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# The Use of Psychological Risk Assessment Tools in Sentencing

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Tanvi Saxena



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Issue Brief

# **The Use of Psychological Risk Assessment Tools in Sentencing**

## II INTRODUCTION

In criminal justice systems around the world, the question of “How dangerous is this person?” often shapes the outcome of sentencing and parole decisions. While several countries have turned to structured psychological tools such as the Historical-Clinical-Risk-20 (HCR-20) and Static-99 to bring transparency and consistency to these high-stakes judgments, India continues to rely almost entirely on clinical impressions and unstructured expert opinion. Research has shown that structured risk assessment tools can improve predictive accuracy and reduce personal bias by combining historical, clinical, and situational factors in a standardised way ([Challinor et al., 2021](#)). Meta-analytic evidence suggests that instruments like the HCR-20 demonstrate moderate validity across populations, particularly in assessing the likelihood of future violent or sexual offending ([Rossdale, Tully, & Egan, 2019](#)). Yet, critics caution that these tools were developed in Western cultural and legal contexts, and may not seamlessly translate to settings like India, where the socio-legal fabric and correctional realities differ markedly. In the absence of a standardised risk assessment framework, Indian courts face a troubling gap—sentencing and parole often depend on subjective evaluations, leaving room for inconsistency and implicit bias. This paper explores whether India should consider formally integrating structured psychological risk assessment tools into its judicial process, and what such a framework might look like in the Indian context.

Forensic psychology lies at the intersection of psychology and the law, applying psychological principles to legal questions such as criminal responsibility, competency, and risk of reoffending. It encompasses psychological assessment, offender profiling, expert testimony, and rehabilitation planning. Within this broader domain, this paper focuses specifically on the use of psychological risk assessment tools during sentencing and parole decisions, an area where forensic psychology directly informs judicial discretion and public safety outcomes.

Sentencing decisions in criminal justice systems are among the most complex and consequential judgments made by courts, balancing the aims of punishment, deterrence, and rehabilitation. In recent years, psychological risk assessment tools—scientifically developed instruments that estimate the likelihood of reoffending—have gained traction across several jurisdictions. For example, the HCR-20 has been shown to significantly predict both violent and non-violent offending among forensic psychiatric patients in the UK, where the historical and risk management subscales performed particularly well over short follow-up periods ([Nicola S. Gray et al., 2008](#)). Cambridge University Press & Assessment Tools such as HCR-20V3, have also demonstrated good predictive validity in Australian forensic samples, with area under the curve (AUC) values between 0.70 and 0.77 for violent recidivism ([PubMed](#)). However, in India, sentencing continues to rely largely on unstructured psychiatric opinions and judicial discretion, with minimal use of validated or locally adapted risk assessment instruments. This raises important concerns about the consistency, fairness, and scientific basis of sentencing outcomes. As the Indian criminal justice system increasingly engages with evidence-based policy reforms, the question becomes whether integrating actuarial and structured professional judgment tools is feasible, ethical, and beneficial. This paper examines whether India should formally adopt such psychological risk assessment tools in its sentencing and parole decisions, exploring their advantages, limitations, and the policy framework necessary for their ethical and effective implementation.

In India, empirical research and policy dialogue on offender risk assessment remain limited, reflecting a broader gap between psychological expertise and judicial decision-making. Studies of prison populations suggest that recidivism is influenced by intersecting psychosocial and structural factors such as unemployment, substance dependence, and social stigma ([Syasylia et al., 2025](#)).

A study conducted among juvenile offenders in Punjab revealed high rates of behavioural problems and emotional dysregulation, highlighting the need for structured assessment frameworks to identify and manage criminogenic risks ([Singh & Gupta, 2018](#)). Recent initiatives—such as mental health screening pilots in Tihar and Yerwada prisons—indicate a growing institutional interest in using psychological tools for offender management, yet these remain fragmented and lack standardized protocols (National Institute of Mental Health and Neurosciences (NIMHANS), 2021). The [Model Prison Manual \(2016\)](#), issued by the Ministry of Home Affairs, also recommends psychological evaluation for parole consideration, but offers no guidance on methodology or reliability standards. Consequently, sentencing and parole decisions continue to rely on clinical diagnoses grounded in the ICD-10 or DSM-5, systems that were not designed for risk prediction and are limited by their diagnostic, rather than predictive, focus. The DSM-5, in particular, has been criticized in India for its “atheoretical approach” that promotes a purely biomedical agenda and does not provide enough context for the diversity of Indian cultures ([Karter & Kamens, 2018](#)). This disconnect underscores the urgent need to develop culturally validated, evidence-based risk assessment tools suited to Indian correctional and judicial contexts.

## II BACKGROUND: UNDERSTANDING APPROACHES TO PSYCHOLOGICAL RISK ASSESSMENT

The assessment of an offender's likelihood to reoffend lies at the intersection of psychology, law, and public safety. Over the past few decades, three dominant approaches have emerged to guide decision-making in this area — the clinical, actuarial, and structured professional judgment (SPJ) models. Each represents a different balance between professional expertise and empirical evidence.

The clinical approach relies primarily on a psychologist's or psychiatrist's professional judgment, experience, and intuitive assessment of an individual's mental state and risk factors. While widely practiced, particularly in India, it has been criticized for being subjective and inconsistent, often leading to substantial variation between evaluators ([Meehl, 1954](#)). Studies have consistently shown that purely clinical predictions are less reliable than statistical or structured methods when estimating violent or sexual recidivism ([Ægisdóttir et al., 2006](#)).

In contrast, the actuarial approach is based on statistical models that combine empirically derived risk factors—such as age, criminal history, or prior substance use—to calculate the probability of reoffending. Tools like the [Static-99R](#) and [VRAG \(Violence Risk Appraisal Guide\)](#) exemplify this approach, offering higher predictive accuracy and inter-rater reliability than unstructured judgment ([Quinsey, V., 2019](#)). However, actuarial tools are often criticised for being too rigid and context-insensitive, as they may overlook dynamic or culturally specific factors such as family support, social reintegration prospects, or stigma, which are particularly salient in India.

Bridging these two models is the [Structured Professional Judgment \(SPJ\)](#) approach, which integrates empirically validated factors with clinical discretion. The HCR-20, perhaps the most widely used SPJ instrument, structures risk assessment around Historical, Clinical, and Risk Management domains, allowing evaluators to incorporate both statistical indicators and case-specific information ([Douglas et al., 2013](#)). It is a structured professional judgment tool used to assess the risk of future violence. It comprises 20 variables grouped into three domains: historical factors (e.g., past violence, early maladjustment), clinical factors (e.g., impulsivity, negative attitudes), and risk management factors (e.g., exposure to destabilisers, lack of personal support). Each factor is scored based on evidence and clinical interpretation, producing a qualitative risk profile rather than a numerical prediction ([Douglas et al., 2013](#)). While this framework enhances consistency and transparency, its transferability across cultures remains debated. For instance, constructs like attitudes toward violence or family support may carry different social meanings in India, potentially affecting assessment accuracy ([Challinor et al., 2021](#)). The SPJ approach is often viewed as the most balanced model, offering both transparency and flexibility — qualities that make it a promising candidate for adoption in jurisdictions like India, where psychological assessments are often contextually complex and resource-constrained.

## II GLOBAL PRACTICES AND LEGAL INTEGRATION

Across several jurisdictions, psychological risk assessment tools have become integral to sentencing, parole, and offender management decisions. Their adoption reflects a broader shift toward evidence-based justice, where empirical data and structured evaluation supplement judicial discretion. However, the degree and manner of integration vary widely, influenced by legal traditions, institutional capacity, and ethical standards.

In the United Kingdom, structured risk assessment is embedded within correctional practice and probation services. The Offender Assessment System (OASys), introduced by the National Offender Management Service, combines actuarial elements with professional judgment to evaluate the risk of reconviction and harm ([Howard & Dixon, 2012](#)). Courts and parole boards frequently rely on structured reports prepared by forensic psychologists and probation officers using tools such as the HCR-20 and Spousal Assault Risk Assessment (SARA), particularly in violent and sexual offence cases. Importantly, UK sentencing guidelines emphasise that risk assessments should inform—rather than determine—judicial outcomes, maintaining judicial accountability while promoting consistency.

In Canada, the use of actuarial tools has been institutionalised within correctional policy since the 1990s. The Correctional Service of Canada (CSC) employs validated instruments such as the [Level of Service Inventory–Revised \(LSI-R\)](#) and the Static-99R for offender classification, parole eligibility, and rehabilitation planning ([Manchak et al., 2007](#)). Canadian courts recognize psychological risk assessments as admissible expert evidence, provided they meet standards of scientific reliability and relevance. Regular validation studies ensure that the tools are recalibrated for Canadian offender populations, highlighting the importance of local adaptation in maintaining predictive validity.

In the United States, the integration of risk assessment tools has been more fragmented, varying by state. Jurisdictions such as [Virginia](#) and [Pennsylvania](#) have incorporated actuarial instruments into sentencing guidelines to estimate recidivism risk, particularly for non-violent offenders. However, this practice has also attracted criticism for potentially entrenching racial and socioeconomic biases present in historical criminal data. Landmark cases such as [State v. Loomis \(2016\)](#) in Wisconsin raised constitutional concerns regarding algorithmic transparency and due process when proprietary tools like [COMPAS](#) were used to inform sentencing decisions. These debates underscore the dual challenge of ensuring both scientific rigour and procedural fairness in applying psychological risk assessment tools to criminal justice decisions.

Together, these international experiences illustrate that while structured risk assessments can enhance transparency, efficiency, and fairness, their implementation requires rigorous validation, professional training, and ethical oversight.

For India, where judicial discretion remains paramount and psychological expertise is unevenly integrated into legal processes, these global models provide valuable lessons on how evidence-based tools can be contextualized without undermining human judgment.

## II CHALLENGES IN THE INDIAN CONTEXT

Despite the growing recognition of psychology's role in judicial processes, India's criminal justice system continues to face significant barriers in adopting structured psychological risk assessment tools. These challenges are not merely technical but stem from a complex interplay of institutional limitations, legal ambiguity, and cultural variability. The legal foundation for admitting expert psychological evidence in India lies within the provisions of the Bharatiya Sakshya Adhinyam, 2023 (BSA), which replaced the Indian Evidence Act of 1872. The Act outlines how opinions of experts can be considered by the courts when specialized knowledge is required to form a judgment. Under Section 39 of the BSA, opinions of persons specially skilled in science, art, handwriting, or other specialised domains are recognised as relevant facts. Section 45 further provides for the admissibility of expert opinions in matters involving foreign law, science, art, identity, or mental condition, thereby offering a legal basis for the inclusion of forensic psychological assessments during trial or sentencing proceedings.

In practice, the gathering of psychological evidence typically occurs through judicial direction, where the court appoints or permits expert testimony to clarify the mental state, competence, or risk profile of an accused person. Despite its growing recognition, the operational framework for such expert involvement remains underdeveloped. Chauhan, Rastogi, and Taneja (2025) note that the admissibility of psychological evidence in India is still contingent upon judicial discretion and often lacks procedural consistency. They emphasise that forensic psychological inputs are solicited largely in investigative contexts—such as lie detection or narco-analysis—rather than as structured assessments in sentencing or parole hearings. Consequently, while the BSA provides a legal basis for expert psychological input, the actual use of such evidence in judicial reasoning remains limited, underscoring the need for formal procedural and ethical guidelines to standardise its application.

A primary concern is the absence of validated local instruments. Sentencing disparity in the Indian criminal justice system is a pressing issue that has significant implications for the principles of fairness and equality before law (Kowshikaa, 2024). Tools such as the HCR-20 or Static-99 were developed and normed in Western populations, where social structures, crime typologies, and correctional systems differ markedly from India's. The Nithari killings (Surender Koli v. State of Uttar Pradesh, 2014) further exposed the gaps in forensic psychological evaluation in India's criminal process. The case underscored the need for standardised assessment mechanisms to evaluate risk, criminal responsibility, and rehabilitation potential—key goals that structured tools like the HCR-20 aim to meet. Without local validation, applying these instruments risks generating misleading risk estimates and unfair sentencing outcomes. Indian prison populations are characterised by wide socioeconomic disparities, varying literacy levels, and diverse cultural attitudes toward violence and rehabilitation—all of which affect how risk factors manifest. Their illiteracy, dependence from no source of income, low family income, parents' lack of proper guidance because they are illiterate, the need to fulfil their parental responsibilities to their children, difficulties adjusting to interpersonal relationships after marriage, a lack of vocational training, and ignorance of various government benefits programs are the contributing factors that are primarily found to be responsible for such vulnerability. The results of Nagla, 1991, also support the finding. The lack of longitudinal recidivism data or central databases also limits the empirical foundation necessary for developing indigenous actuarial models (Rath, 2012).

Secondly, the limited forensic psychological infrastructure poses a major constraint. According to Jain (2021), institutions and infrastructure for forensic psychology training are insufficient, let alone for treatment and routine mental health examinations. Most courts depend on psychiatric

evaluations conducted in general hospitals or mental health institutions, which focus on diagnosis rather than behavioural risk prediction. The Model Prison Manual (2016) recommends psychological evaluations for parole and remission but provides no operational framework or standardized training for evaluators. Consequently, assessments are often based on clinical impressions rather than structured criteria, leaving room for inconsistency and bias. Moreover, India currently lacks dedicated training programs in forensic risk assessment—a gap that hinders both accuracy and judicial confidence in such tools.

Another challenge involves ethical and legal accountability. Risk assessment tools rely on probabilistic predictions, which could be misinterpreted as deterministic indicators of future behaviour. In a system already burdened by overcrowded prisons and under-resourced rehabilitation programs, labeling an offender as “high risk” without adequate support services risks reinforcing stigmatization and punitive responses. In India, the ethical frameworks for informed consent, data privacy, and appeal mechanisms in psychological evaluations are established, but challenges in practical application persist, particularly regarding specific vulnerabilities and consistent implementation. Major legislations like the [Mental Healthcare Act \(MHCA\) 2017](#) and the [Digital Personal Data Protection \(DPDP\) Act 2023](#) provides a foundational legal framework, yet gaps remain in protecting sensitive mental health data and ensuring robust, accessible appeal processes.

Finally, the judicial approach to psychological evidence remains conservative. Courts often treat expert psychological opinions as supplementary rather than central to sentencing considerations. Under Section 39 of the BSA, opinions of persons specially skilled in a field of science, art, handwriting, or other specialised domains are recognised as relevant facts. Section 45 further provides that the grounds on which such opinions are based must also be disclosed and considered, and judges retain wide discretion in weighing psychological input. Without clear procedural guidance or policy endorsement, structured risk assessments are unlikely to gain traction in judicial decision-making.

These structural and cultural constraints highlight that while India stands to benefit from evidence-based tools, direct transplantation of Western instruments is neither feasible nor ethical. What is needed instead is an incremental policy approach—grounded in local data, judicial engagement, and professional training—that bridges the gap between psychological science and sentencing practice.

## II POLICY CONSIDERATIONS AND FRAMEWORK FOR IMPLEMENTATION

Given the limitations outlined above, any move to integrate structured psychological risk assessment tools into India’s sentencing process must be carefully calibrated, balancing scientific rigour, judicial practicality, and ethical safeguards. The policy approach should be incremental, evidence-driven, and context-specific.

### I DEVELOPMENT AND VALIDATION OF LOCAL INSTRUMENTS

Before widespread adoption, Western tools such as the HCR-20 or Static-99 must be adapted and validated for Indian populations. As noted by Rao and Begum (2011), India currently lacks standardized and validated forensic psychological assessment tools, and structured risk assessment protocols are still in their infancy. To address this gap, it is essential to collect longitudinal data on recidivism, violent behaviour, and socio-demographic correlates within Indian prisons and communities. Pilot studies in state prisons or correctional facilities can test the

predictive validity of modified instruments, allowing for adjustments that reflect cultural, linguistic, and social realities. Furthermore, indigenous scales should integrate locally relevant risk factors—such as caste-based harassment, family dynamics, and regional variations in crime patterns—while maintaining consistency with internationally recognised psychometric standards.

## I CAPACITY BUILDING AND PROFESSIONAL TRAINING

The successful implementation of structured risk assessments depends critically on developing a strong cadre of properly trained forensic psychologists. Empirical surveys such as the U.S. field survey of 351 forensic psychologists show that gaps remain in training, career readiness, and continuing education in forensic practice (LaDuke et al., 2024). Formal training models in forensic psychiatry also stress that specialized education and supervised experience are essential for valid application of risk tools (Sadoff, 2012). Educational and training models in forensic psychology underline that many programs lack consensus on core competency frameworks—underscoring the need to design curricula around risk formulation, ethical evaluation, and judicial reporting (DeMatteo et al., 2008). Moreover, newer articles on forensic education emphasize evidence-based education and professional-practice alignment as a necessary route to improve training effectiveness (Nilendu et al., 2024). Thus, for India, targeted training programs should include modules on structured risk assessment, cross-cultural adaptation, bias mitigation, and court testimony, facilitated via partnerships between universities, corrections departments, and judicial academies.

## I PROCEDURAL AND ETHICAL GUIDELINES

India must develop clear procedural and ethical frameworks governing the use of psychological risk assessment results in sentencing. Courts require formal protocols outlining how evaluations may inform—but not dictate—judicial decisions, how findings are to be communicated to judges, and how offenders can contest or appeal assessment outcomes. Ethical safeguards should explicitly address issues of informed consent, confidentiality, and the potential for stigmatization of offenders deemed “high risk.” Indian scholarship has highlighted that the current use of psychological evidence in courts remains largely unregulated, with no unified ethical or procedural standards guiding forensic evaluations (Kumar & Singh, 2020). Studies have also noted the absence of institutional oversight mechanisms in forensic mental health practice, which can lead to variability and misuse of psychological opinions in trials (Rao & Begum, 2011). The National Institute of Criminology and Forensic Science (NICFS) and the Rehabilitation Council of India (RCI) have both emphasized the need for structured training and certification to ensure reliability and accountability in forensic assessments (RCI, 2023). Establishing a dedicated oversight body or ethics review panel under judicial or forensic authorities could therefore ensure compliance, monitor outcomes, and prevent overreliance on probabilistic predictions in sentencing. The study by [Chauhan et al. \(2025\)](#) also highlights significant ethical challenges, including the absence of nationally standardised procedures for obtaining informed consent, maintaining confidentiality, and ensuring examiner competence. The authors call for formal ethical codes aligned with global forensic-psychology standards to enhance credibility and fairness in expert testimony.

## I INTEGRATION WITH JUDICIAL AND CORRECTIONAL SYSTEMS

Structured risk assessments should be integrated to complement existing judicial and correctional practices rather than substitute for clinical judgment. Their use can initially focus on parole decisions, probation suitability, and post-release supervision, where data-driven predictions have

demonstrated positive outcomes for offender reintegration and public safety (LaDuke et al., 2024). In India, correctional decisions often rely on subjective appraisals by parole boards and prison psychologists, without standardized tools to evaluate risk or rehabilitation readiness (Kumar & Singh, 2020). Pilot integration of structured professional judgment tools such as the HCR-20 within correctional psychology units could provide consistent, evidence-based assessments of violence or recidivism potential, aiding both sentencing and rehabilitation planning. Studies on prison reforms have emphasized the need for scientific offender classification systems and rehabilitative corrections to reduce recidivism, aligning with the Justice Mulla Committee's recommendations for prison modernization (Government of India, 1983). Recent analyses of correctional policy further highlight the importance of collaboration between psychologists, social workers, and correctional administrators to ensure that assessment findings translate into individualized intervention plans rather than punitive outcomes (Rao & Begum, 2011). Coordination among prison authorities, parole boards, and community rehabilitation programs is therefore crucial to operationalizing structured risk assessments in a way that strengthens both justice and public safety.

## I CONTINUOUS MONITORING AND EVALUATION

For structured psychological risk assessments to be effective and legitimate within India's justice system, continuous monitoring and evaluation must form a central part of their policy framework. This includes regular examination of predictive accuracy, inter-rater reliability, and fairness across demographic and caste groups—an especially critical concern in India's diverse sociocultural landscape (Sharma & Pathak, 2022). Transparent and periodic reporting mechanisms should be institutionalized so that outcomes can be reviewed by judicial and academic oversight bodies, facilitating iterative refinement of assessment tools, procedures, and training curricula. International research demonstrates that systematic validation studies significantly improve predictive accuracy and reduce bias when risk assessment tools are adapted to new populations (Viljoen et al., 2012). Indian scholars have similarly emphasized the need for data-driven evaluation of correctional policies, noting that most rehabilitation or parole decisions are rarely subjected to longitudinal review or empirical scrutiny (Raghavan, 2021). Establishing a national forensic psychology evaluation unit, under the Ministry of Home Affairs or NIMHANS, could help develop culturally sensitive validation studies and maintain a feedback loop between courts, prisons, and academia. By adopting a phased, data-informed approach, India can gradually integrate structured psychological assessments into its sentencing framework while mitigating concerns about cultural bias, ethical misapplication, and judicial skepticism. This evidence-based progression not only enhances sentencing consistency but also aligns with international best practices promoting transparency, proportionality, and fairness (Viljoen et al., 2012).

## II CONCLUSION

The use of structured psychological risk assessment tools in sentencing represents a critical intersection of science, law, and ethics. In India, sentencing and parole decisions currently rely heavily on unstructured clinical impressions and subjective expert opinions, leaving room for inconsistency, bias, and questions about fairness. Evidence from international research demonstrates that instruments such as the HCR-20 and Static-99 can improve predictive accuracy, standardize evaluations, and support more transparent judicial decisions (Douglas et al., 2013; Storey et al., 2019). However, their direct application in India is complicated by cultural, social, and legal differences, highlighting the need for local adaptation and rigorous validation ([Singh et al., 2021](#)).

Integrating structured risk assessments into India's criminal justice system requires a phased, context-sensitive approach. Pilot studies, localized validation, and longitudinal monitoring are essential to ensure that tools reflect Indian realities while maintaining international psychometric standards. Alongside instrument development, investment in professional training, procedural guidelines, and ethical safeguards will ensure that risk assessments support rather than override judicial discretion. Clear protocols and oversight mechanisms can prevent misuse, protect offender rights, and maintain public trust in the justice system (Sharma & Bansal, 2020).

Ultimately, the goal is not to replace human judgment but to enhance it with scientifically grounded, reliable, and transparent information. By complementing existing sentencing practices with structured psychological evaluations, India can move toward a system that is more evidence-based, equitable, and accountable. This dual focus—improving decision-making while respecting the nuances of Indian social and legal contexts—offers a pathway for aligning domestic practices with global best practices, while addressing persistent concerns about bias, inconsistency, and recidivism. Adoption of such tools, coupled with robust evaluation and ongoing refinement, could represent a transformative step toward a more just and effective criminal justice system in India.

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