

CULTURALLY VALID METHODS AND TOOLS



SYSTEMATIC LITERATURE REVIEW

☐ Sources

- **PsycINFO & PsycARTICLES**
- **Reference lists**
- **Lexis Nexis**

Assessment instruments that were specifically developed to assess Australian male Indigenous sexual offenders' risk of reoffending

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None

Instruments practitioners use to assess Australian Indigenous sexual offenders' risk of reoffending

**Instr
Aust
risk**

Historical Clinical Risk Management - 20 (HCR – 20)

Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II)

Level of Service Need Inventory - Revised (LSI-R)

Psychopathy Checklist-Revised (PCL-R)

Sexual Violence Risk – 20 (SVR-20)

Risk for Sexual Violence Protocol (RSVP)

Static-99 and its variations

Stable

Three-predictor model



Vermont Assessment of Sex Offender Risk (VASOR)

Violence Risk Appraisal Guide (VRAG)

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- ❑ Allan et al. (2006): RRASOR & 3-Predictor **
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- ❑ Smallbone & Rallings (2013): Static-99 & 99R**

Research that indicates the validity of these instruments in the assessment of Australian Indigenous sexual offenders' risk of reoffending.

AUC =.65

AUC =.84

- Allan et al. (2006): RRASOR & 3-Predictor**
- Spiranovic (2012): Static-99 & 99R**
- Smallbone & Rallings (2013): Static-99 & 99R**

Research that indicates the validity of these instruments in the assessment of Australian Indigenous sexual offenders' risk of reoffending.

AUC =.57 (5y)

AUC =.58 (5y)

- Allan et al. (2006): RRASOR & 3-Predictor**
- Spiranovic (2012): Static-99 & 99R**
- Smallbone & Rallings (2013): Static-99 & 99R**

Research that indicates the validity of these instruments in the assessment of Australian Indigenous sexual offenders' risk of reoffending.

AUC =.76

AUC =.71

- Allan et al. (2006): RRASOR & 3-Predictor
- Spiranovic (2012): Static-99 & 99R
- Smallbone & Rallings (2013): Static-99 & 99R

Courts' approach towards practitioners' evidence and opinions regarding Australian Indigenous sexual offenders' risk of reoffending

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- Sceptical in general, more so with Indigenous offenders**
- No single instrument, especially not Static**
- Holistic approach**

Predictor variables with enough quantitative support to justify including them in assessment instruments

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□ Allan & colleagues (2002; 2004; 2006)

- Poor coping skills: Maladaptive e.g., alcohol
- Unfeasible release plans: Returning place of offending
- Unrealistic long term goals: Work not qualified for

DISCUSSION

□ Need for research

□ Allan, A., Parry, C. L., Ferrante, A., Gillies, C., Griffiths, C. S., Morgan, F., . . . Wong, S. C. P. (2018). Assessing the risk of Australian Indigenous sexual offenders reoffending: A review the research literature and court decisions. *Psychiatry, Psychology and Law, 26(2), 274-294. doi: 10.1080/13218719.2018.1504242*

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link<https://www.tandfonline.com/eprint/qTevImYJN6faiuyTzRKQ/full>

REFERENCES

- ❑ Allan, A., & Dawson, D. (2002). Developing a unique risk of violence tool for Australian Indigenous offenders. <http://www.aic.gov.au/crc/reports/200001-06.html>
- ❑ Allan, A., & Dawson, D. (2004). Assessment of the risk of reoffending by Indigenous male violent and sexual offenders *Trends and issues in crime and criminal justice, No. 280*. Canberra: Australian Institute of Criminology, available at <http://aic.gov.au/publications/current%20series/tandi/261-280/tandi280.html>.
- ❑ Allan, A., Dawson, D., & Allan, M. M. (2006). Prediction of the risk of male sexual reoffending in Australia. *Australian Psychologist, 41*(1), 60-68. doi: DOI:10.1080/00050060500391886
- ❑ Smallbone, S. W., & Rallings, M. (2013). Short-term predictive validity of the Static-99 and Static-99-R for Indigenous and Nonindigenous Australian sexual offenders. *Sexual Abuse, 25*(3), 302-316. doi: 10.1177/1079063212472937
- ❑ Spiranovic, C. (2012). The Static-99 and Static-99-R Norms Project: Developing norms based on Western Australian sex offenders. Crawley, Western Australia University of Western Australia, available http://www.law.uwa.edu.au/_data/assets/pdf_file/0007/2253328/FinalReportForRelease141212_Static99Norms_141212.pdf

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. The shapes are primarily triangles and polygons, creating a dynamic, layered effect. The text is centered in a clean, sans-serif font.

A practitioner's
perspective on the risk
of recidivism of
Indigenous sex
offenders

Methodology

- ▶ Sampling criteria: practicing psychiatrist or psychologists whose peers considered them to be practitioners with experience and expertise in the area of sexual offender assessment.
- ▶ Semi-structured interview format
- ▶ Interviews were conducted via telephone and recorded
- ▶ The duration was approximately one hour
- ▶ Conducted by two researchers
- ▶ Interviews were transcribed
- ▶ Thematic analysis

Participants

- ▶ In total 53 practitioners were approached and 13 consented to be interviewed for the study.
- ▶ Of the 13 participants, 8 were psychologists (with Clinical and or Forensic endorsements) and 5 were Forensic Psychiatrists.
- ▶ One participant identified as Indigenous.

Results: the offender

- ▶ Individual risk factors are similar
- ▶ But there is a significant difference in the prevalence of the individual risk factors
- ▶ Developmental trauma's
- ▶ Post-Traumatic Stress Disorder and major mental illness, cognitive impairments, substance use

What I have found, is a number of offenders I have assessed and worked with over a period of time, they all have come from really really difficult backgrounds where they themselves have been exposed to trauma, developmental trauma, they've been victims of sexual, physical and emotional abuse from a very young age. And it's been in some respects quite normalised for them. (Participant 12)

Results: the community

- ▶ Differences between risk factors on a contextual or environmental level
- ▶ More risk factors as overcrowded houses, unemployment
- ▶ Particularly in rural and remote communities

... there would be more specific challenges for Aboriginal and Torres Strait Islander people in achieving some of those protective factors. For example, presence of a stable, productive, meaningful employment for example which might be really difficult for some people in remote, rural areas where unemployment is high, so they haven't educational backgrounds that allow them to be competitive in the workplace (Participant 11)

Cont.

- ▶ This context is not captured in risk assessment tools
- ▶ Entrenched violence prevalent in some communities
- ▶ Intergenerational effects of colonial disadvantage
- ▶ Parents who had been removed from their families as children
- ▶ Potentially traumatic experiences during childhood and socioeconomic difficulties

.... understanding the context and the environment that someone is living and they are offending in I think is really important, I think that can speak to a lot more about what someone might be doing something like this. And that you won't find in the risk assessment tools, the context. (Participant 12)

Results: Indigenous culture

- ▶ Protective influence of culture
- ▶ A strong connection to culture additionally facilitated a sense of belonging and purpose
- ▶ The impact of Elders

I think that where individuals have a strong sense of cultural identity, where there has been a sense of stake and conformity around ideals and positivity around masculinity and leadership amongst cultural groups, so that has been a real strength, a protective factor. I think that where particularly young people ... have had older males in mentorships roles that has been a real protective factor. (Participant 13)

Cont.

- ▶ Difference in culture can be a barrier to discuss behaviour
- ▶ Experience of discrimination throughout the CJS
- ▶ Disparity in culture between assessor and offender may occasionally work in the assessor's favour

.... particularly in the forensic settings, a level of hostility and resistance among a lot of Indigenous prisoners towards non-Indigenous clinicians and assessors. You know mistrust, perceived discrimination, family members sharing historical injustices that were committed in similar settings and so on. That I think is quite a serious issue that implications for co-operation, trust and willingness to disclose information. there's a disinclination to share information about family with forensic psychologists and obviously that has repercussion for accurate diagnosis and prediction of risk and so on. (Participant 1).

Results: the assessor

- ▶ The need for practitioners to be highly trained in this area
- ▶ Inexperienced practitioners can be easily misled by the results of the tools or by the effects of culture on the assessment, both of which can lead to an inaccurate interpretation of the risk of reoffending
- ▶ Close supervision is necessary
- ▶ The implications of inaccurate assessments can be profound

... people undertaking risk assessment in an uniformed way and they apply the instruments as if somehow the instruments tell you about a persons risk. Rather than the instruments being one way to look at the persons risk and they have to integrated with other aspects of the assessment. (Participant 9)

Cont.

- ▶ Many advocated for the use of cultural consultants when conducting assessments
- ▶ Also to overcome language barriers
- ▶ Provide an understanding of the community and families and structures within that community

And then having both cultural consultations, having somebody who has information about that particular cultural group, community, clan or language group, to give feedback on how we do that work and to have a cultural supervisor so someone can critically examine our cross-cultural practice. Someone that we can ask the really tricky questions, that might have some sensitivity to them, that we're not quite sure how to ask, but how when we do have questions, we've got somebody to speak to. (Participant 13)

Results: the risk assessment tool

- ▶ The dangers of using no tool at all far outweighed the risks of using an instrument not validated for Australian Indigenous offenders
- ▶ How practitioners use the tools to tap into certain factors rather than using them as an overall indicator of risk of reoffending
- ▶ Risk assessment should examine risk scenarios as opposed to or in conjunction with individual risk factors
- ▶ Offenders can be placed in situations that may either increase or decrease their risk of reoffending

The RSVP I like because you do the risk factors and then you have to sort of bring out the scenarios, what's the most likely to happen, where would he be most likely to reoffend, things like that. And then maybe suggest how that could be managed (Participant 6).

Cont.

- ▶ Risk scenarios were then a more effective avenue through which to guide risk management
- ▶ There is a lack of research on risk in Australian Indigenous offenders
- ▶ Interviewees reported that they had no other options than to use the tools that are available

We really have no choice in clinical practice, you still use those tools... but we kind of put in the caveat that these have not been standardised or tested with sex offenders of Indigenous origin. We do that simply because we don't have a choice. (Participant 2).

Conclusion

- ▶ The same... but very different
- ▶ Because of context, culture and history
- ▶ Individual assessment vs community lifestyle
- ▶ Do we need better tools
- ▶ Or better assessors?