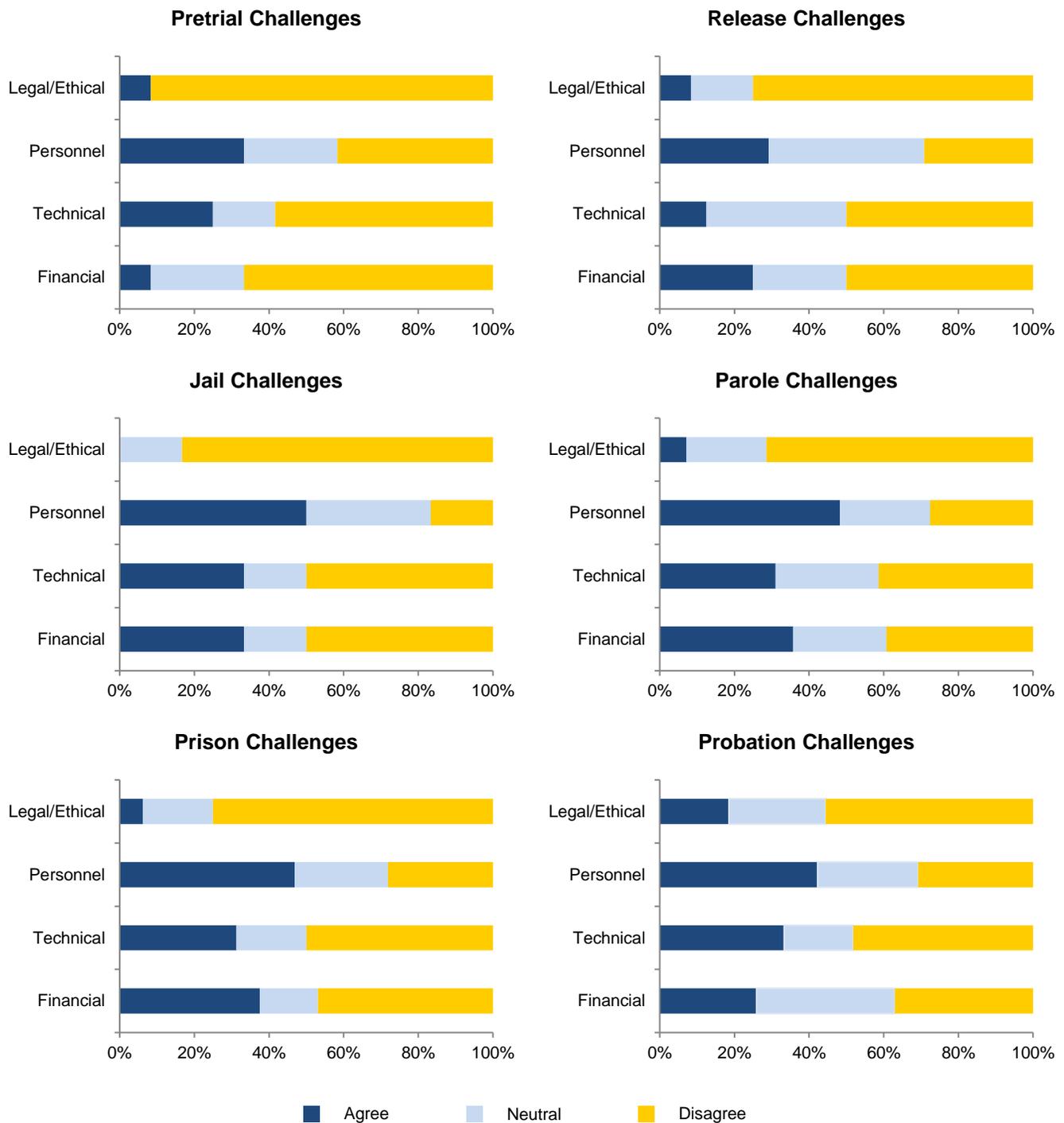
- The majority of states use validated risk assessment tools at pretrial (83 percent), as well as in prison (70 percent), parole (88 percent), and probation (88 percent).
- At release, states use tools that are evenly split between those that are validated and those that are not (50 percent each).

There is a clear relationship between how a tool was acquired and whether it was validated. All of the tools that were developed or adapted from an existing tool are validated for the population of a specific state. However, more than half of tools that were purchased are not validated locally (58 percent). These tools were likely constructed from and validated on a general population. Because the assessment instruments were not validated specifically for the state population, the predictive validity and subsequent effectiveness of the tool is unclear. Research-informed best practices recommend that jurisdictions validate any risk assessment tool on their local population before implementation.

What challenges do states face in using risk assessment tools?

States face four major challenges in implementing and utilizing risk assessment instruments: financial challenges (e.g. paying for risk assessments and training), technical challenges (e.g. collecting and sharing data), personnel challenges (e.g. securing staff buy-in), and legal challenges (e.g. court rulings). States were asked whether they agreed, disagreed, or felt neutrally that they faced these challenges at each stage.

Figure 5: Challenges faced, by stage



At every stage where risk assessment is utilized, states reported more concern about personnel challenges than technical, financial, or legal or ethical challenges. Almost 50% of states listed personnel challenges at the majority of stages. Personnel challenges described by respondents were often linked to difficulty securing practitioner buy-in for using risk assessment instruments, “even after they are presented with the benefits of using risk/need assessment tools.” Part of this aversion is related to the time requirement associated with conducting the assessments. Another part of the pushback from staff is because many of them believe that “file data and their professional knowledge can lead them to the same conclusions as the assessment tool.”

Closely related to the issue of practitioner buy-in is that when “many staff members do not recognize the importance of evidence-based assessments, there is no real effort put into completing them.” This leads to inconsistent and inaccurate risk scoring and has far reaching effects on individuals’ experiences in the criminal justice system through risk-based release, detainment, or programming decisions.

Are there pending changes to policies?

As the widespread use of risk assessment across all stages of the criminal justice process continues to grow, there are many policy changes in motion across the nation. In fact, 68 percent of states responded that they were facing pending changes to their risk assessment practices and policies. Some examples of pending changes include: acquiring, developing, or implementing new risk assessment tools, changing cut-off points for risk levels, introducing risk assessment to other stages of the criminal justice process, and improving data collection systems.

Is there a need for technical assistance(TA)?

With current challenges and pending changes to risk assessment policies and practices, a majority of states (56 percent) felt that they could use training and technical assistance in the area of risk assessment. Examples of such areas for assistance include: how to select evidence-based risk assessment tools, how to utilize risk assessment for special populations, how to validate risk assessment instruments, how to improve practitioner buy-in, how to ensure fidelity and train staff, and how to get information about other states’ practices.

A majority of states using non-validated tools responded they would request TA (88 percent), while a smaller proportion of states using validated tools responded that they would request TA (41 percent). This suggests that initial validation of a risk assessment tool could be an important and effective way to reduce potential issues down the road.

Conclusion

From these results, we see that while there is some variability in states’ practices and policies regarding risk assessment, there are still overarching similarities and trends. Best practices and policies may become more clearly defined over time and with increased understanding of risk assessment as it is used nationwide. As practitioners and policymakers continue to discover the benefits of evidence-based practices and improve actuarial risk assessment systems, agencies will be able to increase the effectiveness, efficiency, and fairness of their work.

This survey was the first effort to develop a comprehensive view of risk assessment in the United States. As the landscape continues to develop, findings from this report are subject to change. Future studies could build upon this foundational understanding of risk assessment practices standardized at the state level and examine risk assessment more closely on a local level as well.

The **Public Safety Risk Assessment Clearinghouse** is a one-stop resource that provides practitioners and policymakers with up-to-date and objective information about risk assessment as well as training and technical assistance on its use.



For more information, please visit: <https://psrac.bja.ojp.gov/>

Suggested citation for this publication:

Hu, Cathy, KiDeuk Kim, and Edward Mohr (2017). *National scan of policy and practice in risk assessment (Policy Brief Number 2017-01)*. Washington, DC: The Risk Assessment Clearinghouse.

This project was supported by Grant No. 2015-ZB-BX-K004 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

