ADOPTED
09/17/2015

CONNECTICUT SENTENCING COMMISSION

No. 2015-2

Resolution Regarding Risk and Needs Assessments and Sentencing

<u>Resolution</u>

1   **RESOLVED**, That the Connecticut Sentencing Commission support a proposal to invite
2   qualified research organizations or individuals to conduct an unfunded study comparing
3   pre-sentence risk and needs assessments with actual sentences imposed.
4

__Report__

See attached *Invitation for Proposals*: *Evidence Based Sentencing Study*, dated, September 2015.

INVITATION FOR PROPOSALS: EVIDENCE-BASED SENTENCING STUDY

1. INTENT

The Connecticut Sentencing Commission is seeking proposals from qualified research organizations or individuals to conduct a **non-funded** study of the potential impact of need and risk-based sentencing. These services are to be provided to the Commission from [DATE – 4 months following issuance] through [DATE – one year later], with the possibility of extensions where adequately justified.

2. BACKGROUND

The Connecticut Sentencing Commission would like to better understand the potential impact of evidence-based sentencing on lengths of incarceration, periods of probation, and offender outcomes. Evidence-based sentencing incorporates the results of validated risk and needs assessment measures, in addition to the severity of the instant offense, to determine the likelihood of re-offending and the need for sentences of a different length and/or specialized services. We seek to determine whether sentencing practices in Connecticut, which are most frequently determined through plea agreement, have resulted in sentences that are consistent with sentences that would have resulted from risk and needs assessment-based sentences (relative to one another). Where the greatest inconsistencies exist, we would also like to determine what types of offenders are typically sentenced for longer or shorter periods than the assessments would suggest. Also, we would examine the recidivism patterns for offenders whose sentences are congruent with risk and needs assessment, versus those whose sentences deviate from risk and needs assessments.

This invitation offers no funding for researchers, but does offer a rich dataset that may be of particular interest to researchers or their dissertating graduate students who study the impact of sentencing. The cases to be included will be all offenders sentenced from State Fiscal Years 2008 – 2010, but will also include each individual's arrest and incarceration events for 2 or more years prior to sentencing, and for 5 years following sentencing. The source of the data will be from the Judicial Branch and the Department of Correction.

Data maintained by the Judicial Branch:

      a. LSI-R scores (including subscale scores for risk and need factors and/or each item in addition to total scores)

      b. DVSI-R scores (each item if available in addition to total score)

      c. STATIC 99 Scores (each item if available)

      d. Original offense charges for instant offense/s

      e. Actual offense conviction/s for instant offense

      f. Date of sentencing

g. Date of commencement on probation

h. Age

i. Gender

j. Race/Ethnicity

k. VOP Warrant date

l. VOP charge/s

m. VOP actual conviction

n. VOP disposition (prison, continued probation)

Data maintained by the Department of Correction:

a. Dates of discharge to halfway houses, parole, or release without supervision

b. Dates of admission to jail or prison

c. Scores from DOC risk and need assessments

d. Dates of return to incarceration for parole violations

3. SCOPE OF SERVICES

The successful applicant will be expected to perform the following duties:

A. Ensure that the data provided are readable, and that the data definitions are understandable. Provide a list of any issues that require clarification by representatives from the State of Connecticut.

B. Select cases for analysis, including only cases with at least 2 years prior to sentencing and at least 5 years post-sentencing. In order to ensure that each case has the same pre-and post-sentencing parameters, remove data for each case that exceeds 2 years prior to sentencing or 5 years post-sentencing. Furthermore, remove cases that do not have at LSI-R score obtained approximately at the time of sentencing. In order to check the reasonableness of the resulting sample size, report to the representatives of the State of Connecticut the final N for analysis. Examine the differences in demographics, levels of offenses, and severity of sentences between cases retained and those excluded because of lack of LSI-R information, in order to describe the subset for which our findings will apply.

C. Conduct analyses. The following are suggested analyses, which are negotiable if there are other approaches which are more likely to yield the intended results:

a. To consider the differences between actual sentencing and sentencing based on risk/need assessments, create groups for High-Medium-Low offense severity, based on maximum jail/prison sentence for each charge. Within each stratum, use the distribution of the actual sentences to create tertiles. Also create tertiles from the risk/need assessment scores. Examine the percentage of cases that are out-of-tertile

range with respect to sentencing, compared to the risk/need assessments within that offense severity grouping. Examine the characteristics of the cases that are outliers.

b. Conduct survival analyses (Cox regression) to determine the time from release from incarceration (for prisoners) or from placement on probation (for probationers) to re-arrest, or revocation of probation for a technical violation, controlling for offense severity.

c. Employ non-parametric tests of goodness of fit (Chi-square tests) to compare the rates of technical and new offense VOPs by risk/need scores to determine if there are statistically significant differences in rates and nature (violent versus non-violent) of violation based upon risk/need scores.

d. Employ classification & regression tree analysis to identify specific risk factors that effectively differentiate between those who do and do not violate probation with a technical or new (violent versus non-violent) offense.

D. Prepare report(s) of findings.

4. MINIMUM QUALIFICATIONS

At a minimum, the successful applicant must meet the following requirements, or as a doctoral student, works under the supervision of a faculty member meeting these requirements:

- A Ph.D. in criminal justice, psychology, sociology and/or other related social sciences field.

- Experience and knowledge in evidence- or research-based sentencing.

- Documentation of past work or other evidence of the ability to conduct the statistical analyses.

5. DELIVERABLES

The following deliverables are expected throughout the term of this study:

A. Report on cases to be included in analyses, as described in 3 B above, provided by [DATE- 3 month mark].

B. Quarterly reports – four (4) quarterly reports to include status updates and feedback on barriers and/or problems.

C. Final report – at the end of the study.

6. ADDITIONAL INFORMATION

A conference call will be held on **TBD** to answer questions from interested parties. Interested parties are urged to attend to discuss the parameters and requirements of this invitation. [Add a sentence about how to obtain details on joining the call.]

7. PROPOSALS

Proposals should be in the form of a letter on organization letterhead and signed by both the applicant and the applicant's Department Chair or an individual with equivalent authority.

Proposals must be submitted by email as pdf attachments, addressed to sentencingcommission@ccsu.edu by [date]. If no acknowledgement is received within 3 work days, the applicant should contact [TBD, phone].

The following elements are suggested:

A. A 1-3 paragraph review of the literature relevant to the topic (unless attachments include reports or publications that demonstrate an understanding of the topic).
B. A summary of the interest and expertise of the applicant and any colleagues who would work on the project.
C. A statement agreeing to conduct the analyses outlined in this invitation or offering potential alternative analyses that would provide similar information. Note that for the successful applicant, a more formal Data Use Agreement will be required prior to receipt of the data.
D. A statement of the interest of the applicant with regard to other analyses for which the CT data might be used, if any.
E. An agreement not to conduct additional analyses without obtaining prior written approval from [TBD], or to publish or present findings in any publication or forum, without the prior approval of [TBD].
F. Attached CV(s) or biosketches and if desired, sample published works or reports. Please include only works that are relevant to the topic of sentencing.

11. EVALUATION AND SELECTION

 All applications will be evaluated in accordance with the following criteria. The applicants submitting the best application MAY be invited to an interview prior to the final selection.

A. Understanding of the project, its purpose and scope as evidenced by the written proposal submitted.
B. Demonstrated knowledge, experience, and capabilities of the applicant relative to the services and tasks outlined in the application including applicant resume.
C. Methodology and approach to the services and tasks specified in the Scope of Services are acceptable.
D. Signed letter of application includes agreement not to use data for any purpose without prior written consent from representatives of the Sentencing Commission.