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The Construction of Risk and Need in Community Classification Schemes

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Introduction

The risk-need-responsivity principle (RNR) has guided the development of community correctional programs in recent decades (Bonta et al, 2010). This principle guides rehabilitation and supervision efforts by targeting factors related to risk (to the public), along with offender needs (to be rehabilitated). Ideally, the risk and need principles account for the individual's responsivity (intensity of needs) to treatment. Although RNR principles are prevalent within offender classification schemes, Bonta (1997) has suggested that a more fully operational theoretical framework is needed in order to better identify and target dynamic risk factors and criminogenic needs. However, classifying and categorizing risk from a need has been found to be problematic within correctional strategies (Hannah-Moffat, 2005; Ward & Stewart, 2003). Some scholars suggest that risk and need are framed in correctional risk assessments through a normative and value-laden lens (Hannah-Moffat, 2005; Avruch & Black, 1997). Accordingly, the concepts of risk and need tend to be conflated and unclear (Ward & Stewart, 2003). This paper further investigates these arguments. As such, the origins and development of the ideology of risk are briefly examined within a political and historical context. This is aided by a description of the 'generational' development within federal and provincial actuarial instruments. Particular emphasis is placed on the development and implementation of actuarial instruments within a community correctional context. Next, the conflated nature

of risk and need is outlined, with attention placed on how the concept of risk correlates with constructions of responsibility. While the conflation of the risk/need hybrid is discussed through Ward and Stewart's (2003b) g*ood lives model,* several limitations of this model are also identified. Lastly, the necessity of identifying the raced, classed and gendered ideology underlying the labeling of criminogenic needs /dynamic risk factors is presented.

The Emergence of Risk in Criminal Justice

O'Malley (2004: 326) maintains that "actuarial justice is the ascendant strategy of risk-based criminal justice". Similarly, Feeley and Simon (1992: 449) argue that the evolution of criminal justice discourse, objectives and techniques can be broadly characterized under the terms "Old Penology" and the "New Penology". In the Old Penology, criminal sanctioning was concentrated on the individual subject. It is ultimately concerned with concepts such as guilt, responsibility and obligation (Feeley & Simon, 1994). In this paradigm, correctional policy was focused on diagnosis, intervention and treatment of the individual offender. Conversely, the New Penology is rooted in actuarial logic as it is concerned with techniques of identification, classification and management so that groups may be sorted by levels of dangerousness. In its earliest conceptions, actuarial justice was based on an 'objective' ideology of probability and risk, not on clinical diagnosis and treatment of offenders (Feeley & Simon, 1992).

As such, actuarial justice is rooted in insurance ideology and techniques which systematically organize present experience in order to provide for future contingencies (Simon, 1987). Simon (1987:63-4) identifies this ideal within several actuarial frameworks. First, contingencies that may come to bear on an individual's life are mitigated by aggregating a group of individuals together.

Second, this aggregate data is most accurate when a larger sample is used. Therefore, the tendency of such a process is to grow, including a greater pool of people. Third, the data can

achieve greater precision by investigating the differences, or negative occurrences within the data. In this way, individual difference is to be identified and magnified within the information. Fourth, the data obtained does not seek to 'know' the individual, rather it seeks to situate the individual within the larger population. Despite these characteristics within actuarial frameworks, the historical evolution of this interplay between political and economic forces is not linear. In order to examine several major shifts in economic ideology and social policy that have been highlighted by scholars, it is important to examine these changes within their historical context.

Historical Development of Risk In Political Context

While insurance strategies can be traced back to the emergence of capitalism, they have been employed predominately in the twentieth century (O'Malley, 1994). Due to industrial capitalism, welfare policies involving health care, and education, developed after World War II in response to ever increasing demands on the working class (Woolford, 2009). In the Western world, the formulation of workers compensation began to gain momentum from the early twentieth century until World War II . With this development, workplace accidents were no longer seen as an anomaly with no cause, but rather as a normal and inevitable occurrence in work life (Simon, 1987). Therefore, employers were required to provide a measure of insurance to mitigate and manage these inevitable occurrences. After World War II, actuarial law developed even further and began to litigate harm due to industrial production and consumer products. Arguably, through these practices, individual security was established as a 'right' to be insured (O'Malley, 1994).

By the 1970s welfare policies were perceived to be in crisis by an increasingly mobile and global market economy. As Lacey (2010) notes, a neoliberal polity arose that was market driven and focused on private enterprise, deregulation, and liberalized trade. The underlying ideology was concentrated on consumer choice, efficiency, and individual autonomy. Feeley

and Simon (1994) suggest that this ushered in a shift in penal thinking— the New Penology. This penology suggests that the actuarial/risk logic does not seek to intervene in individual's lives in order to determine guilt or responsibility, but to regulate individuals in order to manage danger and the potentiality of risk (Feeley and Simon, 1994).

Despite this, scholars have argued that 'risk' is an abstract, constantly evolving technology that is fluid and flexible in the face of rising political and economic demands (Hannah-Moffit, 2005; O'Malley, 2004). Moreover, actuarial thinking may not be associated with conventional political labels (Feeley & Simon,1994). In their examination of criminal justice policy development in the United States, Simon and Feeley (1994) note actuarial logic is a technology that has been utilized and adapted by several political perspectives. For instance, actuarial connections with liberal polity are noted to emerge from "due-process oriented liberal" support for operations research and a management ideology that allowed for greater monitoring and coordination (Simon & Feeley, 1994:191). Conversely, they also note that "lock-em-up" conservative policy reflecting increased imprisonment also facilitates a dependence on actuarial techniques to substantiate the utility of more prisons (1994: 190). Underlying this analysis is the assertion that a risk ethos replaces rehabilitation and treatment in correctional strategies. Other researchers have questioned the linear implications of this logic. For instance, Hannah-Moffat (2005) argues that the neoliberalism/risk versus welfare/rehabilitation binary is overstated and that a more nuanced analysis of risk is needed.

Generational Development of Classification Schema

In order to provide this nuanced analysis, it is first important to examine how risk logic has evolved. Several scholars have outlined the development of risk logic over four 'generations' (Andrews, Bonta, & Wormith, 2006). The first generation of risk logic was rooted in a rehabilitative ideal that utilized a subjective, clinical prediction. In her review

of clinical studies, Ansboro (2010) found that this approach was often an inaccurate predictor of recidivism. Due to its subjective and unsubstantive nature, this approach fell from favour after a short period of time. In the second generation of risk assessment in the 1970s, risk assessment tools, such as the *Statistical Information on Recidivism Scale* (SIR) in Canada, were developed to account for static factors (Hannah-Moffat, 2005). Static factors are characteristics of an offender that are fixed and not amenable to change such as age, gender, and criminal history (Andrews, 1989). This generation of risk assessment is aligned with what Simon and Feeley (1994) referred to as the New Penology. This is where the fixed risk subject was assigned a static category that was 'objectively' determined, leading to mass incarceration and a limited scope of therapeutic intervention. However, by the 1980s concerns of this approach to classification and assessment were beginning to be voiced by psych-professionals within academic literature (Hannah-Moffat, 2005). This critique cultivated new ways of understanding the risk posed by the offender, and led to a third generation of risk analysis in the 1990s. A new way of thinking began to incorporate a therapeutic knowledge of an offender's needs, and individual amenability to change, alongside an actuarial lens. In a seminal article by Andrews (1989:13), he argues that practitioners must look beyond risk factors that cannot be changed and begin to identify those dynamic risk factors, or criminogenic needs, that may indicate opportunities for rehabilitation and a decreased probability of recidivism. As such, Andrews (1989) outlines other principles that should guide supervision.

First, offenders should be categorized according to a risk principle. This risk principle stipulates that the highest levels of service are allocated to the higher risk cases, and the lower risk cases are allocated lower levels of supervision (1989:13-14). Second, the need principle stipulates that it is necessary to target the criminogenic needs of offenders in order to reduce criminal offending. Accordingly, he identifies several targets of rehabilitative service, such as anti-social attitudes,

anti-social peer associations, increased self-management and problem solving skills, and reducing chemical dependency (Andrews,1989: 15). The third principle is the responsivity principle, and this principle asserts that the appropriate mode and style of service must align with an offender's identified risk level and need. Here, a cognitive behavioural approach is purportedly the most advantageous as it focuses on teaching rather than the traditionally rehabilitative ideal of 'treatment' (Hannah-Moffat, 2005; Bonta, 1997). Lastly, professional discretion underlies this risk-need-responsivity framework. As Andrews (1989: 17) states, "The professional reviews risk, need, and responsivity for a particular case under particular circumstances". Importantly, this review must account for ethical, humanitarian and legal considerations.

Bonta and colleagues (2006) assert that there is now a fourth generation upon us. This generation guides and follows service and supervision from intake to case closure. Case management is now the mantra for community corrections (Bonta, Rugge, Sedo & Coles, 2004). This involves a human service assessment and delivery focus, and follow-up orientation. New assessment tools such as the Wisconsin *Correctional Assessment and Intervention System* (CAIS) and *Correctional Offender Management Profiling for Alternate Sanctions* (COMPAS) are used to strengthen adherence to principles of effective treatment, as well as to provide efficient and accurate systems of offender classification in order to reduce recidivism. In Canada, the *Level of Service Inventory/Case Management Inventory* (LS-CMI) and the *Offender Intake Assessment* (OIA) are both utilized in order to provide a systematic and integrated information management system for all federal offenders from the date of admission.

In 1994, the Correctional Service of Canada implemented the *Offender Intake Assessment* (OIA) process for federal offenders (Taylor, 2001). Two core components of this process are the *Criminal Risk Assessment* and *Case Needs Identification and Analysis (CNIA)* (Taylor, 2001). The *Criminal Risk Assessment* includes static information about the offense (his-

tory, severity), as well as the results of the actuarial *Statistical Information on Recidivism Scale* (SIR). The SIR and CNIA risk score and ratings are both derived from seven dynamic/criminogenic need areas: employment, marital/family, associates, substance abuse, community functioning, personal/emotional, and attitude (Taylor, 2001). These quantitative scores indicate the overall risk and need level and identify ranges from low risk/low need to high risk/high need. While these processes provide a system of accountability in the provision of institutional supervision and services, it is also the major model for supervising offenders safely in the community (Bonta et al., 2004). The risk-need-responsivity principle guides information collected within the OIA process, therefore ultimately informing the overall correctional plan of an offender under community supervision (Bonta et al., 2004). However, there are several different types of risk/need assessment tools that are currently utilized within Canadian provincial jurisdictions. For instance, in Manitoba, all sentenced offenders are assessed using both the *Primary Risk Assessment (*PRA) and *Secondary Risk Assessment* (SRA) classification schemes (Bonta et al., 2004). The PRA is a more generalized classification instrument whereas the SRA is specific to an offense type.

Currently, the *Level of Service Inventory* (LSI) is commonly utilized across many jurisdictions with respect to community corrections. For instance, in a review of probation officers preferences, Hannah-Moffit & Maurutto (2003) found that a majority across several jurisdictions preferred the structure of the LSI. Utilized by provinces such as Ontario, Newfoundland, Prince Edward Island, and New Brunswick, the LSI has been the focus of several meta-analytic studies. In an early meta-analysis of 131 programs, Gendreau, Little and Goggin (1996) found that the LSI was the best available predictor of adult offender recidivism. More recently, in a meta-analytic review of community classification schemes, Andrews, Bonta and Wormith (2006:22) found that the predictive validity of the LSI, particularly for general recidivism, has consistently shown to be a valid predictor of recidivism as opposed to

"unstructured clinical judgment". However, they also maintain that the need principle was underestimated in earlier generations of classification schema and a more multi-model focus on criminogenic needs could be a more promising target for reduced recidivism (Andrews et al, 2006:18). Moreover, the responsivity principle has shown to be a necessary target in reducing recidivism in many studies. As they note, "The validity of general responsivity is overwhelming in the meta-analytic literature. Once again, of course, general responsivity is less important when service is not conforming with the risk and need principles"(2006:18). As such, the LSI/CMI *(Level of Service/Case Management Inventory)* has provided increased attention to offender's personal strengths and special responsivity factors (Olgoff & Davis, 2004).

This statement highlights the implications of the application and degree of adherence to principles outlined by correctional institutions. In this fourth generation of classification, studies have shown that it is necessary to monitor and assess the attitude and behaviour of the correctional official as well as the offender. For instance, in a study of the case management of sixty-two probation officers in Manitoba, Bonta et al (2004) found that needs assessments were often not addressed in probation meetings or integrated into intervention plans. This was particularly true of employment needs. Employment was identified as a need in 40 percent of cases, but only addressed 10 percent of the time (Bonta et al, 2004). As such, actuarial instruments, such as the *Correctional Program Assessment Inventory* (CPAI), have been developed to assess the degree of adherence to the principles of RNR in a program or correctional agency. Using this measure, Lowenkamp, Latessa, and Holsinger (2006) found that a variation in application and adherence to RNR principles are associated with the success of correctional programming in reducing recidivism. Their meta-analytic study of 97 community-based correctional facilities revealed that those non-residential programs that failed to meet RNR criteria were correlated with an increase in recidivism.

Further, studies have shown that probation officer's attitudes and interviewing techniques are important when examining programming adherence to RNR principles. Bonta and colleagues (2010) developed an experimental training program for probation officers with medium and high risk cases called the *Strategic Training Initiative in Community Supervision* (STICS). This 3 day skill training and maintenance follow-up was designed to expand and refine probation officer training to be more focused on RNR principles rather than a strict enforcement model. Compared to the control group, the researchers found that the STICS probation officers had a statistically significant higher proportion of their sessions focused on criminogenic needs. In contrast, officer-client interactions within the control group focused more on probation conditions and noncriminogenic needs. Officer-client interactions which focused on probation conditions for more than fifteen minutes per session were correlated with higher recidivism than those sessions lasting less than fifteen minutes. Overall, the recidivism rate for the STICS officers was 25.3 percent as compared to 40.5 percent for the control group (Bonta et al, 2010).

The Ideology of Risk

From such studies it is apparent that risk/needs classification schemes are interested in reducing recidivism and providing efficient, targeted treatment services to offenders (Hannah-Moffat, 2005). As was previously noted, actuarial instruments are based on ideas about risk, and how to best mitigate this risk for the largest group of individuals possible. As such, these instruments are subject to social forces and the groups and individuals who use them. It is here that the definition and nature of risk can be viewed through several lenses. As Simon and Baker (2002: 18 [italics original]) contend, "we are less interested in naming what *is* a risk than we are in what is done *in the name* of risk". As such, Baker (2002) suggests that the name of risk is intricately linked with the idea of responsibility. He suggests that a common ideology within western culture is that an individual procures insurance, not only

mitigate his/her risk, but also to lighten his/her responsibilities. In this sense, insurance serves to remove responsibility, not create it (Baker, 2002). However, Baker (2002) argues that as actuarial logic transfers and distributes risk, it also distributes responsibility. For instance, without insurance, an individual is responsible for his/her own medical bills or automobile damage. Insurance mitigates the inherent risks and responsibilities bound up in such realities, and ensures that these costs are distributed among a larger group of individuals. Further, insurance companies appropriate benefits or responsibilities based on a certain foreknowledge of potentially negative actions (Baker, 2002). What is problematic is this foreknowledge is purportedly based on objective data, however, it is constructed by social values, norms, and beliefs. For instance, only certain events, and certain people, are included within this risk calculus. As Baker (2002: 11) notes, "...concern is manifested in the concept of the deserving poor – the notion that children, the disabled, and the elderly poor deserve public support because their present need is not the result of irresponsibility on their part". In this way, the authority that is imparted through the risk calculus creates, ensures, and socializes responsibility. Insurance foresight claims the authority to prioritize and categorize who is responsible, and by how much. For instance, Reichman (1986) insists that actuarial models assume equality, however, in practice they form a veil over the sources of power. She argues that the distribution of 'risk' is rarely equal— instead risk classification creates and legitimates a "problem population" (Reichman, 1986:62).

Responsibility is also a nuanced concept with several meanings. Baker (2002) identifies five meanings that signify 'responsibility'. First, is the idea of being obligated— one who is responsible implies there is an obligation they are to meet. Second, is that of trustworthiness or loyalty— one can be counted on; they are responsible. Third, responsibility can signify a causal meaning. This means that due to poor choices, the onus is on the individual to pay— to be responsible. The fourth meaning suggests that the individual is a

free, self-determining agent is in control for his/her own area of influence. Within this area of influence the agent are free to act or not. The fifth definition conveys the interpersonal dimension of responsibility— solidarity. Through such personal relations there are bonds of attachment. Although responsibility has these five dimensions, all of these concepts share a common thread; it encompasses the social context of a group or individual. As McKeon (as cited in Baker, 2002;12-3) posits, "The concept of responsibility relates actions to agents by a causal tie and applies a judgment value to both. It involves assumptions about the agent and about the social context in which he acts".

Actuarial insurance relates to risk logic within correctional schemes in several ways. First, both aim to decipher and objectively name what constitutes a risk. However, it is questionable whether 'risky' situations or people can be objectively categorized. Hannah-Moffat (2005) contends that while risk classification schemes are touted to be a morally neutral objective, rational calculus of criminal offending, it is important to recognize that these 'risky' situations are predicated on middle-class, normative assessments of values, lifestyles and experiences. For instance, questions regarding income assistance, budgeting practices and credit capacity all assume that offenders have credit and/or are not to be financially over-extended (Hannah-Moffat, 2005). These indicators are often based on meta-analysis of correlations to offending but are not directly related to the offense in question.

Second, such logic also serves to define what kind of behaviour is responsible, and what kind is risky (Baker, 2002: Hannah-Moffat, 2005). Some scholars contend that the net of risk, conflated with needs, has widened (Hannah-Moffat, 2005). In earlier risk assessments, static risk factors such as age, gender, and offense history initially placed the offender within a risk category. These factors have now expanded to include other social categories equated with risk. These dynamic risk factors, including education level, employment status, peer associates, are social elements now enumerated

within the risk calculus. Further, specific social situations are framed either in a negative or positive way so as to encourage responsible behaviour (Baker, 2002). For example, probationary measures, such as requiring offenders to refrain from alcohol or visiting certain areas, all frame such activities through a subjective lens.

Third, risk assessments also determine and parcel out who must have a share in responsibility for this behaviour. Judgments are made about who or what caused the deviant events (Baker, 2002). For those who are low-risk, low-need, this responsibility is low; for offenders who are high-risk, high-need this responsibility is high. However, scholars have suggested that risk indicators are highly gendered and racialized. In a literature review, Hannah-Moffat and Maurutto (2003) suggest that actuarial tools may classify female and Aboriginal offenders as higher risk because of their greater criminogenic needs. In such instances, female offenders are often framed as higher risk as they pose a greater risk to themselves (Hannah-Moffat & Shaw, 2001, as cited in Hannah-Moffat & Maurutto, 2003). In their examination of the YLS/CMI youth classification system, Onifade, Davidson, and Campbell (2009) suggest that even multi-domain risk assessments do not factor in policing levels, community surveillance, and justice system attention. Consequently, members of minority and marginal communities that have disproportionate justice system contact have a greater likelihood of being apprehended and/or prosecuted for their offense.

Fourth, within correctional schemes the offender is conceived as an active risk subject amenable to therapeutic interventions (Hannah-Moffat, 2005). As the presence of dynamic risk factors signals the likelihood of increased offending in the future, targeting these factors in treatment is thought to reduce the likelihood of harm or risk. Moreover, it is presumed that responsible behaviour is fostered through the development of rehabilitation regimes and surveillance techniques. Such techniques are designed to make it easier to complete treatment and meet probationary conditions, or at least more

difficult to avoid them (Baker, 2002). The underlying ideology legitimates this intervention as 'good' for society and for the offender, purportedly not a moralistic act. It also reasserts the responsibility of the offender – the offender must simply be more *motivated* to meet his/her responsibilities.

Needs/Risk Conflation

Another problematic issue in the RNR model is that the relationship between risk and need in RNR schema is unclear (Ward & Stewart, 2003; Hannah-Moffat, 2005). Analytically, static and dynamic factors comprise two different spheres. Indeed, in the early generations of risk assessments, static factors were considered more empirically valid predictors of recidivism than dynamic factors (Gendreau et al., 1996). Since this time, studies have found dynamic risk factors to also be strongly correlated with recidivism. For instance, a meta-analysis by Gendreau and colleagues (1996) found that static factors, such as criminal history, and dynamic factors, such as antisocial behaviours, were both valid predictors of recidivism. Currently, both static and dynamic factors are considered in risk assessment models, such as the LSI-R, and in correctional treatment. One indication of the conflation between risk and need is that while initial assessments are based on static and dynamic risk variables, once in treatment, dynamic *risk* variables are framed as criminogenic *needs*. It is now needs, rather than risks, that are the most significant factors of interest (Ward & Stewart, 2003). The offender's level of risk is now determined by the depth or severity of his/her need. While this logic suggests that an offender's needs exist on a more fundamental level than what is simply driving the offending behaviour, dynamic risk factors and criminogenic needs are treated as essentially the same thing (Ward & Stewart, 2003). Similarly, Hannah-Moffat and Maurutto (2003:16) found that many correctional professionals could not distinguish the difference between a risk and a need, often conceptualizing them as a "part of the same issue".

Historically, 'needs' have generally have implied entitlement

to resources, whereas risk has been associated with danger and security (Hannah-Moffat & Maurutto, 2003).This blending of risk with needs means that needs are identified as 'problems' in the risk calculus (Hannah-Moffat & Maurutto, 2003). Therefore, legitimate needs are constructed within highly defined parameters, and are identified as those factors that reduce recidivism and are amenable to treatment (Hannah-Moffat, 2005). Here, criminogenic needs are conflated with a *specific* type of risk. Here, it is not an offender's self-identified need that is of paramount importance, but keeping needs confined to those parameters which are linked to recidivism.

Also problematic is the normative nature of needs. The identification and interpretation of needs are framed according to value judgments that are embedded in a particular view of human nature (Ward and Stewart, 2003a). For instance, the RNR model is based on social psychological theory of criminal offending, whereby thoughts and behaviour are conditioned and shaped by conditioning and re-enforcement mechanisms (Bonta, 1997;Ward & Stewart, 2003a). The g*ood lives* model (GLM), as proposed by Ward and Stewart (2003b), has been noted as a new way forward. The GLM is a strengths-based, positive psychological approach that focuses on empowering offenders to with the necessary internal and external resources in order to "secure primary goods in socially acceptable and personally meaningful ways" (Ward & Stewart, 2003b: 356). This definition of 'need' is rooted in the *Self-Determination* theory of needs proposed by Deci and Ryan (2000, as cited in Ward & Stewart, 2003). This theory proposes that humans are inherently active, self-directed mechanisms predisposed to seek autonomy, relatedness and competence. Needs are purportedly separate from wants in that they are universal and objective. Ward and Stewart (2003a: 128) suggest that, "Needs are concerned with the attainment of objective goods that sustain an individuals life...". With this view, basic needs require internal and external satisfiers such as adequate parenting, health, and acquisition of skill training. The nine needs identified in the model

are life, knowledge, excellence in play and work, excellence in agency, inner peace, friendship, community, spirituality, happiness, and creativity (Ward & Stewart, 2003b). However, Ward and Stewart (2003b) acknowledge that the nature of basic needs is context dependent. This means that the nature and relative importance assigned to these needs, are informed by personal and cultural contexts.

Ward and Stewart (2003a) suggest that this risk/need conflation may be related to a failure to articulate between two types of needs— instrumental and categorical. Instrumental needs are defined as those needs, "whose value depends entirely on their contribution to a future goal or end" (Ward & Stewart, 2003a:131). Categorical needs, on the other hand, "derive their value from the needs themselves; they are not means to a further, more fundamental end" (Ward & Stewart, 2003a:131). When confronted with obstacles, individuals attempt to satisfy basic needs in the best way that they can, resorting to proxy or substitute needs (Ward & Stewart, 2003a). In this sense, criminogenic needs are not needs in and of themselves, rather they are internal and external obstacles that lead to need distortion or the acquisition of proxy goals. Instrumental needs must be located in categorical needs in order not to be conflated with risk factors. For instance, in the RNR paradigm, impulsivity is construed as a criminogenic need. This leads one to question if impulsivity is really a need in and of itself, or if it is an instrumental means to obtain objective goods such as autonomy (Ward & Stewart, 2003a).

Ward & Stewart (2003a) also argue that the RNR paradigm does not account for the causal mechanisms linked to offending behaviour or the interaction between identified needs. For instance, re-integration is offered as important within RNR programming, but it fails to theoretically account for the psychological need that re-integration hopes to address. Ward and Stewart (2003a) assert that the 'need' for reintegration is linked to a deeper, more inherent needs for autonomy, relatedness and competency.

They contend that a more thorough epistemology in conceptualizing need identification within RNR schema is important in order to advance effective treatment services.

There have been several critiques of the g*ood lives* model. First, there is the issue of empirical validity. Bonta and Andrews (2003) argue that the needs identified within the model have no empirical basis on which to assess the identified offender needs within the model. Second, there is also some question whether there is really any substantive difference between the GLM and the RNR ideologies. For instance, Olgoff and Davis (2004) maintain that many of the needs identified in the GLM are domains that are covered in the RNR. He also notes that newer assessment tools, such as the LSI-R and the LS/CMI also focus on offender strengths. There are also questions as to whether the GLM will redirect rehabilitation focus on criminogenic needs to that of non-criminogenic needs. Olgoff and Davis (2004) question whether this may unintentionally re-enforce pro-criminal attitudes and behaviours, without addressing the factors that relate to offending.

Overarching all of these questions are several theoretical issues with how needs are framed within the correctional ideology, regardless if this is found in the RNR or GLM approaches. Whether needs are labeled as criminogenic, non-criminogenic, categorical, or instrumental, they are still understood to be generated within the individual nature. While the GLM is concerned with needs as more than a subset of factors related to recidivism, it still focuses on the psychosocial constitution of the offender at the expense of the social structures and institutions that frame the offender (Avruch & Black, 1987). Though the GLM has been touted as context-specific, this context is not viewed as essential to understanding how needs are constructed. Rooted in a universal perspective of human needs, the GLM posits a rational yet needs-driven actor. Such an actor is relegated to an at-any-cost irrationality when faced with fulfilling his/her needs (Avruch & Black, 1990).

Sampson and Lauritsen (1997) suggest that definitions of

crime may be re-conceptualized and understood to be a social problem at a larger level. With such an understanding, assessment structures would isolate particular characteristics of cities and communities that build the social bases of crime. The unit and explanation of analysis would not exhausted at the interpersonal level, but would include the historical, political, and economic macro-level forces that shape local communities. In such an analysis, it would be important to look at the immediate contexts and the ecological circumstances in which particular events take place (Kozleski et al., 2010). For instance, Smith (1986) found that police were more likely to arrest, or use coercive force, against suspects in racially mixed neighbourhoods than in more homogeneous communities (as cited in Sampson & Lauritsen, 1997). Here, community characteristics such as racial composition and socio-economic status can interact with suspect characteristics to predict and measure police arrest rates and incidences of coercive authority (Sampson & Lauritsen, 1997). Such arrest rates could then influence an offender's static risk level in terms of criminal history, and dynamic risk level in terms of anti-social behaviours. In this context, community characteristics have an interactional effect on police response and reporting, which then impacts individual-level risk factors. In this nuanced examination, risk and need are not viewed with an exclusive eye towards recidivism, but a more holistic view of building capacity within communities. Linear cause-and-effect relations are eschewed for a more interactional, systemic analysis of the bases of crime.

The disarticulation of the offender also ignores the social constructs such as language, gender, race and class that constitute the offender, the correctional staff, and the culture in which they live (Avruch & Black, 1987). It is necessary to step back from essentialized, generalized notions of risk and need, and to acknowledge that particular constructions, histories and applications of the term 'risk' and 'need' in a society are not neutral— they are value-laden and have embedded within them notions of the 'other' (Hannah-Moffat, 2005; Reichman, 1986). This is consistent whether analysis is conducted at the

micro-level or macro-level. While the empirical link between dynamic risk factors/criminogenic needs and recidivism has been touted, it is significant to question whether these links are due to empirical validity, or if it is because constructions of risk and need are framed by actuarial models at the outset. For correctional officials, academics, and practitioners, it is important to investigate where systemic bias is built into risk assessment models themselves. In this exercise of "delinquency instrument construction"(Sampson & Lauritsen, 1997:330), it is necessary to examine how word choice, word usage, and word control continue to create and sustain what is considered a risk and a need in criminal justice parlance (Coyle, 2010). Moreover, it is important to examine the underlying views of culture that create disproportionality – how culture frames and mediates certain assessments about peer groups, household functioning and educational access (Artiles, Kozleski, Trent, Osher & Oritz, 2010).

Conclusion

This paper has argued the notion that the domain of dynamic risk and criminogenic need within community classification schema are blended so that offender needs can be perceived as risk-laden and dangerous. Through historical analysis, evidence shows that the fluidity of risk logic enables it to conform to various political and economic leanings. Moreover, actuarial models have undergone several transformations since its beginnings. The construction of risk and responsibility has been linked to the evolution of risk assessment and treatment. The framing of needs have also been highlighted, with specific emphasis on the normative nature of such exercise. It has been argued that the conceptual framework for a need must be disentangled from the ideology of dangerousness and risk. This paper has outlined the *good lives* model criticism of the RNR, recognizing the utility of distinguishing between instrumental and categorical human needs within RNR frameworks. However, this paper has also discussed the limitations of the *good lives* model (Ward & Stewart, 2003a). When offenders are disarticulated from the

social and cultural context in which their offending occurs, it ensures that the social systems which give rise to, and frame, deviance and criminality remain in the shadows.

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