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Youth Risk/Need Assessment: An Overview of Issues and Practices



DEPARTMENT OF
JUSTICE CANADA

YOUTH JUSTICE RESEARCH



Youth Risk/Need Assessment: An Overview of issues and Practices

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Submitted to the Research and Statistics Division
Department of Justice Canada

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Youth Justice
Policy



Research
and Statistics
Division

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Executive Summary

The purpose of this study was to review and critique the concepts of *risk* and *need* as they relate to assessments of youth within the Canadian criminal justice system and to identify existing risk/need assessment tools currently used with young offenders. Each provincial/territorial government was contacted in order to identify the central risk/need assessment instruments used with young offenders, and interviews were conducted to determine the purpose and practice of risk/need assessments at various key decision-making stages of the criminal justice system. Particular attention is paid to why certain tools were chosen and attempts are made to document research conducted in the provinces and territories. The report concludes with recommendations on the use of risk/need assessment in light of the new Youth Criminal Justice Act (YCJA). An in-depth analysis of the reliability and validity of the scales was not possible because the raw data upon which they are based, as well as the data collected by jurisdictions for validation, were not available to researchers for secondary analysis. Such a task, while valuable, is a major undertaking and beyond the scope of the present project.

We conducted 71 semi-structured, open-ended interviews in all provinces and territories, with the exception of Quebec. The Department of Justice provided initial contact names for each of the jurisdictions. These individuals were identified as people who would assist us in accessing further information and contacts. All contacts were sent an email briefly describing the research and requesting the names of individuals in research/policy, Crown's offices, probation, and open- and secure-custody facilities who would be willing to be interviewed for this project. In some cases, we received email responses that directed us to other individuals within the system; in cases where we did not receive a response we followed up by telephone and subsequent emails. From some jurisdictional contacts we were able to obtain copies of risk/need assessment tools and training manuals. Documentation, including our ethics approval through the University of Toronto, was sent to jurisdictions requiring their own research approval.

Our review of the risk/need assessment tools used on youth and supporting research (if existing) raised a number of methodological concerns. A number of questions about the reliability and validity of currently used tools remain, particularly in terms of gender and non-white youth. In general, practitioners felt the increased use of risk/need instruments in the youth justice system would enhance case management, increase efficiency and result in more consistent and defensible decisions. The concerns revealed include: a tendency to merge risk and need, the potential for gender, racial or cultural disparity, inconsistency in practitioners' interpretations and understandings of risk/need assessment scores, insufficient training, an absence of uniform audits, inconsistent use of over-rides, and concern about the availability of community resources needed to adequately manage risks and needs of youth. The report contains recommendations relevant to each of the abovementioned concerns.

In terms of the YCJA, we suggest that the logic of risk/need assessments contradicts one of the main YCJA principles wherein “young persons are to be held accountable through interventions that are fair and in proportion to the seriousness of the offence”. Risk/need scores are not a measure of the seriousness of an offence, nor do they predict potential for future serious offences, nor is future crime relevant to proportionality. The use of risk/need assessments to facilitate decisions under the YCJA needs to be carefully reviewed and monitored.

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1.0 Introduction

A trend towards the increased use of actuarial-based risk/need assessments is observable in many western criminal justice systems and in other social service sectors (e.g., welfare, child protection, mental health, etc.).¹ New actuarial and quasi-actuarial techniques of risk/need classification and assessment are said to have supplemented and reshaped both clinical and legal practices.² Risk/need assessment tools, which are derived from research on large population samples, are promoted as preferable to subjective, individualized, and discretionary methods of classification. Proponents believe they provide objective, actuarial measurements of risk and need and eliminate arbitrary decision-making, bias, and prejudice, leading to more efficient and impartial classification and rational, just decisions. It is argued that these tools have much better predictive capacity than earlier discretionary methods.

The purpose of this study was to review and critique the concepts of *risk* and *need* as they relate to assessments of youth within the Canadian criminal justice system and to identify existing risk/need assessment tools currently used with young offenders. Each provincial/territorial government was contacted in order to identify the central risk/need assessment instruments used with young offenders, and interviews were conducted to determine the purpose and practice of risk/need instruments at various key decision-making stages of the criminal justice system. Particular attention is paid to why certain tools were chosen and attempts are made to document research conducted in the provinces and territories.

An in-depth analysis of the reliability and validity of the scales was not possible because the raw data upon which they are based, as well as the data collected by jurisdictions for validation, were not available to researchers for secondary analysis. Such a task, while valuable,³ is a major undertaking and beyond the scope of the present project.

2.0 Historical Development of Risk/Need Assessments

The current emphasis on risk/need assessments evolved out of an influential professional ideology—and now deeply embedded practitioner-driven research agenda that embraced the rehabilitative ideal and its post-Martinson revival—and out of a long-standing organizational commitment to intervention and programs. This research rejects the popularized *nothing works* claim, seeks to determine *what works*, and strategically deploys *effective, targeted correctional interventions*. This approach endorses the use of science to resolve crime-related problems (Cullen and Gendreau 2001). Notwithstanding the scepticism within criminology and other social sciences about our ability to make accurate and reliable predictions of dangerousness and recidivism, Canadian correctional researchers maintain that there is a consistent relationship between the type and number of needs offenders present and the likelihood of recidivism. Further, Motiuk argues that the combined assessment of both risk and need will improve our ability to predict who is likely to reoffend and who is not (Motiuk 1993). These risks and needs are identified through research that estimates their predicted likelihood of future criminal involvement. Researchers' attempts to identify and quantify risk/need have resulted in the reconceptualization of needs and certain social structural barriers as risk factors.

The analysis of risk factors is linked to the identification of *criminogenic needs* factors that have a role in preventing, rather than simply predicting, offending. Actuarial tools are now being used to classify prisoners in terms, not just of their security *risks*, but also in terms of their criminogenic *needs*. Risk assessment tools play a central role in matching “levels of treatment service to the risk level of the offender” (Andrews, Bonta and Hoge 1990). Much of this work is undertaken in Canada by psychologists working in the correctional field (Andrews et al. 1990; Andrews, Zinger, Hoge, Bonta, Gendreau and Cullen 1990). It is closely tied to their view that only specific types of treatment, targeted to particular groups of offenders, can reduce reoffending. Risk/need classification, therefore, results in a security classification, as well as an allocation of level of treatment or supervision. More recently, the terminology has changed with criminogenic risks being referred to as *static* (i.e., unchangeable) factors (e.g., age or offence history), and criminogenic need as *dynamic* factors, which can be modified by treatment programs.

Extensive literature on the benefits of assessing both risk and need exists. Such assessment practices are believed to enhance the accuracy of clinical decisions, and to allow for targeted interventions, better classification, program evaluation, standardization, and efficient resource allocation (Andrews and Bonta 1998; Loza and Simourd 1994). The use of risk and need evolves out of a critique of static actuarial models of risk prediction in correctional literature on assessment and classification, where, in the early 1980s, psy-professionals raised a host of concerns about the use of static risk models.⁴ This critique generated new ways of understanding risk and knowing the offender, and reasserted the premise that offenders can change if knowledge of their needs is integrated into assessment technologies.

Assessment tools and more general classification practices that combine risk and need are euphemistically referred to as *third-generation risk assessments*.⁵ These third-generation tools are believed by many to be better clinical assessment tools and predictive devices than earlier first- and second-generation risk assessments. The *first-generation risk*



assessment relied primarily on the unstructured clinical judgment of skilled practitioners. This tool was discredited because of its subjective, unempirical qualities and for its poor predictive accuracy. *Second-generation risk assessments*, which have garnered the most recent attention, are those that stress *static historic factors*, such as age, number and type of convictions, sexual offending, and relationship to victim. Examples of these tools include the Salient Factor Score (used in the United States), the Statistical Inventory on Recidivism (SIR) (used in Canada), and the Risk of Reconviction (used in the United Kingdom).⁶ These tools were seen as more objective, empirically sound actuarially, and as having considerably better predictive accuracy than previous methods (Andrews and Bonta 1998). As noted above, these second-generation assessments have been extensively criticized for their rigidity and prohibitive reliance on static offence-based risk criteria.

The rigid knowledge of risk contained in second-generation risk tools produced a *fixed risk subject* (Hannah-Moffat 2002), who was designated to a particular risk category (high, medium, or low), based on accumulated historical factors that, for the most part, could not be changed. This conceptualization of the offending subject naturally limited practitioners and prescribed little by way of intervention, other than incapacitative measures; thus providing little guidance to correctional administrators and limiting the scope of correctional intervention. More abstractly, such understanding of risk was predicated on the implied failure of rehabilitative interventions and the tacit understanding of incapacitation as a preferable penal strategy. This logic contributed to what penal scholars have dubbed the post-welfare era of *hyper or mass incarceration*.⁷

At the same time that static risk logic was being mobilized to legitimate and inform penal policies, practitioners and correctional researchers were engaged in forms of knowledge production that challenged this seemingly dominant understanding of risk, and reasserted the importance of rehabilitative programming. For instance, Don Andrews (1989), a leading proponent of the *what works* movement and author of dominant assessment tools, indicates, “past (second-generation) assessments of risk fail to prescribe interventions, and ignore the fact that, once in the correctional system, offenders are subject to events and experiences that may produce shifts in their chances of recidivism” (p. 5). That is, lower-risk cases may remain low risk throughout their period of supervision, or they may move into higher-risk categories. On the other hand, higher-risk cases may remain high risk or they may move in the direction of lower risk. Andrews argues, “improving the accuracy of prediction risk assessments is contingent upon a determination of the characteristics of offenders and their circumstances that are subject to change during the sentence, and establishing which of those changes actually indicate an increased or a reduced chance of recidivism” (pp. 5-6). This knowledge, Andrews contends, requires researchers and practitioners to look beyond risk factors that cannot be changed, such as criminal history, to changeable dynamic factors, or *criminogenic need* factors.

Using the insights of meta-analysis, correctional researchers argued that the absence of dynamic variables or *needs*, such as employment, marital/family relationships, associates, antisocial attitudes, personality traits, substance abuse, and other theoretically⁸ relevant items that were statistically shown to be correlated with criminal conduct, were a limitation of earlier tools (Andrews and Bonta 1998). This powerful critique of the *first- and second-generation risk assessments* led to the assimilation of needs into traditional risk assessments that in turn, increased practitioners’ confidence in their ability to predict

recidivism and design targeted interventions. Guided by the notion that “prediction should provide utility” (Andrews and Bonta 1998:225), a third generation of risk assessment evolved. The *third-generation risk* assessment is distinctive because it purports to objectively and systematically measure static and dynamic risk or criminogenic needs factors. A fourth generation of risk assessment is envisioned that will include the identification and measurement of key responsivity characteristics for treatment matching (Andrews and Bonta 1998). The most recent version of the Youth Level of Service/Case Management Inventory (YLS/CMI) and planned⁹ revisions of Level of Service Inventory – Revised (LSI-R) integrate responsivity factors into the assessment of risk and need.

Clearly, the new convention in risk assessment and classification is to use strategies and tools that “systematically bring together information about an offender’s history and needs to develop a treatment plan and assign levels of supervision” (Bonta 2002:1). Andrews and Bonta’s (1998) principles of risk, need, responsivity, and professional discretion illustrate this new risk-informed managerial logic of penal governance. The quadrangle of risk, need, responsivity, and professional discretion are identified as four principles of classification/assessment.

The *risk principle* is an endorsement of the debated premise that criminal behaviour is predictable and that treatment services need to be matched to an offender’s level of risk. Thus, offenders who present a high risk are those who are targeted for the greatest number of interventions. The *needs principle* pertains to the importance of targeting criminogenic needs and providing treatment to reduce recidivism. Through such tools, need is explicitly linked to *rehabilitation*; criminogenic needs/dynamic risk factors are rehabilitative targets. However, *treatment* often means cognitive behavioural interventions that claim to teach and not *treat*, as previous rehabilitative connotations suggest. The *responsivity principle*, which refers to the “[delivery] of treatment programs in a style and mode that is consistent with the ability and learning style of the offender” (Andrews and Bonta 1998:245) expands this premise. Offenders are human beings and the most powerful influence strategies available are behavioural/social/learning cognitive behavioural strategies. Finally, the principle of *professional discretion* strategically reasserts the importance of retaining professional judgment, provided that it is not used irresponsibly and is systematically monitored. Here, the term of professional includes a host of practitioners (or para-professionals) with little to no professional training in risk assessment and, in the most extreme cases, correctional officers or parole supervisors.

Given the rapid growth of risk/need assessment tools and their increased use at various stages of the criminal justice process, few international researchers have critically assessed the impact of this trend and or collected data on how these tools impact decision-making. Existing critical international literatures use varying theoretical approaches to raise concerns about a wide range of risk-based practices deployed in criminal justice and mental health systems. Some of these concerns include: due process, justice and proportionality (Hudson forthcoming; 2001; Rose 1998), moral and political dimensions of risk (Ericson and Doyle 2003; Gray, Laing and Noaks 2002; Stenson and Sullivan 2001), gender, racial and culture discrimination (Hannah-Moffat and Shaw 2001), the targeting of marginalized populations and the redistribution of resources based on risk profiles (O’Malley 1999; Rose 1998; Silver and Miller 2002), and



the tenuous relationship between risk and rehabilitation or *what works* initiatives (Brown 1996; Hannah-Moffat, 2002; Kemshall 1998; Robinson 2002; 1999; 1996). This literature offers an *interdisciplinary approach* to the study of risk and risk-based governance. By and large these article raise theoretical questions about the increased used of risk based technologies and the potential impact of this trend. This literature examines specific operational questions about how, or even if, risk determinations ought to guide decision-makers, but does not examine whether these tools are valid and reliable predictors.

3.0 Method

This national study was conducted over a four-month period. An international literature search on youth risk/need assessments was conducted. Wide ranges of risk/need tools exist in international jurisdictions. Most of these risk/need assessment tools are modified according to institutional demands but nevertheless use standard determinants of risk and need. While few generic copyrighted risk/need assessment tools exist (i.e., Level of Service Inventory (LSI) and YLS/CMI), Canadian researchers are considered leaders in this area. To limit the breadth of this study we focused on the risk/need assessment tools and practices being used in the Canadian youth justice system. We did not conduct an exhaustive search of international youth jurisdictions for alternative risk/need assessment tools. Many countries appear to be developing testing and evaluating the suitability of the LSI -R and locally developed tools and most assessment tools were originally developed for adult populations.

Where possible, we collected and reviewed risk/need assessment tools currently used in the Canadian youth justice system along with user manuals and/or related policy (see Appendix 1 for a description of tools). Given that many of these tools were either modified or locally developed and not subjected to secondary analysis by the research community, there is little peer-reviewed academic literature on these tools. Many of the tools currently in use are quite similar to either the LSI-R or the YLS/CMI (see Appendix 2 and 3 for a list and profile of the tools deployed in each province and territory). A search of the criminal justice abstracts yielded a small number of published peer-reviewed research pertaining to versions of the LSI and YLS/CMI.¹⁰ This research is briefly outlined below.

Some of the information contained in this report is based on knowledge provided by key informants during telephone interviews.¹¹ We conducted 71 semi-structured, open-ended interviews in all provinces and territories, with the exception of Quebec. The Department of Justice provided initial contact names for each of the jurisdictions. These individuals were identified as people who would assist us in accessing further information and contacts. All contacts were sent an email briefly describing the research and requesting the names of individuals in research/policy, Crown's offices, probation, and open- and secure-custody facilities who would be willing to be interviewed for this project. In some cases, we received email responses that directed us to other individuals within the system; in cases where we did not receive a response we followed up by telephone and subsequent emails. From some jurisdictional contacts we were able to obtain copies of risk/need assessment tools and training manuals. Documentation, including our ethics approval through the University of Toronto, was sent to jurisdictions requiring their own research approval.

3.1 Probation officers

In the initial stages of the study, we intended to interview 10 probation officers from each jurisdiction. This would require us to obtain the names of approximately 20 to 25 probation officers from each jurisdiction, assuming that half would decline to be interviewed and/or could not be accommodated due to scheduling conflicts. We intended to select 10 probation officers randomly from those responding from each jurisdiction.



In some jurisdictions, our initial contact person was in a position to immediately liaise with probation officers and/or their supervisors directly, while in other jurisdictions we were asked to contact probation supervisors and/or regional directors ourselves. A few jurisdictions declined to provide us with access to the numbers of probation officers we requested, or responded to our requests for participation very late in the research process. In these cases, we had to develop alternate methods for accessing information regarding risk/need and probation through key informants (see below).

In total, 29 interviews were conducted with probation officers across the country, but excluding the following jurisdictions: Quebec, Saskatchewan, New Brunswick, Prince Edward Island, and Ontario's Phase I (young offenders aged 12 to 15 at the time of the offence). In jurisdictions where full participation was obtained, our contact person distributed a recruitment email to probation officers. The email explained that participation was voluntary, described the scope of the study and the length of time required for the interview, and asked that interested probation officers contact us either by phone or email. One province provided us with an email list of all youth probation officers and granted us permission to contact them directly via our recruitment email. We then followed up with officers who contacted us and scheduled interviews.

For Alberta, British Columbia, Ontario, and Saskatchewan, we developed alternate methods for accessing information. Alberta declined to provide access to more than one probation officer, and so a thorough interview was conducted with this officer. British Columbia preferred that we recruit only *probation consultants* (who are all senior probation officers) and distributed our email to these individuals province-wide. Following discussion with our jurisdictional contact in Saskatchewan, a decision was made not to pursue interviews with probation officers because the province was undergoing a transitional and training phase. Therefore, we conducted only one interview with our policy contact in Saskatchewan, who described current practices and their history. Finally, Ontario provided us with the names of four Phase II (young offenders aged 16 to 17 at the time of the offence) probation officers. Despite repeated efforts, we were not able to contact the policy representative for Phase I during the data collection stage of this project. Thus, we did not receive the names of probation officers working with this client group. Nunavut probation officers were contacted through researchers' personal contacts and asked to participate in the study. After reviewing our ethical review and research questions, the province of Quebec declined to participate in the study because they considered it to be the beginning of the implementation of the YCJA.

The sample of probation officers surveyed was not random as some selection criteria were imposed by the jurisdictions. There may be a respondent bias due to selection criteria. We do not feel that this has significantly impacted the results.

3.2 Crown contacts, custody contacts, and policy/research contacts

For each jurisdiction, we attempted to obtain contact information for youth Crowns, open- and secure-custody managers or superintendents, and policy and/or research contacts from the contacts provided by the Department of Justice. Interviews were conducted with 10 Crown attorneys (in all regions excluding Quebec, Saskatchewan, Nunavut, British Columbia, Alberta, and Ontario); 16 policy contacts (excluding Quebec and Ontario Phase I); 9 custody staff (excluding Saskatchewan, Nunavut, Manitoba,

Quebec, Prince Edward Island, Ontario Phase I, and Newfoundland and Labrador); and 1 police officer in Ontario. These individuals were contacted by phone or email and asked to participate in the study. From each individual we spoke to, we gathered further contact names; thus building a snowball sample of key informants in each jurisdiction. Several provinces requested copies of our ethics approval, copies of the questions we planned to use with each contact, and/or letters from the Department of Justice before agreeing to participate.

3.3 Academic community

Six individuals in the academic research community were interviewed to learn more about the history, research, and uses of tools currently adopted in many jurisdictions.

3.4 Accuracy and consistency

In some instances contacts within jurisdictions provided us with conflicting information. In such cases we attempted to record our best estimation of these practices and deferred to the editorial input provided by the jurisdictional contacts on the draft report. A limitation of the information recorded below on jurisdictional practices is that this research was conducted during a transitional period. Many provinces were in the process of altering their practices of risk and need assessment in anticipation of the YCJA or because of ongoing policy reforms and research.

There was regional variation in assessment practices within each jurisdiction (i.e., rural versus urban). There was also regional variation in the use of terminology describing various stages of the youth justice process and the roles of practitioners. We have chosen to use the following terms for consistency. The term, youth worker is used interchangeably with probation officer. We use extrajudicial measures (alternative measures/diversion), pre-trial detention (bail), and pre-sentence report (predisposition report).



4.0 Research Findings

4.1 Methodological limitations

There are several different types of risk/need assessment tools currently being used in Canadian jurisdictions (see Appendices 1 and 2). Only a few tools (LSI-R, YLS/CMI, Level of Service-Ontario Revised [LSI-OR]) are the subject of published peer-reviewed research, which reports on reliability and validity (mainly predictive validity). We cannot comment extensively on those tools (Offender Risk Assessment and Management System [ORAMS], Youth Management Assessment [YMA], Youth Community Risk/Need Assessment [YCRNA], YLS/CMI Screening Version) for which published empirical research is not available. Most of the research purportedly validating these tools has been conducted by government or contract researchers and is not readily available nor are datasets for testing these tools accessible.

The following identifies the most common methodological issues raised in the interviews and outlined in academic literature on risk/need assessment tools for young offenders. This review focuses exclusively on LSI-based tools, and primarily on the YLS/CMI and Youthful Offender – Level of Service Inventory (YO–LSI). The Risk/Need Assessment – Case Management Review (RNA) and the Offender Risk Assessment and Management System – Primary Risk Assessment (ORAMS-PRA) for young offenders are adaptations of the YLS/CMI and YO–LSI respectively. Eight of the 12 provinces and territories participating in this study have adopted some version of an LSI-based tool.

A dominant theme to emerge from the interviews and academic literature is the need for further research studies examining the validity and reliability of risk/need instruments specifically with young offender populations. Youth workers, policy contacts, and researchers alike identified the need for more extensive research on these tools. For the most part, these instruments have been adopted without proper validation and reliability studies. The implication is that jurisdictions are placing confidence in and making decisions about youth on the basis of tools that have not been validated for use in their regions.

Surprisingly little research has been conducted on risk/need instruments with young offender populations. Many of the tools were initially developed for and tested on adult offenders and then subsequently adopted and/or adapted for use with young offenders with little or no testing. At the time of this study, no research with a sufficient young offender sample was conducted on the LSI–OR or the ORAMS.¹² The YLS/CMI is one tool where studies have reported significant constructive validity (i.e., how well the tool classifies risk) and predictive validity (i.e., whether the tool predicts risk accurately) with a young offender population aged 12 to 15 (Costigan 1999; Costigan and Rawana 1999; Jung and Rawana 1999; Hoge and Andrews 1996; Jung 1996; Lindsey 2000; Poluchowicz, Jung, and Rawana 2000; Rowe 2002; Schmidt, Hoge, and Robertson 2002). But, here too, the studies are limited. As one of the authors of the YLS/CMI, Robert D. Hoge (2002), acknowledges, “normative and psychometric data for the YLS/CMI are preliminary at the moment” (p. 390). In a study comparing three risk instruments, including the YLS/CMI, Hoge reported that “these measures have not been fully developed as actuarial measures, and it is not possible at present to specify the levels of decision accuracy they might produce. However, the available results are promising” (p.

392–3). Given time limitations and difficulty in locating many of these studies (many of the findings are reported only in conference presentations, unpublished theses, or in internal ministry reports that are not readily available), an in-depth analysis of this research was not possible.

We conducted an international literature search, which revealed few published peer reviewed academic studies of youth risk/need assessments tools. Many of the existing reports and studies are produced by governments or contract researchers - these were not accessible within the timeframe of the study. Reports or studies relevant to the standardized tools used in Canadian youth jurisdictions (i.e., YLS/CMI and LSI-R) were obtained and are reviewed below.

It should be stated that a potential problem with LSI-based research is that most of the research has been conducted by those working within the justice system or by the authors of the tools and/or their immediate students. This does raise the potential for research to be used to validate such instruments. It would be preferable for future studies to be conducted by those without a vested interest in the promotion of these tools.

On the basis of the interviews conducted, one of the apparent limitations of LSI-based tools concerns the specific sample used to develop and test LSI assessments. All studies on the YLS/CMI, YO-LSI, and RNA were conducted in jurisdictions within Ontario, specifically in South-Central and Northern Ontario. When using these tools outside these jurisdictions an assumption is made that the specific Ontario samples are representative of youth across the country. While this may be the case, if it is not, the validity of the tool may be compromised. In other words, the tool may prove to have differential validity in different jurisdictions. Few regions have evaluated, or are in the process of evaluating these tools for specific use in their jurisdictions. While this is partially due to lack of adequate resources, it also reflects the degree to which regions have placed confidence in an instrument without proper validation.

A similar issue arises in relation to the number of risk levels (low, moderate, high, very high) and the cut-off scores (e.g., a total risk score less than 9 or between 9 and 22 is considered low and moderate respectively). These were all established on the basis of results with young offenders in Ontario. The tools do allow cut-off levels to be adjusted and, indeed, the authors of the tool recommend that each region develop their own normative data to determine whether the cut-off levels or scores in the guide need adjusting for specific use in their jurisdiction. Apart from Ontario, only one province, Manitoba, has attempted to “norm” the tool (i.e., develop regional cut-off scores). Potential regional differences could reduce the predictive validity of the tool if the cut-off scores are not normed for each region adopting a risk/need tool. Moreover, the validity of the risk categories, specifically the differentiation between *high*- and *very high*-risk levels requires further exploration. In general, few young offenders fall within these categories and studies have not been able to conclusively establish the validity of these categorical distinctions. In fact, some regions have chosen to collapse the two categories. The implication of these practices on the overall validity of the tool needs to be explored.

The psychometric validity of the items used in some of the risk/need scales requires careful attention. This refers to whether the individual items in each scale (as opposed to



the instrument as a whole) are statistically valid and reliable predictors of risk/need (i.e., can they differentiate between recidivists and non-recidivists). Studies have not examined the extent to which some of the items may potentially target disadvantages experienced by minority groups, or reflect moral and social values that are rejected by certain segments of a youth population. These concerns arise specifically in relation to the YO–LSI included in the ORAMS-PRA for young offenders. The YO–LSI consists of 82 items, some of which include receipt of social assistance, psychiatric history of parents and siblings, sexual experience (e.g., promiscuity, use of birth control), has children, lives in high crime area, has tattoos, and intellectual disorder. Some of these items may be characteristic of recidivists, but they may not impact on criminogenic risk/need.

It is important to understand how the items in the tools impact on the final risk score. The actual correlation between each item and recidivism is usually quite small, such that the predictive accuracy of any single item is relatively weak (Ministry of the Solicitor General and Correctional Services [MSGCS] 1995). However, the addition of a number of risk/need items, however loosely correlated to recidivism, should provide greater overall predictive accuracy. Hence, the specific number of items can vary considerably from scale to scale since eliminating one item should not significantly impact on the overall risk score. One of the stated strengths of the LSI approach is precisely its flexibility and the fact that it is amenable to further development and refinement. However, each of the items (as opposed to the tool itself) should be tested to ascertain whether they are theoretically relevant and statistically significant predictors of recidivism. According to the developers of the tool, only the YLS/CMI and the LSI–OR are theoretically based and directly concerned with the measurement of criminogenic risk/need factors (Andrews and Bonta 1998; Andrews, Robinson and Hoge 1984). Additional items may be important for treatment considerations but are not adequate predictors of recidivism and, consequently, should not be used to establish the overall risk score. Identifying the central predictors of criminogenic risk/need is central to risk/need assessment tools and has a direct bearing on the type and quality of interventions.

This concern was raised in a number of interviews, particularly with those using the YO–LSI to assess Aboriginal youth. Some of the items, specifically those relating to parental relations, socio-economic status, accommodations, sexuality, having children at a young age, and leisure activities, among others, may not be sensitive to the cultural distinctiveness of Aboriginal groups. In light of such concerns, some of the participants indicated that they do not record information on sensitive issues. This exclusion of selected items (and, potentially, their inclusion as well) may result in differential interpretation of risk/need for Aboriginal youth and, consequently, impact on the effectiveness of treatment.

Items in the YLS/CMI may also be poor predictors of recidivism for certain age cohorts. The YLS/CMI was developed and tested on Phase I young offenders (aged 12 to 15 at the time of the offence). Preliminary findings suggest that perhaps items relating to family circumstances and parenting may be less relevant in determining criminal activity for older youth, specifically those between the ages of 16 and 17 (Hoge, Andrews and Leschied 1996).

The following summarizes some of the key methodological concerns emanating from this section.

1. Adequate reliability and psychometric and predictive validity have not been demonstrated on young offender populations across the country. Some research in Ontario does exist but it is preliminary in nature and insufficient to validate the use of these tools on a wide range of young offenders. The psychometric validity of the items in the tools has not been sufficiently researched. Only one study, a Masters thesis, was found to test the psychometric validity of the tools with a young offender population (Jung 1996). This raises concerns over whether some items may potentially target disadvantages experienced by minority groups or reflect moral and social values that are rejected by certain segments of a youth population.
2. Tools developed in Ontario are being used in other jurisdictions across the country without proper validation studies. One needs to question the use of convenience samples to establish validity that are then used to generalize to populations that may differ substantially. Further issues pertaining to validity include the absence of research examining external or construct validity (Zimmerman et al. 2001).
3. Although the tools may, in the future, demonstrate adequate predictive validity, they DO NOT measure dangerousness, nor can they identify the severity of an offence. A common concern identified by respondents is the fear that a high-risk score may be interpreted by some as an indication that a youth poses a greater risk to society, the institution, or to oneself. When used at the pre-sentence stage, the danger exists that the courts may assume that a high-risk youth poses a greater danger to society and sentence accordingly. Risk scores merely identify who is more *likely* to re-offend. They do not differentiate between type of recidivism, that is, they cannot differentiate between who will breach a probation order (e.g., not appear for a meeting) versus who will commit an assault. In fact, the tools may prove to be better predictors of low-level criminal behaviour like failure to comply with a programme. The ability of the tools to accurately predict recidivism for all types of re-offences has yet to be considered.
4. The tools CAN NOT identify who with certainty will actually re-offend. They merely predict who is more *likely* to re-offend.
5. Some jurisdictions are using the tools at the pre-sentencing stage, yet none of the tools were designed for use with young offenders at this point. The only tools tested on a young offender population, the YLS/CMI, were developed as a case management tool.
6. No studies have examined the validity or reliability of the tools for case management purposes. No research has explored to what degree, or how valid the tools are in informing and determining case management decisions.
7. Different concerns about these tools emerge when they are administered in a non-research setting. Practitioners administering these tools ought to be well trained on how to administer the tools. Presently, many tools include vague criteria such as



“could make better use of time,” “Non-rewarding parental relations,” “inconsistent parenting,” “peer interactions,” “supportive of crime,” “poor social skills,” “underachievement,” “inadequate supervision,” “problems with teachers,” “no personal interests,” “inadequate guilty feeling.” It is difficult to determine how consistently these criteria are interpreted. These criteria can involve substantial amount of speculation and morally laden subjective assessments. The assessor’s choice of informants and interpretations of the authenticity of their claims is not transparent. Audits are not consistently performed and there are wide variations on the type and quality of training assessors receive.

4.2 Accountability and defensibility

Practitioners consistently claimed that the advent of risk assessment tools has resulted in more defensible and accountable practices of assessment. This development was seen as positive and progressive. Practitioners maintained that decisions made using structured risk assessment tools were more defensible than *gut feelings*, which were seen as the basis of discretionary judgments. One Crown Attorney noted that recommendations for pre-trial detention and sentencing were more persuasive and defensible if you could show that the recommendations were based on a systematic review and analysis of the areas of risk and need shown by research to be related to recidivism. Further, it was believed that not only were these tools useful in presenting evidence to the court but that they also enhance the defensibility of pre-trial and sentencing decisions to the general public. Many suggested the tools made the reasoning behind the case plan more transparent because these tools used objective criteria that was empirically based and that were uniformly applied. In short, it is seen as justifying “what is done to the youth”.

Interestingly, there was variation in opinions about the usefulness of risk and need assessments. Some respondents felt that risk and need assessments were most useful for new youth workers and those with less experience who had not yet developed a strong intuitive sense. Some suggested risk assessments were a “matter of common sense,” but that common sense is not persuasive in court or in terms of the public perceptions of just and rational decision-making. Clearly, one of the appeals of risk assessments is that they ensure that a decision is defensible. As one respondent noted, “They back the [Probation Officer] up if something goes wrong — you can demonstrate that you used a standard approach that is empirically based”.

4.3 Subjective/moral criteria

While considerably more structured than clinical judgment, these tools do not, in practice, substitute for professional discretion, nor are they *objective* or *apolitical*, as some postulate. Professional judgment is a key component of risk assessment (Andrews and Bonta 1998). User manuals for both the YLS/CMI and the LSI-R encourage the exercise of professional discretion and acknowledge that the completion of these assessment forms¹³ requires “subjective judgments on the part of the professional who completes them” (Hoge and Andrews 2002:5). While scales are useful in structuring decision-making and ensuring that practitioners are looking at all relevant risk and need factors, managerial decisions about particular offenders are still heavily influenced by personal judgment, particularly in terms of how practitioners define and rate intangible

needs. Current and past research and interviews with practitioners show considerable variability in how assessment criteria are interpreted (Hannah-Moffat and Shaw 2001).

Risk/need assessments provide decision makers with risk/need scores and categorical ratings from high to low depending on the tool used. One of the often disregarded restrictions of risk/need assessments is their reliance on a multitude of subjective/moral judgments about the youth's character and his/her lifestyle. Several risk tools (e.g., YSL/CMI, ORAMS – PRA, LSI–R, YCRNA) currently used in Canadian jurisdictions to assess youth include criteria that require practitioners to evaluate various aspects of a youth's life and to make a series of moral determinations about his/her hygiene, leisure habits, friends, parents, study habits, and consumptive and sexual behaviours. For instance, the ORAMS (section #7 Primary Risk Assessment),¹⁴ which is used to prepare court reports or for sentenced youth upon admission to the correctional system, scores the following items:

Has drunk alcohol, leisure time spent mostly in unconstructive activities (e.g., hanging around arcades, partying, doing crime), sexually active, has sex with more than one partner (i.e., is promiscuous), doesn't take precautions for birth control and safe sex, has a child or children, past victimizations, has tattoos/self-inflicted scars or burns, was uncooperative/belligerent during the assessment.

Comparable difficulties exist with other risk/need tools outlined in this report. The inclusion of these criteria raises two concerns. First is the relevance of these criteria to the management of the youth (i.e., psychometric properties discussed above). Clearly, some of the above-listed items will guide practitioners in developing intervention plans for individual youth but other criteria are of questionable empirical and legal relevance. Some have suggested that the criteria in some tools, “dangerously convolutes factual with interpretive information, and is therefore potentially very misleading if a person who completes it is not properly trained” (Cole and Angus 2003:17).¹⁵ The use of such extralegal criteria to formulate recommendations about sentencing and to establish who is suitable for diversion is undoubtedly problematic and may in fact discriminate against large numbers of youth. Such judgments embedded in risk/need assessment tools often escape careful scrutiny by practitioners, in particular, judges and defence counsel of the youth.

Second, even if these criteria were established as empirically or legally relevant, there is a lack of transparency in how the practitioners determine the presence or absence and relevance of particular items contained in assessments. Some risk/need assessment tools (e.g., YLS/CMI) provide space for comments that contextualise ratings. Considerable variability remains in how practitioners record this information and in how they use and interpret the information they collected from the youth and collateral contacts. There are some concerns about gendered and racialized interpretations of risk and need criteria and the importance of the age of the youth (and developmental stage) in making determinations about the *appropriateness* of particular behaviours. A few respondents felt that these tools inappropriately label youth and that these labels are punitive and stick with the youth their entire time in the system.



4.4 Standardization and consistency

The use of standard risk and need assessment tools allows everyone to “speak the same language”. Many of our respondents favoured the use of structured risk assessment tools like the YLS/CMI or LSI-R. They believed that these tools resulted in better, more consistent decisions because they relied on a standardized set of predictive criteria,¹⁶ which systematically structure professional discretion. They attempt to ensure that probation officers assess the same areas in the same way. A further advantage of this practice is that it is believed to make decisions more transparent and allow for faster and more systematic transitions when someone is taking over a file or when a youth is transferred into or out of custody.

Many provinces favoured standard tools because they were seen to offer more consistency in terms of the criteria used to make an assessment and recommendations. The standardization of criteria is equated to more uniform and consistent decision making within particular offices and across regions. It also ensures that case files and reports are organized in a particular way and include a reliable set of criteria. Many believed that these tools were essential for ensuring consistency in terms of the kind of information collected for reports and used to make decisions.

The use of risk/need assessment to determine the required level of supervision (i.e., reporting) is useful from a managerial perspective because it links the amount of contact to the risk/need level. A standardized approach for determining the frequency of reporting, for example, ensures that youth of comparable risk levels are seen at comparable intervals and that lower risk youth are seen less often than those who are higher risk. This logic is consistent with the risk and need principles underpinning these tools.

4.5 Case management

According to the respondents, one of the primary strengths of the risk/need assessment is its usefulness in managing the offender. These tools provide a framework for identifying risk factors and assessing both a youth’s threat to the community and need for services. They are seen as identifying *red flag* areas, which can then be looked at in more detail with the youth.

The risk/need assessment is often equated with best practices and seen as enhancing the role of the probation officer. The tools allow youth workers to identify *criminogenic need* areas where changes are required, to prioritize these criminogenic factors, and to make concrete program recommendations. The linkage of *available* programs to identified needs is seen as critical in terms of efficient and effective correctional management.

Despite the claims that risk/need assessments can better direct or inform treatment plans, no Canadian research has specifically explored the utility of these tools for youth case management purposes. To the best of our knowledge, no international researchers have explored this issue (Kemshall 1998; Robinson 1996). Existing research on risk/need assessments has focused almost exclusively on the prediction of recidivism, a factor significant for security management. We know very little about how or whether these tools *actually* inform decisions about how to intervene with a youth. The following present some initial questions that must be explored. How effective are these tools in

directing treatment and program decisions? Do risk/need classifications change with appropriate treatment or programming? How does the system respond to imbalances between risk/need classifications and institutional resources? One of the objectives of risk/need classification is to reduce the levels of interventions for low- to moderate-risk offenders — have such interventions decreased, increased or remained the same? Or, are these tools merely used to dictate supervision levels? These tools are used at a number of decision-making points within the youth justice system (e.g., extrajudicial measures, pre-sentence reports, probation, and custody). Can one instrument be used to inform decisions at all stages of the criminal justice system? Or should different tools be developed specifically for use at each level of decision-making?

These questions should be explored specifically in light of the fact that some jurisdictions have considered, or in the case of Ontario, have already redesigned treatment and program services in response to risk/need assessments.

4.6 Blending of risk and need¹⁷

Many respondents had to pause when asked the difference between a risk and a need factor. Some could not distinguish, others claimed that risk pertained to static historic factors that could not be changed, while need referred to those dynamic factors that could be intervened in and ultimately changed to reduce the likelihood of recidivism. Some felt that need reflected something entirely different, equating it to a need for help. Regardless of the distinctions, the end result of the assessment of need was to facilitate intervention.

What most respondents failed to conceptualize are the problems intrinsic to this kind of needs assessment and how a failure to distinguish between risk and need can result in increased surveillance of youth. Most saw risk and need as “part of the same issue”. Within current research and practices of risk assessment, there is a substantial and somewhat intentional (Hannah-Moffat 2002) slippage between the concepts of risk and need. It seems that where there is an unsatisfied need there is a potential risk factor. In some cases the two are indistinguishable. Hannah-Moffat (2000:36) argues as follows:

The blending of risk and need creates an interesting paradox. It combines two quite different elements: traditional security concerns, which are generally associated with danger and the prevention of harm to others, and a more recent emphasis on need, which by contrast implies that a prisoner is lacking something and entitled to resources.

Criminogenic needs, therefore, are explicitly defined as problems, which influence the chances of recidivism, rather than a statement of resource entitlements (Hannah-Moffat 1999). In the Canadian literature, however, not all needs are seen as criminogenic. The hybrid term *risk/need* is often used and certain offender characteristics are identified as both risks and needs.

The embracing of third- and imminently, fourth-generation risk assessments has given rise to a new politics of need definition. Policy makers and researchers are engaged in a definitional politics that seeks to construct not only an *intervenable need* that is a legitimate correctional target, but by default, also categorizes some needs as illegitimate targets¹⁸ or “lacking in criminogenic potential”.



Recent correctional research from the British Home Office captures this dilemma. In defining the meaning of needs, Aubrey and Hough (1997) indicate, “needs and problems are different sides of the same coin ... Needs, as distinct from wishes, entitlements or rights, are defined often only implicitly, by reference to function. Basic needs, for example, are those which have to be *met to stay alive* ... In the case of probation work as currently organized, offenders’ problems reflect *needs only if their resolution reduces the risk of reoffending*, or brings some related advantages to the community” (p. 3). Consequently, needs are constructed within narrowly defined parameters. The definition of a need is not necessarily linked to an offender’s perception of what the individual requires but rather in terms of risk reduction and *intervenability*. This report also poses the question, “Should a probation officer try to address an offender’s poverty, for example, or poor housing if these are unrelated to the probationer’s offending or other anti-social behaviour?” (p. 3). Like other correctional researchers, Andrews (1989) is strategic about which needs ought to be intervened in and which are less promising targets. In his earlier work on the subject, Andrews (1989) explicitly states that certain areas of need are not appropriate for intervention. He argues that treatment interventions should not attempt “to turn the client into a ‘better person,’ when the standards for being a ‘better person’ do not link with recidivism” (p. 15). In a more refined description of the needs principle, Andrews and Bonta (1998) extend the concern with empirical links to recidivism to include intervenability. Andrews and Bonta note that many offenders, especially high-risk offenders, have a variety of needs. They need places to live and work, and/or they need to stop taking drugs. Some have poor self-esteem, chronic headaches, or cavities in their teeth. These are all needs. The needs principle draws our attention to the distinction between criminogenic and non-criminogenic needs. Needs are dynamic attributes of an offender that, when changed, are associated with changes in the probability of recidivism. Non-criminogenic needs are also dynamic and changeable, but these changes are not necessarily associated with the probability of recidivism.

Variables that are significant but not related to recidivism, yet require intervention, are deemed non-criminogenic needs (i.e., poverty, health) and considered a low priority in terms of intervention, except for *humane* consideration. An intervenable need is not an individual’s self-perceived need,¹⁹ but rather is a characteristic an individual shares with a population that is statistically correlated with recidivism.²⁰ An intervenable need is defined not only through the availability of resources and structural arrangements that allow for intervention and possible amelioration, but also through statistical knowledge of it as a variable that is predictive of an undesirable and preventable outcome: recidivism.

4.7 Gender and diversity²¹

The areas of gender and diversity continue to be neglected in research and practice. The methodological limitations of these tools raise questions about their use with male youth populations. These concerns are magnified for female and non-white youth populations. In general, considerably more work is required to determine if existing tools are suitable for females and various ethno-cultural populations or if the use of these tools produces subtle forms of systemic discrimination. The research on gender, Aboriginals, and other minority groups remains insufficient. None of the tools have been adequately tested on female, Aboriginal, and other minority groups. Some studies have examined the ability of the YLS/CMI to predict recidivism with female and Aboriginal youth and reported

promising results (Costigan 1999; Costigan and Rawana 1999; Jung and Rawana 1999). However, the research literature and interviews point to the potential for actuarial tools to classify female and Aboriginal offenders as higher risk because of their greater criminogenic needs. The criteria for classifying high-risk females and Aboriginal youth may be significantly different from those identifying high-risk non-native males. Female offenders are more often deemed higher risk because of their risk to themselves, whereas high-risk male offenders are more likely to pose a risk to others (Hannah-Moffat and Shaw 2001). According to a respondent, an advisory Aboriginal group in Manitoba has questioned the construct validity of these scales, particularly with female Aboriginal offenders.

Some have argued, “achieving equal validity [for females in particular] may require the use of additional or different risk factors that are objectively and statistically demonstrated to be salient” (Brennan 1998:198). Others have noted the difficulties associated with sample sizes indicating that low base rates are a problem. Studies of adult women reveal that women have different criminal histories and that practitioners use overrides excessively to reduce risk scores, (Acoca and Austin 1996; Austin, Chan, and Elms 1993; Brennan and Austin 1997). Some have argued that the rigid or mechanical application of risk assessment tools could lead to unjust classifications and that they may in fact institutionalize the disadvantages experienced by minority groups (Bhui 1999; Daly and Lane 1999; Dawson 1999; Gottfredson 1987; Petersilia and Turner 1987).

These issues are of added significance if one considers the role risk/needs assessments play in case management. There is a significant body of literature identifying the gendered and racialized aspects of offending and differential needs and responses of women and ethno-cultural groups to correctional programs (see Hannah-Moffat and Shaw 2001).²² Thus far, existing risk/need research has not fully explored the possibility of gender or cultural variations in offending and recidivism. Research on these tools and policy guidelines do not appear to have examined the research on best practices for these groups and the research debates pertaining to risk/need assessment for females, Aboriginals, and other minority groups. There may be some unresolved legal questions as a result of this neglect, in particular with Aboriginal youth.

The following outlines the issues raised in interviews pertaining to these populations.

Concerning gender, some respondents believed that “there [was] a classical double standard” in terms of how the behaviours of boys and girls are subjectively assessed by youth workers when completing assessments and in managing their cases. One respondent noted: “girls we see on probation tend to be higher need (as a rule) — the boys tend to be higher risk (as a rule, judges come down more hard on girls in terms of longer periods of probation)”. Some practitioners were concerned about the use of these tools with female youth. They believed the tools tended to over score females and this perception is linked to the random use of overrides for this population. Further, it was stated that the tests do not adequately capture the gender specific needs of females (i.e., doesn't acknowledge histories of physical, mental, or sexual abuse — often reasons for running away, parental responsibilities), which were important for case management or in terms of understanding antecedents to crime. Some reported (based on their unsystematic observations) that young women are more likely to run away, have substance abuse



problems, and come from dysfunctional families, and that young men were more likely to recidivate than females. Others felt there were no significant differences between boys and girls and that gender ought not impact risk/need assessment.

Regarding diversity, many respondents commented on the circumstances of Aboriginal youth. Many respondents indicated that Aboriginal youth were overrepresented in community and institutional populations and that this population has unique concerns. The broader socio-cultural context of Aboriginal youth and the unique issues this group presents are not adequately addressed in risk assessment tools. Some of the ethno-cultural concerns raised included the role of extended families in the lives of Aboriginal youth and the different “ways of life that exist on the reserve”. One respondent explicitly indicated that it was important for probation officers and others to “avoid imposing our middle-class moral standards on the families”. Some believed that risk assessment criteria included criteria that, when applied to certain Aboriginal youth, would have a discriminatory effect given the marginal social conditions in which they live.

While several provinces indicated that Aboriginal youth were overrepresented in their youth offender populations, little formal attention appears to be directed at the validity or reliability of tools and practices designed for and normed on the general youth correctional population. The failure to understand and integrate racial and ethno-cultural differences into the assessment of youth’s needs and level of perceived risk and into training might have discriminatory effects. Since the systemic issues by virtue produce social marginalization, high needs or dynamic risk are magnified for some ethno-cultural youth and Aboriginal youth.

In terms of training and policy guidelines for Aboriginal and female youth, none of the respondents indicated that they had received training pertaining to the use of assessments and the interpretation of criteria for these populations. None of the provinces noted the presence of specific policy guidelines in this area.

Concerns about other ethno-cultural groups were not apparent; however, this does not mean that concerns pertaining to the assessment of such groups are non-existent. Future research ought to explore the cultural relevance and impact of these tools on non-Aboriginal minority populations.

If formal risk/need assessment tools are to be used in the provinces, these tools should be examined to determine if the criteria used in the tools to establish levels of risk and need have a discriminatory effect and if these tools adequately capture the situation of ethno-cultural and Aboriginal youth.

The legal significance of these gaps ought to be explored in terms of equality, systemic discrimination, and recent legal decisions pertaining to the governance of Aboriginal offenders.

4.8 Interpreting and presenting the results

The logic of recent risk assessments is premised on an insurance model wherein probabilistic calculations are used to determine the likelihood of an event occurring, in this case recidivism. The predicted risk of reoffending is then used to inform and justify

present administrative practices and policies. The risk score does not identify who will actually reoffend; it merely identifies which youth are predisposed to recidivate. Those identified as high risk are more likely to reoffend, but not all of them will. And, those labelled high risk are not at higher risk of committing a serious violent offence. Actuarial tools predict recidivism; they do not differentiate between violent and non-violent offending behaviour. In fact, the actual offence is not used to calculate the YLS/CMI risk score; only the number of past offences is recorded. Risk/needs tools may actually be less effective in predicting serious crimes like escapes and violent behaviour. The rate of such offences is relatively low among young offenders, thereby resulting in sample sizes that are too small to evaluate.

Despite receiving training on these tools and their interpretation, practitioners tend to struggle with the meaning of the risk score and the importance of the items contained in the assessment tools. Most items contained in these tools are included because they are co-related with recidivism (see discussion of research above).²³ Correlation is different from causation. For example, poor academic performance or family problems may be predictors of offending, but they do not cause it (for further discussion on this issue see O'Malley 1999). Rating high in a particular needs area is often tenuously repackaged as a causal factor and thus treated as such through case management planning. Interventions are designed to target the dynamic factor and to manage the factor as if it had been clearly established as an antecedent to crime. Further, the risk score is a reflection of the youth's probability of re-offending. It is calculated by examining the degree to which, or likelihood that, youth with similar traits and behaviours perpetrated crimes. The more likely that those with similar characteristics committed crimes in the past, the higher the risk score of the individual under question. Rather than interpreting the risk score as a mere correlation, individuals are often ascribed the characteristics of the risk category to which they are assigned. O'Malley (1999) points out, risks, and in this case dynamic needs, are statistical artefacts.

4.9 Training

Proper training is essential for the proper administration of the tool. Bonta (2002:374) clearly notes: "those who administer offender risk scales must ensure they are well trained in their administration and knowledgeable of the current issues surrounding offender assessment". He further notes that while "few staff members will ever find themselves in court to defend their assessment, they should be prepared to do so. This requires each staff member to be ready to explain how the test is used, the research on its predictive validity, and the theory supporting the test" (p. 374). If youth workers apply the tool differently or misrepresent results, this could lead to unequal treatment. According to the developers of the tool, training should consist of at minimum a two-day session for those with knowledge of the treatment and prediction literature, otherwise five days of training was recommended. Most, but not all of those using risk assessments did receive some form of training which ranged from one to five days.

Gaps between the purpose of these tools and their use in practice are evident. Perhaps it is more significant that practitioners have not been given clear guidelines on when to use and when not to use these tools. Many have received training on the YCJA, but few have considered its relationship to their daily tasks, such as preparing pre-sentence reports. Many practitioners understand things will change but do not know how and have not



thought about risk/need assessments from this standpoint. Assessments are seen as part of case management and not situated with the broader framework of the YCJA. Thus, practitioners seem to separate concerns about producing useful and defensible assessments and the preparation from the YCJA. This may change once the act is in use.

4.10 Overrides

Most of the actuarial tools examined allow for a professional override such that if the youth worker determines that the classification misrepresents the actual risk posed by an offender, the final risk level can be adjusted or overridden. The authors of the LSI-based tools indicated that approximately eight to ten percent of the cases should result in an override. Data on the frequency of overrides was not readily available, but estimates ranged from none to 15 percent. Overrides appeared to occur less frequently among those using the ORAMS–PRA. Some custodial staff reported that overrides are only used to increase risk classification. Others indicated that their immediate supervisors often denied recommendations for overrides. No overrides, or relatively few, may be an indication that youth workers are not carefully scrutinizing the assessments, or it could point to institutional pressures against such practices. Several youth workers interviewed noted concerns over liability as one reason for the limited use of overrides. Correctional staff can face serious repercussions if they adjust a risk level and a youth subsequently commits a serious offence.

4.11 Reassessments

A review of risk classification is not a standard practice in all jurisdictions; however, several regions did indicate that they were in the process of establishing policy directives on reassessments. In an interview, Don Andrews recommended quarterly reviews. In interviews with youth workers, some reservations were raised with respect to risk review. In particular, it was noted that reassessments could potentially be skewed for offenders in custodial facilities since questions relating to, for example, peer relations or current substance abuse would be irrelevant. With respect to the ORAMS–PRA, changes in dynamic factors may not affect the risk score because of the number of static items.

4.12 Audits

A recommendation that emerged in the interviews with institutional and academic researchers was the need for risk/needs assessment auditing policy. Few jurisdictions had standardized audit practices. Field studies in at least three jurisdictions revealed that missing information and errors in the calculation of the risk score were common. While institutional supervisors are required to ensure the completion of risk assessments, not all of them consistently reviewed the information. Good quality control is essential to ensure accuracy, consistency, proper completion, and the possibility of overrides.

4.13 Community resources

While the assessment of risk and needs can provide practitioners with some guidance on how to proceed with a particular case or how to manage a sentenced youth, there remains a disjuncture between the availability of resources and assessed risk/need areas. This problem is particularly acute in smaller provinces and in non-urban settings where resources for youth are more likely to exist in secure settings rather than in the

community. The YCJA's emphasis on community options will likely create some systemic difficulties for practitioners in terms of the availability of suitable resources. These difficulties are likely to be most acute for higher-need youth.



5.0 Risk/Need and the Youth Criminal Justice Act (YCJA)

“The obligation to assess, evaluate, and minimize risk is significantly different from the obligation to care and control, or to befriend and reintegrate” (Rose 1998:186).

5.1 Implications of YCJA on risk/need assessments

Given the potential for widespread misuse and misunderstanding of assessment results, the risk/need total scores should not be used in the determination of dispositions. The use of actuarial tools in sentencing could amount to “statistical justice” (Reichman 1986), wherein dispositions are determined on the basis of how closely a young offender matches some profile of likely offences rather than on an examination of the actual offence committed. The logic of risk/need assessments contradicts one of the main YCJA principles wherein “young persons are to be held accountable through interventions that are fair and in proportion to the seriousness of the offence”. Risk/need scores are not a measure of the seriousness of an offence, nor do they predict potential for future serious offences. Nor is future crime relevant to proportionality (see Hudson 2001 for a discussion of justice, proportionality, due process, and risk).

The following are areas of the YCJA wherein decisions about the role and use of formal risk/need assessments need to be examined. Rather than propose solutions, the following outlines some of the issues pertaining to the use of risk/needs assessments at these stages.

5.2 Extrajudicial measures

The perceived advantage of using a risk/need assessment to facilitate decisions about the appropriateness and type of extrajudicial measures is that it could result in more consistent and efficient decisions. The recommended measure can be tailored to the needs of a particular youth. The suitability of current assessment tools for this purpose has not yet been established. It is difficult to conceive of how a risk/need assessment tool can be used to make reliable and valid determinations for a range of diverse decisions, which are based on diverse purposes, and sometimes competing criteria.

The use of risk assessments to determine the appropriateness of an extrajudicial measure for a youth shifts the criteria for diversion to the character and social circumstances of the youth and away from other offence-based criteria. Having police officers administer these tools to make these types of discretionary decisions raises a host of concerns about the appropriateness of these tools for this purpose. Concerns include the role of extrajudicial measures, the training of officers, the interpretation of the information contained in the tool, the tendency for net widening or net strengthening, the availability of programs, the use of this information in future court proceedings, and the legal representation of the youth. None of the questions on the YLS/CMI screening version being piloted by the Ottawa police to make extrajudicial determinations ask about the offence, the seriousness or degree of harm caused by the alleged offence, or the willingness of the victim or other community members to be involved.

There are many unresolved issues pertaining to the role of risk and need assessments in determining extrajudicial measures. A more detailed review of provincial practices is required to identify current practices and their impact on the number and type of youth entering the system.

5.3 Pre-trial detention

None of the jurisdictions currently use a risk/need assessment to make pre-trial detention decisions. Some respondents expressed concerns about the use of professional discretion to make these determinations. Using formal risk assessments were seen as more defensible in terms of justifying detention and the types of conditions imposed.

A number of issues were raised about the use of risk and need tools at this decision-making point. These include the accuser's legal rights, disclosure of offence related information in the absence of legal representation, the short time frame, the relevance of needs, and the availability of tools with short-term predictive validity. Pertaining to the last point, most available tools are not reliable measures of immediate (short-term) risk to the public or of flight. If risk assessments were considered at this stage, several methodological and legal issues would have to be resolved. Existing tools are not suitable for this type of decision.

5.4 Sentencing

Many of the probation respondents felt that their work with offenders, in particular the writing of pre-sentence reports (PSRs) may change under the new YCJA, but they were not sure how it would change. Some believed that there would be new and different sentencing options that they would be responsible for administering. Others anticipated changes in the types of youths they see under community supervision. More specifically, it was anticipated that the number of youths with histories of non-compliance on probation and more serious offenders would be in the community. Others felt that there would be considerable strain placed on community resources and thus additional programs would be required.

Current research suggests that PSRs are quite influential in judicial determinations of sentence and, increasingly, these reports are, to varying degrees, incorporating risk/need assessments.²⁴ Many of the respondents believed that risk/needs assessments, if conducted properly, would allow them to make better recommendations to judges. They emphasized that risk/need assessments provided them with standardized and defensible criteria that allowed them to be specific about the kinds interventions required. Many respondents believed that judges seriously considered the content and recommendations of the PSR prior to sentencing. One respondent felt the increased reliance on risk/need assessments would allow "judges to take the case plan and sentence accordingly". Such perceptions raise a number of questions about the relationship and roles of judges and probation officers; the purpose of the PSR, the content, suitability, and utility of youth workers' (implicit or explicit) recommendations for sentence; and, the choice and reliability of collateral contacts from whom information used to complete assessments is obtained.

Many of the above-mentioned concerns ought to be considered with respect to the following two sentencing options:

- Intensive supervision and support order; and,
- Intensive rehabilitation and custody and supervision order.



Given that these options are new, it is difficult to know how risk/need assessment information will be used in relation to this provision. It would be advisable to monitor this development to determine if or how such assessments are used, and whether youth receiving these sentences are classified as high or moderate risk.

5.5 Pre-sentence reports

Research seems to suggest that the judiciary rely on the contents in PSRs to craft sentences (Cole and Angus 2003). Thus the PSR is a significant document and the use of risk/needs assessments and the information/sources used to complete these assessments are of particular relevance.

With respect to the information contained in PSRs and the sources of information, respondents varied in their account of how they collected the information presented in reports and used to make recommendations. Most indicated that they relied on interviews with the youth and with collateral contacts (which typically include victims, teachers, and family members). However, collateral contacts may also pertain to information from other youth workers or institutions that have knowledge of the youth, or from the police report and in some cases child welfare agencies, program providers, and mental health professions (after formal consent is obtained). As one respondent noted, “I include everything I can get — from schools, employers, victims, police, parents, guardians, foster parents, previous jail reports, previous probation reports, as well as the individuals themselves”.

One of the authors of the YLS/CMI, Robert D. Hoge, cautions against the use of standardized instruments to dictate interventions. As he notes, “The danger exists that this instrument will be used to dictate decisions ... This is not the intention behind the instrument. The YLS/CMI is designed to assist the profession in formulating a recommendation or case plan and not to dictate decisions” (Hoge 2001:30).

Most of the probation officers interviewed indicated that they included sentence recommendations in the PSRs. These recommendations ranged from recommending conditions of probation, which were linked to perceived needs, to recommendations for custody versus community dispositions. The presence of sentence recommendations are an issue that Cole and Angus (forthcoming:37-8) raise as a concern in terms of case law, legal criteria, and the “factual basis” of assertions (in terms of additional details of the case from the police or witnesses). In terms of case law, Cole and Angus (p. 38) note that the Nova Scotia Court of Appeal, in a leading case on the issue has categorically stated that “it is not part of the job ... of those who prepare [PSRs] ... to tell the court what sentence should be imposed”.²⁵ Nevertheless, as Cole and Angus show, this “rule” is consistently ignored in practice as probation officers routinely make recommendations in PSRs, and this practice is encouraged in local policy.

While Cole and Angus (forthcoming:42–3) are sceptical of the role of risk assessment in PSRs and are cautious about the practice of making recommendations, they note “a PSR which attempts to explain criminal behaviour in terms linked to case supervision plans designed to reduce the risk factors for the future seems to us to be more fruitful than the kind of soft, unfocused “social histories” which unfortunately seem to characterize many of the PSRs submitted to sentencing judges. Such a focus also seems to us to be

consistent with the kinds of inquires ... trial judges should make before imposing optional conditions ... ". Further, Cole and Angus anticipate that the Canadian judiciary will likely welcome the trend towards risk assessment.

The role that risk/need assessments play in shaping the content and recommendations contained in PSRs, the presentation of risk/need information and, finally, the role of rehabilitation versus other sentencing purposes, principles, and objectives need to be explored.

5.6 Rehabilitation

According to the YCJA, youth sentences ought to be proportionate, community-based, and use the least restrictive option. The YCJA sentencing guidelines also identify the importance of rehabilitation (in the above context). One of the reported advantages of risk/need assessments is their ability to assess areas of risk/need that can/should be intervened upon. In general, risk/need assessments are useful in organizing information about the offender and in systematically capturing the areas of need that are prudent rehabilitative targets. The difficulty is that there is a disjuncture between the individualized treatment logic of rehabilitation that underpins such assessments, and the legal notions of proportionality that focuses, not on the individual, but on the offence committed. The role and use of risk/need information to determine sentences need to be clarified.

5.7 Custody and reintegration

The use of risk and need assessments is related to reintegration decisions. The logic underpinning risk/need assessments is to identify the areas of intervention and to target those need areas through programs (community or institutional). In theory, there ought to be a continuity of programming from the institution to the community. To ensure compliance and continuity in case management, parole officials have tended to use additional conditions (or in the context of adult corrections, special conditions).²⁶ The number and type of conditions is thus linked to perceived needs and their ongoing management as well as to the minimization of risk to the public in terms of recidivism. This practice ought to be investigated further to determine the number and types of conditions applied to youth, the frequency and type of breaches of conditions, the circumstances of the breach, the reasons for returning the youth to custody, whether additional conditions unnecessarily intensify surveillance, and whether release is impeded by the availability of programs that fulfill the rehabilitative plan. Further, the tendency to focus on criminogenic needs often negates structural and systemic concerns and the youth's own perception of reintegration needs (Hannah-Moffat 2002).



6.0 Operational and Research Needs

The following recommendations are based on our review of the existing literature and reported provincial practices and pertain to operational concerns and further research associated with the continued use of risk/need assessment tools. Given that the trend towards risk/need assessments is likely to persist and expand, decision makers need to be sensitive to the strengths and limitations of this new technology as well as the associated legal and ethical concerns.

6.1 Validity and reliability of the tools

Additional validation research ought to be undertaken on the tools used in each jurisdiction. This research ought to be conducted by independent researchers with no vested interest in the continued use of these tools.

- a. Research needs to address various types of validity (construct and predictive) and evaluate not only the validity and reliability of particular tools but also the specific items (risk/needs criteria) included in the tools and their operationalization.
- b. Many of the tools used were developed and tested on an adult male population. The generalizability of this research to youth and subgroups of youth, most notably Aboriginal, Black, and female youth, requires considerably more investigation. This research should also examine the distinctness of the criteria included in risk scales; in other words, examine whether these criteria are a reflection of youth in general or specific to youth in conflict with the law.
- c. Each region adopting these tools should establish normative data and determine whether cut-off scores and levels require adjusting.
- d. Research needs to examine whether one risk/need assessment can be validly and reliably used to make qualitatively different decisions at various stages within the youth criminal justice system (i.e., probation, open and closed custody).

6.2 Potential direct and systemic forms of discrimination

Future research must carefully scrutinize risk/needs assessments for potential discriminatory effects on marginalized segments of the population. Many of the criminogenic risk/need indicators are associated with socio-economic marginalization and, as such, certain minority groups may be treated more punitively. Moreover, the failure to consider the differences between subgroups of youth may result in direct and systemic forms of discrimination.

- a. Specific research ought to be undertaken to determine whether risk and need differ for Aboriginal, female, and lower socio-economic status youth. Such research ought to include a comprehensive review of the appropriate literature on social class and on female and Aboriginal youth. Interviews with practitioners should be conducted to determine specific areas of concern.
- b. A systematic review of current practices and reports should occur to determine how and if the gender, socio-economic status, and ethno-cultural

specific needs of these groups are being considered in the preparation of PSRs, in the assessments of risk and need by probation officers, and in post-sentences in terms of access to community resources. Specific risk/need assessment tools ought to be examined to determine if the criteria used in the tools to establish levels of risk and need adequately capture the situation of ethno-cultural and Aboriginal youth.

- c. There is an absence of clear criteria and guidelines pertaining to special groups in the tools' user manuals and in jurisdictional policy. Where appropriate, specific guidelines and training need to be developed.

6.3 Areas for intervention

A major component of risk and needs assessment is to match and identify risk/need areas that are amenable to intervention.

Future research must begin to examine the interrelation between risk/need scores and case management decisions. More specifically, studies need to pay attention to the impact of risk/need scores on intervention decisions, institutional and release practices, resource allocation, and program development. As practitioners become more efficient at identifying and assessing these needs, the demand for services to address these needs is likely to increase. Also, the extent to which risk/need scores shift over time needs to be explored.

6.4 Reintegration

Given new provisions on custody and reintegration, future research ought to explore the role that risk/need assessments play in determining release from custody, reintegration, and the imposition of conditions and revocations of release.

6.5 Legal research

Legal research ought to be conducted to determine how the use of risk assessments relates to case law and other legal and due process concerns. Specific consideration may be given to equity issues and to recent decisions impacting on women and Aboriginal offenders.

6.6 Pre-sentence reports

Current research suggests that the PSR is quite influential in judicial determinations of sentence. How information about risk and need is presented in reports, the judge's reliance on this information, and rates of concordance between the report and the sentence ought to be explored. If claims about the level of risk are made based on an assessment conducted using a risk/need instrument, the use of this instrument ought to be clearly evident and substantiated.

6.7 Inform key stakeholders

Defence counsel, Crown attorneys, and the judiciary ought to be informed of the strengths and limitations of these tools, the information contained in the tools, and on how to interpret the results generated by these assessments. It is important to provide them with the skills and knowledge to assess claims pertaining to risk and need in court documents.



6.8 Training

The training of youth justice practitioners on risk/needs assessments (where used) and how to interpret criteria and results is critical. Gaps between the purpose of the tools and its use in practice, and the interpretation of criteria contained in the tool are evident. Perhaps more significant is that clear direction needs to be given to practitioners on when to use and when not to use these tools. Training needs to go beyond the content of the YCJA to include direction about the intent and purposes of the Act relative to risk and need assessments. Many practitioners understand things will change but do not know how and have not thought about risk/need assessments from this standpoint. Rather, these assessments are seen as part of case management and not within the broader framework of the YCJA.

6.9 Guidelines

Clear guidelines ought to be developed on the use of such tools at various decision-making points. Serious consideration to the long-term impact of the use of such tools at each decision-making stage in the youth justice system and the legal and due process restrictions related to the decision (i.e., pre-trial detentions) ought to occur prior to the development of such guidelines.

6.10 Audit

Each region adopting a risk/need assessment instrument should develop and implement systematic auditing procedures. Proper auditing is necessary to ensure that information is collected, reviewed, and available for evaluation of assessments and to ensure quality control, accuracy, consistency, and the possibility of overrides. It is recommended that an auditing body be established to oversee this process in each region. The practice of requiring supervisors to review assessments is deemed insufficient to ensure quality control.

Appendix One: Description Of Assessment Tools

The following provides an alphabetical list and description of the current risk/need assessment tools used across the country. This list was derived from information obtained from each of the jurisdictions. Additional assessment tools are used in many of the jurisdictions on a discretionary basis. Instruments included in this list are those identified as standard assessments typically administered by provincial and territorial youth criminal justice systems.

Adolescent Chemical Dependency Inventory (ACDI) – Corrections Version II

The ACDI – Corrections Version II is designed for juvenile court, juvenile probation, and juvenile department use. It is used to screen substance (alcohol and other drug) use and abuse, overall adjustment and troubled youth concerns. It is a self-report test for juvenile (14 to 17 years) assessment, which includes 7 scales and 140 items. Intervention, treatment, and probation recommendations are to be made for each of the scales. The 7 scales included in Version II are as follows:

1. Truthfulness Scale
2. Violence (Lethality) Scale
3. Adjustment Scale
4. Distress Scale
5. Alcohol Scale
6. Drugs Scale
7. Stress Coping Abilities Scale

Competency Base Assessment

This tool is designed to ascertain the strengths, talents, and gifts of a young offender.

Crime Cycle Package (CCP)

The CCP is a risk/need assessment instrument designed to assist in security and case planning decisions. In the Yukon where it is used, it is specifically designed to supplement the Youth Level of Service/Case Management Inventory (YLS/CMI). It includes four sections:

1. Crime Cycle Questionnaire

The crime cycle questionnaire is a comprehensive conversation-based interview guide completed with the youth. It extrapolates risk areas identified in the YLS/CMI. It is completed prior to sentencing following a youth's admission of guilt. It can be completed in whole or in part, depending on risk areas identified in the YLS/CMI, or requested by the court. Generally, a court ordered pre-sentence report will include the complete questionnaire. It can be used when information is lacking to fully complete the YLS/CMI.

2. Social History Questionnaire

The Social History Questionnaire is a comprehensive conversation-based interview guide completed with the parents of a young offender. It identifies parental concerns, and includes information on familial history, stages of



development, and biological and environmental concerns. It is also used to confirm information obtained from the youth in the Crime Cycle Questionnaire. It is completed prior to sentencing following a youth's admission of guilt or when the court orders a pre-sentence report.

3. Crime Cycle Summary

This tool summarizes and categorizes the Crime Cycle and Social History Questionnaires in order to develop the case management team. It highlights needs and allows for intervention strategies to be assigned to each needs area.

4. Youth Case Plan

The Youth Case Plan is a working document used for case management planning. It identifies needs, case management team responsibilities in meeting those needs, and sets time limits for services to be in place.

Criminal Sentiments Scale (CSS)

The CSS is a 41-item, self-report questionnaire that measures key dimensions of criminal sentiments. It is designed to identify the antisocial attitudes, values, and beliefs that may play a role in the maintenance of antisocial behaviour. Using 5-point agreement scales, the offender reports on attitudes towards the law, courts, and police; tolerance for law violations; and identification with other criminals.

Drug Abuse Screening Test (DAST)

The DAST is a 28-item screening instrument for drug addiction other than alcohol. It provides a quantitative index of the severity of problems related to drug abuse.

Family Assessment Tool

A recent tool developed in New Brunswick for use in the Intensive Support and Supervision Program (no other information provided).

HCR-20

The HCR-20 is a broad-band violence-risk assessment instrument. The conceptual scheme of the HCR-20 aligns risk markers into past, present, and future. It consists of 10 historical factors, 5 clinical items designed to reflect current dynamic correlates of violence, and 5 risk management items that focus attention on situational, post-assessment factors that may aggravate or mitigate risk. The HCR-20 takes its name from these three scales — historical, clinical, and risk management — and from the number of items.

Leisure Assessment Tool

Information not provided.

Level of Service Inventory - Ontario Revised (LSI-OR)

The LSI-OR is a standardized instrument used by the Ontario Ministry of the Solicitor General and Correctional Services with adult offenders and Phase II (aged 16 and older) young offenders. It is used to assess risk of recidivism, need for correctional programs to reduce recidivism, and responsivity factors that impact on case plan goals. The tool includes a checklist that produces a detailed survey of the risk, needs, and responsivity factors that are to be used in the formulation of a case plan. It is composed of the following sections:

- Part A: General Risk/Need Factors, which includes a 43-item scale
- Part B: Specific Risk/Need Factors
- Part C: Prison Experience: Institutional Factors
- Part D: Risk/Need Summary
- Part E: Risk/Need Profile
- Part F: Other Client Issues
- Part G: Special Responsivity Considerations
- Part H: Program/Placement Decision
- Part I: Disposition/Sentence Length
- Part J: General and Specific Risk/Need Factors
- Part K: Progress Record
- Part L: Discharge Summary

Offender Risk Assessment and Management System (ORAMS)

The ORAMS consists of a set of tools developed by Manitoba Corrections to assess the different risks offenders pose. It is intended to enhance an institution's ability to identify inmate risk factors and to respond with appropriate security and programs. The ORAMS includes five risk/need assessment scales that can be used with young offenders and a Risk Management Review. The first two are used with young offenders. The Secondary Risk Assessments can be used with youth or adult offenders.

1. Inmate Security Assessment (ISA) – Young Offenders

The objective of the ISA is to obtain information to assess a young offender's threat to him/herself and others in an institution. This includes the potential for dangerous behaviour such as suicide, assaults on other inmates or staff, and escape risk. It is completed upon admission to an institution, for security reasons, and also assists decisions relating to institutional placement or transfer.

2. Primary Risk Assessment (PRA) – Young Offenders

The PRA is a modified version of the Youthful Offender – Level of Service Inventory (YO-LSI). It is used to predict a young offender's risk to reoffend in any type of offence (as opposed to specific types of offences such as sexual or general assault). This information is then used to determine the degree and type of supervision and to assist in the formulation of a case plan. It is designed to be administered upon admission to a correctional system or when preparing pre-sentence reports. (See YO-LSI for more detailed description.)



3. Secondary Risk Assessment – General Assault (SRA – General Assault)

This scale is to be completed for an offender convicted of an assault offence other than a partner assault or sexual assault. This assessment is to be completed upon the offender's admission to the correctional system or when preparing court reports. It is used to (a) determine the offender's risk to assault anyone; (b) identify the problem areas that contribute to assault offending; (c) match the type and level of supervision and interventions to offender risk; and (d) assess an offender's suitability for work placements, community temporary releases, or early release.

4. Secondary Risk Assessment – Partner Abuse (SRA – Partner Abuse)

This scale is to be completed for young offenders convicted of a partner assault or for those who have a history of assaulting their partners. This assessment is to be completed upon the offender's admission to the correctional system or when preparing court reports. It is used to (a) determine an offender's risk to reoffend in a partner assault; (b) identify the problem areas that contribute to partner assault; (c) determine levels and types of supervision and program services for partner abusers; and (d) assess an offender's suitability for work placements, community releases, or early release.

5. Secondary Risk Assessment – Sexual Assault (SRA – Sexual Assault)

Information not available.

Pride in Delinquency Scale (PID)

The PID scale was developed to complement the CCS as a measure of criminal attitudes. The PID is a 10-item, self-report instrument that assesses an individual's degree of comfort (i.e., pride versus shame) about getting involved in specific criminal behaviour.

Risk/Needs Assessment – Case Management Review (RNA)

The RNA is a 42-item standardized instrument used by the Ontario Ministry of Community, Family and Children's Services with Phase I (aged 15 and under at the time of the offence) young offenders. It is adapted from the YLS/CMI. (See YLS/CMI for a more detailed description.)

Structured Assessment of Violence Risk in Youth (SAVRY)

The SAVRY is used to make assessments and recommendations about the nature and degree of risk that an adolescent may pose for future violence. It is composed of 24 risk items and 6 protective items.

Security Risk Questionnaire (SRQ)

The Security Risk Questionnaire was developed by the Yukon Youth Services Assessment Coordinator to assess a youth's immediate risk of harm to him/herself, harm to other residents, harm to staff, and risk of escape. It is used to determine the level of custody in an institution.

Static-99

The Static-99 is an actuarial instrument designed to estimate the probability of sexual and violent recidivism among adult males who have already been convicted of at least one sexual offence against a child or non-consenting adult. The Static-99 is intended to be a measure of long-term risk potential. Given its lack of dynamic factors, it cannot be used to select treatment targets, measure change, evaluate whether offenders have benefited from treatment, or predict when (or under what circumstances) sex offenders are likely to recidivate. It is not recommended for adolescents (under 18 years at time of release), female offenders, or offenders who have only been convicted of prostitution, pimping, public toileting (sex in public locations with consenting adults), or possession of indecent materials.

The scale contains the following 10 items:

1. Prior sexual offences
2. Prior sentencing dates
3. Any convictions for non-contact sex offences
4. Current convictions for non-sexual violence
5. Prior convictions for non-sexual violence
6. Unrelated victims
7. Stranger victims
8. Male victims
9. Young
10. Single

Youth Community Risk/Needs Assessment (YCRNA)²⁷

The Youth Community Risk/Needs Assessment is used to help case managers decide what the appropriate level of supervision should be for a youth who has been sentenced to a period of community supervision. It is considered a decision-making aid, not a substitute for skill and experience-based decision making. Sections A and B of the form provide a framework for consideration of current needs dimensions and historical risk factors. The domains (or factors) within each of those areas are ones that are likely to be relevant for the majority of youth. Completion of each of the items allows the case manager to consider each issue in an organized way so that none are overlooked, as well as provide a record of the youth's situation at a given point in time. The tool consists of three sections. Section A, the Contemporary Needs Assessment, includes nine dynamic factors which are rated on a four-point scale.

They are as follows:

1. Family relationships
2. Parental supervision
3. Living arrangements
4. Educational/employment/day program activities
5. Peer relations



6. Substance abuse
7. Leisure/recreation
8. Personality/Behaviour
9. Attitudes

Section B. Historical Risk Assessment (static factors) evaluates 13 items rated on subjective four-point scales. They are as follows:

1. Number of current convictions (none – three or more)
2. Number of prior convictions (none – three or more)
3. Number of prior probation periods (none – three or more)
4. Number of prior alternative measures, Diversion agreements (none – three or more)
5. Ever in custody (which includes scoring “police arrest and detention only” and “remanded in custody”)
6. Number of prior custody dispositions (none – three or more)
7. Weapons use/threat (no/yes)
8. Frequency of violence (none, low, medium, high)
9. Severity of violence (none, low, medium, high)
10. Age at first contact with the justice system (16–17, 14–15, 12–13, 11 or younger)
11. Prior contacts with child welfare system (none, youth or family services, in care agreement or youth agreement, temporary or continuing custody agreement)
12. Age at first contact with child welfare system

The instrument also contains a section for special factors that indicate that an additional assessment is required. These factors are sex offender, violent offender, mentally disordered, addictions, child protection, youth agreement, other factor.

The third section of the tool, Additional Case Planning, consists of a 32-item yes/no checklist of evaluative criteria for the probation officer to use to assess the youth’s character and an 11-item yes/no checklist to assess the caregiver(s). At the end of each of the sections, the case manager is asked to consider the information from the various rated items, as well as any other relevant information that is available, before making an overall rating of current needs and historical risk factors. If insufficient information exists on any of the items contained in the tool, probationers are to indicate thus and omit the item.

The revised version of this tool contains a fourth section, Section D, entitled Additional Sex Offender Reoffence Management Considerations. This section contains a 13-item checklist rated on a three-point scale (no, possible/not verified, and yes). Items include, prior sexual offending, multiple types of sexual offences, use of force in sexual offences, increase in frequency in sexual offences, increase in seriousness of sexual offending, younger victim, same sex victim, family member victim, non-family member/acquaintance/friend victim, stranger victim, access to potential victims, inadequate plans to avoid reoffence, unmotivated to participate in treatment. The additional considerations for sex offenders include a range of personality characteristics and situational determinants (i.e., private access to the

internet, the use of chat rooms, pornographic use of the internet, and caregiver denial).

Youth Level of Service/Case Management Inventory (YLS/CMI)

The YLS/CMI is a standardized instrument for use by professional workers in assessing risk of recidivism, need for correctional programs to reduce recidivism, and responsivity factors that impact on case plan goals. The tool includes a 42-item checklist that produces a detailed survey of youth risk and needs factors that are to be used in the formulation of a case plan. The instrument is designed to be used with young offenders (Hoge and Andrews 2002). It is composed of the following seven sections:

- Part I: Assessment of Risk and Need
- Part II: Summary of Risk/Need Factors
- Part III: Assessment of Other Needs/Special Considerations
- Part IV: Your Assessment of the Client's General Risk/Need Level
- Part V: Contact Level
- Part VI: Case Management Plan
- Part VII: Case Management Review

Youth Level of Service/Case Management Inventory – Screening Version

This is a short version of the YLS/CMI that is designed to provide an initial screening of risk and need levels in young people. The purpose of the tool is to determine whether or not further assessment is appropriate. Ideally the collection of this instrument is to be based on a file review and interviews with the youth, parent, and collateral sources. The tool contains eight items:

1. History of conduct disorder
2. Current school or employment problems
3. Some criminal friends
4. Alcohol/drug problems
5. Leisure/recreation
6. Personality/behaviour
7. Family circumstances/parenting
8. Attitudes/orientation

The first six items require a yes/no response. Items seven and eight are rated on a four-point scale ranging from zero (a satisfactory situation) to four (a very unsatisfactory situation with a very clear and strong need for improvement).

Youth Management Assessment (YMA)

The Ontario Ministry of Public Safety and Security developed the YMA in consultation with representatives from open-custody facilities. It is designed to be used in Phase II (young offenders aged 16 and older at the time of the offence) open-custody facilities and to accomplish the following six goals:

1. To provide an overall perspective of a client in a standardized manner that provides an accurate indication of the client's degree of risk for inflicting serious personal injury



2. To reduce the risk of potential harm to staff and other clients and to increase the safety of all residences and institutions that accommodate young offenders
3. To provide a standardized means of communicating about a young offender to other staff, settings, or agencies
4. To assist staff in preparing predisposition reports and in making specific recommendations; in so doing, to improve the overall appropriateness of dispositions for young offenders
5. To provide direction in terms of security, management, and treatment of young offenders who are at risk for serious personal injury
6. To monitor the progress or deterioration of young offenders during the course of their disposition (MacLeod 1995)

Youth Needs Assessment/Youth Case Plan

Youth Needs Assessment is conducted once a youth is admitted to custody in British Columbia. This tool consists of nine dynamic factors rated on a four-point scale ranging from the factor seen as an asset to the community to considerable need for improvement. They are as follows:

1. Family relationships
2. Parental supervision
3. Living arrangements
4. Academic/vocational skills
5. Employment pattern
6. Financial management
7. Substance abuse
8. Behavioural/emotional stability
9. Attitudes

This form also contains a space for rating escape risk.

Youth Risk Assessment – Youth Classification

The Youth Risk Assessment is used for classification; it is administered when a youth is sentenced to custody. It consists of three sections: Institutional management, Escape risk, and Public safety concerns.

Youthful Offender – Level of Service Inventory (YO–LSI)

The YO–LSI is a risk/needs assessment instrument used to classify and assess a juvenile offender's overall risk level and to identify and target criminogenic needs areas. The YO–LSI consists of 82 static and dynamic predictors of criminal risk/needs that are grouped into the following seven factors: criminal history, substance abuse, educational/employment problems, family problems, peer relation problems, accommodation problems, and psychological factors.

Appendix Two: Risk/Need Assessment Tools Deployed in Canadian Provinces and Territories

The following Table captures some of the information contained in the descriptions of jurisdictional practices that follow. This list of tools does not include the tools psychologists or psychiatrists may use to conduct independent assessments requested in individual cases.

Province or Territory	Tools Used
Alberta	Community corrections uses professional discretion guided by policy No tools used in probation Secure-custody facilities use: Intake assessment and admission record Intake case management form
British Columbia	Youth Community Risk/Needs Assessment Youth Needs Assessment/Youth Case Plan Youth Risk Assessment – Youth Classification
Manitoba	Offender Risk Assessment Management System (ORAMS)
New Brunswick	Youthful Offender – Level of Service Inventory Competency Base Assessment Family Assessment Tool
Newfoundland and Labrador	Youth Level of Service/Case Management Inventory (YLS/CMI)
Northwest Territories	ORAMS
Nova Scotia	YLS/CMI Adolescent Chemical Dependency Inventory Drug Abuse Screening Test Criminal Sentiments Scale Pride in Delinquency Scale Leisure Assessment Tool
Nunavut	ORAMS Static-99
Ontario	Phase 1: Risk/Need Assessment – Case Management Review Phase 2: Level of Service Inventory – Ontario Revised (LSI-OR), Youth Management Assessment, and YLS/CMI Screening Version police pilot project
Prince Edward Island	YLS/CMI
Quebec	Not available
Saskatchewan	Specialized provincial tools under development (Level of Service Inventory– Saskatchewan [modification of LSI-OR] and Strength Assessment Tool)
Yukon	YLS/CMI Structured Assessment of Violence Risk in Youth Crime Cycle Package Security Risk Questionnaire



Appendix Three: Provincial Profiles

ALBERTA

Main Risk/Need Assessment Tools:

- No formal tool, professional discretion
- Policy guidelines (not provided)
- HCR–20

When Alberta initially assumed responsibility for youth cases under the Young Offenders Act (YOA), they used a modified version of an adult²⁸ risk assessment tool (the Wisconsin tool, then the modified Wisconsin tool). They were dissatisfied with the Wisconsin tool and decided to discontinue its use because it was developed for adult males (not Aboriginals or females), and did not meet their youth assessment needs. Policy contacts indicated that a formal risk/need assessment instrument is not used for the preparation of pre-sentence reports or to make formal determinations about risk and need. Rather, a series of detailed policy guidelines (not provided to the researchers) exists to assist experienced staff in using their accrued knowledge and professional judgment. These detailed policy guidelines outline the areas probation officers need to consider when assessing the youth's level of risk and need.

These guidelines were derived from a version of the Minnesota risk assessment scale. The guidelines are not considered to be a *risk assessment tool*; however, Alberta's policy explicitly lays out the factors to be considered and those to be omitted in a pre-sentence report. Our interviews suggest the following criteria are considered in the preparation of pre-sentence reports: age, attitudes towards the offence, victim information, criminal history, prior incarcerations and/or supervisions, family history (single parent, residential mobility, degree of parental control, stability, child welfare involvement), education (performance, attendance), employment, social and emotional data (how the youth feels about him/herself, remorse, their perception of problem areas, illnesses, etc.), attitude, substance use, and psychological concerns. These reports are based on interviews with the youth and collateral contacts as well as reports (police, psychologists or psychiatrists). Determinations of risk, if and when made, appear to be based on offence criteria, criminal history, and response to supervision. Determinations of need reportedly focus more on peer group, family dysfunction, substance abuse, psychiatric concerns, leisure time, school, and level of physical fitness. Identified needs inform recommendations for specific conditions such as a curfew to prevent running away or counselling to improve communication and the youth's relationship with parents.

To make determinations about a youth's level of risk after sentencing (for community supervision), the probation officer is expected to review the above-mentioned aspects of the youth's life and "make an estimation as to the severity of any presenting needs and his risk to the community to reoffend". Based on those factors, professional judgment is used to determine the level of supervision required. Intervention type is determined by evaluating the youth's life and by considering probation conditions that have been imposed by the judge (often linked to the pre-sentence report). There are times when probation officers use overrides to adjust (up and down) the level of contact with the offender. For instance, if an offender is required to report on a weekly basis, but lives in a

geographically remote area, which makes this level of contact implausible, then telephone contact may be arranged for some reports.

Probation officers receive training on these policy guidelines and routine audits of case files and reports are conducted to ensure compliance to guidelines. Every six to eight months, a youth's risk assessment is re-evaluated by the probation officer to note changes and/or progress. These policies are currently being reviewed and updated in accordance with the YCJA. There are no immediate plans by the province to adopt a tool for general use with youth. Current policy guidelines used to assess risk and need reportedly make considerations for women and Aboriginals; however, we were not able to review these provisions.

Youth custody:

Two interviews completed with youth custody workers indicate that while needs identification and defining treatment are priorities, the classification or the assessment of risk, with the exception of screening for self-harm and suicide risks, are not. The pre-sentence report is sent to the youth facility and placed in the youth's paper file. Information contained in the predisposition report is not entered at intake into the computer database. The Intake Case Management form, which is completed within 30 days after the youth's arrival at the institution is the primary assessment tool used. The same format is used in open and secure custody. This tool relies on information provided by collateral contacts, and it documents possible learning disabilities, peer relationships, and substance abuse issues. It is a multi-purpose form in that it is used for case management and reintegration planning. The information collected during this process determines programming, educational, and spiritual needs. The information collected about the youth during the intake is sent to the community or probation worker when the youth is released from custody. Respondents indicated that this process was useful because it allowed individuals to "sit down with the youth and get to know them as well as key people in their life". The emphasis on needs is also preferable to that of risk.

Research:

The province is considering the adoption of tools and evaluating their use in cases where youth are being considered by the court for special sentences: intensive rehabilitation and custody. For pre-sentence assessments in these cases the YLS/CMI and HCR-20 are being considered. The provincial research division is not to our knowledge currently engaged in any research projects pertaining to risk and need assessment. Respondents interviewed regarding youth custody, however, indicated that some research was underway on case management planning and fetal alcohol syndrome.



BRITISH COLUMBIA

Main Risk/Needs Assessment Tools:

Community: Youth Community Risk/Needs Assessment (YCRNA)

Custody: Youth Needs Assessment/Youth Case Plan
Youth Risk Assessment – Youth Classification

These tools were implemented to enable youth workers to systematically evaluate the likelihood of reoffending, identify factors that contribute to a youth's criminal conduct, and develop a focused supervision plan to manage a youth in the community within the framework of the conditions of the order.

The YCRNA is completed immediately following (within 30 days) the initial interview when youth are admitted to probation or conditional supervision and have an order of three months or more. The completed assessment is entered onto the CORNET system (which is an offender management system). The risk/need assessment tool makes a distinction between risk and need, wherein risk factors are static and historic, and needs refers to dynamic areas, which might be changed through interventions. The risk/need assessment is re-administered every six months or with every new offence.

If a youth is sentenced to custody, the Youth Community Risk/Needs Assessment completed by the probation officer follows them to the facility (to be sent within 8 days of the order of committal). Once the youth is in custody, the institutional case management staff conducts a separate risk assessment (within 5 days of admission) and a separate needs assessment (within 21 days). Assessments are reviewed every three months or as needed. Completed assessments are entered onto the CORNET system and used for statistical and tracking purposes.

Risk assessments are not conducted for inclusion in pre-sentence reports but may be conducted for the information of the probation officer as a part of preparation. Risk assessment is not conducted for extrajudicial measures. Probation officers receive training on risk assessment in conjunction with their standard six-week probation officer training. Individuals working with sex offenders must have received additional training on the assessment of sex offenders.

We were not informed of any ongoing research pertaining to youth risk and needs assessment practices. The province reported that such research on the YCRNA was not conducted on the youth population; however, the Ministry of Public Safety and Solicitor General recently evaluated the original Community Risk Need Assessment tool. The youth tool that is currently used was developed after it was discovered that the original tool was not adequate for youth (many factors were adult only). We have not obtained any information pertaining to the research supporting the tool or its origins. However, the tool was formulated with research from a Simon Fraser University professor specifically for use with youth.

MANITOBA

Main Risk/Needs Assessment Tools:

- Offender Risk Assessment and Management System (ORAMS)
 - Inmate Security Assessment – Young Offenders (ISA)
 - Primary Risk Assessment – Young Offenders (PRA)
 - Secondary Risk Assessment (SRA)
 - General Assault
 - Partner Abuse
 - Sexual Assault

The ORAMS is a risk/need assessment tool developed by Manitoba Corrections. The ISA was initially developed for use with adult offenders and was adapted with minor changes for use with young offenders. The ISA was tested in the province and separate cut-off levels were established for both adult and young offenders. Initially, the Wisconsin Probation and Aftercare Assessment Form was used as the PRA–Young Offenders. In the mid-1980s, research on the Wisconsin form indicated that it was not valid for use with young offenders. The Wisconsin form was replaced with a modified version of the Youthful Offender – Level of Service Inventory (YO–LSI), a tool developed by D. Andrews and validated in Ontario (henceforth referred to as the PRA – Young Offender). A test study, including a sample of 1000 provincial assessments, was used to establish the cut-off norms for the risk categories (e.g., the cut-off level for very high should ensure that no more than 5 percent of the population receive this score). This study did not test the validity or reliability of the tool. The SRAs were developed in Manitoba for use with both adult and young offenders.

Qualitative descriptive information from the PRA and, if an assault charge, the relevant SRA are used to complete pre-sentence reports. The actual risk/need score is not included in the report. A PRA is completed for all young offenders on probation and in custody within 30 to 60 days. If a young offender is charged with an assault, then the relevant SRAs will also be completed. The PRA is reviewed and can be re-administered if there is a significant change in circumstances, for example, when a youth is transferred from a secure- to open-custody facility. The ISA is completed for all young offenders upon intake to a custodial facility for both those denied pre-trial detention and those remanded to custody. There is no formal auditing of the assessments; however, managers are required to ensure their completion.

A five-day, in-house training course is being devised for all those using the tool. Previously, youth workers received a one-day training workshop on the PRA.

Research

The province has contracted researchers at the University of Winnipeg to conduct validation studies on all the assessment instruments. Initial results have indicated that the SRA–Sexual Abuse is not a valid tool for use with adult offenders. The province is considering other tools to replace this sexual assault scale. Testing on the remaining tools has not yet been completed.



NEW BRUNSWICK

Main Risk/Needs Assessment Tools:

- Youthful Offender – Level of Service Inventory (YO–LSI)
- Competency Base Assessment
- Family Assessment Tool

Researchers at the University of New Brunswick were contracted to recommend a risk/need assessment tool and to test the tool in the province. The YO–LSI was subsequently adopted and piloted in Miramichi. Due to lack of adequate access to offender data, the researchers were unable to test or norm the cut-off level for the province. Hence, the tool was not modified.

Qualitative descriptive information on the YO–LSI is included in pre-sentence reports. The actual risk/need score is not included in the report. The YO–LSI is used both in probation and custodial facilities. The Competency Base Assessment is also administered on all youth in custody. The YO–LSI is reassessed every six months or where a significant change in circumstances occurs. All youth workers attend a two-and-a-half-day training workshop on risk/need assessments.

Research:

The province is in the process of implementing the Family Assessment Tool for young offenders in the intensive support and supervision program.

NEWFOUNDLAND AND LABRADOR

Main Risk/Needs Assessment Tools:

Youth Level of Service/Case Management Inventory (YLS/CMI)

The YLS/CMI was introduced in January 2002. The YLS/CMI is used both in probation and custodial facilities. Reassessments are conducted every three months for high- and very high-risk cases and every six months for those with moderate- or low-risk scores. All youth workers attend a two-day training workshop on risk/needs assessments.

No tools other than the YLS/CMI are required by policy, although some staff may use other specialized tools in certain circumstances. The pre-sentence report does not include the YLS/CMI. It is said to generally follow the outline provided in the Young Offenders Act/Youth Criminal Justice Act, although courts may only require specified portions of this information in certain cases. The content suggested by the legislation is supplemented by detailed provincial policy guidelines.

Research

No specific provincial validation studies were conducted prior to implementing the tools and the province is not currently engaged in any research projects pertaining to risk/need assessments.



NORTHWEST TERRITORIES

Main Risk/Needs Assessment Tools:

Offender Risk Assessment and Management System

- Inmate Security Assessment – Young Offenders
- Primary Risk Assessment – Young Offenders
- Secondary Risk Assessment
 - General Assault
 - Partner Abuse

The Northwest Territories adopted the ORAMS, which was developed in Manitoba. One significant difference is that the Secondary Risk Assessment – Sexual Abuse scale is not used. Research in Manitoba has indicated that the tool is not valid for use with adult offenders and, hence, this scale was not adopted (see Manitoba profile for a more extensive explanation).

Qualitative descriptive information from the PRA and, if an assault charge, the relevant SRA are completed for pre-sentence reports. The actual risk/need score is not included in the report. A PRA is completed for all young offenders on probation and in custody within 60 days. If a young offender is charged with an assault, then the relevant SRAs will also be completed. The PRA is re-administered if there is a significant change in circumstances, for example, when a youth is transferred from a secure- to an open-custody facility. The territory is contemplating instituting a mandatory six-month review. The ISA is completed upon intake to a custodial facility for both those denied pre-trial detention and those remanded to custody. Audits of the assessments are conducted by a team of two individuals who are responsible for reviewing the information for all facilities.

All security staff are trained to complete the ISA. Due to training costs, only the case managers are trained to conduct the other assessments. Refresher courses are offered for case managers.

Research

No specific validation studies were conducted on the tools and the Northwest Territories is not currently engaged in any research projects pertaining to risk/need assessments. It is examining the possibility of developing an institutional reporting matrix that would mandate how often a youth worker would formally meet with an offender. The matrix would be premised on the risk/need scores obtained from the PRA and ISA.

NOVA SCOTIA

Main Risk/Needs Assessment Tools:

- Youth Level of Service/Case Management Inventory
- Adolescent Chemical Dependency Inventory (ACDI)
- Drug Abuse Screening Test (DAST)
- Criminal Sentiments Scale
- Pride in Delinquency Scale
- Leisure Assessment Tool

The YLS/CMI was introduced in the spring of 2001. Currently, only the ACDI may be reported in pre-sentence reports for youth with substance abuse problems. The province is, however, currently examining the potential use of the YLS/CMI for pre-sentence reports and some officers currently reference it in PSRs. The YLS/CMI is used both in probation and custodial facilities. For case planning purposes, only three risk/need levels are considered. The high- and very high-risk/need scores are collapsed together. The YLS/CMI is reassessed every six months, or earlier, at the discretion of the cases manager. In addition, the ACDI is used in probation and the following tools are used in custody: DAST, Criminal Sentiments Scale, Pride in Delinquency Scale, and Leisure Assessment Tool. There are no formal audits of the tools. All youth workers attend a two-day training workshop on risk/need assessments.

Research

The ACDI was validated on the Nova Scotia Probation population after the instrument was introduced. Both the YLS/CMI and ACDI were subject to extensive field testing throughout the province prior to implementation. However, we were not able to evaluate this research or review the findings. To our knowledge no specific provincial validation studies were conducted prior to implementing the tools and the province is not currently engaged in any ongoing research projects pertaining to risk/need assessments.



NUNAVUT

Main Risk/Needs Assessment Tools Used:

- Offender Risk Assessment and Management System
 - Inmate Security Assessment – Young Offenders
 - Primary Risk Assessment – Young Offenders
 - Secondary Risk Assessment
 - General Assault
 - Partner Abuse

Static-99

Nunavut was formed as an independent territory in 2001. At that time they adopted the ORAMS developed in Manitoba. One significant difference is that the Secondary Risk Assessment – Sexual Abuse scale is not used. Research in Manitoba has indicated that the tool is not valid for use with adult offenders. The Static-99 was instituted to replace this scale.

Qualitative descriptive information from the PRA and, if an assault charge, the relevant SRA are used to complete pre-sentence reports. The actual risk/needs score is not included in the report. A PRA is completed for all young offenders on probation and in custody within 30 to 60 days. If a young offender is charged with an assault, then the relevant SRAs or the Static-99 for sexual abuse will also be completed. The PRA is re-administered if there is a significant change in circumstances, for example, when a youth is transferred from a secure- to an open-custody facility. The ISA is completed upon intake to a custodial facility for both those denied pre-trial detention and those remanded to custody. It was unknown whether audits of the assessments were regularly conducted. Nunavut is in the process of developing policies and procedures for reassessments and audits.

Youth workers attend a one-day training session. The training emphasizes the need for careful interpretation of results. Nunavut is socially, culturally, and economically distinct from other provinces and territories. Over 80 percent of the population is Aboriginal and primarily Inuit. Hence, certain items that may be relevant to young offenders in other regions of the country may not be as relevant to those residing in Nunavut. As such, the interpretation, particularly of dynamic needs may, at times, be adjusted to reflect the social, cultural, and economic realities of the region.

Research

No specific validation studies were conducted on the tools and Nunavut is not currently engaged in any research projects pertaining to risk/needs assessments.

ONTARIO

Main Risk/Needs Assessment Tools:

Phase I: Risk/Need Assessment – Case Management Review (RNA)

Phase II: Level of Service Inventory – Ontario Revised (LSI–OR)
Youth Management Assessment (YMA)

In Ontario, Phase I offenders (12 to 15 years old at the time of the offence) are under the jurisdiction of the Ministry of Community, Family and Children’s Services ; Phase II offenders (16 to 17 years old at the time of the offence) fall under the jurisdiction of the Ministry of Public Safety and Security (MPSS). (The two phases are slated to merge.) Currently, each jurisdiction uses its own distinct risk/need assessment tool.

Phase I

The Risk/Need Assessment – Case Management Review is used with Phase I young offenders on probation and in custodial facilities. Pre-sentence reports include qualitative descriptive information derived from the RNA but the actual risk/need score is not included in the report. The risk level is reviewed every 30 days. Those administering the tool do receive training. (Note: We were not given access to conduct interviews with Phase I staff.)

Research

Since 1989, the Ministry has been exploring the use of risk/need instruments. A risk/need study consisting of three evaluation studies was conducted between April 1990 and March 1991. In 1996, the Ministry began implementing the RNA. The RNA was constructed specifically for use with Ontario Phase I young offenders and is an adaptation of the YLS/CMI. Preliminary studies testing the YLS/CMI on young offenders in Ontario have reported adequate validity and reliability scores.

Phase II

The LSI–OR was introduced in 1995 and mandated for use with Phase II young offenders in 1996. Pre-sentence reports include qualitative descriptive information derived from the LSI–OR but the actual risk/need score is not included in the report. The LSI–OR is used both in probation and custodial facilities. The LSI–OR is re-administered, at a minimum, every six months. It can be, and often is, re-administered prior to the six-month period when, for example, there is the intention to transfer a youth to a new correctional setting; there is a marked change in a youth’s behaviour during supervision or while in care; or there is a need for purposes of temporary release decision making.

In 1992, the YMA was implemented in all open-custody facilities. The YMA is used to supplement information garnered from the LSI–OR by providing additional information regarding a youth’s potential for self-harm, harm to others, and risk of escape.

In probation, area managers conduct audits. Those administering the tools attend a two-day training session and booster sessions are provided when needed.



Research

Research staff at MPSS have recommended a study comparing the validity and reliability of all tools used with young offenders in the province. Research on the LSI-OR has focused primarily on adult offenders. As of March 2003, no study with a sufficient young offender population exists. A Ph.D. thesis, soon to be defended, includes a longitudinal follow-up study of the LSI-OR with Phase II young offenders from a Northern Ontario region.

The YMA was developed and piloted in Ontario in 1992. Three pilot studies were conducted to measure the validity of the tool; however, we were not able to locate and thus evaluate the methods and results of these studies.

A shortened screening version of the YLS/CMI exists and is being piloted by the Ottawa police department in conjunction with researchers at Carleton University. While the use of this tool appears to be for research at the moment, it is anticipated that this tool, which is administered by the police when a youth is involved in an incident that requires a police response, will facilitate police officers in referrals to diversion programs. If a youth is sent to a community organization it is then anticipated that a more intensive follow-up assessment will occur. The way this tool is being used and what happens to the information generated by the tool when someone is sent to court versus being diverted is unclear. The police representative indicated that “the score [generated by the tool] helps you to determine what you’re going to do with the young person and what kind of supervision is required to ensure compliance with the referral to extrajudicial measures and it also helps you determine what extrajudicial measure you should be referring to”.²⁹

Police officers who administer this tool should have completed a two-hour training session.

PRINCE EDWARD ISLAND

Main Risk/Need Assessment Tools:

Youth Level of Service/Case Management Inventory (YLS/CMI)

Up until recently one psychologist conducted all formal risk/need assessments in PEI. In the past, PEI used the Wisconsin risk scale (for adults) and professional discretion to make risk/need determinations. The province commissioned a research report³⁰ to examine available risk/need assessment tools and related case management models in Canada and elsewhere for use by Community and Correctional Services and the Attorney General. The goal of this report was to identify and recommend a computerized risk/need assessment tool for young offender classification and case management (Williamson 2000:1). Based in part on the recommendations of this review, PEI decided to adopt the YLS/CMI to standardize the approach youth workers used and to ensure that the material contained in pre-sentence reports was defensible and comprehensive. A major advantage of this tool from the province's standpoint was the link between assessment and case management.

Research

No specific validation studies were conducted on the YLS/CMI and PEI is not currently engaged in any research projects pertaining to risk/need assessments. Researchers were unable to test or norm the cut-off level for the province because of the small provincial population. Hence, the tool was not modified. The norms they will eventually use are based on the Atlantic Provinces.



QUEBEC (declined to participate in the study)

After reviewing our ethics review and research questions, the province of Quebec declined to participate in the study because they considered it to be the beginning of the implementation of the YCJA. Quebec has challenged this legislation before the Quebec Court of Appeal.

SASKATCHEWAN

Main Risk/Need Assessment Tools:

LSI-OR (revised for Saskatchewan — tool and manual not provided to researchers)

Strength Assessment Tool (under development — not provided to researchers)

The province of Saskatchewan is going through a period of transition and they are about to pilot a new risk/need instrument. We conducted only one interview with the policy contact. This province has done a considerable amount of research to facilitate the construction of a risk/need assessment tool for Saskatchewan youth. The research (conducted by a provincial reference committee)³¹ involved reviewing several of the tools used in Canada and the United States and the validation research on these tools where it exists and is available for review. The validity and reliability research involved scrutiny of each of the items included in the scales as well as the scale as a whole. Researchers also assessed for clarity of purpose and criteria, feasibility in terms of human resources and for *user friendliness*. After reviewing this research, the province decided to adopt the LSI-OR and to conduct research on each of the factors that would aid in modifications to this tool to make it more appropriate for the Saskatchewan youth population. For example, the employment and education categories were modified to be age specific (two years behind age appropriate). The *revised* LSI-OR was made youth centred in that the items and manual are youth appropriate so it is easier for the assessor to locate relevant interpretations of items when administering the tool. Researchers and policymakers have devoted a considerable amount of time to ensuring that there are consistent and clear instructions on how to interpret the criteria contained in the revised LSI-OR. As a result, a *documentation scoring form* accompanies this tool — it allows the youth worker to systemically record the information they used to justify the score. This report card facilitates audits, which will determine if the correct information was used in compiling the risk score. The Saskatchewan youth population data is being used to check this tool's local validity and reliability. This validation research is part of a long-term agenda as data is collected using the tools research will be done to determine if changes are required or if gender or ethno-cultural concerns surface.

The revised LSI-OR will be used by youth workers at the pre-sentence level, in probation, and where needed secondary assessments are conducted by psychologists (i.e., in cases of violent or sexual offending). The LSI-OR is used to assess general risk to reoffend. The court may be interested in having additional secondary assessments conducted (i.e., psychological assessments pertaining to specific offences, sexual offending, and/or violent offending; other instances may include drug and alcohol assessments and developmental). These secondary assessments would be conducted by specialists in the respective professional areas.

This tool will not be used to make determinations about pre-trial detention (Judicial Interim Release) or extrajudicial measures. At present, a formal risk/needs assessment tool is not being used to facilitate these decisions. The revised LSI-OR will also be used in open and secure custody. A separate strength assessment tool is being developed for use in the case planning of sentenced youth.



In terms of training, Saskatchewan has *provincial mastery criteria* that must be obtained by supervisors and youth workers before they can administer risk/needs instruments or write a report for the court. There will be four provincial trainers who can certify youth workers and supervisors in the provincial mastery criteria (presently there are two).

YUKON

Main Risk/Need Assessment Tools:

Youth Level of Service/Case Management Inventory

Crime Cycle Package (CCP)

- Crime Cycle Questionnaire – youth interview
- Social History Questionnaire – parent interview
- Crime Cycle Summary
- Youth Case Plan

Security Risk Questionnaire

Structured Assessment of Violent Risk in Youth (SAVRY)

In 1995, the Crime Cycle Package was introduced to assist in case management planning and the identification of risk and needs. In 2001, federal funding enabled the territory to set up a special assignment to examine risk/need assessments. The ensuing recommendation was the implementation of the YLS/CMI and the revision of the CCP to supplement the YLS/CMI and provide more intensive information for case management planning. The CCP was determined to be a superior tool for case planning but concerns were raised over the onerous completion time; it can take up to three hours to complete the interview with the youth alone. The revised CCP is to be used in conjunction with the YLS/CMI and the sections of the CCP have been revised to correspond with the eight criminogenic risk/need factors identified in the YLS/CMI. Typically the YLS/CMI acts as an initial screening tool. Those areas identified as high risk/need by the YLS/CMI can be explored in more depth by using the corresponding sections of the CCP. Hence, depending on the circumstances, the CCP can be completed in its entirety or partially based on the factors identified as high in the YLS/CMI. On June 3, 2002, Yukon mandated the use of both the YLS/CMI and the Crime Cycle Package. These instruments are used at intake levels throughout the youth criminal justice system in the Yukon, and are the base for all case management plans and decisions, including reintegration and court decisions.

In Whitehorse, youth charged under the Young Offenders Act appear before a Youth Justice Panel. The panel presents a recommendation to the Crown as to whether the case should proceed to court or be considered for extrajudicial sanctions. A YLS/CMI assessment is conducted for all youth appearing before the Panel. If there are several factors that are scored as high, or if there is insufficient information to fully complete the YLS/CMI, then the CCP may be administered in part or in its entirety.

Several regions outside of Whitehorse have a Community Justice Committee that presents recommendations to the Crown. These committees do not routinely use the assessment tools. The YLS/CMI and Security Risk Assessment are used if the youth is detained in pre-trial custody (not during a pre-trial detention hearing). A YLS/CMI is administered for all youth who are involved in extrajudicial sanctions. A CCP may or may not be conducted.

The YLS/CMI and a complete CCP are used to devise the pre-sentence report and to make recommendations to the courts. Pre-sentence reports have since been revised to correspond to the criminogenic risk/need factors identified in the YLS/CMI and the CCP. The YLS/CMI is also administered to all youth on probation. If a number of items are



identified as high, or if there is insufficient information to fully complete the YLS/CMI, then a partial CCP will be conducted. Upon intake, the YLS/CMI is conducted or reviewed if one is on file for all youth. The SAVRY is conducted by a clinical psychologist on youth charged with a violent offence.

Youth workers administering the tools attend a two-day training workshop. Youth files and assessments are audited through the Yukon Youth Probation Office. Currently, there is no set policy for reassessments but the territory is in the process of establishing such guidelines. It is anticipated that the new mandate will require the YLS/CMI to be re-administered at the time of new offences, major changes in circumstances, or after six months of the initial inventory. No research has been conducted to test the validity of the tools aside from the YLS/CMI, which is a validated, copyrighted instrument published by Multi Health Systems. All other instruments in use have been developed in co-ordination with contracted youth forensic psychologists. The territory is not to our knowledge currently engaged in any research projects pertaining to risk and need assessments.

Endnotes

1. In Canada, the United States, England, Wales, and Australia, there is evidence of the development, promotion, and increased reliance on such tools to facilitate decision making (see for instance Brown 1996; Clark, Fisher and McDougall 1993; Daley and Lane 1999; Dallao 1997; Dawson 1999; Ditchfield 1997; Gottfredson and Tonry 1987; Mair 1999;).
2. These followed the development of parole and sentencing guidelines.
3. Future research examining these issues of validity and reliability in classification should consult a report prepared by J. Alexander and J. Austin (1992) "Handbook for Evaluating Objective Prison Classifications" National Institute of Justice. This report covers a range of methodological concerns related to risk/needs assessment and classification.
4. See Rose (2002) for a discussion of psy-professionals and para-professionals.
5. Bonta (1996) offers a comprehensive review of the correctional classification literature in which the evolution of risk assessment is categorized into three generations.
6. Andrews and Bonta (1998) provide a detailed description of these tools and their development.
7. For more detailed discussion of this era, see special issue of *Punishment and Society* Vol 3:1.
8. The underlying paradigm is social learning theory.
9. Interview transcript – D. Andrews, 2003.
10. Both the YLS/CMI and versions of the LSI are copyrighted by multi health systems.
11. Ethical approval for this study was obtained from the University of Toronto Social Sciences and Humanities Ethics Review Committee ("Risk/Need Assessment and the Youth Criminal Justice Act" Protocol Reference #9006).
12. Lina Girard's Ph.D. Dissertation on the LSI-OR did include information on young offenders, but the sample size ($n=31$) was too small to substantiate the validity of the tool.
13. Tools like the YLS/CMI contain separate sections (section IV) for practitioners to document their own assessment. Assessors are required to check one of four boxes (low, moderate, high, very high), indicating their professional assessment of the offender's risk. If this assessment differs from that which the tool ascribes, the assessor is required to document the reasons for the discrepancy.
14. The ORAMS is used in NWT and Manitoba.
15. These authors further indicate that the courts have had difficulty defining and applying the term psychopathy because the term is fraught with descriptive and conceptual difficulties (Cole and Angus 2003:17).
16. Most practitioners accepted the tools at face value – few questioned the ability of the predictive capabilities of the tools. There is, however, some debate in the broader research literature about the predictive capacity of such tools.
17. The following is taken from a forthcoming paper by Hannah-Moffat (presented at the British Criminology Conference 2002).
18. I am not implying that all needs ought to be targets of correctional intervention or those with correctional interventions are unproblematic.



19. However, efforts are underway to develop reliable self-report instruments for the assessment of criminogenic needs (Serin and Mailloux 2001).
20. For detailed information on the statistical determination of variables as needs, see the *Forum on Corrections Research* September 1998, volume 10, number 3 – special issue on dynamic factors.
21. For a more detailed empirical and theoretical discussion of some of the issues pertaining to gender and diversity in risk assessment, see Hannah-Moffat and Shaw 2001 – Status of Women Canada Policy Research Report. While this report focuses on issues pertaining to federally sentenced women some of the issues will also pertain to youth. Also see the recent (2003) report of the Auditor General – Chapter 4, Women Offenders.
22. Over the past ten years, Canadian federal women’s corrections (as well as other international correctional agencies) have restructured based on the premise that male and female offenders are different and that Aboriginal and non-Aboriginal offenders present different needs.
23. Not all tools can document research demonstrating these co-relations.
24. A recent paper by Cole and Angus (2003) reports that six Canadian jurisdictions are using risk assessment tools to compile adult presentence reports.
25. *R. v. Bartkow* (1978) 1 C.R. 93d S-36 (N.S.C.A.).
26. The ongoing research, done by K. Hannah-Moffat, on parole illustrates this point.
27. Paraphrased from the “Youth Community Risk/Needs Assessment Rating Guidelines. BC: Justice Services Section, Ministry for Children and Families.
28. The ORAMS is currently used with adult offenders.
29. Interview Transcript ON-019(Z)
30. Anet Williamson (2000) *Final Report – Risk/Needs Assessment Project*. PEI: Joint Initiative of the Department of Justice Canada, Department of Community Social Services and Attorney General, Province of Prince Edward Island. This report reviews the LSI-R, the YO-LSI, the YLS/CMI, and the Wisconsin risk scale. It provides a brief cost/benefit analysis of the various tools and case-management strategies. It does not conduct a systematic review of the literature supporting these tools or any data on the reliability and validity of these tools.
31. The provincial reference committee was comprised of 17 stakeholders in the youth system (social workers, managers, a contract researcher, psychologists from child and youth services, an adult federal correctional representative, a Saskatchewan Federation of Indian Nations’ representative, and drug and alcohol counsellors and educators).

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