



New York State Division of Probation and Correctional Alternatives

Revised Guidance for the New York Correctional Offender Management Profiling for Alternative Sanctions (NYCOMPAS) Risk / Needs Assessment Instrument

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Foreword

Why use NYCOMPAS?

With public safety at the core of Community Corrections decision-making we know that offenders who pose the highest risk should be identified and supervised accordingly. An evidence-based approach provides the most reliable assessment of future recidivism, violence, and likelihood of flight. Identification of risk and need factors is the most effective way to make good recommendations as to appropriateness for community-based supervision and appropriate interventions, as well as classification decisions for appropriate levels of supervision.

DPCA strongly encourages probation departments and Alternative to Incarceration (ATI) agencies to develop policy which links specific programming to measurable outcomes. By offering the use of NYCOMPAS, DPCA is making a system of community corrections decision-making and classification support available. This allows probation/ATI practitioners to: identify risk and criminogenic needs; target the appropriate community corrections population; provide services to address the social, psychological, and criminogenic factors impacting offender behavior; and measure the impact of those services on recidivism. With these features in place, probation and ATI programs have an objective basis to assess outcomes and document the effectiveness of community corrections programming. NYCOMPAS has been piloted in New York State and tested for internal reliability and validity (see Section I: DPCA's Involvement with NYCOMPAS).

What does NYCOMPAS do?

- **NYCOMPAS identifies offender risk and need.**

NYCOMPAS is a broad-based, general risk/needs assessment instrument that compiles offense characteristics, criminal history, and other indicators which point to the likelihood of an offender generally complying with conditions of probation and remaining arrest free. It also summarizes the offender's family support network, substance abuse and mental health evaluation needs, education and skills training, financial situation, and social environment. This compilation of information provides an offender profile that delineates his/her strengths and weaknesses. The profile, used together with professional judgment and supplemental information, helps to substantiate recommendations for sentencing dispositions and supervision classification decisions, as well as guide supervision activities within community corrections.

- **NYCOMPAS provides multiple risk scores.**

Multiple risk scores and need dimensions are provided for each offender. Each department or agency has some ability to use the quantitatively-based NYCOMPAS Risk Assessment Report (see Appendix A) to set policies regarding classification based on risk potential; and to tailor a menu of programs and services which target the criminogenic needs of the offender based on the needs section of the profile.

- **NYCOMPAS provides decision support for classification of offenders.**

DPCA Rules and Regulations require that a risk assessment and classification instrument approved by DPCA be used to provide a system of differential supervision for the approximately 125,000 adult offenders under probation supervision (over fifty percent of whom are convicted of felonies), and that a risk/need assessment process be utilized as part of the probation investigation procedure.

- **NYCOMPAS is, at this time, primarily a supervision tool.**

DPCA encourages the use of the NYCOMPAS instrument at critical decision-making junctures. It is a documentation system which can assist probation departments in managing their supervision resources by measuring offender risk on a ten point (decile) scale in three areas: violence, recidivism, and failure to appear, and evaluating the presence of up to 19 criminogenic need areas. Further, once these areas have been evaluated, NYCOMPAS provides functionality that allows the user to develop a case plan to address the greatest criminogenic need areas.

- **NYCOMPAS provides critical case management information.**

By facilitating assessment of the defendant's social functioning in the areas of work/school, the home, the community, and within the peer group, NYCOMPAS provides support for level of supervision classification decisions. The newly released Case Review / Reclassification Instrument will allow periodic review as to case progress and possible re-classification to different supervision levels.

What does NYCOMPAS NOT do?

- **NYCOMPAS does not replace the judgement of a trained and experienced professional.**

The results of a NYCOMPAS assessment are based on statistical predictions for a *group* of New York probationers having relatively the same characteristics. However, persons within any group will have *individual* strengths and needs that are not common to the group as a whole. The professional must take these differences into account to properly assess risk, identify supervision and service needs, and classify into an appropriate supervision level.

- **NYCOMPAS does NOT, by itself, reliably predict risk for offenders engaging in Domestic Violence, Sex Offense, Substance Abuse (including alcohol-related driving) crimes or for the Mentally Ill offender.**

As noted earlier, NYCOMPAS is a broad-based risk assessment instrument. Although these special populations were included in the validation populations, the varied and diverse factors underlying substance abuse, domestic violence, and sexual offending, still make it necessary to

supplement the NYCOMPAS assessment with narrow-band assessment instruments that have been developed exclusively for and validated on those offender populations.

What are the Benefits of using NYCOMPAS?

- NYCOMPAS can help increase cost effectiveness in departmental operations by assuring that probationers are assigned to the appropriate supervision level.
- NYCOMPAS provides a structure that helps to ensure the collection of specific, relevant, and consistent information from all offenders.
- NYCOMPAS provides a performance-based methodology to assist community corrections professionals in determining the optimal use of state and local dollars, while at the same time promoting a system for graduated sanctions and appropriate provision of services.
- NYCOMPAS provides the rationale for offender classification, and reclassification. Research on performance measurement has demonstrated that performance-based outcome measures can best be understood within the context of offender classification.
- NYCOMPAS provides a framework for program evaluation. Measurement of program performance is best understood within a context of the dynamic and descriptive profiles of the clients managed, the services needed, and those services provided.

Section I. The Role of DPCA and Community Corrections Agencies using NYCOMPAS

In 1999, DPCA personnel and county probation directors chose Northpointe to develop a risk and needs assessment tool (based on the Microsoft Access database software) unique to New York State. Accordingly, NYCOMPAS pilot projects were conducted in four counties and the data collected during this phase of the project was used to empirically validate the assessment instrument. After completion of the study, select local probation departments and alternative to incarceration programs began full implementation of NYCOMPAS early in calendar year 2001 and 2002.

In mid-2005, so as to respond to feedback from the field requesting more of an emphasis on professional judgement and official data, and to make use of the efficiencies afforded by emerging web-based software and hardware technologies, DPCA and Northpointe undertook a rebuilding of the instrument. A workgroup composed of representatives from various probation departments reformulated the questions, and Northpointe re-developed the software. In November 2006, the probation departments involved in the reformulation began piloting use of the new assessment instrument and Northpointe made modifications as suggested by the user feedback. DPCA's goal is to provide departments with a valid risk / needs assessment tool, at no-local-cost, that will replace the DPCA-70 series of risk / needs instruments.

However, NYCOMPAS is developing beyond being one assessment instrument – it is becoming a suite of products of use to the corrections professional. In addition to its assessment function, NYCOMPAS has a case planning module that allows the user to plan local services that address assessed needs.

Further, completion of the “Full” Assessment instrument enables the user to automatically create a “springboard” Pre-Sentence Investigation that pre-populates a totally editable report format with narrative from the assessment results. This reporting functionality will continue to be refined in collaboration with local probation departments.

In October 2008, a new Case Review / Reclassification Instrument will be made available. In the near future, other types of assessment instruments will be made part of the NYCOMPAS suite. NYCOMPAS is a tool for probation that will evolve and grow as research and practice dictates.

The following information will provide an overview of selected decision points where NYCOMPAS may be applied, and DPCA's requirements for use of this automated system.

A. Developing a Decision-Support System with NYCOMPAS

New York's criminal justice system is complex. Offender populations, court procedures, county service delivery systems, graduated sanctions, and the public's willingness to support community corrections vary throughout the state. Decision-making practices vary as well. The use of the NYCOMPAS assessment instrument provides a structured, consistent approach to decision making. The following examples illustrate how NYCOMPAS may be integrated into the decision making processes:

<u>Decision Point</u>	<u>Application of NYCOMPAS</u>
Pre-Trial Release:	Assess NYCOMPAS Failure to Appear potential (in compliance with New York Criminal Procedural Law § 510.30.02(b)).
Interim Probation Supervision:	NYCOMPAS risk and needs scales provide information for the court report and interim supervision case planning.
Deferred Sentencing:	NYCOMPAS summary report assists in determining appropriate conditions of supervision for recommended use during the deferment period.
Pre-Plea/Pre-Sentence Recommendations:	NYCOMPAS identifies offender's strengths and areas of criminogenic need.
Differential Supervision Classification:	Certain sub-scales of NYCOMPAS are authorized by NYS DPCA as risk/need assessment instruments to assist in level of supervision decisions.
Periodic Reassessment of Supervision Status:	NYCOMPAS will provide the ability to conduct Case Reviews/Reclassification using a new instrument which measures changes (dynamic factors) in the offenders' lives since the last assessment and provides a recommendation as to change in classification level.
Violation of Probation Recommendations:	The NYCOMPAS Case Review/Reclassification instrument will provide new information on dynamic factors to indicate any changes of the individual's risk level. Violations, whether technical or new

conviction, can be viewed within the context of measured positive or negative changes in criminogenic factors.

Substance Abuse and Mental Health:

The Mental Health (for depression only) and the Substance Abuse scales indicate when referral for an evaluation might be warranted.

B. Description of NYCOMPAS

NYCOMPAS has, thus far, evolved into a series of assessments from a larger, singular assessment instrument generally referred to as the “Full Scale” Assessment. This instrument is composed of 95 questions in two major sections: the first for Screener input (with 47 questions) and the second an Offender Questionnaire (with 48 questions). Completing this assessment will provide a graphic Assessment Report that provides scores for the three Risk areas (reported by red bars on the chart) and the 19 Need areas (reported by green bars on the chart). Please refer to Appendix A for an example of this report.

As of this date, several smaller instruments or scale sets have been derived from the larger “Full Scale” NYCOMPAS. Each scale set provides scores on different Risk areas and Need areas.

Please Refer to Appendix B for Detail as to Which Risk/need Scores Are Provided by Each Scale Set.

Scale Set	Description
Pre-Trial	(13 questions) the only scale set to be used for detained offenders being screened for pre-trial release consideration as it excludes questions that are inappropriate to ask offenders prior to a finding or conviction.
Violence and Recidivism w/Substance Abuse	(22 questions) the smallest scale set to be used for initial supervision classification and it replaces the DPCA-70 and 71. It can be used as a transition assessment for probationers who have been under supervision for a period of time (for example, a third of their sentence) without having had a "Full COMPAS Assessment" (essentially, this would act as a reclassification tool for persons who had previously only been assessed with the DPCA-70 Risk Classification instrument) until the Northpointe Case Review instrument is available. It may also be used as a triage or screening instrument, completed during the PSI process, to assist with developing the PSI recommendation.
Screener Input Only	(29 questions) most appropriately used when the Offender Questionnaire was not completed for any reason. It does not meet DPCA's requirements for initial supervision classification decisions because it does not address risk of recidivism. It may,

Scale Set	Description
	however, be used to guide PSI/PPI recommendations.
<p> Screener Input w/Recidivism</p>	<p>(39 questions) may also be used for initial classification decisions (replacing the DPCA-70 and 71). Although it will take slightly longer to administer than the base "Violence and Recidivism w/Substance Abuse" scale set, it will report on more need areas and will facilitate more effective case planning.</p>
<p> Cognitive</p>	<p>is based almost entirely (42 of the 46 questions) on the Offender Questionnaire, and should be used solely to: 1) establish baseline cognitive need scores (if not determined using the Full COMPAS), and 2) measure change in the six cognitive need areas addressed by comparing with a prior assessment. Because it does not measure risk of violence and recidivism, usage of this scale does not meet DPCA requirements for initial classification or reclassification purposes.</p>
<p> Full COMPAS</p>	<p>(95 questions - half of which are addressed by the offender) replaces the DPCA-70 and 71 and is the DPCA-preferred scale set to initially assess probation supervision cases because it provides for a more in-depth assessment, provides the full range of available scale scores, and facilitates the creation of a more in-depth assessment case plan. This scale-set must be chosen and the assessment completed before the NYCOMPAS-assisted Pre-Sentence Investigation functionality will be enabled.</p>

Section II. DPCA Guidelines for Use of NYCOMPAS Risk/Need Modules

A. General Guidelines

- NYCOMPAS should never be the sole source of information used for release recommendations. The NYCOMPAS assessment instrument is to be interpreted in conjunction with other relevant information obtained during fact-finding processes and used as a decision-support mechanism. Professional judgement remains extremely important.
- NYCOMPAS should NOT be administered to persons under the age of 17 (seventeen) as it is oriented toward more independent adults. Rather, the YASI (Youth Assessment Screening Instrument) should be used for the under 17 year-old population as YASI is valid, reliable and used for offenders up to age 18 in most other states.
- NYCOMPAS is designed to provide risk assessments of the likelihood of violence, recidivism and failure to appear. Although DPCA provides general guidance in Appendix D as to the classification of offenders to supervision levels given the risk scores obtained, each jurisdiction should consider developing local guidelines that more closely align with the community resources available and the judicial temperament of the jurisdiction. For example, one department conducting a Pre-Sentence Investigation might consider an offender who scores in the 9th percentile for violence and recidivism as a candidate for its Intensive Supervision Program. Whereas, another department would recommend incarceration.

**Please Refer to Appendix D for Preliminary Supervision Classification
Cut-Off Points Set by DPCA.**

- NYCOMPAS risk prediction functions as an estimate of future behavior, based upon the past behavioral indicators of groups. Therefore, prediction of individual behavior should be interpreted with caution.
- NYCOMPAS is not to be used as the sole resource in the identification of risk/need in the area of **Substance Abuse (including alcohol-related offenses), Sex Offenders, Domestic Violence, or Mental Illness**. Rather, instruments specific to those types of offenders should be used in conjunction with the NYCOMPAS instrument.
- NYCOMPAS does not contain clinical needs assessment dimensions specifically focusing on mental health or substance abuse. Offenders should be referred to appropriate professionals for mental health, substance/alcohol abuse, or sex offender evaluation, when appropriate. The NYCOMPAS health-related scales

serve as screening tools for a referral for an in-depth evaluation by a licensed professional.

- If the NYCOMPAS assessor suspects or is presented with evidence of domestic violence, a thorough investigation should be conducted. Please see “Model Policy” for Probation procedures for domestic violence investigations and reports (available from the Probation Services Suite of eJusticeNY), which provides guidance for the handling of domestic violence cases.
- A policy regarding sharing of NYCOMPAS information should be established by each department.
- Northpointe presents the NYCOMPAS assessment instrument as a decision support process. Northpointe recommends that the NYCOMPAS report not be shared with untrained people or NYCOMPAS findings presented as the sole source of information. If, however, the NYCOMPAS report is to be shared with the court, district attorney, or the defendant’s attorney, it is advised that representatives of these authorities be provided with an orientation to the NYCOMPAS assessment instrument.
- Engaging the offender: It should be explained to the offender that NYCOMPAS does not determine punishments or sanctions; these decisions are made by the court using a legal framework provided by the Criminal Procedure Law, Penal Law, and other New York statutes.

NYCOMPAS can be described to the offender as an inventory of their social history and treatment needs — the purpose being to provide assistance in making decisions regarding their case. The offender should be advised that honest responses are to their benefit and that these answers help to assure that valid and effective case management and treatment decisions are made.

It is highly recommended that offenders complete the Offender Questionnaire in a relatively controlled environment so that offenders’ questions about the instrument can be addressed immediately and the possibility of inaccurate responses can be minimized.

Under certain circumstances the offender’s completion of the NYCOMPAS questionnaire may be voluntary. In other settings it may be required. Departments may choose to develop a statement to introduce NYCOMPAS to the defendant, such as: “So as to assist us in helping you satisfy the charges or sentence you currently face, we are asking you to answer the following questions to the best of your knowledge”.

B. Law, Rules and Standards for use of NYCOMPAS

1. Use of NYCOMPAS in Pre-Trial Release Programs

The **DPCA Pre-Trial Release Program Standards** state that:

“Article 510 of the Criminal Procedure Law authorizes criminal courts to release defendants on their own recognizance. Article 510 provides the legal parameters which a judge should employ in determining whether to release a defendant on his or her own recognizance, or to set bail.”

The **only** scale that should be used with the Pre-Trial population is the **Failure to Appear** risk scale, consisting of questions related to criminal history and residential stability. Other scale sets are not appropriate for this population because they may contain questions related to the offense (such questions are prohibited at the pre-trial stage), and may be unrelated to the likelihood of a defendant appearing in court.

The Standards include the following important principles for assessing pre-trial risk:

- “Service to pre-trial detainees should include interviews of all detained defendants using a standardized interview format and an objective approach to determine eligibility for release.”¹
- “Criteria for release eligibility shall be based on valid, reliable predictors of the defendant’s return to court.”²
- Pre-trial release programs shall establish policies and procedures for cases where an override of the risk assessment instrument is being considered. The reasons for deviating from the risk assessment are to be recorded in the case record.³

¹Pre-Trial Release Services Standards. New York State Division of Probation and Correctional Alternatives. March 2007 (p. 4). The Pre-Trial Release Services Standards provide that: “Pretrial service programs should conduct universal screening using a standardized interview format and objective approach (e.g., point scale) to determine eligibility for release.”

²Ibid. (p. 14). The above mentioned Services Standards revision maintains this language.

³Ibid. (p. 15). The Services Standards revision provides that:
“4. Programs shall establish policies and procedures consistent with these Standards for cases where the risk assessment instrument is overridden.
5. Reasons for deviating (i.e., overrides) from the risk assessment shall be recorded in each case.”

2. Use of NYCOMPAS in Interim Probation Supervision Programs

Criminal Procedure Law Section 390.30(6) authorizes the use of Interim Probation Supervision (IPS):

“In any case where the court determines that a defendant is eligible for a sentence of probation, the court, after consultation with the prosecutor and upon the consent of the defendant, may adjourn the sentencing to a specified date and order the defendant be placed on interim probation supervision.”

Interim Probation Supervision Guidelines were issued by DPCA effective April 26, 2000. DPCA guidelines state that:

“Interim Probation Supervision (IPS) should provide relevant information to assist courts in making sound sentencing decisions, that will incorporate graduated sanctions and services, in the interests of public safety and offender rehabilitation. A record of compliance with interim conditions and other relevant information is to be included in the pre-sentence report or the pre-sentence supplemental report, for the review and consideration of the court when pronouncing the sentence.”

“Interim Probation Supervision is an investigative and sentencing tool to assist public officials and the court in determining whether a sentence of probation is consistent with the interest of justice.”

Questions asked in the NYCOMPAS format assist information gathering. The result is a clear visual report/profile that can be used to guide the professional making recommendations to the court. Consideration as to IPS eligibility should address, at a minimum, the following areas: the criminal history of the defendant, the current criminal offense, community ties and likelihood of compliance with supervision conditions, assessment of the defendant’s risk to the community, and the defendant’s need for rehabilitative services. While the law does not require a pre-plea or pre-sentence investigation prior to judicial imposition of Interim Probation Supervision, it is preferable that local probation agencies be involved initially and that probation prepare a report of relevant information prior to the imposition of IPS.

3. Use of NYCOMPAS in Deferred Sentencing Programs

Deferred sentencing, available for Alternative Sentencing programs, is sanctioned by the **Criminal Procedure Law** Section 400.10(4), which provides that:

“After conviction and prior to sentencing the court may adjourn sentencing to a subsequent date and order the defendant to comply with any of the conditions contained in paragraphs (a) through (f) and paragraph (1) of subdivision two of section 65.10 of the penal law. In imposing sentence, the court shall take into consideration the defendant’s record of compliance with pre-sentence conditions ordered by the court.”

The NYCOMPAS summary report may assist agencies in determining appropriate conditions for participation in the program and in case management planning.

4. Use of NYCOMPAS in the Pre-Plea and Pre-Sentence Investigation⁴

Section 350.3 of Title 9NYCRR (July 10, 2006), provides that: “The objective of the investigation and report is to provide the court with relevant and reliable information, in a succinct analytical presentation for decision making. Also to assist dispositional and regulatory agencies that are entitled to access, with information for immediate and future decision making purposes with respect to placement/incarceration, services and program delivery.”

Section 350.6 (c)(2) provides that: “All in-person interviews shall be directed toward obtaining and clarifying relevant information and making observations of the defendant’s/respondent’s behavior, attitudes and character.”

Section 350.6(c)(2) provides that: “The investigating officer shall assess the respondent’s / defendant’s risk of recidivism, criminogenic need areas, and protective factors (assets / strengths) related to legal history, family and environment, education and employment, physical and mental health, attitudes, and cognitive skills.”

Section 350.7 (a) provides that: “the report shall contain relevant and reliable information that may have a bearing upon the recommendation or court disposition / sentence as well as any information directed by the court.” Information related to: the defendant’s marital status; spouse, parents, living arrangements, current and prior employment, economic status, ability to make restitution, education, training, professional licenses, military status, current and previous physical and mental health, drug, alcohol

⁴ The citations in this section can be found in DPCA’s Rules and Regulations, Part 350 (Investigations and Reports) which are available at www.dpca.state.ny.us

or gambling history and any previous social assistance or treatment may be deemed relevant.

Much of the information needed for preparation of a pre-plea or pre-sentence report can be obtained using the NYCOMPAS assessment process. Departments may complete all of the scales at the time of the pre-plea or pre-sentence interview to assist in determining appropriate conditions for supervision and to become more aware of the offender's specific strengths and areas of need. The probation officer or ATI professional who ultimately supervises the offender can then quickly and effectively begin supervision planning as soon as the case is assigned.

5. Use of NYCOMPAS in the Supervision of Persons Sentenced to or Placed on Probation

The rules governing the provision of supervision services which can be found in **Section 351 of 9NYCRR** (August 26, 1998) are provided below:

Section 351(j) defines **Needs Assessment** as the “standardized procedures, which identify the probationer’s behavior or life situation which, if not addressed, could impede rehabilitation or promote continued illegal behavior. The probationer shall be encouraged to participate in the needs assessment process.”

Section 351.3(a) requires a process for the Classification of Probationers. “Each probation director shall use a selection or classification process in conformity with local practice approved by the State Director of Probation and Correctional Alternatives. Some cases may require placement in a supervision level different from that indicated by the classification process. In those instances, the reason for placement in a classification level higher or lower than that indicated by the classification process shall be documented in the case record, and conform to criteria approved by the local director of probation.”

Part 351(d) defines **classification** as the “specification of the type and frequency of contact between probation officer and probationer in accordance with particular criteria and procedures, which will determine the required level of supervision.”

Part 351.3(b) states that “An assigned probation officer shall complete the following activities within 30 business days of the first meeting with the probationer: (1) the classification of the probationer’s level of supervision; (2) the needs assessment process...”

Part 351.4(1) states that “each probation department shall classify its non-ISP supervision caseload into four categories based upon a probationer’s/respondent’s likelihood of successful completion of probation and/or risk to the community. The reason for such classification shall be recorded in the official case record. The classification categories of supervision will be: level I, level II, level III and level IV...”

Part 351.4(b)(2) states, that “the level of supervision for any previously-classified case shall be evaluated for revision at supervision appropriate time frames based upon any classification process approved by the State Director of Probation and Correctional Alternatives. Supervision Level 4 probationers (absconders, intrastate, interstate, dual supervision and incarceration cases) may be reclassified without the utilization of the reclassification process. Classification of each probationer/respondent shall be reviewed and documented in the case record at the conclusion of each supervision report period by a probation officer or supervisor.”

Part 351.4(c) states that “All cases supervised in ISP shall be supervised at the alternatively-sentenced level for at least the first six months of supervision.”

a. Initial Classification: The determination of risk and the classification of offenders are the primary purposes identified for the use of NYCOMPAS. In New York State, the NYCOMPAS instrument is authorized by DPCA to be used in lieu of any previous needs assessment instrument or scale.

The risk and need scales displayed in the NYCOMPAS Assessment Report may, in conjunction with the Supervision Recommendation Matrix (see below), be used to assist in deciding the level of supervision most appropriate for each offender.

COMPAS COMPOSITE (DEFAULT) NORM FOR SUPERVISION RECOMMENDATIONS												
		Violence Risk Decile Score										
		1	2	3	4	5	6	7	8	9	10	
Recidivism Risk Decile Score	1	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	2	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	3	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	4	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	5	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	6	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	7	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	8	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	9	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	10	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			

To arrive at the recommended supervision level, the officer locates the offender's Violence Risk score column along the top of the matrix, and the offender's Recidivism Risk score row along the left side of the matrix. Where these two values meet is in a colored area that presents the NYCOMPAS recommended supervision level.

Please refer to Appendix D to translate NYCOMPAS Risk scores to the appropriate New York State Supervision Levels.

Please be aware that NYCOMPAS does not presently have specific scales dealing with physical health needs, sexually deviant behavior, substance/alcohol abuse, or domestic violence. Probation or ATI staff should consider referral for professional and more specific evaluation in these areas when they believe further information is needed to appropriately assess and supervise an offender. Scores obtained on the Substance Abuse and Mental Health (depression only) scales are to be considered as "flags" that may indicate the need for further evaluation.

b. Case Review and Reclassification:

The newly developed NYCOMPAS Case Review / Reclassification Instrument should be used in reclassification decisions because of its ability to incorporate dynamic or changing factors in offender circumstances since the time of the last assessment.

In an Intensive Supervision Program (ISP) unit, after six months of Alternatively Sentenced supervision, the NYCOMPAS Case Review instrument is to be used as a decision support system to determine if the case is ready to be stepped down to transition status for the next three months.

When a locality uses NYCOMPAS for reclassification, local departmental policies for reclassification of probationers should be reviewed and specific reference to the use of NYCOMPAS incorporated into them, after review of the decision rules included within the Reclassification Module. For example, NYCOMPAS provides for certain generic over-rides. Local policies should reflect those over-ride options, specify when to use each option, and when to document more specific reasons for the over-ride.

6. Confidentiality

DPCA provides the following information as a means of guidance for local probation departments and ATI programs when determining how and when the information obtained during the NYCOMPAS assessment process may be disseminated.

a. Confidentiality in Pre-Trial Services: At the time of the initial interview, a detainee shall be clearly advised of the potential uses of the information offered so that he or she may make a **voluntary** decision whether to participate in the pre-trial release interview. **The detainee is to be advised that answering the NYCOMPAS questionnaire is voluntary during the pre-trial interview.**

Pre-Trial Service Standards were issued by DPCA in November of 2003 and a revised version released in early 2007.

The Standards state that: “Information obtained during the course of the pre-trial release services investigation and during post-release supervision shall remain confidential and shall not be disclosed unless authorized by these Standards, New York State/Federal Law or regulations (e.g. HIPAA - Health Insurance Portability and Accountability Act). Any disclosure of pre-trial services information shall be limited to the minimum information necessary to carry out the purpose of such disclosure.”

The information obtained through the use of the NYCOMPAS assessment instrument, is covered by these standards and thus shall remain confidential.

b. Confidentiality of Pre-Sentence Reports and Memoranda: The information gathered during the NYCOMPAS assessment process and contained in the report is not intended for dissemination beyond the local probation department and the sentencing court. As noted below, exceptions must be specifically required or permitted by statute or specific authorization of the court.

The confidentiality of Pre-sentence reports and memoranda are covered in the **Criminal Procedure Law section 390.50(1)**, which states,

“Any pre-sentence report or memorandum submitted to the court pursuant to this article and any medical, psychiatric or social agency report or other information gathered for the court by a probation department or submitted directly to the court, in connection with the question of sentence is confidential and may not be made available to any person or public or private agency except where specifically required or permitted by statute or upon specific authorization of the court.”

c. Confidentiality of NYCOMPAS information for those currently under probation supervision:

i. NYCOMPAS Assessments: Authors of the NYCOMPAS indicate that the information gathered during the NYCOMPAS assessment process

and contained in the case file is not intended for dissemination beyond the local probation department and the sentencing court. Exceptions must follow policy established by the agency to share NYCOMPAS information to those trained in understanding the NYCOMPAS protocol, and such policies must conform to DPCA Rules and Regulations, Part 348 (Case Record Management).

ii. Substance Abuse Behavior and Treatment Information about those currently under Supervision: NYCOMPAS information is primarily obtained directly from the offender and from official records. A substance abuse scale is included in the needs identification. While a NYCOMPAS report may suggest the need for further substance abuse evaluation, the authors do not recommend that the NYCOMPAS report be shared with the substance abuse treatment provider without appropriate education about the instrument.

However, at the time of Pre-Sentence Investigation preparation and classification/ reclassification decision-making, probation agencies may have a need to obtain substance abuse evaluation and treatment information directly from the treatment agencies. Participation in court-ordered treatment is a dynamic factor which is measurable during the supervision period.

As a general practice, probation agencies ask the offender to provide consent for release of information from the identified treatment agency to the probation department and the court either at the time of the pre-sentence investigation or at the time of sentence to probation. The **Criminal Justice Consent for Release of Information** (see Appendix E for a copy) is an irrevocable consent which terminates only when treatment involvement ends or the period of probation ends.

Following this practice, probation agencies may obtain treatment information directly from referral agencies for a NYCOMPAS assessment whether used for initial classification or reclassification. **Please note that re-disclosure, or the sharing of treatment information once received by the probation department or the court is prohibited without separate additional consent.**

Confidentiality for substance abuse treatment clients is discussed in a document provided by the Legal Action Center entitled, **Confidentiality and Communication**, 2000 Edition⁵.

d. Confidentiality in Drug Court: The document **Confidentiality and Communication**, 2000 Edition, states that:

“Information can be shared among parties involved in the Drug Court as

⁵Legal Action Center. Confidentiality and Communication: A Guide to the Federal Drug and Alcohol Confidentiality Law, 2000 Edition.

long as basic protocols are implemented in accordance with the regulation's requirements." (p.79)

The document stipulates that federal regulations are implicated if:

“(1) An entity of the drug court receives or discloses information about a patient from program covered by confidentiality law and /or

(2) An entity in the drug court meets the definition of a program itself, because it receives federal assistance and provides one or more of the specialized services – alcohol or drug abuse diagnosis, treatment or referral for treatment.” (p. 80)

Because the structure of Drug Courts varies from one jurisdiction to another, the establishment of basic protocols for sharing information will help the court run smoothly and effectively. However, Drug Courts' information requirements for risk/need may be assisted by use of the NYCOMPAS (including the substance abuse scale). In addition to obtaining information directly from the offender, the Drug Court may require the offender to provide consent using the **Criminal Justice Consent for Release of Information** to obtain necessary evaluation and treatment reports.

As noted above, the NYCOMPAS authors do not recommend that the NYCOMPAS report be shared with the substance abuse treatment provider without appropriate education about the instrument. Please note also that re-disclosure, or the sharing of treatment information once received by the Drug Court is prohibited without separate additional consent.

Localities are advised to review the document **Confidentiality and Communication**, 2000 Edition, and to consult Agency Counsel or the County Attorney when promulgating local policy and procedure for the use of substance abuse information obtained through the NYCOMPAS assessment process.

Afterword

As the field of community-based corrections moves toward operationalizing the concepts of evidence-based practice, it falls incumbent on the field to implement the foundation of effective practice — the objective assessment of the risk posed by individual offenders, and the identification of their needs that must be addressed to reduce recidivism.

The Division of Probation and Correctional Alternatives believes that NYCOMPAS provides just that foundation for community-based correctional practice and management in New York State. By so doing, NYCOMPAS will be the springboard which will help launch community corrections toward the statewide use of evidence-based practices in the criminal court arena.

The current version is not, however, the final product. Evidence-based practices require on-going review, evaluation, and evolution to ensure that they are achieving the desired outcomes. Toward that end, DPCA intends to convene continuing Quality Assurance groups, composed of NYCOMPAS users from across the state. Doing so will not only help to establish NYCOMPAS as an indispensable tool, but will help it evolve to meet the practical needs of line staff while providing accurate indices of offender risk and criminogenic needs.

Appendices

- A. Assessment Report
- B. NYCOMPAS, Scale Scores Obtained from Each Scale Set
- C. NYCOMPAS Scale Set Usage, Preliminary
- D. NYCOMPAS-Based Initial Supervision Classification, Preliminary Guidance
- E. Criminal Justice Consent to Release Information Form

COMPAS Probation Risk Assessment

Offender: **Joe Sample**

DOB: **2/2/1950**

Gender: **Male**

Screening Date: **9/13/2007**

Screener: **Hellem, Dan**

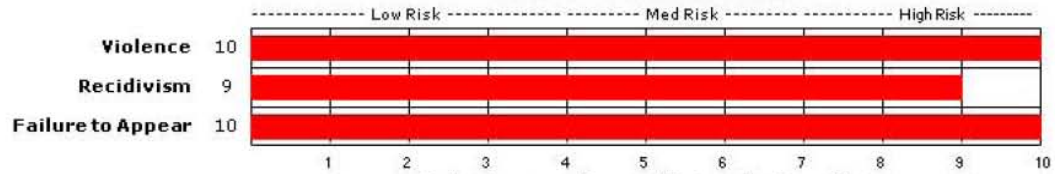
Ethnicity: **Native A**

Scale Set: **DMB-PSI**

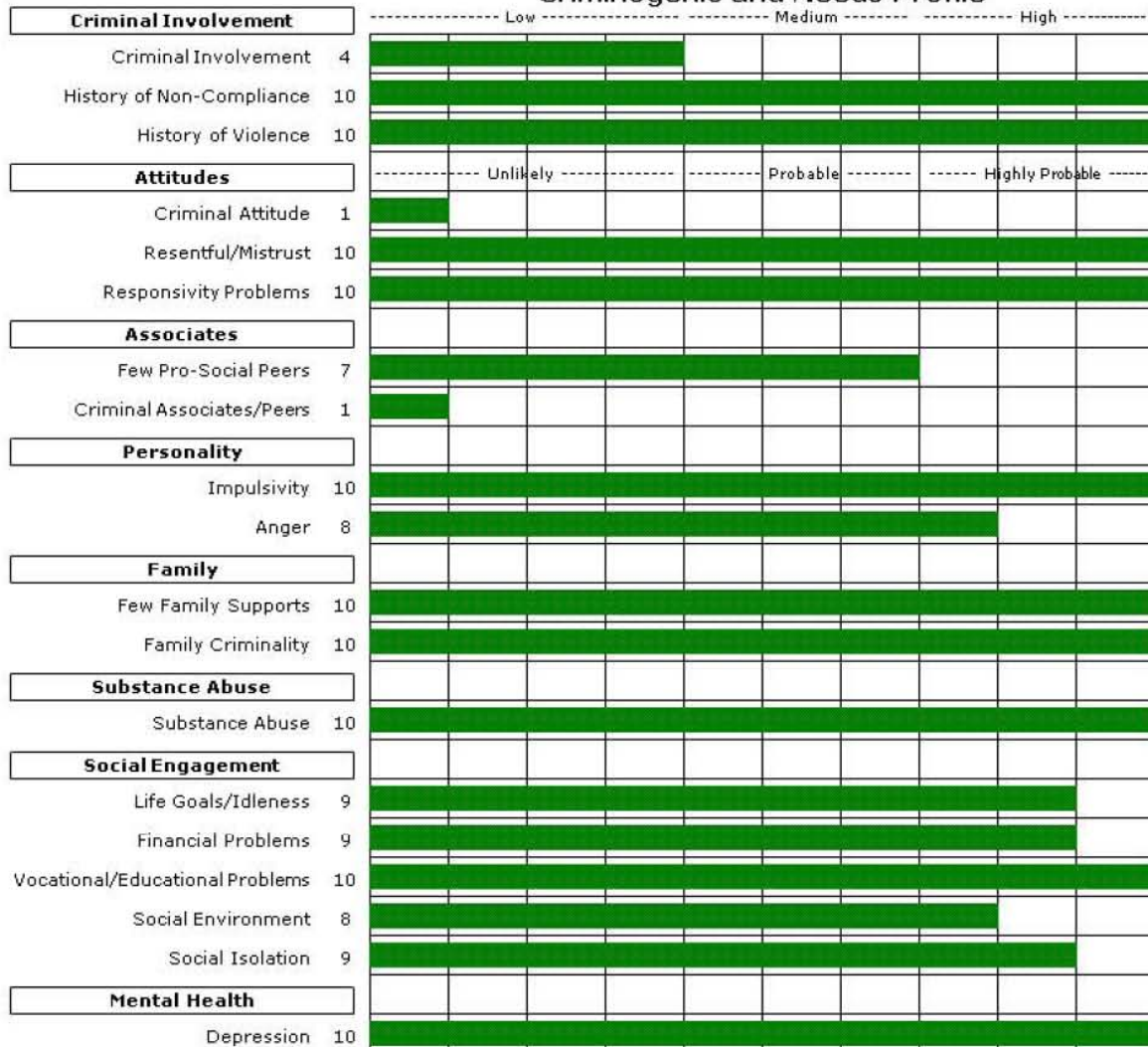
Case: **009943**

Marital Status: **Single**

Overall Risk Potential



Criminogenic and Needs Profile



NYCOMPAS
Scale Scores Obtained from Each Scale Set

	Risk/Need Scale Reported	Scale Set Name					
		Pre-Trial (13 items)	Violence and Recidivism w/Substance Abuse (22 items)	Screeener Input Only (29 items)	Screeener Input w/ Recidivism (39 items)	Cognitive (46 items)	Full COMPAS Assess- ment (95 items)
Overall Risk	Failure to Appear	X					X
	Violence		X	X	X		X
	Recidivism		X		X		X
Criminal Involvement	Criminal Involvement		X	X	X		X
	History of Non-Compliance			X	X		X
	History of Violence			X	X		X
Attitudes	Criminal Attitude			X	X	X	X
	Resentful/Mistrust					X	X
	Responsivity Problems			X	X		X
Associates	Few Pro-Social Peers			X	X		X
	Criminal Associates/Peers			X	X		X
Personality	Impulsivity					X	X
	Anger					X	X
Family	Few Family Supports			X	X		X
	Family Criminality			X	X		X
Substance Abuse	Substance Abuse		X	X	X		X
Social Engagement	Life Goals/Idleness					X	X
	Financial Problems						X
	Vocational/Educational Problems		X		X		X
	Social Environment			X	X		X
Mental Health	Social Isolation					X	X
	Depression			X	X		X

PRELIMINARY GUIDANCE AS TO SCALE-SET USAGE

The "Pre-Trial" scale set (with 13 questions) is the only scale set to be used for detained offenders being screened for pre-trial release consideration as it excludes questions that are inappropriate to ask offenders prior to a finding or conviction.

The "Violence and Recidivism w/Substance Abuse" scale set (with 22 questions) is the smallest scale set to be used for initial supervision classification and its use replaces the DPCA-70 and 71. It can be used as a transition assessment for probationers who have been under supervision for a period of time (for example, a third of their sentence) without having had a "Full COMPAS Assessment" (essentially, this would act as a reclassification tool for persons who had previously only been assessed with the DPCA-70 Risk Classification instrument) until the Northpointe Case Review instrument is available. It may also be used as a triage or screening instrument, completed during the PSI process, to assist with developing the PSI recommendation.

The "Screeener Input Only" scale set (with 29 questions) is most appropriately used when the Offender Questionnaire was not completed for any reason. It does not meet DPCA's requirements for initial supervision classification decisions because it does not address risk of recidivism. It may, however, be used to guide PSI/PPI recommendations.

The "Screeener Input w/Recidivism" scale set (with 39 questions) may also be used for initial classification decisions (replacing the DPCA-70 and 71). Although it will take slighter longer to administer than the base "Violence and Recidivism w/Substance Abuse" scale set, it will report on more need areas and will facilitate broader, more effective case planning.

The "Cognitive" scale set is based almost entirely (42 of the 46 questions) on the Offender Questionnaire, and should be used solely to: 1) establish baseline cognitive need scores (if not determined using the Full COMPAS), and 2) measure change in the six cognitive need areas addressed by comparing with a prior assessment. Because it does not measure risk of violence and recidivism, usage of this scale does not meet DPCA requirements for initial classification or reclassification purposes.

The "Full COMPAS Assessment" scale set (with 95 questions - half of which are addressed by the offender) also replaces the DPCA-70 and 71 and is the DPCA-preferred scale set to initially assess probation supervision cases because it provides for a more in-depth assessment, provides the full range of available scale scores, and facilitates the creation of a more in-depth assessment and holistic case plan. This scale-set must be chosen and the assessment completed before the COMPAS-assisted Pre-Sentence Investigation functionality will be enabled.

COMPAS Scale-Set Usage, Preliminary

STAGE	STATUS	PRIMARY SCALE-SET ¹	SECONDARY SCALE-SET
Pre-Trial	Release Investigation	Pre-Trial (FTA) Only	
	Pre-Trial Release, Monitoring Only	None	
	Pre-Trial Supervision w/services	Violence + Recidivism with Substance Abuse	
Pre-Plea or Pre-Sentence Investigation	Mandatory Prison	Minimum Required:	Violence + Recidivism with Substance Abuse
		Preferred:	Full COMPAS Assessment
	Prison Optional	Minimum Required:	Violence + Recidivism with Substance Abuse
		Preferred:	Full COMPAS Assessment
	Probation Promised	Minimum Required:	Screener Input with Recidivism
		Preferred:	Full COMPAS Assessment
	Conditional Discharge Promised	Minimum Required:	Violence + Recidivism with Substance Abuse
		Preferred:	Screener Input with Recidivism
No Promises	Minimum Required:	Screener Input with Recidivism	
	Preferred:	Full COMPAS Assessment	
Supervision	Initial Supervision Plan (New Cases after 1/1/08)	Minimum Required:	Violence + Recidivism with Substance Abuse
		Preferred:	Full COMPAS Assessment
	On-Going Supervision Review (New Cases after 1/1/08)	Minimum Required:	Reclassification/Review Instrument ²
	First Supervision Review after 1/1/08 (Cases active before 1/1/08)	Minimum Required:	Violence + Recidivism with Substance Abuse
		Preferred:	Full COMPAS Assessment
	Subsequent Supervision Review after 1/1/08 (Cases active before 1/1/08)	Minimum Required:	Reclassification/Review Instrument ²
New Interstate Supervision Transfers-In	PSI/PPI Completed, No COMPAS	Violence + Recidivism with Substance Abuse	
	PSI/PPI Not Completed	Full COMPAS Assessment	
New Intrastate Supervision Transfers-In	PSI/PPI Completed, No COMPAS	Violence + Recidivism with Substance Abuse	
	PSI/PPI Not Completed, No COMPAS	Full COMPAS Assessment	
	Last COMPAS over 6 months	Reclassification/Review Instrument ²	
	COMPAS within past 6 months	None	

NOTES:

¹Refer to chart entitled "NYCOMPAS, Scale Scores Obtained From Each Scale Set"

²When the Reclassification/Case Review Instrument is made available its use will be required for all Reclassification decisions.

COMPAS-based Initial Supervision Classification Preliminary Guidance

The Classification discussions that follow below appear to emphasize the determination of an initial supervision level based solely on obtained Recidivism and Violence Risk scores. There must be programmatic provision for Probation Officers' professional judgment to factor into a classification decision. This may provide the basis for an override of the assessment instrument results.

COMPAS COMPOSITE (DEFAULT) NORM FOR SUPERVISION RECOMMENDATIONS											
		Violence Risk Decile Score									
		1	2	3	4	5	6	7	8	9	10
Recidivism Risk Decile Score	1	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation		
	2										
	3										
	4										
	5										
	6	Medium Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation		
	7										
	8	Medium Supervision Recommendation (With Override Considerations to High)					Medium Supervision Recommendation		High Supervision Recommendation		
	9										
	10										

1) Intensive Supervision Program (ISP)

Offenders obtaining decile scores of eight (8) to ten (10) are potentially participants in this program. Refer to the specific ISP eligibility criteria.

Current contact requirements (Alternatively Sentenced): eight or more personal contacts per month, on a twice-a-week schedule, and two or more home visits per month. Daily contact with those persons under supervision who are not working, attending school or otherwise fully occupied, and four or more collateral contacts per month.

Current contact requirements (Transition): four or more personal contacts per month, at least one of which must be a home visit, and 6 or more collateral contacts per quarter.

2) Supervision Level 1 and Probation Eligible Diversion (PED)

Offenders obtaining decile scores of eight (8) to ten (10) in **both** violence and recidivism scales should be considered for Level 1 supervision with an emphasis on containment-oriented and surveillance supervision techniques. Regardless of the offenders' scoring, departments may choose to initially place certain high-risk populations (such as sex offenders and domestic violence offenders) in this level.

Current contact requirements: four or more personal contacts per month, at least one of which must be a home visit, and 6 or more collateral contacts per quarter.

3) Supervision Level 2

Offenders obtaining decile scores of eight (8) to ten (10) in **either** the violence or recidivism scale should be considered for Level 2 supervision with possible over-ride to Level 1. Offenders obtaining a decile score of six (6) to seven (7) in **both** violence and recidivism should be considered for Level 2 supervision with a balance between services-oriented programming and control-oriented supervision techniques.

Current contact requirements: two or more personal contacts per month, one or more of which may take place during a home visit, and two or more collateral contacts per quarter.

4) Supervision Level 3

Offenders obtaining decile scores of three (3) to five (5) in both the violence and recidivism scale should be considered for Level 3 supervision.

Current contact requirements: one or more contacts per month with the Probationer and at least one collateral contact per quarter.

5) Supervision Level 4

Offenders obtaining decile scores of one (1) to two (2) in both the violence and recidivism scale should be considered for Level 4 supervision.

Current contact requirements: one or more contacts per month with the probationer via mail, telephone, or technology-assisted reporting system; and one or more collateral contacts per quarter.

6) Case Review / Reclassification

Consistent with current DPCA Rule and Regulation, the cases of all adult probationers are to be reviewed, using the COMPAS Case Review / Reclassification instrument, for possible reclassification every six (6) months. Case events may require temporary reclassification to a different level of supervision at other times during the life of the case, but such temporary reclassifications should be based on the nature of the event (re-arrest, failure to report, etc.) rather than the completion of a new instrument. Essentially, every six (6) months a base supervision level should be (re)established. However, local policy may provide for the completion of a new Case Review at any other specific event or lesser time.

State of New York
OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

**CRIMINAL JUSTICE CONSENT TO RELEASE
INFORMATION**

PATIENT'S/DEFENDANT'S LAST NAME		FIRST	M.I.
IDENTIFICATION NO.		CASE NO.	
FACILITY		UNIT	

INSTRUCTIONS: Prepare one (1) copy for the Patient's Case Record.

I, the undersigned patient/defendant, hereby consent to communication between staff of this facility and the following Criminal Justice Agency(ies)/Person(s): _____

The purpose of this disclosure and the need for this disclosure is to inform the above named Criminal Justice Agency(ies)/ Person(s) of my attendance at, progress in and attitude toward my evaluation and treatment and _____

The extent of information to be disclosed is my diagnosis, information about my attendance or lack of attendance at treatment sessions, my cooperation with the treatment program, my prognosis and _____

I understand that my participation in treatment is a condition of: (check all applicable)

- my release from confinement
- the execution of a sentence imposed upon me
- the disposition of a criminal proceeding against me
- the suspension of a sentence imposed upon me
- another action (Specify): _____

I understand that, unless otherwise specified, this consent will remain in effect and may not be revoked until there has been a formal and effective termination or revocation of my release from confinement and/or parole, probation, final disposition of a conditional release or other action under which I was mandated into treatment.

Duration of consent (if different) _____

Condition(s) for revocation of consent (if different) _____

I also understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations governing confidentiality of alcohol and drug abuse patient records and the recipients of this information may redisclose it only in connection with their official duties.

(Signature of Patient/Defendant)

(Signature of Parent/Guardian, when required)

(Print Name of Patient/Defendant)

(Print Name of Parent/Guardian)

(Date)

(Date)

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Foreword

Why use NYCOMPAS?

With public safety at the core of Community Corrections decision-making we know that offenders who pose the highest risk should be identified and supervised accordingly. An evidence-based approach provides the most reliable assessment of future recidivism, violence, and likelihood of flight. Identification of risk and need factors is the most effective way to make good recommendations as to appropriateness for community-based supervision and appropriate interventions, as well as classification decisions for appropriate levels of supervision.

DPCA strongly encourages probation departments and Alternative to Incarceration (ATI) agencies to develop policy which links specific programming to measurable outcomes. By offering the use of NYCOMPAS, DPCA is making a system of community corrections decision-making and classification support available. This allows probation/ATI practitioners to: identify risk and criminogenic needs; target the appropriate community corrections population; provide services to address the social, psychological, and criminogenic factors impacting offender behavior; and measure the impact of those services on recidivism. With these features in place, probation and ATI programs have an objective basis to assess outcomes and document the effectiveness of community corrections programming. NYCOMPAS has been piloted in New York State and tested for internal reliability and validity (see Section I: DPCA's Involvement with NYCOMPAS).

What does NYCOMPAS do?

- **NYCOMPAS identifies offender risk and need.**

NYCOMPAS is a broad-based, general risk/needs assessment instrument that compiles offense characteristics, criminal history, and other indicators which point to the likelihood of an offender generally complying with conditions of probation and remaining arrest free. It also summarizes the offender's family support network, substance abuse and mental health evaluation needs, education and skills training, financial situation, and social environment. This compilation of information provides an offender profile that delineates his/her strengths and weaknesses. The profile, used together with professional judgment and supplemental information, helps to substantiate recommendations for sentencing dispositions and supervision classification decisions, as well as guide supervision activities within community corrections.

- **NYCOMPAS provides multiple risk scores.**

Multiple risk scores and need dimensions are provided for each offender. Each department or agency has some ability to use the quantitatively-based NYCOMPAS Risk Assessment Report (see Appendix A) to set policies regarding classification based on risk potential; and to tailor a menu of programs and services which target the criminogenic needs of the offender based on the needs section of the profile.

- **NYCOMPAS provides decision support for classification of offenders.**

DPCA Rules and Regulations require that a risk assessment and classification instrument approved by DPCA be used to provide a system of differential supervision for the approximately 125,000 adult offenders under probation supervision (over fifty percent of whom are convicted of felonies), and that a risk/need assessment process be utilized as part of the probation investigation procedure.

- **NYCOMPAS is, at this time, primarily a supervision tool.**

DPCA encourages the use of the NYCOMPAS instrument at critical decision-making junctures. It is a documentation system which can assist probation departments in managing their supervision resources by measuring offender risk on a ten point (decile) scale in three areas: violence, recidivism, and failure to appear, and evaluating the presence of up to 19 criminogenic need areas. Further, once these areas have been evaluated, NYCOMPAS provides functionality that allows the user to develop a case plan to address the greatest criminogenic need areas.

- **NYCOMPAS provides critical case management information.**

By facilitating assessment of the defendant's social functioning in the areas of work/school, the home, the community, and within the peer group, NYCOMPAS provides support for level of supervision classification decisions. The newly released Case Review / Reclassification Instrument will allow periodic review as to case progress and possible re-classification to different supervision levels.

What does NYCOMPAS NOT do?

- **NYCOMPAS does not replace the judgement of a trained and experienced professional.**

The results of a NYCOMPAS assessment are based on statistical predictions for a *group* of New York probationers having relatively the same characteristics. However, persons within any group will have *individual* strengths and needs that are not common to the group as a whole. The professional must take these differences into account to properly assess risk, identify supervision and service needs, and classify into an appropriate supervision level.

- **NYCOMPAS does NOT, by itself, reliably predict risk for offenders engaging in Domestic Violence, Sex Offense, Substance Abuse (including alcohol-related driving) crimes or for the Mentally Ill offender.**

As noted earlier, NYCOMPAS is a broad-based risk assessment instrument. Although these special populations were included in the validation populations, the varied and diverse factors underlying substance abuse, domestic violence, and sexual offending, still make it necessary to

supplement the NYCOMPAS assessment with narrow-band assessment instruments that have been developed exclusively for and validated on those offender populations.

What are the Benefits of using NYCOMPAS?

- NYCOMPAS can help increase cost effectiveness in departmental operations by assuring that probationers are assigned to the appropriate supervision level.
- NYCOMPAS provides a structure that helps to ensure the collection of specific, relevant, and consistent information from all offenders.
- NYCOMPAS provides a performance-based methodology to assist community corrections professionals in determining the optimal use of state and local dollars, while at the same time promoting a system for graduated sanctions and appropriate provision of services.
- NYCOMPAS provides the rationale for offender classification, and reclassification. Research on performance measurement has demonstrated that performance-based outcome measures can best be understood within the context of offender classification.
- NYCOMPAS provides a framework for program evaluation. Measurement of program performance is best understood within a context of the dynamic and descriptive profiles of the clients managed, the services needed, and those services provided.

Section I. The Role of DPCA and Community Corrections Agencies using NYCOMPAS

In 1999, DPCA personnel and county probation directors chose Northpointe to develop a risk and needs assessment tool (based on the Microsoft Access database software) unique to New York State. Accordingly, NYCOMPAS pilot projects were conducted in four counties and the data collected during this phase of the project was used to empirically validate the assessment instrument. After completion of the study, select local probation departments and alternative to incarceration programs began full implementation of NYCOMPAS early in calendar year 2001 and 2002.

In mid-2005, so as to respond to feedback from the field requesting more of an emphasis on professional judgement and official data, and to make use of the efficiencies afforded by emerging web-based software and hardware technologies, DPCA and Northpointe undertook a rebuilding of the instrument. A workgroup composed of representatives from various probation departments reformulated the questions, and Northpointe re-developed the software. In November 2006, the probation departments involved in the reformulation began piloting use of the new assessment instrument and Northpointe made modifications as suggested by the user feedback. DPCA's goal is to provide departments with a valid risk / needs assessment tool, at no-local-cost, that will replace the DPCA-70 series of risk / needs instruments.

However, NYCOMPAS is developing beyond being one assessment instrument – it is becoming a suite of products of use to the corrections professional. In addition to its assessment function, NYCOMPAS has a case planning module that allows the user to plan local services that address assessed needs.

Further, completion of the “Full” Assessment instrument enables the user to automatically create a “springboard” Pre-Sentence Investigation that pre-populates a totally editable report format with narrative from the assessment results. This reporting functionality will continue to be refined in collaboration with local probation departments.

In October 2008, a new Case Review / Reclassification Instrument will be made available. In the near future, other types of assessment instruments will be made part of the NYCOMPAS suite. NYCOMPAS is a tool for probation that will evolve and grow as research and practice dictates.

The following information will provide an overview of selected decision points where NYCOMPAS may be applied, and DPCA's requirements for use of this automated system.

A. Developing a Decision-Support System with NYCOMPAS

New York's criminal justice system is complex. Offender populations, court procedures, county service delivery systems, graduated sanctions, and the public's willingness to support community corrections vary throughout the state. Decision-making practices vary as well. The use of the NYCOMPAS assessment instrument provides a structured, consistent approach to decision making. The following examples illustrate how NYCOMPAS may be integrated into the decision making processes:

<u>Decision Point</u>	<u>Application of NYCOMPAS</u>
Pre-Trial Release:	Assess NYCOMPAS Failure to Appear potential (in compliance with New York Criminal Procedural Law § 510.30.02(b)).
Interim Probation Supervision:	NYCOMPAS risk and needs scales provide information for the court report and interim supervision case planning.
Deferred Sentencing:	NYCOMPAS summary report assists in determining appropriate conditions of supervision for recommended use during the deferment period.
Pre-Plea/Pre-Sentence Recommendations:	NYCOMPAS identifies offender's strengths and areas of criminogenic need.
Differential Supervision Classification:	Certain sub-scales of NYCOMPAS are authorized by NYS DPCA as risk/need assessment instruments to assist in level of supervision decisions.
Periodic Reassessment of Supervision Status:	NYCOMPAS will provide the ability to conduct Case Reviews/Reclassification using a new instrument which measures changes (dynamic factors) in the offenders' lives since the last assessment and provides a recommendation as to change in classification level.
Violation of Probation Recommendations:	The NYCOMPAS Case Review/Reclassification instrument will provide new information on dynamic factors to indicate any changes of the individual's risk level. Violations, whether technical or new

conviction, can be viewed within the context of measured positive or negative changes in criminogenic factors.

Substance Abuse and Mental Health:

The Mental Health (for depression only) and the Substance Abuse scales indicate when referral for an evaluation might be warranted.

B. Description of NYCOMPAS

NYCOMPAS has, thus far, evolved into a series of assessments from a larger, singular assessment instrument generally referred to as the “Full Scale” Assessment. This instrument is composed of 95 questions in two major sections: the first for Screener input (with 47 questions) and the second an Offender Questionnaire (with 48 questions). Completing this assessment will provide a graphic Assessment Report that provides scores for the three Risk areas (reported by red bars on the chart) and the 19 Need areas (reported by green bars on the chart). Please refer to Appendix A for an example of this report.

As of this date, several smaller instruments or scale sets have been derived from the larger “Full Scale” NYCOMPAS. Each scale set provides scores on different Risk areas and Need areas.

Please Refer to Appendix B for Detail as to Which Risk/need Scores Are Provided by Each Scale Set.

Scale Set	Description
Pre-Trial	(13 questions) the only scale set to be used for detained offenders being screened for pre-trial release consideration as it excludes questions that are inappropriate to ask offenders prior to a finding or conviction.
Violence and Recidivism w/Substance Abuse	(22 questions) the smallest scale set to be used for initial supervision classification and it replaces the DPCA-70 and 71. It can be used as a transition assessment for probationers who have been under supervision for a period of time (for example, a third of their sentence) without having had a "Full COMPAS Assessment" (essentially, this would act as a reclassification tool for persons who had previously only been assessed with the DPCA-70 Risk Classification instrument) until the Northpointe Case Review instrument is available. It may also be used as a triage or screening instrument, completed during the PSI process, to assist with developing the PSI recommendation.
Screener Input Only	(29 questions) most appropriately used when the Offender Questionnaire was not completed for any reason. It does not meet DPCA's requirements for initial supervision classification decisions because it does not address risk of recidivism. It may,

Scale Set	Description
	however, be used to guide PSI/PPI recommendations.
<p> Screener Input w/Recidivism</p>	<p>(39 questions) may also be used for initial classification decisions (replacing the DPCA-70 and 71). Although it will take slightly longer to administer than the base "Violence and Recidivism w/Substance Abuse" scale set, it will report on more need areas and will facilitate more effective case planning.</p>
<p> Cognitive</p>	<p>is based almost entirely (42 of the 46 questions) on the Offender Questionnaire, and should be used solely to: 1) establish baseline cognitive need scores (if not determined using the Full COMPAS), and 2) measure change in the six cognitive need areas addressed by comparing with a prior assessment. Because it does not measure risk of violence and recidivism, usage of this scale does not meet DPCA requirements for initial classification or reclassification purposes.</p>
<p> Full COMPAS</p>	<p>(95 questions - half of which are addressed by the offender) replaces the DPCA-70 and 71 and is the DPCA-preferred scale set to initially assess probation supervision cases because it provides for a more in-depth assessment, provides the full range of available scale scores, and facilitates the creation of a more in-depth assessment case plan. This scale-set must be chosen and the assessment completed before the NYCOMPAS-assisted Pre-Sentence Investigation functionality will be enabled.</p>

Section II. DPCA Guidelines for Use of NYCOMPAS Risk/Need Modules

A. General Guidelines

- NYCOMPAS should never be the sole source of information used for release recommendations. The NYCOMPAS assessment instrument is to be interpreted in conjunction with other relevant information obtained during fact-finding processes and used as a decision-support mechanism. Professional judgement remains extremely important.
- NYCOMPAS should NOT be administered to persons under the age of 17 (seventeen) as it is oriented toward more independent adults. Rather, the YASI (Youth Assessment Screening Instrument) should be used for the under 17 year-old population as YASI is valid, reliable and used for offenders up to age 18 in most other states.
- NYCOMPAS is designed to provide risk assessments of the likelihood of violence, recidivism and failure to appear. Although DPCA provides general guidance in Appendix D as to the classification of offenders to supervision levels given the risk scores obtained, each jurisdiction should consider developing local guidelines that more closely align with the community resources available and the judicial temperament of the jurisdiction. For example, one department conducting a Pre-Sentence Investigation might consider an offender who scores in the 9th percentile for violence and recidivism as a candidate for its Intensive Supervision Program. Whereas, another department would recommend incarceration.

**Please Refer to Appendix D for Preliminary Supervision Classification
Cut-Off Points Set by DPCA.**

- NYCOMPAS risk prediction functions as an estimate of future behavior, based upon the past behavioral indicators of groups. Therefore, prediction of individual behavior should be interpreted with caution.
- NYCOMPAS is not to be used as the sole resource in the identification of risk/need in the area of **Substance Abuse (including alcohol-related offenses), Sex Offenders, Domestic Violence, or Mental Illness**. Rather, instruments specific to those types of offenders should be used in conjunction with the NYCOMPAS instrument.
- NYCOMPAS does not contain clinical needs assessment dimensions specifically focusing on mental health or substance abuse. Offenders should be referred to appropriate professionals for mental health, substance/alcohol abuse, or sex offender evaluation, when appropriate. The NYCOMPAS health-related scales

serve as screening tools for a referral for an in-depth evaluation by a licensed professional.

- If the NYCOMPAS assessor suspects or is presented with evidence of domestic violence, a thorough investigation should be conducted. Please see “Model Policy” for Probation procedures for domestic violence investigations and reports (available from the Probation Services Suite of eJusticeNY), which provides guidance for the handling of domestic violence cases.
- A policy regarding sharing of NYCOMPAS information should be established by each department.
- Northpointe presents the NYCOMPAS assessment instrument as a decision support process. Northpointe recommends that the NYCOMPAS report not be shared with untrained people or NYCOMPAS findings presented as the sole source of information. If, however, the NYCOMPAS report is to be shared with the court, district attorney, or the defendant’s attorney, it is advised that representatives of these authorities be provided with an orientation to the NYCOMPAS assessment instrument.
- Engaging the offender: It should be explained to the offender that NYCOMPAS does not determine punishments or sanctions; these decisions are made by the court using a legal framework provided by the Criminal Procedure Law, Penal Law, and other New York statutes.

NYCOMPAS can be described to the offender as an inventory of their social history and treatment needs — the purpose being to provide assistance in making decisions regarding their case. The offender should be advised that honest responses are to their benefit and that these answers help to assure that valid and effective case management and treatment decisions are made.

It is highly recommended that offenders complete the Offender Questionnaire in a relatively controlled environment so that offenders’ questions about the instrument can be addressed immediately and the possibility of inaccurate responses can be minimized.

Under certain circumstances the offender’s completion of the NYCOMPAS questionnaire may be voluntary. In other settings it may be required. Departments may choose to develop a statement to introduce NYCOMPAS to the defendant, such as: “So as to assist us in helping you satisfy the charges or sentence you currently face, we are asking you to answer the following questions to the best of your knowledge”.

B. Law, Rules and Standards for use of NYCOMPAS

1. Use of NYCOMPAS in Pre-Trial Release Programs

The **DPCA Pre-Trial Release Program Standards** state that:

“Article 510 of the Criminal Procedure Law authorizes criminal courts to release defendants on their own recognizance. Article 510 provides the legal parameters which a judge should employ in determining whether to release a defendant on his or her own recognizance, or to set bail.”

The **only** scale that should be used with the Pre-Trial population is the **Failure to Appear** risk scale, consisting of questions related to criminal history and residential stability. Other scale sets are not appropriate for this population because they may contain questions related to the offense (such questions are prohibited at the pre-trial stage), and may be unrelated to the likelihood of a defendant appearing in court.

The Standards include the following important principles for assessing pre-trial risk:

- “Service to pre-trial detainees should include interviews of all detained defendants using a standardized interview format and an objective approach to determine eligibility for release.”¹
- “Criteria for release eligibility shall be based on valid, reliable predictors of the defendant’s return to court.”²
- Pre-trial release programs shall establish policies and procedures for cases where an override of the risk assessment instrument is being considered. The reasons for deviating from the risk assessment are to be recorded in the case record.³

¹Pre-Trial Release Services Standards. New York State Division of Probation and Correctional Alternatives. March 2007 (p. 4). The Pre-Trial Release Services Standards provide that: “Pretrial service programs should conduct universal screening using a standardized interview format and objective approach (e.g., point scale) to determine eligibility for release.”

²Ibid. (p. 14). The above mentioned Services Standards revision maintains this language.

³Ibid. (p. 15). The Services Standards revision provides that:
“4. Programs shall establish policies and procedures consistent with these Standards for cases where the risk assessment instrument is overridden.
5. Reasons for deviating (i.e., overrides) from the risk assessment shall be recorded in each case.”

2. Use of NYCOMPAS in Interim Probation Supervision Programs

Criminal Procedure Law Section 390.30(6) authorizes the use of Interim Probation Supervision (IPS):

“In any case where the court determines that a defendant is eligible for a sentence of probation, the court, after consultation with the prosecutor and upon the consent of the defendant, may adjourn the sentencing to a specified date and order the defendant be placed on interim probation supervision.”

Interim Probation Supervision Guidelines were issued by DPCA effective April 26, 2000. DPCA guidelines state that:

“Interim Probation Supervision (IPS) should provide relevant information to assist courts in making sound sentencing decisions, that will incorporate graduated sanctions and services, in the interests of public safety and offender rehabilitation. A record of compliance with interim conditions and other relevant information is to be included in the pre-sentence report or the pre-sentence supplemental report, for the review and consideration of the court when pronouncing the sentence.”

“Interim Probation Supervision is an investigative and sentencing tool to assist public officials and the court in determining whether a sentence of probation is consistent with the interest of justice.”

Questions asked in the NYCOMPAS format assist information gathering. The result is a clear visual report/profile that can be used to guide the professional making recommendations to the court. Consideration as to IPS eligibility should address, at a minimum, the following areas: the criminal history of the defendant, the current criminal offense, community ties and likelihood of compliance with supervision conditions, assessment of the defendant’s risk to the community, and the defendant’s need for rehabilitative services. While the law does not require a pre-plea or pre-sentence investigation prior to judicial imposition of Interim Probation Supervision, it is preferable that local probation agencies be involved initially and that probation prepare a report of relevant information prior to the imposition of IPS.

3. Use of NYCOMPAS in Deferred Sentencing Programs

Deferred sentencing, available for Alternative Sentencing programs, is sanctioned by the **Criminal Procedure Law** Section 400.10(4), which provides that:

“After conviction and prior to sentencing the court may adjourn sentencing to a subsequent date and order the defendant to comply with any of the conditions contained in paragraphs (a) through (f) and paragraph (1) of subdivision two of section 65.10 of the penal law. In imposing sentence, the court shall take into consideration the defendant’s record of compliance with pre-sentence conditions ordered by the court.”

The NYCOMPAS summary report may assist agencies in determining appropriate conditions for participation in the program and in case management planning.

4. Use of NYCOMPAS in the Pre-Plea and Pre-Sentence Investigation⁴

Section 350.3 of Title 9NYCRR (July 10, 2006), provides that: “The objective of the investigation and report is to provide the court with relevant and reliable information, in a succinct analytical presentation for decision making. Also to assist dispositional and regulatory agencies that are entitled to access, with information for immediate and future decision making purposes with respect to placement/incarceration, services and program delivery.”

Section 350.6 (c)(2) provides that: “All in-person interviews shall be directed toward obtaining and clarifying relevant information and making observations of the defendant’s/respondent’s behavior, attitudes and character.”

Section 350.6(c)(2) provides that: “The investigating officer shall assess the respondent’s / defendant’s risk of recidivism, criminogenic need areas, and protective factors (assets / strengths) related to legal history, family and environment, education and employment, physical and mental health, attitudes, and cognitive skills.”

Section 350.7 (a) provides that: “the report shall contain relevant and reliable information that may have a bearing upon the recommendation or court disposition / sentence as well as any information directed by the court.” Information related to: the defendant’s marital status; spouse, parents, living arrangements, current and prior employment, economic status, ability to make restitution, education, training, professional licenses, military status, current and previous physical and mental health, drug, alcohol

⁴ The citations in this section can be found in DPCA’s Rules and Regulations, Part 350 (Investigations and Reports) which are available at www.dpca.state.ny.us

or gambling history and any previous social assistance or treatment may be deemed relevant.

Much of the information needed for preparation of a pre-plea or pre-sentence report can be obtained using the NYCOMPAS assessment process. Departments may complete all of the scales at the time of the pre-plea or pre-sentence interview to assist in determining appropriate conditions for supervision and to become more aware of the offender's specific strengths and areas of need. The probation officer or ATI professional who ultimately supervises the offender can then quickly and effectively begin supervision planning as soon as the case is assigned.

5. Use of NYCOMPAS in the Supervision of Persons Sentenced to or Placed on Probation

The rules governing the provision of supervision services which can be found in **Section 351 of 9NYCRR** (August 26, 1998) are provided below:

Section 351(j) defines **Needs Assessment** as the “standardized procedures, which identify the probationer's behavior or life situation which, if not addressed, could impede rehabilitation or promote continued illegal behavior. The probationer shall be encouraged to participate in the needs assessment process.”

Section 351.3(a) requires a process for the Classification of Probationers. “Each probation director shall use a selection or classification process in conformity with local practice approved by the State Director of Probation and Correctional Alternatives. Some cases may require placement in a supervision level different from that indicated by the classification process. In those instances, the reason for placement in a classification level higher or lower than that indicated by the classification process shall be documented in the case record, and conform to criteria approved by the local director of probation.”

Part 351(d) defines **classification** as the “specification of the type and frequency of contact between probation officer and probationer in accordance with particular criteria and procedures, which will determine the required level of supervision.”

Part 351.3(b) states that “An assigned probation officer shall complete the following activities within 30 business days of the first meeting with the probationer: (1) the classification of the probationer's level of supervision; (2) the needs assessment process...”

Part 351.4(1) states that “each probation department shall classify its non-ISP supervision caseload into four categories based upon a probationer's/respondent's likelihood of successful completion of probation and/or risk to the community. The reason for such classification shall be recorded in the official case record. The classification categories of supervision will be: level I, level II, level III and level IV...”

Part 351.4(b)(2) states, that “the level of supervision for any previously-classified case shall be evaluated for revision at supervision appropriate time frames based upon any classification process approved by the State Director of Probation and Correctional Alternatives. Supervision Level 4 probationers (absconders, intrastate, interstate, dual supervision and incarceration cases) may be reclassified without the utilization of the reclassification process. Classification of each probationer/respondent shall be reviewed and documented in the case record at the conclusion of each supervision report period by a probation officer or supervisor.”

Part 351.4(c) states that “All cases supervised in ISP shall be supervised at the alternatively-sentenced level for at least the first six months of supervision.”

a. Initial Classification: The determination of risk and the classification of offenders are the primary purposes identified for the use of NYCOMPAS. In New York State, the NYCOMPAS instrument is authorized by DPCA to be used in lieu of any previous needs assessment instrument or scale.

The risk and need scales displayed in the NYCOMPAS Assessment Report may, in conjunction with the Supervision Recommendation Matrix (see below), be used to assist in deciding the level of supervision most appropriate for each offender.

COMPAS COMPOSITE (DEFAULT) NORM FOR SUPERVISION RECOMMENDATIONS												
		Violence Risk Decile Score										
		1	2	3	4	5	6	7	8	9	10	
Recidivism Risk Decile Score	1	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	2	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	3	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	4	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	5	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	6	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	7	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	8	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	9	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			
	10	Minimum Supervision Recommendation					Medium Supervision Recommendation		High Supervision Recommendation			

To arrive at the recommended supervision level, the officer locates the offender's Violence Risk score column along the top of the matrix, and the offender's Recidivism Risk score row along the left side of the matrix. Where these two values meet is in a colored area that presents the NYCOMPAS recommended supervision level.

Please refer to Appendix D to translate NYCOMPAS Risk scores to the appropriate New York State Supervision Levels.

Please be aware that NYCOMPAS does not presently have specific scales dealing with physical health needs, sexually deviant behavior, substance/alcohol abuse, or domestic violence. Probation or ATI staff should consider referral for professional and more specific evaluation in these areas when they believe further information is needed to appropriately assess and supervise an offender. Scores obtained on the Substance Abuse and Mental Health (depression only) scales are to be considered as "flags" that may indicate the need for further evaluation.

b. Case Review and Reclassification:

The newly developed NYCOMPAS Case Review / Reclassification Instrument should be used in reclassification decisions because of its ability to incorporate dynamic or changing factors in offender circumstances since the time of the last assessment.

In an Intensive Supervision Program (ISP) unit, after six months of Alternatively Sentenced supervision, the NYCOMPAS Case Review instrument is to be used as a decision support system to determine if the case is ready to be stepped down to transition status for the next three months.

When a locality uses NYCOMPAS for reclassification, local departmental policies for reclassification of probationers should be reviewed and specific reference to the use of NYCOMPAS incorporated into them, after review of the decision rules included within the Reclassification Module. For example, NYCOMPAS provides for certain generic over-rides. Local policies should reflect those over-ride options, specify when to use each option, and when to document more specific reasons for the over-ride.

6. Confidentiality

DPCA provides the following information as a means of guidance for local probation departments and ATI programs when determining how and when the information obtained during the NYCOMPAS assessment process may be disseminated.

a. Confidentiality in Pre-Trial Services: At the time of the initial interview, a detainee shall be clearly advised of the potential uses of the information offered so that he or she may make a **voluntary** decision whether to participate in the pre-trial release interview. **The detainee is to be advised that answering the NYCOMPAS questionnaire is voluntary during the pre-trial interview.**

Pre-Trial Service Standards were issued by DPCA in November of 2003 and a revised version released in early 2007.

The Standards state that: “Information obtained during the course of the pre-trial release services investigation and during post-release supervision shall remain confidential and shall not be disclosed unless authorized by these Standards, New York State/Federal Law or regulations (e.g. HIPAA - Health Insurance Portability and Accountability Act). Any disclosure of pre-trial services information shall be limited to the minimum information necessary to carry out the purpose of such disclosure.”

The information obtained through the use of the NYCOMPAS assessment instrument, is covered by these standards and thus shall remain confidential.

b. Confidentiality of Pre-Sentence Reports and Memoranda: The information gathered during the NYCOMPAS assessment process and contained in the report is not intended for dissemination beyond the local probation department and the sentencing court. As noted below, exceptions must be specifically required or permitted by statute or specific authorization of the court.

The confidentiality of Pre-sentence reports and memoranda are covered in the **Criminal Procedure Law section 390.50(1)**, which states,

“Any pre-sentence report or memorandum submitted to the court pursuant to this article and any medical, psychiatric or social agency report or other information gathered for the court by a probation department or submitted directly to the court, in connection with the question of sentence is confidential and may not be made available to any person or public or private agency except where specifically required or permitted by statute or upon specific authorization of the court.”

c. Confidentiality of NYCOMPAS information for those currently under probation supervision:

i. NYCOMPAS Assessments: Authors of the NYCOMPAS indicate that the information gathered during the NYCOMPAS assessment process

and contained in the case file is not intended for dissemination beyond the local probation department and the sentencing court. Exceptions must follow policy established by the agency to share NYCOMPAS information to those trained in understanding the NYCOMPAS protocol, and such policies must conform to DPCA Rules and Regulations, Part 348 (Case Record Management).

ii. Substance Abuse Behavior and Treatment Information about those currently under Supervision: NYCOMPAS information is primarily obtained directly from the offender and from official records. A substance abuse scale is included in the needs identification. While a NYCOMPAS report may suggest the need for further substance abuse evaluation, the authors do not recommend that the NYCOMPAS report be shared with the substance abuse treatment provider without appropriate education about the instrument.

However, at the time of Pre-Sentence Investigation preparation and classification/ reclassification decision-making, probation agencies may have a need to obtain substance abuse evaluation and treatment information directly from the treatment agencies. Participation in court-ordered treatment is a dynamic factor which is measurable during the supervision period.

As a general practice, probation agencies ask the offender to provide consent for release of information from the identified treatment agency to the probation department and the court either at the time of the pre-sentence investigation or at the time of sentence to probation. The **Criminal Justice Consent for Release of Information** (see Appendix E for a copy) is an irrevocable consent which terminates only when treatment involvement ends or the period of probation ends.

Following this practice, probation agencies may obtain treatment information directly from referral agencies for a NYCOMPAS assessment whether used for initial classification or reclassification. **Please note that re-disclosure, or the sharing of treatment information once received by the probation department or the court is prohibited without separate additional consent.**

Confidentiality for substance abuse treatment clients is discussed in a document provided by the Legal Action Center entitled, **Confidentiality and Communication**, 2000 Edition⁵.

d. Confidentiality in Drug Court: The document **Confidentiality and Communication**, 2000 Edition, states that:

“Information can be shared among parties involved in the Drug Court as

⁵Legal Action Center. Confidentiality and Communication: A Guide to the Federal Drug and Alcohol Confidentiality Law, 2000 Edition.

long as basic protocols are implemented in accordance with the regulation's requirements." (p.79)

The document stipulates that federal regulations are implicated if:

“(1) An entity of the drug court receives or discloses information about a patient from program covered by confidentiality law and /or

(2) An entity in the drug court meets the definition of a program itself, because it receives federal assistance and provides one or more of the specialized services – alcohol or drug abuse diagnosis, treatment or referral for treatment.” (p. 80)

Because the structure of Drug Courts varies from one jurisdiction to another, the establishment of basic protocols for sharing information will help the court run smoothly and effectively. However, Drug Courts' information requirements for risk/need may be assisted by use of the NYCOMPAS (including the substance abuse scale). In addition to obtaining information directly from the offender, the Drug Court may require the offender to provide consent using the **Criminal Justice Consent for Release of Information** to obtain necessary evaluation and treatment reports.

As noted above, the NYCOMPAS authors do not recommend that the NYCOMPAS report be shared with the substance abuse treatment provider without appropriate education about the instrument. Please note also that re-disclosure, or the sharing of treatment information once received by the Drug Court is prohibited without separate additional consent.

Localities are advised to review the document **Confidentiality and Communication**, 2000 Edition, and to consult Agency Counsel or the County Attorney when promulgating local policy and procedure for the use of substance abuse information obtained through the NYCOMPAS assessment process.

Afterword

As the field of community-based corrections moves toward operationalizing the concepts of evidence-based practice, it falls incumbent on the field to implement the foundation of effective practice — the objective assessment of the risk posed by individual offenders, and the identification of their needs that must be addressed to reduce recidivism.

The Division of Probation and Correctional Alternatives believes that NYCOMPAS provides just that foundation for community-based correctional practice and management in New York State. By so doing, NYCOMPAS will be the springboard which will help launch community corrections toward the statewide use of evidence-based practices in the criminal court arena.

The current version is not, however, the final product. Evidence-based practices require on-going review, evaluation, and evolution to ensure that they are achieving the desired outcomes. Toward that end, DPCA intends to convene continuing Quality Assurance groups, composed of NYCOMPAS users from across the state. Doing so will not only help to establish NYCOMPAS as an indispensable tool, but will help it evolve to meet the practical needs of line staff while providing accurate indices of offender risk and criminogenic needs.

Appendices

- A. Assessment Report
- B. NYCOMPAS, Scale Scores Obtained from Each Scale Set
- C. NYCOMPAS Scale Set Usage, Preliminary
- D. NYCOMPAS-Based Initial Supervision Classification, Preliminary Guidance
- E. Criminal Justice Consent to Release Information Form

COMPAS Probation Risk Assessment

Offender: **Joe Sample**

DOB: **2/2/1950**

Gender: **Male**

Screening Date: **9/13/2007**

Screener: **Hellem, Dan**

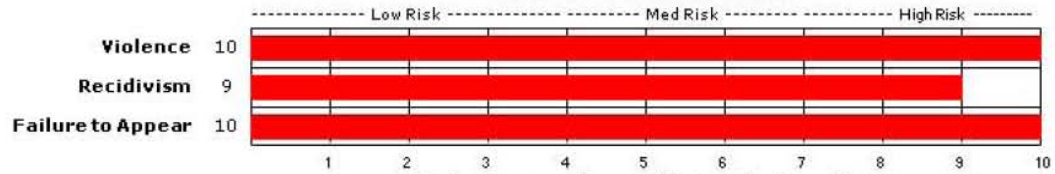
Ethnicity: **Native A**

Scale Set: **DMB-PSI**

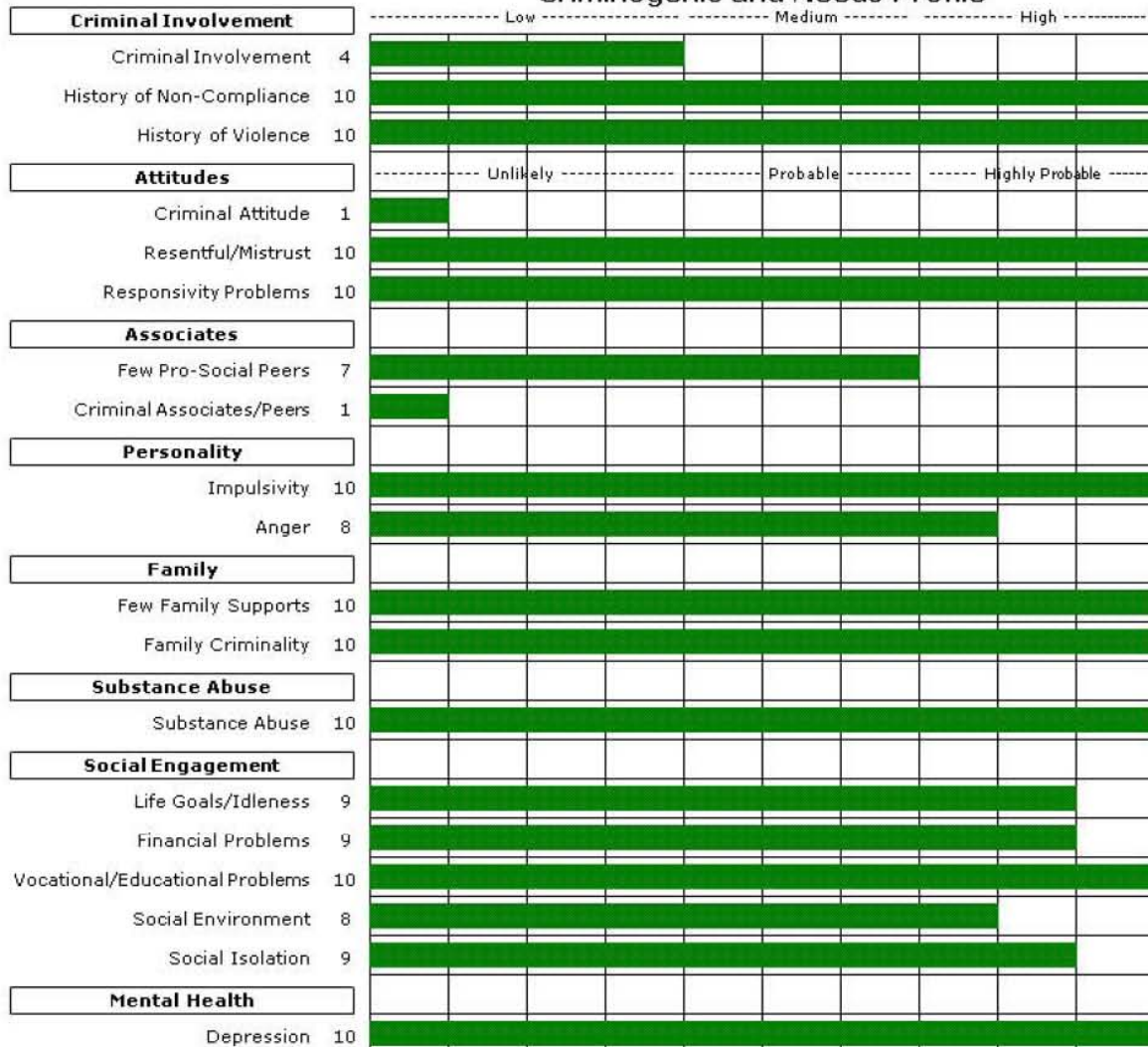
Case: **009943**

Marital Status: **Single**

Overall Risk Potential



Criminogenic and Needs Profile



**NYCOMPAS
Scale Scores Obtained from Each Scale Set**

	Risk/Need Scale Reported	Scale Set Name					
		Pre-Trial (13 items)	Violence and Recidivism w/Substance Abuse (22 items)	Screener Input Only (29 items)	Screener Input w/ Recidivism (39 items)	Cognitive (46 items)	Full COMPAS Assess- ment (95 items)
Overall Risk	Failure to Appear	X					X
	Violence		X	X	X		X
	Recidivism		X		X		X
Criminal Involvement	Criminal Involvement		X	X	X		X
	History of Non-Compliance			X	X		X
	History of Violence			X	X		X
Attitudes	Criminal Attitude			X	X	X	X
	Resentful/Mistrust					X	X
	Responsivity Problems			X	X		X
Associates	Few Pro-Social Peers			X	X		X
	Criminal Associates/Peers			X	X		X
Personality	Impulsivity					X	X
	Anger					X	X
Family	Few Family Supports			X	X		X
	Family Criminality			X	X		X
Substance Abuse	Substance Abuse		X	X	X		X
Social Engagement	Life Goals/Idleness					X	X
	Financial Problems						X
	Vocational/Educational Problems		X		X		X
	Social Environment			X	X		X
Mental Health	Social Isolation					X	X
	Depression			X	X		X

PRELIMINARY GUIDANCE AS TO SCALE-SET USAGE

The "Pre-Trial" scale set (with 13 questions) is the only scale set to be used for detained offenders being screened for pre-trial release consideration as it excludes questions that are inappropriate to ask offenders prior to a finding or conviction.

The "Violence and Recidivism w/Substance Abuse" scale set (with 22 questions) is the smallest scale set to be used for initial supervision classification and its use replaces the DPCA-70 and 71. It can be used as a transition assessment for probationers who have been under supervision for a period of time (for example, a third of their sentence) without having had a "Full COMPAS Assessment" (essentially, this would act as a reclassification tool for persons who had previously only been assessed with the DPCA-70 Risk Classification instrument) until the Northpointe Case Review instrument is available. It may also be used as a triage or screening instrument, completed during the PSI process, to assist with developing the PSI recommendation.

The "Screener Input Only" scale set (with 29 questions) is most appropriately used when the Offender Questionnaire was not completed for any reason. It does not meet DPCA's requirements for initial supervision classification decisions because it does not address risk of recidivism. It may, however, be used to guide PSI/PPI recommendations.

The "Screener Input w/Recidivism" scale set (with 39 questions) may also be used for initial classification decisions (replacing the DPCA-70 and 71). Although it will take slightly longer to administer than the base "Violence and Recidivism w/Substance Abuse" scale set, it will report on more need areas and will facilitate broader, more effective case planning.

The "Cognitive" scale set is based almost entirely (42 of the 46 questions) on the Offender Questionnaire, and should be used solely to: 1) establish baseline cognitive need scores (if not determined using the Full COMPAS), and 2) measure change in the six cognitive need areas addressed by comparing with a prior assessment. Because it does not measure risk of violence and recidivism, usage of this scale does not meet DPCA requirements for initial classification or reclassification purposes.

The "Full COMPAS Assessment" scale set (with 95 questions - half of which are addressed by the offender) also replaces the DPCA-70 and 71 and is the DPCA-preferred scale set to initially assess probation supervision cases because it provides for a more in-depth assessment, provides the full range of available scale scores, and facilitates the creation of a more in-depth assessment and holistic case plan. This scale-set must be chosen and the assessment completed before the COMPAS-assisted Pre-Sentence Investigation functionality will be enabled.

COMPAS Scale-Set Usage, Preliminary

STAGE	STATUS	PRIMARY SCALE-SET ¹	SECONDARY SCALE-SET
Pre-Trial	Release Investigation	Pre-Trial (FTA) Only	
	Pre-Trial Release, Monitoring Only	None	
	Pre-Trial Supervision w/services	Violence + Recidivism with Substance Abuse	
Pre-Plea or Pre-Sentence Investigation	Mandatory Prison	Minimum Required:	Violence + Recidivism with Substance Abuse
		Preferred:	Full COMPAS Assessment
	Prison Optional	Minimum Required:	Violence + Recidivism with Substance Abuse
		Preferred:	Full COMPAS Assessment
	Probation Promised	Minimum Required:	Screeners Input with Recidivism
		Preferred:	Full COMPAS Assessment
	Conditional Discharge Promised	Minimum Required:	Violence + Recidivism with Substance Abuse
		Preferred:	Screeners Input with Recidivism
No Promises	Minimum Required:	Screeners Input with Recidivism	
	Preferred:	Full COMPAS Assessment	
Supervision	Initial Supervision Plan (New Cases after 1/1/08)	Minimum Required:	Violence + Recidivism with Substance Abuse If Viol. Or Recid. < 5, then stop If Viol. Or Recid. > 4, then Screeners Input w/Recidivism scale set
		Preferred:	Full COMPAS Assessment
	On-Going Supervision Review (New Cases after 1/1/08)	Minimum Required:	Reclassification/Review Instrument ²
	First Supervision Review after 1/1/08 (Cases active before 1/1/08)	Minimum Required:	Violence + Recidivism with Substance Abuse If Viol. Or Recid. < 5, then stop If Viol. Or Recid. > 4, then Screeners Input w/Recidivism scale set
		Preferred:	Full COMPAS Assessment
	Subsequent Supervision Review after 1/1/08 (Cases active before 1/1/08)	Minimum Required:	Reclassification/Review Instrument ²
New Interstate Supervision Transfers-In	PSI/PPI Completed, No COMPAS	Violence + Recidivism with Substance Abuse	
	PSI/PPI Not Completed	Full COMPAS Assessment	
New Intrastate Supervision Transfers-In	PSI/PPI Completed, No COMPAS	Violence + Recidivism with Substance Abuse	
	PSI/PPI Not Completed, No COMPAS	Full COMPAS Assessment	
	Last COMPAS over 6 months	Reclassification/Review Instrument ²	
	COMPAS within past 6 months	None	

NOTES:

¹Refer to chart entitled "NYCOMPAS, Scale Scores Obtained From Each Scale Set"

²When the Reclassification/Case Review Instrument is made available its use will be required for all Reclassification decisions.

COMPAS-based Initial Supervision Classification Preliminary Guidance

The Classification discussions that follow below appear to emphasize the determination of an initial supervision level based solely on obtained Recidivism and Violence Risk scores. There must be programmatic provision for Probation Officers' professional judgment to factor into a classification decision. This may provide the basis for an override of the assessment instrument results.

COMPAS COMPOSITE (DEFAULT) NORM FOR SUPERVISION RECOMMENDATIONS											
		Violence Risk Decile Score									
		1	2	3	4	5	6	7	8	9	10
Recidivism Risk Decile Score	1	Minimum Supervision Recommendation									
	2										
	3										
	4										
	5										
	6	Medium Supervision Recommendation									
	7										
	8	Medium Supervision Recommendation (With Override Considerations to High)						High Supervision Recommendation			
	9										
	10										

1) Intensive Supervision Program (ISP)

Offenders obtaining decile scores of eight (8) to ten (10) are potentially participants in this program. Refer to the specific ISP eligibility criteria.

Current contact requirements (Alternatively Sentenced): eight or more personal contacts per month, on a twice-a-week schedule, and two or more home visits per month. Daily contact with those persons under supervision who are not working, attending school or otherwise fully occupied, and four or more collateral contacts per month.

Current contact requirements (Transition): four or more personal contacts per month, at least one of which must be a home visit, and 6 or more collateral contacts per quarter.

2) Supervision Level 1 and Probation Eligible Diversion (PED)

Offenders obtaining decile scores of eight (8) to ten (10) in **both** violence and recidivism scales should be considered for Level 1 supervision with an emphasis on containment-oriented and surveillance supervision techniques. Regardless of the offenders' scoring, departments may choose to initially place certain high-risk populations (such as sex offenders and domestic violence offenders) in this level.

Current contact requirements: four or more personal contacts per month, at least one of which must be a home visit, and 6 or more collateral contacts per quarter.

3) Supervision Level 2

Offenders obtaining decile scores of eight (8) to ten (10) in **either** the violence or recidivism scale should be considered for Level 2 supervision with possible over-ride to Level 1. Offenders obtaining a decile score of six (6) to seven (7) in **both** violence and recidivism should be considered for Level 2 supervision with a balance between services-oriented programming and control-oriented supervision techniques.

Current contact requirements: two or more personal contacts per month, one or more of which may take place during a home visit, and two or more collateral contacts per quarter.

4) Supervision Level 3

Offenders obtaining decile scores of three (3) to five (5) in both the violence and recidivism scale should be considered for Level 3 supervision.

Current contact requirements: one or more contacts per month with the Probationer and at least one collateral contact per quarter.

5) Supervision Level 4

Offenders obtaining decile scores of one (1) to two (2) in both the violence and recidivism scale should be considered for Level 4 supervision.

Current contact requirements: one or more contacts per month with the probationer via mail, telephone, or technology-assisted reporting system; and one or more collateral contacts per quarter.

6) Case Review / Reclassification

Consistent with current DPCA Rule and Regulation, the cases of all adult probationers are to be reviewed, using the COMPAS Case Review / Reclassification instrument, for possible reclassification every six (6) months. Case events may require temporary reclassification to a different level of supervision at other times during the life of the case, but such temporary reclassifications should be based on the nature of the event (re-arrest, failure to report, etc.) rather than the completion of a new instrument. Essentially, every six (6) months a base supervision level should be (re)established. However, local policy may provide for the completion of a new Case Review at any other specific event or lesser time.