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

Actuarial

Statistical calculation of risk
Measurement of risks and follow-up of outcomes
Scores relate to a likelihood of offending and a rank
**Actuarial Risk Assessment**

**Lifetime Risk of Developing Breast Cancer**

1. Woman (to age 95): 10.5%
2. Average woman (to age 95): 10.0%

**Explanation**

Based on the information provided (see below), the woman's estimated risk for developing invasive breast cancer over her lifetime (to age 95) is 10.5% compared to a risk of 10.0% for a woman of the same age and race/ethnicity from the general U.S. population.

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**ODARA Score & Domestic Violence Recidivism**

<table>
<thead>
<tr>
<th>Score</th>
<th>% who never assaulted</th>
<th>% with this score</th>
<th>% scoring lower</th>
<th>% scoring higher</th>
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</thead>
<tbody>
<tr>
<td>0</td>
<td>17</td>
<td>17</td>
<td>91</td>
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<td>9</td>
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<td>6</td>
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<tr>
<td>7-13</td>
<td>74</td>
<td>6</td>
<td>94</td>
<td>0</td>
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</tbody>
</table>

Hilton, Harris, & Rice (2010) APA book

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ODARA Score & Domestic Violence Recidivism

How does my partner compare with other domestic offenders?

Eight out of ten known domestic offenders score 4 or less on the ODARA.

https://www.odara.waypointcentre.ca

https://www.youtube.com/watch?v=Bm4tNkGSU3M
Choosing a risk assessment tool

- Validation
- Generalization
- Information
- Communication
- Education

Approach to risk assessment

ODARA@waypointcentre.ca

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

Risk Management and Safety Planning

- Decisions made
- With risk in mind
- Increase effectiveness
Thank you! zhilton@waypointcentre.ca

Acknowledgements

The late Marnie Rice & Grant Harris, and the ODARA research team: Catherine Comer, Carol Lang, Ruth Houghton, Angela Elke, Sonja Day

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Portions of this work were supported by SSHRC, Public Safety Canada, and the Ontario Ministry of Community Safety & Correctional Services

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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

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

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
  - Motivators
  - Destabilizers
  - Disinhibitors

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
• Consider all past IPV, not just most recent

Twist
• Change in motivation, victimology, behavioral topography

Escalation
• Including lethal or "worst case"

Improvement
• Including desistence 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
  - Surveillance or repeated assessment
- Supervision
  - Imposition of controls or restriction of freedoms
- Treatment
  - Rehabilitation, including further assessment
- Victim Safety Planning
  - 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?

- 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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Risk Assessment and Risk Management Within the Newcomer Population

Mohammed Baobaid PhD

Challenges related to risk assessment and risk management within newcomer 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?

Josie Nepinak, Executive Director, Awo Taan Healing Lodge Society
Presenter: JOSIE NEPINAK

Our Vision
Nurturing Families Living in Peace
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)
“…Models, approaches, techniques and initiatives that are based on Aboriginal experiences; that feel right to survivors and their families, and that result in positive changes in people’s lives.” (Archibald, 2006).

The Honourable Donna Martinson Q.C.

Risk Assessment and Management with Vulnerable Populations.

Judicial Accountability to Children in Family Law Cases.

THE HONOURABLE DONNA MARTINSON Q.C.,
RETIRED JUSTICE OF THE BRITISH COLUMBIA SUPREME COURT.

CANADIAN DOMESTIC VIOLENCE HOMICIDE PREVENTION CONFERENCE
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

Incorporates two research studies conducted by the authors.

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.

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 (silged) operation of court processes when there are both family and criminal proceedings.
Outline

- 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

- 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

- 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
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)

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


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.

Summary of Research Results

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.

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 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

- **Purpose of Study One**: To assist in education programs about domestic violence and the FLA for lawyers and judges.
- Involved 40 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

- **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.
  - Nine experienced B.C. Provincial Court and Supreme Court judges in a group.

The results were strikingly similar to Study One, three years earlier.

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.”
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.”

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, 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

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

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

- 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
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

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

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

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

Suggestions from the Judges
- 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
- 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


National Judicial Institute Community Consultation on Family Violence Report


Silos, Multiple Proceedings and Rights: Justice Reforms Needed Now in Domestic Violence Cases.


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

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 & Everson, 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

• "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."