

A Seein' "I" to the Future: The Criminogenic Needs Inventory (CNI)

By

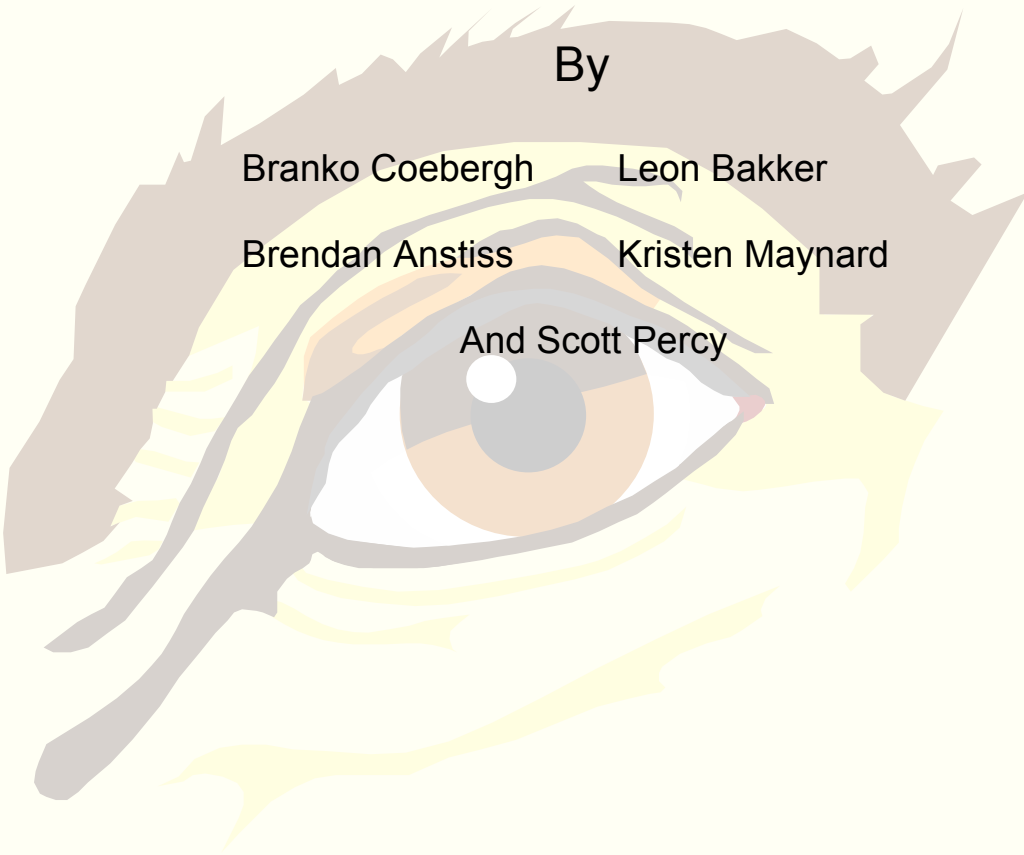
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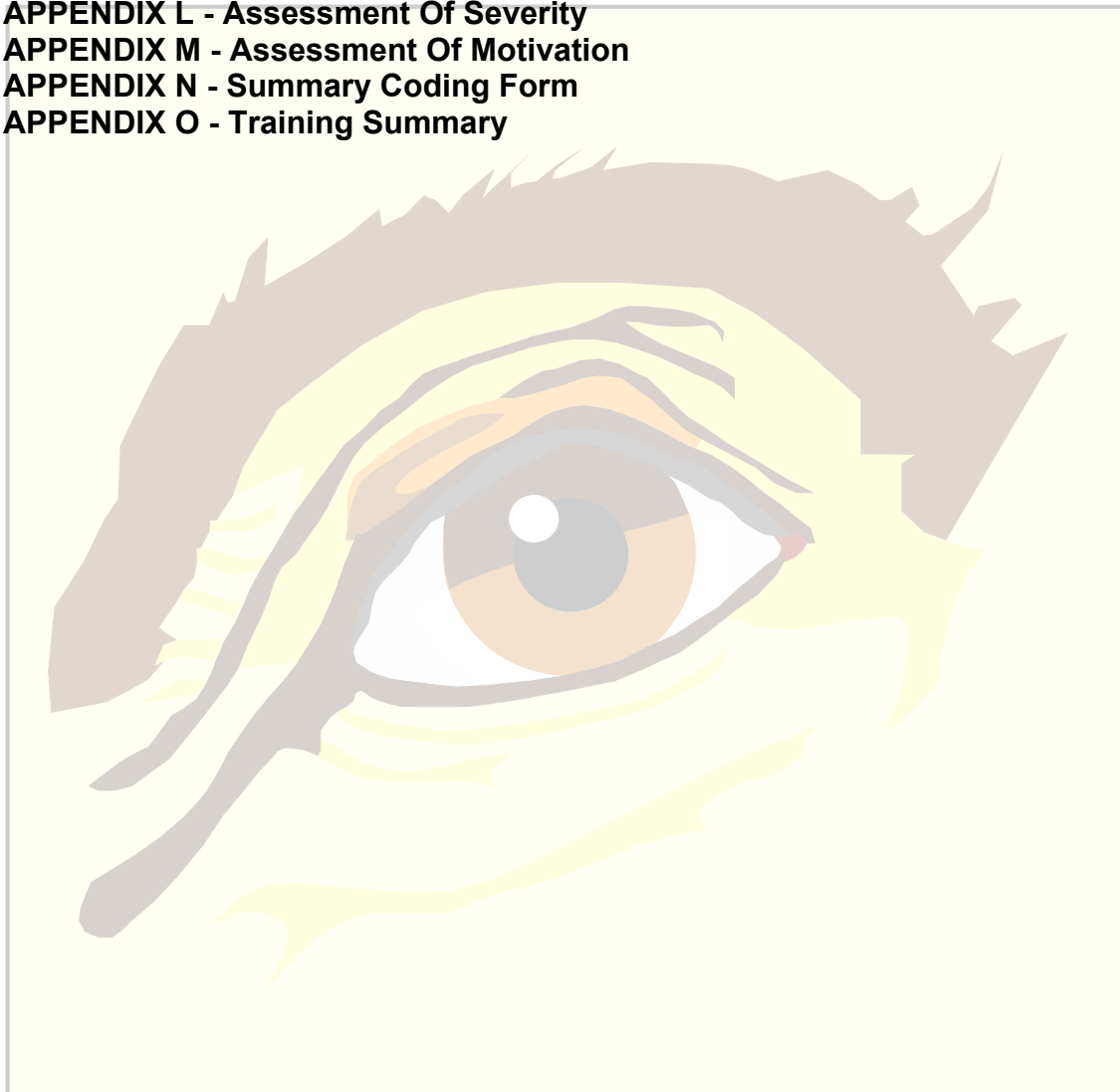
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EXECUTIVE SUMMARY

The Criminogenic Needs Inventory (CNI) has been developed to complement the Risk of reConviction (RoC) models by identifying why offenders are at risk. Specifically, it **addresses the shortcomings** of existing needs risk instruments such as the Level of Service Inventory – Revised by:

- Being offence focussed.
- Measuring psychological needs that are linked to recidivism.
- Making a distinction between identified needs and criminogenic needs.
- Being sensitive to changes in risk due to intervention by not using static as well as dynamic needs.
- Being validated on New Zealand offenders.
- Including an assessment of the role of culture in offending.
- Assessing the importance of responsivity factors.

This report presents the **reliability and validity results** of the CNI which show:

- The reliability of the CNI is high at $r = .82$. This means assessors will consistently obtain the same results when using the CNI.
- The validity comparison with other scales shows significant positive correlations with other needs risk instruments. The CNI is also well correlated with RoC and RoI when compared with the other needs risk instruments.
- The Offending Period Criminogenic Needs appear to measure risk in a way that the other instruments do not. This promises greater accuracy when a composite risk instrument with RoC/RoI is developed.

This report discusses the advantages and implications of the CNI to IOM.

It is **recommended that the CNI is incorporation into the IOM assessment process** by replacing the behavioural assessment, the LSI-R and the offender management profile. Further recommendations about how the CNI should be incorporated into IOM are made.

In addition, it is recommended that the **CNI should be further developed** to enhance its usefulness to the Department's IOM strategy by additional data collection to test the:

- Reliability of the Maori Culture Related Needs.
- Benchmarking of the CNI to changes in risk through intervention programmes.
- Minor modifications that have been indicated by this study.

CHAPTER ONE: INTRODUCTION

Background

The Department of Corrections, in accordance with its stated goal of “Reducing Re-Offending” is currently in the process of implementing **Integrated Offender Management (IOM)**. That project has as its goal a systematic and consistent approach to the management of offenders in their passage through the criminal justice system. IOM systems and procedures have been developed in accordance with empirically derived principles of “best practice”. A key stage in this process is a comprehensive assessment of the offender which evaluates their risk of re-offending, and assesses them with respect to (among other things) their need for, and match with, available rehabilitative programmes. The following section outlines the principles of best practice and the rationale and justification for the development of a New Zealand assessment device.

Principles of Best Practice

A number of principles have consistently been found to be associated with effective intervention in a correctional setting. Among the most important of these are the principles of risk, need, and responsivity (e.g. Andrews and Bonta, 1994; Gendreau, 1996). **The risk principle** holds that intervention is most effective when targeted towards those individuals who have the greatest risk of further criminal offending. **The needs principle** asserts that there are certain aspects of an individual’s functioning – substance abuse, criminal attitudes and associates, and the like – which should be targeted by intervention in order to bring about a reduction in down-stream offending (Bonta, 1996). A key feature of these aspects is their dynamic nature. This means that they are potentially changeable. **The responsivity principle** states that offenders will be most affected by interventions that are matched to their learning style, language, culture etc.

Clearly, a systematic, objective, and accurate assessment of the individual's offence related functioning, termed “**Criminogenic Needs**” (Andrews and Bonta, 1994), is essential in order for the appropriate targeting of rehabilitative efforts. Although the last decade has seen a proliferation of studies which attest to the predictive validity of criminogenic needs as a means of assessing any given individual’s potential to re-offend, there has been little information that is directly applicable to the New Zealand context. Moreover, while there is general consensus among North American researchers as to what constitutes criminogenic needs (Andrews and Bonta, 1994; Bonta, 1996; Motiuk, 1993), there is less agreement as to how such areas within the individual should be assessed.

The Risk Principle

The IOM assessment model proposed that an offender’s risk of re-offending should be assessed using the statistical analysis of **static factors**. The means selected for doing this was the Department of Corrections’ **Risk of Reconviction (RoC)** model. Static factors are characteristics of an offender such as criminal history and demographic information that do not change or are slow to change over time. Static risk prediction

models developed by the Department of Corrections NZ (Bakker, O'Malley, and Riley, 1999) provide a valid means for deciding which offenders are most in need of targeting with rehabilitative intervention.

The Needs Principle

Static factors predict who is likely to recidivate but they cannot inform decision making about which criminogenic needs to target with intervention. The IOM assessment model investigates potential criminogenic needs using a combination of an offence-focused behavioural interview and an established criminogenic needs inventory – **the Level of Service Inventory Revised** (LSI-R: Andrews and Bonta, 1993). The offence-focused interview was included so that the assessment took into account needs found in the behaviour that occurred just prior to and during the commission of the offence(s). It was assumed that needs present close in time to the offending behaviour are most likely to be causally related to it. The LSI-R was included because:

- it increases the likelihood that assessment information about a broad set of potential criminogenic needs is gathered and interpreted in a standardised way; and
- the LSI-R appears to possess sound psychometric properties in terms of reliability and validity.

The assessment of criminogenic needs requires the **integration** of information obtained from both the behavioural interview and the LSI-R. Guidelines, called the Offender Management Profile (OMP), were developed to assist this process.

The Responsivity Principle

An additional dimension of the IOM assessment model is the investigation of potential offender **responsivity issues**. This refers to the match between an offender and an available intervention. It is assumed that a poor match will result in little reduction in a targeted criminogenic need. The OMP also assists the identification and consideration of responsivity issues.

Limitations of the LSI-R

The IOM assessment model proposal recommended that the LSI-R be used as an **interim measure** until a New Zealand inventory was developed. This advice was based upon arguments regarding the limitations of the LSI-R. These limitations were seen to potentially undermine the best targeting of intervention focused on criminogenic needs. The main limitations reported were:

1. A number of potential **criminogenic needs identified by the psychological research literature are not measured** by the LSI-R.
2. The LSI-R was **developed using a Canadian offender population**. Canadian offenders may differ from their New Zealand counterparts in ways that reduce the accuracy of the LSI-R when used with the local offender population. There is some evidence that various measures of criminogenic needs have decreased validity when applied to different offender populations (Loza and Simourd, 1994).

3. The LSI-R **does not measure potential criminogenic needs uniquely related to Maori**. This is a major limitation given that such criminogenic needs may help explain the high rates of offending and re-offending by Maori. The development and validation of Maori culture related needs would greatly enhance the Department's strategic goal of reducing re-offending among Maori.
4. The LSI-R measures the severity of criminogenic needs based predominantly upon estimates of risk. Because the estimate of risk is so affected by **static factors this reduces the LSI-R's measurement sensitivity** to genuine changes in the dynamic dimensions of its criminogenic needs.
5. The LSI-R and other established criminogenic needs inventories were developed based upon the assumption that any assessed offender need is automatically criminogenic. This feature is likely to result in the LSI-R **being overly inclusive in its assessment of criminogenic needs**. It may help explain the low to moderate statistical relationship found between the criminogenic needs measured by inventories such as the LSI-R and static risk prediction measures.

The IOM assessment model's **innovation** of integrating information derived from both the offence-focused behavioural interview and LSI-R was designed, in part, as a response to this last limitation.

Rationale for the Criminogenic Needs Inventory

The principal researchers for the current project aimed to develop a reliable and valid criminogenic needs inventory that addressed the reported limitations of the LSI-R. It was hoped that such an inventory would constitute sufficient improvement in **assessment accuracy** to act as a replacement for the LSI-R. Once development of the inventory commenced, the principal researchers recognised that it could also be used to replace some of the current Integrated Offender Management assessment processes; specifically the offence-focused behavioural interview, the responsivity assessment, and the OMP process. For the most part, the IOM assessment model provides broad rather than detailed guidelines for these components. It was anticipated that their accuracy and consistency would be greatly enhanced by including them in the new inventory's detailed and structured assessment process.

THE CRIMINOGENIC NEEDS INVENTORY

The new inventory is called the **Criminogenic Needs Inventory (CNI)**. Its development has taken into account fiscal and operational considerations. These primarily relate to the amount of time required to undertake an assessment using the CNI and the level of competence it's use demands of Correctional assessors.

The Criminogenic Needs Inventory Context

The principal researchers aimed to develop an inventory that **on average took no longer** to use than the combined time required to undertake the LSI-R, offence-focused behavioural interview, responsivity assessment, and OMP process.

An additional aim was to design the CNI to be potentially usable by **non-specialist Correction's assessors**. Irrespective of how accessible a structured assessment process is made, some non-specialist assessors will not possess the requisite interpersonal and thinking skills to use it competently. In respect to this consideration, the design of the CNI assumes an assessor skill level comparable to that required to competently conduct IOM assessments.

The competent use of a structured clinical assessment process of the kind prescribed by the CNI also requires adequate **training and ongoing professional supervision**. The CNI project has developed and piloted a training programme, guidelines for scoring, administering and interpreting the inventory, and a supervision format.

Offence-focused

The criminogenic needs measured using the CNI reflect those commonly identified by psychological theory and research. The method of assessing these needs draws upon **Cognitive-Behavioural theory (CBT)** and practice. A fundamental principle of this approach is that the explanation for problem behaviour requires a thorough assessment of what happened during the occurrence of that behaviour. Behavioural descriptions are sought which assist the identification of the thoughts, actions, feelings, and physiology that characterised it. In addition, similar but usually less detailed information is gathered about past behaviour that potentially pre-disposed an individual to the problem behaviour.

CBT assumes that the ways in which an individual thought, felt, acted, and responded physically, **closest in time** to a problem behaviour will better explain it than those that occurred more distant in time from it.

The CNI provides a structured cognitive-behavioural assessment process. It investigates two discrete periods of time in relation to the offending behaviour. The first, referred to as the **offending period (OP)**, starts the day before the offence and finishes at the completion of the offence. The second, referred to as the **pre-disposing period (PP)**, covers the 6 months preceding the OP.

Offending Period (OP)

The OP assessment uses a progressive focus of enquiry to prompt offenders to describe events and their associated thinking, feelings, etc. that occurred during the period. This information is used to develop an "**offence chain**". An "event" refers to the occurrence of something (e.g. a given cognitive distortion) that supported the offending. A sequence of events can be conceptualised as an offence chain. Each event in the offence chain is linked. The occurrence of events in the chain prior to the offence can be seen to have taken the offender a step closer to offending. The occurrence of events during the offence can be seen to have maintained the offending.

Offending Period Criminogenic Needs (OCNs)

Evidence for criminogenic needs is drawn from the offence-chain. Specific rules have been developed for determining each potential **offending period criminogenic need (OCN)** to assist non-specialist assessors. These rules include the automatic

assessment of some OCNs depending upon the nature of the offence. For example, Violence Propensity is automatically assessed when the current offence is a violent one.

The selection of the OP time frame was made to ensure that the assessment was sufficiently **offence-focused** to include the thorough investigation of behaviour closest in time to and during the commission of the offence.

Such rules would be considered too constraining for a specialist assessor when investigating problem behaviour. However, it is believed that without them assessment would prove too conceptually demanding for inexperienced or non-specialist assessors. Discretionary decision making about what constitutes an OP could also undermine the **standardisation** of the assessment process.

The OCNs measured by the CNI are:

- **Offence-Related Emotions and Cognitions.**
- **Violence Propensity.**
- **Criminal Associates.**
- **Relationships.**
- **Alcohol and Drug.**
- **Risk-Taking Arousal.**
- **Impulsivity.**
- **Gambling.**

Psychiatric Disorders, Organic Disorders, and Offence-Related Sexual Arousal are potential OCNs whose complex nature dictates that they can only be assessed via a referral for specialist assessment.

Some OCNs have **sub-categories**. For example, Violence Propensity is sub-categorised using the CNI as being one of Anger-Related Violence, Instrumental Violence, or Mixed Violence (evidence in the offence-chain for separate occurrences of anger-related and instrumental violence). Sub-category assessments are potentially useful for both research and clinical purposes (for example, providing information about the type of treatment necessary).

Pre-disposing Period (PP)

The assessment of the Pre-disposing Period (PP) employs a more **structured format** than that used to assess the OP. The interview format provides sets of questions to help gather the following information about potential Pre-disposing Criminogenic Needs (PCNs):

- Is there evidence that a potential need was present?
- If yes, did the *extent* of its presence impact enough on the offender's personal, social and/or occupational functioning to constitute an assessed need?
- If yes, when in the PP did this need occur?
- Can the offender identify important aspects of the behavioural *pattern* (thoughts, feelings, etc.) that supported the need?
- Can the offender identify *how* these aspects brought about or increased the need?

The format is structured in such a way that assessors can stop information-gathering for a given PP need at the end of each set of questions when continuing is clearly unnecessary. This is an important feature as interview time would be **prolonged** by asking each assessment question for every potential criminogenic need.

Although the PP assessment is structured, the questions allow the inquiry to be **progressively focused**. They are initially open-ended, with standard follow-up probes (for example, what happened, when, where, who with, etc) and scope for assessors to generate their own probes to clarify responses.

Determining Pre-disposing Criminogenic Needs (PCNs)

As was the case for OCNs, rules have been developed for the automatic assessment of some **pre-disposing period criminogenic needs (PCNs)**. For example, Criminal Associates is automatically assessed when contact occurred with an offending period co-offender during the PP.

The first step in determining a non-automatic PCN is the assessment of whether a potential PP need was present. A PP need is only assessed when the behaviour indicating its presence significantly impacted upon the **offender's personal, social, and/or occupational functioning**. Once evidence of this type is found the assessor determines when in the PP the need was present. This information is crucial for deciding whether the need was a criminogenic need¹.

In general terms, two time-line rules determine whether PP needs qualify as PCNs. The first requires that a need was present in the **final month** of the predisposing period. The second requires that a need of sufficient duration that was not present in the final month can be **linked** in time to one that was.

A PP of 6 months was chosen because that seemed long enough to ascertain the presence of PCNs evidenced in either **chronic or temporary behavioural patterns**. Many psychological events throughout the lives of offenders are likely to contribute to the development of needs that pre-dispose them to behave criminally. But a thorough developmental assessment covering the childhood and adult years preceding the PP would greatly extend the assessment process.

Even if time were available for developmental assessments (those which begin with childhood and look for needs that developed as a consequence of developmental experiences), functionally linking all earlier needs to those present during the PP would be too **complex** a task for non-specialist assessors. It is also questionable whether a thorough developmental assessment would add to the identification of relevant criminogenic needs. This is because needs that developed before the PP, if they are still relevant, should be measured through one or more assessed PCNs.

¹ A need can exist for an offender but have no relationship with the offending. The Criminogenic Needs Inventory is different from other needs instruments in making this distinction.

The PCNs measured by the CNI are:

- **Emotions.**
- **Offence-Related Cognitions.**
- **Violence Propensity.**
- **Criminal Associates.**
- **Relationships.**
- **Alcohol and Drug.**
- **Risk-Taking Arousal.**
- **Impulsivity.**
- **Gambling.**
- **Lifestyle Balance.**

Psychiatric Disorders, Organic Disorders, and Offence-Related Sexual Arousal are potential PCNs whose complex nature dictates that they can only be assessed via a specialist assessment referral.

Some PCNs have sub-categories. For example, Alcohol and Drug is sub-categorised using the CNI as being one of alcohol use, drug use, or both alcohol and drug use. As stated earlier, sub-category assessments are potentially useful for **both research and clinical purposes**.

Maori culture related PCNs and OCNs are described in the next chapter.

Criminogenic Needs Severity

The CNI measures the **severity** of assessed criminogenic needs. It is assumed that the more severe a criminogenic need the greater will be its contribution to the risk of re-offending.

The assessment of criminogenic needs using the CNI is based upon two time periods (OP, PP). The criminogenic needs found within them are judged to best explain what brought about the current offence. An important assumption of the CNI is that the criminogenic needs present leading up to and during the current offence were severe enough to have caused it. Therefore, all assessed OCNs and PCNs are initially rated as having the **highest** severity. A case for reducing this rating can only be made if the offender meets assessment criteria evidenced in more recent and/or current behaviour.

This approach separates the assessment of criminogenic needs from the assessment of their severity. By doing so, the measurement of severity can be based upon dynamic rather than static information. Using potentially **dynamic sources** of evidence should contribute to the CNI's sensitivity to genuine changes in criminogenic need severity during a sentence and/or following interventions.

Needs can be identified using the CNI but their severity will only be measured if they are assessed as criminogenic. This is the case because the CNI is designed to assess needs that are **causally** related to the problem of offending. However, non-criminogenic needs are still identified and may be usefully considered in respect to possible safety and responsivity issues.

Responsivity

The methodology used to assess severity **draws upon responsivity and relapse prevention theory**. An offender's criminogenic need severity will be judged against seven assessment criteria. The criteria range in severity from greatest (rating of 7) to least (rating of 1). A scale of 7 points is likely to provide adequate sensitivity for the measurement of change.

The two most severe ratings (6 and 7) relate to responsivity. The assessor considers evidence for and against the presence of potential responsivity barriers that might prevent an offender from reducing a given criminogenic need. Guidelines are provided for the assessment of **motivation/readiness to change, cultural issues, intelligence, language, literacy and the impact of other assessed needs (e.g. psychiatric disorder) or lifestyle**.

Although motivation/readiness to change is a **critical** responsivity issue it is important that others are also considered. A poor match between an offender and available rehabilitative interventions constitutes a severity level of 7. A lack of motivation is only one reason for a poor match.

Relapse Prevention

Severity ratings 1 to 5 relate to a broad relapse prevention principle. This contends that an individual can reduce his/her risk of relapse (repeating problem behaviour such as offending) by using a **self-management** framework that draws upon a clear understanding of:

1. **Behavioural patterns** that supported the problem behaviour in the past.
2. Strategies for **identifying, managing, preventing, and stopping** re-occurrence of each major aspect of these behavioural patterns.

Although responsivity and relapse prevention are different constructs the CNI combines them on the one severity dimension to increase the likelihood that non-specialist assessors **prioritise** responsivity issues. Assessors are required to always give them the greatest weighting when assessing severity. This is an important feature because some offenders may be able to meet the relapse prevention assessment criteria but possess no motivation to self manage their criminogenic need. In such a case the corresponding severity rating would be assessed as 7.

The underlying assumption is that there is no basis for assessing a reduction in criminogenic need severity if the offender **cannot** (lack of understanding) or **will not** (lack of motivation) address it in a way that supports relapse prevention.

Severity scale

The severity assessment criteria are **sequential** (severity rating 7 through to 1). This means that each step within the scale, from most to least severe, is a necessary precursor for meeting the next. The severity assessment criteria are:

- **There is not a sufficient match between an offender and available rehabilitative interventions (severity rating 7).**
- **There is a sufficient match between an offender and available rehabilitative interventions (severity rating 6).**
- **The offender can identify the behavioural patterns (thoughts, feelings, actions, physiology, and context) that supported the criminogenic need (severity rating 5).**
- **The offender can describe *how* different aspects of his identified behavioural patterns supported the criminogenic need (severity rating 4).**
- **The offender can articulate a personal relapse prevention plan sufficiently informed by an understanding of the behavioural patterns that supported the criminogenic need (severity rating 3).**
- **The offender has the life skills to successfully implement his personal relapse prevention plan (severity rating 2).**
- **The offender's community lifestyle (social supports, living circumstances, leisure and work activities etc.) is supportive enough to allow him/her to keep to their personal relapse prevention plan (severity rating 1).**

The requirement that an offender can articulate an understanding of their criminogenic needs does not mean that only **intelligent or verbally proficient** offenders will qualify for less severe ratings. Offenders with lower intelligence, or who are less verbally adept, should still have the capacity to describe at least a rudimentary understanding of a criminogenic need and how to effectively self-manage it.

Offender's whose **low intelligence** precludes them from having the capacity to meet relapse prevention assessment criteria will automatically receive a severity rating of 7 in line with the responsivity criteria.

Assessing severity

The relapse prevention assessment criteria are applied differently to PCNs and OCNs. For PCNs the criteria are applied to the behavioural patterns that supported the **criminogenic need**. For OCNs the criteria are applied to the behavioural patterns representative of a criminogenic need that supported the **actual situation of offending**.

The severity assessment only occurs once the OP and PP assessment is completed and assessors have identified the OCNs and PCNs. These are **then described to offenders in name only**. Set questions are asked about each assessed criminogenic need to assist with the assessment of severity. Relevant evidence from files and significant others about the offender's recent and/or current behaviour are also drawn upon. For example, the offender's statement at interview that he is strongly motivated to address his cannabis abuse problem is given less weighting than recent prison file reports that indicate cannabis use.

Assessors do not enter into a discussion with an offender regarding their basis for assessing the feedback criminogenic needs. The CNI was not designed to be an intervention. The reliability of the information gathered at interview using the Criminogenic Needs Inventory will be reduced if assessors in any way **influence** an offender's self reported understanding of their criminogenic needs and strategies for self managing them.

Psychometric Properties

Based upon its design the CNI appears to encourage uniformity of practice and to measure what it is supposed to. However, confidence in these observations can only be properly established by testing them using appropriate research methodology.

The CNI project primarily aims to test whether non-specialist assessors can use the inventory in a **reliable** way. A secondary aim is to obtain preliminary evidence for the CNI's **validity** as a measure of criminogenic needs.

Reliability

The reliability of an inventory is established by measuring the **degree** to which it can produce similar results when administered to the same person on more than one occasion by the same or different assessors. Statistical confidence in the generalisability of such testing outcomes requires a sufficiently large sample size.

Differences may be found between testing occasions without an inventory being unreliable. Such differences usually relate to something significant that happened between testing occasions that resulted in the inventory measuring **genuine changes** in the individual. The interval between testing occasions needs to be short in order to minimise the confounding effect of genuine changes upon the testing of reliability. This ensures a better test of an inventory's reliability because both assessors are likely to access similar information.

The CNI project plans to use a large enough sample size and a short enough interval between testing occasions to provide a reasonable test of the inventory's reliability.

Validity

The validity of an inventory refers to the degree to which it measures what it is intended to measure. The CNI is designed to measure criminogenic needs. **Criterion validity** testing is the most appropriate means of determining the validity of an inventory such as the CNI.

Two types of criterion validity will be considered in respect to the CNI. The first is **concurrent validity**. This refers to the degree of agreement between a new test and an already established one (the criterion) designed to measure the same or similar behaviour. The second is **predictive validity**. This refers to the degree to which a new test predicts a future behaviour. If a test accurately measures a specified behaviour it should have the capacity to predict future behaviour (the criterion) that is functionally

related to the specified behaviour. These two types of validity differ only in terms of the timing of the criterion test.

The CNI project will obtain an estimate of concurrent validity using RoC and three established criminogenic needs measures. These are **the LSI-R, the Wisconsin Department of Corrections Client Management Classification, and the Correctional Services of Canada Case Needs Identification and Analysis Instrument**. Each of these measures and the CNI will be correlated with participant RoC scores.

The same three measures will also be correlated with **Risk of Imprisonment model (RoI)** scores. RoI is another static risk prediction model developed by the New Zealand Department of Corrections (Bakker, O'Malley, and Riley, 1999). It may provide a better estimate of the sample's recidivism because the majority of participants will be serving a prison sentence.

Estimates of the CNI's predictive validity will be obtained once sufficient time has elapsed to test the degree to which its outcomes predict subsequent **recidivism** of participants.

Norms

Because test results can vary depending upon factors such as the age, gender and ethnicity of subjects it is important to obtain normative data on such groups. Test outcome norms can be established for an inventory once enough data are collected about different types of individuals. For example, norms in respect to the prevalence and severity of criminogenic needs may differ **across offender ethnicity, gender, offence type** etc. This is important information because it may indicate the best targeting of intervention across different types of offenders.

The CNI project will record the ethnicity and offence type of participants. Although the sample size will be insufficient to establish norms the data collected will **contribute** to the eventual achievement of this task.

ADVANTAGES OF THE CNI

The CNI was developed to replace the LSI-R, the behavioural interview, the responsivity assessment, and most of the OMP. It **was specifically designed to address the potential limitations of the current IOM assessment**. The advantages of the CNI over this current approach include:

1. The CNI is **more structured**, covers a **broader range** of criminogenic needs supported by the research literature, and **clearly defines** the relationship of needs to offending behaviour. These features should increase the standardisation and accuracy of assessment practice.
2. The CNI has a conceptually strong basis for assessing criminogenic needs by applying the Cognitive Behavioural Therapy principle that a problem behaviour is best explained by the presence of potentially related behaviour closest in time to it. The application of this principle to the assessment of offending behaviour is more **clearly prescribed** by the CNI through its use of scoring rules. As such it takes a potential major source of error and variance away from assessors.
3. The CNI, unlike the IOM assessment, provides a measure of criminogenic needs severity that is based upon the principles of responsivity and risk management. It assesses severity by investigating relevant dynamic sources of information against set criteria. These features increase the likelihood that the CNI will be **sensitive to genuine changes in criminogenic need severity**. If an accurate measure of severity is provided by the CNI it will contribute to:
 - the best targeting of rehabilitative intervention for an assessed offender (**sentence planning**),
 - the enhancement of current risk prediction models through the addition of dynamic factors (**risk prediction**), and
 - the evaluation of rehabilitative intervention effectiveness (**programme evaluation**).
4. The IOM assessment procedures, with the exception of the LSI-R, were informed by clinical experience with New Zealand offenders. No direct evidence has been gained about the validity and reliability of these assessment procedures. Although there is evidence of this in support of the LSI-R, it was not obtained using New Zealand offenders. The present project will provide information about the CNI's validity and reliability. This will give an indication, among other things, of its **relevance to the assessment of New Zealand offenders**.
5. The CNI, unlike the IOM assessment procedures, **measures potential Maori-culture related criminogenic needs**. Information about such needs may provide a basis for explaining the over-representation of Maori in the offender population. The development and potential advantages of these are described in the next chapter.
6. The design of the CNI suggests that adequately trained and supervised non-specialist assessors can use it in a standardised way. It also should ensure that

the CNI can be administered, scored, and interpreted in a timely fashion. As such, the CNI should provide more accurate information than the IOM assessment **without resulting in additional fiscal and operational demands.**

CHAPTER TWO: MAORI CULTURE RELATED NEED

Background

Maori constitute almost **half** of the New Zealand offender population (Spier 1998; New Zealand Community Probation Service 1998). The negative effects of the process of colonisation and the associated erosion of traditional cultural values offers a broad basis for understanding the possible over-representation of Maori in the criminal justice system.

As outlined in the previous chapter, one of the major limitations of the LSI-R was its inability to measure potential Maori culture-related criminogenic needs. Consequently, a significant component of the CNI has been developed to address this limitation. The following section outlines the **rationale** for measuring Maori culture related need (“MaCRN”) and provides a brief synopsis of each MaCRN.

Rationale for the identification of Maori Culture Related Need

International research has been undertaken to identify factors which contribute to re-offending, and to identify areas of offender need to enable effective interventions to be put in place for that individual. This research however is limited in that it has been based on a **‘western empiricist’ perspective** that assumes that there are universal values, beliefs, and attitudes (Maynard 1998).

Moana Jackson (1988) asserted that research must view the Maori offender as an entity quite distinct from the Pakeha offender. This is because a Maori offender is shaped by **cultural forces which are unique to their being Maori** and are also subject to particular influences which are consequent upon that sense of Maoriness. As such, research must analyse the specific complex of factors which may predispose certain Maori to commit crimes. It presupposes that while Maori and Pakeha may have much in common, they are also different and the reasons for their offending are different.

A recent review (Maynard 1998) identified a number of possible cultural factors that were likely to contribute to the offending behaviour of a Maori individual and their ability to seek to modify this behaviour. In order to increase the validity of risk/need prediction amongst Maori, it was identified in that study as imperative that these **cultural differences** were adequately recognised and provided for.

Experience in other sectors (such as Health) have also shown that there are specific cultural factors unique to Maori which can influence the **effectiveness of treatment** (Te Pumanawa Hauora 1995). Further, studies undertaken by Maori research groups (namely Te Hoe Nuku Roa at Massey University) have demonstrated that there is a correlation between cultural identity and socio-economic circumstances (Te Hoe Nuku Roa 1996).

In addition, a number of evaluations (on predominantly **tikanga Maori based initiatives** and programmes) have been undertaken or contracted by the Department of Corrections. Although these evaluations are predominantly ‘process’ and ‘formative’

orientated rather than focussed on 'outcomes', they are consistent in highlighting that a tikanga or kaupapa Maori approach to programme content and delivery can have positive effects on Maori offenders. It appears that all of these programmes focus (to some extent) on addressing specific cultural needs such as:

- **Fostering a positive cultural identity,**
- **Creating an environment which enables individuals to feel both safe and good about being Maori; and**
- **Promoting whakawhanaungatanga.**

These key aspects of programme intervention have provided **early indications of success** in changing Maori offenders attitudes and behaviours, promoting pro-social lifestyle changes, and increasing their receptivity to other rehabilitative programmes. These are also wholly consistent with the identification of specific and unique Maori culture-related need.

Maori Culture Related Needs

Maori culture-related need has been developed on the basis that there are specific and unique needs to Maori offenders. These needs are characterised by culture and the place of that culture in New Zealand society and which, if not addressed appropriately, are likely to contribute to an increased risk of re-offending by that individual. It recognises that there are certain factors or '**needs**' **additional to generic offending needs**, which require recognition and incorporation into risk/need assessment tools in order to effectively identify and address offending and re-offending by Maori.

The guiding criteria (devised by Psychological Service) for developing the MaCRN's were:

1. The culture-related need is one that could **potentially explain** the risk of re-offending for Maori.
2. The culture-related need is **not likely to be already measured** by the instrument's non-cultural needs or non-cultural criminogenic needs.

Four potential MaCRN's have been identified so far. These are:

- **Cultural identity;**
- **Cultural tension;**
- **Whanau; and**
- **Whakawhanaunga.**

These have yet to be refined, and may be modified in the process of undertaking a proposed reliability study of the CNI amongst Maori offenders. Further it is also recognised that broader consultation within the Department of Corrections will need to ensue and the finalisation of the MaCRN's within the CNI and their measurement may require ongoing refinement.

MaCRN 1: Cultural Identity

Promoting and enhancing a positive pro-social cultural identity has been identified as an important and relevant culture-related need by a number of sectors and research groups.

Research undertaken and reported in 1996 by Te Hoe Nuku Roa at Massey University, demonstrated the particular significance of cultural identity as a policy variable. Amongst its conclusions the Report found that Maori generally wished to retain a Maori cultural identity and that there was **a relationship between a secure identity and other areas of social and economic well-being**. Access to Maori institutions and knowledge was also recognised as a key determinant for Maori wellbeing (Te Hoe Nuku Roa 1996).

Further, based on an analysis of the information gathered, the report suggested that a secure cultural identity has **advantages far beyond cultural affirmation**. It may for example afford some protection against poor health, it is more likely to be associated with educational participation and with positive employment profiles. The corollary is that reduced access to the Maori world may be associated with social and economic disadvantage (Durie 1996).

MaCRN 1 - Cultural Identity measures whether the offender has a **positive pro-social perception about being Maori or whether their perception about being Maori is negative and/or anti-social**. This is assessed on the basis of an offender's lack of pride and/or comfort about being Maori and/or whether pride and comfort are associated with anti-social behaviours, attitudes or beliefs. Once this is identified, the extent to which this perception precipitates thoughts and feelings that potentially predispose him/her to offending is examined.

MaCRN 2: Cultural tension

It appears that **acculturation factors** such as issues associated with colonisation and situations where offenders have felt that being Maori has created some barriers, or difficulties for them in their personal, social or occupational life are likely to impact significantly on their overall well-being. Such factors could also increase the risk of Maori indulging in criminal activity.

If a person regularly receives the message **that one's culture, language, and identity are unacceptable**, the impact on one's sense of security and self-esteem will be negative (Berry 1994; cited in Maynard 1998). This in turn could lead to a greater risk of offending than those secure in their culture and identity.

Contemporary New Zealand society has developed primarily from Western/European based norms, despite the fact that Maori are recognised as the tangata whenua of this country. Consequently, **Maori culture has been generally compromised and discouraged** in the process of colonisation and it is therefore likely that a number of stressors and tensions associated with differences in cultural values and beliefs between Maori and non-Maori has developed. Further, the lack of positive coping skills for dealing with such tension, may promote maladaptive responses which could include

the development of related cognitions and behavioural patterns that are likely to increase the individual's risk of re-offending.

MaCRN 2 – Cultural Tension measures the **nature and extent of the cultural tension** and the offender's capability of recognising and pro-socially addressing these where it impacts on their personal, social and/or occupational functioning.

MaCRN 3: Whanau

An appreciation of the **collective nature of Maori culture** will lead to a better understanding of the uniqueness and importance of whanau to Maori and it's possible contribution (whether positive or negative) to offending behaviour.

Metge (1976) argued that the concept of whanau and its underlying values is discernibly different to **pakeha perceptions of family and family values** (Hirini 1997). For example, Durie (1984) stated that the pakeha ideal of being able to stand alone and be independent is actually an unhealthy position from a Maori perspective where intra dependence has been encouraged.

The **relationship of an offender to their whanau is crucially important to assess**. An exclusive focus on factors directly related to individual offending without examining concurrent public and community practises, will not of itself reduce offending levels as it doesn't address factors which reinforce that person's offending behaviour. Individual obligations must be balanced against the prevailing value of collective responsibility (Hamilton Community Corrections Office 1997).

Information about the **strength or lack of whanau support** is likely to indicate predisposing, precipitating, perpetuating or protecting factors related to the development and maintenance of offending behaviour and attitudes.

MaCRN 3 - Whanau is measured in two ways. The first category of assessment is lack of whanau contact and whether this has **negatively impacted** upon the functioning of the offender.

The second category of assessment is the identification of **anti-social behaviours and attitudes within the offenders whanau** which may support and maintain offending behaviour. Once these have been identified within the pre-disposing period, the impact on the offender's functioning is then assessed.

In both situations attempts should be made to access members of the extended whanau or significant others for the purposes of assessment.

MaCRN 4 Whakawhanaunga

Clearly related to the concept of whanau is whakawhanaungatanga which essentially generates a **sense of family cohesion and co-operation** and is a specific form of support for Maori. It has been defined as the "element that provides strength, warmth, support and understanding in family and kinship relationships" (Dept of Health, 1984). It also generates observable behavioural processes through which whanau functioning is

promoted and enhanced. It will continue to be, a concept of substantial value to Maori in terms of their own social well-being and development (Hirini 1997).

When assessing the relationship an offender has to their whanau, the focus is on establishing the nature of the relationship and the consequent impact the whanau may have had on, or the lack of support that has contributed to, the offending behaviour of that individual. Conversely, whakawhanaunga, focuses on identifying a variety of relationships an offender has with a group of people who they **consider to be like a whanau** to them and how these relationships may contribute to offending behaviour. The group to which the individual associates with, does not necessarily have to be blood connected.

Focusing on whakawhanaunga and the nature of relationships an individual forms with others, is important in that there appears to be an inclination for Maori (as a distinctly collective culture) to **avoid isolation by seeking to form relationships with groups of people that they can relate to**. As such, there appears to be a strong need for Maori offenders to seek membership to a larger group which will provide to that individual a sense of belonging and collective responsibility. For example, against the background of not aligning with mainstream society, becoming a member of a gang could provide a sense of importance and belonging that an individual may feel they lack in their lives. Whakawhanaunga is therefore perceived as a unique need specific to Maori. It further offers a broad explanation as to why many Maori offenders tend to form associations with anti-social gangs and develop anti-social behaviour where whanau support is lacking.

MaCRN 4 – Whakawhanaunga examines whether the offender is **part of a group** (within the pre-disposing period) who they consider to be like a whanau to them. Once this has been identified, the importance of the group and/or the ways in which being part of this group has impacted upon their relationship with others is then assessed.

MaCRN Offending Period Criminogenic Needs (“OCNs”)

Evidence that a MaCRN is a potential OCN is drawn from the offence chain similar to other OCNs mentioned in the previous chapter. **Specific rules** have also been developed for determining each potential MaCRN OCN.

The MaCRN OCN’s measured by the CNI are:

- MaCRN 2 - Cultural Tension;
- MaCRN 3 – Whanau; and
- MaCRN 4 – Whakawhanaunga.

Determining MaCRN Pre-disposing Criminogenic Needs (“PCNs”)

The determination of MaCRN PCNs is based on **the general rules used for determining other PCNs** (see - Chapter one).

MaCRN 1 - Cultural Identity is automatically assessed as a PCN where the offender **does not identify as Maori** but has New Zealand Maori ancestry or where a Cultural Identity pre-disposing period need is identified. MaCRN 4 - Whakawhanaunga is only

assessed as an automatic PCN when the offender has indicated in the pre-disposing period that they were part of a gang who they considered to be like a whanau to them.

The general rules for determining non-automatic PCNs equally apply to MaCRN 2 – Cultural Tension and MaCRN 3 – Whanau. These rules also apply to MaCRN 4 – Whakawhanaunga with the exception of **gang affiliation**.

Assessment of severity – MaCRN

The assessment of severity of identified criminogenic needs follows the same format, structure and scale as that used for all other assessed criminogenic needs. Brief explanations for cultural tension, whanau, and whakawhanaunga, (similar to those identified for “emotions”) will be highlighted in the CNI section used for assessing **motivation and severity**.

It is further envisaged that once the proposed CNI reliability study, including the MaCRN’s was completed, specific guidelines for the assessment of severity for the MaCRN’s could be further developed to better inform **responsivity issues** directly related to cultural factors.