

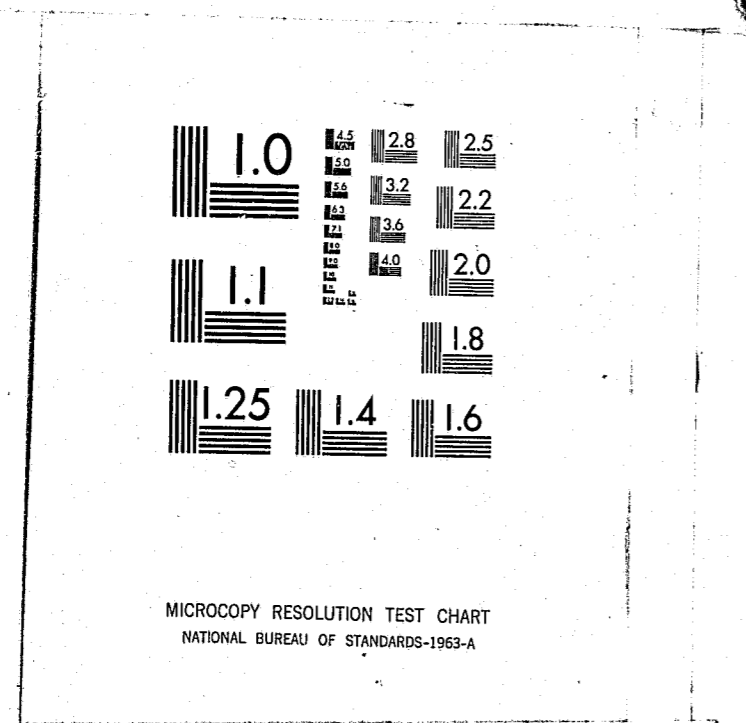
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Volume 5

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General
Information

GENERAL INFORMATION

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CLASSIFICATION INSTRUMENT DISSEMINATION PROJECT

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GENERAL INFORMATION

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INTRODUCTION

This is the fifth in a series of volumes describing results of a national survey concerning the use of classification and screening "instruments" in the criminal justice system. The term classification instrument is defined generally as a form for scoring characteristics of the offender and the offense. These instruments are defined more precisely in the second section of this volume. The survey was completed by the American Justice Institute along with the National Council on Crime and Delinquency and was sponsored by the National Institute of Corrections. The first four volumes are called Sourcebooks and contain information pertaining to each of four decision categories as follows:

- Pretrial Release
- Probation and Parole Level of Supervision
- Institutional Custody
- Sentencing and Parole Release

Each Sourcebook contains a state-of-the-art description concerning classification instrument use for its particular category of justice system decisions. Also included are examples of instruments currently employed in justice system agencies and descriptions of how they are utilized. The sixth volume is a review of legal considerations relevant to these instruments. The legal review has separate sections for each category of decisions represented in the Sourcebooks.

This general information volume contains a description of the study background, objectives, operational definitions and methods. It also includes the results of a literature review and the general conclusions drawn from the study. Comments on the more recent literature and conclusions specific to particular decision categories are recorded in the Sourcebooks. Finally the appendix of this volume contains our telephone interview documents and site visit protocol.

STUDY BACKGROUND

The National Institute of Corrections (NIC) selected Classification/Screening as one of four priority thrusts for fiscal year 1977. The program emphasis in this area was initiated to assist in the development and evaluation of classification programs for screening offenders in the criminal-justice system. Oriented primarily toward the needs of criminal-justice practitioners and administrators, the program thrust in Classification/Screening was aimed at providing the tools and information with which more rational and systematic case decisions could be made.

To achieve this goal, NIC sponsored "hearings" on Classification/Screening which were held in Denver, Colorado in August of 1976. The "hearings" were conducted by members of the Advisory Board to NIC, chaired by Dr. Walter Menninger. Eighteen practitioners and consultants with wide-ranging experience in criminal-justice classification were invited to present papers. As soon became evident, however, there was considerable divergence of expert opinion regarding basic issues and approaches in classification. Moreover, little systematic information was available regarding the operation and effectiveness of existing classification programs. As a result, the Advisory Board made the following recommendation to NIC:

Survey the field of corrections to determine what classification systems are in use and what, if any, have been the attempts to assess the systems. The objective is to develop a solid base of information from which NIC can (1) initiate an information service, (2) implement a technical assistance effort, and (3) locate systems that require further validation.¹

Following this recommendation, NIC circulated a Request for Proposals to conduct a state-of-the-art survey of classification instruments and procedures. Both the American Justice Institute (AJI) and the National Council on Crime and Delinquency (NCCD) submitted proposals describing how the survey might be conducted. These proposals were both found acceptable,

1. Advisory Board of the National Institute of Corrections, "Synopsis of 'Hearings' on Screening/Classification" (Washington, D.C.: NIC, 1976), pp. 3-4.

but each study design had its own strengths and weaknesses. In the hope of combining the strengths of both plans and both research organizations, AJI and NCCD agreed on a collaborative plan and submitted a joint proposal. A grant was made to AJI with NCCD as subcontractor. The survey was based in the Sacramento offices of AJI, with NCCD supplying staff from its San Francisco research office.

Shortly after the project commenced, it became apparent that many legal issues were also involved in classification. A study of these legal issues was not included in the original research budget, but the potential value of such research was so great that an additional grant was provided by NIC to allow the inclusion of a separate legal component in the survey. The legal aspect of the study was designed to examine in depth the relevant legal concerns articulated in case law, legal reviews, and in discussions with legal experts in the classification field.

PROJECT OBJECTIVES AND OPERATIONAL DEFINITIONS

Project Objectives -- As suggested above, the main objective was to survey classification instruments used at various decision points in the criminal-justice system. More specific objectives were to:

- a. Provide the following information to the National Institute of Corrections to be used in responding to inquiries about screening processes:
 - Summary of the general state-of-the-art in criminal-justice classification.
 - Compendium of actual classification instruments and procedures used with them.
 - Bibliography of other materials relevant to classification.
- b. Identify classification systems and processes which should be evaluated, and identify related research needs.
- c. Prepare a needs statement regarding what should be done to improve classification.

Operational Definitions -- Classification instruments are defined for the purposes of this study as a fixed set of variables considered in the decision making process according to explicit written instructions. In addition, use of these variables must limit decision-maker discretion to the point that classification is potentially replicable. Also, values of the variables must be used with either criterion (eligibility) scores or weights (multipliers which place different levels of importance on different variables). In other words, the variables are combined mathematically into a single overall score.

Familiar examples of instruments include: (a) the Vera point scale, used to classify pretrial defendants' eligibility for release on own recognizance; (b) the "base expectancy" scale, used to screen convicted offenders for risk of recidivism; and (c) the Federal Parole Guidelines, established to reduce

disparity in parole-release decisions. Though these examples emphasize different variables and were created for different purposes, they all share the common function of structuring the classification process so that resulting decisions become more objective, uniform, and potentially replicable. Furthermore, most of the instruments identified in the survey have assessed some type of client risk--failure to appear in court, recidivism, or physical harm to others.

A "decision point" is defined for the purpose of this study as a juncture in the criminal justice system at which decisions are made that affect the path of an individual through, or out of the system. The survey examined the use of classification instruments in four major decision point categories: (1) pretrial release and diversion, (2) sentencing and parole release, (3) custody level in jails and prisons, and (4) probation/parole level of supervision. Thus, the survey is not limited to correctional classification per se although the impact of classification systems upon corrections remains a primary focus. The analysis of all decision levels is necessary since decisions at virtually any point in the system can have direct influence on the number and/or type of individuals treated by correctional programs.

An "operational instrument" is one used in actual case decisions as distinguished from a device used only for research purposes.

Keeping these definitions in mind, the survey described in this report is limited to a study of operational classification instruments used at major decision points in the criminal justice system. Two further restrictions should also be noted. The study does not examine diagnostic instruments since "diagnosis," as opposed to "classification," was explicitly placed outside the survey's scope in its research charter. As a final restriction, only classification programs dealing with adults are included in the research.

RESEARCH METHODS

The basic survey design consisted of three distinct elements: literature review, telephone survey, and on-site visits. The literature review was designed to identify major issues and approaches to criminal justice classification, and also to provide leads to potential locations for telephone interviews and site visits.

Using these leads, together with referrals from consultants, survey staff made over 300 telephone contacts with experts, agencies, and research organizations throughout the criminal justice system. Considerable effort was expended to ensure that the survey systematically sampled different geographical regions, different levels of jurisdiction (federal, state and local), as well as the major decision points indicated above. From the survey's 350-plus primary contacts, project staff were able to identify 105 sites where "instruments," as previously defined, were reported to be in use. Most of the other agencies we contacted either did not, contrary to the belief of the referral source, use a classification instrument, or they used an instrument essentially duplicated elsewhere in our sample. Thus, the 105 selected sites are those we believed to be using relatively unique classification instruments and procedures.

Each of the 105 sites was then re-contacted for the purpose of administering a more extensive, structured telephone interview, as described below. Finally, based on interview results, the survey staff selected 22 locations that employ 25 distinct instruments for still more intensive study through on-site observation and interviewing. These sites were selected primarily on the basis of the survey staff's assessment of their programmatic significance and interest to practitioners concerned with issues of classification design and implementation. Again, however, care was taken to ensure that the site visits reflected a representative mix of different regions, levels of jurisdiction, and decision points.

Given the limited resources at the disposal of the project, it was impossible to locate every agency using a standardized classification system. Undoubtedly there are many agencies not contacted who are also using classification instruments as defined in this report, so that no claim to exhaustive-

ness is implied. Actually, our purpose was a different one--to survey the current variety of approaches and techniques in the field of criminal justice classification--and this we believe has been achieved. The selected sites reflect both the diversity of classification instruments themselves, and the diversity of contexts in which they are presently used.

Literature Review. The literature review continued through the first project year and resulted in the summary included in this volume. In conducting the review, abstracts of relevant studies were obtained from the National Criminal Justice Reference Services, LEAA Program File, NCCD Information Center, Social Science Citations Index, Criminology Index, and Psychological Abstracts. Using these abstracts and the leads to other articles received from consultants and practitioners, reviewers (senior staff and research assistants) worked their way through both the recent and classical literature relating to classification in criminal justice.

Telephone Interview Survey. As indicated above, agencies contacted were identified by staff through published reports discovered during the literature review, and through leads from consultants and practitioners. The agencies thus identified were contacted, interviewed when appropriate (i.e., if they were using operational instruments), and then used as a source of referrals to other jurisdictions. Our assumption was that a relatively inclusive sample of agencies had been obtained when leads uncovered in this manner referred us back to agencies previously contacted.

The agencies interviewed were sent a pre-interview notice describing the survey objective and the kinds of questions that would be asked. Telephone interviews were then held by appointment using the interview questionnaire shown later in the appendix of this volume, along with the pre-interview notice. Each interview lasted from 30 to 90 minutes, depending upon the complexity of the classification system in question. Most interviews were with a single respondent although several calls involved two or more agency representatives. In each case, information was obtained under the following general headings:

- Identification of Respondents
- Use of Screening Instrument
- "Automatic" Selection Criteria
- Characteristics of Screening Instrument
- Administration of the Instruments
- Results and Effects of the Instrument
- Accessibility for Site Visit and Referrals

Site Visits. Twenty-five site visits were conducted at locations which appeared (on the basis of telephone interviews) to have noteworthy screening programs. National survey staff, usually working in pairs, spent from two to four days at each site. In each case, an effort was made to observe the classification system in operation, to interview as many people as possible who use or who are affected by the process, and to collect research results and statistics on the use of the instrument. A detailed interview protocol developed by staff (presented later in the appendix of this volume) was used while on site in order to ensure complete and consistent data collection. The form was not always rigidly followed, however, in order to allow for spontaneous comments and other advantages gained by a flexible interview approach. Information was obtained under general headings as follows:

- Agency Characteristics
- Decision Points Involved
- System Flow
- Caseload Characteristics
- Research and Development of the Instrument
- Instrument Implementation
- Formal Instrument Characteristics
- Screening Process
- Decision Process
- Review Process
- Results and Impact
- Policy Issues

The telephone survey and site visit results are presented in the four Classification Sourcebooks specific to the various categories of justice system decisions. The more general literature review comprises the next section of this document.

LITERATURE REVIEW

This review examines the historical evolution of classification instrument usage in the criminal justice field. The earliest attempts at classification focused on a single decision point (parole release) and were based on a single approach (actuarial prediction of recidivism). Only within the last 15 years have classification instruments been used at other decision points, such as pretrial release and sentencing, and only very recently have new approaches to decision-making such as "just deserts" begun to emerge. As a result, the great bulk of the classification literature described in this volume consists of parole prediction studies. The more recent innovations will be discussed at length in the state-of-the-art sections of the Sourcebooks.

The Early Years: 1920-1940

The twentieth century witnessed the initiation of a new age in the study of crime and delinquency. Positivism, a model of analysis that emphasizes the deterministic role of social and psychological factors in human behavior, became the dominant perspective of criminologists. The impact of positivism on criminal justice decision-making was considerable; if indeed criminal behavior resulted from social and psychological factors, then the potential criminal could be identified by determining his relationship to the causal factors of crime. Predictions of human behavior could then be made on an empirical rather than an intuitive basis.

Sam Bass Warner of the University of Oregon was among the first social scientists to test the sufficiency of intuitive predictions by paroling authorities.¹ He sought to determine the basis for parole decisions made by the Massachusetts State Reformatory and whether this basis was predictive of success and failure on parole. Warner found that four variables carried considerable weight on parole decisions: (1) the nature of the crime committed;

1. Warner, S. B. Factors determining parole from the Massachusetts Reformatory. Journal of the American Institute of Criminal Law and Criminology, 1923, 14 (2), 172-207.

(2) prior criminal activity; (3) prison conduct; and (4) length of time served in prison. To determine if these four factors possessed a causal relationship to parole outcome, Warner examined the official records of 680 former inmates of the Reformatory in search of the factors that distinguished successful from unsuccessful parolees. He found that only the inmate's pre-parole criminal record and his psychiatric evaluation were significant predictors of parole conduct.

Shortly thereafter, Hornel Hart presented a critique of Warner's findings. Upon performing a statistical analysis of the data used by Warner, he reached two conclusions: alone, each of the factors used by the paroling authorities of the Massachusetts State Reformatory possessed little predictive power; but when the variables were considered as a unit, they formed an efficient prognostic tool for the determination of parole outcome. Hart presented the following assessment of prediction:

The process [of designing a predictive scoring system] is entirely feasible, however, and the reliability of the total score, [i.e., the summarization of predictive power] judging from the data included in Professor Warner's study, would be high. The [Parole] Board would then be applying to its parole problems the same scientific procedures employed by insurance companies when they estimate the probable cost of insuring new applicants on the basis of their experience with the past death rates of insured persons of similar characteristics.²

In 1928, Ernest Burgess, professor of sociology at the University of Chicago, designed the first crime prediction instrument. He had examined the official records of some 3,000 former inmates of several Illinois prisons in search of the variables indicative of success on parole. There were 22 such variables which discriminated among former inmates on the basis of their parole violation rate. Burgess scored his sample of former inmates on the basis of those 22 variables that discriminated between parole violators and non-violators. He then established score classes (based on the number of points received by an inmate) and calculated the average violation rate for each class.

2. Hart, H. Predicting parole success. Journal of the American Institute of Criminal Law and Criminology, 1923, 14, 411.

While Burgess did not verify his findings through a validation sample, a co-worker, Clark Tibbits, undertook the task.³ Tibbits applied a refinement of the Burgess technique to another sample of former Illinois inmates. Finding the violation rates of his score classes to be similar to Burgess', Tibbits recommended the use of prediction instruments by Illinois paroling authorities.

During the 1930's, prediction research acquired a prominent role in criminology. More than anyone else, Sheldon and Eleanor Glueck of the Harvard Law School guided prediction into maturity. In their pioneering work, 500 Criminal Careers,⁴ the Gluecks examined the backgrounds of 520 former inmates of the Massachusetts State Reformatory. Unlike the studies by Burgess and Tibbits, the Gluecks' investigation was not confined to official records; they also interviewed many former inmates and/or their relatives. On the basis of their data, the Gluecks sought out the variables distinguishing recidivists from non-recidivists. Whereas Burgess gave equal weight to the predictor variables, the Gluecks assigned each variable the percentage value of the failure rate associated with it. They then scored the sample and divided it into score classes.

In two subsequent books, Later Criminal Careers⁵ and Juvenile Delinquents Grown Up,⁶ the Gluecks further charted the lives of these 520 felons. These books contain prediction tables that address several decision-making points: sentencing, probation, institutional classification, and parole. Although they did not validate their tables, the Gluecks saw great promise in the prediction of criminal behavior:

The probable value of such a device cannot be sufficiently emphasized. It would make the process of criminal justice articulate. It would

3. Tibbits, C. Success or failure on parole can be predicted: a study of the records of 3,000 youth paroled from the Illinois State Reformatory. Journal of the American Institute of Criminal Law and Criminology, 1931, 22 (1), 11-50.

4. Glueck, S. and Glueck, E. 500 Criminal Careers. New York: Knopf, 1930.

5. Glueck, S. and Glueck, E. Later Criminal Careers. New York: Commonwealth Fund, 1937.

6. Glueck, S. and Glueck, E. Juvenile Delinquents Grown Up. New York: Commonwealth Fund, 1940.

compel judges to think in terms of the future results of dispositions they make of the cases before them for sentencing. It would furnish some objective, scientific guide for their sentence function. Such an instrument would, for example, enable judges to decide, with more wisdom than is manifest today, what types of criminals might be expected to do well on probation, which offenders are more suited to different forms of institutional control, and how to deal with various types of recidivists.⁷

Support for the Gluecks' optimism was soon forthcoming in the prediction efforts of George Vold of the University of Minnesota. In his book Prediction Methods and Parole,⁸ Vold sought to predict success on parole by examining the records of 1,142 former inmates of the Minnesota State Prison and the Minnesota State Reformatory. Half of the inmates comprised his construction sample, with the remainder forming a validation sample. Applying both the Burgess and Glueck techniques, he scored his samples on 17 factors. Upon dividing his samples into score classes, Vold found violation rates comparable to those of Burgess and the Gluecks. In a later study, Vold forecast the parole violation rate for a group of 282 former inmates of the Minnesota State Prison. Applying the Burgess technique, he constructed a prediction table. Whereas the prediction violation rate was 27.7% for the sample, the recorded violation rate was 22.3%, leading Vold to conclude that:

Care must be taken not to over-emphasize the results from the limited number of cases. The general trend would seem to point, however, to the conclusion that reasonable accuracy may be expected in applying prediction tables to actual parole practice. If further research should bear this out, it would seem that application of prediction techniques should be among the next important developments in the administration of parole.⁹

Only infrequently did prediction studies address subjects other than parole success and recidivism in general. A noteworthy study was conducted by Elio Monachesi of the University of Minnesota in 1932. Monachesi sought to

7. Glueck. 500 Criminal Careers, p. 280.

8. Vold, G. B. Prediction Methods and Parole. Hanover, New Hampshire: The Sociological Press, 1931.

9. Vold, G. B. Do parole prediction tables work in practice? Publication of the American Sociological Society, 1931, 25, 138.

identify the variables that distinguished successful from unsuccessful probationers.¹⁰ After examining the probation records of 1,515 offenders held in Minnesota prisons, Professor Monachesi constructed probation prediction tables of the Burgess and Glueck types and found that the two techniques yield similar predictions.

Although the prediction studies of the era concentrated primarily on adult male offenders, some also addressed juveniles. In 1000 Juvenile Delinquents¹¹ and Juvenile Delinquents Grown Up,¹² the Gluecks examined the life histories of 1,000 juvenile delinquents in order to analyze the efficacy of various forms of incarceration and its alternatives. Both books presented a number of prediction tables of the type appearing in their first book, 500 Criminal Careers. Norman Fenton conducted the other major delinquency prediction study of the period.¹³ Seeking to delimit the factors predictive of post-institutional adjustment, Fenton examined the histories of 400 boys assigned to the Whittier School in Whittier, California. He found that only social adjustment at the institution and school spirit possessed significant predictive value.

Although the Burgess and Glueck techniques were the most commonly used prediction methods, two alternative approaches merit examination. One is Walter Argow's "criminal liability index," which was intended to provide a measure of recidivism.¹⁴ To determine the likelihood that an offender would recidivate, Argow made the following calculations from a sample of 563 offenders:

10. Monachesi, E. D. Prediction Factors in Probation. Hanover, New Hampshire: The Sociological Press, 1932.
11. Glueck, S. and Glueck, E. 1,000 Juvenile Delinquents. Cambridge: Harvard University Press, 1934.
12. Glueck, supra. note 6.
13. Cited in: Mannheim, H. and Wilkins, L. T. Prediction Methods in Relation to Borstal Training. London: Her Majesty's Stationery Office, 1955 (p. 13). A concise history of parole prediction studies is contained in the first section of this book.
14. Argow, W. A criminal liability index for predicting possibility of rehabilitation. Journal of the American Institute of Criminal Law and Criminology, 1935, 26 (4), 561-577.

(1) he first determined the ratio between the known offenders and known recidivists for each of 31 variables; (2) he then gave the offender a score by calculating the mean value of the variables descriptive of him; (3) finally, Argow divided the offender's score by the mean score of the sample, the resulting quotient becoming his criminal liability index.

A second novel approach came from Ferris Laune.¹⁵ Working under the premise that post-incarceration behavior could be linked to offender attitudes, Laune postulated that the individuals most knowledgeable of those attitudes were inmates. Accordingly, he selected four inmates to predict the parole outcomes of 250 prisoners. Laune later incorporated the basis of their "hunches" into a questionnaire that addressed such factors as emotional stability, interest in clothes, attitudes toward work, and sexual interests. Questionnaire scores yielded an encouraging +.6 correlation with inmate hunches.

The prediction studies of this era infrequently sought to test the efficiency of their instruments with a validation sample. As a result, while these studies resulted in the construction of several prediction instruments, they failed to determine if their products could accurately forecast conduct. Commenting on this methodological shortcoming in a publication of the Social Science Research Council, Paul Horst explains: "Most 'prediction studies' end without ever attempting to predict."¹⁶

Only three major validation studies were conducted between 1920 and 1940. Two studies mentioned earlier, one by Tibbits¹⁷ and the other by Vold,¹⁸ affirmed optimistic assessments of prediction. The third, undertaken by Barkev Sanders; was less encouraging. Applying the Burgess technique, Sanders sought to predict success and failure on parole. His predictions lacked reliability because one sample demonstrated a close correlation between predicted and actual violation rates, while a second sample demonstrated little correlation. Sanders was led to conclude that:

15. Laune, F. F. Predicting criminality: forecasting behavior on parole. Northwestern University Studies in Social Sciences, No. 1. Evanston, Illinois: Northwestern University, 1936.
16. Horst, P. The prediction of personal adjustment. Social Science Research Council Bulletin, 1941, 48.
17. Tibbits, loc. cit., supra. note 3.
18. Vold. Prediction Methods and Parole, supra. note 8.

Our study of 8,750 federal prisons . . . indicates that a demonstration of even marked association between various traits and parole or conditional release success gives no assurance that it would be possible to predict with any degree of precision the outcome of parole in a subsequent sample drawn from the same institutions. Parole prediction studies in the future must demonstrate actual predictive value before they can be accepted with any degree of confidence.¹⁹

During the latter half of the 1930's, a major subject of debate became the propriety of considering parole prediction (and by implication crime prediction in general) a science. In the opinion of William Lanne, parole prediction was indeed a science: "In a sense, parole prediction has been a fine art; the information seems now to be available to place it upon a sound scientific footing."²⁰ But others disagreed with this assessment; Ray Huff of the United States Parole Board found parole prediction deficient in the following respects: (1) the principles, theories, and generalizations about parole prediction were inadequate, (2) the concepts of prediction lacked precise definition, and (3) the classification and organization of parole prediction data lacked validity and sufficiency.²¹

In a paper presented before the American Prison Association in 1936, Barkev Sanders was equally critical. He found prediction data inadequate and unreliable, prediction instruments to contain variables that were not only overlapping but static in the face of a dynamic environment, and existing statistical techniques to inadequately measure human behavior.²²

Therefore, the first two decades of prediction studies ended in controversy. The optimistic assessments presented by the first prediction studies were supplemented by uncertainty about their methodological soundness. Yet scholarly interest in prediction remained high and ensured continuing examination of existing prediction techniques as well as the development of new ones.

19. Sanders, B. S. Testing parole prediction. Proceedings of the 65th Annual Congress of the American Prison Association, 1935, 228.

20. Lanne, W. F. Parole prediction as science. Journal of the American Institute of Criminal Law and Criminology, 1935, 26 (3), 379.

21. Huff, R. L. Is parole prediction a science? Journal of the American Institute of Criminal Law and Criminology, 1936, 37 (2), 207-213.

22. Sanders, B. S. Difficulties of parole prediction in connection with Attorney General's survey of release procedures. Proceedings of the 66th Annual Congress of the American Prison Association, 1936, 212-233.

The Period of Validation: 1941-1955

The controversy that had arisen over the methodological soundness of prediction studies did not deter additional research into the prediction of criminal behavior; however, a more critical approach prevailed. During the 1940's, an era of technique refinement ensued during which numerous criminologists sought to improve the state-of-the-art in order to place criminal prediction on a scientific rather than an intuitive basis.

Whereas the first era had put little emphasis on validation studies, the second era adopted them as an integral part of prediction research. John Gillin, professor of sociology at the University of Wisconsin, was especially active in validation studies. Seeking to predict parole success, he applied the Burgess technique to several samples of parolees from the Wisconsin State Reformatory. Gillin found that: (1) only criminal history, work record, institutional behavior, and length of time on parole were stable predictor variables of parole success, and (2) that the Burgess technique failed to yield reliable predictions when applied to several samples of ex-inmates. Gillin concluded the following:

These findings were most disappointing -- indeed, devastating. For they not only destroyed the hope with which we started out, that we might be able to find a method by which the parole authority of this state [Wisconsin] could select more exactly than by the rule of thumb methods in use . . . but they also showed that none of the methods developed in other states, and so enthusiastically acclaimed, were of any value when applied to our material.²³

When other researchers applied the Burgess prediction techniques, however, quite different conclusions emerged. Michael Hakeem found that the predicted parole outcomes of a sample of Massachusetts parolees varied from the actual outcome by only 4.3%. "The most noteworthy result of this study," noted Hakeem, "is its demonstration of the predictability of parole outcome."²⁴ Similarly, Elio Monachesi of the University of Minnesota found an encouraging degree of

23. Gillin, J. L. Parole prediction in Wisconsin. Sociology and Social Research, 1950, 34, 411.

24. Hakeem, M. Glueck method of parole prediction applied to 1,861 cases of burglars. Journal of Criminal Law and Criminology, 1945, 36 (2), 96.

similarity between the predicted and actual outcomes of Minnesota probationers.²⁵

However, other validation studies of the Glueck technique led to inconsistent findings. Alexander Schneider and Cyrus La Gronne worked with the Gluecks in seeking to predict misconduct among military personnel who had been civilian offenders; their predictions were 85% correct, but findings were incomplete.²⁶ In a study of 100 male delinquents, Richard Thompson concluded that his application of the Glueck technique correctly identified 91% of the recidivists.²⁷ But when Rudolph Schwartz sought to predict parole success and failure among 3,076 Sing Sing Prison inmates, he found that the Glueck technique significantly over-predicted parole failure.²⁸

During the 1940's, criminologists also turned their attention to comparing the efficiency of prediction instruments. A noteworthy example was Lloyd Ohlin and Otis Duncan's "index of predictive efficiency" which assured the degree prediction instruments reduced the rate of errors resulting from predictions based on group violation rates. For example, if the actual parole violation rate was 40.1% and the predicted violation rate was 32.5%, the percentage reduction in error would be 19% (7.6 / 40.1). After comparing prediction studies to date, they found reductions ranging from 3 to 42%.²⁹ Throughout the 1940's and early 1950's, most prediction studies utilized the Burgess and the Glueck techniques.

25. Monachesi, E. D. A comparison of predicted with actual results of probation. American Sociological Review, 1945, 10 (1), 26-31.

26. Schneider and La Gronne. Prediction of behavior of civilian delinquents in the armed forces. Mental Hygiene, 1944, 28, 456-475.

27. Thompson, R. A validation of the Glueck social prediction scale for proneness to delinquency. Journal of Criminal Law, Criminology, and Police Science, 1952, 43 (4), 451-470.

28. Schwartz, R. Prediction of parole in prison. Federal Probation, 1949, 13 (1), 36-41.

29. Ohlin, L. E. and Duncan, O. D. The efficiency of prediction in criminology. American Journal of Sociology, 1949, 54 (5), 441-451.

The Period of Technique Refinement: 1956-1972

Several innovative approaches during this era merit attention. The first is the application of the Minnesota Multiphasic Personality Inventory (MMPI) to crime prediction. Consisting of some 500 items divided into 10 diagnostic scales, the MMPI was originally intended to measure personality characteristics. Using a refinement of the MMPI, James Panton of the North Carolina Prison Department was able to correctly identify over 80% of adjusted and non-adjusted prisoners.³⁰ He later applied the MMPI to parole prediction, correctly identifying 78% of a sample of parole violators.³¹ S. R. Hathaway and Elio Monachesi of the University of Minnesota sought to predict juvenile delinquency using the MMPI. After nearly a decade of labor, however, they were unable to validate the MMPI as an efficient and reliable delinquency prediction instrument.³²

The second innovative approach was Daniel Glaser's application of the theory of differential association to prediction. This theory asserts that the propensity of an individual to engage in criminal behavior is the product of exposure to attitudes that favor crime. Glaser reasoned that success and failure on parole were causally related to the operation of these attitudes through home background, schooling, and employment. Taking a sample of parolees from the Illinois State Penitentiary at Pontiac, Glaser predicted the average group violation rate within 2% of error.³³

The third new mode of risk assessment was use of the point scale. Developed by New York City's Vera Institute of Criminal Justice, the point scale is a generic term for a prediction instrument based on a defendant's prior record

30. Panton, J. H. Predicting prison adjustment with the Minnesota multiphasic personality inventory. Journal of Clinical Psychology, 1958, 14 (3), 308-312.

31. Panton, J. H. Use of the MMPI as an index to successful parole. Journal of Criminal Law, Criminology, and Police Science, 1962, 53 (4), 484-488.

32. Hathaway, S. R. and Monachesi, E. D. The prediction of juvenile delinquency using the MMPI. American Journal of Psychiatry, 1951, 108 (6), 469-473; and Hathaway, S. R. and Monachesi, E. D. The Minnesota multiphasic personality inventory in the study of juvenile delinquents. American Sociological Review, 1952, 17 (6), 704-710.

33. Glaser, D. A reconsideration of some parole prediction factors. American Sociological Review, 1954, 19 (3), 335-341; and Glaser, D. Differential association and criminological prediction. Social Problems, 1960, 8 (1), 6-14.

and community ties, including employment, residence, and family. Point scales are used to determine the eligibility of pretrial defendants for release on own recognizance. Generally, the variables on the point scale are scored from one to three positive or negative points, with the overall score serving as the basis for the ROR decision. The point scale arose out of the bail reform movement of the 1960's which questioned the validity of the long-standing rationale for commercial bail--that the posting of bond ensures a defendant's appearance in court. Especially aggrieved by this bail system were the poor, who were unable to post even modest bail sums; for them the bail system constituted a de facto system of pretrial detention in which a defendant could be incarcerated for several months while awaiting trial.

The landmark test of the rationale for commercial bail was the Vera Institute's Manhattan Bail Project. The Project sought to identify indigent defendants who would appear for trial if released on their own recognizance. This determination was to be made by use of the point scale. After three years of operation (1961 to 1964), the Bail Project reported that less than 0.7% of the defendants released on their own recognizance failed to appear for their trials, a rate better than those released on commercial bail.³⁴ Following the Manhattan Bail Project, the point scale was adopted by the Project's jurisdictions.

Despite the success of the Vera Project, several questions concerning use of the point scale have been raised. In a publication of the Pretrial Services Resource Center, Michael Kirby observed that:

- The Vera point scale may have been very appropriate for New York City, but circumstances in other jurisdictions vary considerably from New York City. Differences in the ethnic population, rates of mobility and immigration, crime rates, and the physical size might limit the transferral of the point scale.
- The Vera point scale is complex.

34. Freed, D. and Wald, P. "Bail in the United States: 1964" (working paper for the National Conference on Bail and Criminal Justice), New York: Vera Institute of Justice and U.S. Dept. of Justice (pp. 62-63).

- Since the point scale was largely based on employment and community ties, it might discriminate against low-income defendants, racial minorities, and women.
- Supervision and notification could have a greater impact than the point scale in producing low failure-to-appear rates.
- Most defendants return for their court dates. The point scale may be too restrictive because some low-risk defendants are not given recommendations. This is further confirmed by studies showing that increasing the release rate, even dramatically, does not increase the failure-to-appear rate.
- Recent research is showing that there is little correlation between the entire point scale (or single items within it) and violation rates. Community ties especially seem to be a relatively unimportant predictor of the violation rate. There may be technical reasons why it is difficult to find such correlations. Since most defendants return for their court date, failure-to-appear is predicted from a relatively small percentage of the defendant population.
- Many defendants who are not recommended would appear for their trial dates if released. Thus, any scale which results in some defendants being released is inferentially recommending detention for defendants who would not violate the terms of pretrial conditions.³⁵

More detail about use of the point scale is presented in the state-of-the-art section of the Pretrial Release Sourcebook.

By the mid-1950's, a significant shift occurred in the concerns of prediction studies. Until then, most of the prediction research concentrated on the application of the Burgess and Glueck techniques to a variety of offender populations. But during the next 20 years prediction studies emphasized selecting, weighting, and combining predictor variables through the application of

35. Kirby, M. P. The Effectiveness of the Point Scale (monograph). Washington, D.C.: Pretrial Services Resource Center, September, 1977 (pp. 2-3).

an ever-increasing number of statistical methods.

The desire to evaluate different correctional treatments provided an impetus for the introduction of sophisticated statistical concepts. The first major study to apply prediction methods as an evaluative tool was conducted by Hermann Mannheim and Leslie Wilkins in 1955. They set out to predict the outcomes of 700 youths sentenced to England's Borstal Training Institutions. Unlike earlier prediction studies, Mannheim and Wilkins used multiple-linear regression to combine predictive variables into a prediction equation. They demonstrated that a disparity in recidivism rates between open and closed Borstal institutions resulted principally from offender rather than from treatment characteristics.³⁶

It was in California, however, that experimentation with sophisticated statistical techniques gained momentum. Beginning in the late 1950's under the sponsorship of the California Department of Corrections and Youth Authority, social scientists conducted a series of studies to evaluate state correctional institutions and programs. One of their principal investigative tools was the base expectancy table which measured violation rates among offenders with common social and personality characteristics. In addition to allowing for the comparison of treatment outcomes of similar offender groups, the base expectancy researchers introduced a couple of statistical techniques into prediction methodology: predictive attribute analysis³⁷ and associational analysis³⁸.

By the 1960's, the integration of these and other multivariate methods into prediction research was widespread. The labors of prediction researchers led to the introduction of additional methods for selecting, weighting, and combining predictor variables into a prediction equation. These methods

36. Mannheim and Wilkins, *op. cit.*, *supra*. note 14.

37. Ballard, K. and Gottfredson, D. Predictive Attribute Analysis and Prediction of Parole Performance (Report No. 3). California: Institute for the Study of Crime and Delinquency, 1963.

38. Gottfredson, D., Ballard, B. and Lane, L. Association Analysis in a Prison Sample and Prediction of Parole Performance (Report No. 2). California: Institute for the Study of Crime and Delinquency, 1963.

included multiple linear regression,³⁹ and discriminate function analysis.⁴⁰ However, a curious anomaly was emerging. Despite the theoretical advantages of using one or a combination of these methods, researchers found they possessed no greater predictive accuracy than the Burgess and Glueck techniques. Upon comparing the various prediction techniques emerging out of the 1960's and 1970's, Francis Simon concluded the following:

. . . for practical purposes, there is little to choose between the power of most statistical methods that have been put forward for combining variables into a prediction instrument, in spite of the theoretical pros and cons of each.⁴¹

The Parole Decision Making Project, which designed information models for paroling authorities, reached a similar conclusion:

. . . it now appears that less sophisticated methods of combining the information -- such as simply adding favorable items together without weighting -- may end up, in practice, as better than the more sophisticated techniques.⁴²

The results of this approach are discussed in the state-of-the-art section of the Sentencing and Parole Release Sourcebook.

The prediction of dangerous criminal behavior has especially perplexed social scientists during the 1970's. Various means have been employed to predict

39. Babst, D. V., Gottfredson, D. M. and Ballard, K. B., Jr. Comparison of multiple regression and configural analysis techniques for developing base expectancy tables. Journal of Research in Crime and Delinquency, 1968, 5 (1), 72-80.

40. Ward, P. G. The comparative efficiency of differing techniques of prediction scaling. Australian and New Zealand Journal of Criminology, 1968, 1 (2), 109-112.

41. Simon, F. H. Statistical methods of making prediction instruments. Journal of Research in Crime and Delinquency, 1972, 9 (1), 53.

42. Gottfredson, D. M., Wilkins, L. T., Hoffman, P. B. and Singer, S. M. The Utilization of Experience in Parole Decision-Making: Summary Report. Davis, California: National Council on Crime and Delinquency, 1973, p. 11.

dangerousness: personality inventories,⁴³ base expectancies,⁴⁴ testosterone levels,⁴⁵ and intelligence scales.⁴⁶ Prediction, however, has been impeded by the absence of a widely accepted definition of dangerousness⁴⁷ and by uncertainty about the origins of dangerousness.⁴⁸ As Professor Christie of the University of Oslo observed, "There seems to be no convincing study to show that we can really predict dangerous behavior with any amount of acceptability."⁴⁹ Preliminary findings suggest that this same conclusion will be drawn by the Dangerous Offender Project. Conrad and his colleagues have so far failed to develop a predictive model even though they have used a number of approaches with a very large data set.⁵⁰

Another problem hampering the prediction of criminal behavior has been the limited efficiency of prediction instruments. In this regard, some have suggested the presence of a prediction "sound barrier":

43. Megargee, E. I. The prediction of violence with psychological tests. In: Spielberg, C. D. (Ed.). Current topics in Clinical and Community Psychology (Vol. 2). New York: Academic Press, 1970 (pp. 97-156).
44. Wenk, E. A., Robison, J. and Smith, G. Can violence be predicted. Crime and Delinquency, 1972, 18 (4), 393-402.
45. Rada, R. T., Laws, D. R. and Kellner, R. Plasma testosterone levels in the rapist. Psychosomatic Medicine, 1976, 38 (4), 257-268.
46. Kunce, J. T., Ryan, J. J. and Eckelmann, C. C. Violent behavior and differential WAIS characteristics. Journal of Consulting and Clinical Psychology, 1976, 44 (1), 42-45.
47. Smith, C. E. Recognizing and sentencing the exceptional and dangerous offender. Federal Probation, 1971, 35 (4), 3-12; and Kozol, H. L., Boucher, R. J. and Garofalo, R. F. The diagnosis and treatment of dangerousness. Crime and Delinquency, 1972, 18 (4), 371-392.
48. Kozol, Boucher, Garofalo. Ibid.; and Valenstein, E. S. Brain stimulation and the origin of violent behavior. In: Smith, W. L. and Kling, A. (Eds.). Issues in Brain/Behavior Control. New York: Spectrum, 1976 (pp. 33-48); and Megargee, E. I. The prediction of dangerous behavior. Criminal Justice and Behavior, 1976, 3 (1), 3-22.
49. Quoted in: Diamond, B. L. The psychiatric prediction of dangerousness. University of Pennsylvania Law Review, 1974, 123 (2), 451.
50. Conrad, J. P., Dinitz, S. and Van Dine, S. Restraining the Wicked. Lexington, Massachusetts: D. C. Heath & Co., 1979; and Conrad, J. P., Dinitz, S., Schuster, R. and Hamparian, D. M. The Violent Few. Lexington, Massachusetts: D.C. Heath & Co., 1978.

... no matter how much information about the individual one adds to the predictive equation, one cannot bring the correlation coefficient between individual characteristics and prediction criteria much above about .40 [a perfect positive correlation is 1.0].⁵¹

The issue of limited predictive efficiency is reflected in the problem of false positives (those individuals incorrectly predicted to engage in deviant behavior). Even when a high percentage of recidivists are correctly identified, the number of false positives may be high. For example, in a prediction study of California parolees, criminologist Don Gottfredson found that even among individuals with the highest expected recidivism rate, the false positive rate was 26%.⁵² The prediction of dangerousness has resulted in especially high false positive rates. Ernst Wenk, an authority on dangerous behavior, concluded that correctly identifying 50% of future parole violators would result in an eight to one false positive to true positive ratio.⁵³

The Guideline Period: 1973 - Present

Because of the recent adoption of parole release guidelines by the United States Parole Commission and some states, the mid-1970's may mark the close of the third period (technique refinement). The adoption of a Burgess-like prediction instrument by paroling authorities represents a retreat from the period of technique refinement, and could signify a new emphasis in crime prediction-- a movement away from the prognostic value of prediction instruments in favor of their potential for structuring discretion.

Developments during this guideline period are described in the state-of-the-art sections of the four Sourcebooks, along with conclusions of the study specific to each decision category. More general conclusions are presented in the next section of the present volume.

51. Arthur quoted in: Monahan, J. The prediction of violent criminal behavior: A methodological critique and prospectus. In: National Research Council (Ed.). Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions in Crime Rates. Washington, D.C.: National Academy of Sciences, 1978 (p. 262).
52. Cited in: Von Hirsch, A. Prediction of criminal conduct and preventive confinement of convicted persons. Buffalo Law Review, 1972, 21 (3), 732.
53. Wenk, op. cit., supra. note 45.

CONCLUSIONS

Increasing Use of Classification Instruments

Although the data do not permit precise assessment, it is clear that the use of classification instruments in criminal justice has increased substantially over the past two decades. It is difficult to measure this increase because of the lack of earlier baseline data against which to gauge present practice, and the lack of any comprehensive census of the total population of criminal justice agencies now using classification instruments. The national survey is exploratory in nature and makes no claim to having identified all agencies that use instruments nor even of presenting a representative sample of such agencies. Nevertheless, within the limitations of the data, the growing utilization and popularity of classification instruments can be readily inferred from survey findings together with historical and documentary materials.

Prior to 1960--which we shall use as a baseline date--the use of classification "instruments," as previously defined, was very limited. In the pretrial area, for example, the Vera "point scale" had not yet been developed and, indeed, the very concept of the OR program (not to mention diversion) was still in its infancy. In the area of institutional classification, few jails and prisons employed systematic screening techniques, judging from the literature of the period; the few institutions that did were concerned mainly with diagnosis and treatment (e.g., use of MMPI scores for program placement) rather than classification per se (i.e., custody-level assignments). Similarly in correctional field services, little attention was paid to objective criteria in making level-of-supervision decisions; probation and parole officers relied instead upon a more subjective, treatment-oriented approach to case classification. In fact, the only area of criminal justice where objective classification instruments were developed to any significant extent prior to 1960 was parole decision-making. The use of instruments for parole classification dates back to the pioneering efforts of Burgess in the 1920's; as indicated in the literature review, Burgess was the first to develop "experience tables" for predicting parole success or failure by means of actuarial statistics. Nevertheless, despite the

long history of research on "experience tables," few parole boards actually used them. A 1961 survey of all jurisdictions in the U.S. showed that only four parole boards had ever employed such instruments--and of these, two had since discontinued the practice.¹ In short, the utilization of classification instruments prior to 1960 was rare indeed.

Beginning in the early 1960's, however, this situation began to change dramatically. The Vera "point scale" was introduced by the Manhattan Bail Project in 1961 in order to provide an objective basis for the release of pretrial detainees on OR. Spurred by the success of this project, many other OR projects were initiated elsewhere. By 1972, according to a survey by the Office of Economic Opportunity, over 100 OR projects were in operation, almost all of which employed some version of the original point scale.² Moreover, similar kinds of point scales have been more recently adopted for determining eligibility for diversion programs, and in one instance encountered by the survey (the L.A. county jail), for making institutional custody-level classifications.

The area of parole classification has also seen significant growth since the 1960's. The most important innovation in this field has been the introduction of "parole guidelines," a type of classification matrix developed initially by the U.S. Parole Commission. Since their introduction in the early 1970's, parole guidelines have been adopted or are on the drawing board in at least 15 parole jurisdictions in the U.S., according to our survey. Moreover, the "guidelines" concept has also been extended to the area of sentencing, previously an area where even the thought of classification was considered an infringement upon judicial discretion; the use of "sentencing guidelines" was observed in five courts by the survey.

Similar expansion has occurred in both correctional field services and institutional classification, though to a lesser degree than in pretrial and parole classification. In probation, for example, the survey discovered a considerable number of departments that had taken the "base expectancy"--originally developed as a research tool for assessing correctional program

1. Victor Evjen, "Current thinking on parole prediction tables," Crime and Delinquency, Vol. 8 (1962):215-224.
2. Office of Economic Opportunity, The OEO Pre-Trial Release Program (Washington, D.C.: OEO, 1972).

performance--and pressed it into service in making level-of-supervision classifications based on offender "risk." In addition to "risk-assessment" instruments, the very latest trend in this field is toward the type of "needs-assessment" instruments first introduced by the Wisconsin Division of Corrections.

In sum, looking across the criminal justice system as a whole, the popularity of classification instruments has grown dramatically over the past twenty years. Not coincidentally, classification has become an increasingly significant issue among criminal justice professionals, as evidenced by the interest the subject arouses at national correctional meetings. One should not, of course, overexaggerate the trend: classification instruments are as yet employed by only a minority of all criminal justice agencies in the U.S. Nevertheless, compared to the situation in 1960, the number of such agencies has increased vastly. Moreover, programs that employ classification instruments are significant beyond their number, since they are often held up as models or exemplars for other criminal justice agencies.

There are a variety of reasons for the current upsurge of interest in classification instruments. Some of these reasons are specific to particular decision points; current developments in institutional classification, for example, reflect the impact of federal court rulings on the unconstitutionality of prison conditions. In general, however, three main factors appear to be most important.

First is the increasing volume of cases processed by the criminal justice system. This has created overloads for decision-makers as well as correctional institutions. Classification instruments employing simple, objective, easy-to-apply criteria are attractive under such circumstances because they expedite case processing. Moreover, instruments can help to identify cases that require both more and less restrictive dispositions, and thereby lead to a more cost-effective deployment of resources.

A second reason for the current upsurge of interest in classification stems from the desire to "structure discretion" in decision-making. At present, there is considerable criticism of the excessive discretion exercised in the criminal justice system, which produces disparities in case decisions. Classification instruments are highly attractive in this regard because they employ standardized screening criteria and thus ensure that resulting decisions are more uniform and equitable.

Finally, in addition to these explicit purposes, classification instruments also serve a number of implicit or "latent" functions for criminal justice practitioners. For example, decisions based on instruments are often easier to justify than those based on subjective judgment alone, especially when mistakes occur, as inevitably they do. In these cases, decision-makers can point to the instrument in their defense, indicating that the decision was a matter of policy, rather than having their judgment questioned. Similarly, the "objective" and "scientific" derivation of classification instruments (even where this is not actually the case) is often used by practitioners as a means of introducing and defending policy. The diffusion of the Vera point scale is a classic example. Although the Vera scale has rarely been validated on populations outside of New York, other jurisdictions have nevertheless found it politically useful to borrow the scale in order to provide an allegedly "objective" basis for establishing their own pretrial-release programs. As this example illustrates, classification instruments are frequently attractive for purposes other than those for which they were originally designed or officially intended.

The Inaccuracy of Prediction

Despite over 50 years of research aimed at predicting criminal behavior, prediction remains a very inexact science. Studies have shown repeatedly that classification instruments are not very accurate in predicting recidivism (although they are somewhat better than either chance or clinical assessments), consistently erring on the side of over-prediction.³ Even the best prediction instruments produce a ratio of three to four "false positives" (offenders predicted to recidivate who subsequently do not) for each "true positive," or correct prediction. Moreover, as recent attention has shifted from the prediction of recidivism in general to the prediction of violence, the problem of over-prediction has become exacerbated because violence is a low-base-rate phenomenon, thereby increasing the level of predictive error.

As a result, many contemporary researchers have come to the pessimistic conclusion of one of the leading authorities on criminological prediction,

3. For a comprehensive review of these studies, see F. Simm, Prediction Methods in Criminology (London: Her Majesty's Stationery Office, 1971).

Leslie Wilkins, who has recently asserted that further "research along these lines does not seem worthwhile to press."⁴ Many within the research community are persuaded that there may be a kind of natural limit or ceiling to criminological prediction, as evidenced by the fact that newer and more sophisticated prediction techniques do not appear to work any better than the older, Burgess method.⁵

Moreover, aside from purely technical issues, the problem of predictive inaccuracy also raises moral and legal issues. Because of the high proportion of false positives produced by prediction instruments, the application of such instruments means that three of four offenders who will not actually recidivate must be incarcerated or otherwise restrained in order to prevent the crime of the one individual who will in fact commit new crimes. This problem has led some criminal justice authorities, most notably Norval Morris, to argue that the use of prediction instruments should be abandoned on legal and ethical grounds: "As a matter of justice we should never take power over the convicted person based on uncertain predictions of his dangerousness."⁶

Morris is associated with the so-called philosophy of "just desserts." "Just desserts" refers to the principle that "the punishment should fit the crime" or, in somewhat different language, that punishment should be commensurate with the seriousness of the individual's criminal conduct. Sometimes referred to as the "justice model," just desserts is somewhat controversial because of its association with determinate sentencing and its implied critique of the rehabilitative ideal; nevertheless, it has gained increasing prominence in criminal justice literature as an alternative to the criteria that have traditionally guided sentencing and classification decisions. Advocates of this viewpoint argue that only the demonstrated past criminality of the offender can be legitimately considered in such decisions, not predicted future criminality. In place of "risk" or "dangerousness," severity

4. Leslie Wilkins, Dan Gottfredson, and Peter Hoffman, Guidelines for Parole and Sentencing (Lexington, Mass.: D.C. Heath and Co., 1978), p. 42.

5. Ibid.

6. Norval Morris, "The future of imprisonment: Toward a punitive philosophy," Michigan Law Review, Vol. 72, No. 6 (May 1974):1173; emphasis in original.

of criminal conduct is posited as the more appropriate classification criterion.⁷

On the other hand, many practitioners within criminal justice continue to defend prediction as valid and legitimate. Their view is perhaps most forcefully expressed by Perry Johnson and William Kime of the Michigan Department of Corrections, who argue that the accuracy of prediction can be improved with further research and that, in any case, some degree of inaccuracy is acceptable in view of the "real world alternatives" to prediction:

[T]o abandon dangerousness entirely as a criterion for incarceration is not a step which either can or should be taken in view of the real world alternatives. The public demands and deserves protection from crime. If the law enforcement community cannot provide this by acting selectively, then we are certain to see an increase in mandatory prison terms and in their length. In Michigan, and presumably elsewhere, about one parolee in 100 will commit a murder or very serious violent crime. When prison terms in general are made longer, we will be locking up not two or three, or even ten, to prevent the crime of that one, but 99. And even without repressive legislation, correctional systems are already holding many whose incarceration serves no apparent need. It is not a question of accepting the cost of uncertain prediction but a weighing of that cost against that of the realistic probable alternatives. If we opt for locking up two or three or four to prevent the crimes of one, we think it is preferable in ethical, humane and practical terms to generally increased incarceration... (NIC Screening/Classification "Hearings," p. 19.)

Between the staunchly pro-prediction stance of Johnson and Kime, on the one hand, and the equally vehement anti-prediction stance of Morris et al., on the other, it is possible to discern a middle position that many if not all criminal justice practitioners would accept. This perspective acknowledges the limitations of prediction, but also recognizes its value. The key to this perspective is the distinction between screening out the "non-dangerous" offender versus screening in the "dangerous." Although this

7. In addition to the work of Morris, see Andrew von Hirsch, "Prediction of criminal conduct and preventive confinement of convicted persons," Buffalo Law Review, Vol. 21 (1972); and David Fogel, We are the Living Proof...The Justice Model for Corrections (Cincinnati: W. H. Anderson, 1975).

distinction may initially seem only semantic, there is in the minds of many knowledgeable observers an important practical difference. The difference hinges on the aforementioned problem of "false positives." Because so many individuals are incorrectly predicted to recidivate, any classification system designed to "screen in" the "dangerous" offender will necessarily result in the incapacitation of many who would not, in fact, commit new crimes if released. An alternative would be to limit the use of prediction instruments only to those situations "where the consequences of the action upon the improperly identified group [the false positives] would be less of an intrusion into individual freedoms than would result in the absence of the classification program."⁸ Examples would include OR, diversion, and early-release programs, the purpose of which are to "screen out" the "non-dangerous" offender. Such classification is not as vulnerable to legal or ethical objections as that intended to screen in the dangerous offender since, to the extent that errors are made, the bias is in the direction of liberty rather than constraint. Nor is the general rationale of such programs as subject to challenge on libertarian grounds, since the introduction of these programs results in demonstrably more "liberty" than their absence.

Over Restriction

One of the most widespread and intractable problems in the classification field is that of over restriction. This refers to the assignment of cases to more restrictive categories (e.g., "maximum" security in jails or prisons, "intensive" supervision on probation or parole) than is absolutely necessary to ensure the safety of the public or to achieve any other essential objective of criminal justice. By producing unnecessarily restrictive case decisions, "over restriction" exacts a considerable price not only in terms of money and resources, but also in terms of fairness and respect for criminal justice.

The national survey found that "over restriction" is unfortunately typical at most decision points in the criminal justice system. In the pretrial area, for example, a substantial proportion of OR candidates are denied

8. Larry Bennett, MC Screening/Classification "Hearings," p. 14.

release pending trial because of subjective override or judicial rejection, despite the fact that these cases otherwise qualify on the "point scale" and are actually "good risks" to appear in court. Numerous studies have shown that increasing the pretrial release rate, even dramatically, has little or no effect upon the FTA (failure to appear) rate.⁹ In short, a much higher percentage of pretrial detainees could be safely released than is presently the case.

Over restriction is likewise typical in parole decision-making. In a recent study of early release programs where selected prisoners were paroled early in their terms, the recidivism rate among early releasees was slightly lower than that of those paroled at their normal dates. Suspecting this to be the result of a selection effect (i.e., prisoners selected for early release were better "risks" to begin with), researchers set up a randomized experiment. Surprisingly, the recidivism rate for early releasees was still no worse than that of later releasees; length of imprisonment before parole bore no relationship to subsequent criminality. These data suggest that parole decisions err to a pronounced degree on the side of conservatism, and that release practices could be significantly liberalized without any increase in danger to the public.¹⁰

Over restriction is the result of a variety of overlapping factors. One reason concerns the nature of classification instruments themselves. As noted previously, "risk assessment" instruments are notorious for producing a high proportion of false positives and thus overpredicting recidivism or dangerousness. More important, however, are the organizational and political pressures upon decision-makers. These are well described in a study of over restriction in California prisons:

9. See, for example, Daniel Freed and Patricia Wald, "Bail in the U.S.: 1967," working paper for the National Conference on Bail and Criminal Justice (New York: Vera Institute, 1964), pp. 62-63. See also studies cited in Michael Kirby, "The effectiveness of the point scale" (monograph), Pretrial Resource Center, Washington, D.C., September 1977.
10. Norman Holt, "Rational risk-taking: An alternative to traditional correctional strategy" (mimeograph), Sacramento, California Department of Corrections, 1974.

[T]he tendency to avoid risks is rooted in the structure of organizational incentives and perceptions. Errors on the side of too little caution--as when a prisoner escapes from a minimum security institution or when a prisoner commits a violent assault in the mainline population--receive far more attention, and are remembered far longer, than are other cases..... Although successful placements--that is, those without incident--in minimum security settings are, for example, vastly higher than the failures, these receive little attention. The stronger memory of placements which had repercussions tends to distort and color officials' sense of the odds or likelihood of failure. Conversely, errors on the side of excessive caution have no repercussions for the official responsible, and mistaken overcaution is seldom discovered...

In short, there are a number of deeply rooted pressures toward what might be called preventive or predictive overrestriction or overclassification.¹¹

Although it is a difficult and deeply rooted problem, reducing restriction can produce obvious savings in terms of time, money, and resources. Less obvious but even more important are the human savings that can accrue when the self-fulfilling effects of "labeling" are minimized and opportunities for rehabilitation and reintegration are thereby enhanced.

The Problem of Multidimensionality

"Multidimensionality" refers to the fact that individual case decisions typically involve, whether explicitly or implicitly, several different dimensions, or general parameters, of classification policy. The problem arises insofar as most "instruments" now in use emphasize only a single dimension of classification policy to the exclusion of others, thereby diminishing their usefulness and credibility for decision-makers.

The failure of "experience tables." A good illustration of the problem is the previously mentioned resistance of parole boards to the use of "experience tables." "Experience tables" (later known as "base expectancies") were first introduced as a means of screening prospective parolees for potential

11. California Legislature's Study of Correctional Needs, "Volume 2: Prisoner Populations and Custody Options," Oakland, California: Approach Associates, June 1978.

recidivism. The tables were based on actuarial research on parolees to determine the individual background characteristics most closely associated with recidivism; variables relating to current offense and prior record, for example, were shown to have predictive power and were thus included in the tables. By summing the prospective parolee's rating on each variable into an overall score, the parole board used the table to assess the individual's chances of success or failure on parole. Although the original tables were rather crude by present standards, later research added much refinement and sophistication. Experience tables were hailed by their developers as a means of making parole decisions truly "scientific" and less subjective or intuitive.

However, despite a great amount of effort that had gone into refining and improving such classification instruments, a glaring problem became increasingly evident--parole boards found experience tables too "mechanical" and refused to use them. Subsequent research and observation of actual parole decision-making has revealed the reason why: risk of recidivism is only one "dimension," and not necessarily the most important, in the parole decision; severity of present offense and institutional behavior are equally and often more important considerations.¹² Significantly, moreover, these other considerations stand in an inverse or competing relationship to the risk of recidivism. Offense severity, for example, is negatively related to parolee recidivism; those convicted of property crimes have a consistently higher rate of recidivism than those convicted of crimes against persons.¹³ (The reason, of course, is that many person offenses are one-shot "crimes of passion," unlikely to be repeated, although there are some important exceptions to this general pattern.)

Small wonder, then, that parole boards were reluctant to use experience tables. Had they based their decisions mechanically on such instruments alone, they would have been forced to grant early parole to many of the most serious

12. D. Gottfredson, P. Hoffman, and L. Wilkins, "Making paroling policy explicit," Crime and Delinquency Vol. 21 (1975).

13. M. Neithercutt, "Parole violation patterns and commitment offense," Journal of Research on Crime and Delinquency Vol. 9 (July 1972).

offenders--a policy that would be difficult to justify, to say the least.

The classification "matrix" as a potential solution. One possible solution to the problem of "multidimensionality" is the use of a classification "matrix," such as that recently introduced by the U.S. Parole Commission. The "matrix" (also known as "Parole Guidelines") is significant not only in its own right, as an illustration of how the problem was dealt with in parole classification specifically, but also as a more general approach to classification that may be applicable at other decision-points where "multidimensionality" poses difficulty.

An example of a parole classification "matrix" is presented in Figure 1. It is comprised of two axes. The horizontal axis, called a "Salient Factor Score," is graduated according to the number of "negative" items in the offender's criminal history, that is, items shown by research to be predictive of parolee recidivism. The vertical axis, or offense-severity scale, is graduated according to the gravity of the present crime for which the offender has been convicted. In this way, the matrix simultaneously takes into account both dimensions--severity of present offense and risk of subsequent recidivism--which are critical to the parole decision. Within each of the cells of the matrix are indicated the expected range of time to be served before parole; these ranges are derived by monitoring past board decisions to ascertain the time normally served before parole by inmates with each combination of offense severity and parole risk. The matrix is designed to be used in a manner quite similar to the way mileage charts are used to find the distance between two cities. A case is rated on both the offense-severity and Salient Factor scales, and then the range of time to be served is read at the intersection of the two coordinates. It should be emphasized that these ranges are "presumptive" and not binding; the board may go outside the indicated ranges if the case exhibits special features of either an aggravating or mitigating nature. In such cases, however, the board is required to provide written reasons for its departure from the "normal" decision.

The matrix has proven much more workable as a classification instrument than the earlier "experience tables." This approach is now being adopted by a growing number of states, in addition to the federal parole system. It is intended to encourage greater explicitness and uniformity in parole-release

Figure 1
Parole classification matrix
Time to be served (in months*)

Offense Severity	Salient Factor Score (Prior criminal history)			
	1	2	3	4
1 (Lowest)	- 6	- 6	6-12	12-22
2	6-10	10-16	16-24	24-36
3	10-16	16-22	22-30	30-48
4	18-24	24-30	30-48	48-72
5	36-48	48-60	60-86	86-144
6 (Highest)	10-14*	14-19*	19-24*	24-life*

* Offense category 6 is in years, rather than months.

policy, while reducing arbitrariness and abuses of discretion.¹⁴

From the standpoint of classification, the matrix is especially noteworthy in two respects. First, because it involves a multidimensional approach, the matrix allows classification to be more sensitive to the specific contours of parole policy. This, in turn, makes it easier to build classification into the decision-making process on a more systematic basis. And, in fact, the use of decision-making matrices is expanding.

Other agencies. Matrices are used in other agencies for parole release and for other decisions as well. Several states are either using or developing parole release matrices and a few probation departments employ matrices in making pre-sentence recommendations to the court. These applications are described in the Sentencing and Parole Release Sourcebook. The Oregon Corrections Division has gone even further. They use basically the same matrix not

14. For a more extended treatment of "matrix" instruments and how they are developed, see D. Gottfredson, L. Wilkins and P. Hoffman, Guidelines for Parole and Sentencing (Lexington, Mass.: D.C. Heath, 1978).

only for parole release and pre-sentence recommendations, but they also use a similar device for determining probation and parole level of supervision, institutional custody, time in segregation and for re-setting parole dates as a result of disciplinary problems. Oregon has reported quite satisfactory results from the use of these procedures.

A similar type of decision matrix could also be developed for use in pretrial release decision-making. This could be done by retaining the offense-severity scale and replacing the salient factor score with a Vera type point scale. The parole instrument's time-to-be-served ranges in the body of the matrix would be replaced by release recommendations: grant ROR, deny ROR, or possibly conditional release options. This would create a kind of sliding point scale, whereby the number of points required for pretrial release would vary with the severity of the offense charged. This type of classification system might not be acceptable in jurisdictions that follow the Bail Reform Act, since such jurisdictions attempt to be "charge blind" as much as possible. In most states, however, severity of offense and the dangerousness of the defendant are considered in recommending and granting ROR anyway. In these jurisdictions the matrix format could provide for considerably greater uniformity and explicitness in pretrial release policy.

The Future of Classification Instruments

Decision-making matrices represent a significant development in classification instruments which has "breathed life" into this field of endeavor. We have observed a resurgence of interest not only in matrices, but in one dimensional, experience-table-instruments as well. Despite the limited accuracy of prediction and other problems with many of these devices, decision-makers in increasing number seem to feel that the disadvantages are outweighed by the advantages. Some of these advantages are increased specificity of decision-making criteria, improved equity, and greater reliability of decisions made using classification instruments. We expect that use of these devices will continue to expand as agencies attempt to improve upon the decisions made by their staff.

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APPENDIX A.

1. Pre-interview notice letter.

american justice institute

NATIONAL RISK ASSESSMENT SURVEY



1007 - 7th STREET
SACRAMENTO, CA 95814
(916) 444-3096

Re: Telephone Interview Appointment
Date:
Time:
Interviewer:

Dear

Thank you for agreeing to participate in our National Risk Assessment Survey. Since your agency uses a risk assessment instrument which fits our definition, we wish to include information concerning your use of the instrument in our survey. In order to obtain this information, we would like to conduct a 30 - 40 minute telephone interview with you. To facilitate the interview, we have enclosed a sample of the questions we wish to discuss and a brochure describing our project. Please review the questions carefully and have the answers available at the time of the interview.

The time you and others invest in this survey will be returned in the form of information which can help improve case decision processes. The National Institute of Corrections, our funding agency, will publish the results of our survey and will make them available to agencies like yours. Our descriptions of successful experiences and how to avoid pitfalls in risk assessment should prove valuable to all criminal justice practitioners.

Please understand this is not an evaluation. We are conducting a state-of-the-art survey and there will be no attempt to measure the quality of your procedures compared to others.

Thank you in advance for your cooperation. The interviewer will be a senior professional staff member of either the American Justice Institute or the National Council on Crime and Delinquency. Please feel free to ask him or her any questions you may have about our project or the preliminary survey results.

Sincerely,

Marvin Bohnstedt, Ph.D.
Project Director

MB/md
Enclosures: Pre-interview sample questionnaire
Project Brochure

Richard A. McGee, Chairman of the Board - Milton Burdman, President - Herman G. Stark, Vice President
Harland L. Hill, Vice President - E.K. Nelson, Vice President - John V. Lemmon, Sect'y-Treasurer - Lawrence A. Bennett
James G. Bond - Allen F. Breed - Mrs. Ruth Chance - John P. Conrad - Keith S. Griffiths - Lloyd E. Ohlin

APPENDIX A.

2. Pre-interview sample questionnaire.

National Risk Assessment Survey

Telephone Interview - Sample Questionnaire

The interview will be semi-structured so that we cover all the major points, but limit responses as little as possible. We wish to obtain information under seven major headings. The following describes the type of questions we will ask in each area.

SECTION I - GENERAL INFORMATION

We will ask about your agency's primary function, governmental level, and the population of the community or institution served.

SECTION II - USE OF RISK ASSESSMENT INSTRUMENTS

This section leads to a general understanding of the instruments and associated procedures with which you have experience. We will ask such questions as:

1. Name (description) of the instrument or procedure.
2. Identification of the decisions impacted by the instrument.
3. Kinds of risk assessed (harm to others, recidivism, failure to comply, etc.)
4. The extent to which the instrument/procedure is standardized:
 - a) Written instructions/manual?
 - b) Fixed criteria (cut-off scores, critical variables)?
 - c) Weighting or other numerical procedures?
 - d) Special training for those using the procedure?

Incidentally, we would like to know about instruments/procedures that have been discarded for whatever reason, as well as those that are currently in use.

SECTION III - AUTOMATIC EXCLUSION CRITERIA

Here we need to know if rules exist regarding who is eligible to be assessed by the instrument and who is not. For example, are persons accused or convicted of certain categories of offenses automatically excluded from consideration?

SECTION IV - CHARACTERISTICS OF THE RISK ASSESSMENT

Questions in this section include:

1. What are the factors or variables measured by the instrument?
2. How does the scoring and/or weighting system work?
3. How were the scoring and/or weighting procedures derived?
4. What factors were critical in the original decision to use this particular instrument?

SECTION V - ADMINISTRATION OF THE INSTRUMENT/PROCEDURE

Questions in this section include:

1. Who actually fills out and scores the instrument?
2. What role, if any, does the accused or offender play in the screening process?

(Pre-interview sample questionnaire contd.)

3. What are the major operational problems in using the instrument as viewed by administrators, decision-makers, related criminal justice personnel, operational personnel, etc?
4. What steps have been taken to assure that the accused or offender's rights are protected?

SECTION VI - RESULTS AND EFFECTS OF THE INSTRUMENT

Questions in this section include:

1. To what extent do the results of the instrument affect the actual decision as to the disposition of cases?
2. What are the factors considered in the decision?
3. Do decision-makers have confidence in the results of the instrument?
4. What research has been done regarding the instrument/procedure?
5. What are the general research conclusions, if any?

SECTION VII - ACCESSIBILITY FOR SITE VISIT

We plan to interview by telephone approximately 250 agencies. From among these, we will develop a list of 25 jurisdictions for site visit. Answers to several questions will help us determine if your agency is a candidate for site visit, for example:

1. Would we be able to interview personnel who use the instrument?
2. Would we be able to interview persons screened by the instrument?
3. Would we be allowed access to instrument results?

Finally, we will ask if you are aware of other jurisdictions that use instruments in making risk assessments.

We would appreciate receiving copies of written materials describing your procedures. And the interview will be more efficient if such materials could be forwarded to us prior to the telephone interview.

THANK YOU AGAIN FOR YOUR COOPERATION.

APPENDIX A.

3. Tele. Interview Questionnaire.

National Risk Assessment Survey

TELEPHONE INTERVIEW QUESTIONNAIRE

Card #	<u>1</u>
	(01)
Interview #	<u>02 - 04</u>
Instrument #	<u>05</u>

NAME OF INTERVIEWER _____

DATE OF INTERVIEW _____

I. INTRODUCTION

- A. Ask about the receipt of pre-interview materials and answer any remaining questions about our purpose and/or definitions.
- B. Emphasize NIC's desire to gather and disseminate information which will be of use to practitioners in the criminal justice system.
- C. Emphasize that this is not an evaluation of their procedures or instruments.

II. IDENTIFICATION OF RESPONDENT AND GENERAL INFORMATION

1. Name _____

2. Position or Title _____

3. Agency Name _____

4. Agency Function..... (06)

- 1 Law enforcement
- 2 Prosecution
- 3 Judication - Pre-sentencing
- 4 Judication - Sentencing
- 5 Probation
- 6 Institutional detention
- 7 Paroling authority (release decision)
- 8 Parole supervision
- 9 Other _____

5. Address _____

Telephone _____

6. Government Level..... (07)

- 1 Federal
- 2 State
- 3 Local

7. Population of Community..... (08)

- 1 Community of less than 100,000
- 2 Community of 100,000 to 500,000
- 3 Community over 500,000
- 4 Multiple communities of different sizes

III. USE OF SCREENING INSTRUMENTS

8. As defined in our brochure, what instrument(s) are used in your agency for making decisions about offender risk? (i.e., offender risk means: (1) harm to others, (2) recidivism or (3) non-compliance with legal obligations such as appearance for a hearing.)

a. Name of Instrument: (Use a separate form for each instrument if there is more than one instrument.)

b. For what decision(s) is it used? (10 - 11)

- 01 Citation
- 02 Release O.R.
- 03 Prosecute
- 04 Charge reduction
- 05 Sentence
- 06 Divert
- 07 Custody Program
- 09 Release (parole, furlough, etc.)
- 10 Unconditional release
- 11 Probation/parole case decision
- 12 Multiple levels (list codes)
- 13 Other _____

c. For which of the following kinds of risk does it screen:

Harm to others? (12)

- 1 Yes
- 2 No

Recidivism? (13)

- 1 Yes
- 2 No

Failure to comply? (14)

- 1 Yes
- 2 No

Other? (Specify) _____

d. Who is the primary user of the instrument in decision-making?.... (15)

- 1 Police officer
- 2 Screening clerk
- 3 Pre-trial specialist
- 4 Probation/parole officer
- 5 Prosecutor
- 6 Judge
- 7 Parole Board
- 8 Other _____

9. In order to standardize assessment, does the instrument involve:

a. Written instructions or manual? (16)

- 1 Yes
- 2 No

19. How were the scoring and/or weighting procedures derived?..... /
(Record the most important factor only.) (52)

- 1 Committee-subjective decision
- 2 Borrowed from another agency
- 3 Adapted from another agency
- 4 Original research
- 5 Combination research & subjective opinion
- 6 Other (Specify) _____

VI. ADMINISTERING THE INSTRUMENT

20. Who actually fills out and scores the instrument?

- a. Title _____
- b. Training _____

c. Is this the person's main task? /
1 Yes 2 No (55)

d. Are there other persons involved? /
1 Yes 2 No (56)

If yes, who? _____

e. Approximately how long does it take to fill out and score the instrument on the average? (in minutes)..... /
(57 - 58)

f. Approximately how much does each screening cost: (in dollars)..... /
(59 - 61)

21. What role, if any, does the accused or offender play in the actual screening process? /
(62)

- 1 Is unaware that screening is taking place
- 2 Is aware of screening, but plays a largely passive role
- 3 Actively participates in the screening process
- 4 Other (Explain) _____

22. Is the accused/offender informed in writing as to the standards employed during the screening? /
1 Yes 2 No (63)

23. Is the accused/offender informed in writing of the screening results?... /
1 Yes 2 No (64)

24. We are interested in any major operational problems in applying the instrument as viewed by agency administrators, those who administer the instruments, and those who use the results in decision-making. Taking these one at a time, what are the major problems? [Record up to three (3) problems per category.]

a. As viewed by agency administration /
(65)

- 1 None
- 2 Time/money required (66)
- 3 Logistics of getting suspects/offenders processed (67)
- 4 Resource limitations which remove choice options
- 5 Personnel shortages
- 6 High error rate
- 7 Other (Specify) _____

b. As viewed by personnel who administer the instrument..... /
(68)

- 1 None
- 2 Needed data not available (69)
- 3 Recommendations frequently overruled (70)
- 4 Instrument insensitive to important factors
- 5 Vagueness of definitions
- 6 Inadequate time available for effective screening
- 7 Other (Specify) _____

c. As viewed by the decision-maker(s) who use the results..... /
(71)

- 1 None
- 2 Prediction accuracy in question (72)
- 3 Instrument insensitive to important factors
- 4 Political, ethical, and/or legal considerations (73)
- 5 Information received too late to be useful
- 6 Other (Specify) _____

Card #	<u> </u> / <u>(01)</u>
Interview #	<u> </u> / <u>(02 - 04)</u>
Instrument #	<u> </u> / <u>(05)</u>

25. Have there been any significant changes made either in the instrument itself or in the procedures for its administration since the agency first began using it? /
(06)

- 1 Yes
- 2 No

If yes, identify changes and why made: _____

26. Was the instrument and associated procedures reviewed to assure that the legal rights of the individuals assessed are protected?...

- 1 Yes 2 No

(07)

a. If yes, by whom?

(08)

- 1 Agency legal staff
2 City or county council
3 District attorney
4 Attorney general
5 Other (Specify)

27. What, if any, legal considerations were (are) taken into account:

- a. When developing the instrument?
b. When administering the instrument?

VII. RESULTS AND EFFECTS OF THE INSTRUMENT

28. To what extent do the results of the instrument affect the actual decision as to the disposition of cases? In other words, in what percentage of the cases is the instrument overruled?.....

(10 - 11)

Probe: Why overruled?

29. In addition to the instrument, which of the following factors are considered in risk determination?

- a. Subjective opinion
b. Availability of resources
c. Other measures (Identify)
d. Other (Specify)

(12)

(13)

(14)

30. In addition to risk determination, what other factors affect the decision?

- a. Seriousness of offense
b. Availability of resources
c. Type of offense
c. Other (Specify)

(15)

(16)

(17)

31. How much confidence do decision-makers have in the accuracy and reliability of the instrument?

- 1 Very much confidence
2 Much confidence
3 Moderate confidence
4 Little confidence
5 Very little confidence

(18)

32. Has any research been done to evaluate how well the instrument works? (Record author & title of known studies.).....

- 1 Yes 2 No

(19)

33. Has the instrument had any significant effects, either positive or negative, on the size of the caseload with which your agency deals or the speed with which these cases are processed?.....

- 1 Yes 2 No 3 Unknown

If yes, explain, including whether effects were positive or negative.

(20)

34. Has it had any such effects on related criminal-justice organizations with which your agency deals?

- 1 Yes 2 No 3 Unknown

If yes, explain:

(21)

35. What sort of outside response has there been to your program:
[Check up to three responses]

a. In the Community.....

 /
(22)

- 1 None
- 2 Generally favorable
- 3 Complaints about labeling effects
- 4 Complaints that offender rights are ignored
- 5 Complaints that dangerous persons are released
- 6 Complaints about unequal justice
- 7 Other (Specify) _____

 /
(23)

 /
(24)

b. Among other criminal justice agencies.....

 /
(25)

- 1 None
- 2 Generally favorable
- 3 Negative impact on caseloads
- 4 Poor decisions
- 5 Time delays
- 6 Other (Specify) _____

 /
(26)

 /
(27)

36. Are there any important features of the instrument that have not been brought out during the interview?

VIII. ACCESSIBILITY FOR SITE VISIT AND REFERRALS

37. Would your agency be willing to have us visit?.....

 /
(30)

- 1 Yes 2 No

a. Would we be allowed to observe the instrument being used?....

 /
(31)

- 1 Yes 2 No

b. Would we be allowed access to instrument results?.....

 /
(32)

- 1 Yes 2 No

c. Would we be allowed to interview personnel who use the instrument?

 /
(33)

- 1 Yes 2 No

d. Would we be allowed to interview persons being screened by the instrument (with their permission)?.....

 /
(34)

- 1 Yes 2 No

APPENDIX B.
Site Visit Protocol

National Risk Assessment Survey

SITE VISIT PROTOCOL

1.0 AGENCY CHARACTERISTICS

1.1 Legal/statutory authority

- a. What are the agency's primary functions?
- b. What are the most important rules, laws, and regulations under which the agency operates? (Obtain copies if possible.)

1.2 Formal organization

- a. To whom is the agency accountable?
- b. Is it part of another agency or is it independent?
- c. Describe the formal authority structure within which the agency operates.
- d. Describe the internal organization of the agency.
- e. What are the agency's principal sources of funding?
- f. Describe the agency's relationship with its funding sources.

1.3 Personnel

- a. What number and categories of personnel are employed by the agency?
- b. What are the principal requirements for employment?
- c. What is the demographic breakdown (age, race, sex) of agency administrators and staff?

1.4 Relationship with other criminal-justice agencies

- a. With what adjacent criminal-justice organizations is the agency most closely related?
- b. Describe the nature of these inter-agency relationships.

1.5 Community characteristics

- a. What geographic area is served by the agency?
- b. What is the population of this area?
- c. What is the demographic breakdown (age, race, sex) of this population?
- d. What proportion of the area is urban, suburban, and rural?

1.5 Community characteristics (Continued)

- e. What is the crime rate (in terms of the FBI Index) within the area?
- f. Does the agency have important ties with any non-criminal justice groups and organizations within the community?

2.0 DECISION POINTS(S) AND SYSTEM FLOW

2.1 Source of referrals

- a. From what sources are cases referred to the agency?
- b. What number of cases are referred from each source each year (use 1977 data if available)?
- c. Have there been any recent changes in the relative proportion coming from each source?
- d. Are referrals ever refused by the agency? What number and why?

2.2 Decision options

- a. What main decisions does the agency make about the cases referred to it?
- b. What are the possible options or case dispositions at each decision point?
- c. What are the official names or designations of each decision category?
- d. What number and proportion of cases are assigned to each decision category each year (use 1977 data if available)?
- e. Have there been any recent changes in their relative proportion? If so, why?

2.3 Identity of key personnel

- a. Which agency personnel are responsible for:
 - 1) determining eligibility/ineligibility for agency intake?
 - 2) administering risk assessments?
 - 3) case decisions?
- b. Specify job title and office location of each.
- c. What is the relationship of these personnel to one another and to administration? (Briefly)

2.4 Post-decision routing

- a. What happens to offenders/defendants assigned to each decision category -- where do they actually go? (Briefly)
- b. Which cases are referred to the jurisdiction of other agencies?

2.5 Flow chart

- a. Describe by means of a flow chart what happens to offenders/defendants from point of referral (for the decision for which risk assessment is made) through final disposition.

3.0 CASELOAD CHARACTERISTICS

What is the distribution of age, race, sex, prior record and current offense?

3.1 At each point in the flow chart (See 2.5)?

3.2 Within each risk assessment level? (If agency does not have predefined risk levels, use quartile or centile scores as "cut off" points.)

4.0 RESEARCH AND DEVELOPMENT OF INSTRUMENT

4.1 Research base

- a. To what extent are the risk assessment instrument and associated procedures based on research findings?
- b. If little or no research, how was the instrument developed?
- c. Who performed this research?
- d. When and where was the research done?
- e. Who sponsored the research?

4.2 Construction sample

- a. What information or statistics have been collected concerning operation of the instrument?
- b. Was a "construction" or developmental sample used?
- c. What was the size of the sample?
- d. What sampling methods were employed?
- e. What was the demographic breakdown of the sample?
- f. What was the distribution of offense types in the sample and how were these categorized?

4.2 Construction sample (Continued)

- g. What proportion of the sample had prior records and how was this classified and defined?

4.3 Criterion variable

- a. What criterion variable was used as an indicator of "risk?"
- b. What considerations led to the choice of this, rather than some other variable, as the criterion?
- c. How was the criterion variable operationally defined and measured?
- d. What time period was used for measurement purposes?

4.4 Predictor variables

- a. What potential predictor variables were tested?
- b. How and why were these selected?
- c. How were they operationally defined and measured?

4.5 Method of analysis

- a. What methods and statistical procedures were used to analyze the data?
- b. Why were these methods used?
- c. How were the final predictor variables chosen?
- d. Did any policy and/or legal considerations affect the choice?

4.6 Weighting and scoring

- a. How were the weighting and/or scoring procedures derived?
- b. What was the rationale for choosing these procedures?
- c. What was the range of possible scores?
- d. What was the range of actual scores in the construction sample?
- e. Were "cutoff" scores used to categorize the sample into different "risk" levels?
- f. How and why were these chosen?
- g. What proportion of the construction sample fell into the various risk levels or categories?

4.7 Validation sample

- a. Was a validation sample used?
- b. What was the size of the sample?
- c. What sampling methods were employed?
- d. To what extent was the validation sample similar to, or different from, the construction sample with respect to demographic, offense, and criminal record characteristics?
- e. Were the criterion and predictor variables operationally defined and measured in the same way as in the construction sample?
- f. As a result of the validation study, were any changes introduced:
 - 1) In the variables employed?
 - 2) In operational definitions and measurement?
 - 3) In weighting and/or scoring procedures?
 - 4) In "cut-off" scores and risk levels?
- g. Describe and explain the rationale for any such changes.

4.8 Predictive validity

- a. What level of predictive validity was claimed for the instrument prior to operational use?
- b. Was the incidence of "false positives" and "false negatives" examined?
- c. How was this done?
- d. What research obstacles, if any, were encountered?
- e. What were the results of this research and how does it compare with results obtained for the construction sample?
- f. What percentage of variance is "explained" by the instrument?
- g. How does this compare with the variance "explained" in the construction sample?
- h. Has the validation research been written up and, if so, where can it be obtained?

5.0 IMPLEMENTATION

5.1 Historical information

- a. When did the agency first introduce risk assessment instruments?
- b. How long has the present instrument(s) been in use?
- c. Did the agency previously use any other risk assessment instruments?
- d. If so, describe them and explain why they were abandoned.
- e. Have there been earlier versions of the present risk assessment instrument?
- f. In what specific ways did earlier versions differ from the present instrument?
- g. What were the reasons for these changes, if any?

5.2 Policy context

- a. What was the agency trying to accomplish in introducing risk assessment?
- b. Have these goals been realized?
- c. Have these goals been changed or altered in the process of implementation?
- d. How does the agency define "risk?"
- e. Which forms of "risk" are considered more important than others (e.g., risk of violence vs. risk of general recidivism)?
- f. In addition to "societal risk" (i.e., risk to the public), is the agency also concerned with "system risk" (i.e., risk to decision makers of incorrect decisions)?
- g. Has the agency's definition of "risk" changed in the course of implementation?
- h. How was the agency's definition of risk arrived at; what individuals or groups participated in shaping the agency's policy?
- i. Does the agency place primary emphasis on "screening out" the "low risk" offender or "screening in" the "high risk" offender?
- j. What is the reason for this emphasis?
- k. In using instruments, is the primary goal to identify more accurately those who will cause further trouble, or is it to improve the consistency of the screening process?

5.2 Policy context (Continued)

- l. What is the reason for this emphasis?
- m. What policy considerations influenced the selection and/or development of the present risk assessment instrument?
- n. Who influenced decisions about the following?
 - 1) Selection of criterion and predictor variables?
 - 2) Procedures for measuring variables?
 - 3) Weighting and/or scoring procedures?
 - 4) "Cut-off" scores and risk categories?
- o. Why and how was this control exercised?
[Don't ask the following two questions directly:]
 - 1) How closely does the agency administration's definition of "risk" correspond to the research definition (criterion variable)?
 - 2) To what extent is the operational instrument similar to, or different from, the research instrument used in the construction and/or validation samples?
- p. What were the reasons for these alterations, if any?
- q. Other than the risk assessment instrument, are there any automatic eligibility and/or exclusion rules used in case processing?
- r. Are all cases screened with the risk assessment instrument?
- s. If not, what cases are excluded and why?
- t. Are some types of cases considered automatically ineligible for release and/or lessened supervision, even though they may represent a "good risk" as measured by the instrument?
- u. If so, why?
- v. Explain the rationale for any such eligibility and/or exclusion rules and describe the process by which they were formulated.
- w. What are the choice options?
- x. Are there other desirable options?
- y. Have there been any recent changes in the decision categories and/or options available? Why?

5.3 Legal/statutory context

- a. What legal and/or statutory considerations affected the implementation of the risk screening program?
- b. Did such constraints lead to any restrictions or changes in the instrument and associated procedures?
- c. Describe these restrictions or changes, if any, and explain why they were made.
- d. Has the introduction of risk assessment instruments provoked any litigation or court tests?
- e. If yes, describe the legal issues involved.
- f. How were these cases resolved and what effect, if any, did they have upon implementation of the program?
- g. Was any litigation anticipated and, if so, what measures were taken to forestall it?
- h. Were the instrument and associated procedures reviewed by legal staff prior to implementation?
- i. Who performed this review and what were their findings?
- j. Is there statutory authority for the risk screening program?
- k. If no, why not? If yes, describe the process by which that authority was established.
- l. Is there statutory authority for the agency's definition of "risk," the variables included in the instrument, and/or the variable weights and scoring procedures?
- m. If no, why not? If yes, describe the process by which that authority was established.

5.4 Funding and costs

- a. From what source(s) were funds derived for implementing the risk assessment program?
- b. How much funding was involved and for how long did it continue?
- c. Did funding consideration influence the selection and/or development of the instrument?
- d. Did the funding source set priorities which were reflected in agency policy?

5.4 Funding and costs (Continued)

- e. Estimate the total "start-up" costs involved in introducing the risk assessment program.
- f. What were the most significant categories of expenditure (e.g., research, hiring and training of screening personnel, etc.)?
- g. Did cost considerations lead to any restrictions or alterations in the instrument and associated procedures?
- h. If so, describe and explain these changes.

5.5 Other implementation and maintenance of screening system issues
[Ask of more than one person]

- a. What was the reaction of agency staff to the introduction of the risk assessment program?
- b. What resistance has been encountered and, if so, from what sources? How strong?
- c. Do some staff view the instrument as an intrusion upon their sphere of competence and expertise?
- d. Do staff generally consider the instrument an accurate indicator of "risk"?
- e. Have there been problems with the operational definitions of predictor variables, leading to disparities among staff in their use of the screening instrument?
- f. To the extent that any such problems have been encountered, how were they resolved?
- g. Has staff reaction led to any alterations in the instrument and related procedures? Describe and explain.
- h. Have problems been encountered in obtaining or developing the case information required by the instrument?
- i. What other problems have been encountered?
- j. For each, describe how the problem was resolved and what effect, if any, it had upon the instrument and related procedures.

6.0 FORMAL CHARACTERISTICS OF INSTRUMENT

6.1 Forms, definitions, and instructions

- a. Obtain copies of all forms, definitions, and instructions.

- 6.1 Forms, definitions, and instructions (Continued)
- b. Who was responsible for preparing these forms?
 - c. If earlier versions were used, are copies available?
 - d. By whom and for what reasons were they amended?
- 6.2 Comparison with research instrument
- a. To what extent are the present instrument, definitions, and instructions similar to, or different from, the research instrument and procedures used in the construction and/or validation samples?
 - b. Are additional variables employed?
 - c. Have some variables been deleted?
 - d. Are the measurement, weighting, and scoring procedures substantially the same?
 - e. Describe and explain the reasons for any such changes.
- 6.3 Formal discretion
- a. To what extent is discretion formally allowed in measurement, weighting, and/or scoring?
 - b. Are subjective measurement, weighting, and/or scoring explicitly permitted by the instructions?
 - c. In addition to instrument results, do the instructions allow the rater to add any other input to the final risk assessment?
- 6.4 Informal definitions and procedures
- a. What informal understandings, conventions, and decision rules influence the administration of the screening instrument?
 - b. Where discretion is formally allowed in measurement, weighting, and/or scoring, what informal decision rules have arisen to guide the exercise of this discretion?
 - c. What shortcuts do screening personnel typically employ in completing the instrument?
 - d. What items are usually filled in first and last?
 - e. What happens when available information is ambiguous or contradictory? Is the usual tendency to give the offender the "benefit of the doubt," or vice versa?

- 6.4 Informal definitions and procedures (Continued)
- f. Which sources of information are given highest and lowest priority?
 - g. Do screeners have an informal vocabulary for referring to different types of cases?
- 6.5 Informal discretion -- [Do not ask directly, draw inferences.]
- a. Aside from those items and procedures where formal discretion may be allowed, to what extent does informal discretion influence risk assessment ratings?
 - b. From whose perspective -- administrators, research staff, decision-makers, offenders, and/or screening personnel themselves -- is the problem of individual discretion viewed as most severe, if it is viewed as a problem at all?
 - c. At what points in the screening process -- measurement, weighting, or scoring -- does the degree of informal discretion appear to be most pronounced?
- 6.6 Inter-rater reliability
- a. Has there been any attempt to check inter-rater reliability?
 - b. Have there ever been occasions where two raters rated the same case differently?
 - c. How frequently has this been encountered?
 - d. Do some screening personnel have a reputation of being either "tougher" or more "permissive" than others?
 - e. How frequently are "wobblers" encountered, that is, cases that could easily go either way in terms of their measurement, weighting, and/or scoring?
 - f. Is there a consistent procedure for dealing with such cases?
 - g. In general, is inter-rater reliability seen as a problem?
 - h. If so, what steps have been taken to address the problem?
 - i. What research information is available on the question of inter-rater reliability?
 - j. Have several screening personnel rate the following cases:

6.6. Inter-rater reliability (Continued)

j. (Example cases)

Example 1 - For use with pre-trial, prosecution programs, and probation:

A white male, age 26, was arrested for petty theft and resisting arrest. (If not a pre-trial agency, assume convicted of petty theft only.) He has two prior arrests (felony and misdemeanor charges), but not prior convictions. The first prior arrest occurred at age 23 and the most recent prior arrest was less than a year ago. He works part-time as a fry cook (started two weeks ago) and has been in the local area approximately 11 months. He has never completed high school but has recently started attending evening high school one night a week. He is married but "temporarily" separated. Both husband and wife state that a reconciliation is probable. He has been arrested for drunk driving (but not convicted), and he claims to be a social drinker who gets drunk once or twice a month. There are no drug arrests in his background, and he indicates no drug use, but his wife reports that drug use was one cause of their separation.

Example 2 - For use with sentencing, custody, parole release, and parole supervision:

A white male, age 26, was arrested for armed robbery (gun involved) and felony assault on a police officer, but convicted only of armed robbery. He has ten prior arrests (felony and misdemeanor) and six convictions on record (four misdemeanor and two felony). The first prior arrest occurred at age 23, and the most recent prior arrest was less than a year ago. Until detained, he worked part-time as a fry cook (started two weeks before arrest) and had been living in the same residence for 11 months. He has never completed high school but recently started attending evening high school one night a week. He is married but was "temporarily" separated at the time of arrest. Both husband and wife state that a reconciliation is probable. He has been arrested for drunk driving in the past and reports that he is a social drinker who drinks to excess once or twice a month. There are no drug arrests in his background, and he indicates no drug use, although his wife reports that drug use was one cause of their separation.

END