When Police Use Risk Assessments – ODARA and LAP

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Outline

- Risk Assessment Generally
- ODARA: research and development, protocol, and successes
- LAP: research and development, protocol, and successes
- Limitations of Risk Assessment
- Centralizing Victim Safety

Objectives

By the end of the presentation, participants will be able to:

- Describe the research behind ODARA and LAP;
- Compare and contrast ODARA and LAP models;
- Discuss limitations of risk assessment generally;
- Identify ways to centralize victim safety when using risk assessments.
What is Risk Assessment?

Risk assessment is a procedure “whereby we measure some characteristic of a person or situation and then use that information to predict the likelihood of some negative event”— re-abuse by the offender, or lethal assault on the victim.


Overlapping Spheres

Why Use Risk Assessment?

- Common Language for Risk Communication
- Efficient Use of Scarce Resources
- Educates system players about DV dynamics
- Enhances victim safety
- Informs assertive safety, containment measures from criminal justice professionals
- Integral component of High Risk Response Teams – increased linkages and information sharing
- Provides another lens through which victims may view themselves, batterers and their situation.
ODARA: WHAT IS IT?

ODARA: Ontario Domestic Assault Risk Assessment- an actuarial tool which indicates the likelihood that a person who has already committed an assault on a domestic or dating partner will do so again in the future.

It is NOT a tool that will determine whether one partner in the relationship is abusing the other, or should be arrested.

Why: Ontario Cases

1998: May/les Inquest
1999: Joint Comm. on Domestic Violence Report to the Attorney General
1999: Collaboration of Ontario Provincial Police and mental health experts

2002: Hadley Inquest
2004: DV Assessment Project

Maine Context

Summer of 2011: cluster of domestic violence homicides including the murder of Amy Lake and her two children created an emotional tipping point in Maine and a focus on change.
**ODARA Development and Protocols**

- Cases: 589 cases of men with police record of violence against a female domestic partner
- Sources: police database (rural, municipal and First Nations)
- Eligibility: assault by male on current or former female domestic partner
- Recidivism: an act of violence or charge of assault against a female domestic partner
- Cases followed for five years

Hilton, Harris, Rice, Lang, Cormier, & Lines (2004) Psychological Assessment

**Case Variables of Study**

- Assault Details
- Domestic Criminal History
- Nondomestic Criminal History
- Sociodemographic Characteristics
- Victim Reports
- Relationship Characteristics

**13 ODARA ITEMS**

- The original variables were reduced to 13 using statistical analysis (several steps, a series of analyses).
- The 13 ODARA items significantly and independently predict recidivism.
- ODARA has been cross-validated in numerous additional studies since the original research.
ODARA Questions: Criminal History
1. Prior domestic incident of assault in a police or criminal record
2. Prior non-domestic incident of assault in police or criminal record
3. Prior custodial sentence of 30 days or more
4. Failure on prior conditional release
10. Prior violent incident against a non-domestic partner (not in a police record)

ODARA Questions: the incident
5. Threat to harm or kill at the index assault
6. Confinement of the victim at the index assault
7. Victim concern about future assaults

ODARA Questions: relationship dynamics
8. More than one child
9. Victim’s biological child from a previous partner
11. Two or more indicators of substance abuse – (person being assessed)
12. Assault on the index victim when she was pregnant
13. Barriers to victim support: geographic isolation, no phone, children in the home, substance abuse
Why ODARA?

- Its predictive accuracy of 77% is the best there is in validated, evidence-based DV risk assessment tools (except tools requiring clinical expertise).
- Designed for use by law enforcement officers, in the criminal justice field.
- To score the assessment takes approx. 10 minutes by experienced users.
- It may be scored with up to 5 items missing.

ODARA Predicts:

<table>
<thead>
<tr>
<th>Definition of Recidivism</th>
<th>ODARA Correlation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any new partner assault</td>
<td>( r = .43 )</td>
</tr>
<tr>
<td>Number of new assaults</td>
<td>( r = .37 )</td>
</tr>
<tr>
<td>Severity of injuries</td>
<td>( r = .37 )</td>
</tr>
<tr>
<td>Seriousness of charges</td>
<td>( r = .36 )</td>
</tr>
<tr>
<td>Time until re-offense</td>
<td>( r = .34 )</td>
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</tbody>
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**Successes: What do users say?**

- **Maine prosecutor:** "I used it in a bail argument... ODARA indicated high potential for recidivism. I used that information successfully to argue against the bail motion... I believe we need to rely on this type of validated testing more in DV cases."

- **Maine Bail Commissioner trained in ODARA:** "It is a very useful tool – so simple, so wonderful because it provides a common language to assess risk."

- **Muskie School, USM, 2008:** "Offers front-line personnel as easy to use actuarial tool that shows promise as a guide for interventions to reduce the incidence of repeated domestic assault..."

**DV Expert: ODARA in Maine**

"Today’s progressive agencies are assessing lethality, danger, and risk of the victims of domestic violence by employing methods such as the ..."

Ontario Domestic Abuse Risk Assessment (ODARA). Officers in Maine in the next year will be trained in and use ODARA statewide. These tested methods have saved the lives of victims and likely officers as well. This is intelligence-led policing, and it is the future for first responders.”


**Use Of ODARA**

- Other states: Oregon; California; Indiana; Kentucky; Ohio; Illinois; Idaho; Iowa
- Other Countries: Nova Scotia, Ontario, Alberta, Saskatchewan, New Brunswick, Newfoundland & Labrador, NW Territories, New Zealand
- Inquiries from: King County, WA; incorporating into DV supplements for LEO; Texas JB; LA; Louisiana recently passed a law that requires courts to take a danger assessment into consideration when determining release status; Michigan; Minnesota
National Promising Practice

- USDOJ TA Provider BWJP: ODARA, “gold standard” for law enforcement
- Promising Practices in Domestic Violence: [www.bwjp.org](http://www.bwjp.org)
- A Roadmap to Risk Assessment: Maine’s Use of ODARA – “This section highlights innovative approaches within the civil and criminal legal response to violence against women that promote victim safety and/or offender accountability.”
- [www.bwjp.org/promising_practices.aspx](http://www.bwjp.org/promising_practices.aspx)

LAP: Research and Background

Dr. Jacqueline Campbell’s multi-site study

Baltimore, Houston, Kansas City (Kansas and Missouri), Los Angeles, New York City, Portland, Seattle, Tampa/St. Petersburg, Wichita

Researched risk factors present in both femicides and attempted femicides.

From that research, Dr. Campbell developed the Danger Assessment ([www.dangerassessment.org](http://www.dangerassessment.org)), a tool for clinicians to use with victims to determine risk level.

LAP: Missed Opportunities

- More than 44% of perpetrators were arrested in the year prior to the homicide.
- More than 30% of stalking/harassment victims reported the behavior to the police.
- Only 4% of victims used shelter or hotline services in the year prior to the hotline.
- The Danger Assessment was being used by law enforcement officers.
**Lethality Assessment Program**

- Why lethality assessment?
  - 1500 DV fatalities annually
  - 8-9 near homicides for every homicide
- Developed by a multi-disciplinary committee from 2003-2005
  - Prosecutors, advocates, law enforcement officers, researchers
  - Piloted in three diverse law enforcement agencies in 2005

**LAP: Protocol**

- Officer introduces screen simply, privately, positively
- Officer alerts victim to danger unequivocally
- Officer makes phone call
- Officer encourages victim to get on phone
- Hotline uses “Guidelines” to provide immediate safety planning and encourage victim to go in for services
- Program offers enhanced services

**LAP: Intangibles**

- Core values of:
  - Self-determination by victim
  - Removing barriers to accessing assistance
  - Partnership between law enforcement and community-based domestic violence service program
**LAP: Success**

As of July 1, 2016, more than 600 law enforcement agencies across 36 states are implementing:
- Some states, like Maryland, Connecticut, Delaware, and New Hampshire most or all law enforcement agencies are implementing.
- Some states, like South Carolina or Arizona, only one jurisdiction is implementing
- Executive or Legislative statewide support, Federal support
- Some executive branches or legislatures have prioritized funding implementing jurisdictions.
- MNADV receives two OVW awards for training and technical assistance.
- Recognized as a best practice by the National Domestic Violence Hotline

**LAP: Oklahoma Study**

- Lethality Screen correctly identified High-Danger victims
- Victims in the intervention group were more likely to take immediate and long-term steps toward increasing safety.
- Victims in the intervention group experienced less severe/frequent violence.
- Victims in the intervention group were more satisfied with police response.
- Increased Partnership
- Increased Service Utilization

**LAP: In Your Community**

- Existing partnership between law enforcement and community-based domestic violence service program.
- Willingness to “go the extra mile.”
- Staffing for the hotline.
- Capacity for continued service utilization.
- Commitment to implement LAP as designed and trained by MNADV.
Community Readiness: ODARA

- Training/certification in the use of risk assessment tools for stakeholders: law enforcement, prosecutors, advocates, pretrial, probation, bail commissioners, judges, defense bar
- What will happen differently because a decision-maker has the information (risk management)
- Address confidentiality and information sharing issues

Implementation of ODARA: Awareness Requires Action

- Identify content experts and a vehicle for multi-disciplinary task group study:
  - Maine Commission on Domestic and Sexual Abuse
  - Maine Domestic Abuse Homicide Review Panel
- Develop partnership between content experts and implementation experts.
- Link final recommendations with an integrated implementation plan that coordinates centrally and rolls the initiative out statewide.

Commission Report Recommendations

- Use validated, evidence-based tool: ODARA.
- Law enforcement should complete the assessment, provide results to decision-makers (judge, DA, bail).
- Use risk assessment tools in settings for which they were designed.
- Use of other RA/lethality assessment tools by advocacy or medical communities may be indicated.

Ontario Domestic Assault Risk Assessment
odara.waypointcentre.ca
An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes, 2012

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 [ODARA].

...and shall provide results... to the bail commissioner and district attorney...

19-A M.R.S. §4012, sub-§6

Limitations: ODARA

- Not enough data for use with same-sex couples
- Requires “index incident” of assault
- Law enforcement must have rapid access to criminal history
- Use outside of criminal justice system?
- Doesn’t address risk management

Limitations: LAP

- Original Data
  - Female victims in male-female relationships only
  - 10 cities/urban areas
  - Limited DVSP services/police response
- Protocol
  - Quality of local DVSP is variable.
  - Use with police requires an index-incident severe enough to call the police. Certain populations may not be represented.
  - Must remain simple and accessible as a field protocol.
Limitations: risk assessment generally

- Tools cannot guarantee victim safety or substitute for “best practices”
- Risk assessment tools are “one tool in the toolbox” to provide context, guidance as to what questions should be asked, and for help in thinking through the dynamic elements of a particular case

Centralizing Victim Safety

- Domestic Violence Service Programs differentiating services for High-Danger victims and not screening victims “out” if not identified as High-Danger.
- Advocate safety planning tailored to individual risk
- Probation/Pretrial supervision levels, electronic monitoring
- High Risk Response Teams
- Law Enforcement resource allocation, alarm systems
- Education across all systems partners

An Assessment Tool CAN:

- Improve communication of risk across disciplines
- Help allocate scarce resources
- Enhance victim safety and offender containment
- Strengthen coordinated community response to domestic violence
Contact Information

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