# The Criminal Court Assessment Tool: How should it be implemented?

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**Center for Justice Innovation**

# Disclaimer

# Generally speaking, what is a risk assessment tool?

▶ Risk Assessment tools use an actuarial approach of prediction, not unlike insurance companies determining rates on specific classes of people

▶ Risk assessment tools are algorithms that use data points to reach a supposed prediction of an individual's criminal risk, either on a scale from "low" to "high" or with specific percentages.

# In Other Words…

… how likely will a particular behavior occur based on what we know about that person

▶ The problem from a criminal justice context is that no actuarial approach can ever 100% accurately predict an individual's behavior

# Is This Really "Science"?

► Any risk tool will have any of the biases of the tool creators baked into the tool

► Best practice is to always validate the tool on a local population and to revalidate it periodically

► The criminal history factor is fraught with issues, namely, law enforcements proclivity to over-police predominantly minority and poor neighborhoods

# How do data points turn into scores?

► After testing a new tool, researchers wait 6 months to 3 years to review the results.

► If they see statistically significant corollary between how a large percentage of people answered a particular question and most of those people did get arrested (or not arrested) or failed to appear in court, it becomes a predictive question to consider using in the risk tool

► Once researchers determine which question are valid, they then assign those questions point values

# Should these risk tools really be making decisions for us?

▶ Short answer is: **NO**

▶ Risk tools are just that, tools

▶ Risk tools should inform a decision-maker and that decision-maker should use that information as well as other non-risk tool information before making any decision

# How would these decisions be made if we eliminate the risk tools?

▶ Eye test (unstructured professional judgment)

▶ Charge-based decision-making

▶ Needs-based decision-making

# Questions to ask about any risk tool

▶ What is the tool purporting to measure? What was it designed to do?

▶ Is it an open-sourced tool or is it proprietary?

▶ Does it ask static questions, dynamic questions, or both?

▶ Who can administer the tool? Is a specific training or degree needed?

# Are people punished for having high needs on the C-CAT?

▶ **NO**

▶ Targeting and addressing the needs of an individual can help reduce the risk of future criminal justice involvement

▶ A site can try to mitigate against over-conditioning someone by matching the level of a person's risk score with the level of intervention

▶ Uses resources where they are needed the most

# Some FAQs about the C-CAT

► Why does the age question score so high for young people?

► Are people being 'punished' for not working or being in college?

► Why are drugs and alcohol scored separately?

► Should marijuana be included in the drug questions?

# Some FAQs about the C-CAT (cont.)

▶ Are we violating a defendant's due process rights by asking these questions?

▶ Do any of these questions violate HIPAA?

▶ Do we have to ask the questions as ordered & worded?

▶ Can we just change the scoring on items we do not like or agree with?

# What happens next?

► A release conditions matrix is created to determine levels of supervision. Those conditions are determined by the local powers that be.

► In other words, the tool **measures** the risk, the local stakeholders **manage** the risk.

# Risk Classification of C-CAT

▶ Low Risk          (0-6)

▶ Moderate Risk          (7-10)

▶ Moderate-High Risk   (11-15)

▶ High Risk          (16-highest)

# Sample Release Conditions Matrix

Court Date Reminder

Phone Calls Per Month

In-Person Meetings Per Month

| Release Conditions Matrix a.k.a. Decision Making Framework | ROR | Misdemeanor SRP | Non-Violent Felony SRP | Violent Felony SRP | Electronic Monitoring |
|---|---|---|---|---|---|
| LOW | | | | | |
| MODERATE | | | | | |
| MODERATE/HIGH | | | | | |
| HIGH | | | | | |

|        | NCA 1 | NCA 2 | NCA 3 | NCA 4 | NCA 5 | NCA 6 |
|--------|-------|-------|-------|-------|-------|-------|
| **FTA 1** | Release with No Conditions | Release with No Conditions | | | | |
| **FTA 2** | Release with No Conditions | Monitoring (Court Date Reminder) | Monitoring (Court Date Reminder) | Supervision Level I | Supervision Level II | |
| **FTA 3** | | Monitoring (Court Date Reminder) | Supervision Level I | Supervision Level II | Supervision Level III with Curfew | No Release/ Maximum Conditions |
| **FTA 4** | | Supervision Level I | Supervision Level I | Supervision Level III | Court Ordered Electronic Monitoring | No Release/ Maximum Conditions |
| **FTA 5** | | Supervision Level I | Supervision Level III | Court Ordered Electronic Monitoring | No Release/ Maximum Conditions | No Release/ Maximum Conditions |
| **FTA 6** | | | | No Release/ Maximum Conditions | No Release/ Maximum Conditions | No Release/ Maximum Conditions |

Tool expects greater likelihood of new criminal activity

Tool expects greater likelihood of not appearing in court

**Required Contact**

**Phone**
Every Other Week

**Face-to-Face**
Monthly
Every Other Week

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# Always Remember . . .

► No risk assessment tool can accurately predict the behavior of a specific individual

# **Questions?**

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