

ENHANCING TRIBAL PROBATION: RISK-NEED TOOLS

Guiding Principles for Tribal Probation Officers

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USING ASSESSMENT TO IMPROVE PROBATIONER MANAGEMENT

Risk-need-responsivity (RNR) tools predict the likelihood that a person will engage in unwanted behaviors, such as failing to appear in court, committing a new crime, or engaging in future violence. In addition, they identify a person's needs that may contribute to criminal behavior—factors like substance misuse, antisocial peers, and family dysfunction—that can be addressed to reduce the person's risk level.

In the probation context, RNR tools are commonly used to measure a probationer's risk of committing a new crime and to help identify their treatment and social service needs. Probation officers then use this information to determine the probationer's appropriate level of supervision and case plan.[1] This document will outline important principles to consider when identifying an RNR model for your probation department.

1. WHAT IS A RISK-NEED RESPONSIVITY ASSESSMENT?

Risk-need-responsivity assessments typically measure three things:

- Risk of reoffending – What is the individual's likelihood of committing a new crime?
- Criminogenic needs – What underlying factors are contributing to the individual's risk of committing a new crime?
- Responsivity – How can programs and interventions be catered to the individual's unique circumstances? (E.g., trauma informed, culturally relevant, language appropriate, mental health focused, etc.)

[1] Kimberly A. Cobb, "Risk Need Responsivity: Turning Principles into Practice for Tribal Probation Personnel," American Probation and Parole Association, (August 2013): 2. <https://www.appa-net.org/eweb/docs/APPA/pubs/RNRTPTTP.pdf>.



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The use of assessments and questionnaires is not a new practice in probation departments. In recent years, however, evidence-based RNR tools have replaced many older assessments. This is because evidence-based tools are developed and tested using large pools of data that statistically identify what information is predictive of certain behaviors (e.g., risk of reoffending). Studies have consistently shown that evidence-based RNR tools are more accurate at predicting future behavior than professional judgment alone.[2]

2. HOW CAN ASSESSING RISK AND NEED HELP IMPROVE SUPERVISION?

Risk-need-responsivity assessments can help probation departments determine which individuals need more intensive supervision and support, resulting in more efficient caseload management and improved probation outcomes.

- **Managing Caseloads:** Tribal probation officers often carry such high caseloads that adequate supervision of all their assigned probationers is nearly impossible.[3] However, if probation officers can identify the individuals who have a higher risk of reoffending, they can provide more supervision to those individuals and less to individuals who are lower risk. By tailoring supervision plans around risk level, tribal probation officers can focus their energy on the probationers who need the most attention. In this way, risk-need-responsivity tools can help your department allocate limited resources—including probation officers' time—in the most efficient manner possible.
- **Improved Outcomes:** Probationers are more likely to succeed when their supervision level and service plan are matched to their risk and needs.[4] A person who has a low risk of reoffending and

[2] Sarah Picard-Fritsche et al., "Demystifying Risk Assessment," Center for Court Innovation, (2017): 2. https://www.courtinnovation.org/sites/default/files/documents/Monograph_March2017_Demystifying%20Risk%20Assessment_1.pdf.

[3] Kimberly A. Cobb, "A Desktop Guide for Probation Personnel: The Screening and Assessment Process," American Probation and Parole Association, (May 2011): 20. https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/APPA_TribalProbation.pdf.

[4] Jesse Jannetta, "Structured Decision-Making: Using Risk Assessment Outputs to Improve Practice," The Public Safety Risk Assessment Clearinghouse, Policy Brief Number 2017-05, (2017): 8. <https://psrac.bja.ojp.gov/ojpasset/Documents/PD-Structured-Decisionmaking.pdf>.



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few criminogenic needs will perform better on probation if their supervision is minimal and any services are offered on a voluntary basis. This is true because over-programming low-risk/low-needs individuals can interfere with positive aspects of their lives, like school, work, childcare, and family responsibilities and lead to negative outcomes that actually increase their likelihood of reoffending. The opposite is true for high-risk/high-needs individuals—they are more likely to succeed when supervision is frequent and structured and when they are more intensively engaged in needed services and treatment.

In order to provide probationers with the optimal level of supervision and the most appropriate services, it is important to accurately assess their risk and needs before creating a case plan. Evidence-based RNR tools offer the most accurate assessment—better than professional judgment alone—and can help probation departments create tailored supervision and service plans that lead to more efficient caseload management and better outcomes.

3. DO THESE TOOLS WORK WITH NATIVE POPULATIONS?

There are currently no mainstream evidence-based RNR tools designed specifically for American Indian/Alaska Native populations. Most RNR tools were developed using large datasets from city or county justice systems rather than data from tribal justice systems or from individuals who identify as American Indian or Alaska Native. Some research suggests that tools developed using non-Native data may not be as accurate when used with Native populations.[5] However, more research is needed on this topic.

Although there is no tribal-specific RNR tool currently available, tribal probation departments should consider adopting an existing tool until a tribal-specific tool is developed. There are still many benefits to using an evidence-based RNR tool, even one that has not been built specifically for a Native population. Compared to professional judgment alone, a good RNR tool can improve client outcomes, reduce recidivism, and increase community safety.

[5]Stephen J. Wormith et al., “The Predictive Validity of the LS/CMI with Aboriginal Offenders in Canada,” *Criminal Justice and Behavior*, vol. 42 no. (October 2014): 481–508. <https://doi.org/10.1177/0093854814552843>; Holly A. Wilson et al., “Does one size fit all? A meta-analysis examining the predictive ability of the Level of Service Inventory (LSI) with Aboriginal offenders,” *Criminal Justice and Behavior*, vol. 1 no. 2 (August 2013): 196–219. <https://doi.org/10.1177/0093854813500958>.



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4. WHAT KINDS OF TOOLS CAN MY TRIBE USE?

There are many factors to consider when choosing a tool that is appropriate for your probation department. These factors include identifying when you will be using the tool, how general or specialized you want your tool to be, whether you want to use a screener as well as an assessment, and how much funding and time your agency can devote to implementing the tool.

WHEN TO USE THE TOOL

The first thing to consider is, at what point in the justice system process will you be using your tool? There are some tools that are built to work specifically at the pre-trial point, and they offer information about the defendant's likelihood of returning to court as well as their risk to public safety. Other tools are built for community supervision and case management and focus more on identifying needs and responsivity factors as well as identifying an individual's risk. These case management tools can be designed to work pre-trial, post-sentencing, during detention, or specifically at the reentry point.

TO SCREEN OR TO ASSESS

Your office should also consider whether they will use a screener or an assessment. Screeners are shorter in length and are meant to help quickly sort clients who will need more follow up. Assessments take longer to administer and are meant to gather more information to help probation officers make informed decisions about appropriate supervision, treatment, and intervention options. Screeners and assessments are often used together to speed up the process of identifying who are the clients that will need the most attention. A screener can be administered to all probationers, and will quickly sort the low, medium and high-risk clients apart. Probation officers may then use a more in-depth assessment on only the medium and high-risk individuals, as they will require more intensive case planning.



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SPECIALIZED TOOLS

Most risk-need responsivity tools are meant to be used with a general population at a specific point in the justice system. However, there are also tools that are built to work with specialized populations such as domestic violence offenders, individuals with mental health or substance use disorders, or juveniles. Sometimes these specialized tools require additional training to administer or require an individual to have a clinical background. If you assess an individual and see that they may need more in-depth and specialized assessments, you will want to identify who in your tribe has the background or can receive the training to administer these specialized tools.

THE COST OF THE TOOL

Cost is an important consideration for many tribes who are considering using risk-need responsivity tools. Some tools are open domain, which means they are available to the public for free. These tools openly share information about how they determine risk for individuals. There are other tools that are proprietary, meaning that they were built by private companies who charge to use the tool and to train specific staff on how to administer it. These tools often do not share the formulas they use to calculate risk, so it can be difficult to understand how they are determining what an individual's risk level is.

You will want to consider all these issues when you decide what tool is appropriate for your department. Because tribal probation departments sometimes work with individuals during pretrial, diversion, and post-sentencing, it is important to identify which tools can meet your department's needs. Your department may even decide to use more than one tool depending on the population you are serving and the point in the justice system you will work with those individuals.

5. HOW CAN I GET A TOOL THAT I KNOW WILL FIT MY TRIBE?

In addition to purchasing or selecting a risk-need responsivity tool, your tribe can also decide to build its own tool or take an existing tool and validate it for your community.



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BUILDING A CUSTOM TOOL

Risk assessment tools are most accurate when they are built for a local community, so the best way to make sure your tool is a good fit for your tribe is to build your own. That said, building a custom tool can be challenging because it will cost money, take time, and will require that your tribe has access to justice system data, such as a defendant's criminal history and re-arrest data. This criminal history data may require access not only to tribal court and police data, but also to local county, state and federal data bases. If your tribe is interested in developing its own tool, you could either hire a private researcher, or could reach out to a local University to see if their research department is able to assist your tribe.

VALIDATE AN EXISTING TOOL

If your tribe is not able to build its own tool but would still like to make sure that the tool you use is a good fit for your community, then your tribe can select a tool that is widely available and validate it. Validating a tool will help you determine how accurate the tool is in predicting recidivism for your specific population. It may be especially important for tribal justice systems to validate their tools because most common risk-need responsivity tools were developed using data from cities and counties and did not collect data about Native participants. Validating your tool can help your department ensure that it is using a risk-need responsivity tool that is correctly identifying your tribal member's risk and need levels so that you can provide appropriate case planning. If your tribe would like to validate its tool, you should also reach out to a researcher or local University to assist your tribe with the validation.

6. ONCE OUR DEPARTMENT HAS A TOOL, HOW DO WE USE IT?

Once you select your tool you will need to investigate what is required to properly use it. Some tools require your staff to get trained in how to administer it and require you to ask certain questions in specific ways or have a specialized background to administer it. Other tools may have technology requirements in order to record your scores, which might mean working with your technology department to build in the proper software.

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After you have identified what steps are required to properly use your tool, then your probation department must decide how to structure case management responsibilities for individuals based on their risk and need levels. [6] Your department will want to assign less supervision and less services to individuals who have lower risk and will want to provide more supervision to individuals with higher risk. A sample matrix is provided below to offer an example of how supervision could be structured around risk levels.

SAMPLE SUPERVISION MATRIX

Risk Level	Risk Category	Supervision	Services
Level 1	Low risk	Least intensive supervision requirements (e.g., infrequent check-ins or monthly report submitted to probation officer by mail)	Least intensive services if appropriate (e.g., referral to voluntary services)
Level 2	Moderate low	Low intensity supervision (e.g., phone check-in every month; or in-person check in every 60 days)	Low intensity services if appropriate (e.g., confirm enrolled in out-patient services)
Level 3	Moderate risk	Moderate intensity supervision (e.g., phone check in every few weeks; or in-person check in every month)	Moderate intensity services if appropriate (e.g., confirm enrolled in services and attending monthly)
Level 4	Moderate high	Moderate high intensity supervision (e.g., in person check-ins every week; random drug testing; sporadic home visits, etc.)	Moderate high intensity services if appropriate (e.g., confirm enrolled in services and attending required number of sessions)
Level 5	High risk	Most intensive supervision (e.g., weekly phone calls; weekly in-person check ins; ankle monitor; weekly random drug testing, weekly home visits, etc.)	Most intensive services if appropriate (e.g., confirmed enrolled in services and attending required number of sessions per week)

Keep in mind, that while developing a matrix like this can help your department decide which probationers to provide more and less intensive supervision to, case plans should be dynamic and consider individualized circumstances.

[6] Jannetta, "Structured Decision-Making," 7.



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For example, you may find that some individuals are being categorized as low-risk even if they have a history of committing certain violent crimes, such as domestic violence or sexual assault. If that is the case, your department should consider providing specialized monitoring for these individuals that is higher than their designated risk level.[7] There are also separate risk-need responsivity tools that can be used for these individuals if you would like to further investigate their specialized risks and needs for case planning purposes.

7. HOW DO YOU KEEP YOUR TOOL WORKING WELL?

It is important to note, that as you work with your clients and help them to get stabilized in the community, their risk levels may change. Risk-need responsivity tools are meant to help justice system practitioners work with clients to safely improve their lives, while holding individuals accountable to behavior improvement. This means that over time, as individuals get stable jobs, enroll in schooling, or begin to take responsibilities with their families and in their communities, their risk of reoffending should decrease. Some RNR tools are designed to be readministered on occasion in order to reassess an individual's changing risk over time. These RNR tools should be given to your clients every four to six months.[8] They should also be given again if there is a big change in the probationer's status, such as if they become employed.

However, some RNR tools are only meant to be administered during a specific period in time and will not be as responsive to the shifting risk levels of probationers who experience important life changes. In those cases, tribal probation departments should carefully monitor changes in their probationer's lives and adjust case plans to increase or decrease supervision as probationers experience setbacks or successes in complying with their case plans. Reassessing a probationers situation and adjusting their case plans accordingly will help your probation office be responsive to the changing circumstances of your probationer's life. This can help ensure that your probation office is not over, or under, programming individuals during their time under your supervision.

[7] Elizabeth Bliss and Tracy G. Mullins, "Recommendations for Tribal Probation When Supervising Domestic Violence Offenders," American Probation and Parole Association, (June 2016):15.

<https://www.appa-net.org/eweb/docs/appa/pubs/RTPSDVO.pdf>.

[8] Cobb, "A Desktop Guide for Probation Personnel," 33.



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Additionally, your probation department will also want to monitor and track the results you are having with the tools you use to ensure that your tool is accurately working to identify probationers' risk and needs levels. Is your office having challenges using the tool consistently? Once you have used the tool, are outcomes for your probationers improving or are they staying the same? It is important to continuously monitor how the tool is performing with your population to identify if you need to revalidate your tool or implement another tool that might better fit for your community. By continuing to evaluate the effectiveness of your tool over time, you can ensure that your department is always using an assessment tool that best supports the needs of your tribe.

For training and technical assistance, contact the Center for Court Innovation at:
<https://www.courtinnovation.org/training-ta>



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The Center for Court Innovation exists to achieve a justice system that is fair, effective, and humane. We work with both government and communities to develop and run programs that have reduced the use of incarceration, increased equity, and strengthened neighborhoods by increasing safety and economic opportunity. We perform original research to identify what works. And we share what we learn from our programming and research with those seeking to transform the justice system around the world.



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TRIBAL JUSTICE EXCHANGE

The Center's Tribal Justice Exchange has worked with more than 60 tribes across the country to implement innovative practices within their justice systems. These include prevention initiatives, youth engagement, diversion programs, restorative justice practices, Healing to Wellness Courts, reentry strategies, and other approaches emphasizing healing and community-building.

We offer a range of training and technical assistance services designed to promote tribal sovereignty by expanding tribal court jurisdiction, building collaborations with state and local partners, and developing new resources to support justice-involved tribal members.

The Western, adversarial system of justice often runs counter to the traditional practices of tribal communities. We recognize that approaches that work in state justice systems will not necessarily fit tribes' needs. Our Tribal Justice Exchange works with tribes to incorporate traditional practices and values into tribal justice systems.

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