

FACT SHEET: USE OF RISK ASSESSMENT TOOLS in the Criminal Justice System
Maine Commission on Domestic And Sexual Abuse: Risk Assessment Committee
2014

1) What is risk assessment?

Risk assessment is a procedure whereby we measure some characteristics of a person or situation, and then use that information to predict the likelihood of a future negative event, such as re-assault. Risk assessment tools in the domestic violence field have been developed to assess both an offender's risk of re-offending, and a victim's risk of lethal assault.

2) Why use a risk assessment tool?

- Risk assessments can lead to more effective resource allocation and assertive safety measures, such as determining which offenders might be appropriate for programs such as judicial monitoring, high risk intervention teams, heightened community supervision/bail checks, and use of electronic GPS monitoring.
- Risk assessment tools can predict which cases of domestic violence have an increased likelihood of more serious violence in the future and require more careful monitoring or intervention by the justice system. These tools can also carry the direct observations of the officer at the scene in standardized form to decision makers, such as bail commissioners, prosecutors, and judges.
- Research has revealed that certain intensive programs work very well with high-risk offenders but actually can increase recidivism rates among low-risk offenders.

3) How have DV risk assessments typically been conducted?

Criminal justice professionals already often rely on lists of "risk factors" such as those included on the Bail Commissioner Information Form (part of the Maine Chiefs' Model DV Policy) and jail intake forms. These factors include threats to kill self/others/pets; extreme jealousy /obsessiveness; sexual violence; alcohol/drug use; depression/mental illness; assault/abuse occurred in public; and criminal history.

Advocates and Maine Chiefs helped focus attention on risk indicators because when they started using these check lists of risk indicators ten years ago or more, they were years ahead of many jurisdictions. But the effectiveness of this form of DV risk assessment has never been formally evaluated; often, these factors were randomly selected from individual research studies.

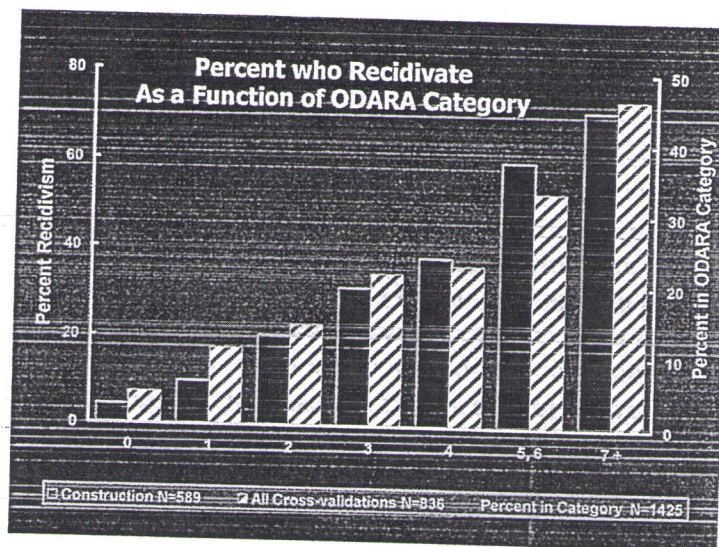
4) Are there evidence-based, validated risk assessment tools that were specifically developed for use by law enforcement officers in domestic violence cases?

Yes. The ODARA (Ontario Domestic Assault Risk Assessment tool) was initially developed to be completed by law enforcement, relying on criminal records and the results of a DV investigation, to predict likelihood of re-assault against a current or former female domestic partner. It is an evidence-based, validated actuarial tool developed for use in the field by police and does not require any clinical expertise. The ODARA consists of 13 very specific questions including *perpetrator threats, offender substance abuse and criminal history, victim fears and victim barriers to support (such as victim substance abuse or children in the home), child not the offender's, and victim assaulted while pregnant*. It does not require that the offender be questioned. It has recently been validated for use with dating partners and female offenders, but has not yet been validated for use with same-sex partners.

As illustrated in the chart below, the higher the score, the greater the likelihood that someone with that score would reoffend; for example, offenders in the highest ODARA risk category (those who scored 7-13 points) were 14 times as likely to recidivate as offenders in the lowest

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risk category (those who scored 0 points). In addition, the ODARA also predicts time until a new assault, number of new assaults, and severity of new assaults.



5) *Are there other evidence based risk assessment tools that specifically assess lethality(as opposed to likelihood of re-assault)?*

Yes. The Danger Assessment, developed by Jacqueline C. Campbell, Johns Hopkins University, was designed initially in 1985 to predict likelihood of lethal wife assault, for use in a health care environment, and is one of the best known DV risk assessment tools. The DA consists of 20 questions to be answered through a victim interview, covering topics such as substance abuse, gun ownership, recent separation, victim fears, and child not the offender's.

6) *What is the suggested method of administering and conveying results of a risk assessment tool in Maine?*

In its February 2012 report, the Risk Assessment Committee of the Maine Commission on Domestic and Sexual Abuse recommended that an ODARA risk assessment be completed by law enforcement in appropriate domestic violence cases, with results made available to bail commissioners and prosecutors. **PL 680, An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes**, was enacted by the 125th Maine Legislature, effective August 30, 2012. Various provisions of the law, however, have different effective dates. The law requires that as of January 1, 2015, law enforcement officers must make a good faith effort to administer a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse and approved by the Department of Public Safety. The ODARA tool has been approved.

7) *How and when are the provisions of PL 680 going to be implemented?*

The Maine Criminal Justice Academy Board has developed the mandatory standards for all law enforcement agencies to implement. The Academy is in the process of delivering the mandatory training for all law enforcement officers on how to use the ODARA risk assessment tool this year, as one of the 4 mandatory training topics funded as part of the Academy's regular budget. The Commission Risk Assessment Committee has developed materials to educate criminal

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justice system stakeholders about the use of risk assessment tools including ODARA, and how that information can be used effectively to improve safety planning and allocate existing resources for high risk cases.

8) Why ODARA?

- Its predictive accuracy of 77% is the best there is in validated, evidence-based DV risk assessment tools without involving tools requiring clinical expertise.
- It was designed for use by law enforcement officers, in the criminal justice field.
- To score the assessment takes approximately 10 minutes by experienced users; it may be scored with up to 5 items missing.
- Maine researchers in a 2008 study concluded that ODARA “offers front-line personnel an easy to use actuarial tool that shows promise as a guide for interventions to reduce the incidence of repeated domestic assault and... could be used by the judicial branch to help increase predictive accuracy and help identify candidates for more intensive supervision through the judicial monitoring program.”¹
- Maine Pre-trial Services, specialized Probation officers, law enforcement, some prosecutors and victim-witness assistants (VWAs), and guardians *ad litem* (GAL) are already using ODARA. A Maine Bail Commissioner reports: “ODARA is a very useful tool ...because it provides a common language to assess risk;” A VWA notes: “ODARA is a superb measurement tool and very accurate. It is unfortunate it is not used more;” A GAL trained in ODARA observes it “certainly will guide us more in the questions we ask about DV when it is alleged.”

9) Why are certain factors not included in risk assessment tools such as the ODARA?

Not all characteristics typical of domestic violence offenders predict likelihood of recidivism. The fact that exposure to childhood violence and other variables such as suicide threats or animal abuse are not included in the ODARA can be difficult to understand for people who are well informed about domestic violence, but these factors were not found to have unique predictive validity in determining likelihood of re-assault. That does not mean that these factors should be ignored, but should be addressed appropriately, such as providing short-term care for pets when fear that a family pet would be harmed if left behind prevents a victim from leaving an abuser.

10) Should criminal justice professionals rely solely on risk assessment tools in making decisions about risk, intervention, and allocation of resources?

No. Risk assessment tools are one tool in a toolbox; they can provide context, guide us as to what questions should be asked, and help us think through the dynamic elements of a particular case, to compare it to known cases that resulted in repeat and more serious assaults. Risk Assessment tools “cannot predict an individual’s behavior with 100% accuracy; however, objective tools more accurately predict behavior than subjective assessments by individuals. They can help guide decisions, but professional discretion remains a critical component.”²

¹Muskie School of Public Service, University of Southern Maine, “An Evaluation Comparing the Effectiveness of Two Evidence-Based Risk Assessment Tools for Domestic Violence Offenders.” August, 2008.

² Pew Center on the States, Risk/Needs Assessment 101: Science Reveals New Tools to Manage Offenders, Issue Brief, p. 5, September 2011, www.pewcenteronthestates.org/publicsafety.