

Travis Community Impact Supervision
Guiding Justice Decisions with Risk Assessment
Instruments

Jason Bryl

Dr. Tony Fabelo

The JFA Institute
Austin, Texas Office

Dr. Geraldine Nagy
Director, Travis County *Community Supervision and Corrections*
Department

August 2006

Table of Contents

I. Introduction	- 1 -
II. Overview of Risk Assessments	- 2 -
A. Importance of Risk Assessments	- 2 -
B. Risk Assessment Validation	- 3 -
III. Risk Assessment in the Travis Diagnosis Process	- 4 -
A. Overview of Travis Risk Assessment Instrument	- 4 -
B. Risk Assessment Validation Study	- 5 -
V. Results	- 10 -
A. Risk Assessment Level, Re-arrests and Incarcerations	- 10 -
B. Offense Type, Risk Level and Outcomes	- 14 -
C. Type of Revocation and Time to First Arrest	- 16 -
D. Risk and Gender	- 17 -
VI. Conclusion	- 21 -

Table of Figures

Figure 1: Risk Assessment Instrument - 5 -

Figure 2: Arrests and Incarcerations during Two Year Tracking Period for Felony Offenders - 6 -

Figure 3: Arrests and Incarcerations during Two Year Tracking Period for Misdemeanor Offenders - 8 -

Figure 4: Distribution of Risk Levels by Felons and Misdemeanants - 9 -

Figure 5: Felony Offenders: Percent Arrested/Incarcerated Two Years after Assessment by Risk Level - 10 -

Figure 6: Misdemeanor Offenders: Percent Arrested/Incarcerated Two Years after Assessment by Risk Level - 11 -

Table of Tables

Table 1: Percent Arrested and Percent Incarcerated by Social and Age Risk Assessment Factors for Felony and Misdemeanor Offenders..... - 12 -

Table 2: Percent Arrested and Percent Incarcerated by Justice Involvement Risk Assessment Factors for Felony and Misdemeanor Offenders..... - 13 -

Table 3: Percent Arrested and Percent Incarcerated by Original Offense Type and Risk Level - 15 -

Table 4: Type of Revocation for Each Risk Level - 16 -

Table 5: Time to Subsequent Arrest for Each Risk Level..... - 17 -

Table 6: Gender Distribution by Risk Levels for Felony Offenders - 18 -

Table 7: Gender Distribution by Risk Levels for Misdemeanor Offenders..... - 18 -

Table 8: Subsequent Arrests by Gender and by Risk Level, All Offenders - 19 -

Table 9: Incarceration by Gender and by Risk Level, All Offenders - 20 -

Summary

The Travis County Community Supervision and Corrections Department (CSCD) in Austin, Texas (the county's adult probation department) has teamed up with *The JFA Institute* in a two-year effort to reengineer the operations of the department to support more effective supervision strategies. The goal is to strengthen probation by using an evidence-based practices (EBP) model.

The Travis County CSCD, the Community Justice Assistance Division of the Texas Department of Criminal Justice, and the Open Society Institute have provided funds to support the reengineering effort and use the department as an "incubator" site to develop, test and document organization-wide changes directed at improving assessment, supervision, sanctioning, personnel training and quality control policies. The Travis County CSCD is the fifth largest probation system in the state and, as such, has a tremendous impact on the state probation system. The total number of offenders under some form of probation supervision in Travis County in FY 2005 was 22,827.

In this reengineering effort, *The JFA Institute* provides research, technical assistance in managing organizational changes and documents the efforts working with the department. Dr. Tony Fabelo is directing the project on behalf of *The JFA Institute*. Dr. Geraldine Nagy, the Director of the Travis County probation department, is directing the overall reform effort in conjunction with senior management staff of the department. The effort is supported by Travis County criminal law judges, the district and county attorneys and the Travis County Community Justice Council.

This is the third incubator site report. The first report, in January 2006, provided a context for understanding the importance of having an incubator site that can be used to develop a successful approach for implementing organization-wide evidence-based practices. The second report reviewed the strategies that are being implemented to strengthen probation assessment practices.

This report examines the importance of using risk assessment instruments to guide justice decisions. It examines the risk assessment instrument used in Travis County that will become a key evidence-based tool integrated into the new Diagnosis Matrix (as explained in detail in the second incubator report). The report reviews the results of a study designed to validate the risk assessment instrument with the Travis County population. This risk instrument has been validated with a statewide probation population but not with the local population. The study tracked the re-arrests and incarceration two years after probation placement of a large sample of probationers. The results of the study show that, in general, the risk assessment instrument score can distinguish well between low, medium and high risk felony and misdemeanor offenders, reassuring local officials and criminal justice stakeholders that the instrument is appropriate for use in the new diagnosis process. Research will continue to further determine how to improve the instrument.

I. Introduction

The Travis County Community Supervision and Corrections Department (CSCD) in Austin, Texas (the county's adult probation department) has teamed up with *The JFA Institute* in a two-year effort to reengineer the operations of the department to support more effective supervision strategies. The goal is to strengthen probation by using an evidence-based practices (EBP) model. This realignment strategy is called the Travis Community Impact Supervision (TCIS). This name was chosen to purposely distinguish this agency-wide effort from departments in Texas and around the country that have implemented limited components of an evidence-based approach but have not been able to implement or sustain evidence-based principles throughout the organization.

The Travis County CSCD, the Community Justice Assistance Division of the Texas Department of Criminal Justice, and the Open Society Institute have provided funds to support the reengineering effort and use the department as an "incubator" site to develop, test and document organization-wide changes directed at improving assessment, supervision, sanctioning, personnel training and quality control policies. The Travis County CSCD is the fifth largest probation system in the state and, as such, has a tremendous impact on the state probation system. The total number of offenders under some form of probation supervision in Travis County in FY 2005 was 22,827.

In this reengineering effort, *The JFA Institute* provides research, technical assistance in managing organizational changes, and documents the efforts working with the department. Dr. Tony Fabelo is directing the project on behalf of *The JFA Institute*. Dr. Geraldine Nagy, the Director of the Travis County probation department, is directing the overall reform effort in conjunction with senior management staff of the department. The effort is supported by Travis County criminal law judges, the district and county attorneys and the Travis County Community Justice Council.

This is the third incubator site report. The first report, in January 2006, provided a context for understanding the importance of having an incubator site that can be used to develop a successful approach for implementing organization-wide evidence-based practices. The report discussed the "start-up" strategies that have been used to design the organization-wide changes and begin the implementation process. The incubator site effort was officially initiated in November 2005 when state and foundation funding started.¹

The second report reviewed the strategies that are being implemented to strengthen probation assessment practices. This includes: (a) the streamlining of assessment procedures and forms; (b) the integration into the diagnosis process of evidence based assessment tools (risk assessment and offender classification protocols); (c) the creation of a Diagnosis Report for court officials to use; (d) the organization of supervision strategies to match the assessment of offenders; and, (e) the creation of a Central Diagnosis Unit to consolidate all assessment work.²

¹ Dr. Tony Fabelo and Dr. Geraldine Nagy, "Texas Community Impact Supervision: An Incubator Site to Improve Probation" *The JFA Institute*, Washington, DC/Austin, Texas. January 2005.

² Dr. Tony Fabelo and Dr. Geraldine Nagy, "Better Diagnosis: The First Step to Improve Probation Supervision Strategies" *The JFA Institute*, Washington, DC/Austin, Texas. June 2005.

This report examines the importance of using risk assessment instruments to guide justice decisions. It examines the risk assessment instrument used in Travis County that will become a key evidence-based tool integrated into the new Diagnosis Matrix (as explained in detail in a previous report).³ The report then reviews the results of a study designed to validate the risk assessment instrument used with the Travis County population. This risk instrument has been validated with a statewide probation population but not with the local population.⁴ The study tracks the re-arrests and incarceration two years after probation placement of a large sample of probationers. The results show that, in general, the risk assessment instrument score can distinguish well between low, medium and high risk felony and misdemeanor offenders, reassuring local officials and criminal justice stakeholders that the instrument is appropriate for use as part of the new diagnosis process. Research will continue to further determine how to improve the instrument.

II. Overview of Risk Assessments

A. Importance of Risk Assessments

It is important to conduct risk assessments at all critical decision points in the criminal justice system. Criminal justice officials conduct “clinical” risk assessments based on their experiences every time they make a decision. Examples of these decisions include granting bail, sentencing an offender to probation or prison, releasing an offender on parole, housing an inmate in a particular housing unit within a prison or jail, granting an offender an alternative sanction or placing an offender in a program in lieu of a probation or parole revocation to prison, and deciding on a more or less strict supervision level when an offender is placed on community supervision. In making their decisions, criminal justice officials are assessing the risk of an offender committing another crime after being granted probation or parole, the risk of an offender failing in a treatment or re-entry program, the risk of an offender being physically or sexually assaulted in prison, or the risk of a person “jumping bail.”

The “clinical” decisions made every day by criminal justice officials can be guided and, perhaps, improved by the use of risk assessment instruments. Therefore, risk assessment instruments can be used at any stage of the justice system in which decisions are principally (or partially) made based on the risk of offenders engaging in certain behaviors that the decision makers are trying to prevent. Risk assessment instruments are broadly accurate in predicting the risk of offenders that fit certain statistical profiles. In essence, risk assessment instruments supplement a “clinical” decision with a “statistical” evaluation of risk. Risk assessment instruments also help organize offenders along an explicit set of factors that correlate with the risk behavior and, in doing so, help in the collection of data needed to evaluate decision and program outcomes.

³ See what from now on in the report will be referred as “the second incubator” report: Dr. Tony Fabelo and Dr. Geraldine Nagy, “Better Diagnosis: The First Step to Improve Probation Supervision Strategies” *The JFA Institute*, Washington, DC/Austin, Texas. June 2005.

⁴ Mike Eisenberg, “Validation of Risk Assessment Factors,” Texas Department of Criminal Justice, Community Justice Assistance Division, April 2005.

All risk assessment instruments share some common elements. They all include a list of factors that are “scored” based on a statistical weight that correlates with the risk behavior. In criminal justice, most risk assessment instruments include age as a risk factor (the younger the offender, the higher the risk of recidivism) and some elements related to prior criminal history (the more severe the criminal history, the higher the likelihood of recidivism). However, risk assessment instruments have to be designed to fit the particular behavior risks of the different populations at key decisions points in the criminal justice system. For example, years of residence in a particular address or community may relate to the risk of “jumping bail” but it may not relate with the risk of misbehavior in a prison setting. Factors related with the type or severity of a mental illness may relate with the risk of an offender succeeding in a community corrections program but may have nothing to do with the risk of an offender “jumping bail”.

B. Risk Assessment Validation

Jurisdictions need to realize that all decisions at the different stages of the criminal justice system revolve around a behavior that we are trying to prevent but cannot be prevented perfectly. They need to recognize that all decisions carry a “cost” – a cost in terms of public safety and a financial cost in terms of program services or incarceration. A perfect decision would eliminate public safety risk at the minimum financial cost. Since a perfect decision is not possible, risk assessment instruments can improve decision making by supplementing “clinical” decisions.

Although a jurisdiction can rely on an “off-the-shelf” risk assessment instrument that has been used in another jurisdiction for an apparently similar population, doing this is problematic unless the jurisdiction knows if the instrument is valid for its own population. For example, a probation risk assessment instrument from one jurisdiction may not be valid in another if the characteristics of the population eligible for probation are not similar due to different probation eligibility policies or sentencing practices. The jurisdiction also would not be able to easily structure the instrument to fit the particular decision making style of their officials or to take advantage of the jurisdiction’s particular program options (program options may reduce certain risks for similar populations in different jurisdictions).

Ideally, a jurisdiction will commission the development of a risk assessment instrument designed for its particular population and local policies. At the minimum, a jurisdiction should commission the validation and redesign, if needed, of any “off-the-shelf” risk assessment instrument that they may have started using.

Once the risk assessment instrument is developed and adopted for decision making, the use of the instrument should be monitored. Data should be collected on how the instrument was applied in each case. Over time, a database would be developed that includes the record of an individual, the risk assessment score and the decision that was made based on the risk assessment (grant bail, grant parole, place in a supervision level, etc.). This information is used to do a longitudinal follow-up study that again validates the instrument. For example, individuals who were classified by the instrument as “high risk” should, in fact, be the most likely to engage in the behavior at risk. Validation also examines whether decision makers make decisions based on the statistical distinctions built in the instrument. For example, decision makers should be more likely to revoke offenders in a high risk group than offenders in a low risk group.

When conducting risk assessment research it is important to find the “normal” distribution of the risk factors of the particular population. If the assessment instrument has been designed to appropriately reflect the results of the research, then the factors in the instrument should reflect the normal distribution of risk factors in the population.

III. Risk Assessment in the Travis Diagnosis Process

A. Overview of Travis Risk Assessment Instrument

The second incubator report of June 2006 reviewed in detail the strategies behind the creation of a Central Diagnosis Unit in the probation department and the development of a Central Diagnosis Assessment Report. The two main assessment tools integrated in the Central Diagnosis Assessment Report are the Wisconsin Risk Assessment Instrument and the Strategies for Case Supervision (or SCS). As was explained in more detail in that report, the risk assessment was developed in Wisconsin in the late 1970's and was adapted for use in the probation system in Texas. The instrument consists of eleven weighted-items that are associated with the risk of re-arrest and revocation. The scores for each item are added, with the sum placing offenders into a low, medium or high risk group.

Figure 1 shows the risk assessment instrument. The Community Justice Assistance Division (CJAD) of the Texas Department of Criminal Justice, the state agency that sets probation standards and provides state funding to local probation departments, has required the use of this tool in Texas. In April 2005, CJAD published a report testing the validity of the risk assessment instrument on a statewide sample of 13,185 offenders. The study found the risk instrument to distinguish fairly well the risk of offenders although some factors were “not effective in discriminating offenders into groups with differential rates of recidivism.”⁵

The JFA technical assistance team working with the department has conducted two research projects to test the validity of the risk instrument as it applies to the Travis County probation population. The studies were done using two large samples of the Travis County probation population and show the instrument to distinguish fairly well the risk of offenders and their placement in different risk groups.⁶ The key information generated from the study is explained in more detail on the following pages.

⁵ Mike Eisenberg, “Validation of Risk Assessment Factors,” Texas Department of Criminal Justice, Community Justice Assistance Division, April 2005.

⁶ Dr. Tony Fabelo and Jason Bryl, “Travis County Risk Score Validation and Related Analysis: Report One” *The JFA Institute*, Washington, DC/Austin, Texas. March 27, 2006; Dr. Tony Fabelo and Jason Bryl, “Travis County Risk Score Validation: Updated Analysis with Additional Cases, Report Two” *The JFA Institute*, Washington, DC/Austin, Texas. June 1, 2006.

Figure 1: Risk Assessment Instrument

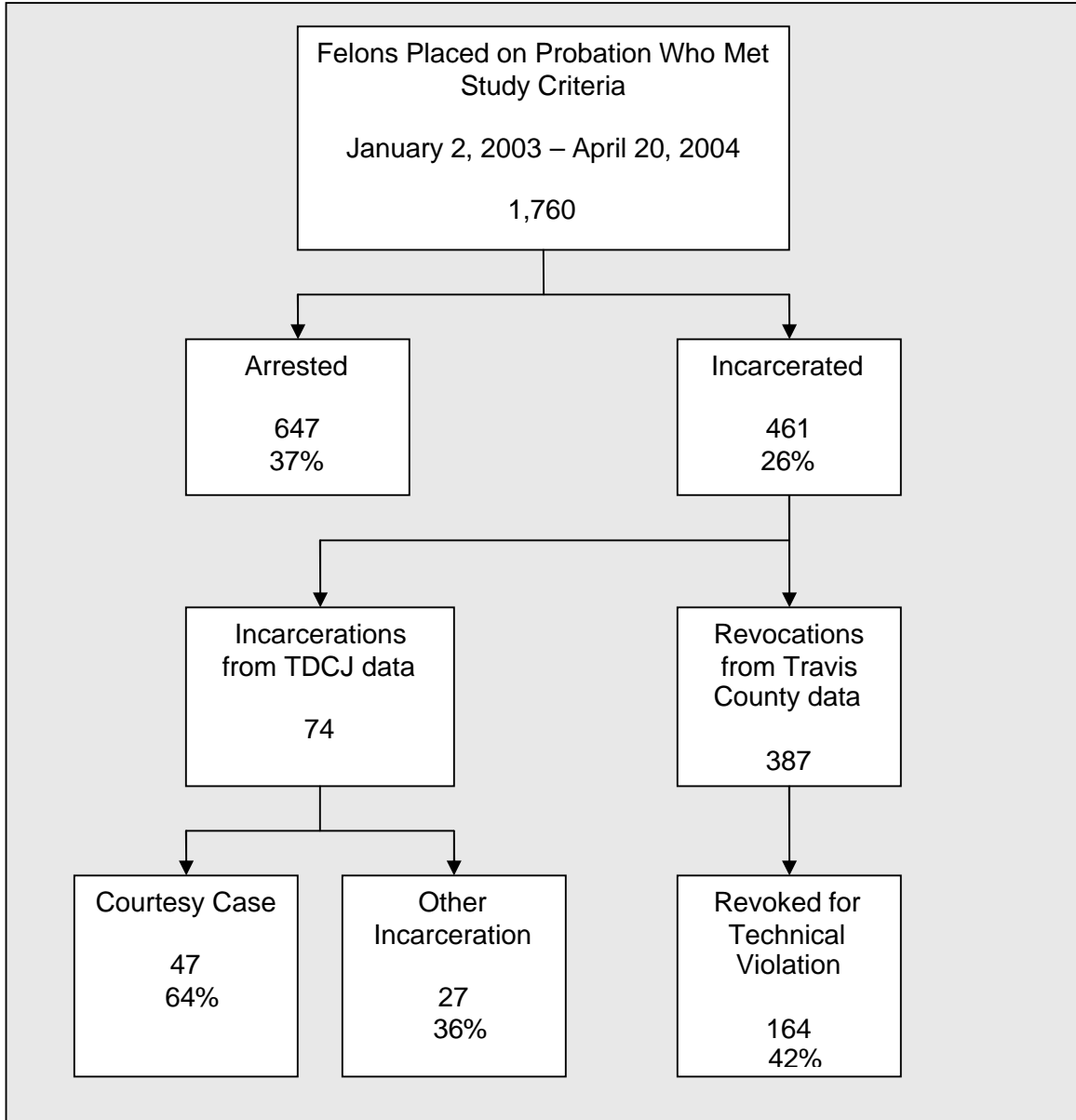
1.	Number of address changes in the last 12 months [0= none, 2= one, 3= Two or more]	0
2.	Percentage of time employed in the last 12 months [0= 60 % or more 1= 40% to 59% 2= less than 40% N/A = 0]	0
3.	Alcohol usage [0= unrelated, 1= Probable relationship, 2= Definite relationship]	0
4.	Other drug usage [0=no abuse, 1= Probable relationship, 2= Definite relationship]	0
5.	Attitude [0= Motivated to change, 3= somewhat motivated, 5= Rationalizes behavior]	0
6.	Age at first Adjudication of guilt [0= 24 or older, 2= 20 – 23 , 4= 19 or younger]	0
7.	Number of prior periods of Probation/Parole Supervision [0 = none, 4 = one or more]	0
8.	Number of Prior Probation/Parole Revocations [0 = none, 4 = one or more]	0
9.	Number of prior Felony Adjudications of guilt [0 = none, 2 = one, 4 = Two or more]	0
10.	Adult or Juvenile adjudications for: [0 = none; 2 = Burglary, theft, auto theft, robbery; 3 = Worthless Checks, Forgery; 5 = max]	0
11.	Adult or Juvenile Adjudication for Assaultive Offenses within LAST FIVE years [0 = no, 8 = yes]	0
	Total Score:	
	MIN = 0 – 7 , Med = 8 – 14, Max = 15 or greater LEVEL	MAXIMUM

B. Risk Assessment Validation Study

The risk assessment validation study tracked the re-arrest and incarceration of 7,287 offenders placed on probation between January 2, 2003 and April 20, 2004. Re-arrest information was collected from the Texas Department of Public Safety criminal history records' revocation information was collected from the records maintained by the Travis probation department; and incarceration information was collected from the records of admissions to the Texas Department of Criminal Justice. Offenders were eligible for the tracking if they had a risk assessment done by the department within 60 days of placement on probation.

The overall results of the tracking for the felons and misdemeanants in the study are shown in Figures 2 and 3.

Figure 2: Arrests and Incarcerations during Two Year Tracking Period for Felony Offenders

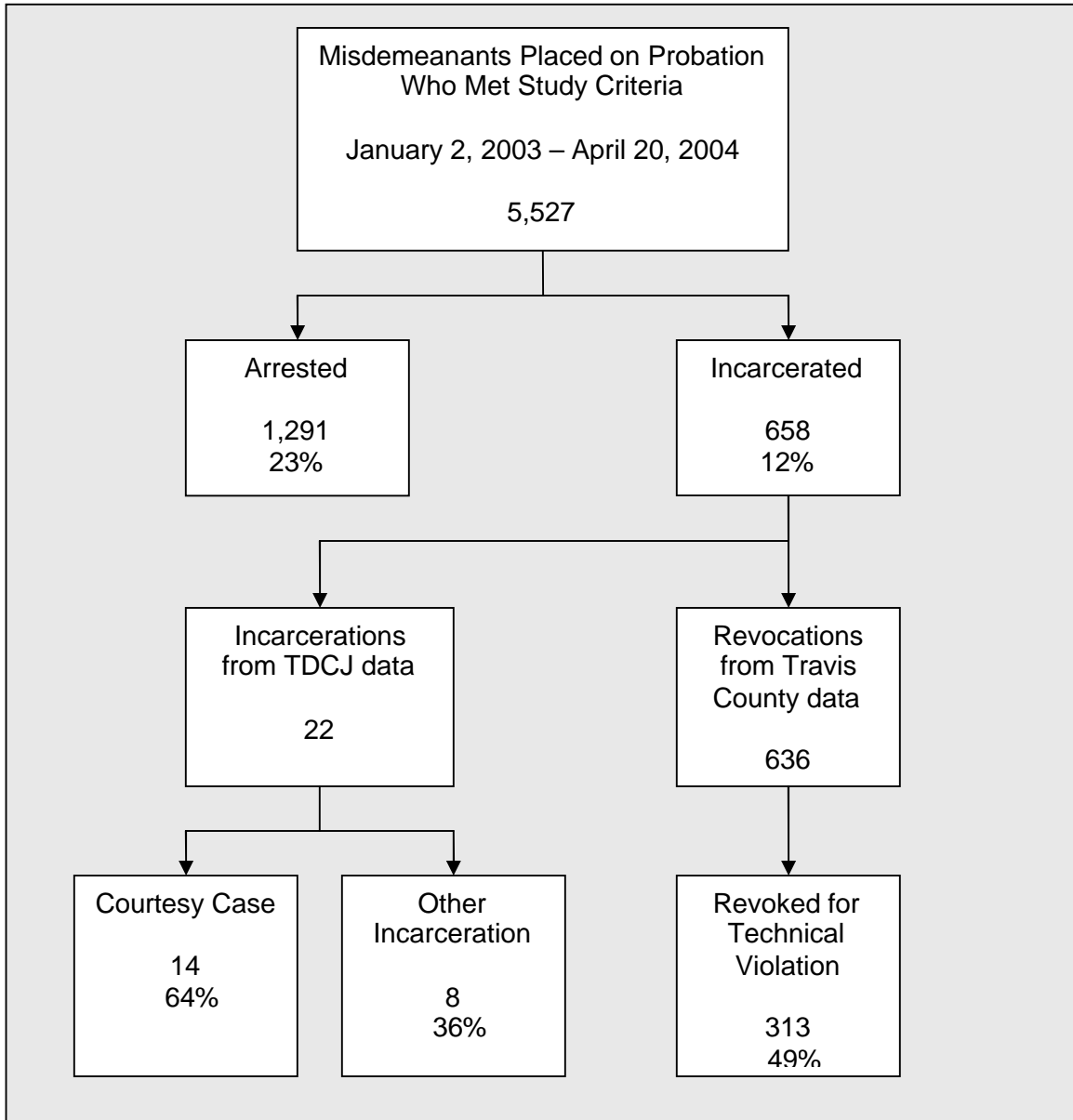


There were 1,760 felons in the study group. Of those 1,760 felons, 37% were arrested within the two year tracking period and 26% were incarcerated. These results compare favorably with the results of a statewide study in which 33% of felons tracked were arrested within two years and 20% of felons tracked were incarcerated.⁷

⁷ Mike Eisenberg, "Validation of Risk Assessment Factors," Texas Department of Criminal Justice, Community Justice Assistance Division, April 2005.

The 461 felony incarcerations came from two sources. Revocations from the Travis County data accounted for 387 of the incarcerations while 74 incarcerations came from TDCJ data. The data from TDCJ included 47 cases identified as courtesy cases. In all likelihood, these cases were closed by Travis County and the offender was revoked in another county. The other 27 cases identified through TDCJ data consist of offenders incarcerated for a case, charge or circumstance unrelated to the case tracked by this study.

Figure 3: Arrests and Incarcerations during Two Year Tracking Period for Misdemeanor Offenders

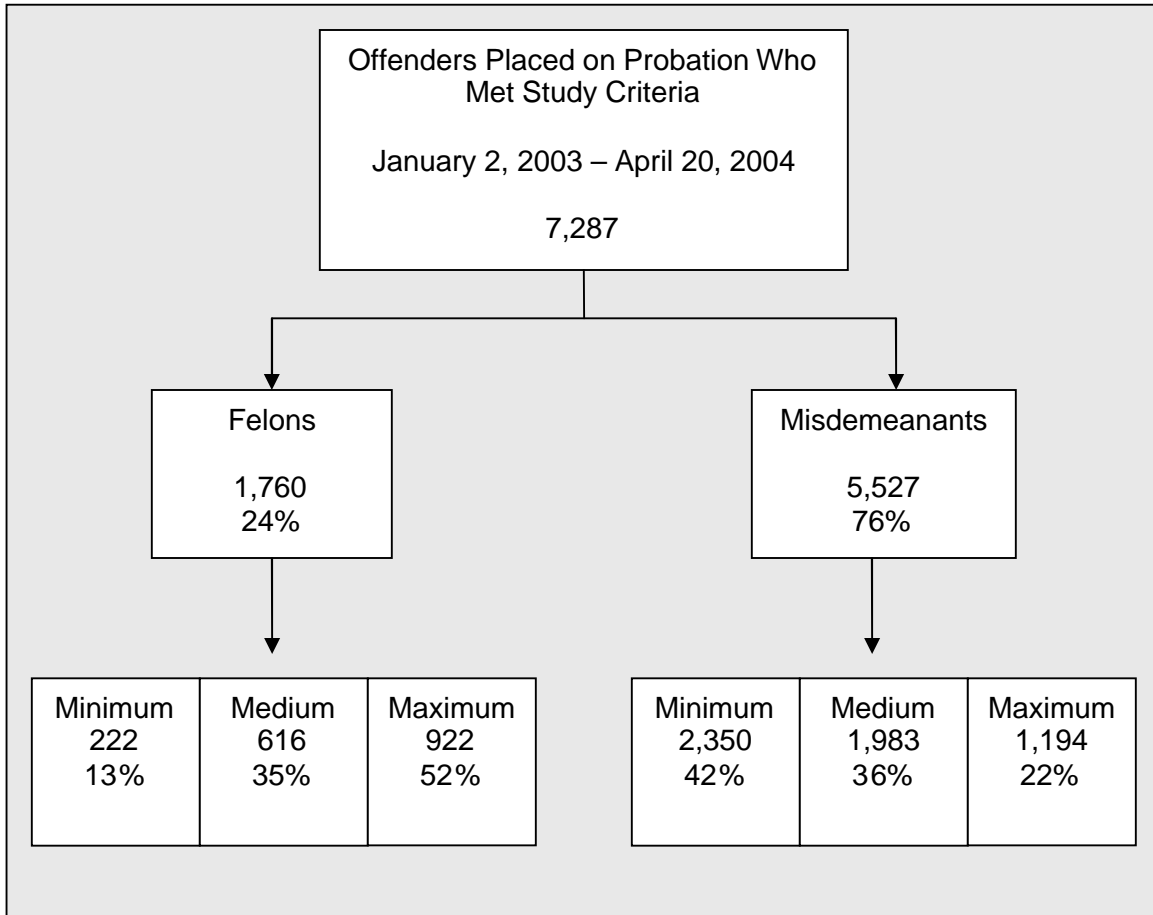


There were 5,527 misdemeanants in the study group. Of those misdemeanants, 23% were arrested within the two-year tracking period and 12% were incarcerated. As would be expected, these percentages are lower than those of felony offenders. A comparison to statewide figures was not possible as misdemeanants were not included in the state sponsored study mentioned previously.

In order to test the predictive ability of the risk instrument, offenders were tracked according to their initial risk level. The risk assessment was administered within 60 days of the offender being placed on probation and the initial risk level was assigned

according to the assessment results. Figure 4 shows the assessment results for the study group.

Figure 4: Distribution of Risk Levels by Felons and Misdemeanants



The risk level of the Travis County population differs from that of other large counties. Based on statewide comparative data (different from the study data presented here) collected by the Community Justice Assistance Division of TDCJ, 42% of the Travis felony probation population was categorized as high risk in 2004 compared to 15% of the Harris County population, 23% in Dallas and 15% in Bexar.⁸ The misdemeanor population was also riskier in Travis, with 19% of the population classified as high risk compared to 4% in Harris, 9% in Dallas and 11% in Bexar. Therefore, Travis County has a population with a higher risk level than that of the statewide population. The reasons for this are not clear. A higher risk population could reflect fewer low-risk offenders in the mix due to diversion of low-risk offenders by drug-court or other diversion from prosecution programs, longer sentences or reluctance to

⁸ Texas Department of Criminal Justice, Criminal Justice Assistance Division, 2004 Statistical Tables.

give early terminations to high-risk offenders, or greater reliance on probation at initial sentencing in Travis County.

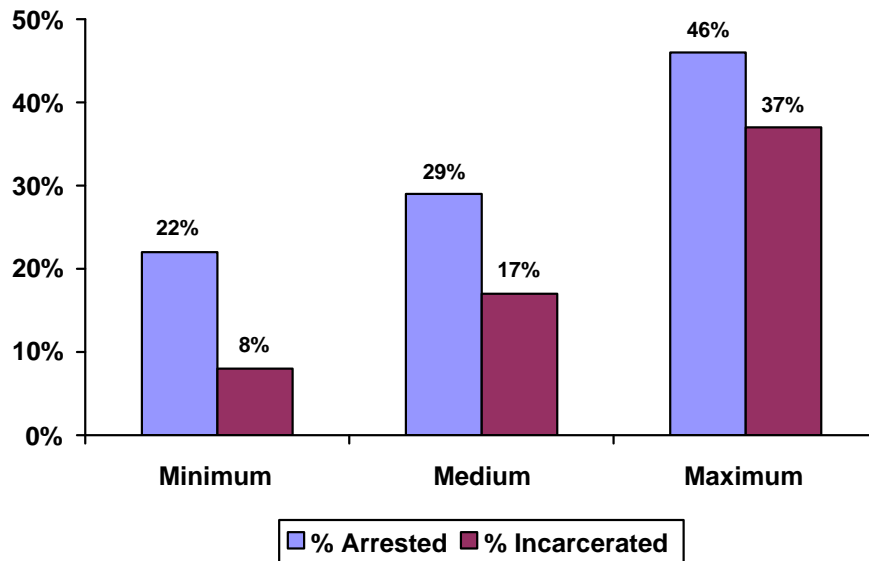
V. Results

A. Risk Assessment Level, Re-arrests and Incarcerations

In order to validate the risk assessment instrument we must test the predictive ability of the risk instrument. If the predictive ability of the risk instrument is strong, there will be a clear relationship between the assigned risk level and the percentage of offenders arrested and incarcerated within a fixed period. In this instance, as the risk level increases it follows that the percentage of offenders arrested and incarcerated would increase. Conversely, if the predictive ability of the risk instrument is weak, there would not be a clear relationship between the assigned risk level and the percentage of offenders arrested and incarcerated within a fixed period.

For felony offenders in Travis County we find the predictive ability of the risk instrument is strong. The percentage of offenders arrested within two years was 22% for minimum risk offenders, increased to 29% for medium risk offenders, and increased again to 46% for maximum level offenders. The percentage of offenders incarcerated within two years was 8% for minimum risk offenders, 17% for medium level offenders, and 37% for maximum level offenders. Therefore, the risk assessment performed well as an overall predictive risk instrument and is validated for felony offenders in Travis County.

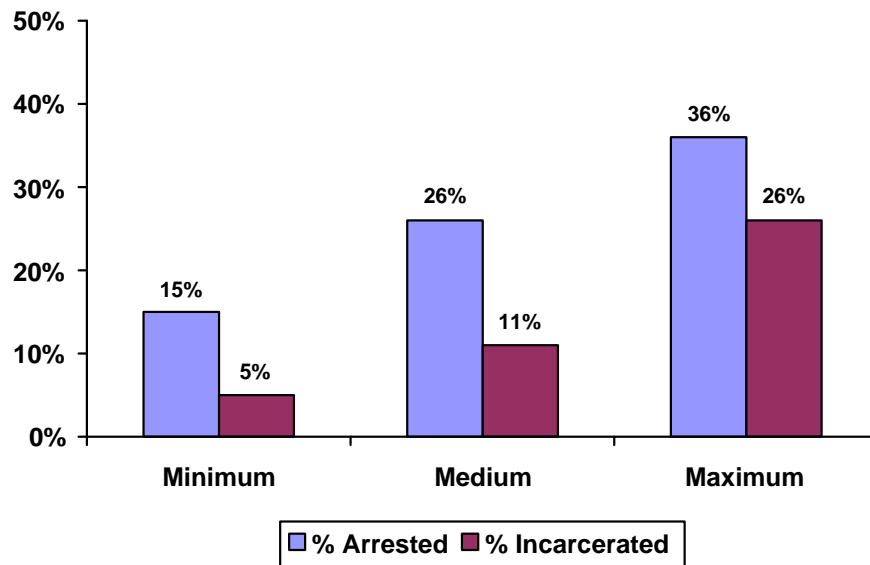
Figure 5: Felony Offenders: Percent Arrested/Incarcerated Two Years after Assessment by Risk Level



While the distribution of risk levels in Travis County differed from those statewide, the results of the risk assessment instrument did not. Statewide, the percentage of offenders arrested within two years was 24% for minimum risk offenders, 32% for medium risk offenders, and 40% for maximum level offenders. The percentage of offenders incarcerated within two years was 10% for minimum risk offenders, 18% for medium level offenders, and 30% for maximum level offenders.⁹

The predictive ability of the risk instrument for misdemeanor offenders in Travis County is strong as well. The percentage of offenders arrested within two years was 15% for minimum risk offenders, increased to 26% for medium risk offenders, and increased again to 36% for maximum level offenders. The percentage of offenders incarcerated within two years was 5% for minimum risk offenders, 11% for medium level offenders, and 26% for maximum level offenders. Therefore, the risk assessment performed well as an overall predictive risk instrument and is validated for misdemeanor offenders in Travis County.

Figure 6: Misdemeanor Offenders: Percent Arrested/Incarcerated Two Years after Assessment by Risk Level



In addition to examining the risk assessment instrument as a whole, analysis was done on each of the 11 questions on the risk assessment instrument. In doing so, the predictive ability of each risk assessment factor was determined.

The risk assessment instrument is designed so that the possible answers to each of the 11 questions are of increasing risk severity. Each answer corresponds to a

⁹ Mike Eisenberg, "Validation of Risk Assessment Factors," Texas Department of Criminal Justice, Community Justice Assistance Division, April 2005.

numeric score, with the least severe risk answer being given the lowest score and the most severe answer being given the highest score. The sum of the scores for all 11 items is the total score that determines the offenders risk level. The higher the total score, the higher the risk level.

The percent arrested and percent incarcerated were calculated for each answer under each of the 11 risk assessment factors. In Table 1 and Table 2, the results are presented for felons and misdemeanors.

Table 1: Percent Arrested and Percent Incarcerated by Social and Age Risk Assessment Factors for Felony and Misdemeanor Offenders

Risk Assessment Factors	Felony		Misdemeanor	
	% Arrested	% Incarcerated	% Arrested	% Incarcerated
Address Changes Last 12 Months				
None	34%	22%	21%	10%
One	35%	25%	25%	13%
Two or More	48%	39%	35%	24%
Percent of Time Employed				
60% or more	28%	14%	21%	9%
40% - 59%	36%	30%	29%	18%
Under 40%	52%	43%	39%	30%
Alcohol Usage				
Unrelated to criminal activity	34%	21%	28%	14%
Probable relationship	44%	31%	30%	16%
Definite relationship	35%	28%	19%	10%
Other Drug Usage				
Unrelated to criminal activity	29%	14%	20%	9%
Probable relationship	39%	29%	30%	17%
Definite relationship	41%	33%	34%	22%
Attitude				
Motivated to change	30%	18%	19%	9%
Somewhat motivated to change	37%	27%	24%	12%
Not motivated to change	48%	36%	34%	24%
Age at First Adjudication of Guilt				
24 or older	25%	15%	16%	7%
20-23	33%	21%	27%	14%
19 or younger	49%	38%	36%	22%

The possible answers under each risk assessment factor are listed in order of increasing risk severity. Thus, offenders with two or more address changes in the last 12 months have a higher risk level than those who had no address changes in the last 12 months. By comparing the relationship between the risk severity of each answer and the percentage of offenders arrested and incarcerated we can test the predictive ability of each question on the risk assessment instrument. Percentages under each question which are increasing (as you read downward) show that item has a strong predictive ability.

Table 2: Percent Arrested and Percent Incarcerated by Justice Involvement Risk Assessment Factors for Felony and Misdemeanor Offenders

Risk Assessment Factors	Felony		Misdemeanor	
	% Arrested	% Incarcerated	% Arrested	% Incarcerated
Number of Prior Periods of Probation or Parole Supervision				
None	32%	20%	21%	10%
One or more	41%	31%	31%	18%
Number of Prior Probation/Parole Revocations				
None	34%	23%	22%	11%
One or more	44%	37%	41%	32%
Number of Prior Felony Adjudications of Guilt				
None	33%	22%	22%	11%
One	41%	33%	36%	27%
Two or more	54%	47%	44%	36%
Adjudications for:				
None	32%	20%	21%	11%
Burglary, theft, auto theft, or robbery	45%	35%	33%	19%
Worthless checks or forgery	36%	23%	29%	15%
Both groups of offenses	46%	43%	46%	17%
Adjudication for Assaultive Offense within last five years				
No	34%	24%	21%	9%
Yes	44%	32%	32%	21%

The predictive ability of ten of the eleven risk factors was strong for both felonies and misdemeanors in Travis County. The alcohol risk factor does not appear to be an effective recidivism discriminator. This could be due, in part, to the fact that so many offenders use alcohol. In fact, in 2005 the Treatment Alternatives to Incarceration Program (TAIP) assessed 4,050 offenders and 76% of them were referred to a

substance abuse treatment program.¹⁰ The alcohol risk factor will have to be further evaluated in future research to determine a better way of using it in the assessment instrument.

The Travis County results compare favorably to the statewide study (although the statewide study focused on felons only). The statewide study found the alcohol risk factor to be a weak predictor for both arrests and incarceration, as did the Travis County study. Unlike this study, the statewide study found *address changes within the last 12 months* and *attitude* to be weak predictors for percent arrested. All other risk factors were confirmed to have a strong predictive ability.¹¹

B. Offense Type, Risk Level and Outcomes

The type of offense committed by an offender often plays a large role in the decisions made by criminal justice officials. Therefore, the risk assessment instrument was also examined by original offense type. All felonies and misdemeanors were broken into 8 offense groups: violent-non-assault, property, drug, sex-related, DWI, assault, sex assault and other. The 'violent-non-assault' category contains offenses such as robbery and arson. The 'sex-related' category contains mostly misdemeanor sex-related crimes such as prostitution and indecent exposure. The 'other' category is a catch-all category containing offenses such as criminal mischief and resisting arrest.

Table 3 shows the percent of offenders arrested and percent incarcerated by original offense type and risk level. Each offense group was separated by risk level and, again, the risk instrument proved in almost all cases to have a strong predictive ability. The only exceptions were for the offense groups of 'violent-non-assault' and 'assault', in which there was a low distinction in terms of arrests between offenders in the medium and maximum categories.

¹⁰ FY '05 TAIP Annual Report, Central Texas TAIP Region

¹¹ Mike Eisenberg, "Validation of Risk Assessment Factors," Texas Department of Criminal Justice, Community Justice Assistance Division, April 2005.

Table 3: Percent Arrested and Percent Incarcerated by Original Offense Type and Risk Level

Variable	% Arrested	% Incarcerated
Original Offense Type		
Violent-non-assault	55%	34%
n = 7 Minimum	29%	14%
n = 15 Medium	60%	33%
n = 49 Maximum	57%	37%
Property	35%	19%
n = 201 Minimum	19%	5%
n = 281 Medium	32%	13%
n = 231 Maximum	53%	38%
Drug	37%	26%
n = 232 Minimum	23%	7%
n = 486 Medium	32%	18%
n = 421 Maximum	52%	44%
Sex-Related	22%	19%
n = 49 Minimum	14%	8%
n = 27 Medium	22%	22%
n = 25 Maximum	36%	36%
DWI	17%	8%
n = 1,685 Minimum	13%	5%
n = 969 Medium	22%	10%
n = 316 Maximum	27%	15%
Other	29%	15%
n = 370 Minimum	19%	6%
n = 401 Medium	31%	13%
n = 295 Maximum	39%	30%
Assault	31%	21%
n = 26 Minimum	27%	4%
n = 410 Medium	22%	9%
n = 754 Maximum	36%	28%
Sex Assault	36%	29%
n = 2 Minimum	0%	0%
n = 7 Medium	14%	14%
n = 22 Maximum	46%	36%

C. Type of Revocation and Time to First Arrest

Table 4 presents the risk level and type of revocation for offenders in the study group who were incarcerated due to a probation revocation. While the risk assessment was not designed to predict technical violations, the pattern seems to indicate that offenders with a medium or maximum risk level tended to have a higher percentage of revocations for technical violations (as opposed to a new offense) than those offenders with a minimum risk level. This, perhaps, reflects less tolerance for non-compliant behavior with medium and maximum risk offenders.

Table 4: Type of Revocation for Each Risk Level

Risk Level	Type of Revocation			
		Technical Violation	New Offense	Total
Minimum	#	50	88	138
	%	36%	64%	100%
Medium	#	130	161	291
	%	45%	55%	100%
Maximum	#	300	298	598
	%	50%	50%	100%

Table 5 presents the time to subsequent arrest for each risk level. The data shows that as the risk level increases, the time to subsequent arrest gets shorter. In other words, the higher the risk level, the quicker the probationers were arrested with 13% of offenders with a minimum risk level arrested within 90 days, compared to 17% of medium risk offenders and 19% of maximum risk level offenders. Within 12 months, subsequent arrests for minimum, medium, and maximum risk levels were 54%, 60% and 68% respectively.

Table 5: Time to Subsequent Arrest for Each Risk Level

Risk Level	Time to Subsequent Arrest						Total
	0-90 Days	4-6 Months	7-12 Months	13-18 Months	19-24 Months		
Minimum	#	51	56	105	99	82	393
	%	13%	14%	27%	25%	21%	100%
Medium	#	118	111	187	147	126	689
	%	17%	16%	27%	22%	18%	100%
Maximum	#	160	172	246	154	124	856
	%	19%	20%	29%	18%	14%	100%

D. Risk and Gender

Lastly, the study looks at the relationship between risk and gender. Gender issues are an increasingly important dynamic when dealing with criminal justice decisions. While males still account for the overwhelming number of crimes committed, it is undeniable that females are becoming more visibly present in the criminal justice system. Determining how resources will be divided and used for populations with different needs requires criminal justice officials to reflect upon gender issues.

Table 6 and Table 7 show the distribution of risk levels by gender for both felony offenders and misdemeanor offenders. In general, for both felonies and misdemeanors, males tend to have a higher risk level and females tend to have a lower risk level. Female offenders, in both the felony and misdemeanor tables, have a higher percentage of minimum risk offenders. Male offenders have a higher percentage of medium risk offenders in the misdemeanor table. Female offenders have a higher percentage of medium risk offenders in the felony table. Male offenders, in both the felony and misdemeanor tables, have a higher percentage of maximum risk offenders than female offenders.

Table 6: Gender Distribution by Risk Levels for Felony Offenders

Gender		Risk Level			Total
		Minimum	Medium	Maximum	
Male	#	152	447	751	1,350
	%	11%	33%	56%	100%
Female	#	70	169	171	410
	%	17%	41%	42%	100%

Table 7: Gender Distribution by Risk Levels for Misdemeanor Offenders

Gender		Risk Level			Total
		Minimum	Medium	Maximum	
Male	#	1,708	1,521	976	4,205
	%	41%	36%	23%	100%
Female	#	642	462	218	1,322
	%	49%	35%	16%	100%

Table 8 shows subsequent arrests by gender and by risk level. Male offenders in each risk level have a higher percentage of subsequent arrests than females. However, for both male and female offenders, the percentage arrested at the minimum risk level was lower than the percentage arrested at the medium risk level and both of these were lower than the percentage arrested at the high risk level. As can be seen in Table 8, 16% of males at the minimum risk level had a subsequent arrest compared to 27% at the medium level and 42% at the maximum level. For females, 12% of those at the minimum level had a subsequent arrest compared to 24 at the medium level and 35% at the maximum risk level.

Table 8: Subsequent Arrests by Gender and by Risk Level, All Offenders

Risk Level	Gender		Subsequent Arrest		
			No	Yes	Total
Minimum	Male	#	1,556	304	1,860
		%	84%	16%	100%
	Female	#	623	89	712
		%	88%	12%	100%
Medium	Male	#	1,432	536	1,968
		%	73%	27%	100%
	Female	#	478	153	631
		%	76%	24%	100%
Maximum	Male	#	1,006	721	1,727
		%	58%	42%	100%
	Female	#	254	135	389
		%	65%	35%	100%

Table 9 shows that while male offenders in each risk level have a higher percentage of incarcerations, the risk assessment is valid for males as well as females when looking at incarcerations. As Table 9 shows, 6% of males with a minimum risk score were incarcerated during the two year study period compared to 13% of those with a medium risk score and 32% of those with a maximum risk score. For females, 3% of those with a minimum risk score were incarcerated compared to 10% with a medium risk score and 25% with a maximum risk score.

Table 9: Incarceration by Gender and by Risk Level, All Offenders

Risk Level	Gender		Incarceration		
			No	Yes	Total
Minimum	Male	#	1,744	116	1,860
		%	94%	6%	100%
	Female	#	688	24	712
		%	97%	3%	100%
Medium	Male	#	1,706	262	1,968
		%	87%	13%	100%
	Female	#	567	64	631
		%	90%	10%	100%
Maximum	Male	#	1,173	554	1,727
		%	68%	32%	100%
	Female	#	290	99	389
		%	75%	25%	100%

VI. Conclusion

This report examines the risk assessment instrument used in Travis County that will become a key evidence-based tool integrated into the new Diagnosis Matrix (as explained in detail in a previous report). The report reviewed the results of a study designed to validate the risk assessment instrument used with the Travis County population. Previous to this report, this risk instrument had been validated with a statewide probation population but not with the local population. The study tracked the re-arrests and incarceration for two years after probation placement of a large sample of probationers. The results show that, in general, the risk assessment instrument score can distinguish well between low, medium and high risk felony and misdemeanor offenders. Research will continue to further determine how to improve the instrument, but the study reassured local officials that this instrument is appropriate for use as part of the new diagnoses process.

Criminal justice officials conduct “clinical” risk assessments based on their experiences every time they make a decision. In making their decisions, criminal justice officials are assessing the risk of an offender committing another crime or being revoked from probation and incarcerated. The “clinical” decisions made every day by criminal justice officials can now be guided and, perhaps, enhanced by the use of the risk assessment instrument that has been integrated into the new Travis probation diagnosis process.