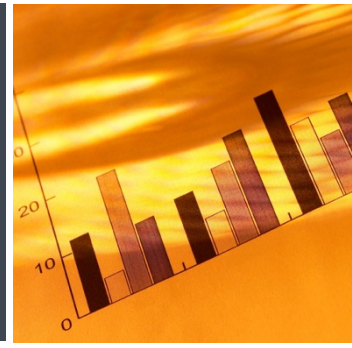


RESEARCH SUMMARY

What We Know and Don't Know About Risk Assessment with Offenders of Indigenous Heritage



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Research supports using validated risk tools with Indigenous offenders; however, more research is needed to determine why differences exist

BACKGROUND

Given that many decisions throughout an offender's progression through the criminal justice system are guided by risk assessment, it is important that risk assessments be structured, objective, reliable and transparent. One assumption behind the use of risk assessment scales in practice is that the offenders being assessed are similar to those on which the scale was developed or validated. The over-representation of Indigenous offenders in the criminal justice system highlights the need for research on the applicability of risk assessment for this group in particular.

Research has demonstrated that Indigenous offenders tend to score significantly higher than non-Indigenous offenders on most risk factors. For example, on average, Indigenous offenders are younger, have lengthier criminal histories, and report more negative childhood histories than non-Indigenous offenders. Likewise, in adulthood, Indigenous offenders are rated as higher need than non-Indigenous offenders in the domains of family and/or marital problems, education/employment, and substance abuse. Finally, compared to non-Indigenous sex offenders, Indigenous sex offenders have been found to have significantly higher lack of concern for others, impulsivity, poor cognitive problem-solving, and problems cooperating with supervision.

Indigenous offenders have also been found to have higher recidivism rates than non-Indigenous offenders. It is important to emphasize, however, that this does not mean that risk factors (or scales) will predict recidivism differently for Indigenous offenders. Although higher risk scores among Indigenous offenders should be a call for greater resources for this

group, it is not in itself a form a test bias. The main issue regarding the suitability of risk scales for Indigenous offenders concerns the extent to which the predictive accuracy of the scale differ between Indigenous and non-Indigenous offenders. The purpose of this paper is to review research on structured risk assessment scales with Indigenous offenders and propose explanations for the findings of this research.

FINDINGS

Meta-analyses and large-sample studies have demonstrated that the major risk factors and commonly used risk assessment scales (e.g., the Level of Service [LSI] risk scales, Static-2002R, etc.) predict recidivism for Indigenous offenders, but the predictive accuracy tends to be lower for Indigenous compared to non-Indigenous offenders. This holds true regardless of the type of recidivism (i.e., general, violent, or sexual recidivism) or type of risk tool (i.e., actuarial or structured professional judgement) examined.

Likewise, a large-sample study found that recidivism rates predicted from the LSI (Ontario revision) were well-calibrated for moderate and high scoring Indigenous offenders, but underestimated the absolute recidivism rates of low scoring Indigenous offenders (i.e., recidivism rates for Indigenous offenders with low scores on the LSI-OR were higher than what would be predicted by the risk scale).

There are at least four possible reasons for the lower level of predictive accuracy observed with Indigenous offenders. One possible explanation is racial discrimination in the criminal justice system. It may be harder for risk scales to discriminate between low and high risk offenders if recidivism rates are inflated because of systemic bias. A second possible

explanation is that although the risk factors for recidivism are the same for Indigenous and non-Indigenous offenders, Indigenous offenders may exhibit many more risk factors, largely due to historical, social, and economic disadvantages. A third possible explanation is that the unique circumstances of Indigenous peoples are neglected in risk factors. For example, broader conceptualizations of family in Indigenous communities may not be incorporated when assessing risk factors in the family/marital domain (i.e., the risk-relevant construct may be similar for Indigenous and non-Indigenous offenders, however, the indicators of those constructs may differ across groups). A fourth hypothesis is that there are risk factors unique to Indigenous offenders that are not adequately captured in current risk scales. This suggests that risk scales specific for Indigenous offenders should be developed, or that culturally-specific risk factors should be incorporated into current assessments (e.g., cultural or spiritual isolation, loss of native language, lack/loss of pride in heritage). Unfortunately, little research has empirically tested how these potential risk factors/domains relate to recidivism.

NEXT STEPS

Given the consequences of risk assessment for offenders and matters of public safety, the reasons for these differences in predictive accuracy remain an important topic of research. Despite the evidence gaps, the research available to date does support the use of empirically validated structured risk assessments with offenders of Indigenous heritage, until there is more research done to better understand differences in predictive accuracy.

Although the meta-analytic and large-sample studies reviewed in this paper suggest that some of the commonly used structured risk scales (e.g., the LSI scales and Static-99R) predict recidivism with Indigenous offenders, the accuracy of these tools is lower compared to non-Indigenous offenders. This finding necessitates additional caution in assessments with this group, particularly for life-changing decisions (e.g., Dangerous Offender designations). Given that these scales still predict recidivism with moderate accuracy, abandoning their use is not defensible, unless they are replaced with a method empirically demonstrated to have superior accuracy.

Given that Indigenous offenders face disadvantage in virtually every criminal justice decision and have more extensive criminal histories, we cannot rule out the possibility of discrimination against Indigenous offenders in correctional decision-making. One of the best ways to protect against bias in decision-making is to rely on objective, structured, and empirically defensible methods.

What we don't know is why predictive accuracy is lower for Indigenous offenders. A better understanding of these differences is necessary to improve risk assessment for this subgroup of offenders and to inform how to intervene to reduce their risk of reoffending. Future research is therefore needed to better understand the meaning of commonly used risk factors and to explore the possibility of culturally-informed risk factors for this group.

SOURCE

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