

The Neglected “R”—Responsivity and the Federal Offender

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THE FEDERAL PROBATION system’s development and implementation of the Post-Conviction Risk Assessment (PCRA) marked a major milestone in its adoption of the risk, needs, and responsivity (RNR) model. Implementing a risk assessment protocol that identifies not only actuarial risk of re-offending and criminogenic needs (i.e., dynamic risk factors) but also responsivity factors was a crucial step in moving towards an RNR framework (Lowenkamp, Johnson, VanBenschoten, Robinson, & Holsinger, 2013). Within RNR, risks and needs are relatively straightforward concepts. Following the Risk Principle, the PCRA enables officers to determine which offenders present the greatest probability of reoffending and to structure supervision intensity accordingly. Application of the Needs Principle allows officers to identify and address the dynamic risks (that is, those subject to change) upon which they should focus supervision resources and strategies. While perhaps not neglected, the Responsivity Principle is a more nuanced concept and seemingly least understood. Responsivity may refer to the priority given to cognitive-based intervention in reducing recidivism (referred to as general responsivity), or it may refer to the need to tailor interventions to an individual’s unique learning styles, personal characteristics, etc. (referred to as specific responsivity) (Andrews & Bonta, 2010). Even more broadly, however,

responsivity factors are conceived by various community corrections scholars as barriers to offenders’ successful supervision and reintegration (Andrews & Bonta, 2010). A responsivity factor may preclude an offender from participating in an intervention (e.g., CBT group), thus leaving the underlying risk factors unaddressed. This requires officers to first mitigate responsivity factors so that the work of risk reduction can begin.

Numerous factors have been highlighted as potential barriers to community corrections supervision. For example, some of the literature discusses the challenge of matching offenders with low intelligence, interpersonal anxiety, or reading, writing, and language limitations to appropriate treatment services (Andrews & Bonta, 2010). Other responsivity factors include the inability to secure reliable transportation, the lack of stable or adequate housing, or the absence of any motivation to participate in the community corrections supervision programs. In addition, probation officers might be impeded from administering an effective supervision program because the offender has mental health problems. Finally, differences between the offender and the probation officer in ethnic or cultural background might present difficulties in effective supervision. While the possibility of these responsivity factors obstructing treatment has been discussed in the literature, relatively little empirical research has been

conducted on this topic (Andrews & Bonta, 2010). Specifically, there is a paucity of research examining the presence and types of responsivity factors for offenders under community corrections supervision.

This article addresses some of these knowledge gaps by providing a descriptive baseline of the presence of responsivity factors for offenders under federal post-conviction supervision. Of particular importance is how frequently responsivity barriers are present for this population and what forms they take. Moreover, we examine the distribution of responsivity factors by offender risk and supervision levels, as well as the relationship between offender demographic characteristics and responsivity. We will also explore the extent to which the presence of responsivity factors varies across the federal judicial districts. In addition to providing a descriptive overview of responsivity in the federal system, we discuss the implications of these findings, including how the Second Chance Act funds could be used to address supervision barriers,¹ and directions for future research.

¹ Before the Second Chance Act, there was no statutory authority to contract for services that could be used to address risk factors, including criminal thinking, criminal networks, and employment/education. Similarly there was no authority to assist with responsivity factors such as transportation, homelessness, or lack of child care.

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Data and Methodology

For this study, we included data for 19,753 offenders who were placed on federal supervision between November 1, 2013, and March 30, 2014, and received an initial PCRA assessment. Data from the Administrative Office of the U.S. Courts' (AO) Electronic Reporting System (ERS) and Probation and Pretrial Automated Case Tracking System (PACTS) were used to examine the presence of responsivity factors for these 19,753 offenders. When conducting a PCRA assessment, officers collect information pertaining to the scored and non-scored items associated with criminal history, education & employment, substance abuse, social networks, cognitions, risk influences at home, and financial stressors.² The PCRA output places offenders into one of the following risk levels commensurate with the actuarial likelihood of recidivism: low, low/moderate, moderate, and high. Once an offender's risk level has been obtained, officers also have the option of an override, meaning they can place the offender into another risk category for either policy or discretionary purposes.

A responsivity module was recently added to federal probation's case management system's information about PCRA domains, risk levels, and supervision overrides. The responsivity module provides officers with the ability to indicate whether responsivity factors (including inadequate transportation, mental health, physical handicaps, homelessness, no desire to participate in programs, history of abuse or neglect, reading and writing limitations, low intelligence, language, interpersonal anxiety, ethnic or cultural barriers, child care, or "other") were present at the PCRA assessment. Before the responsivity component was added to the case management system, these potential barriers to supervision were noted in an offender's file but were not available for research or analytical purposes. Because the data is now captured electronically, we can now examine the presence of responsivity factors and their relationship to offender risk among federally supervised offenders.

Information on offender risk and responsivity was further supplemented with data from PACTS, which is a case management tool used by the AO's Probation and Pretrial Services Office for tracking persons during

the pretrial or post-conviction phase of a case. By merging these data, we can examine whether responsivity factors are related to an offender's demographic characteristics. We can also explore the extent to which the presence of responsivity varies across the federal judicial districts.

There are several important limitations to this study that should be noted. First, since the responsivity module is relatively new, the figures presented in this report may underestimate offender barriers. Information on offender responsivity can only be identified if officers document them in the system. Since officers may focus primarily on assessing offender risk, it is possible that they are not systematically completing the responsivity component. Additional time will be required to assess whether the responsivity rates reported in this study represent a true estimate of this issue. It is also important to note that these data reflect the presence of responsivity factors at an offender's initial assessment. The report does not explore the responsivity factors at PCRA reassessments nor does it examine changes in responsivity factors over time.

Findings

Presence of Responsivity Factors for Offenders Under Federal Supervision

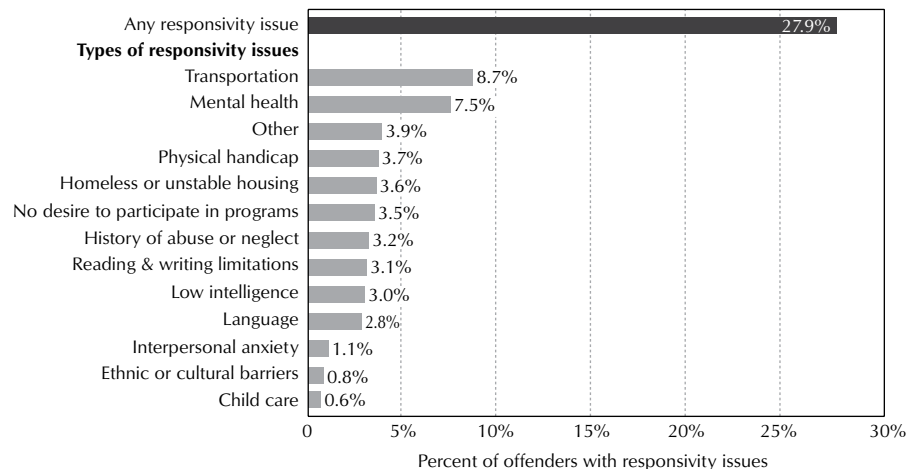
Initially, we examine how frequently probation officers are identifying responsivity factors for offenders under federal supervision and what types of responsivity factors are

being identified. Overall, 28 percent (or 5,516) of the 19,753 offenders placed on supervision between November 2013 and March 2014 had a responsivity problem that hindered the offender's success on supervision (see Figure 1). Issues involving the ability to obtain adequate transportation (9 percent) and problems associated with mental health (8 percent) were the most common barriers. Approximately 4 percent of federally supervised offenders faced obstacles because they were physically handicapped (3.7 percent), lacked an adequate residence (3.6 percent), or refused to participate in a treatment or intervention program (3.5 percent). Officers also indicated that "other" responsivity factors were a problem for 4 percent of offenders. In addition, about 3 percent of offenders had responsivity factors associated with history of abuse or neglect (3.2 percent), reading and writing limitations (3.1 percent), low intelligence (3.0 percent), and language deficiencies (2.8 percent). Another 1 percent of offenders faced responsivity problems associated with ethnic or cultural barriers (.8 percent) or child care challenges (.6 percent).

The presence of these various responsivity factors raises issues of resource allocation within the federal system. For example, transportation was found to be a barrier for 9 percent of offenders; however, between fiscal years 2010 through 2013, courts have assisted

FIGURE 1.

Presence of responsivity issues for federally supervised offenders at initial assessment, November 2013–March 2014



Note: Includes 19,753 offenders with an initial assessment occurring between November 2013 through March 2014. Types of responsivity issues will not sum to 28% as offenders can have multiple concurrent responsivity issues. Data on presence of responsivity issues available for 100% of offenders.

² See Lowenkamp et al., 2013, and Johnson et al., 2011, for a technical discussion of the construction, validation, and implementation of the PCRA in the federal system.

just 2,033 offenders with transportation issues.³ Comparatively, while mental health was found to be a barrier for 8 percent of the offender population, courts expended funds to assist 16 percent of the 81,071 offenders receiving clinical services during fiscal year 2013 alone.⁴ Funds for other responsivity factors such as assistance with transitional housing have been disbursed to 1,083 offenders during the period between fiscal years 2010 and 2013. At a minimum, these findings suggest that courts and probation officers should take into account the variety of barriers that are present among offenders and direct that resources be used proportionately.

Relationship Between Responsivity Factors and Offender Risk and Supervision Levels

The next part of this study examines whether, and the extent to which, responsivity varies by an offender's PCRA risk and supervision levels. The PCRA places offenders into the following risk categories: low, low/moderate, moderate, and high. These risk categories correspond with the likelihood of an offender recidivating both during and after the supervision term. Offenders scoring higher on this risk scale faced barriers to intervention far more frequently than their lower-risk counterparts. Specifically, responsivity factors were present for 55 percent of high-risk

and 40 percent of moderate-risk offenders at initial assessment (see Figure 2). In comparison, responsivity factors were present for 26 percent of low/moderate and 18 percent of low-risk offenders.⁵ Offenders classified in the moderate and high risk categories were also more likely to have multiple responsivity factors compared to lower-risk offenders. For example, 27 percent of offenders classified in the highest risk category had three or more responsivity factors compared to 8 percent of offenders in the lowest risk category (not shown in table).

During the risk assessment process, officers may assign supervision levels that differ from the PCRA risk categories for sex offenders, persistently violent offenders, offenders with severe mental illnesses, and youthful offenders with extensive criminal histories.⁶ Moreover, officers have the discretion to make adjustments if they determine that the PCRA risk classification does not adequately represent an offender's overall risk to the community. At present, about 11 percent of all PCRA risk classifications are overridden to another (mostly higher) level.⁷ Offenders supervised at the high (50 percent) and moderate (38 percent) risk levels had responsivity problems more frequently than

those supervised at the lowest risk levels (16 percent).

While not surprising, the concentration of responsivity factors among offenders in the higher risk categories underscores the need to promptly provide multiple and tailored interventions for this subset of offenders. Effective supervision should entail a holistic approach where an offender's criminogenic needs and responsivity barriers are addressed simultaneously. Focusing on a high-risk offender's criminogenic needs while neglecting supervision barriers reduces the effectiveness of those interventions, because the offender's ability to participate in programs and activities meant to address those needs is compromised by various obstacles such as inadequate transportation, mental health issues, homelessness, etc.

Offenders classified on the higher end of the risk continuum were more likely to face barriers of inadequate transportation, lack of interest in program participation, mental health, and residential issues compared to their lower-risk counterparts. Among the 1,341 high-risk offenders, approximately a fifth did not have adequate transportation (22 percent) or lacked any desire to participate in interventions (20 percent) (see Table 1). In addition, 18 percent of high-risk offenders had mental health and 13 percent had residential problems serious enough to hinder successful supervision.

Offenders in the moderate-risk category faced more barriers compared to lower-risk offenders but fewer than high-risk offenders. For example, 17 percent of moderate-risk offenders lacked adequate transportation, 12 percent had mental health problems, 7 percent had residential issues, and 5 percent had negative attitudes towards treatment at the time of initial assessment.

Among offenders classified into the low/moderate risk category, less than 10 percent were reported to have problems related to inadequate transportation (8 percent) or mental health (7 percent), while under 4 percent had problems associated with being homeless (3 percent) or lacking any desire to participate in treatment programs (2 percent). Offenders in the lowest risk category were the least likely to have transportation, mental health, or homeless responsivity issues or poor attitudes toward supervision; these factors were present for 4 percent or less of low-risk offenders.

Interestingly, some responsivity factors were not associated with risk. Language problems, for instance, presented barriers for more low- (5 percent) than high-risk offenders

³ Decision Support Systems (DSS) Report #1063, for time period 10/1/2010 to 9/30/2013.

⁴ DSS Clinical Services Module.

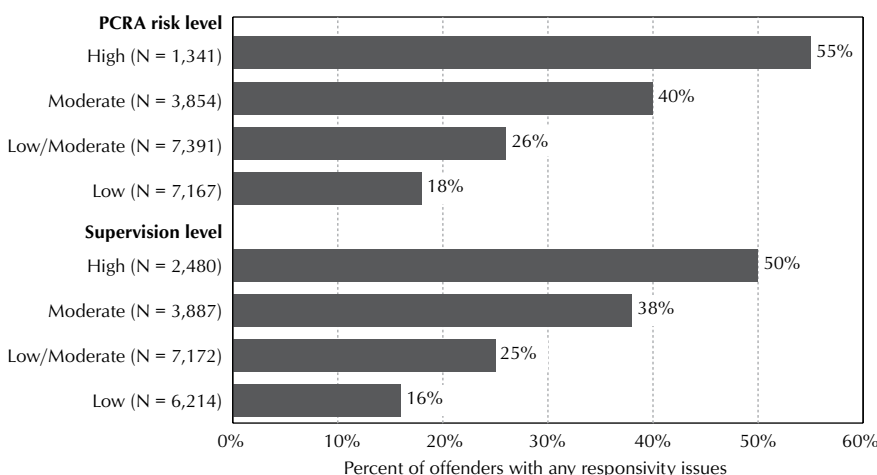
⁵ For more information about the PCRA tool, see Lowenkamp et al., 2013, and Johnson et al., 2011.

⁶ See *Guide to Judiciary Policy: Volume 8 Probation and Pretrial Services*. Washington, D.C.: Administrative Office of the U.S. Courts.

⁷ DSS, #1194.

FIGURE 2.

Presence of responsivity issues for federally supervised offenders at initial assessment, by initial Post Conviction Risk Assessment (PCRA) and supervision levels, November 2013–March 2014



Note: Includes 19,753 offenders with an initial assessment occurring between November 2013 through March 2014. Data on PCRA risk and supervision levels available for 100% of offenders.

TABLE 1.

Types of responsivity issues identified for federally supervised offenders at initial assessment, by Post Conviction Risk Assessment (PCRA) level, November 2013–March 2014

Types of responsivity issues	Percent of offenders with responsivity issues, by risk level at initial assessment			
	Low	Low/moderate	Moderate	High
Transportation	3%	8%	17%	22%
Mental health	4	7	12	18
Other	3	4	5	7
Physical handicap	3	4	4	3
Homeless or unstable housing	1	3	7	13
No desire to participate in programs	1	2	5	20
History of abuse or neglect	1	3	5	8
Reading & writing limitations	2	3	5	7
Low intelligence	1	3	5	9
Language	5	2	1	2
Interpersonal anxiety	1	1	2	3
Ethnic or cultural barriers	1	1	1	2
Child care	–	1	1	1
Number of offenders	7,167	7,391	3,854	1,341

Note: Includes 19,753 offenders with an initial assessment occurring between November 2013 through March 2014.

Data on PCRA risk levels and responsivity types available for 100% of offenders

Percentages will not sum to 100% or those in prior figure as offenders can have multiple responsivity issues.

Types of responsivity factors sorted by most to least common as shown in Figure 1.

– Less than .05%

(2 percent). Responsivity factors associated with physical handicaps, child care, and ethnic and cultural factors were present in similar percentages of high- and low-risk offenders.

The findings shown in Table 1 further illustrate that high-risk offenders face a multitude of barriers. Officers supervising high-risk offenders may find themselves securing adequate transportation, mental health treatment, and residential placement, or tailoring interventions that are consistent with the intelligence levels, learning styles, and cultural orientations of their clients. Moreover, the need to engage offenders reluctant to participate in the supervision program might garner a significant amount of officer attention and time. Conversely, since responsivity factors are less prevalent in the lower-risk population, officers should expend less time, effort, and resources addressing barriers for those offenders.

Investigating Offenders Identified with “Other” Responsivity Factors

In addition to checking specific responsivity factors, officers can check a category labeled “other.” Checking the “other” response requires the officer to fill in an adjacent

text field describing the specific responsivity factors impeding supervision. We investigated these “other” responsivity factors by coding 73 percent of the 771 “other” responses into the following categories shown in Figure 3.

Eighteen percent of the 771 offenders with “other” factors encountered obstacles resulting from their immigration status,⁸ while 16 percent had various physical health problems.⁹ Other responsivity factors included the lack of

⁸ Courts can use Second Chance Act authority to address immigration-related concerns (e.g., paying for work permits if approved by immigration authorities). Such issues are likely to persist in post-conviction supervision. According to the federal BOP’s website, 25 percent of all inmates are not U.S. citizens; 10.4 percent are serving an immigration-related offense (Federal Bureau of Prisons, 2014).

⁹ The offender population has a host of health problems including cancer, high blood pressure, cholesterol, diabetes, Alzheimer’s, obesity, HIV/AIDS, Hepatitis C, and poor vision and hearing. Many, if not most, lack health insurance to alleviate these issues. The Second Chance Act authority includes assistance with non-emergency medical services.

formal identification or license¹⁰ (7 percent) and negative attitudes towards supervision (7 percent). Six percent of offenders with “other” responsivity factors had mental health problems,¹¹ which is a discrete responsivity factor already included in the PCRA module.

Several “other” responsivity factors were measured elsewhere by the PCRA in that they are elements associated with the general risk to reoffend. Ten percent of the 771 offenders with “other” responsivity factors abused illegal substances, 7 percent lacked formal education or were unemployed, 6 percent affiliated with criminal gangs, and 4 percent possessed criminal histories extensive enough to make them career criminals. These “other” factors are already measured by the PCRA domains associated with criminal history, education and unemployment, substance abuse, and prosocial networks.

These findings suggest that the PCRA responsivity module may need to be modified to add other factors (e.g., illegal immigration, physical health problems, no formal identification or license). In addition, some of the “other” responsivity items identified in the text fields, including substance abuse problems, gang affiliation,¹² lack of education and employment, and career criminal

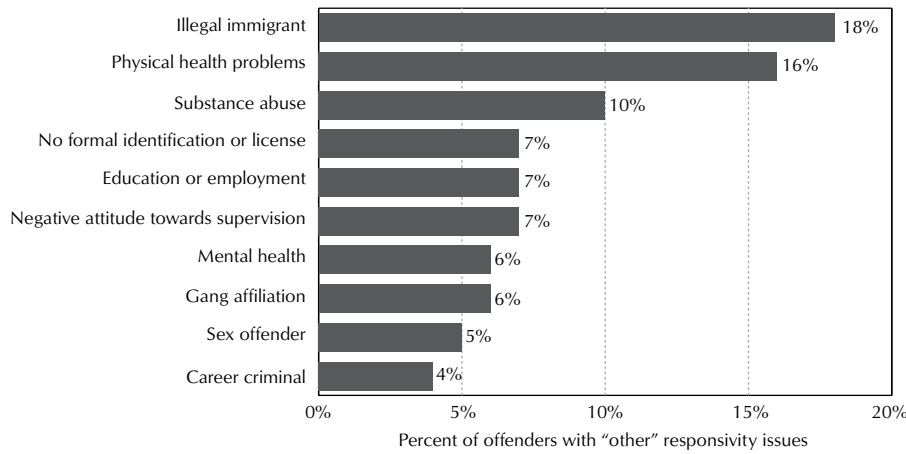
¹⁰ Authority exists to assist with identification (e.g., by producing identity documentation accepted by motor licensing authorities) and even to assist with driving improvement classes for offenders who have lost their license.

¹¹ The officer narratives described a broad array of problems: Asperger’s, Tourette’s, Post-Traumatic Stress Disorder, Attention-Deficit Hyperactivity Disorder, as well as the mental health disorders more commonly addressed through contract treatment (e.g., schizophrenia, bipolar disorder, personality disorder). Offender mental illness is indeed complex; while generally considered a responsivity factor, some mental health disorders in combination with substance abuse are criminogenic.

¹² Officers noting gang affiliation as a responsivity factor raises the question of whether gang affiliation is simply a restatement of the criminal networks risk factor, or a unique driver or obstacle. In the text fields, officers described offenders whose entire families were entrenched in gang culture or who were heavily tattooed with gang symbols and insignia. Some courts have used Second Chance Act authority to pay for the removal of gang-related tattoos for offenders hoping to cut off gang affiliation and to become more prosocial. Some courts have also developed mentoring programs to cultivate prosocial networks for offenders with criminal peers.

FIGURE 3.

Other types of responsivity issues identified for federally supervised offenders at initial assessment, November 2013–March 2014



Note: Includes 771 offenders with initial assessments occurring between November 2013 through March 2014 identified to have "other" responsivity issues. Of these 771 offenders, 73% were identified to have the issues listed above.

history,¹³ fall (according to the RNR literature) under the rubric of criminogenic needs rather than treatment barriers (Andrews & Bonta, 2010). Additional training on the responsivity principle would help officers distinguish factors that are identified as crime supporting from those constituting barriers towards treatment.

Relationship Between Offender Demographic Characteristics and Responsivity Factors

Another issue we explore is whether responsivity factors are present for offenders with certain demographic characteristics. Specifically, to what extent do treatment barriers vary by an offender's race/ethnicity, age, or gender characteristics? Among federally supervised offenders with an initial assessment between November 2013 and March 2014, a higher percentage of American Indian and Alaska Native (50 percent) offenders faced responsivity problems compared to Hispanics (31 percent), white non-Hispanics (27 percent), blacks (26 percent), and Asian and Pacific Islanders (24 percent) (see Table 2). In general, Asians and Pacific Islanders have the fewest responsivity factors; moreover, similar

percentages of whites and blacks dealt with responsivity factors.

According to probation officers, female offenders (31 percent) faced responsivity factors at slightly higher rates than male offenders (27 percent). Examining the

TABLE 2.

Presence of responsivity issues for federally supervised offenders at initial assessment, by offender demographic characteristics, November 2013–March 2014

Offender demographics	Number of offenders	Percent with responsivity issues
Any offender	19,753	28%
Race/ethnicity^a		
American Indian or Alaska Native	557	50%
Hispanic, any race	4,623	31
White, not Hispanic	6,916	27
Black or African American	6,576	26
Asian or Pacific Islander	518	24
Gender^b		
Female	3,644	31%
Male	15,698	27
Age^c		
20 or younger	254	34%
21–24	1,301	30
25–34	6,137	27
35–44	5,732	26
45–54	3,534	30
55 or older	2,383	32

Note: Includes 19,753 offenders with an initial assessment occurring between November 2013 through March 2014.

^a Race and ethnicity information available for 97% of offenders.

^b Gender information available for 98% of offenders.

^c Age information available for 98% of offenders.

relationship between responsivity and offender age shows a greater percentage of younger and older offenders having barriers to treatment than offenders in the middle age ranges. For example, 34 percent of offenders aged 20 or younger had responsivity factors, compared to 26 percent of offenders aged 35–44. Offenders aged 55 or older had responsivity problems at higher rates (32 percent) than offenders in the 25–34 (27 percent) or 35–44 (26 percent) age ranges.

Regarding the types of responsivity factors that were identified according to an offender's racial or ethnic background, American Indians and Alaska Natives were assessed to have certain responsivity factors more frequently than the other race and ethnic categories. For example, about a quarter of American Indians and Alaska Natives (26 percent) lacked adequate transportation at initial assessment, while approximately a tenth of blacks (10 percent) and whites (9 percent) had this responsivity problem (see table 3). Probation officers reported higher percentages of American Indians and Alaska Natives having cultural barriers to supervision (8 percent) than Asian and Pacific Islanders (3 percent), Hispanics (1 percent), or blacks and whites (less than .05 percent).

¹³ Within the context of career criminal history, some officers cited offenders' "institutionalization" as a barrier. Given the lengthy sentences many federal offenders serve and the rapid pace of technological and other changes, institutionalization may also present a unique responsivity factor that officers must recognize and address.

TABLE 3.

Types of responsivity issues identified for federally supervised offenders at initial assessment, by offender demographic characteristics, November 2013–March 2014

Types of responsivity issues	Percent of offenders with responsivity issues						
	Offender race and ethnicity ^a					Offender gender ^b	
	American Indian or Alaska Native	Asian or Pacific Islander	Black or African American	Hispanic, any race	White, not Hispanic	Female	Male
Transportation	26%	3%	10%	7%	9%	9%	9%
Mental health	11	2	6	6	10	12	7
Physical handicap	5	2	4	2	5	4	4
Homeless or unstable housing	7	1	4	3	4	3	4
No desire to participate in programs	7	1	4	3	3	2	4
History of abuse or neglect	7	2	3	3	4	8	2
Reading & writing limitations	5	6	3	5	2	2	3
Low intelligence	5	2	4	3	2	2	3
Language	1	13	–	9	1	2	3
Interpersonal anxiety	3	–	1	1	2	2	1
Ethnic or cultural barriers	8	3	–	1	–	1	1
Child care	2	0	–	1	1	2	–
Number of offenders	557	518	6,576	4,623	6,916	3,644	15,698

Note: Includes 19,753 offenders with an initial PCRA assessment occurring between November 2013 through March 2014. Excludes “other” responsivity issues.

Types of responsivity factors sorted by most to least common as shown in figure 1.

^aRace and ethnicity information available for 97% of offenders.

^bGender information available for 98% of offenders.

– Less than .05%

Other types of responsivity factors were assessed in similar percentages for the various racial and ethnic populations under federal supervision. Nearly identical proportions of American Indians and Alaska Natives (11 percent) and whites (10 percent) were identified as having mental health issues serious enough to impede supervision. In addition, 5–6 percent of Native Americans and Alaska Natives, Asian and Pacific Islanders, and Hispanics had reading and writing limitations that were serious enough to hinder treatment. Finally, language difficulties were more likely to constitute barriers to treatment for Asians and Pacific Islanders (13 percent) and Hispanics (9 percent) than for Native American and Alaska Natives (1 percent) or white (1 percent) offenders.

The fact that half of supervised American Indians and Alaska Natives were identified as having barriers and that many of these obstacles were associated with inadequate transportation, mental health, or ethnic or cultural barriers demonstrates the challenges inherent in supervising offenders residing

on Indian reservations. Specifically, many Indian reservations are beset with alcoholism, domestic violence, and poverty exceeding that of the general population (Washington Post, 2014). Though accounting for less than 5 percent of supervised offenders, American Indian and Alaska Native offenders constitute an especially problematic group requiring extensive interventions on both criminogenic needs and barriers.¹⁴ Heavy resourcing and innovative programming is required for this population of offenders.

Hispanics offenders were more likely to have treatment barriers associated with language

¹⁴ Some federal courts are exploring integrating traditional Native American value structures with CBT delivery and the use of volunteer mentors. In a study comparing outcomes for American Indian youth entering standard inpatient drug and alcohol treatment to inpatient treatment based on a culturally responsive model sensitive (e.g., sweat lodge ceremonies, access to elders, drumming and singing), researchers found a correlation between culturally responsive treatment interventions and higher participation rates and levels of abstinence from drugs and alcohol (Boyd-Ball, 2003).

and reading and writing limitations compared to whites. This suggests that probation officers should take into consideration the language and writing capacities of Hispanic offenders.¹⁵ African-Americans and whites for the most part did not differ appreciably in regards to supervision barriers.

We also found that females were more likely to face responsivity factors of serious mental health and history of abuse or neglect compared to males. Twelve percent of females and 7 percent of males were identified as having major mental health issues that impeded supervision; moreover, the presence of a severe history of abuse or neglect was found among 8 percent of female and 2 percent of male supervised offenders. Other

¹⁵ Additionally, a general lack of knowledge about or distrust of the criminal justice system and an unwillingness to cooperate with authorities out of fear of deportation should be considered. It is important for all correctional staff to be able to effectively communicate with all offenders, but particularly with newly emigrated offender populations (Kane, Bechtel, Revicki, McLaughlin, & McCall, 2011).

responsivity factors that occurred at slightly higher rates for females than males are interpersonal anxiety and child care.

Therefore, mental health, a history of abuse or neglect, and child care¹⁶ are more often responsivity factors for female than for male offenders. Federal probation officers should be cognizant of the particular types of responsivity factors associated with female offenders so that supervision interventions can be tailored accordingly.

Variation in the Presence of Responsivity Across the Federal Judicial Districts

A final issue we explore in this study is the percentage of offenders with responsivity factors in 91 federal judicial districts.¹⁷ To account for the fact that some districts may have more risky offenders than others and that these differences might contribute to the district-level disparities in responsivity rates, we made adjustments to normalize the presence of responsivity by PCRA risk levels. A discussion of the methods used to make these adjustments is available in this article's appendix.

Even when adjusted to account for offender risk, the percentage of offenders with a responsivity factor varied widely from a high of 57 percent to a low of 10 percent (not shown in table). Over 35 percent of offenders in nine federal districts had responsivity factors serious enough to impede supervision. In comparison, less than 15 percent of offenders in five federal districts were identified as such.

These findings suggest that officers in some districts are more likely to identify responsivity factors than those in other districts. Additional training on the responsivity principle could help ameliorate these disparities.

Discussion

Responsivity is an important but under-investigated component of the RNR framework. Indeed, beyond a few succinct descriptions of the principle itself, there is minimal extant research. As an initial step, this article provides a descriptive analysis of the presence of responsivity factors for nearly 20,000 federally supervised offenders with an initial Post Conviction Risk Assessment (PCRA) between November 1, 2013, and March 30, 2014. Additionally, it highlights several

programming options available through the Second Chance Act that can be used to mitigate identified responsivity factors. Clearly, officers must always address offenders' criminogenic needs as well as any responsivity factors that impede risk reduction efforts. But are there further implications or concerns, either for the supervision officer or for the system as a whole?

Each time officers complete the PCRA, they should be mindful to identify any responsivity factor that might limit an offender's ability to make positive change. Additionally, officers should be cognizant of the challenges associated with higher-risk offenders, who will typically have multiple responsivity factors and criminogenic drivers that require addressing simultaneously. Officers should likewise know what resources are available to them to address any identified responsivity factor. As noted earlier, the Second Chance Act of 2007 granted officers broad authority "to protect the public and promote successful reentry of the offender into the community."¹⁸ Under this Act, officers can expend funds to alleviate barriers to successful supervision. Sometimes, however, officers have a desire to provide resources to address an offender's problems even if those factors are not clearly risk-related. Nevertheless, resources are limited and the risk principle demands that interventions focus on the higher-risk offender and on factors that are clearly risk-related. When and how to provide assistance in overcoming responsivity factors will depend on the offender's overall risk level and the malleability of the responsivity factor being targeted.

It is crucial to note that officers may encounter responsivity factors that are not subject to change (e.g., low intelligence) and that will have to be accommodated throughout the term of supervision. Others, such as mental health, may change only very slowly. Officers should also remain aware of emerging issues that limit offenders' opportunities to succeed. Several concerns gleaned from the "Other" category (identification, illegal status) require officers and offenders to engage with other governmental agencies (e.g., motor vehicle departments, federal immigration

authorities). Some probation officers have done so proactively.

Through the PCRA, the federal probation system now has better insight into offender risk levels and criminogenic needs, as well as supervision obstacles that may be present. Additionally, courts need to know the programming options available to them to assist offenders in becoming prosocial, law-abiding, and self-sufficient.¹⁹ Resources will always be limited, but courts should now begin the conversation on narrowing their focus to the things that reduce recidivism. That is, they should focus on which offenders receive attention and resources, and what risks and responsivity factors must be mitigated.

Training officers in the responsivity principle is critical. Specifically, the variation in identified responsivity factors across the federal judicial districts suggests the need for more training to help officers identify and respond to appropriate treatment barriers more uniformly. Moreover, as highlighted in the section examining "other" responsivity factors, training is required to assist officers in understanding the types of factors that fall under the responsivity rubric as opposed to offender characteristics that are essentially criminogenic in nature. When officers identify responsivity problems, they should be focusing on supervision barriers, not on factors such as substance abuse or criminal history that drive criminal conduct.

Finally, this article suggests avenues for future research. For example, subsequent research might examine whether responsivity factors identified at the initial assessment, such as transportation and housing, change during an offender's supervision period. Since the PCRA is a dynamic risk tool, it would be possible to measure whether some types of responsivity factors present at the initial assessment are malleable over time. It would also be interesting to investigate the extent to which responsivity factors influence changes in an offender's risk levels between assessments. For example, are high-risk offenders with certain types of responsivity factors less likely to experience a reduction in their risk characteristics compared to similarly situated offenders without these responsivity factors? These and other issues could be further explored in future studies on this topic.

¹⁶ Courts are authorized to assist offenders with child-care expenses under the Second Chance Act.

¹⁷ The federal judicial districts of Guam, the Northern Marianas Islands, and the Virgin Islands were excluded because they had too few offenders to produce statistically reliable estimates.

¹⁸ 18 U.S.C. 3672. According to guidance approved by the Judiciary's Committee on Criminal Law, courts may authorize transitional services to address a higher-risk offender's long-term criminogenic needs; emergency services can be authorized to address offender's humanitarian concerns, regardless of risk level.

¹⁹ A new Statement of Work for Second Chance Act programming, including additional services and more efficient contracting procedures, should soon be available.

Appendix

Controlling for District-level Differences in Risk Composition

Differences in offender PCRA risk composition could result in disparities in the proportion of offenders with responsivity factors across the federal judicial districts. A linear regression was employed in order to control for the differences in PCRA risk levels. The linear regression model is specified below.²⁰

$$Y = \sum_{i=1}^{18} \beta_i \chi_i + \sum_{j=1}^{91} \delta_j D_j + \varepsilon$$

Where:

Y is the dependent variable (= 1) if an offender has responsivity factors, and 0 otherwise.

χ_i is an indicator variable (= 1) if an offender has a PCRA score equal to (i), and 0 otherwise. Offenders with PCRA scores of eight are treated as the reference category.

D_j is an indicator variable (= 1) if an offender is in judicial district (j), and 0 otherwise. δ_j represents the weighted average of offenders with responsivity factors in district j , adjusted by PCRA score.

ε = Error term in model.

This approach produces a district coefficient, δ , that is essentially a weighted average of the presence of responsivity factors adjusted for differences in the PCRA risk distribution across the districts. In other words, rather than reporting the raw percentages, the percentages utilized in this study have been weighted to account for the divergent risk composition of offenders in the individual judicial districts. This method resulted in relatively minor adjustments in the percentage of offenders with responsivity factors for each judicial district. The fact that the raw and weighted responsivity rates were fairly close means that most of the disparity in responsivity rates throughout the nation's federal districts cannot be explained by variation in offender risk levels.

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²⁰ Three districts were excluded from the estimation because of their small case numbers. In addition, the constant term was omitted to make the computation of δ_j simpler.