



**EVIDENCE-BASED PRACTICES,
COMMUNITY COURTS, &
MISDEMEANOR OFFENDERS**

**Challenges & Strategies for
Practitioners**



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Presentation Overview

- **Provide an overview of the leading framework for evidence-based practice in the criminal justice context;**
- **Discuss how the current framework poses interesting challenges for community court practitioners;**
- **Discuss strategies for conceptualizing and implementing evidence-*generating* practices in community courts.**

A Bourgeoning Consensus

- **A recent report from the National Center for State Courts reflects the increasingly accepted view that a Risk-Need-Responsivity model is “the better way” to conceptualize interventions aimed at recidivism reduction (National Working Group, 2011).**
- **“The Risk-Need-Responsivity (RNR) model is perhaps the most influential model for the assessment and treatment of offenders” (Andrews & Bonta, 2007).**

Risk-Need-Responsivity Model

THREE CORE PRINCIPLES

Terminology: A Word of Caution

- Proponents often use the terms “risk” and “need” interchangeably, e.g., defining criminogenic **needs** as “those dynamic **risk** factors most associated with criminal behavior.”
- “Criminogenic **needs** are considered dynamic **risk** factors...” (NCSC, 2011).

Why the Confusion?

- **Familiar Words, Less-Familiar Meanings:**
 - **Risk = Risk of Reoffending**
 - **Need = Criminogenic Needs**
 - **Criminogenic Needs = Factors thought to be *most* related to re-offending, which by and large conflict with treatment-court logic.**

More Confusion?!

- **“Holy Amalgamation, Batman! Risk/Need Factors!”**
- **Remember: Needs = Factors that have been shown (via research) to increase an individual’s risk to re-offend.**
- **Confusing? Yes! Tautological? No!**

Risk Principle

#1: Risk Principle: Holds that the intensity of intervention should correspond to the offender's level of recidivism risk (i.e., NOT the severity of the offender's clinical needs):

- High-Risk = More Intensive Intervention**
- Low-risk = Less Intensive Intervention**

Risk Principle

“If one our correctional goals is to reduce offender recidivism then we need to ensure that we have a reliable way of differentiating low risk offenders from higher risk offenders in order to provide the appropriate level of treatment” (Andrews & Bonta, 2007).

What's the Risk of Disregarding the Risk Principle?

- **Best Case Scenario: Depletion of scarce resources.**
- **Worst Case Scenario: Increased risk of recidivism for previously low-risk offenders.**

Need Principle

- **#2: Need Principle: Effective interventions must target *particular* needs, so-called criminogenic needs, that are directly related to recidivism.**

The “Big Four”

- **“The ‘Big Four’ are proposed to be the major predictor variables and indeed the major causal variables in the analysis of criminal behavior of individuals” (Andrews & Bonta, 2010).**
- **Of the four, three are “dynamic” (changeable via intervention), so we’ll focus on those.**
 - **Criminal History is considered a major risk/need factor; alas, absent a time machine, there is little to be done to address this “static” risk factor.**

Dynamic Risk/Need Factors

- **Antisocial Personality Pattern:**
 - “impulsive, adventurous pleasure-seeking, generalized trouble... restlessly aggressive, callous disregard for others.”
- **Antisocial Cognition:**
 - “attitudes, values, beliefs, rationalizations, and a personal identity that is favorable to crime.”
- **Antisocial Associates:**
 - “both association with procriminal others and relative isolation from anticriminal others.”

The “Moderate Four”

- **Family/Marital Circumstances**
- **School/Work**
- **Leisure/Recreation**
- **Substance Abuse (Substance abuse? Did he say, “Moderate?!”)**

What's Missing?

- **Untreated/improperly treated mental illness and trauma/victimization.**
- **“The minor risk/need factors (and less promising intermediate targets of change) include the following: personal/emotional distress, **major mental disorder**, physical health issues, fear of official punishment, social class of origin, **seriousness of current offense**, and other factors unrelated or only mildly related to offending” (Andrews & Bonta, 2010).**

Responsivity Principle

#3: Responsivity Principle: Intervention design should incorporate cognitive behavioral and social learning strategies and be responsive to the *specific* learning needs of offenders.

Eh?

- **Cognitions = Thoughts**
- **Proponents of CBT emphasize the relationship between:**
 - **How we think and how we feel;**
 - **How we think and how we act.**

Ok... Eh?

- **Cognitive Social Learning Strategies include:**
 - **Respectful and collaborative, alliance-oriented approaches;**
 - **Teaching various techniques for identifying and managing the relationship between one's thoughts and one's actions, e.g., stop and think;**
 - **Modeling appropriate behavior (i.e., teaching pro-social behavior as an alternative to antisocial behavior);**
 - **Positive and negative reinforcement.**

Risk-Need-Responsivity Model

CHALLENGES

A Promising Framework

Practitioners and researchers can in fact “agree in their *identification* of a paradigm without agreeing on, or even attempting to produce, a full *interpretation* or *rationalization* of it. Lack of a standard interpretation or an agreed reduction to rules will not prevent a paradigm from guiding research.”

– Thomas Kuhn, *The Structure of Scientific Revolutions* (1962).

That Said...

“[W]hat EBP proposes requires some counterbalance and caution” (Sparrow, 2011).

And...

**You can't shop off the rack! Screening,
interventions... anyone know a good tailor?**

The Challenge: Broad Brush

- **The evidence supporting the Risk-Need-Responsivity Model is based on research with felony offenders in correctional settings.**
- **When it comes to misdemeanor offenders, there is simply no evidence to suggest this model is effective – let alone intelligible.**
- **This model raises serious implementation issues for low-leverage cases.**

The Challenge: Broad Brush

**AND YET... It seems like every RFP demands
the use of Evidence-Based Practices!**

Transposing the Risk Principle

- **At the end of the day, risk of re-offending is very much tied to concerns about public safety.**
- **In community courts, we often see populations that are very high-risk of re-offending BUT at a very low-level, i.e., low-level misdemeanors and violations.**

Transposing the Risk Principle (Cont.)

- **However, these populations are often very high-need with respect to social services and clinical presentation (but again, low-risk when it comes to committing crimes that seriously threaten public safety).**
- **A proponent of the risk principle might suggest less-intensive intervention or no intervention at all – even though untreated drug addiction, for example, will almost invariably lead to rearrests for possession.**

Transposing the Risk Principle (Cont.)

- **Is there even a clear and meaningful way to distinguish high- v. low-risk offenders for the purposes of offering intervention and determining its intensity?**
- **Even for low-level and low-risk offenders, a period of inpatient drug treatment is often necessary to kick a 30-year heroin habit... Is this too intensive for, say, a charge of criminal trespass or turnstile jumping?**

Transposing the Need Principle

- **As previously indicated, the “Big Four” criminogenic need profile is based on research conducted with felony offenders – we simply don’t know if these risk/need factors best predict re-offending on the misdemeanor level.**
- **When it comes to low-level and quality of life crime, it is quite plausible that substance use and mental illness are much more predictive of re-offending than, say, anti-social cognitions.**

Transposing the Need Principle

- **The dynamic criminogenic risk/need factors have – thus far – only been responsive to lengthy interventions, e.g., Thinking For a Change (T4C).**
- **Low-leverage cases preclude such lengthy mandates, let alone the typical paucity of staff resources.**

Transposing the Responsivity Principle

- **Community Courts are often limited to non-individualized interventions (e.g., not tailored to a participant's specific learning needs).**
- **And again, these interventions are typically very short-term.**
- **Note: Not fatal flaws but formidable obstacles – requires sensitivity in the design phase.**

Risk-Need-Responsivity Model

STRATEGIES

Innovate

- **Community courts are ideal laboratories for testing new ideas.**
- **Effective Screening/Assessment?
Experiment!**
- **Effective Short-Term Interventions?
Experiment!**

Program Evaluation

- **There is a paucity of evidence regarding what actually works for misdemeanor offenders – we need community court practitioners to develop and implement evidence-generating practices.**
- **This requires the early and active involvement of evaluators/researchers!**

Embrace Trial & Error

- **Evidence-generating practices are incredibly useful even if the outcomes are disappointing.**
- **“Without a willingness to try new ideas and risk failure, it is impossible to imagine how we are ever going to challenge conventional wisdom or address our most difficult social problems” (Berman & Fox, 2010).**