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Determining Offender Risk and Need with the LSI-R vs. DUI-RANT: Assessing Changes in Court Composition and Efficiency

Samuel Gonzales – Research and Evaluation Program Director
Aimee Ouelett – Research Analyst
Jemale Davis – Operations Analyst
Stefanie Lopez-Howard – Statistical Analysis Center Director
Summary of the Problem

1. The Council of Accountability Court Judges (CACJ) has approved the use of the LSI-R (Level of Service Inventory-Revised) risk and needs assessment developed by Multi-Health Systems Inc. (MHS) to identify and place participants in various accountability court programs throughout the state of Georgia.

2. Although the LSI-R is a validated tool for assessing the risk and need of offender populations, accountability court practitioners are concerned that it is imprecise for capturing risk and needs of repeat DWI offenders.

3. The CACJ is interested in the DUI-RANT assessment tool developed by the Treatment Research Institute (TRI) as a viable alternative to the LSI-R to more accurately identify risk and need in DUI court participants.

4. Before determining whether the DUI-RANT will replace the LSI-R for DUI courts in Georgia, the CACJ funding committee asked the Statistical Analysis Center of the Criminal Justice Coordinating Council to evaluate its precision and efficiency as compared to the LSI-R.
Research Questions
1. How do the DUI-RANT and LSI-R assessments differ?
2. Does the use of the DUI-RANT result in a different participant population than the use of the LSI-R?
3. What role does the current assessment tool play in selecting program participants and in identifying clinical need or interventions for Georgia DUI courts?
4. How would the DUI-RANT assessment tool alter the participant selection process for DUI courts?
5. Would variations in participant selection processes eliminate any differences in composition identified between the DUI-RANT and the LSI-R?
6. Would DUI courts gain any efficiencies in the selection process by using the DUI-RANT tool?
Methodology

1. Reviewed LSI-R and DUI-RANT tools
2. Reviewed court policy and procedure manuals
3. Conducted semi-structured interviews
4. Randomly assigned the use of the DUI-RANT and LSI-R with pilot DUI courts
5. Conducted a time and motion study
6. Analyzed administrative data
   • CACJ DUI court data
   • LSI-R assessment data
   • DUI-RANT assessment data
   • Computerized Criminal History
Review of LSI-R and DUI-RANT Tools

**LSI-R**
- 54 items
- 43 yes/no Items
- 11 scored items (scale 0-3)
- 10 domains assessed
- Scored items have sub questions to inform ranking
- Probing questions required for accurate scoring

**DUI-RANT**
- 23 Items
- 14 numeric answer items
- 8 yes/no items
- 1 scored item (scale 1-5)
- 6 domains assessed
- Focus of substance use and criminal history questions
### LSI-R and DUI-RANT Subcomponents

<table>
<thead>
<tr>
<th>QUESTION TYPE</th>
<th>LSI-R</th>
<th>% TOTAL</th>
<th>DUI-RANT</th>
<th>% TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
<td>3</td>
<td>6%</td>
<td>2</td>
<td>9%</td>
</tr>
<tr>
<td>Alcohol/Drug Problem</td>
<td>9</td>
<td>17%</td>
<td>9</td>
<td>39%</td>
</tr>
<tr>
<td>Attitudes/Orientation</td>
<td>4</td>
<td>7%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Companions</td>
<td>5</td>
<td>9%</td>
<td>1</td>
<td>4%</td>
</tr>
<tr>
<td>Criminal History</td>
<td>10</td>
<td>19%</td>
<td>8</td>
<td>35%</td>
</tr>
<tr>
<td>Demographics</td>
<td>1</td>
<td>4%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education / Employment</td>
<td>10</td>
<td>19%</td>
<td>1</td>
<td>4%</td>
</tr>
<tr>
<td>Emotional/Personal</td>
<td>5</td>
<td>9%</td>
<td>1</td>
<td>4%</td>
</tr>
<tr>
<td>Family / Marital</td>
<td>4</td>
<td>7%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial</td>
<td>2</td>
<td>4%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leisure / Recreation</td>
<td>2</td>
<td>4%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Questions</strong></td>
<td><strong>54</strong></td>
<td><strong>100%</strong></td>
<td><strong>23</strong></td>
<td><strong>100%</strong></td>
</tr>
<tr>
<td><strong>Average Time to Complete</strong></td>
<td></td>
<td><strong>27 minutes</strong></td>
<td><strong>17 minutes</strong></td>
<td></td>
</tr>
</tbody>
</table>
Comparison of Substance Use Domain

**LSI-R Substance use Domain (9 items)**
- Yes/No questions about history of substance use or problem
- Sub-questions meant for probing quality of the yes/no answer
- Rely on offender disclosure and interpretation of “substance use problem”

**DUI-RANT Substance Use Domain (9 items)**
- Includes numeric questions
- Asks about the number of previous treatment episodes and age of first use
- Questions about specific substance use proxy measures like BAC level at arrest and withdrawal
Comparison of Criminal History Domain

LSI-R Criminal History Domain
(10 items)
- Zero items about DUI conviction history or moving violations
- Questions about history of assault/violence
- Asks about prior incarceration
- Asks about conduct during prior incarceration
- 1 item about age at first arrest

DUI-RANT Criminal History Domain
(8 items)
- Five items specific to DUI convictions/moving violations
- 2 items focused on other types of arrests
- 1 item about age at first arrest
General Eligibility Screening Criteria for Georgia DUI Courts

- The LSI-R is currently not used to determine high-risk or need and courts generally follow the accountability court legal standards to determine high-risk for eligibility
- The LSI-R is not administered until the DUI offender has been accepted into the program during either orientation or the beginning of treatment
Interview Findings

• The LSI-R has more questions, harder to administer, and has a broader focus of measures that practitioners don’t feel work for DUI offenders
• The DUI-RANT is more streamlined, easier for more staff to administer, and has a narrower focus on substance use and criminal history specific to DUI offenders
• This resulted in increased confidence by court staff in the DUI-RANT scoring and expressed broader use as a screening tool to identify high-risk and need
Nearly half of the offenders assessed by the DUI-RANT were identified as high-risk and need.
None of the offenders assessed by the LSI-R were identified as high-risk and having high need.
Seventy-five percent of those screened by the DUI-RANT met the state standards of high-risk.
This confirms the lack of confidence in LSI-R scoring by court staff and that there may be some offenders with low-risk and need entering DUI courts based on the legal criteria.
Cost Comparison between DUI-RANT and LSI-R

**The LSI-R price estimate is calculated using 1,071 referrals to DUI Courts for the SFY 2019.**

** The DUI-RANT Plus price estimate is based on 23 total DUI-Courts and a minimum of three users per court. This cost could be more depending on the number of users.

### Annual Estimated Statewide Costs for SFY 2019

<table>
<thead>
<tr>
<th>Plan Type</th>
<th>Cost (per user a month)</th>
<th>Minimum Users</th>
<th>Estimated 1st year cost with set-up fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>DUI-RANT Streamlined</td>
<td>$2,750</td>
<td></td>
<td>$59,800 with set-up fee</td>
</tr>
<tr>
<td>LSI-R</td>
<td>$4,509</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DUI-RANT Plus**</td>
<td>$41,400</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DUI-RANT Plus
- Statewide Pricing - $50 per user a month with a minimum of 3 users per court (15 court minimum)
- Individual Pricing - $10,000 annually / court
- Includes 23-item assessment and 32-item Antisocial Personality Disorder (APD) module
- Initial set-up fee of $800 / court
- Estimated 1st year cost of $59,800 with set-up fee

DUI-RANT Streamlined
- $2,750 for up to 25 users for a one-year term
- 40% cheaper than LSI-R ($1,759)
- Estimated $2,789 saved in staff time as compared to the LSI-R. These savings are more than the direct costs of the DUI-RANT Streamlined
- Courts with 28 or more referrals will see a decrease in costs

LSI-R
- LSI-R is $4.25 per assessment at 1,000 or more uses
Findings

**DUI-RANT Streamlined**

- Estimated cost is 40% less than LSI-R
- Costs $38,650 less annually than DUI-RANT Plus
- Greater confidence in scores from court staff
- Easier and quicker to administer
- $4,548 estimated statewide savings
- Effective screening for high-risk and need
- Ability for use in track placement
<table>
<thead>
<tr>
<th>Most Serious Active Offense</th>
<th>Iowa Delinquency Assessment Risk Level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No Risk Level</td>
</tr>
<tr>
<td>Low Level Offense</td>
<td>Level 1</td>
</tr>
<tr>
<td>Simple or Serious Misdemeanor</td>
<td>Level 2</td>
</tr>
<tr>
<td>Aggravated Misdemeanor &amp; Felony Non-Violent</td>
<td>NA</td>
</tr>
<tr>
<td>Aggravated Misdemeanor &amp; Felony Violent</td>
<td>NA</td>
</tr>
</tbody>
</table>

1. Any offense below a simple misdemeanor includes local ordinances, scheduled violations and 1st offense possession/purchase of alcohol (PULA)

   - Level 1: Dismissed/Hold for Review
   - Level 2: Diversion
   - Level 3 (a-c): Informal Adjustment
   - Level 4 (a-c): Formal Probation/Court Supervision/Consent Decree

**Evaluation and Shelter services are not included as they may be necessary at multiple levels.**

Alcohol/Drug Evaluation, Mental Health Evaluation and Sex Offender Evaluation

**Other Notes**

Detention decisions should be made using the Detention Screening Tool.

Youth charged with sex offenses may require further assessment.

Pre-charge diversion is not included in the Decision Matrix.
| Level 1 - Dismissed/Hold for Review              | (3c) - Aggression Replacement Training |
|                                             | Day/Evening                             |
| Level 2 - Diversion                           | Functional Family Therapy               |
| Alcohol/Drug Education                        | JCS Intensive INFA                      |
| Community Service                             |                                          |
| DOT OWI                                       |                                          |
| Early Intervention Services                  | (4a) - Detention Alternative             |
| Education Service                             | Drug Court                              |
| Fire Setter Program                           | Electronic Monitoring                   |
| Law Related Education                         |                                          |
| Peer Court                                    |                                          |
| Shoplifting Program                           | (4b) - Aftercare Program                |
|                                             | Family Foster Care                      |
| Level 3 - Informal Adjustment                 | Family Team Meeting                     |
| (3a) - Gender Specific                       | Group Care                              |
| Job Skills                                    | Independent Living                      |
| Lifeskills                                    | Inpatient MH Care                       |
| Mentoring                                     | Inpatient Sub Ab Treatment              |
| School Liaison Program                        | Mental Health/PMIC                       |
| Tracking and Monitoring                       | PMIC                                     |
| Victim Impact Program                         | Transition Planning                     |
|                                             | Violators Program                       |
| (3b) - Alcohol/Drug Treatment                |                                           |
| Anger Management                              | Aftercare Program                       |
| Domestic Violence Program                     | Family Team Meeting                     |
| Family Centered                               | Highly Structured Program               |
| Individual Counseling/Therapy                | Hospital                                |
| Individual Skill                              | State Hospital                          |
| Outpatient                                    | State Training School                   |
| Victim/Offender Mediation                     | Transition Planning                     |

**Legend:**
- **Level 1:** Dismissed/Hold for Review
- **Level 2:** Diversion
  - Alcohol/Drug Education
  - Community Service
  - DOT OWI
- **Level 3:** Informal Adjustment
  - Gender Specific
  - Job Skills
  - Lifeskills
  - Mentoring
  - School Liaison Program
  - Tracking and Monitoring
  - Victim Impact Program
  - Alcohol/Drug Treatment
- **Level 4:** Consent Decree/Formal Probation
  - Detention Alternative
  - Drug Court
  - Electronic Monitoring
  - Aftercare Program
  - Family Foster Care

**Notes:**
- Level 4 services are listed as a service not placement code.
- Transition Planning and Aftercare are repeated in Levels 4b and 4c because both levels involve out of home placement where those services would be utilized as part of the transition back to the home.
Use of Data to Inform the construction of a Juvenile Justice Decision Matrix in Iowa

• 2 Data Analysis Reviews
  1. Review of Services and Placements
     a) Recidivism: new complaint within 1 year of service completion
     b) Risk Level
     c) 3 Cohorts – No services, Services by type and Placement
  2. Review of Episodes of Juvenile Justice Supervision
     1. Exit Cohort – 21,000 cases
     2. Recidivism: new complaint within 1 year of episode end.
     3. Longitudinal
     4. Risk level and Initial Complaint
     5. Service and Placement
     6. Supervision levels
     7. Probability Models (Logistic Regression)
Conclusions from Review of Services and Placements

• Low Risk Youth had Lower Recidivism Rates.
• Recidivism was 3 times higher among Low risk youth who received services.
• Recidivism was 2.3 times higher among Moderate risk youth who received services.
• Recidivism among High risk youth was about the same among those who received series and those who did not.
• Youth exiting placements had the highest recidivism rates.
Conclusions from Review of Episodes of Supervision

**Supervision:**
- Low Risk Youth with simple misdemeanor complaints did best when dismissed or diverted.
- Informal Supervision cut the recidivism in half for High Risk Youth with simple misdemeanor complaints.
- As involvement in the system increased recidivism generally increased.
- There was insufficient data to draw conclusion about felony complaints and High risk non violent felonies.

**Services:**
- Diversion and Substance abuse services lowered recidivism for low risk simple misdemeanor cases.
- The provision of services was most effective at lowering recidivism in low risk Violent felony cases (a low number of cases may be distorting this conclusion).
- In most other cases the provision of services tended to increase the odds of recidivism.
A Study of Drug Testing Practices in Probation

Jessica Reichert
Acting Research Director | Illinois Criminal Justice Information Authority

JRSA Webinar
Measuring and Responding to Risk and Needs Factors in Practice
JRSA Fall Criminology Series | November 19, 2020

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Probationers & Substance Use Disorders

9x general population

Feucht, & Gföerer, 2011
Research on Drug Testing in Criminal Justice

Limited evidence of effectiveness

Holloway et al, 2006; DuPouy, 2014
Positive drug tests may equal negative consequences
Drug tests should **support** an individuals’ **recovery** and **not** be used to **punish** them
Lack of Guidance on Drug Testing
When and who to test?

- Why am I testing?
- What questions will the test answer for me?

Jarvis et al., 2017; Kleiman et al., 2003
Drug Test Results

- Have a discussion
- Sanctions when appropriate

Jarvis et al., 2017; Mee-Lee, 2018
Limitations of Drug Tests

• Cannot create abstinence
• Not treatment
• Cannot diagnose SUD
• Cannot offer qualitative information
Overall Recommendations from the Literature

- Communication w/ tx
- Dialogue
- Policies
- Positivity
- Recovery tool

Carey, Finigan, Crumpton, & Waller, 2006; Harell & Kleiman, 2001; Taxman, 2015; Jarvis et al., 2017
Illinois Probation Drug Testing

Findings from an ICJIA survey of probation departments
Study Design & Sample

- Online survey
- Summer 2019
- N=38 probation directors
Policies and Procedures
DRUG TEST TYPES (N=38)

- Urine: 95%
- SCRAM: 50%
- Saliva: 45%
- Sweat Patch: 8%
- Hair Follicle: 3%
- Blood Test: 3%
- Pupilometer: 0%
## Probation Department Responses to Positive Drug Test Results

<table>
<thead>
<tr>
<th></th>
<th>Initial Positive Drug Tests (n=38)</th>
<th>Sporadic Positive Drug Tests (n=37)</th>
<th>Continuous Positive Drug Tests (n=38)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>Percent</td>
<td>n</td>
</tr>
<tr>
<td>Discussion with client</td>
<td>37</td>
<td>97%</td>
<td>34</td>
</tr>
<tr>
<td>Discussion with treatment</td>
<td>31</td>
<td>82%</td>
<td>30</td>
</tr>
<tr>
<td>Treatment adjusted</td>
<td>21</td>
<td>55%</td>
<td>27</td>
</tr>
<tr>
<td>Sent to treatment</td>
<td>20</td>
<td>53%</td>
<td>25</td>
</tr>
<tr>
<td>Sanctions</td>
<td>18</td>
<td>47%</td>
<td>21</td>
</tr>
<tr>
<td>Petitions to revoke</td>
<td>8</td>
<td>21%</td>
<td>20</td>
</tr>
<tr>
<td>Drug education</td>
<td>13</td>
<td>34%</td>
<td>7</td>
</tr>
</tbody>
</table>
NEGATIVE TEST RESULT RESPONSES (N=38)

- Praise: 92%
- Reduced testing: 76%
- Share test results: 55%
- Reward: 39%
- Reduced reporting to probation: 34%
- Nothing: 18%
Study Recommendations for Policy and Practice

• Increase random drug testing
• Reduce punitive responses to positive drug tests
• Offer positive incentives
  • Contingency management
References


Contact Us

Jessica Reichert
Acting Research Director
Manager, Center for Justice Research and Evaluation
Illinois Criminal Justice Information Authority
300 W. Adams St., Suite 200
Chicago, IL 60606
773-860-5393 (cell)
Jessica.Reichert@Illinois.gov