

July 12, 2019

MEMORANDUM

TO: David Abbey, Director, Legislative Finance Committee (LFC)

FROM: Theresa Edwards, Fiscal Analyst, Legislative Finance Committee
Dr. Sarah Dinces, Program Evaluator, Legislative Finance Committee
Dr. Jon Courtney, Program Evaluation Deputy Director, Legislative Finance Committee

SUBJECT: COMPAS Risk Needs Assessments for the Criminal Justice Population

The 2018 LFC evaluation *Corrections Department – Status of Programs to Reduce Recidivism and Oversight of Medical Services* recommended the department could improve recidivism outcomes if offenders’ needs were properly assessed and connected with services and with continuous evaluation of program implementation and outcomes. Meaningfully addressing offenders’ risks and needs through evidence-based programs while incarcerated and on probation and parole can increase their chances of success in the future and improve justice system outcomes. Following up on the 2018 LFC evaluation, analyzing COMPAS data from New Mexico Corrections Department (NMCD) may help quantify the availability of and funding for responsive program needs for inmates and offenders and any potential gaps.

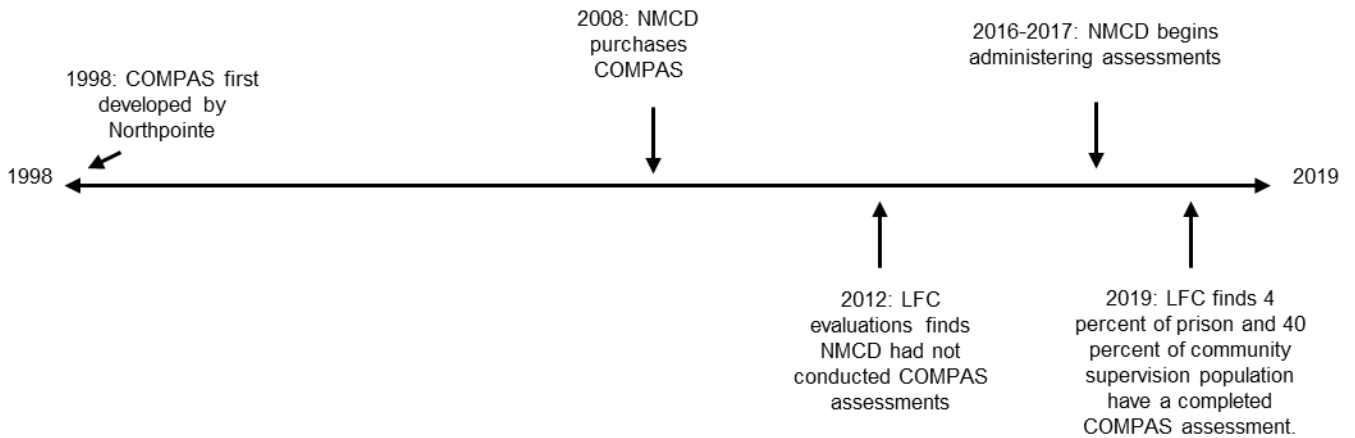
This memo examines the use of and data from the COMPAS risk needs assessment to determine how it can be used to inform policy and improve recidivism rates. Recidivism rates within three years of an inmate’s release have hovered at or near 50 percent for the last decade. Recidivism has increased 9 percent for men and 33 percent for women since FY13. New Mexico’s crime rate remains stubbornly above the national and regional averages while the judiciary system faces high caseloads.

COMPAS, developed in 1998, is designed to:

- ***assess offenders’ criminogenic needs;***
- ***their risk of recidivism; and***
- ***be used as guidance when designing a case management plan for offenders.***

Background on the system and COMPAS. In 2012, an LFC program evaluation found the Corrections Department purchased a validated risk-needs assessment tool, COMPAS, in 2008 although the department had never actually fully used the tool at the time of that LFC evaluation. NMCD indicated it began fully administering the assessment to all 4,197 admitted inmates upon intake in FY17, for a total cost of \$232 thousand. Determining an individual’s risk of recidivism as well as needs is vital in determining how to best target services to that individual. Furthermore, if NMCD knows the needs of the population involved with the criminal justice system, they can tailor services to meet those specific needs.

Timeline of COMPAS at the New Mexico Corrections Department



The COMPAS assessment uses actuarial methods to measure two risk categories, general recidivism and violent recidivism, with scores based on comparative groups throughout the criminal justice system. The general recidivism category measures risk of recidivism after the COMPAS is given. The violent recidivism category uses past violent offenses, vocational and educational attainment, the person's age-at-intake, and the person's age-at-arrest as a predictor of future violent recidivism. COMPAS also uses prior research to formulate needs scales meant to assist in case planning and determining interventions. The needs scales measure criminal thinking, education, employment, substance abuse, residential stability and other factors to help determine appropriate interventions.

NMCD policy requires the COMPAS assessment be administered within four weeks of intake and the results used in making recommendations for program and treatment needs upon initial facility placement and every six months thereafter. However, a 2018 LFC program evaluation found factors used by NMCD that supersede COMPAS in program assignment. These include: NMCD policy around security concerns that may preclude inmates from participating in programs at certain facilities; the Inmate Literacy Act requiring GED-level education for all inmates without a high school diploma or equivalent; and specific sentencing requirements which may be assigned by the judiciary. These assignments include activities such as the DWI program, which is not evidence-based.

The 2018 LFC program evaluation also found NMCD is unaware of COMPAS assessment completion rates and how the results are used to connect inmates with services. COMPAS results may not be currently used by NMCD to link offenders with the highest risk of recidivism to proven programming and how superseding requirements impacts COMPAS-based programming assignments. As a result, it is difficult for policy-makers to address meaningfully disparities between need and access to services.

Only 4 percent of the incarcerated population had a completed COMPAS assessment as of FY19 while 40 percent of the community population had a completed assessment. LFC analyzed assessments for the probation and parole population that were administered between FY17-FY19 and for the incarcerated population that were administered in FY18. For those entering incarceration, COMPAS data from FY18 shows only 310 of these assessments were completed. Of the incomplete assessments, 3,020 had the risk portion completed, but not the needs portion. For those in the community, 8,815 COMPAS assessments were fully completed; however, 9,356 assessments had only the risk assessment portion completed.

COMPAS Completion Numbers for Probation and Parole and Incarcerated Populations

	Complete Assessment	Risk Portion Only	No Assessment	Total
Probation and Parole	8,815	9,356	3,375	21,546
Incarcerated	310	3,020	4,019	7,349

Note: The probation and parole data covers FY17-FY19 (until February), while the Incarcerated population data is from FY18 only. Source: LFC analysis of NMCD data

With a complete assessment, Corrections can look at the various evidence-based programs it provides and select the most appropriate program or programs to meet that individual’s needs. The department may be more focused on the risk component of the assessment than the needs component. If the majority of individuals do not complete an assessment, determining appropriate services for the population is difficult. While addressing security needs within prisons and the community is undeniably critical, the state may continue to see poor outcomes for offenders without a strong focus on needs.

For those on probation or parole, the most needed service is substance abuse treatment. Through analysis of COMPAS needs and risk assessment data, LFC staff identified the percent of individuals involved with the criminal justice system that had needs related to each COMPAS category. This analysis was only done for probation and parole, due to the low completion rate for the incarcerated population. Of those who completed the COMPAS assessment, over 70 percent of those on probation and parole were rated as highly probable for needing substance abuse support. As many people become involved with the criminal justice system due to substance use, this finding confirms the need to provide high quality evidence-based treatment for substance abuse. Furthermore, both the probation/parole and incarcerated populations needed relatively less supports to prevent violent recidivism and criminal involvement. Those involved in the criminal justice system may need rehabilitation services rather than services to reduce their violence or criminality (these measures were not included in the following table as they are not related to specific service delivery). However, there are other factors that

lead to a higher risk of recidivism such as family criminality, which may not have straightforward strategies (these factors were also removed from the table). Corrections should first focus on the factors they can address through social, psychological, or vocational supports. Determining how to address the measures not tied to direct services is important to comprehensively treat those involved with the justice system; however, if the system focuses on the categories that are related to direct services (such as education and housing instability), it is likely there will be a decrease in recidivism and an improvement in other related outcomes. Therefore, the following needs and gaps analysis only examines factors which relate directly to specific services.

Need Category	% Needing Services
Substance Abuse	73%
Criminal Personality	51%
Criminal Thinking	36%
Residential Instability	34%
Vocational/Education	33%
Cognitive Behavioral	30%
Social Isolation	29%
Anger	27%
Leisure and Recreation	22%
Social Environment	21%
Financial	17%

Source: LFC Analysis of Corrections COMAPS data

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Estimated Service Needs for the Probation and Parole Population, FY17-FY19

Need Category	Evidence Based program(s)	Average Program Cost	Estimated Percent of Population Needing Services	Estimated Number Needing Services in FY19
Substance Abuse	1.Swift Certain and Fair Case Management 2.Outpatient or non-intensive drug treatment in the community	\$585	73.3%	12,578
Criminal Personality	Cognitive Behavioral Therapy	\$1,420	51.1%	8,769
Criminal Thinking	Cognitive Behavioral Therapy	\$1,420	35.9%	6,161
Residential Instability	*Housing assistance w/o services	\$2,050	33.6%	5,766
Vocational/Education	Employment counseling and job training (incarceration through community)	\$2,476	32.6%	5,594
Cognitive Behavioral	Cognitive Behavioral Therapy	\$1,420	29.7%	5,097
Social Isolation	Cognitive Behavioral Therapy	\$1,420	28.7%	4,925
Anger	Cognitive Behavioral Therapy Anger management	\$1,420	26.5%	4,548
Social Environment	Cognitive Behavioral Therapy	\$1,420	20.8%	3,570
Financial	life skills	\$1,166	17.2%	2,952

Notes: Estimates based off COMPAS needs assessments given to only a sample of both populations. Percentages above are for those in the highest need category, some individuals in the lower category may need services. Cost estimates from WSIPP. Interventions for financial decile score could include financial literacy classes however there was no current information regarding cost.
Source: LFC Analysis of Corrections COMPAS Data

In addition to determining how many individuals involved with the criminal justice system need what type of services, LFC staff identified evidence-based treatments for each direct service category. For both incarcerated and formerly incarcerated individuals, cognitive behavioral therapy (CBT) was the most frequently used evidence-based intervention. To more comprehensively determine what services could be used to treat individuals, NMCD should identify which programs they are currently implementing that

can address each factor of the COMPAS needs component. To better target service delivery, NMCD can highlight which of these programs are evidence-based through a program inventory, which NMCD's Community Offender Management program will be completing this year as part of the budget process in compliance with Senate Bill 58. NMCD should use the skills gained from completing this first inventory to potentially look at programs being utilized in other settings, such as in facilities to improve outcomes for more people involved with the criminal justice system.

The estimated rate of individuals needing services may be conservative as it only includes high need individuals. Corrections may need to provide services to those individuals in lower need categories for some of these factors, particularly for issues like substance abuse. By intervening when the need is still low, it may help prevent some clients from having an acute need later. Furthermore, a dollar amount was not calculated for the current need or for the funding gap because it is unknown if the individuals who completed the assessment are representative of the corrections population at large. Furthermore, Corrections could not provide a breakdown of how much was spent on each specific service. Without this type of information, it is unknown how much is being spent on these interventions, who is currently receiving interventions, and if those most in need of specific interventions offered are those currently receiving treatment. By completing the program inventory, Corrections should be able to answer these questions.

Corrections should expand the use of the COMPAS and determine which programs can serve individuals to reduce recidivism and improve outcomes Currently, Corrections is only administering the COMPAS to a small percent of those involved in the criminal justice system. Without proper administration of the risk needs assessment to the complete criminal justice involved population, Corrections may not have a way to know what services individuals need. Furthermore, the COMPAS should be fully administered as both the risk and the needs components may help improve outcomes. This would help address not only violent recidivism risk, but also behavioral health and resource component needs to decrease the likelihood of specific behaviors that may increase involvement with the criminal justice system.

As part of Laws of 2019, Chapter 23 (Senate Bill 58), Corrections will be able to determine what evidence-based services they currently have available for individuals in the community to better address areas of high need, such as substance abuse. Furthermore, Corrections is contracting with the New Mexico Sentencing Commission to examine the needs of parolees to better determine the need for different levels of transitional housing. Corrections' expanded use of this tool and their continued attention towards ensuring individuals are fully assessed will aid the department in determining how to best serve individuals as well as if there are programmatic gaps for those incarcerated and in the community.

Senate Bill 58, signed into law in 2019, amended the Accountability in Government Act requiring agencies to provide a list of current programs offered, including whether they are evidence-based, research-based or promising as part of the budget process.