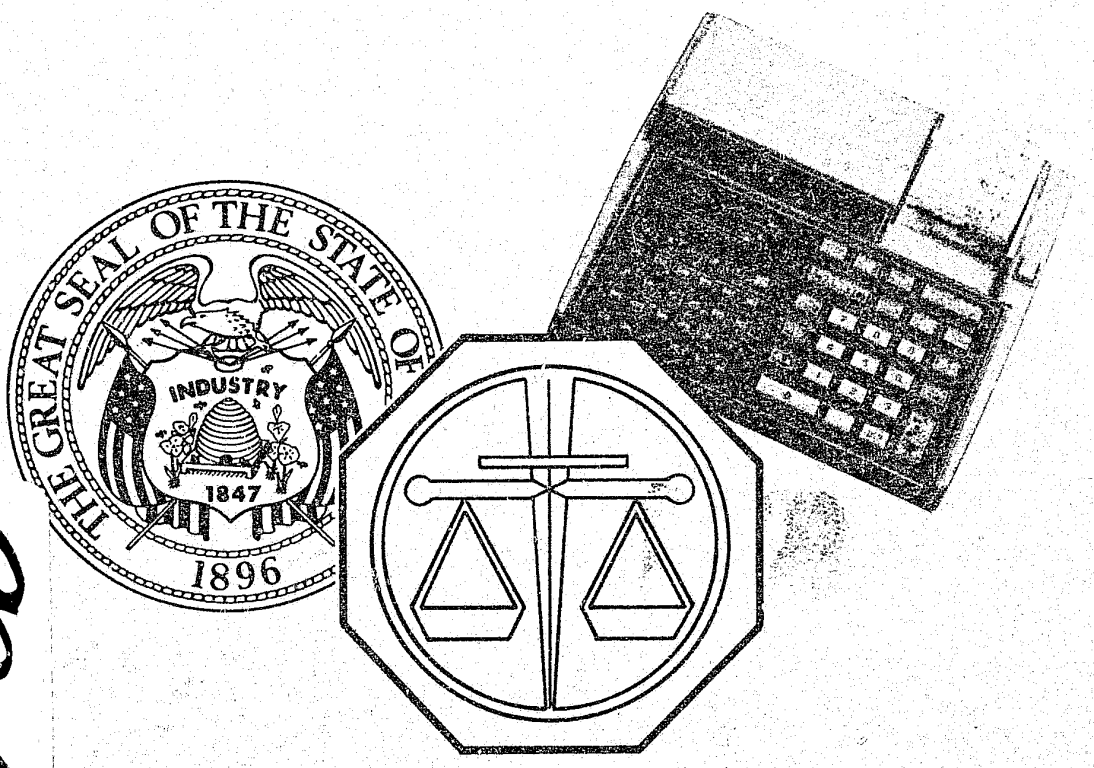
UTAH STATE DIVISION OF CORRECTIONS



RESEARCH & STATISTICS

Rational Risk Assessment For Probationers

1979

Report # 7

by

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Abstract

Disparity in sentencing is of national concern. Some states have turned to mandatory sentencing laws in an effort to alleviate this concern. In Utah, the State Division of Corrections in conjunction with the Utah Judicial Council rationally developed a History/Risk Assessment Scale to provide one dimension of a sentencing guideline matrix. The purpose of this study was to determine the predictive validity of the History/Risk Assessment Scale. The total composite score, as well as each of the 12 variables comprising the scale, was analyzed to determine their relationship to successful completion of probation. Predictive validity for both misdemeanants and felons was tested. The felony probation sample, which contained 50 successes and 50 failures, resulted in eight of the thirteen variables being significant (.05 level). The sample of misdemeanant probationers, also containing 50 successes and 50 failures, resulted in three of the thirteen variables being significant. The combined samples of felony and misdemeanant probationers resulted with ten of the thirteen variables being significant. Some of the variables were significant beyond the .01 level. The predictive validity of the total score, r=.48 for felons, is relatively high compared to similar scales. Nevertheless, the History/Risk Assessment Scale has limited predictive power, indicating that all decisions utilizing this scale should be relative to groups rather than individuals. This scale appears useful for guidelines, however, decisions pertaining to individual cases certainly should also consider other aggravating or mitigating circumstances.

There has been an abundance of material published recently pertaining to sentencing. National figures such as Senator Edward M. Kennedy advocate the need for sentencing reform. Senator Kennedy (1977) refers to the present criminal justice system as a "game of chance" where offenders gamble on the type of sentence that will be handed down according to the "odds" of a soft sentence, possibly without any incarceration.

In conjunction with the national concern over sentencing disparity, several items have been introduced in Congress. One bill would establish certain guidelines for sentencing and establish a United States Commission on Sentencing (O'Donnell, Churgin & Curtis, 1977).

History/Risk Assessment Scale Background

Utah has utilized the indeterminate sentence since it was enacted in 1913. A Legislative Blue Ribbon Task Force (1978) was charged with the responsibility of studying the State's criminal justice system. This Task Force considered the determinate sentence as enacted in several other states as an alternative to resolve sentencing disparity. The Task Force concluded that the determinate sentence was still untested, and as a result recommended further monitoring of the determinate sentence movement. It also recommended that the Utah Judicial Council and the Board of Pardons develop guidelines to alleviate on-going sentencing disparity.

Meetings between the Board of Pardons, members of the Judicial Council and members of the Division of Corrections resulted in the following postulates (Oldroyd, Note 1):

1. There is a need for sentencing and paroling guidelines to promote equity and consistency in the Utah Criminal Justice processes.
2. Such guidelines should be developed within the framework of the existing indeterminate sentencing law.
3. The guidelines should be objective and based on the two key concepts of severity of crime and risk of continued involvement in crime.
4. Guidelines should 'guide' rather than dictate sentencing. Aggravating or mitigating circumstances certainly justify departure from the suggested sentence. Such circumstances should be documented.
5. Guidelines should address whether probation, jail or prison should be imposed. If the decision is incarceration, the length of time to be served should be addressed.
6. Initially, guidelines should be developed consistent with the current practice of the Utah Courts and Board of Pardons. Later, the guidelines may be modified to become more prescriptive.
7. The guidelines should be recognized and utilized by both the courts and the Board of Pardons in decision making.
8. Guidelines should be established and reviewed through a sentencing committee representing both the State's judiciary and Board of Pardons.
9. Sentencing philosophy and correctional philosophy should be consistent with each other.

10. Once established, the information to administer sentencing guidelines should be provided through the Adult Probation and Parole presentence process. The information to administer parole guidelines should be provided by prison caseworkers and the Board of Pardons staff.
11. The guidelines, and how each case fits within them, should be provided to the offender as well as both prosecution and defense to ensure that the information is accurate. Confidential information should continue to be provided in the presentence report.

With these postulates setting the scope, the formation of the scale began. Due to limited time and money, and in order to increase flexibility, it was decided that the development of the History/Risk Assessment Scale would be done rationally rather than empirically.

Initially, the scale was drafted by several correctional psychologists in Utah utilizing their experience and the abundant literature available pertaining to sentencing and parole guidelines and prediction for success of offenders. The initial draft was used experimentally by judges and presentence investigators for several months during which time it was continually refined. In its present form the History/Risk Assessment Scale is presented in Figure 1.

Insert Figure 1

Purpose of the Study

Although this scale was developed rationally with some empirical basis, it currently has not been empirically validated. The purpose of this study is to determine how empirically valid the History/Risk Scale is for probationers.

Some Landmark Predictive Studies

Warner (1923) evaluated the criteria that the Massachussetts Board of Parole used to make parole decisions. He compared the criteria they used to determine whether or not to parole with subsequent parole success. He concluded that there was little relationship between the two.

Burgess (1928) did the first formal predictive study in the Criminal Justice System. He used a number of equally weighted dichotomous items to predict differences in parole violation in Illinois.

Sheldon and Eleanore Gleuck (1930, 1934, 1937, 1940, 1943, 1945, 1950) used elaborate case history analysis to predict juvenile parole failure. Their studies continued from 1930 to 1950.

Vold (1931) compared the methods used by Burgess with those used by the Gleucks. He found little difference between the results and recommended using the much simpler Burgess method.

Monachesi (1932) also found that the method used by Burgess provided very similar results to those used by the Gleucks. This was the first study that utilized probationers rather than parolees as the sample to validate the scale.

Reiss (1949) proposed distinguishing between the usual concept of reliability for an item and the 'net' reliability, defined by proportion of cases in which separate ratings classify those cases into the different score groups of a prediction instrument.

Ohlin (1951) constructed an experience table where each case was given one favorable point for each favorable item and one unfavorable

point for each unfavorable item. He used the difference between favorable and unfavorable points as the final score, basically the same as the Burgess method.

Bechtoldt (1951) indicated that:

> "The simple addition of scores, as in the case of a set of test items, is sufficiently accurate for the combining of large numbers of variates. The rationale for this simple procedure is that, as the number of positively correlated variables increases, the correlations between any two sets of weighted scores approaches unity and the effect of differential weighting tends to disappear."

Kirby (1954) used multiple correlation as a technique to combine variables, eliminate overlapping items and apply differential weighting.

Others developed and applied various point systems such as Mannheim (1948), Dunham (1954), and Glaser (1954).

Gottfredson and Ballard (1966) combined association analysis and regression methods.

Hewitt (1975) used bivariate and multivariate analysis to test extralegal factors involved in sentencing disparity.

Simon (1971) compared the predictive power of the Burgess method with the newer more mathematically sophisticated methods using data from numerous studies and found that the simpler Burgess method tended to predict as well upon cross-validation as multiple regression or configural analysis. In comparing the efficiency of numerous methods for developing experience tables, Simon concluded that "all of them work about equally well".

Although there has been an increase over the past several years utilizing multivariate statistical techniques, it was determined that the Burgess method would obtain similar results and be easier for the field agents to complete without error. For these reasons, the History/ Risk Assessment Scale was intended to utilize the Burgess method and will be validated accordingly.

Use of Prediction in Sentencing

The utilization of predictive factors in the sentencing of offenders brings to light the controversy surrounding prediction. Many question whether prediction should be used at all in determining the sentence for an offender. Then, if prediction is used, should the predictive factors be clinical or statistical.

Shah (1978) indicated that substantial literature exists pointing to the difficulty of attempting to predict events such as violence with very low base rates. He stated that such predictions are followed by large 'false positive' errors, meaning that the majority of those predicted to be involved in acts of violent behavior in fact do not display violent behavior in the future.

Bohnstedt (1978) stated: "Simple predictiveness of a variable is not enough to justify using it." He further indicated that characteristics of a person's being, rather than the person's behavior, were being used as the basis for prediction. He continued by indicating that all criminal justice agencies assessed risk one way or another and that a 'guideline matrix' may be valuable in avoiding some of the problems encountered with prediction.

Reid (1976) indicated that due to the vagueness of the definitions of crime and dangerousness it would not be feasible to attempt to predict such human behavior. She indicated that interpretation of crime or dangerousness was too subjective to be used as a determining factor for incarceration.

Simon (1971) indicated that reliability was a major problem of clinical prediction due to variation, the clinician day by day, or clinician to clinician. She also indicated that the use of mechanical data collection could be regulated by a specific set of rules.

Meehl (1966) determined that the actuarial method was less time consuming and generally more accurate than clinical evaluation and would be less costly. However, in some cases some factors other than those contained in an actuarial devise could better predict future behavior.

METHODOLOGY

Research Questions and Associated Statistics

Question A

What is the overall predictive validity of the History/Risk Assessment Scale?

Method. To encourage comparability with similar studies, the following statistics were calculated: Pearson Correlation Coefficient, Chi Square, Contingency Coefficient, Student's T, and the Mean Cost Rating (Note 2). The dependent variable was successful/unsuccessful completion of probation.

Question B

How does the predictive validity of the History/Risk Assessment Scale compare with that of similar studies cited in the literature?

Method. The findings from Question A will be compared with the results found by Simon (1971) when she calculated Mean Cost Ratings for numerous studies she reviewed in the literature.

Question C

Is each of the variables that comprise the History/Risk Assessment Scale, significantly, .05 level, related in the implied direction to successful/unsuccessful completion of probation. Stated for each variable the questions are:

1. Is 'Age at Date of Conviction' positively related to probation success?
2. Is 'Age at First Arrest' positively related to probation success?
3. Is 'Prior Juvenile Record' negatively related to probation success?
4. Is 'Prior Adult Arrests' negatively related to probation success?
5. Is 'Current Charges Pending or Dismissed as Plea Bargain' negatively related to probation success?
6. Is 'Prior Adult Convictions' negatively related to probation success?
7. Is 'Current Conviction High Recidivism Crime' positively related to probation success?
8. Is 'Correctional Supervision History' positively related to probation success?
9. Is 'Supervision Risk' positively related to probation success?
10. Is 'Preconfinement Work/Education Record' positively related to probation success?

11. Is 'Education' positively related to probation success?
12. Is 'Substance Abuse' positively related to probation success?
13. Is the 'Total Score' positively related to probation success?

Definitions

Successful/unsuccessful completion of probation is defined as follows:

1. clients revoked and committed to a county jail, Utah State Prison, federal institution, etc;
2. clients revoked as a result of being declared a fugitive either by the court having jurisdiction or the Utah State Board of Pardons;
3. clients terminated on current offense with violations having been reported to the proper authority and that authority terminating probation in lieu of other action, clients having their current probation terminated as a result of other convictions or charges were also placed in this category;
4. clients terminated with violations occurring during probation or other conditions resulting in termination other than successfully completing probation; and
5. clients terminated after successfully completing all requirements of probation.

These categories were then grouped into two possible types, either successful or unsuccessful. The unsuccessful type consisted of categories one and two; the success type consisted of categories three, four, and five.

Method of Analysis

Correlation coefficients were calculated using the Regression procedure of the Statistical Package for the Social Studies (SPSS). The *t* tests were calculated using the SPSS Breakdown procedure. Chi Square and Contingency Coefficients were calculated using the Statpack Routine supplied with the Hewlett Packard HP 97 Calculator. Mean Cost Ratings were calculated using the formula developed by Lancucki and Tarling (Note 2).

Results

Question A

What is the predictive validity of the History/Risk Assessment?

Answer. The History/Risk Assessment score differentiates probationers who successfully complete probation from those who are unsuccessful well beyond the level expected by chance. A variety of measures of predictive validity are presented in Table 1.

Insert Table 1

The distributions of scores for successful and unsuccessful misdemeanant and felony probationers are shown in Figures 2 and 3. The frequencies in these figures have been smoothed and adjusted to reflect the actual proportions of successful completion of probation in Utah, 88% success on misdemeanant probation and 77% success on felony probation.

Insert Figures 2 & 3

Question B

How does the predictive validity of the History/Risk Assessment compare with that of similar studies cited in the literature?

Answer. The History/Risk Assessment was much more predictive of successful/unsuccessful for the sample of felony probationers (r = .478) than for misdemeanant probationers (r = .186). The combined samples resulted in compromise prediction (r = .325). Mean Cost Ratings describing the predictiveness of these samples and comparing them with other studies reviewed by Simon (1971) are presented in Table 2.

Insert Table 2

The predictive validity of the History/Risk Assessment applied to felony probationers is greater than that found in all but two of the studies cited suggesting that, at least for felony probationers, the rational scale development was sound. However, the predictive validity for misdemeanant probationers was lower than any other study cited.

Question C

Is each of the variables that comprise the History/Risk Assessment significantly, .05 level, related in the implied direction to successful/unsuccessful completion of probation.

Answer. The specific research question for each variable is answered for each of three samples in Table 3. Seven of the 12 variables were significantly related to success/unsuccess for felony probationers, nine of the 12 for the combined samples, and only two of 12 for the

misdemeanant probation sample. It should be noted that the total score was considerably more predictive for felony probationers than for the combined sample in spite of it having less variables that met the test of significance. All of the variables were predictive in the anticipated direction for all with the exception of 'Education' which resulted in a slight negative relation to success/unsuccess for misdemeanant probationers. It also should be noted that two variables for misdemeanants were more related to the dependent variable than the total score suggesting that a multiple regression approach might prove advantageous.

Insert Table 3

Conclusion

When applied to felony probationers, the History/Risk Assessment Scale has more predictive validity (r = .478) than most of the similar scales reported in the literature. This is a tribute to the sound judgment used in the rational construction of the scale.

The History/Risk Assessment Scale is predictive (r = .325) for probationers in general with ten of the thirteen variables significant beyond .05 and four of these ten beyond .01 (see Table 3). As a result of this significance, the scale can contribute to the decision making of Adult Probation and Parole and the courts.

However, the scale is much more predictive for felony probationers than for misdemeanant probationers (r = .186). The divergence is substantial; suggesting that the scale not be used to predict the risk

of supervising misdemeanant probationers, although it still seems valuable in assessing culpability. Are there other factors that infer predictability for the misdemeanant probationer or is misdemeanant probationer predictiveness a matter of chance? Perhaps a scale devised using a multiple regression approach would be more valid in the prediction of misdemeanant probationers.

Although the predictive validity is relatively high when compared with similar scales, the History/Risk Assessment Scale has limited predictive power, indicating that all decisions utilizing this scale should be relative to groups rather than individuals. This scale appears useful as a guideline concept, however, decisions pertaining to individual cases should take into account other aggravating or mitigating circumstances.

Reference Notes

1. Oldroyd, R. J. Utah Conjoint Sentencing and Paroling Guidelines. Unpublished manuscript, 1979. (Available from P. O. Box 2500, Salt Lake City, Utah 84110).

2. Lancucki, L. and Tarling, R. In Gottfredson, D. M., Wilkins, L. T., and Hoffman, P. B. Guidelines for Parole and Sentencing. Lexington: D. C. Heath and Company, 1978.

$$MCR = \frac{|S|}{N_s \, N_f}$$

where f = number of failures

s = number of successes

$$S = \sum_{i=1}^{k} \left[s_i (f_{i+1} + f_{i+2} + \ldots f_k) \right] - \sum_{i=1}^{k} \left[f_i (s_{i+1} + \ldots s_k) \right]$$

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Table 1

Number of Successes and Failures by History/Risk Assessment Score for Three Samples of Probationers

TOTAL Score		FELONY Success N=49	FELONY Failure N=43	MISDEMEANANT Success N=44	MISDEMEANANT Failure N=50	COMBINED Success N=93	COMBINED Failure N=93
30		0	0	0	0	0	0
29		2	0	2	1	4	1
28		2	0	1	0	3	0
27		1	0	0	0	1	0
26		0	0	1	2	1	2
25		0	0	3	1	3	1
	Excellent						
24		1	0	3	3	4	3
23		3	1	7	2	10	3
22		7	0	1	5	8	5
21		4	0	6	3	10	3
20		5	3	2	7	7	10
19		4	1	3	5	7	6
	Good						
18		4	7	3	4	7	11
17		4	4	4	6	8	10
16		6	6	3	0	9	6
	Moderate						
15		0	4	1	3	1	7
14		2	4	3	2	5	6
13		2	6	0	3	2	9
	Fair						
12		0	3	0	1	0	4
11		0	2	1	0	1	2
10		1	1	0	0	1	1
9		1	1	0	1	1	2
8		0	0	0	0	0	0
7		0	0	0	0	0	0
6		0	0	0	1	0	1
5		0	0	0	0	0	0
4		0	0	0	0	0	0
3		0	0	0	0	0	0
2		0	0	0	0	0	0
1		0	0	0	0	0	0
0		0	0	0	0	0	0
	Poor						
		$X^2 = 25.79$		$X^2 = 2.97$		$X^2 = 17.85$	
		$p < .01$		NS		$p < .01$	
		$t = 5.13$		$t = 1.82$		$t = 4.46$	
		$p < .01$		NS		$p < .01$	
		C .47		C .18		C .30	
		MCR .57		MCR .20		MCR .35	

Table 2

Predictive Validity

Comparison of Various Studies

STUDY	TYPE OF STUDY	MCR
Vold (1931)	Parole Violators	.36 to .71
Glaser & Hangren (1958)	Probation Violators	.69
History/Risk Assessment	Felony Probationers	.57
Monachesi (1932)	Probation Violators	.46
Manheim & Wilkins (1955)	Parole Violators	.43
Benson (1959)	Parole Violators	.43
History/Risk Assessment Oldroyd (Note 1)	Parolees	.38
Reiss (1951)	Probation Violators	.35, .35, .37
Ohlin (1951)	Parole Violators	.36
History/Risk Assessment	Combined Probationers	.35
Babst (1964)	Probation Violators	.32
Gottfredson, Wilkins & Hoffman (1978)	Parole Violators	.32
Glaser (1954)	Parole Violators	.32
Gottfredson & Ballard (1966)	Parole Violators	.30
Gottfredson & Beverly (1962)	Parole Violators	.27
History/Risk Assessment	Misdemeanant Probationers	.20

NOTE: With the exceptions of the History/Risk Assessments, the Mean Cost Ratings were calculated by Simon (1971) to compare predictive studies.

Table 3

Answers to Research Question C: Correlation by Variable

With Success for Felony, Misdemeanant and Combined Probationers

RESEARCH QUESTION	FELONY PROBATION		MISDEMEANANT PROBATION		COMBINED	
	QUESTION ANSWER	CORRELATION	QUESTION ANSWER	CORRELATION	QUESTION ANSWER	CORRELATION
1. Is 'Age at Date of Conviction' positively related to probation success?	YES	.205*	NO	.067	YES	.138*
2. Is "Age at First Arrest' positively related to probation success?	YES	.404**	NO	.149	YES	.277**
3. Is 'Prior Juvenile Record' negatively related to probation success?	YES	-.183*	NO	-.132	YES	-.144*
4. Is 'Prior Adult Arrests' negatively related to probation success?	YES	-.253**	NO	-.109	YES	-.175*
5. Is 'Current Charges Pending or Dismissed as Plea Bargain' negatively related to probation success?	NO	-.127	NO	-.142	NO	-.104
6. Is 'Prior Adult Convictions' negatively related to probation success?	YES	-.225*	NO	-.085	YES	-.139*
7. Is 'Current Conviction High Recidivism Crime' positively related to probation success?	NO	.035	NO	.101	NO	.053
8. Is 'Correctional Supervision History' positively related to probation success?	NO	.144	NO	.158	YES	.159*
9. Is 'Supervision Risk' positively related to probation success?	NO	.153	NO	.132	YES	.168*
10. Is 'Preconfinement Work/Education Record' positively related to probation success?	YES	.278**	YES	.246**	YES	.275**
11. Is 'Education' positively related to probation success?	NO	.136	NO	-.095	NO	.055
12. Is 'Substance Abuse' positively related to probation success?	YES	.211*	YES	.240*	YES	.221**
13. Is 'Total Score' positively related to probation success?	YES	.478**	YES	.186*	YES	.325**

*p < .05
**p < .01

Figure Captions

Figure 1. History/risk assessment form.

Figure 2. Frequency of success and failure by history/risk assessment score adjusted to reflect actual rates in the felony probation population.

Figure 3. Frequency of success and failure by history/risk assessment score adjusted to reflect actual rates in the misdemeanant probation population.

Figure 1

Name: _____ (1-29) Crime: _____ (30-49)

Offender is responsible to provide information or collateral contacts to verify scoring.

Cooperative ☐ Uncooperative ☐ Degree: C 1 2 3 A B (50)

Circle V if verified by collateral source.

HISTORY/RISK ASSESSMENT

(To be initiated only at time of conviction for new offense)

v	Age at Date of Conviction	Under 21	0	
		21 - 30	1	
		31 - 40	2	
		Over 40	3	51 52
v	Age at First Arrest (first offender incited non status arrest as either an adult or juvenile)	Under 14	0	
		14 - 21	1	
		22 - 25	2	
		Over 25	3	53 54
v	Prior Juvenile Record	Court Institutional Referral	0	
		More than four referrals	1	
		1 - 4 referrals	2	
		No referrals	3	55 56
v	Prior Adult Arrests (does not include current one)	More than 15	0	
		9 - 15	1	
		2 - 8	2	
		1	3	
		None	4	57 58
v	Current Charges Pending or Dismissed as Plea Bargain	More than 1	0	
		Otherwise	1	59 60
v	Prior Adult Convictions (excludes traffic)	More than 4	0	
		1 - 4	1	
		None	2	61 62
v	Current Conviction is for high recidivism crime	Agg. Robbery, Agg. Burglary	0	
		Robbery, Forgery, Burglary, Fraud,		
		Felony Theft, Auto-theft, Forcible Rape	1	63
		Otherwise	2	
v	Correctional Supervision History	Currently Supervised	0	
		Prior Revocation	1	
		Prior Supervision	2	64
		No Prior Supervision	3	
v	Supervision Risk	Escaped from Confinement	0	
		Absconded from Residential Prog.	1	
		Absconded from Supervision	2	65
		None of the above	3	
v	Preconfinement Work/Education Record (Recent)	Poor	0	
		Sporadic	1	66
		Good	2	
v	Education	Less than H.S. Grad	0	GED ☐
		H.S. Grad. or G.E.D.	1	
		Post High School Education	2	67 68
v	Substance Abuse (alcohol & drug)	Abuser (has been arrested for a Substance related crime)	0	
		User	1	69
		Non-user	2	

Poor	00 - 12
Fair	13 - 15
Moderate	16 - 18
Good	19 - 24
Excellent	25 - 30

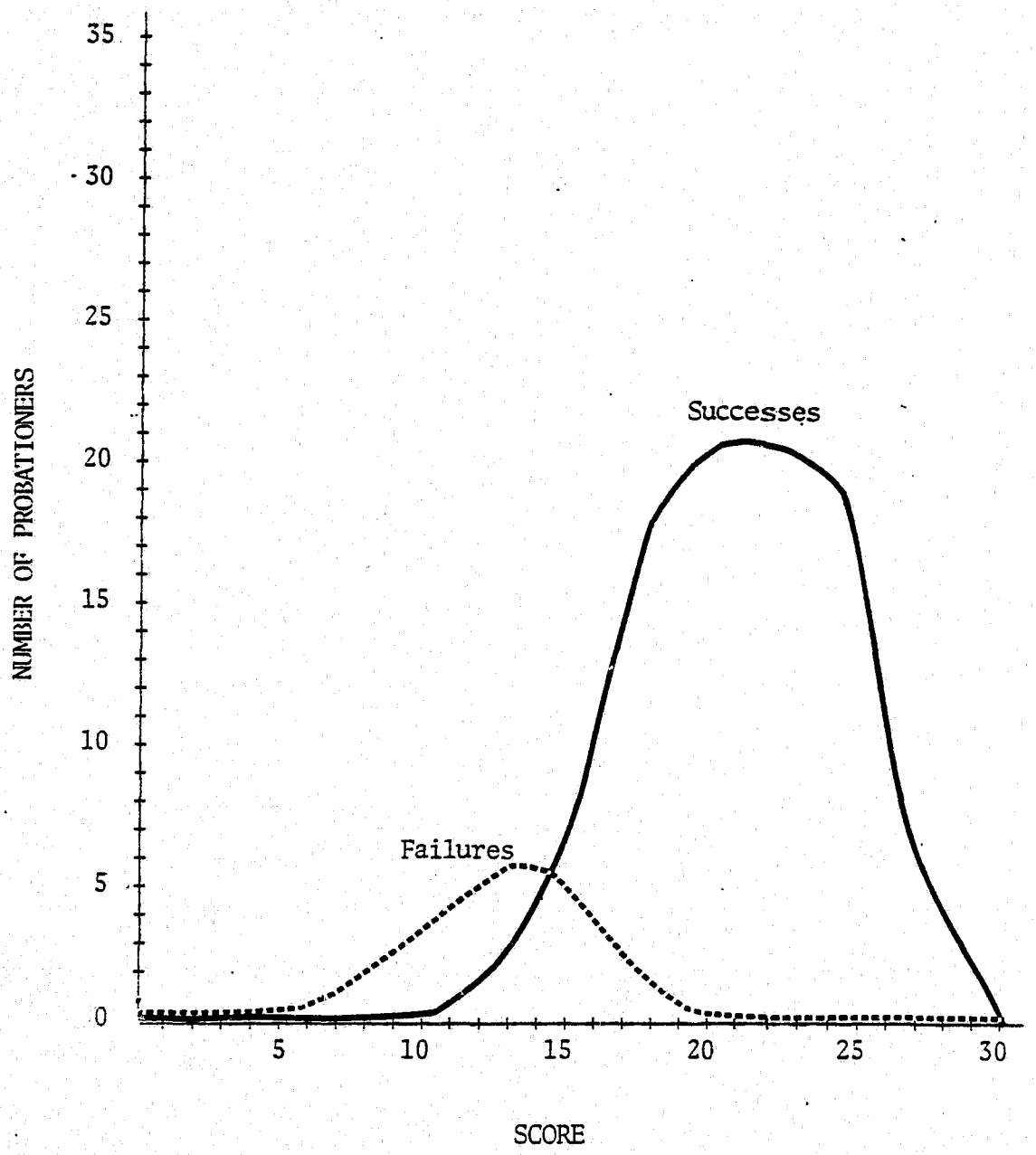
Total ☐☐ (70 71)

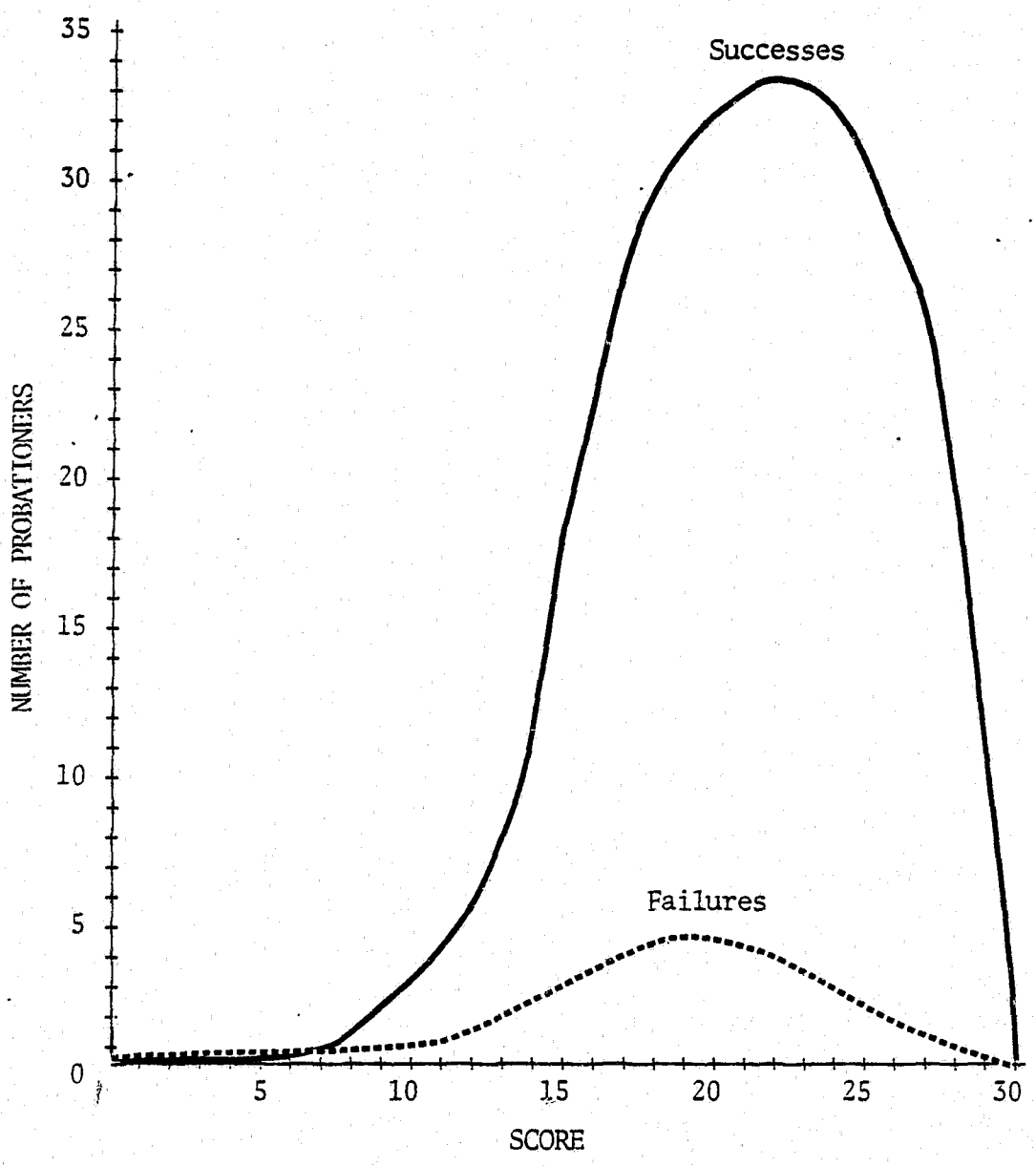
Judge: _____ Disposition:

Exit type ☐☐ (78 79)

Prison	☐	72
Jail	☐	73
Probation	☐	74
CCC	☐	75
Fine/Rest.	☐	76
Other	☐	77

Specify:


35
30
25
20
15
10
5
0
NUMBER OF PROBATIONERS
Successes
Failures
5
10
15
20
25
30
SCORE


Successes
Failures
NUMBER OF PROBATIONERS
SCORE
0
5
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20
25
30
35

END