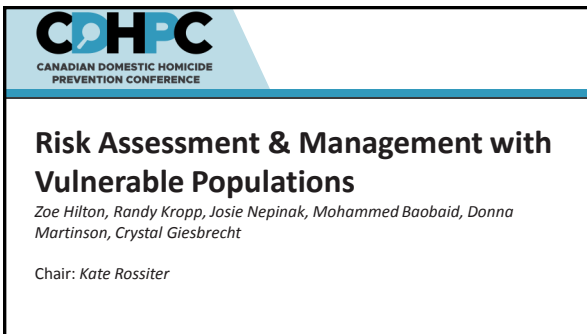




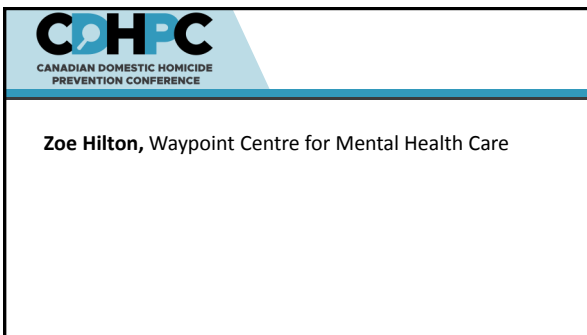
CDHPC
CANADIAN DOMESTIC HOMICIDE
PREVENTION CONFERENCE
October 17 - 18, 2017
London Convention Centre,
London, Ontario

This research was supported by the Social Sciences and Humanities Research Council of Canada.
 Social Sciences and Humanities Research Council of Canada
 Conseil de recherches en sciences humaines du Canada

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**Risk Assessment & Management with
Vulnerable Populations**
*Zoe Hilton, Randy Kropp, Josie Nepinak, Mohammed Baobaid, Donna
 Martinson, Crystal Giesbrecht*
 Chair: *Kate Rossiter*



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Zoe Hilton, Waypoint Centre for Mental Health Care

Risk Assessment and Management with Vulnerable Populations

Actuarial Risk Assessment

zhilton@waypointcentre.ca
London ON, 2017
Thursday Oct 18 , 08:30-10:00 session



Risk Assessment

"Those conducting risk assessments should use structured, reliable, validated and defensible risk assessment tools or guidelines."



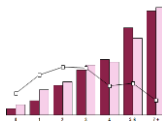
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Actuarial

Statistical calculation of risk

Measurement of risks and follow-up of outcomes

Scores relate to a likelihood of offending and a rank




6

Actuarial Risk Assessment

Lifetime Risk of Developing Breast Cancer

> This woman (to age 90): 10.5%

> Average woman (to age 90): 10.8%

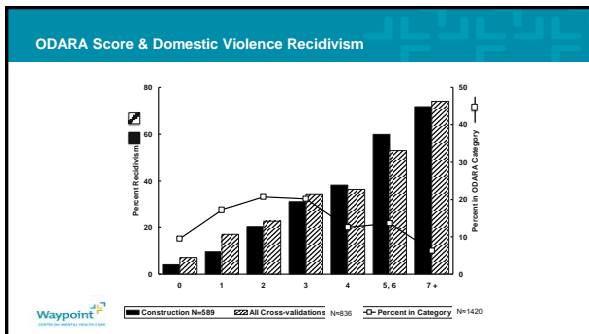


Explanation

Based on the information provided (see below), the woman's estimated risk for developing invasive breast cancer over her lifetime (to age 90) is 10.5% compared to a risk of 10.8% for a woman of the same age and race/ethnicity from the general U.S. population.

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7



ODARA Score & Domestic Violence Recidivism

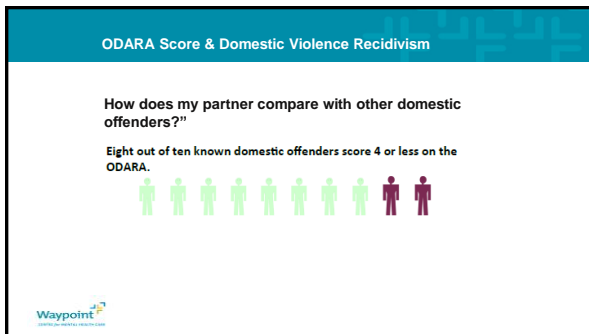
Score	% who reassault	% with this score	% scoring lower	% scoring higher
0	7	9	0	91
1	17	17	9	74
2	22	21	26	53
3	34	20	47	33
4	39	13	67	20
5-6	53	14	80	6
7-13	74	6	94	0

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Hilton, Harris, & Rice (2010) APA [book](#)

8





odara.waypointcentre.ca

Your score: _____ Score each item "1" if present, "0" if not present, "?" if missing Your score: _____


1. Prior domestic	8. More than one child
2. Prior non-domestic	9. Victim's biological child
3. Prior custodial sentence	10. Prior violent incident
4. Failure on release	11. Substance abuse
5. Threat to harm	12. Assault when pregnant
6. Confinement	13. Barriers to support
7. Victim concern	Raw score

Enter scores in boxes, then click on items to review! Final score: _____ Place cursor here for definition of index assault.

<https://www.youtube.com/watch?v=BNt4he0m2Zk>

Choosing a risk assessment tool


- Validation
- Generalization
- Information
- Communication
- Education



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Approach to risk assessment



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ODARA
Ontario Domestic Assault Risk Assessment

ODARA 101
The Electronic Training Program

ODARA@waypointcentre.ca

This project has been made possible by a grant from Ontario MCSCS

Risk Management and Safety Planning

- Decisions made
- With risk in mind
- Increase effectiveness

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CENTRE FOR MENTAL HEALTH CARE

Thank you! zhilton@waypointcentre.ca

Acknowledgements

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Randy Kropp, Forensic Psychiatric Services
Commission, British Columbia

P Randall Kropp, PhD
Forensic Psychiatric Services Commission and
Simon Fraser University

**LINKING INTIMATE PARTNER VIOLENCE RISK
ASSESSMENT AND MANAGEMENT**



Outline

- Step 1: Identify Risk Factors
- Step 2: Determine Relevance of Risk Factors
- Step 3: Develop Risk Scenarios
- Step 4: Develop Management Plans

Step 1. Identify Risk Factors

Identify Risk Factors

- Three primary inclusion criteria
 - Empirical – predictive accuracy
 - Professional – practical utility
 - Legal – fairness and reasonableness
- Use structure
- Contextual
- Static and dynamic/flexible factors

B-SAFER Risk Factors

Intimate Partner Violence	Psychosocial Adjustment	Victim Vulnerability
Violent Acts	General Criminality	Attitudes/Behaviour
Violent Threats/Thoughts	Intimate Rel. Problems	Extreme Fear
Escalation	Non-intimate Rel. Problems	Inadequate Support
Violations of Court Orders	Substance Use Problems	Unsafe Living Situation
Violent Attitudes	Mental Health Problems	Health Problems

Step 2. Determine Relevance

Relevance to Case at Hand

Drives violence

- Motivates, disinhibits, or destabilizes decisions about violence

Complicates management

- Makes it difficult to implement develop or implement management plans

Relevance (cont.)

- Risk factors influence decisions



Step 3. Develop Risk Scenarios

Scenarios

Always consider past and previous patterns of IPV

Consider possible development or evolution of IPV

What might happen?

Repeat	Twist	Escalation	Improvement
<ul style="list-style-type: none"> Consider all past IPV, not just most recent 	<ul style="list-style-type: none"> Change in motivation, victimology, behavioral topography 	<ul style="list-style-type: none"> Including lethal or "worst case" 	<ul style="list-style-type: none"> Including desistance or "best case"

Always consider:

- Nature and Severity of violence
- Imminence
- Likelihood
- Likely victims

Step 4. Develop Management Plans

Management

- Identify and target relevant risk factors
- Specify management strategies and tactics
- Tailor plans to individual cases
- Strategies should be feasible/practical/contextual
- Should link tasks to agencies/individuals (e.g., ICAT)

Strategies

Monitoring	Supervision	Treatment	Victim Safety Planning
<ul style="list-style-type: none"> Surveillance or repeated assessment 	<ul style="list-style-type: none"> Imposition of controls or restriction of freedoms 	<ul style="list-style-type: none"> Rehabilitation, including further assessment 	<ul style="list-style-type: none"> Enhancement of security resources for identifiable targets

Questions to ask...

- **Monitoring:**
 - What is the best way to monitor warning signs that the risks posed by the perpetrator may be increasing?
 - What events, occurrences, or circumstances should trigger a re-assessment of risk?
- **Supervision:**
 - What supervision or surveillance strategies could be implemented to manage the risks posed by the perpetrator?
 - What restrictions on activity, movement, association, or communication are indicated?

Questions to ask...

- **Treatment:**
 - What treatment or rehabilitation strategies could be implemented to manage the risks posed by the perpetrator?
 - Which deficits in psychosocial adjustment are high priorities for intervention?
- **Victim Safety Planning**
 - What could be done to enhance the security of potential victims?
 - How might the physical security or self-protective skills of potential victims be improved?
 - What could be done to better coordinate community or institutional supports?

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Mohammed Baobaid, Muslim Resource Centre for
Social Support and Integration

Risk Assessment and Risk Management Within the Newcomer Population

Mohammed Baobaid PhD

MUSLIM RESOURCE CENTRE
for Social Support and Integration

Challenges related to risk assessment and risk management within new comer communities

- ☐ Conflicting concepts of protection and safety
 - ❖ Family versus an individual (victim of violence)
 - ❖ Accountability?
- ☐ Right's oriented versus role's oriented system
 - ❖ The emphasis on traditional roles
- ☐ Preserving the Family is a priority

Challenges related to risk assessment and risk management within new comer communities

- ☐ The role of extended family here and in the country of origin
- ☐ Shame of betraying the family
- ☐ Individualistic system of intervention versus collectivist family system

Where that would lead to?

- ☐ Women at-risk or experiencing violence would be reluctant to outreach formal services.
- ☐ Males who are at-risk of perpetrating violence would not outreach for help
- ☐ Increase social isolation of women experiencing domestic violence

Where that would lead to? Continued...

- ☐ Family and community become more involved in protecting the family unit on the cost of the victims.
- ☐ Traditional approach to outreach newcomer women at-risk will fall short of meeting the unique needs of abused women.
- ☐ Heighten the risk of violence and potential risk of homicide




Key Aspects to Consider to Overcome these Challenges

- ☐ Cultural Aspects
- ☐ Migratory Experiences
- ☐ The role of Religion



Questions?



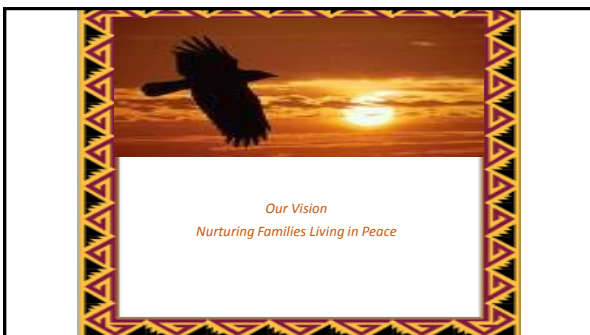



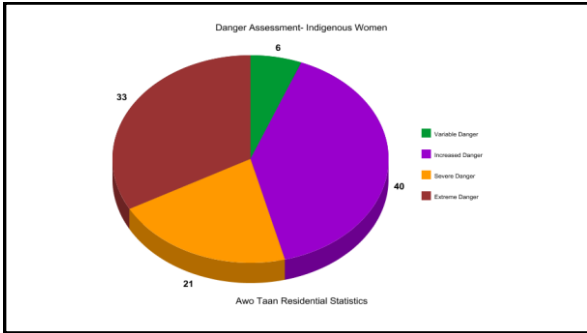
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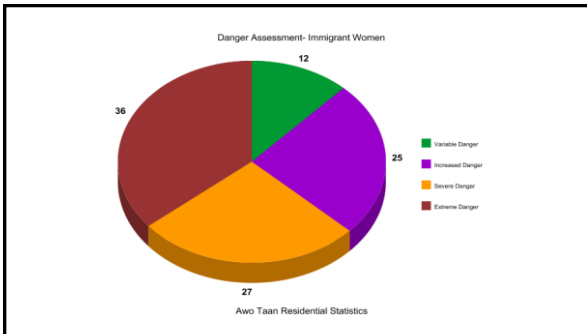
Josie Nepinak, Executive Director, Awo Taan Healing Lodge Society

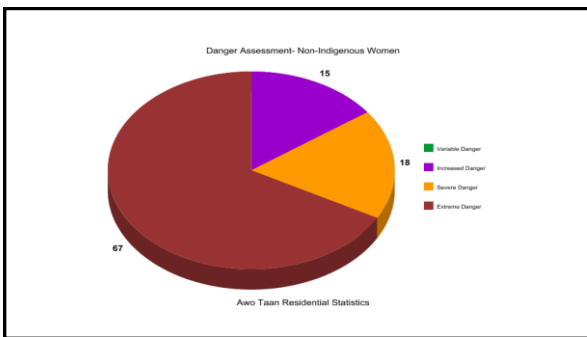


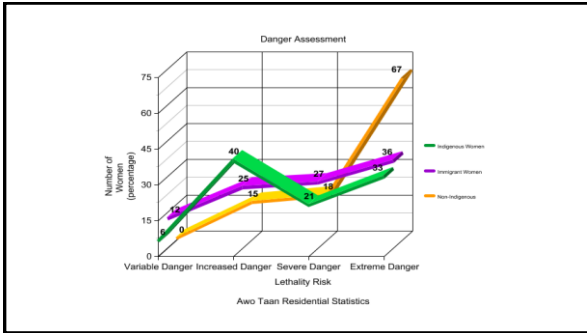










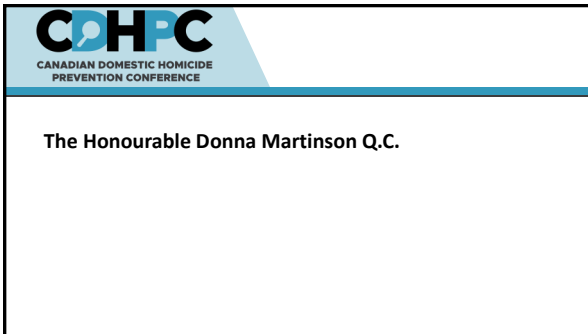


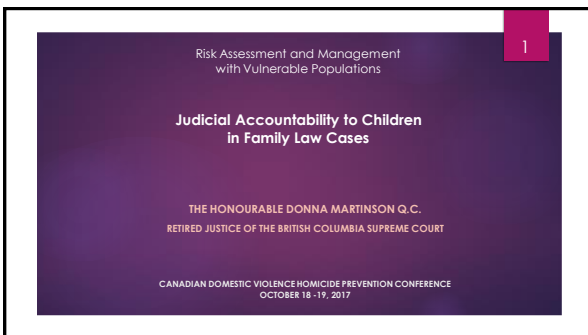
Points to Consider

- *Intergenerational Trauma*
- *Intergenerational Disadvantage*
- *Contemporary Disadvantage*
- *Resilience*

"...cumulative, emotional and psychological wounding across generations, including the lifespan, which emanates from massive group trauma." (Yellow Horse Brave Heart, 2011).







2

Family Violence and Judicial Accountability

The Hon. Donna Martinson and Professor
Emerita Margaret Jackson;

**Family Violence and Evolving Judicial Roles:
Judges as Equality Guardians in Family Law
Cases**

Canadian Journal of Family Law, Volume 30, No. 1, 2017,
at p. 11.

Incorporates **two research studies** conducted by the
authors

3

Applying Outdated Traditional Court Processes to Modern
Justice System Requirements

Our work shows our judicial system may be

- ▶ applying **outdated traditional approaches**
to judicial responsibilities and qualifications
- ▶ to modern justice system requirements
which make judges **accountable to women
and children as guardians of our
constitutional values**,
- ▶ including the **fundamental value of
equality** found in the **Charter** and other
human rights instruments

4

Applying outdated Traditional Court Processes to Modern
Justice System Requirements

Doing so may **increase the risk of harm to
women and children in three ways:**

- (1) **lack of relevant information** provided to
judges about DV and risk
- (2) **Inadequate qualifications of some judges**
to assess DV and risk, and
- (3) **the separate (siloed) operation of court
processes** when there are both family and
criminal proceedings

Outline

5

- ▶ Traditional Justice System
- ▶ Requirements of a Constitutionally Enhanced Family Justice System
- ▶ Our two studies and their findings
- ▶ Recommendations

Traditional Court Processes – developed more than a hundred years ago

6

- ▶ Judges are viewed as **neutral arbiters** – only deciding cases based on the evidence presented, even if the evidence is inadequate
- ▶ Judges **do not specialize** but hear every kind of case – from corporate mergers to insurance law
 - ▶ And, a new judge whose lawyer specialty was corporate mergers can hear a family law case the first day as a judge
- ▶ **Judicial education is not mandatory** because of views about the principles of judicial impartiality and independence
- ▶ **Courts operate in silos**

Modern Justice System: Incorporating Equality Values into Decision Making

7

- ▶ Judges have responsibilities to incorporate equality values into their decision making
- ▶ Requires an **in-depth up-to-date understanding** about:
 - ▶ **Equality principles**, including all forms of past and existing discrimination against women and children
 - ▶ the **complex, multifaceted nature of domestic violence**, its impact and how it should be addressed

8

Equality as a Fundamental Constitutional Value

- ▶ The **Charter**, makes meaningful (substantive) equality a fundamental constitutional value,
- ▶ Among the equality values relevant to all women and children are:
 - ▶ The right to equal protection and benefit of the law without discrimination (section 15)
 - ▶ The right to life, liberty and security of the person, including psychological security (section 7)
 - ▶ The guarantee of all rights to both males and females (section 28)

9

The UN Convention on the Rights of the Child – Ratified by Canada in 1991

Under the Convention, children have the right to:

- ▶ Be **protected from violence** of all kinds
- ▶ To have decisions about their best interests made by **qualified professionals**, which includes judges
- ▶ To have decisions made **without delay** in child friendly processes

Child Rights toolkit, a project of the Canadian Bar Association's National Children's Law Committee, May 2017; [Child Rights Toolkit] <http://www.cbaa.org/Publications/Resources/Practice-Tools/Child-Rights-Toolkit>

10

Judicial aptitude: Judging without bias using equality values

- ▶ Chief Justice of Canada McLachlin, has said:
 - " Like everyone else, judges possess preferences, convictions and – yes – prejudices"
- ▶ She suggests that judges must address them, using equality values, by being introspective, open and empathetic.

Judging the Challenges of Diversity, Remarks of the Right Honourable Beverley McLachlin, P.C., Chief Justice of Canada, Judicial Studies Committee Inaugural Annual Lecture, June 7, 2012, Edinburgh, Scotland.

11

Summary of Research Results

12

Background: BC Family Law Act (FLA)

- ▶ Approved in 2011, effective March 2013.
- ▶ Has a focus on domestic (family) violence, saying judges **must** consider
 - ▶ specific factors relevant to identifying domestic violence, and
 - ▶ specific factors relevant to risk of future harm,
 - ▶ other relevant criminal and civil court proceedings

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Background:

- ▶ Some places have Unified Family Courts with specialized judges.
- ▶ But, even today, **most places, including B.C., have non-specialized judges** for family law cases, who also decide all other types of cases
- ▶ **Judicial education** about family law and family violence is still **not mandatory**
- ▶ Most criminal proceedings and family proceedings still **operate in silos**

Study One: 2012 National Judicial Institute Community Consultation

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- ▶ **Purpose of Study One:** to assist us in education programs about domestic violence and the FLA for lawyers and judges
- ▶ Involved 42 people and institutions supporting women and children in violent relationships
- ▶ They identified many concerns, including lack of information, qualification of judges and siloes.
- ▶ Most thought the FLA would make a difference.

Study Two: Risk of Future Harm Family Violence and Information Sharing Between Family and criminal Courts, January 14, 2016

15

- ▶ **Purpose of Study Two:** To check if the FLA was making a difference we engaged in an exploratory, qualitative follow-up study three years later
- ▶ Met with:
 - ▶ Five experienced family law and criminal law lawyers, individually, and
 - ▶ Nine experienced B.C. Provincial Court and Supreme Court Judge in a group

The Results were Strikingly Similar to Study One, Three Years earlier

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Lack of relevant information about domestic violence and risk of future harm

- ▶ The judges as a group said:
 - "It is uncommon to be provided with information about the risk of future harm in family law cases".
- ▶ Individual judges said:
 - ▶ "It can be a challenge to muster even a basic case"
 - ▶ "Rarely, if ever, is accurate information provided about the risk of harm; lawyers stay away from this topic and provide a sanitized version"

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Still using the neutral arbiter role

- ▶ Most of the judges said that they would **not** ask for information because that is not their responsibility;
- ▶ "...Rather, judges in our system make decisions based on the evidence presented to them; it is not their role to gather evidence", and
- ▶ "...Judges often have to 'put blinders on' and decide cases based on the evidence presented"

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Concerns - Qualifications

Second, judges may not have the qualifications required to deal with these complex cases

- ▶ Both Community Consultation participants and the lawyers said that **judges may not have the in-depth up-to-date knowledge** about DV and its impact required to, in a non-biased, equality based way, to
 - ▶ decide what is and is not relevant to domestic violence and risk - missing "**red flags**" and
 - ▶ **assess credibility without the use of myths and stereotypes** about the credibility of women and children

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Concerns relevant to domestic violence and risk of future harm

Raised particular concerns about **judicial dispute resolution meetings** such as:

- ▶ Often no screening for domestic violence
- ▶ Applying a starting presumption that joint parenting is best
 - ▶ without any information about whether there might be domestic violence
- ▶ Even if there is domestic violence, setting it aside as not relevant, without doing a risk analysis

Siloed Court Proceedings Create an Added Risk of Harm

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Third, everyone agreed that courts operate in silos

Community Consultation:

- ▶ Conflicting court orders – creating a dangerous disconnect
- ▶ Process challenges
 - ▶ Delay in resolution
 - ▶ More opportunity for litigation harassment
 - ▶ Need to repeatedly provide information
 - ▶ Added stress, especially for children

Judges' views

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- ▶ **Judges:** "...almost always don't know that other proceedings relating to the same family are taking place"
Can happen even if the other proceedings are in the same courthouse.
- ▶ **One Judge:** "...the fact that there have not been more cases of serious injury or death due to conflicting court orders is more due more to good luck than good management"

Recommendations

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1. Lack of Relevant Information – Judicial Accountability Requires Judicial Oversight

- ▶ Judges can no longer be neutral arbiters
- ▶ They must ask relevant, equality based questions about
 - ▶ Whether domestic violence exists
 - ▶ Risk of harm and how it can be addressed
 - ▶ The existence and significance of other connected court proceedings
- ▶ This can be done in a manner fair to everyone

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2. Specialized Judges and Mandatory Education

- ▶ We need **specialized judges** for family law cases
- ▶ Preferably in Unified Family Courts
- ▶ Judges **must (and should want to)** engage in **ongoing, in-depth up-to-date judicial education**, facilitated by their courts
- ▶ Doing so is consistent with modern views of judicial independence which incorporate judicial accountability

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Support from the National Action Committee on Access to Justice – 2013

- ▶ "The judges presiding over proceedings in the court should be specialized"
- ▶ "They should have or be willing to acquire substantive and procedural expertise in family law..."
- ▶ "... in particular, family violence and the impact of separation and divorce on children
- ▶ Ideally should be a Unified Family Court or a version of it

Access to Civil and Family Justice: A Roadmap for Change, Ottawa: Action Committee on Access to Justice in Civil and Family Matters, October 2013

3. Coordination of Family, Criminal (and Child Protection) Proceedings

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Promising practices in 2013 report:

- ▶ Integrated court model (Toronto)
 - ▶ One judge hears all cases on the same day
- ▶ Judicial communication and coordination between courts
- ▶ Court coordinator model

Federal-Provincial-Territorial Working Group on Family Violence, *Making the Links in Family Violence Cases: Collaboration Among the Family, Child Protection and Criminal Justice Systems* Volume I <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/mfvc-elcvf/index.html>

Suggestions from the Judges

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- ▶ Using, as a starting point, the requirements in the FLA that judges and parents must consider other criminal and civil proceedings when deciding the best interests of a child (s. 37(2)(j)).
- ▶ Similarly, using, as a starting point, the provision in the FLA that a non-parent applying for guardianship must file an affidavit providing the relevant information (s. 51(2) of the Act).
- ▶ The use of Court Rules to facilitate the sharing of information about other court proceedings.

Suggestions from the Judges

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- ▶ Carefully worded plain language Court Forms containing tick boxes that would require people using the court to provide information about other court processes.
- ▶ A systemic rather than ad hoc cross-referencing of files.
- ▶ A software system that would allow data sharing about other proceedings between/among courts.
- ▶ Judicial education programs on coordination

References

29

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<https://www.fedocentre.com/wp-content/uploads/2012/10/The-Hon.-D.-Martinson-Violence-Judicial-Institute-April-2012-8-C-Community-Consultations-on-Family-Violence-Report.pdf>

Siloes, Multiple Proceedings and Rights: Justice Reforms Needed Now in Domestic Violence Cases
 End Violence Association of BC, Newsletter, Issue 2017 - 1, http://endingviolence.org/wp-content/uploads/2017/10/EVABC_NL_Spring2017_v2_LowRes.pdf

Crystal Giesbrecht, Director of Research and Communications, Provincial Association of Transition Houses and Services of Saskatchewan (PATHS)

Assessing Risk in Rural & Remote Communities

Crystal Giesbrecht
 Director of Research and Communications
 Provincial Association of Transition Houses and Services of Saskatchewan (PATHS)

Unique Risks & Greater Risks in Rural & Remote Communities

- Isolation
- Animals
- Finances
- Culture
- Fewer services
- Transportation
- Firearms



Unique Risks & Greater Risks in Rural & Remote Communities

- Less likely to separate
- More likely to experience sexual assault and physical abuse after separation (DeKeseredy & Schwartz, 2009)
- Less likely to seek police assistance (Dudgeon & Evanson, 2014)



Risk Assessment Tools & Additional Risk Factors

- Goal: Look at past violence to **predict** the likelihood of future violence, helping to **prevent** future violence
- Additional factors (not included in RA tools) are relevant in safety planning



Risk Assessment Training with Rural Service Providers

- Considerations when choosing a tool
 - Reliability & Validity
 - Training
 - Implementation
- Reservations/ Challenges
- ODARA training– online + in-person
- Trauma-and-Violence Informed RA



Importance of Risk Communication

- Shared Language
- Victim & Perpetrator Factors
- Risk Assessment→
Risk Management & Safety
Planning



Promising Practices

- Education for public/ workplaces
- Risk Assessment training–
IPV Services, Police,
Victim Services, Medical
- Holistic referrals
- Framework for RA & RM



Importance of Collaboration

National Framework for Collaborative Police Action on IPV (2016):

- "Responding to IPV is a shared responsibility across police, public health and social and community agencies."
- "Community safety is promoted through inter-agency collaboration."
- "Effective case management includes collaboration among service providers to support both victims and offenders by addressing the factors that create risk, in order to prevent further harm."