

RISK ASSESSMENT OVERVIEW

The Montana Board of Pardons and Parole had been interested in developing a risk assessment tool to assist the Board members following a 1991 National Institution of Corrections- (NIC) funded site visit and short-term technical assistance project. The Board of Pardons and Parole strives to improve the decision-making process and continually seeks avenues to create a more effective, consistent, humane, safe and just parole system. The consultant's assessment of the parole process in Montana suggested consideration of a structured parole decision-making process. This type of decision-making includes a risk assessment tool. A second NIC-funded project was completed in 1996. Each consultant's report indicated an assessment tool would benefit the citizen Board members. Continuing dialogue with the ever-changing Board members resulted in a request for the formulation of a Risk/Needs scale. The Board of Pardons and Parole applied for funding through the Byrne Memorial Anti-Drug Funds of the U.S. Department of Justice. The application was approved and the process of developing a validated assessment tool began in 1998.

In September 1998, Peggy Burke of the Center for Effective Public Policy, the Board members, and Board staff met in Montana to plan and implement the project. The consensus of the Board members was to continue with the process and develop an assessment tool to use as one part of the decision-making process.

The first phase of the project began on July 1, 1999. The information the Board feels is critical when considering an offender for parole and details of offenders who were released on parole or discharged from prison were recorded by Board staff and submitted to the consultant for analysis. Also recorded and analyzed was an assessment of the parolee or discharged person's progress at the end of one year. This phase of the project concluded on June 30, 2000. In July 2001, the outcome data was completed and an assessment tool was developed for testing.

The Montana Board of Pardons and Parole began assessing inmate risk, according to the assessment tool on January 1, 2002. All inmates for whom the tool is established and appear before the Board are assessed and given a numeric score, according to the risk tool. (See attached example of the risk assessment tool). It should be noted that the tool is not used for any sexual offenders, DUI offenders or women. All sex offenders are given a tier level, thus the risk assessment would be redundant. It was determined that DUI offenders are much harder to develop a scale for because of their background and the fact that many of them do not have a criminal lifestyle. At the time of the development of the tool, the State of Montana did not have sufficient women offenders to track and therefore it does not apply to them. It may be a consideration for future Board action.

The Montana Board remains committed to assessing inmate risk prior to making release decisions. The parole assessment tool helps the board make more consistent, soundly based, prompt and explainable parole decisions. The risk assessment tool remains only one part of the Board's consideration. "No risk assessment scale can make decisions. Rather they are intended as one factor to provide the best information available on the risk of reoffending to decision makers to be used at arriving at a decision to parole or defer."

The risk assessment tool tracks a total of seven categories with a maximum score of (27) and a minimum score of (0). The assessment tool provides a risk score based on an actuarial risk assessment scale to measure risk level of committing a new crime within (18) months after release from prison. An actuarial risk assessment scale focuses on probabilities based on statistical records. Actuarial instruments attach specific statistical weighting to different variables which assess the risk. They are premised on the idea that, if accuracy of prediction is the most important factor, it is best to find out how members of a comparable group of individuals conducted themselves over time. This is achieved by pains-staking follow-up research on a particular group over set periods of time. The Board's risk assessment scale was based on the study of (665) Montana inmates released to parole over an (18) month period at risk.

The Board's risk assessment scale requires the risk scores of each category to be totaled and then applied to the following outcomes to determine risk level:

High Score (21-27) -advisable to defer to review status or near end of sentence.

Medium Score (16-20) -advisable to release to high level of supervision only.

Low Score (0-15) -advisable to release to standard parole.

Notice: The Board specifically reserves the right to exercise its discretion under Montana Law to deny or approve parole even though the assessment tool may advise or discourage release. It is not the intention of the Board or risk assessment tool to create a "Liberty Interest" of the type described in *Greenholtz vs. Nebraska Penal Inmates 442 US 1 (1979)*.

MONTANA BOARD OF PARDONS AND PAROLE
RISK ASSESSMENT SCALE

Offender Name _____ DOC ID _____

Regular work assignment while in prison

No 5
Yes 0

Serious drug or alcohol problem

Both 5
Either alcohol or drug problem 3
None 0

Age at first arrest

Up thru age 18 6
19 - 24 3
25 and older 0

Any arrest for burglary, robbery, theft, auto theft, or forgery

Yes 5
No 0

Prior felony convictions

Yes 3
No 0

TOTAL RISK SCORE _____
RISK LEVEL _____

High school graduate or some college

No 2
Yes 0

Prior community supervision

Yes 1
No 0

RISK SCORES AND LEVELS				
Risk Score	Risk Level	Percent Meeting Board Standard	Percent Not Meeting Board Standard	Percent of Total
1-15	Low	68	32	37
16-20	Med	56	44	35
21-27	High	39	61	28

Board standard for inmate performance following release on parole requires no arrests for either a felony or a misdemeanor, and no return to prison for a technical violation of parole during the 12 months following release.

Note: This risk assessment is an information tool used by the Montana Board of Pardons and Parole. It does not limit the discretion of the Board in any way.