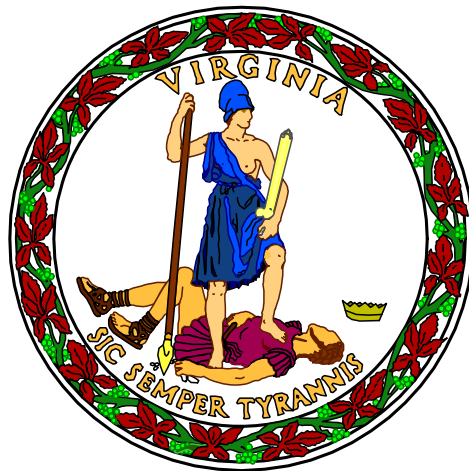


Parole Risk Assessment Instrument Feasibility Report



Office of the Secretary of Public Safety
November 15, 2010

Executive Summary

Pursuant to Item 370, Paragraph E, of the 2010 Appropriation Act (Chapter 874, 2010 Acts of Assembly), the Secretary of Public Safety's Office, in consultation with the Virginia Criminal Sentencing Commission, the Virginia Parole Board, the Department of Corrections, and the Department of Planning and Budget, respectfully submits the following finding on the feasibility of utilizing a risk assessment instrument in parole determinations.

Additional information is always desirable and helpful to decision makers or to those making recommendations to the decision makers such as the Parole Board. Risk assessment instruments can be a factor to be considered along with many other factors in determining whether an inmate is suitable for discretionary parole. Risk assessment instruments are not designed to replace professional judgment, but to assist in making virtuous parole determinations.

In considering the feasibility of utilizing a risk assessment instrument, a variety of possibilities were reviewed to determine what might be available or could be developed, the time frame required and the potential cost to the Commonwealth. Consideration was given to whether validation studies have been done and whether or not a particular instrument would be appropriate for Virginia's parole-eligible population. Consideration was also given to the cost.

The Department of Corrections (DOC) has been working with a vendor called Northpointe, Inc. for four years to develop and implement a risk and needs assessment evaluations on all incarcerated inmates including those who are parole eligible beginning in January 2011. The Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) program will assess key risk and need factors in adult correctional populations and provide decision support for justice professionals.

As inmates are evaluated using COMPAS, the risk assessment scales will become available to the parole examiners and to the Parole Board and will be considered as a factor in the recommendation and decision-making process. Over time, the results will be analyzed and evaluated to determine the validity of the instrument to Virginia's parole eligible population and whether modifications can and should be made. The potential cost of any such changes will have to be evaluated. Considering the investment that has been made, using COMPAS to provide risk assessment information appears to be the most cost effective way to proceed at the present time. Should the results of the evaluation indicate that the COMPAS Risk Assessment Instrument is not appropriate for the Virginia parole eligible population, other options will be explored.

Background

Additional information is always desirable and helpful to decision makers or to those making recommendations to the decision makers such as the Parole Board. Risk assessment instruments can be a factor to be considered along with many other factors in determining whether an inmate is suitable for discretionary parole. Risk assessment instruments are not designed to replace professional judgment, but to assist in making virtuous parole determinations. Before consideration can be given to the use of a Risk Assessment Instrument, a determination must be made as to what Risk Assessment Instruments are available or can be developed, what factors are included and which are excluded, how the various factors are weighed, what kind of validation studies have been done and whether or not a particular instrument is appropriate for Virginia's parole-eligible population. Consideration must also be given to the issue of cost.

Virginia's parole eligible inmate population is unique because it is markedly different from the inmate populations in other states. Since Virginia abolished parole in 1995, the percentage of violent offenders in Virginia's prisons has gradually increased to approximately 80 percent and is anticipated to rise further as the remaining non-violent offenders who are parole eligible are released. The Commonwealth should exercise caution in using a risk assessment instrument developed on prison populations outside of Virginia until a determination can be made that the conclusions are applicable to Virginia's inmate population.

Risk assessment instruments vary in the number and nature of the factors that are considered, the weight to be given to each of the factors, the manner in which the risk assessment results are presented and the way that recidivism is measured. The results of these assessments do not predict the behavior or likelihood of recidivism of an individual. They predict the likelihood of recidivism of a group of individuals of similar characteristics as a particular inmate. No risk assessment instrument can predict the likelihood of recidivism with 100 percent accuracy for any particular inmate. In addition recidivism is measured in a variety of ways including – any new arrest, any criminal conviction, felony convictions only, violent felony convictions only etc, and the period of time covered can vary from two years or more. Obviously, how recidivism is measured has a substantial effect on the risk calculation.

In considering the feasibility of utilizing a risk assessment, a variety of possibilities were reviewed to determine what might be available or could be developed, the time frame required and the potential cost to the Commonwealth. Consideration was given to whether validation studies have been done and whether or not a particular instrument would be appropriate for Virginia's parole-eligible population. Consideration was also given to the cost.

In considering the feasibility of utilizing a risk assessment, a variety of possibilities were reviewed to determine what might be available or could be developed, the time frame required and the potential cost. Consideration was given to the factors listed above, whether validation studies have been done and whether or not a particular instrument would be appropriate for the specific Virginia Parole Eligible population. Consideration was also given to the cost.

Risk Assessment Options

Department of Corrections Psychologists/Staff Assessments

DOC psychologists and staff presently perform in-depth evaluations when requested by the Virginia Parole Board on a case by case basis of particular inmates. These evaluations include a Psychological examination by the DOC professional staff and a risk assessment evaluation. Considering the number of inmates who are considered for parole each year (4000 to 4500), the amount of time required for such an evaluation and the limited professional staff available, this does not appear to be a viable option because of the cost.

Sentencing Commission Risk Assessment Instrument

The Virginia Criminal Sentencing Commission has substantial experience in evaluating risk and has professional staff capable of directing the collection and analysis of data to develop a Risk Assessment Instrument for use by the Parole Examiners and the Parole Board. However, because of the significant amount of data collection that would be required, additional researchers would have to be hired. It is estimated that the cost to develop a risk assessment instrument would be approximately \$75,000 to \$100,000 and would take from 12 to 15 months to complete. The cost estimate and the time frame assume all data collection problems could be overcome including the difficulty in obtaining sufficient information. The Virginia Criminal Sentencing Commission expressed concerns about the methodological challenges inherent in developing an empirically-based risk assessment instrument for Virginia's parole eligible inmates due to the difficulty in obtaining sufficient information about crimes that were committed many years ago but is willing to undertake the task of developing a risk assessment instrument specifically for Virginia if resources are available.

According to the Executive Director of the Virginia Criminal Sentencing Commission, Virginia's parole eligible population, comprised predominantly of violent offenders, is unique and sufficiently different from other states' prison populations. The composition of Virginia's parole population raises concerns as to the applicability of instruments based on data from other states unless substantial validation is done. It is believed that if the users are cautioned as to the limitations, the risk assessment scales developed by COMPAS (described more thoroughly below) could provide useful information for decision makers. Executive Director Dr. Richard Kern also emphasized the limitations of any risk assessment instrument in making parole release decisions. Both the parole examiners and the Parole Board members need to keep in mind that the risk of recidivism is only one factor to be considered along with the sentencing goals of deterrence, incapacitation and retribution or punishment. In Virginia the appropriate sentencing range for violent crimes is best expressed by the legislature thru the Sentencing Guidelines and is a factor to be considered.

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)

For nearly four years, the Department of Corrections (DOC) has been partnering with a vendor called Northpointe, Inc. to develop and implement a risk and needs assessment program for all individuals already in Virginia's correctional system and those who will be entering the system. The Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) program will assess key risk and need factors in adult correctional populations and provide decision support for justice professionals.

COMPAS is a software program designed to assess key risk and need factors in adult correctional populations and provide decision support for justice professionals. Northpointe has been working with DOC staff to provide the necessary training in the collection of data and the utilization of the information obtained from COMPAS. COMPAS distinguishes between risk scales (designed to predict recidivism) and needs scales (designed to measure needs, inform case plans and identify intervention targets). COMPAS has two main risk models: General Recidivism Risk and Violent Recidivism Risk.

COMPAS uses the following factors in calculating an individual's general recidivism:

- Age
- Criminal Involvement
- Age at First Arrest
- Drug Problems
- Arrest Rate
- Vocation/Education

COMPAS uses the following factors in calculating violent recidivism:

- Age
- History of Violence
- Age at First Arrest
- History of Noncompliance
- Vocation/Education

DOC is planning to initiate COMPAS evaluations on all incarcerated inmates including those who are parole eligible beginning in January 2011. It is anticipated that all inmates will receive their preliminary COMPAS screening at the time of their annual review and all inmates will be screened in 12 to 18 months. The Risk assessment and violent risk assessment component will be available to the parole examiners and to the Parole Board on the individual inmates as they are completed.

While the COMPAS Risk Assessment component will provide additional information to the Parole Examiners and the Board, it is only one factor among many to be considered in making the decision as to whether to release an inmate on discretionary parole. COMPAS weighs many factors in calculating the likelihood of recidivism but many potentially significant factors are not evaluated, including mental health problems and the specific circumstances of the crimes committed. For example, under COMPAS each murder is given the same weight whether it was a case with substantial mitigation or the most heinous and aggravated of crimes. COMPAS does not take into account the particular vulnerability of the victim, such as whether the victim was a child, an elderly person or a person suffering from a disability. In addition, COMPAS does not

include time imposed by the judge or jury nor the amounts of time served or consider the impact on the victim or the victim's family. Many of these factors are difficult to quantify and therefore difficult to weigh in a risk assessment evaluation, but still must be considered in any decision.

It is anticipated that all parties involved in the development and use of the information would continue to evaluate the information and seek changes or refinements as needed to improve the reliability of the instrument. Northpointe has expressed interest in working with the Department of Corrections, the Parole Board and other interested parties in seeking ways to include additional factors that could be relevant in predicting risk and to evaluate the significance of the unique nature of the Virginia parole eligible population. Since this collaboration is still in its preliminary stages, there is no estimate as to what costs might be involved if changes are needed.

Conclusion

COMPAS contains a risk assessment component and is in the process of being implemented. As inmates are evaluated, the risk assessment scales will become available to the parole examiners and to the Parole Board and will be considered as a factor in the recommendation and decision making process. Over time, the results will be analyzed and evaluated to determine the validity of the instrument to the Virginia parole eligible population and whether modifications can and should be made. The potential cost of any such changes will have to be evaluated. Considering the investment that has been made, using COMPAS to provide risk assessment information would appear to be the most cost effective way to proceed at the present time. Should the results of the evaluation indicate that the COMPAS Risk Assessment Instrument is not appropriate for the Virginia parole eligible population, other options can be explored.