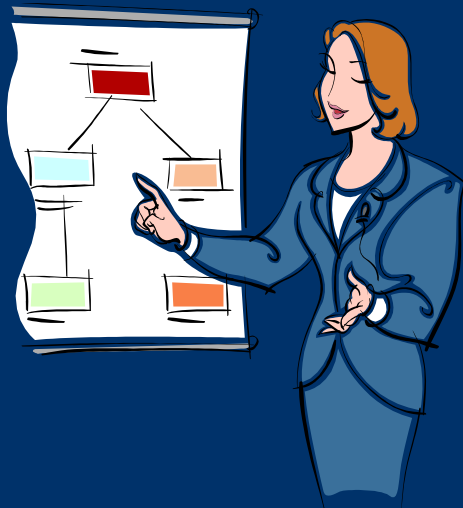


Putting Justice Reinvestment into Action

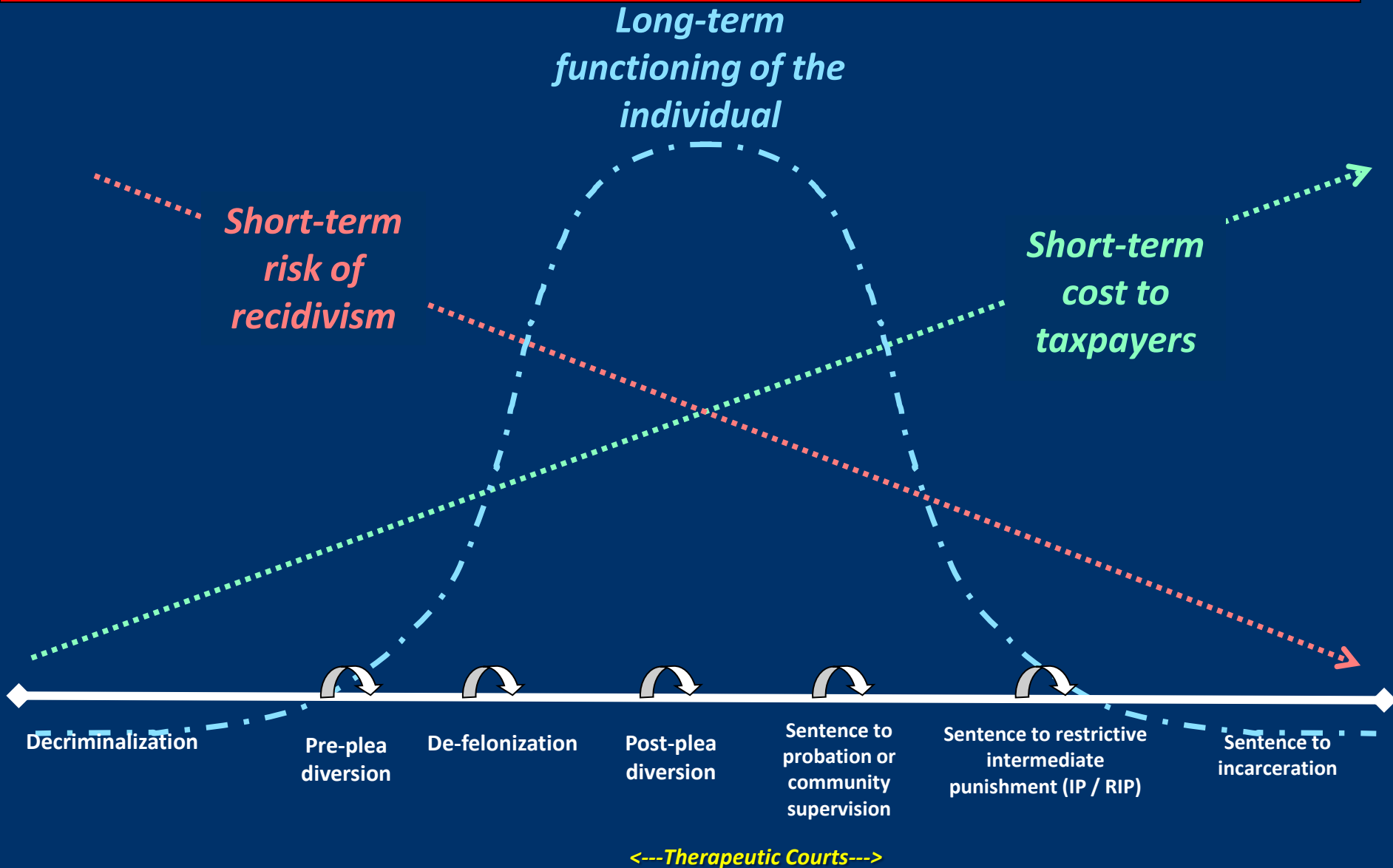
DOUGLAS B. MARLOWE, JD, PHD

NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS

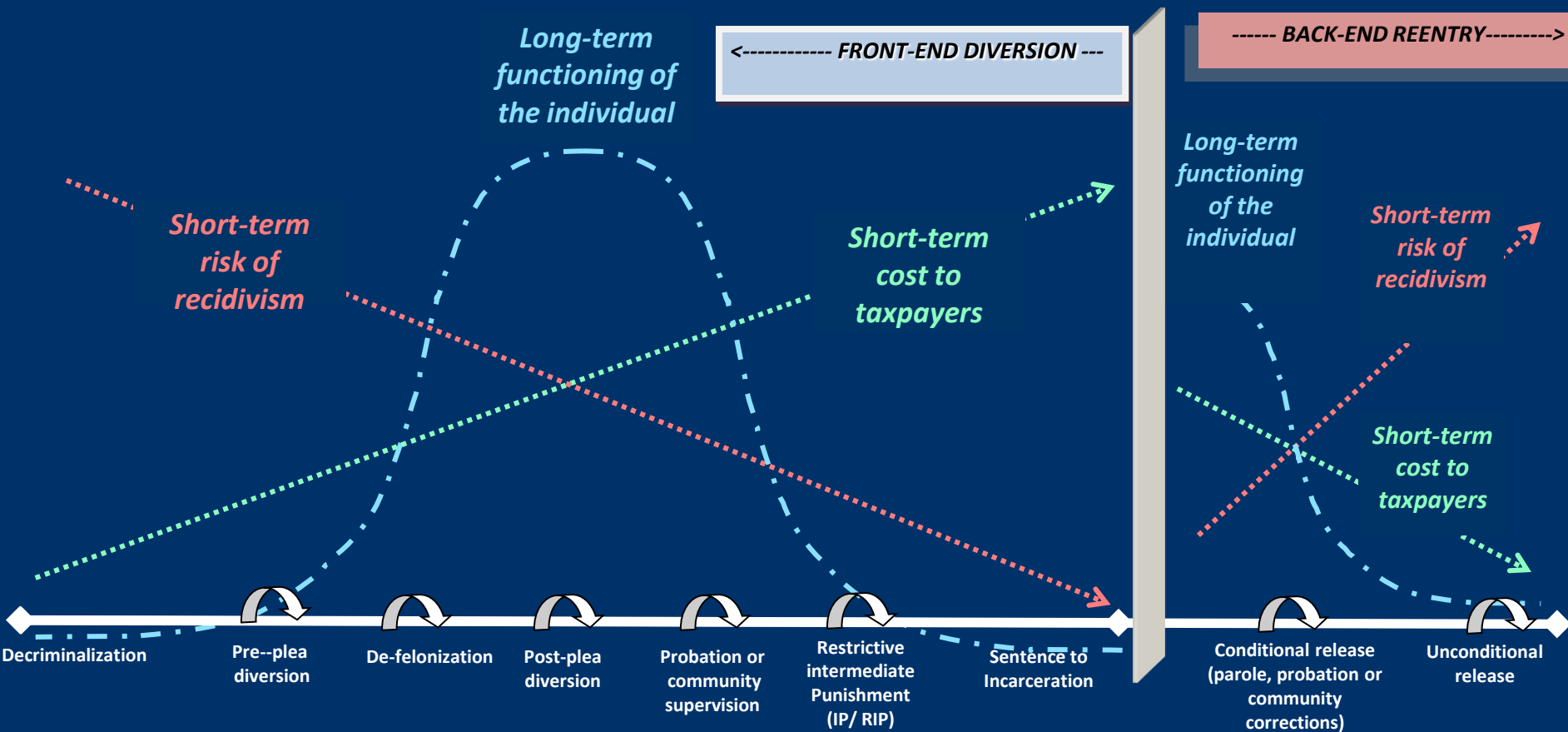
Modeling If / Then Decisions



Dispositional Continuum



Dispositional Continuum

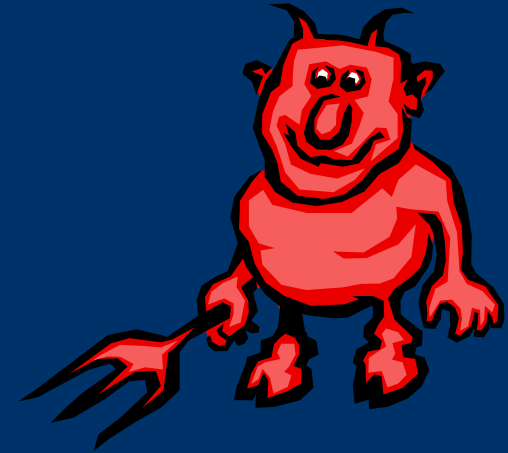


Risk Principle

- Not necessarily a risk for violence or dangerousness
- Difficult prognosis or lesser amenability to treatment
- The higher the risk level, the more intensive the supervision and accountability should be, and vice versa
- Mixing risk levels is contraindicated, so don't do it!

Prognostic Risks

- Current age < 25 years
- Delinquent onset < 16 years
- Substance abuse onset < 14 years
- Prior rehabilitation failures
- History of violence
- Antisocial Personality Disorder
- Psychopathy
- Familial history of crime or addiction
- Criminal or substance abuse associations



Need Principle

- **Clinical syndromes or impairments (diagnosis)**
- **Cause crime (“criminogenic”) or interfere with rehabilitation (“responsivity”)**
- **Addiction is criminogenic and mental illness interferes with rehabilitation**
- **The higher the need level, the more intensive the treatment or rehabilitation services should be, and vice versa**
- **Mixing need levels is contraindicated so don’t do it!**

Risk & Needs Matrix

High Risk

Low Risk

High
Needs

- Supervision
- Treatment
- Pro-social habilitation
- Adaptive habilitation

- Treatment
- (Pro-social habilitation)
- Adaptive habilitation

Low
Needs

- Accountability
- Pro-social habilitation
- (Adaptive habilitation)

- Secondary prevention
- Diversion

Risk & Needs Matrix

High Risk

Low Risk

High Needs

Treatment Courts (e.g., Drug Courts)

Intensive Supervised Probation (ISP)

Low Needs

H.O.P.E. Probation

Pre-trial Diversion

Guided Discretion

- Require professionals to consider risk and need (excluding certain offenses)
- Require professionals to consider effectiveness and cost-effectiveness (excluding certain offenses)
- Publish data on recidivism and costs of alternative dispositions
- Include dispositional rationale on the record
- Restrictive basis for appeal (abuse of discretion)
- Publish data on dispositional decisions

Pre-Disposition Assessment

- Use immunity, especially at pre-adjudication stage
- Require assessment of risk and need after adjudication but prior to disposition (e.g., as part of a PSI)
- Valid, reliable & culturally unbiased instruments
- Substance abuse vs. dependence diagnosis guides treatment conditions and response to technical violations involving new drug use
- AUTOMATE THE IF/THEN DECISIONS