Colorado Actuarial Risk Assessment Scale (CARAS 2008)
Parole Guidelines
C.R.S. 17-22.5-404.5(b)(d)(e)(f)

Presentation to the

Colorado Commission on Criminal and Juvenile Justice

February 13, 2009

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OUTLINE for today

- **Statutory mandate**
- **Current legislation**
- **New Risk Scale: CARAS 2008**
- **Use in Release Decision Making**
- **Risk is not the only consideration**
  - **Structured decision making**
- **Use in Revocation Hearings**
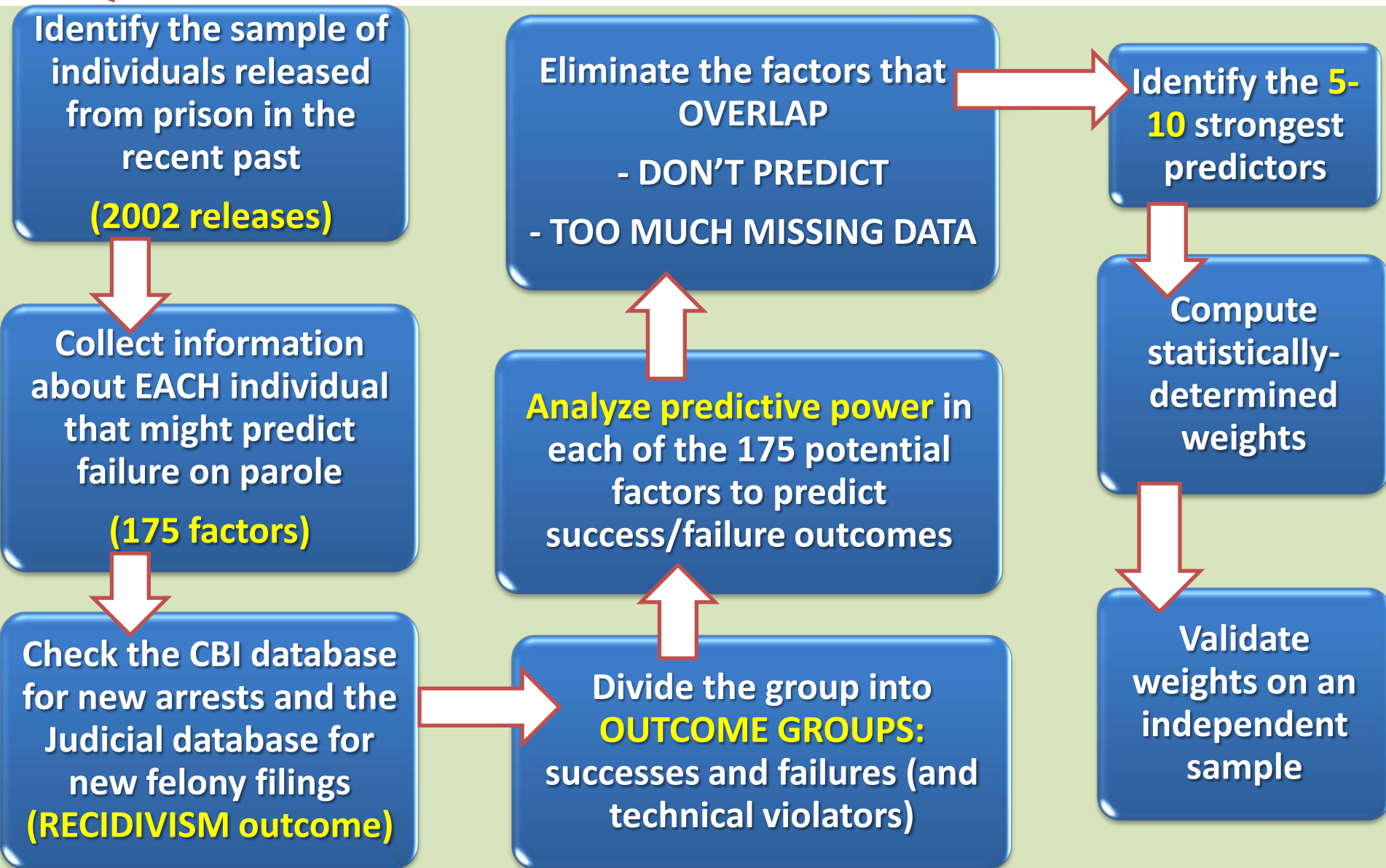- **Next Steps**

C.R.S. 17-22.5-404.5(b) Objective Parole Criteria

- "In addition to [2 pages of considerations] the division of criminal justice…shall develop objective parole criteria which shall also be used by the state board of parole in evaluating inmates for parole…. "…objective parole criteria" means the criteria which **statistically have been shown to be good predictors of risk to society of release on parole.**"

BACKGROUND

- **Colorado Actuarial Risk Assessment Scale (CARAS)—Version 5**

- **DCJ started this work in 1985**

- **Replicated in many states**

- **Developed in house or via contract with Marshall Costantino, *Analysis, Research & Design, Inc. (Versions 3 and 5)***

Here's how it's done

Identify the sample of individuals released from prison in the recent past

(2002 releases)

Collect information about EACH individual that might predict failure on parole

(175 factors)

Check the CBI database for new arrests and the Judicial database for new felony filings (RECIDIVISM outcome)

Divide the group into OUTCOME GROUPS: successes and failures (and technical violators)

Analyze predictive power in each of the 175 potential factors to predict success/failure outcomes

Eliminate the factors that OVERLAP

- DON'T PREDICT

- TOO MUCH MISSING DATA

Identify the 5-10 strongest predictors

Compute statistically-determined weights

Validate weights on an independent sample

Innovations in CARAS 2008

- **Used data/predictors in DOC's MIS database**
  - **Allowed larger sample (5,380)**
- **The instrument populates automatically when a case manager enters the DOC number on the RISK menu! (thank you Rick Vyncke!)**
  - **Allows <u>much</u> more complex scoring scheme** *(statistical constant = - 88)*
  - **Reduces error**
  - **Reduces staff time**

CARAS 2008

- **Has 9 items**
- **Final risk scores range from 4-79**
- **Has 5 risk categories:**
  - Very low
  - Low
  - Medium
  - High
  - Very High

2008 CARAS

2008 Colorado Actuarial Risk Assessment Scale (CARAS)
9-Item Instrument

The 2008 CARAS predicts the following events for those released from prison:
- *rearrest for any crime,*
- *rearrest for a violent crime, and*
- *new court filing.*

** CONSTANT -88 **

1. NUMBER OF CURRENT CONVICTION CHARGES
The total number of criminal conviction charges associated with the current incarceration.

	Points
1	12
2	21
3 to 4	23
Missing & 5 or More	33

2. NUMBER OF COPD VIOLATION CONVICTIONS
The total number of COPD infractions offender has been convicted of (this incarceration as well as prior incarcerations).

Missing (Means 0)	6
1 to 3	8
4 to 9	9
10 or More	12

3. LSI TOTAL Score
The total of the 54 Level of Supervision Inventory (LSI) items

20 or Lower	6
21 to 29	10
Missing & 30 to 38	12
39 or More	15

4. ARRESTED UNDER AGE 16
Offender was arrested for criminal activity before age 16, according to LSI instrument.

Missing & 0 (No)	11
1 (Yes)	17

These are the BEST 9 predictors out of 175 offender/case characteristics that were analyzed

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#1. NUMBER OF CURRENT CONVICTION CHARGES

The total number of criminal conviction charges associated with the current incarceration

	Points
1	12
2	21
3 to 4	23
Missing and 5 or more	33

#2. NUMBER OF COPD VIOLATION CONVICTIONS

The total number of COPD infractions offender has been convicted of (this incarceration as well as prior incarcerations).

	Points
Missing (0)	6
1 to 3	8
4 to 9	9
10 or more	12

#3. LSI TOTAL SCORE

The total of the 54-item Level of Supervision Inventory (LSI).

	Points
20 or Lower	6
21-29	10
Missing and 30-38	12
39 or More	15

#4. ARRESTED UNDER AGE 16

Offender was arrested for criminal activity before age 16, according to LSI instrument.

	Points
Missing and No	11
Yes	17

#5. AGE AT RELEASE

Age offender attains when released this time on parole.

	Points
47 or Older	9
40 to 46	18
Missing and 39 or Younger	23

#6. ASSESSED CUSTODY LEVEL

Offender is assessed at minimum or minimum restrictive custody level housing at time of release

	Points
1 (Yes)	5
Missing and 0 (No)	8

#7. PRIOR PAROLE RETURN ON NEW CRIME--EVER

Offender has been returned to prison from a prior parole as a result of a new crime. Does not include returns for technical violations. Includes all prior incarcerations at DOC.

	Points
Missing and 0 (No)	4
1 (Yes)	6

#8. INCARCERATION NUMBER

The number of prison incarcerations the offender has experienced that resulted from a new court commitment. This does not include returns to prison for parole violations.

	Points
Missing and 1	23
2	30
3 or More	35

#9. SUBSTANCE ABUSE NEED LEVEL

The DOC case management level of need for substance abuse treatment determined during the <u>initial</u> needs assessment.

	Points
Missing and 1 or 2	13
3 or More	18

The crime the offender did time for was not a predictor (neither was felony class)

Conviction placed into these categories for analysis

- Violent
- Drug
- Escape
- Property
- Other nonviolent

Statistically insignificant to predict risk to public safety

2008 CARAS

DIVISION OF CRIMINAL JUSTICE
2008 COLORADO ACTUARIAL RISK ASSESSMENT SCALE (CARAS)

Pursuant to C.R.S. 17-22.5-404(6)

CARAS Version 5   Revised Nov-2008

Offender

128244 DELGADOENRIQUEZ, LUCINDA

Case Manager	Form Date	Facility
DEAL, BETTY	01/08/2009	HPCF

1. NUMBER OF CURRENT CONVICTION CHARGES
The total number of criminal conviction charges associated with the current incarceration.

2

2: NUMBER OF COPD VIOLATION CONVICTIONS
The total number of COPD infractions offender has been convicted of (this incarceration as well as prior incarcerations).

0 (None)

3. LSI TOTAL SCORE
The total of the 54 Level Supervision Inventory (LSI) items.

21 to 29

4. ARRESTED UNDER AGE 16
Offender was arrested for criminal activity before age 16, according to LSI instrument.

NO (or Missing)

5. CURRENT AGE
Age of Offender when this assessment was run.

40 to 46

6. ASSESSED AT MINIMUM CUSTODY LEVEL
Offender is assessed to require greater than minimum or minimum restrictive custody level supervision.

YES

7. PRIOR PAROLE RETURN ON NEW CRIME
Offender has been returned to prison from a prior parole as a result of a new crime. Does not include returns for technical violations.

NO (or Missing)

8. INCARCERATION #
The number of prison incarcerations resulting from a new court commitment offender has experienced. This does not include returns to prison for parole violations.

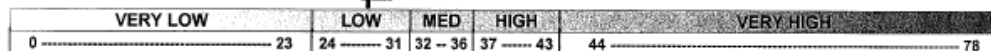**1 (or Missing)**

9. SUBSTANCE ABUSE NEED LEVEL
The DOC case management level of need for substance abuse treatment determined during the initial needs assessment.

3 or More

Validated for use with all Colorado DOC inmate and release populations.

28   LOW RISK   (Recidivism Odds: 1 in 4)

116 points
− 88 (statistical constant)
28

	VERY LOW		LOW	MED	HIGH		VERY HIGH	
0		23	24 ------- 31	32 -- 36	37 ------ 43	44		78

[28]

2008 Colorado Actuarial Risk Assessment Scale

Pursuant to C.R.S. 17-22.5-405(6)

% of release population

Recidivism rate: new court filing 3 years

CARAS Scale Value	Non-Recidivists	Recidivists	Total	DOC %Total	Recidivism Rate	Risk Level
1-23	472	102	574	10.67%	17.78%	Lowest
26	287	88	375	6.97%	23.47%	
29	232	75	307	5.71%	24.43%	
31	197	62	259	4.81%	23.94%	
31	716	225	941	17.46%	23.91%	Low
33	238	108	346	6.43%	31.21%	
36	316	164	480	8.92%	34.17%	
36	554	272	826	15.35%	32.93%	Medium
40	437	292	729	13.55%	40.05%	
43	243	272	515	9.57%	52.82%	
43	680	564	1,244	23.12%	45.34%	High
45	101	197	298	5.54%	66.11%	
48	123	335	458	8.51%	73.14%	
51	84	252	336	6.25%	75.00%	
55	63	265	328	6.10%	80.79%	
79	50	325	375	6.97%	86.67%	Very
79	421	1,374	1,795	33.36%	76.55%	High
Overall	2,843	2,537	5,380	100.00%	47.16%	OVERALL RECIDIVISM RATE

- **Predicts:**
  - **Rearrest for any crime**
  - **Rearrest for violent crime**
  - **New court filing**

- **Applies to women**
- **Applies to sex offenders**

Source: DCJ/ORS Jan 2009

CARAS predicts sex offenders too

Development Sample AND Sex Offenders Combined

Sex offenders defined by CONVICTION crime (n=470)

Final Scale Value	Final Scale Value	Risk Level	Non-Recidivists	Recidivists	Total	DOC % of Total	Recidivism Rate
1	23	Very Low	610	127	737	12.60%	17.23%
24	31	Low	821	245	1,066	18.22%	22.98%
32	36	Medium	604	290	894	15.28%	32.44%
37	43	High	710	595	1,305	22.31%	45.59%
44	79	Very High	441	1,407	1,848	31.59%	76.14%
All	All	All	3,186	2,664	5,850	100.00%	45.54%

New court filing rate for sex offenders was 27% in 3 years versus 47% for everyone else. It's 45.54% combined.

More info on CARAS risk groups

- **Lower risk**
  - **Half were convicted of Felony class 1 and 2**
  - **Slightly more likely to be composed of Felony class 6**
  - **Those with HIGH medical needs were 2x as likely to fall into low risk groups**
  - **Many had HIGH vocational needs and poor family support on the LSI**
  - **Many had substance abuse problems**

More info on CARAS risk groups

- **Higher risk**
  - **More likely to have anger problems**
  - **More likely to be serving a sentence for multiple drug counts**
  - **Those with multiple violent conviction crimes are 2x as likely to fall into the VERY HIGH RISK group**
  - **Multiple escapes: VERY HIGH RISK group**
  - **Bad attitude (LSI): VERY HIGH RISK group**
  - **Medium/Close custody: VERY HIGH RISK group**

Decision Points

- **Parole Hearing**
- Community Corrections Placement
- Community Corrections Boards
- Community Corrections Programs
- Parole Revocation
- Revocation Hearing

Risk is not the only consideration

- **Nature of the current crime**   **Did not predict in CARAS analysis**

- **Institutional conduct**   **Included in CARAS 2008**

- **Program participation**   **Data unavailable for CARAS analysis**

Parole Board Must Decide:

- **<u>Whether</u> to include these in the release decision**
- **If so, <u>How</u> to include these in the release decision**
- **Are there <u>exceptional</u> circumstances when consideration of these would be waived without compromising public safety?**
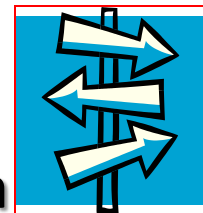
Risk is not the only consideration

Offense Severity ⬇	CARAS 2008 Risk Level				
	Very Low (1:5) (Release at PED)	Low (1:4)	Medium (1:3)	High (1:2)	Very High (3:4) (Release at MRD)
Low	1	2	3	4	5
Moderate	6	7	8	9	10
High	11	12	13	14	15
Highest	16	17	18	19	20

Release 90% at PED

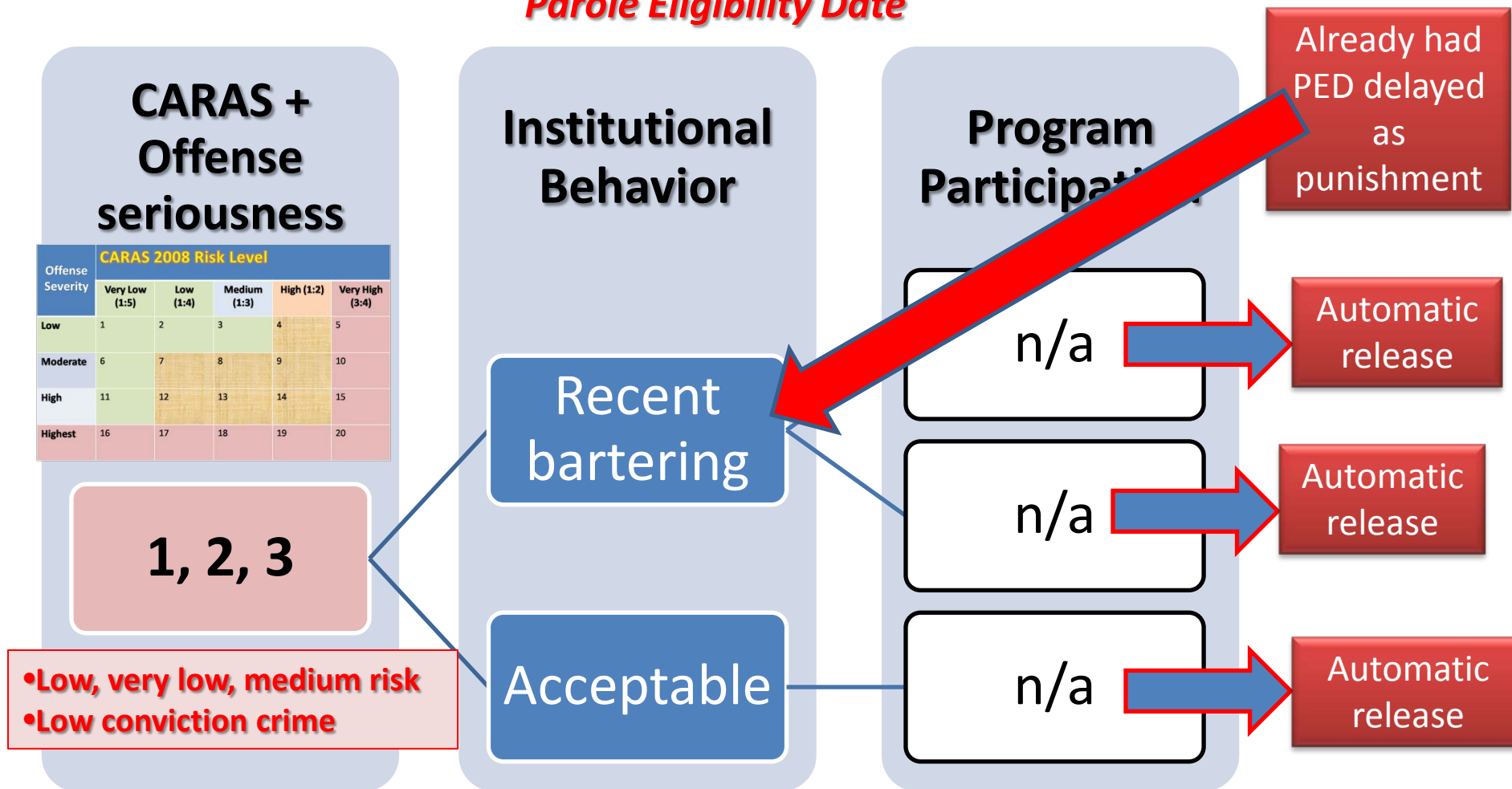Focus on parole plan

Target for DOC programming per EBP

Anger Management Programming

Target for Vocational Training
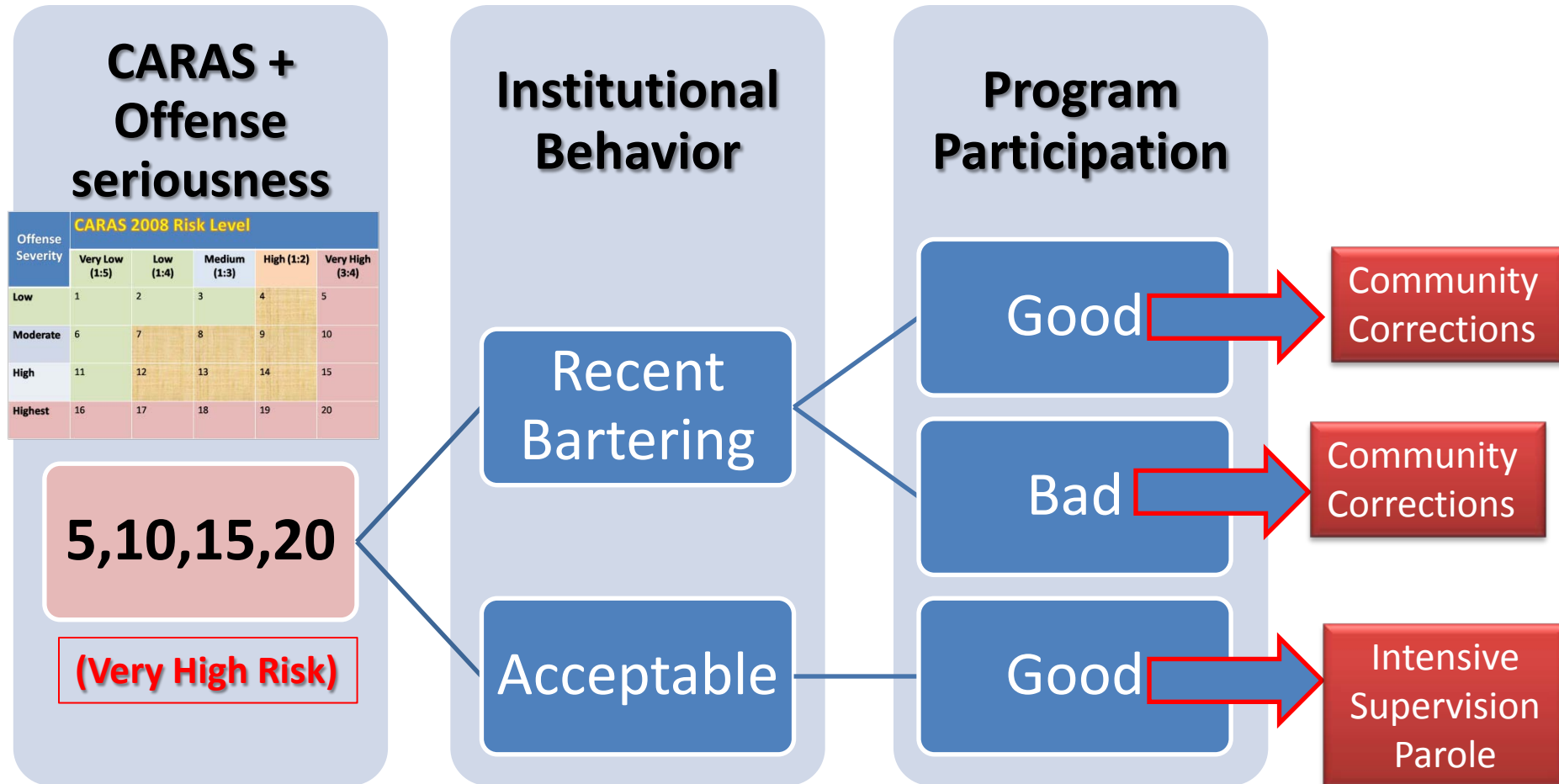
Custody Control Surveillance

Risk is not the only consideration

Parole Eligibility Date

CARAS + Offense seriousness

Offense Severity	CARAS 2008 Risk Level				
	Very Low (1:5)	Low (1:4)	Medium (1:3)	High (1:2)	Very High (3:4)
Low	1	2	3	4	5
Moderate	6	7	8	9	10
High	11	12	13	14	15
Highest	16	17	18	19	20

1, 2, 3

- **Low, very low, medium risk**
- **Low conviction crime**

Institutional Behavior

Recent bartering

Acceptable

Program Participation

Already had PED delayed as punishment

n/a → Automatic release

n/a → Automatic release

n/a → Automatic release

Risk is not the only consideration

Mandatory Release Date

CARAS + Offense seriousness

Offense Severity	CARAS 2008 Risk Level				
	Very Low (1:5)	Low (1:4)	Medium (1:3)	High (1:2)	Very High (3:4)
Low	1	2	3	4	5
Moderate	6	7	8	9	10
High	11	12	13	14	15
Highest	16	17	18	19	20

5,10,15,20

(Very High Risk)

Institutional Behavior

Recent Bartering

Acceptable

Program Participation

Good → Community Corrections

Bad → Community Corrections

Good → Intensive Supervision Parole

PAROLE DECISION MAKING GUIDELINES

Name _____

Parole No. _____ SID No. _____ Institution No. _____

Date of Interview _____ Institution _____

Interview Type ___ Minimum ___ Review ___ Reparole Review ___ Parole Applicati

Violence Indicator

1. Instant Offense

Violent ☐ +3
Non-Violent ☐ +1

(I) Murder, Voluntary Manslaughter Aggravated Assault, Robbery, Arson, Burglary (Residential), Assault by Prisoner, Assault by Life Prisoner, Kidnapping, Extortion Accompanied by Threats of Violence, all Sex Crimes, and criminal attempt, criminal conspiracy, and/or criminal solicitation to commit any of the above-noted offenses.

Risk Assessment

2. Level of Service Inventory - Revised

Raw Score: _____

High Risk ☐ +3
Medium Risk ☐ +2
Low Risk ☐ +1

Sex Offender Risk Assessment (Static 99)

Raw Score: _____

High Risk ☐ +3
Medium Risk ☐ +2
Low Risk ☐ +1

(All offenders considered for parole shall be assessed using the Level of Service Inventory - Revised ("LSI-R"). Offenders convicted of a sex offense shall be assessed using the LSI-R as well as the Sex Offender Risk Assessment Instrument. The higher level of risk shall be used for all sex offenders.

Programming

3. Institutional Programming

Unacceptable Program Compliance ☐ +3
Reasonable Efforts (2) ☐ +2
Currently Involved ☐ +1
Completion of Required Programs (3) ☐ +0

(2) No access or on waiting list.
(3) Includes offenders who are currently involved and will complete prior to release

Institutional Behavior

Any of the following acts which occurred: while incarcerated on the instant offense; and, within one year of the parole interview date or since the date of last review.

1. Crimes Code Violation- *Criminal charges pending in which probable cause has been established or a conviction has occurred from an offense that was committed while serving sentence currently under consideration for parole; and/or*

2. Drug/alcohol offense - *Determined to be in possession of any controlled substance and/or positive test result of drugs or alcohol; and/or*

3. Assaultive behavior - *Verbal or physical aggression which is documented by the Department of Corrections or the Board of Probation and Parole; and/or*

4. CCC failure - *Return to institution as a result of inappropriate behavior occurring while in prerelease status; and/or*

5. Pattern of institutional misconducts - *Three or more class II, two class II and one class I, or two or more class I misconducts.*

☐ +5

No occurrence within one year of the parole interview date or since date of last review.

☐ +0

Cumulative Score___

Likely to parole   2-6
Unlikely to parole 7 or more

Decision Points

- Parole Hearing
- Community Corrections Placement
- Community Corrections Boards
- Community Corrections Programs
- **Parole Revocation**
- **Revocation Hearing**

Decision Points

- **Parole Revocation**

- **Revocation Hearing**

30% of the Technical Violators were in the VERY HIGH risk group
      76% incurred new felony filings (3:4 odds)

41% of Technical Violators were in the High and Medium risk groups
      40% combined recidivism rate (1:2.5 odds)

29% of TVs were in Low and Very Low risk groups
      21% combined recidivism rate (1:5 odds)

Decision Points

- **Parole Revocation**

- **Revocation Hearing**

30% of the Technical Violators were in the **VERY HIGH** risk group
76% received new felony filings (3:4 odds) → **Return to DOC**

41% of Technical Violators were in the **High and Medium** risk groups 40% combined recidivism rate (1:2.5 odds) → **Hearing and Decision**

29% of TVs were in **Low and Very Low** risk groups
21% combined recidivism rate (1:5 odds) → **Remain on Parole**
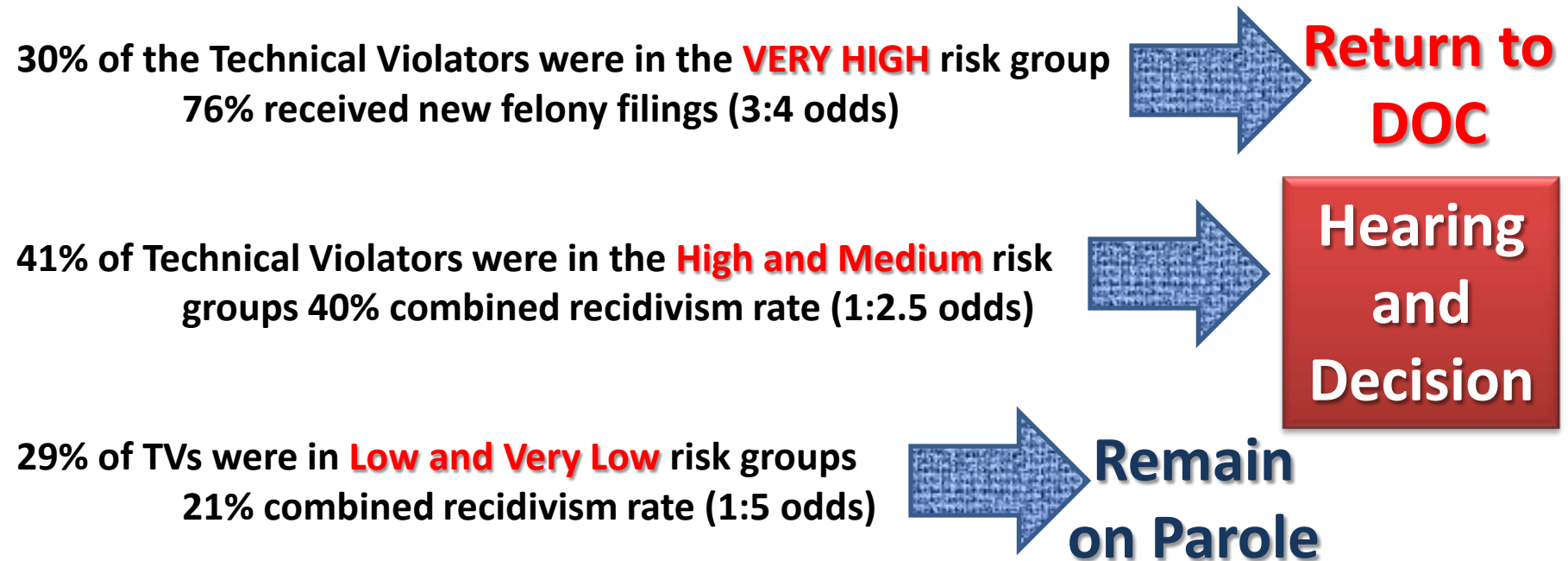
Next Steps

- DCJ to meeting with parole board members on February 28
  - Review CARAS 2008
  - Identify and weight (structure) other considerations in release decision
- DCJ to work with DOC's computer programmers to automate the "other considerations"
- DCJ to work with DOC and Parole Board to obtain data on
  - Decisions (release/defer/table/revoke)
  - Other considerations
  - LSI data
- DCJ to analyze this information quarterly and prepare joint legislative report with Parole Board every Nov. 1st (SB09-135)

Thank you