Lane County Sheriff's Office

Russel E. Burger, Sheriff

Report:
Lane County's Public Safety Risk Assessment Tool

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This report contains a substantial amount of edited material excerpted from multiple documents that were created during the research and development of the risk assessment tool and the implementation and evaluation period that followed.

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Executive Summary

The Risk Assessment Tool (RAT) is a semi automated computer database program that is used by the State Court Pretrial Services Office in partnership with the Lane County Sheriff's Office. The risk scores generated by the tool are used for various purposes, including determining which offenders will be released early from jail. Recently, questions have been asked by policy makers regarding the origins and validity of the risk assessment tool. This report addresses those questions.

The RAT was developed locally as a part of the Defendant and Offender Management Center development effort. It has been in use in its present form since June 25, 2006. The RAT was built with the knowledge and support of many policy makers and stakeholders in Lane County. It represents thousands of staff hours in reviewing literature, examining existing tools, conducting site visits, consulting with experts from the National Institute of Corrections, programmer time, testing, data collection. It also represents countless committee meetings to work out the elements, application procedure and desired outcome of the tool's use.

During the research phase of the risk assessment tool project, it was learned that 1) there were very few computer based validated risk assessment tools in existence, 2) there were no tools in existence that met all of Lane County's requirements, and 3) regardless of how widely used a tool was, it still had to be validated locally. Because of this, the tool was developed in and for Lane County and a validation plan was put in place.

Although the RAT went through a thorough validation processes, it will always be a work in progress, as tools of this nature require continuous validation and updating as our society, culture changes, and our body of knowledge increases. There are no tools in existence that act as a "crystal ball." The Lane County risk assessment tool, like others in existence, only acts to predict risk and not events.

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WHAT IS THE RISK ASSESSMENT TOOL?

The Risk Assessment Tool (RAT) is a semi automated computer database program that is used by the State Court Pretrial Services Office in partnership with the Lane County Sheriff's Office to determine risk levels in defendants and offenders in three major areas: the risk of recidivism, the risk of being a danger to the public and the risk of failing to appear in court. The questions used in the risk assessment tool are customized for our community and our definition of what risk is. Each question is weighted as to relevance to each area of risk. Weights are equated with points, the total of which determines a level of risk for the offender / defendant (D/O). This risk level is what release decisions are based on and what type of conditions may be placed on the agreement. For purposes of overcrowding releases, called capacity based releases (CBR) the CBR points in each category were weighted according to our release priorities. The weighting was calibrated to keep dangerous offenders in jail.

ORIGINS OF THE RISK ASSESSMENT TOOL

The Risk Assessment Tool was borne out of the Defendant & Offender Management Center (DOMC) project. The purpose of the Defendant & Offender Management Center (DOMC) is to assess, place & manage defendants/offenders for the protection of the community and the integrity of the criminal justice system in order to:

- Reduce risk of community harm (D/O released into community whether pretrial or in an alternate program)

- More effectively and efficiently utilize Lane County criminal justice system resources (effective defined as placement utilizing evidence based practices; efficient defined as expending the least amount of resources necessary per offender to make an evidence based placement)

- Increase the rate at which defendants/offenders (D/O) appear for scheduled court proceedings

The DOMC project was and is a unique strategic collaboration among the Lane County Sheriff's Office, the Circuit Court, and Lane County Parole and Probation (now part of the LCSO). This collaboration took place because of a number of challenges facing Lane County in late 2002.

The challenges facing the Lane County criminal justice system then and, for the most part, now included recidivism, inability to maintain sanctioned and sentenced offenders in jail beds due to overcrowding, a lack of consistency between Pretrial Release Program clients and jail capacity releases, and failures to appear in court.

In October 2002, a visit by Dr. Ed Latessa, a nationally recognized expert in the principles of effective correctional intervention, reinforced the importance of using validated risk and needs assessment tools to effectively release and place defendants and offenders. Research

demonstrates that identification of high-risk offenders can help the system tailor responses based on risk to public safety. Validated risk assessment tools can guide decision making, reduce bias, and improve the placement of defendants and offenders. Research shows that offenders with medium to medium high risk are those where risk reduction is most efficient, and agencies can choose options to facilitate change. Early identification of risk levels can focus efforts where the opportunity is greatest.

Corrections Division Commander Capt. John Clague (Retired) and Trial Court Administrator David Factor saw an opportunity for change and improvement in jail intake, pretrial release and sentenced offender placement and monitoring. They convened a work group in early 2003, which became the Defendant and Offender Management Center (DOMC) development committee to study and report back on a plan to resolve identified system issues. This workgroup was tasked with specifically focusing on the following:

- The need, due to continued bed closures, to divert population from entering jail;
- The need to place sentenced offenders directly in alternative placement whenever possible; and
- The need to implement a validated risk assessment tool to coordinate release decisions between the courts's Pretrial Release Office and the jail's matrix system.

There were many people from diverse interests involved in this project. The workgroup consisted of jail, court, pretrial release, and parole and probation staff and supervisors. (See Appendix A for a complete listing of people involved with the project). The project, including the risk assessment tool attracted a lot of media attention (see Appendix B for an example).

With the help of Bob Gibson, a National Institute of Corrections (NIC) consultant on pretrial release, and Billy Wasson, a facilitator and consultant in effective offender programming, the workgroup, now called the Defendant & Offender Management Center Team, began to refine the project goals and objectives. Both consultants stressed the importance of utilizing a risk assessment / classification tool as a part of an evidence based system for meeting all of the original stated goals.

As the DOMC Committee leaders met with policy makers the need for continued and increased public safety, the appropriate use of resources, offender accountability, and offender competency development was emphasized. They also stressed that a risk assessment tool should be utilized in accomplishing these goals in order to measure defendant/offender risk for dangerousness, recidivism, and failure to appear or comply. With this information, the workgroup further refined the areas of concern for the DOMC into the following four categories:

- Recidivism
- Lack of uniformity in release decisions
- Protecting the public through effective use of system capacity
- Failure to appear in court (FTA)

Through much discussion it was determined that a risk assessment tool would need to be utilized that would measure risk in the areas of "dangerousness," recidivism, and failing to appear in

court. It was also recognized, that in order to address the recidivism issue in a manner consistent with best practices, a criminogenic needs assessment tool would also need to be utilized. It soon became apparent that acquiring or developing these two different tools must to take place as two separate projects.

THE DEVELOPMENT OF THE RISK ASSESSMENT TOOL

The Defendant & Offender Management Center team established a subcommittee to develop and implement a Risk Assessment Tool (see Appendix A). The subcommittee met with agency leaders to confirm and tighten the definitions of the four most important risk factors named above. A work plan was formed (see Appendix C) that included

- Forming the questions
- Identifying data sources
- Assigning weights to factors
- Designing a validation process
- Reviewing software
- Identifying outcomes and data to verify answers
- Legal review
- Policy maker review
- Field testing

The RAT subcommittee began researching risk assessment as it pertains to the four separate areas of interest to the DOMC.

Recidivism

Recidivism is costly to the criminal justice system and compromises community safety. Research indicates that punishment alone, or inappropriate treatment, not only fails to reduce recidivism, but appears to increase rates of recidivism. What does work to reduce recidivism, according to research literature, is a system that assesses for risk of recidivism, criminogenic needs and receptivity to change, targets high and medium risk offenders with appropriate cognitive skills based interventions, utilizes appropriate swift and sure sanctions, and uses positive reinforcement and ongoing pro-social support in the community upon release. In The Psychology of Criminal Conduct, D.A. Andrews defines criminogenic needs as "... a subset of an offender's risk level.

Lack of Uniformity in Release Decisions

The pretrial office would base their decisions on a number of data sources including the arrestee being interviewed and several law enforcement databases. They would also do research over the phone in order to have the most complete picture possible of whom they were dealing with. Armed with this information, the Pretrial Officer would use their best judgment in deciding what to do. As subjective decision making processes go, one person might not always arrive at the same conclusion as another person would. Although the state courts make many releases, the number of releases via defendants posting security, or being released on a 3rd party agreement or

on their own recognizance, do not keep up with the number of new bookings that come into the jail. Because of this, the jail perpetually bumps up against its maximum allowable capacity.

On the other hand, the overcrowding Matrix release for the most part was based on a hard set of criteria. Specific numerical values were associated with each of the following factors:

- Current Main Charge
- Secondary Charges
- FTAs
- Criminal History
- Number of Days left of the Sentence
- Percentage of the sentence left

SB 1145 inmates also had a certain amount of points added to their score as did INS holds. Inmates might also have points added at a judge's request or by being an Alternative Programs Failure. This way of applying the Matrix was logical and consistent and protected Lane County for years from being accused of "playing favorites" when determining who should be released when the jail was overcrowded. However, the matrix system did not take into consideration important criteria other than what was figured into the score.

The longer a person's criminal history, the more matrix points they had. This would often result in situations where habitual offender transients in custody for quality of life issues, like park violations, had more points than first time felons which included those having rape and arson charges. The matrix system's sole purpose was to control the inmate population in the event that the jail exceeded its capacity. It was not utilized to determine risk of being a danger, risk of recidivism, or any other risk. The federal consent decree that regulates the jail's capacity, limiting it to 93% of available bed space, called for a "fair and equitable system" to be used for determining who should be released due to overcrowding, and did not mention releasing offenders based on their risk levels.

The Risk Assessment Tool uses the best of both methods: All the information that the Pretrial Office considers plus the objectivity of a point system. Many of the answers to the questions asked by the RAT have a "weighted" score associated with them. Some answers have negative point values, some have positive. Some answers have additive point values, for example, an offender gets two point for every FTA they have had within the last 5 years, but only one point for each one they had that was the over 5 years.

System Capacity

As mentioned above, the Lane County Adult Corrections Facility is required to maintain capacity at no higher than 93% of available bed space. Population capacity restrictions are outlined by the United States District Court for the District of Oregon Civil Action No 86-6033-E judgment order. This order has been amended eight times, and applies only to the main jail facility. The inability, by virtue of limited capacity, of the jail to hold all offenders booked in has resulted in thousands of early released prisoners over the last two decades.

Although the RAT does not add to the jails capacity, it does assure that the people most in need of a jail bed remain in custody. The risk assessment tool has been used as a uniform, fair and

equitable method of determining who to release due to overcrowding. It can be used to hold those defendants and offenders who are very likely to not show up to court, or to keep those offenders in custody who, if released are likely to commit a violent crime. How the tool is used in this way can be and has been adjusted based on the priorities of the stakeholders through the weighting of the various risk categories in regards to what types of offenders should be released.

Failure to Appear

A snapshot of the April 2002 arraignments in Circuit Court showed an overall FTA rate of 21% at that time. The most recent numbers (provided by the Court August 2009) indicate that the overall average failure to appear in court rate for the year 2008 was 18.5%

A now outdated study indicated that it costs the local criminal justice system $500 each time an offender fails to appear for court. That represents a total cost to the system of roughly $1.5 million annually. Making effective release decisions based on a validated risk assessment tool has the potential to make a considerable positive impact on all parts of the criminal justice system.

RESOURCE REVIEW

The RAT Development Team conducted a review of available literature and began to acquire copies of risk assessment tools that were already in existence from across the United States. The development team examined the research on designing risk assessment tools the use of risk assessments to measure compliance and recidivism, and the numerous tools other jurisdictions were using. For a listing of this literature and the tools reviewed during development, see Appendix D.

The team relied heavily on the work of other jurisdictions, and the interview methods being used by the Pretrial Release Office, to develop a set of data to gather during each release risk assessment interview. Data sources were identified, such as whether the information would come from an interview of the defendant or another source. Verification of information provided in the interview was discussed and identified. The questions were then weighted to measure their relativity to each of the above-mentioned risk categories. Spread sheets were used to determine which questions were common to all the tools and what areas of risk each question would pertain too.

The literature indicated that the RAT, regardless if it was purchased "off the shelf" or developed in house, needed to be validated locally in order to calibrate it as an accurate predictor of risk in this community.

SITE VISITS

During the research phase of the RAT development two site visits were conducted in order to study existing systems of booking, risk assessment, and release of defendants and offenders. One team was sent to Pima County, Arizona on the recommendation of National Institute of Corrections Consultant, Bob Gibson. The second team was sent to the Multnomah County downtown Justice Center.

BUILD/BUY DECISION

Once the RAT team had a clear understanding of the requirements for the tool, they had to decide whether to build or buy a risk assessment tool. The team studied two off the shelf risk assessment tools, the Level of Service Inventory, Revised (LSI-R), and Northpointe's Compas.

The prepackaged tools have a number of strengths including ease of implementation, and national (but not local) validation. Their weaknesses included: expense (approximately $4.00 per interview), not being locally validated, and reliance on a vendor for continuation of a product. In addition, only Compas was offered in a computerized format. The LSI-R is a handwritten assessment. Dealing with a hand written assessment would have been labor intensive given every booking must have an assessment performed and the results compared with every other person currently in custody. Both tools would have required extensive local programming to in order to interface with our existing databases. Neither tool was off the shelf ready with a point based system that could be used to manage the jail population.

The team determined that using a prepackaged product would cost approximately $64,000 per year if every new lodging resulted in an interview (16,000 bookings x $4.00 per assessment). This combined with the fact that a local validation study and extensive local programming would still have to be conducted convinced the team that developing a risk assessment tool would be the correct choice.

The value of developing our own tool was that it was customized to meet local specifications. If future validation studies show that the tool is not measuring risk correctly, changes can be made quickly and without payment to a vendor.

BETA TESTING

Microsoft Access was the original program used for the prototype risk assessment instrument. It was programmed by Deputy Sheriff Marty Tadlock (retired). In the beginning of development, 50 recent release decisions were scored using the new tool. The scores were compared to the release decision made at the time of the interview and the reasons for releasing or not releasing. The team then reviewed whether the released defendants subsequently appeared in court, to determine if their FTA scoring was accurate.

Subsequent larger groups of well known inmates were compared with the new RAT scoring in order to calibrate the weighting of the questions. Eventually, the Pretrial Services Office began using the tool side by side with their existing software in order to compare the outcome of their release decisions. Differences in release decisions between the two systems were analyzed until there was strong confidence in the scoring system of the new tool.

RELIABILITY TESTING

A set of RAT operator guidelines was developed for the tool (See Appendix E). In order to assure that questions were being interpreted in the same way by all operators of the risk assessment tool, and as they were intended to be interpreted, inter-rater reliability tests were conducted with all operators of the tool. Artificial interviews were conducted and fictitious data consulted by each operator of the RAT to see how they answered questions compared to one another. After the tests, debriefings took place to bring operators closer together in how they interpreted answers from interviewees. Guidelines were tightened up with new procedures that increased inter-rater reliability.

PROTOCOL DEVELOPMENT

A protocol was developed to fit the risk assessment into the booking and release process and to determine how the outcome of the RAT would be utilized in deciding who would be released due to overcrowding (See Appendix F). This "Uniform Release Protocol" was necessary due to the complicated nature of managing several "silos" or classifications of inmates that belong to various agencies.

OVERRIDES AND EXEMPTION CAPABILITIES

During the research of risk assessment / classification tools, it was discovered that regardless of the accuracy of the tool, the ability to override the tool needed to be maintained. Even the most reliable tools will average about 15% overrides on the recommendations. Because of this, the ability to override the tool was built in to the system (See Appendix G for override and exemption guidelines).

SOFTWARE DEVELOPMENT

After the prototype RAT had been in use for some time and many features had been added, a RAT software development team was formed after again looking at other available software on the market. The software now in use was developed by AIRS over the period of approximately two years. The team included members from both the State Court Pretrial Release Office, and the Lane County Sheriff's Office. The Risk Assessment Tool came to reside within an updated version of the Pretrial Release Office's case management system. This system is used for far more than risk assessment. Consequently, the information gathered from offenders during their initial interview pertains to far more than those factors that are important to determining risk, such as financial information.

INITIAL VALIDATION

Bob DenOuden, a Senior Research Analyst with Lane Council of Governments, designed the methodology for the initial validation study of the risk assessment instrument (See Appendix H). The primary goal of the initial validation study was to assess how well the RAT scores were calibrated in order to predict risk in the four major areas.

Validation of the RAT examined in detail the specific data describing release decisions and their outcomes, and it looked at broader performance measures of the pretrial release process in an attempt to determine if improvements needed to be made and how well the tool predicted the outcome of release decisions.

The validation plan called for a two phased approach. In the first validation phase, the old system of pretrial release was used for release decisions, and the RAT was completed alongside, scored and compared to the current system. The second phase of testing began when the RAT was used exclusively. Scores, decisions and the outcome of release decision was analyzed over a six month period. Please refer to Appendix H.

Measuring the RAT's success in the area of Failure to Appear in court occurred quickly and was relatively simple. RAT assessments were performed on a group of offenders and outcome data was collected based on whether or not the offenders showed up for their court appearance. The statistical analysis of the FTA data was provided by Susan Coleman, a Trial Court Administrator from the Portland area. The FTA validation process confirmed that the RAT was predictive of whether or not offenders would show up to court; those that scored high risk tended to not show up in court. Those who were low risk almost always showed up for court.

Because of the nature of risk in the areas of recidivism and dangerousness, it is much more difficult to validate the tool in those areas. For one, we measure both of those areas after one year and two years of being out of custody. In other words, did an offender commit a new crime in Lane County, resulting in them being lodged in the Lane County Jail within one and two years after being released from custody, and if so, was the crime a person to person act of violence? Because of this, it takes a long time to perform an outcome study. Secondly, if the RAT is truly doing its job, those that it scores as being high risk, tend to remain in custody and many times go away to prison. This leaves mostly low risk offenders and those sentenced to local time who the tool has determined to be "dangerous" to be released and subject to the outcome study one and two years later. Another way of saying this is many of those that would help to validate the tool as being high risk for being a danger to the community, are serving long sentences in the state penitentiary for committing acts of violence.

ONGOING VALIDATION

The literature suggests that validation of risk assessment tools should be ongoing. Validation studies should ideally take place about every two years. The tool should be adjusted per the results of the study; a small percentage of research type questions should be included in addition to those that have proven to be predictive.

LCOG recently assisted us with a validation study of the tool in the areas of risk of recidivism and dangerousness. The results showed that our own risk assessment tool is roughly as effective as the state of Washington's risk assessment tool. We are currently using the results to make adjustments to the tool to increase its accuracy.

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ADJUSTMENTS TO THE RAT

Over the course of the last few years of use of the RAT adjustments to the instrument have been made as a result of analysis of outcome data. One such adjustment was made early on when it was discovered that the sex offender population would often "slip through the cracks," due to the nature of the offenders; sex offenders can often go undetected for years and will have no previous criminal history. The remedy in this case was further research into sex offender risk assessment tools. Questions specifically designed to assess sex offender risk of recidivism were added to the tool in September of 2005.

The RAT will continue to have changes made as future validations indicate are necessary.

QUESTIONS CONTAINED IN THE RAT

Appendix I contains all of the areas that are considered on the RAT and the point values originally assigned to the answers. It is important to note that these points can and will be changed as we make adjustments to the RAT as a result of the on-going validation process.

It can be noticed that there may be points assigned to one of the categories (failure risk, re-offense risk, dangerousness, resistance to change), but not any or a different amount in another category. That is because the type of question asked is considered to be predictive of an outcome having to do with the category that has a weight listed. In other words, the fact that someone has historical FTAs listed on their CCH is predictive of future FTAs, but not necessarily dangerousness to the public.

Sometimes there are also negative (-) points listed. Negative points actually work in favor of an offender. We look at it as a good sign if someone owns his or her own home, is in a long-term relationship, and has a long-term steady job. Since the higher the overall point total indicates a higher risk level, "negative" points work to lessen the point total.

As the Pretrial Release officer inputs the answers to the questions, the computer keeps track of all of the points. Historical RAT scores are stored for future reference.

In addition to the point matrix, we have the capability of adding administrative points for such things as being an Alternative Programs failure, refusing to sign or abide by a release agreement, or refusing to be interviewed. We also have the ability to exempt people from a capacity based release (See Appendix G).

USES OF THE RISK ASSESSMENT TOOL

How the risk assessment tool is used for multiple purposes is extremely complicated. There may be no "typical" use of the tool. Every offender is unique; different arresting agencies, different levels of intoxication, different levels of cooperation, different charges, different status (pretrial vs. sentenced), out of state charges, federal holds, etc. In order to understand how the Risk Assessment Tool works in regard to over crowding releases, and where it fits into the booking

and release process, it is recommended that the reader reviews Appendix F. How the individual risk scores pertain to their respective areas of concern, is discussed below.

Pretrial Release Decisions

The RAT is used in many ways. First, the total RAT score will tell the Release Officer if the Arrestee is a low, medium or high level risk. Based on the risk level a pretrial release decision will be made. Even though this risk level is based on the sum of all 3 areas of risk added together, the individual categories of risk are "weighted" according to stakeholders' priorities on who should be released.

The raw scores in all three areas of risk were placed into ranges; High, medium, and Low. The following table lists the points in each range:

	FTA	Recidivism	Danger
High Risk	21 +	28 +	22 +
Medium Risk	**14-20**	**13-27**	**9-21**
Low Risk	0-13	0-12	0-8

There are 27 different possible combinations of risk between the three categories. Different release options have been arrived at for each different combination. To add uniformity to the system, each one of the 27 possibilities has a recommended condition of release attached to it that the release officer is notified of by the Risk Assessment Tool.

As you can see in the above chart, RAT points have different meaning in terms of value or weight according to what category they are in. Whereas ten points is considered a low risk score in the FTA category, ten points is a medium risk in the dangerousness category. This is why the raw RAT points are not added together to come up with a total RAT score to determine if someone should be released or not.

In considering how to utilize the RAT scores in determining release, it was concluded that a different level of importance be placed on each of the three different categories. If, for example, someone is at high risk to reoffend, but they are not considered to be a high risk to be dangerous or to appear in court, they are someone that does not necessarily need to stay in jail. If however, someone is considered to be a high risk in terms of dangerousness, they do need to stay in jail. In other words there is not equality between the categories in terms of the release decision. Even if Risk Assessment points in each category had the same value in terms of level of risk, we would still not want to use a raw combined total score to determine if someone should be released or not. Because of this a secondary scale that reflects the relative value of each level of risk (low, medium, high) within each category (FTA, Recidivism, Dangerousness) was developed. That scale follows:

	FTA	Recidivism	Danger
Red	6	3	9
Yellow	2	1	3
Green	0	0	0

This table is utilized by adding the number in each category together. The total number is the number used for the "release / don't release decision." This allows for different combinations of risk between the three categories to have different outcomes. For example maybe two medium risks in two categories should add up to an overall high risk score. A person who is low risk for FTA, Medium Risk for Recidivism and High risk for Dangerousness would graphically look like this:

	FTA	Recidivism	Danger
Red			9
Yellow		1	
Green	0		

With one point for being at medium risk for recidivism, and 9 points for dangerousness the person's total is ten.

The scores arrived at are then used for the release / don't release decision. The following table has been arrived at for this purpose:

1-5 pts	**Line Staff OK to release If no release, document why**
6-8 pts	**Supervisor OK to release. If no release, document why.**
9+ points	**Don't release. (can still override) If released, document why override**

In regard to overcrowding releases (CBRs), when the RAT was originally implemented, a priority was to keep those who the tool determined to be at high risk for failing to appear in court in custody and the CBR score weighting reflected this priority. This was at a time when there was enough capacity in the Corrections Division to routinely keep all offenders in custody who were considered to be at high risk in ANY of the three categories (dangerousness, recidivism, FTA).

Since that time, the Corrections Division capacity has been reduced a number of times. FTA's to court are no longer a priority that the system can afford to keep locked up in jail. The CBR score has been weighted to keep those who are considered to be a danger to the community in custody

over everyone else. As of the writing of this report, the dangerousness score is multiplied by a factor of four, the recidivism score is factored by 1, and the FTA score is not added in.

Dangerousness

Those that the Risk Assessment Tool indicates are high risk for being a danger to the community are those offenders that are more likely than others to commit a new crime involving violence within two years of release from jail. This score merely indicates "risk" and is in no way a predictor that an act of violence will in fact take place. Human behavior is largely unpredictable and although some science fiction movies such as "Minority Report" make for great stories, no such tool exists.

The Dangerousness score is primarily used to determine who to keep in jail in the event of overcrowding. This score is also used to help determine whether or not alternative program placement is appropriate. For example, offenders who have a risk for dangerousness point total over a certain amount may not be appropriate for some of the alternative programs.

Recidivism

Those that are determined to be at high risk for recidivism are those offenders that are more likely than others to commit a new crime within the next two years of release from jail. Those that are low risk are those that are not likely to commit a new crime.

The risk for recidivism score indicated by the RAT will tell us who we should be expending our resources on in terms of preventing recidivism. Evidence Based Practices for reducing recidivism clearly indicate that our efforts should be targeting those who are at high risk for recidivism and leaving our "hands off" those that are low risk.

Failure to Appear Risk

The RAT has proven to be accurate in determining who will, and who will not appear in court if released from jail and given a court date to appear. We are confident that Lane County's expensive failing to appear in court problem could be immediately remedied through the use of the RAT if adequate jail capacity existed. However, as discussed above, due to extremely limited jail capacity, we are forced to engage in the extremely inefficient practice of releasing those that are very unlikely to show up in court.

Appendix A

People involved with the DOMC Risk Assessment Tool Project

Those that provided their support and direction:

Sheriff Jan Clements
Rob Rockstroh, Director, Lane County Health and Human Services
Honorable Mary Ann Bearden, Presiding Judge, Lane County Circuit Court
Honorable Karsten Rasmussen, Lane County Circuit Court
David Factor, Trial Court Administrator, Lane County Circuit Court
Linda Eaton, Manager, Supervision and Treatment Services Division, Lane County Health and Human Services
John Clague, Captain, Lane County Sheriff's Office
Doug Harcleroad, District Attorney
Ross Shepard, Executive Director, Public Defender Services of Lane County
Thad Buchanan, Chief, Eugene Police Department
Jerry Smith, Chief, Springfield Police Department
Tom English, Institute on Violence and Destructive Behavior, University of Oregon
Billy F. Wasson, Corrections Consultant
Robert Gibson, National Institute of Corrections
Grant Nelson, Former Community Corrections Manager, Lane County

Those that shared their expertise during the project:

Chris Ashley, Human Resources Coordinator, Lane County Sheriff's Office
Jennifer Graham, Deputy Sheriff, Lane County Sheriff's Office
Chuck Mangus, Sergeant, Lane County Sheriff's Office
Laura Ritenour, Administrative Analyst, Lane County Circuit Court
Doug Smith, Lane Council of Governments
Greta Utecht, Human Resources Manager, Lane County
Jan Wilbur, Lead Personnel Analyst, Lane County
Jeremy Willits, Facility Security Officer, Lane County Sheriff's Office

The Original DOMC Development Committee

Becky Cole, Deputy Sheriff Specialist, Lane County Sheriff's Office
Bob DenOuden, Research Associate, Lane Council of Governments
Marie Desmond, Attorney, Public Defender Services of Lane County
Linda Eaton, Manager for Supervision and Treatment Services, Lane County Health & Human Services
Tom English, Institute on Violence and Destructive Behaviors, University of Oregon
Greg Fox, Sergeant, Lane County Sheriff's Office

Susie Hager, Sergeant, Lane County Sheriff's Office
Bob Hickok, Lieutenant, Lane County Sheriff's Office
Doug Hooley, Sergeant, Lane County Sheriff's Office
Susan McFarland, Casework Supervisor, Lane County Parole and Probation
Karen Morgan, Records Specialist, Lane County Sheriff's Office
Janet Perez, Clinical Services Supervisor, Alcohol, Drug & Offender Program,
Lane County Health and Human Services
Joe Pishioneri, Deputy Sheriff, Lane County Sheriff's Office
Karen Prater, Deputy Sheriff, Lane County Sheriff's Office
Marie Putzier, Records Specialist, Lane County Sheriff's Office
Liz Rambo, Court Operations Manager, Lane County Circuit Court
Pat Shankle, Pretrial Release Leadworker, Lane County Circuit Court
Richard Sherman, Health Services Manager, Lane County Sheriff's Office
Susan Sowards, Principal Planner, Lane Council of Governments
Billy F. Wasson, Corrections Consultant

The Original RAT Development Team

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Appendix B

Sample Media Coverage of the RAT

January 1, 2005

Corrections plan aims to curtail repeat offenses

By Bill Bishop
The Register-Guard

Dust is flying inside the defunct psychiatric hospital at the Lane County Jail.

When it settles, it will be the center for transforming the jail from a traditional lock-'em-up machine into an instrument to gauge and respond to inmate risk, manage reform efforts and, ultimately, reduce crime.

The first phase of the Defender and Offender Management Center, or DOMC, is about to begin after more than two years of work - much of it spent designing a computer program to assess the public safety risk of anyone booked into the Lane County Jail.

Sheriff's Capt. John Clague shows the former psychiatric hospital that will make way for a new intake center.

Photo: **Thomas Boyd** / The Register-Guard

The risk assessment system is the first phase and supports future phases that will focus countywide corrections efforts as never before on reducing repeat offenders.

The plan envisions a time when public-private partnerships will provide each sentenced offender with a specific reform plan that will be tied to incentives and penalties for the offender's progress - both while in custody and after release on probation in the community.

The whole plan is no fly-by-night, soft-on-crime concoction, says sheriff's Capt. John Clague, the jail manager and a key force behind the DOMC. Risk assessment, focused reform regimens and measured responses to hold inmates accountable for change are proven by research to reduce crime.

Neither is the plan a cure-all. National research shows the very best reform programs reduce repeat crime by 30 percent.

And it certainly will not happen quickly or all at once - considering that ongoing budget shortfalls created the urgent need for change.

The undertaking has been intentionally frugal. Management teams from the sheriff, parole and probation staff, and circuit court were told not to ask for a single extra dime to plan the DOMC or to convert the hospital for its base.

"I didn't want funding to be an excuse or a point of contention," Clague says.

It also has been intentionally low-key. No one has ever attempted such a sweeping reorganization in Lane County's jail operations, and it will be years before the plan is fully implemented and the results measured.

Meanwhile, the DOMC will collect inmate data to guide future spending. The program has a built-in ongoing independent evaluation procedure to keep it on track and build confidence in its data, Clague says.

Clague and his boss, Sheriff Jan Clements, say a combination of bad economic times and good corrections research swept them and local public safety agencies toward more efficient approaches to reducing crime. Their long-term vision is a system of public-private partnerships to employ risk assessment, jail management and treatment techniques that are proven by research to work.

"To me, simply warehousing people and putting them back out on the front steps without any means, any skills, any treatment for addiction, is at best nonproductive," Clements says. "I've learned right along with the organization, because we've all been learning. John Clague really moved the bar up, to a more intelligent application and use of resources. Our greatest strategy is to invest for the long term."

But Clements says even the best crime prevention efforts will only slow down the need to build more local jail beds. The key is for the community to find "the essential balance" of prevention and punishment that works to reduce crime, he says.

"We're always going to need those hard beds, but we should need fewer the more success we have with offenders when they are in the system," he says.

Even critics begrudgingly say it's probably a step in the right direction, though it won't do anything to stop the revolving door of inmates getting released to ease overcrowding. Without more jail beds - even more than the 119 currently mothballed because of budget cuts - the system is too weak to enforce reform efforts, they say.

Supporters of the new DOMC program say the plan is a reasoned approach to make the most of local corrections resources as money becomes available. But they worry it will go nowhere if political leaders ignore DOMC data when writing future budgets.

The struggle is always between funding for jail "capacity" or funding for reform programs to provide a "balance" between punishment and crime prevention. But the struggle gradually has become less of a dogfight and more of a discussion over the years.

The agony of budget cutting created some collaboration and trust among leaders on both sides of the argument, says Ron Chase, executive director of Sponsors, a private nonprofit agency supporting prison inmates' efforts to reintegrate into the community after release.

The DOMC's hard data will be hard to ignore when public safety leaders look at the big picture in the future, he says.

"We don't have enough of anything. People like me have been yelling for years that there is no balance in the system. We don't know how much treatment we need. We make educated

guesses," Chase says. "Today I feel better than I ever have about working in the system. All the players are at the table now. It's been gradual. It's not just everyone out there advocating for their little piece of the pie; not that that doesn't happen."

But those who argue for more jail capacity say the DOMC ignores the crucial first problem: inadequate jail space.

"Only time is going to tell us if this is the best way," Springfield Police Chief Jerry Smith says. "I still believe you've got to have that ability; if they fail the treatment program, they've got to go back to jail or it just doesn't work. The jail is the critical component to the system."

Smith's frustration with suspects being released without supervision from the county jail made him a leading voice in the push for a successful bond measure that eventually could build Springfield its own jailhouse.

Police, prosecutors and judges don't make decisions based on what is best for public safety, but on the shortage of county jail space, Smith says. Criminals soon learn the system.

When that happens, they churn through the cycle of arrest, getting out of jail, failing to appear in court, getting rearrested, failing treatment and getting arrested again, Smith says. That drives up costs without driving down crime, most of which is tied to drug use.

"They don't go (to drug treatment) because, `What are you gonna do? Put me in jail? I'll just get out.' As long as there's no teeth behind changing the behavior, I don't see any success," Smith says. "Our corrections costs are out of sight. It costs a lot of money to hold people in jail. It costs a lot of money to let them out. Who is going to pay for all these (reform) programs?"

The questions are clear to Clague, who has spent most of his nearly 30-year career in Lane County corrections and has overseen the deepest budget cutting. But he believes the new system will be adaptable to community needs as funding eventually returns.

"I know the jail is central to the whole system. I know from the research that jail alone is not going to fix it. There is no research at all showing jail prevents future crime. You can't address criminal behavior in a one-time, short-term way," Clague says. "We'll never be finished with this work. The time is right in this community to do some of this."

RETHINKING `JAIL'

A long-term reorganization of Lane County corrections programs is about to begin, based on research-proven techniques to reduce repeat crime. The plan aims to better identify offenders for release who pose the least risk to public safety.

Origin: Deep budget cuts motivated local public safety officials to consult national experts to learn what works best to manage jails and to reform offenders. They built a plan on the research, with provision for ongoing independent evaluation.

Goals: To preserve scarce jail beds for the most risky offenders, to gather data about treatment/reform needs of offenders, to eventually match offenders to appropriate reform programs and tie progress/failure to incentives while in custody or under supervision.

Phase 1: Risk assessment. Sophisticated computer program ranks more than 50 risk factors for each pre-trial offender to guide release decisions. Inmates no longer will be released without agreeing to specific conditions for their conduct. Goals: reduce repeat crime, decrease failure to appear for court and cut risks to public safety by suspects awaiting trial.

Phase 2: Needs assessment. Deals with sentenced offenders. Determines need for such reforms as substance abuse rehab, sex offender treatment, anger management, domestic violence counseling, job skills training, education. Goals: assign inmates to available services, gather data to guide future spending.

Phase 3: Case management. Each sentenced offender gets a reform plan that is regularly reviewed. Cooperation and progress are rewarded with less restrictive custody. Misbehavior brings more restrictions. Reform effort continues after release on probation. Goal: reduce repeat criminal activity.

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Appendix C

DOMC / RAT Work Plan

Appendix D

Resources Reviewed during the development of the Risk Assessment Tool

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[1] "**Loryx Systems** is the leader in providing sophisticated and comprehensive Client Case Management Systems to Criminal Justice and Community Corrections Agencies. We are devoted exclusively to providing software to the criminal justice and human services sectors and offer a single enterprise application, Monitor, to address the case and client management information needs of Community Corrections agencies including Adult and Juvenile Probation Departments, Parole Agencies, Pretrial Agencies, Diversion Programs, Residential and Jail Facilities, and Treatment Courts." http://www.loryxsystems.com/

Oregon Revised Initial Risk Assessment Instrument. (c.2002). Instrument which is utilized by the State of Oregon Parole and Probation officers to determine the level of supervision that an offender should receive. According to the Student Resource Guide[3]:

> *The Risk Reassessment instrument has been designed specifically for community supervision use... The reassessment tool utilizes seven factors. The first three are the historical behavior factors which are, in essence, carried forward from the Initial Risk Assessment Instrument. The final four focus on client behavior under supervision since the last assessment was completed.*

This risk instrument is thought to have value, since the RAT is used to determine if a sentenced offender is appropriate for community based programs. Secondly, pretrial defendants are often times placed on a supervised release agreement. Factors in this tool can help determine the level of supervision required.

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[2] "**Northpointe Institute for Public Management** is an experienced and nationally recognized correctional consulting and research firm providing software products, training and implementation services to federal, state and local criminal justice systems and policy makers." http://www.northpointeinc.com/docs.aspx

[3] Student Resource Guide- Oregon Case Management System- Section C2 Page 6. Printed 8/26/02.

[4] CODING RULES FOR THE STATIC-99 Amy Phenix, Ph.D., R. Karl Hanson, Ph.D., and David Thornton, Ph.D. Corrections Research Department of the Solicitor General of Canada 340 Laurier Ave., West Ottawa, Ontario Canada K1A 0P8 April 20, 2000 http://www.sgc.gc.ca/publications/corrections/CodingRules_e.asp Accessed 8/27/05

The Static-99 is a brief actuarial instrument designed to estimate the probability of sexual and violent recidivism among adult males who have already been convicted of at least one sexual offence against a child or non-consenting adult. It is not recommended for adolescents (less than 18 years at time of release), female offenders or offenders who have only been convicted of prostitution, pimping, public toileting (sex in public locations with consenting adults), or possession of indecent materials. The scale contains 10 items: Prior sexual offences, Prior sentencing dates Any convictions for non-contact sex offences, Current convictions for non-sexual violence, Prior convictions for non-sexual violence, Unrelated victims, Stranger victims, Male victims, Young, and Single.

Contact: Website: http://www.static99.org/

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