

YOUNG PEOPLE & SEXUAL OFFENDING RISK ~~ASSESSMENT~~ MANAGEMENT

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Victoria Legal Aid: Melbourne

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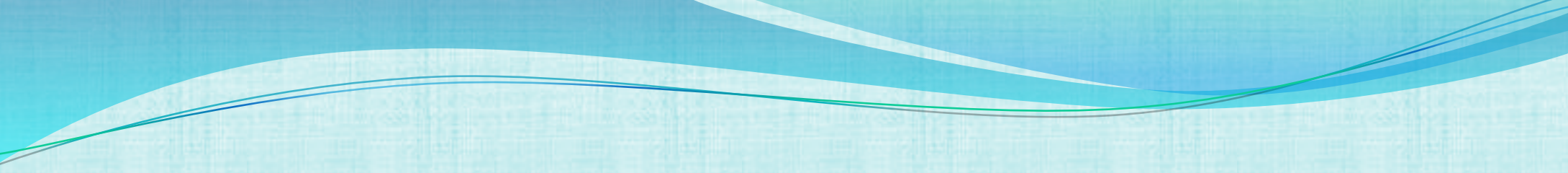
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I would like to take this opportunity to acknowledge the traditional owners and custodians of the land on which we meet today, the Wurundjeri people of the Kulin Nation; and pay my respects to their Elders, both past and present.

OVERVIEW

- **Systemic Frameworks**
- **The Language of Risk**
- **The Method of Risk**
- **Risk Assessment**
- **Risk Instruments**
- **Contextualising Harm**
- **Risk Management Planning**
- **Communicating Risk**





Systemic Frameworks

The conceptual boundaries of *risk*!

GOVERNING LEGISLATION

- *Crimes Act 1958*
- *Children, Youth & Families Act 2005*
- *Disability Act 2006*
- *Mental Health Act 2014*
- *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*
- *Sex Offenders Registration Act 2004*
- *Serious Sex Offenders (Detention & Supervision) Act 2009*
- *Evidence Act 2008*
- *Health & Safety Act 2004*
- *Victorian Charter of Human Rights & Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Residential Tenancies Act 1997*





The Language of Risk

The terms by which *risk* is conceptualised!

RISK

Risk is the potential for an adverse event to lead to a negative outcome, and by assessing risk we seek to estimate how likely the event is to occur and the nature and seriousness of its impact. In this context, the '*adverse event*' is aberrant sexual behaviour and the negative outcome is the degree and nature of '*harm that it causes*'.



HARM

Harm is defined as loss, damage or personal injury. Personal injury may be of a physical or psychological nature. The aim of risk assessment is to reduce the incidence of aberrant sexual behaviour and the harm it causes, and particularly to identify the potential for personal injury in order to prevent it. Harm may be caused by a range of behaviours.



VIOLENCE

The World Health Organization defines violence as:

“the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation”, and identifies four means “by which violence may be inflicted: physical; sexual; and psychological attack; and deprivation”.

The key elements contributing to violence are the ‘level of intent’, the ‘use of coercion or force’, and the potential for harm to the person’, whether this is realised or not.





The Method Of Risk

The manner by which *risk* is framed!

THE RISK PROCESS





Risk Assessment

The means by which *risk* is understood!

THE PROCESS OF RISK ASSESSMENT

Includes the *identification; analysis* and *evaluation* of the best available information, which is then communicated to inform decision making and action. The ultimate aim is reducing the likelihood and impact of future aberrant behaviour.

1. **Gather and review the relevant information to identify the:** Historical and current factors about the person, his or her life circumstances and behaviour that support further offending (*risk factors*) or *desistance (strengths)*. Can be assisted by the application of appropriate risk tools!
2. **Analyse this information:** To further identify how likely further offending is in the long term and in the current context given the presence and balance of *risk*, *strength* and any identified *protective factors*.
3. **Evaluate this analysis:** Evaluate against the appropriate *criteria*, and the *context* and *purpose* of the assessment, and make a decision on the most appropriate course of action.



CONSIDERATION OF RISK FACTORS

- Risk factors are individual characteristics that increase or decrease the probability of recidivism.
- Risk of harm always take into account both '*static*' (relatively unchangeable) & '*dynamic*' (changeable over time and circumstances) factors.
- Understanding the distinction between types of risk factors helps to appreciate their role in assessment and in their relative contribution to *how*, *why* and *when* offending occurs.



STATIC RISK FACTORS

- Historical factors that have been demonstrated to relate to recidivism potential.
- Are non-changeable aspects of the individual.
- Long term markers, and do not give a good understanding of current risk or intervention needs/treatment targets.



DYNAMIC RISK FACTORS

- Factors associated with offending/recidivism that are amenable to change.
- Can fluctuate over time.
- Assessment gives a better understanding of shorter term risk.
- Can be strengthened with supervision, and provide treatment targets for intervention.



TYPES OF DYNAMIC FACTORS

- ***Stable***: Enduring changeable characteristics linked to the aberrant behavior.
- ***Acute***: Rapidly changing changeable characteristics; may indicate that an aberrant behaviour will occur within a short period of time.
- Some factors may be **both** stable and acute.
- Require more regular re-assessment/monitoring (children/juveniles at least 6-monthly).



STRENGTHS

- Positive characteristics within the person that can make an individual more resilient to adverse events.
 - *Positive Coping, Empathy, Self-control, Secure attachment style.*
- Predispose client towards prosocial, or encourage, non-criminal behaviour.
- Help to promote desistance from further aberrant behaviour.
- Disincline an individual from violence or aberrant behaviour due to their personal values.
- Not considered protective, as they do not mitigate against the risk of harm.

PROTECTIVE FACTORS

- Circumstances, relationships or characteristics that have a mitigating effect on the likelihood of future harm.
 - *Medication, Leisure activities, Life goals, Professionals, Living situation.*
- Differentiated in terms of immediacy
 - *Remand in domestic violence, remove child vs. IVO or responsible adult.*
- When present, act to prevent or interrupt an episode of potentially harmful behaviour.
- When absent they do not act to pose extra risk.
- Important in risk management, providing balance to the risk assessment, offering positive intervention goals and inspiring motivation in staff and client.





Risk Instruments

The tools of the trade!

ASSESSMENT APPROACHES

- **1st Generation** = “*Clinical Judgment*”
 - Unstructured, non-replicable, personal discretion.
 - Based on experience & knowledge of the literature.
 - Non-standard (even within same institution).
 - Level of prediction little better than chance.
- **2nd Generation** = “*Actuarial Assessment*”
 - Static, structured, replicable, less open to interpretation.
 - Based on historical factors empirically related to recidivism.
 - Standardized assessment, ‘static’ - cannot measure change.
 - ‘Moderate’ levels of prediction.
 - Unable to show change.



STRUCTURED PROFESSIONAL JUDGEMENT

- **3rd Generation** = “*Dynamic Assessment*”
 - ‘Not Perfect’ – includes dynamic and changeable items.
 - Based on factors empirically related to recidivism.
 - Standardized assessment of risk level and client needs.
 - Measures change & capable of re-assessment.
 - Still working on predictive validity.
- **4th Generation** = “*Structured Professional Judgment*”
 - Include identification of client’s strengths.
 - Assess client’s responsivity factors.
 - Include particular non-criminogenic needs.
 - Stresses the integration of assessment into intervention, case planning, management, evaluation and review.

ASSESSMENT TOOLS

SPJ

Actuarial



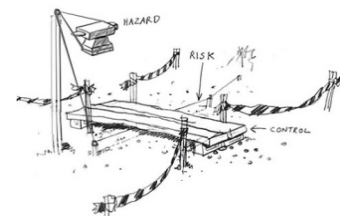
Risk Matrix-2000

RRASOR

ASSESSMENT TOOLS: ADOLESCENT (12-18)

	General Aberrant Behaviour	Violent Behaviour	Sexual Behaviour	Self-Harm & Suicide	Protective Factors	Situational Environment
Male	YLS:CMI	SAVRY PCL:YV	J-SOAP-II PCL:YV ERASOR	ASAP-20	SAPROF:YV DASH-13	PRISM
Female	YLS:CMI	SAVRY PCL:YV	ERASOR ^{v2}	ASAP-20	SAPROF:YV	PRISM
Cognitive Impairment		ARMIDILO-G	ARMIDILO-S			PRISM ARMIDILO

- *Early Assessment Risk List for Boys (EARL-20B -Version 2) & Girls (EARL-21G)*
- *Estimate of Risk of Adolescent Sexual Offence Recidivism-2 (ERASOR^{v2})*
- *Juvenile Sex Offender Assessment Protocol-II (JSOAP-II)*
- *Assessment of Risk and Managibility for Intellectually Disabled Individuals who Offend (ARMIDILO)*
- *Desistence for Adolescents who Sexually Harm (DASH-13)*
- *Structured Assessment of PROtective Factors for violence risk: Youth Version (SAPROF:YV)*



ASSESSMENT TOOLS: ADULT (18+)

	General Aberrant Behaviour	Violent Behaviour	Sexual Behaviour	Self-Harm & Suicide	Protective Factors	Situational Environment
Male	LS-RNR/LSI START	HCR ₂₀ ^{v3} PCL-R/SV	RSVP; SAM SARA; SRP Static-99r; PCL-R/SV	SBRE SRAMM	SAPROF START	PRISM
Female	LS-RNR START	HCR ₂₀ ^{v3} + FAM PCL-R/SV	RSVP STATIC-99r PCL-R/SV	SBRE SRAMM	SAPROF START	PRISM
ID		ARMIDILO-G	ARMIDILO-S			PRISM ARMIDILO
ID Adapted		HCR-20 PCL	RSVP PCL SVR-20			



J-SOAP-II

Juvenile Sex Offender Assessment Protocol-II Scoring Form

1. Sexual Drive/Preoccupation Scale

1. Prior Legally Charged Sex Offenses	0	1	2
2. Number of Sexual Abuse Victims	0	1	2
3. Male Child Victim	0	1	2
4. Duration of Sex Offense History	0	1	2
5. Degree of Planning in Sexual Offense(s)	0	1	2
6. Sexualized Aggression	0	1	2
7. Sexual Drive and Preoccupation	0	1	2
8. Sexual Victimization History	0	1	2

Sexual Drive/Preoccupation Scale Total

2. Impulsive/Antisocial Behavior Scale

9. Caregiver Consistency	0	1	2
10. Pervasive Anger	0	1	2
11. School Behavior Problems	0	1	2
12. History of Conduct Disorder	0	1	2
13. Juvenile Antisocial Behavior	0	1	2
14. Ever Charged or Arrested Before Age 16	0	1	2
15. Multiple Types of Offenses	0	1	2
16. History of Physical Assault and/or Exposure to Family Violence	0	1	2

Antisocial Behavior Scale Total

3. Intervention Scale

17. Accepting Responsibility for Offense(s)	0	1	2
18. Internal Motivation for Change	0	1	2
19. Understands Risk Factors	0	1	2
20. Empathy	0	1	2
21. Remorse and Guilt	0	1	2
22. Cognitive Distortions	0	1	2
23. Quality of Peer Relationships	0	1	2

Intervention Scale Total

4. Community Stability/Adjustment Scale

24. Management of Sexual Urges and Desire	0	1	2
25. Management of Anger	0	1	2
26. Stability of Current Living Situation	0	1	2
27. Stability in School	0	1	2
28. Evidence of Positive Support Systems	0	1	2

Community Stability Scale Total

ERASOR^{V2}

High Risk Factors for Sexual Reoffense	Present	Partially/Possibly Present	Not Present	Unknown
Sexual Interests, Attitudes, and Behaviours				
1. Deviant sexual interests (younger children, violence, or both)				
2. Obsessive sexual interests/Preoccupation with sexual thoughts				
3. Attitudes supportive of sexual offending				
4. Unwillingness to alter deviant sexual interests/attitudes				
Historical Sexual Assaults				
5. Ever sexually assaulted 2 or more victims				
6. Ever sexually assaulted same victim 2 or more times				
7. Prior adult sanctions for sexual assault(s)				
8. Threats of, or use of, violence/weapons during sexual offense				
9. Ever sexually assaulted a child				
10. Ever sexually assaulted a stranger				
11. Indiscriminate choice of victims				
12. Ever sexually assaulted a male victim (<i>male offenders only</i>)				
13. Diverse sexual-assault behaviours				
Psychosocial Functioning				
14. Antisocial interpersonal orientation				
15. Lack of intimate peer relationships / Social isolation				
16. Negative peer associations and influences				
17. Interpersonal aggression				
18. Recent escalation in anger or negative affect				
19. Poor self-regulation of affect and behaviour (Impulsivity)				
Family/Environmental Functioning				
20. High-stress family environment				
21. Problematic parent-offender relationships/Parental rejection				
22. Parent(s) not supporting sexual-offense-specific assessment/treatment				
23. Environment supporting opportunities to reoffend sexually				
Treatment				
24. No development or practice of realistic prevention plans/strategies				
25. Incomplete sexual-offense-specific treatment				
Other Factor				
Overall Risk Rating <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High				

STATIC-99R

Score Label for Risk Category:

-3 through 1	= Low
2, 3	= Low-Moderate
4, 5	= Moderate-High
6 plus	= High

	Risk Factor				Code Range	STATIC-99R	STATIC-99
1	Young	STATIC-99		Aged 18-25 = 1 Aged 25+ = 0	0 – 1	N/A	
		STATIC-99R		Aged 18 to 34.9 = 1 Aged 35 to 39.9 = 0 Aged 40 to 59.9 = -1 Aged 60+ = -3	-3 – 1		N/A
2	Ever lived with lover for 2 or more years				0 – 1		
3	Index Non-Sexual Violence				0 – 1		
4	Prior Non-Sexual Violence				0 – 1		
5	Prior Sex Offences	<u>Charges</u> None 1-2 3-5 6 +	<u>Convictions</u> None 1 2-3 4+	= 0 = 1 = 2 = 3	0 – 3		
6	Prior Sentencing Dates (exclude index)				0 – 1		
7	Any Conviction for Non-contact Sex Offences				0 – 1		
8	Any Unrelated Victims				0 – 1		
9	Any Stranger Victims				0 – 1		
10	Any Male Victims				0 – 1		
Total Score:					STATIC-99R -3 – 12 STATIC-99 0 – 12		
Overall Risk Category (Based on STATIC Score)							

RSVP

Coding Key:

Y	Clear/Present Evidence	The risk factor is definitely or conclusively present
?	Possible or Partially Present	The risk factor is partially or possibly present, or evidence regarding the presence of the risk factor is mixed or inconclusive
N	No evidence/ Absent/ Not Present	The risk factor definitely is absent; or, there is no evidence indicating that the risk factor is present

RSVP Variable		Current Coding	Historically Coded
<i>Sexual Violence History</i>			
1	Chronicity of Sexual Violence		
2	Diversity of Sexual Violence		
3	Escalation of Sexual Violence		
4	Physical Coercion in Sexual Violence		
5	Psychological Coercion in Sexual Violence		
<i>Psychological Adjustment</i>			
6	Extreme Minimisation or Denial of Sexual Violence		
7	Attitudes that Support or Condone Sexual Violence		
8	Problems with Self-Awareness		
9	Problems with Stress or Coping		
10	Problems Resulting from Child Abuse		
<i>Mental Disorder</i>			
11	Sexual Deviance		
12	Psychopathic Personality Disorder		
13	Major Mental Illness		
14	Problems with Substance Use		
15	Violent or Suicidal Ideation		
<i>Social Adjustment</i>			
16	Problems with Intimate Relationships		
17	Problems with Non-Intimate Relationships		
18	Problems with Employment		
19	Non-sexual Criminality		
<i>Manageability</i>			
20	Problems with Planning		
21	Problems with Treatment		
22	Problems with Supervision		



Contextualising Harm

Mitigating environmental influence!

SITUATIONAL RISK MANAGEMENT

Management of those salient and negative feature of an environment in which violence takes place.

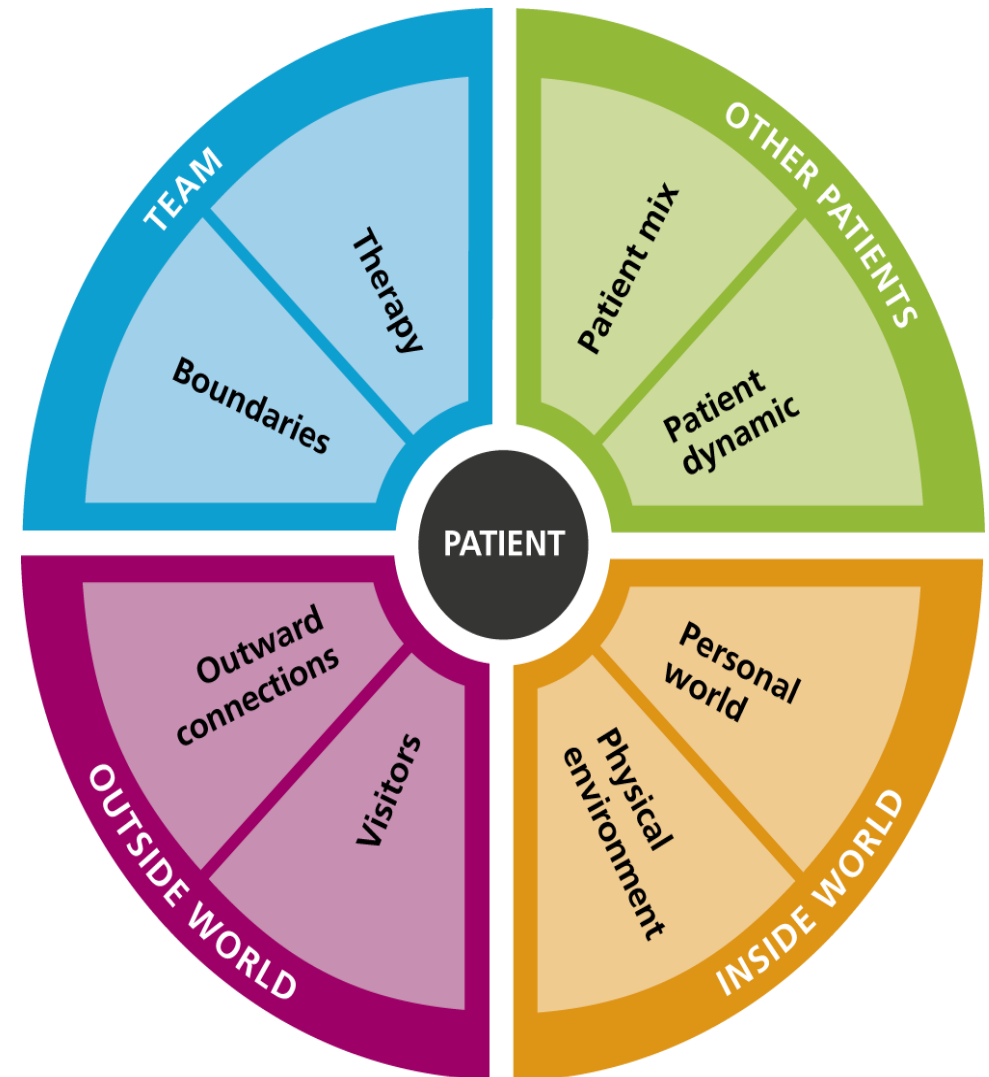
Based within the three arms of Organisational Security:

- ***Structural Security***: the fences, locks, personal alarms, monitors, etc. that help keep people safe.
- ***Procedural Security***: the policies and procedures in place to maintain safety and security.
- ***Relational Security***: ...



RELATIONAL SECURITY

- Relational security is the knowledge and understanding staff have of a client and of the environment, and the translation of that information into appropriate responses and care.
- It is not simply about having 'a good relationship' with a client.
- Safe and effective relationships between staff and clients must be professional, therapeutic and purposeful, with understood limits.





Risk Management Planning

The management of uncertainty!



FORMULATION

Can be defined as:

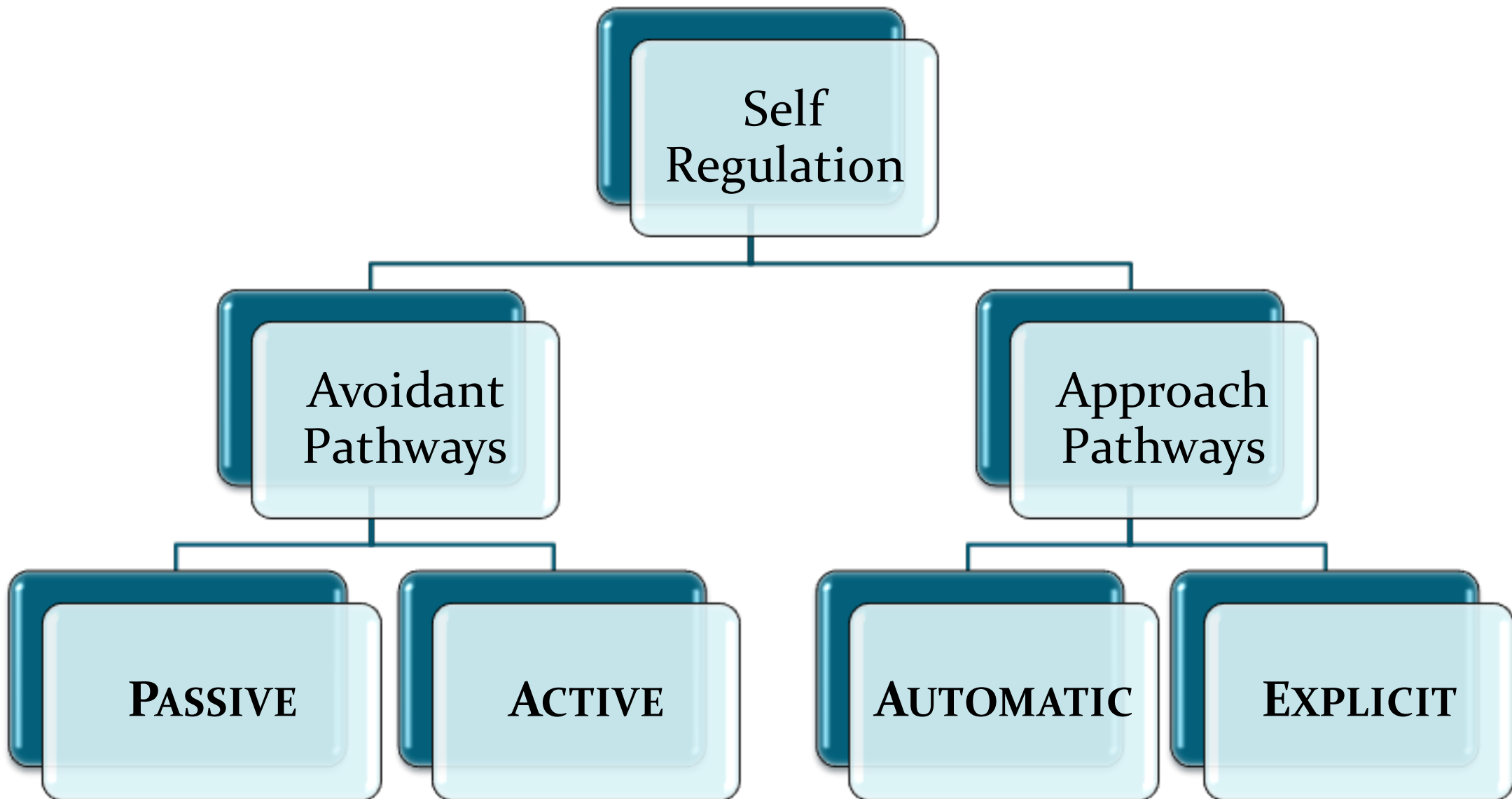
- A theoretically-based explanation or conceptualisation of the information from a specific assessment, used to proffer an ‘understanding’ of a case.
- The level of ‘understanding’ is proportionate to the individuals age and stage of development, to the specific circumstances of the case and task at hand.
- When assessing the risk of harm it needs to include a hypothesis of how, why and when such aberrant behaviour might occur.
- It demonstrates the interaction and role of respective and relevant risk factors, (highlighting precipitating risk factors) that might identify early warning signs and indicate *imminence*.

This level of understanding is reached through ‘*analysis*’ and the risk formulation is seen to fundamentally link the assessment of risk with the process of risk management.

CAUSAL MECHANISMS



PATHWAYS TO SEXUAL OFFENDING





RISK MANAGEMENT

The ultimate goal of violence risk assessment is the prevention of harm; that is, minimising the likelihood of, and negative consequences stemming from, any future violence.

A process co-ordinated via the development of risk management plan!

A Risk Management Plan is a shared and dynamic working document, based on a formulation or understanding of risk, in which preventative and contingency action plans show a clear link between identified risks and necessary action, those responsible for those actions, and the required communications. It is responsive to change and should outline review procedures.

Risk management should always be grounded in a broader and detailed assessment of a client's social, developmental and psychological needs!



RISK MANAGEMENT PLAN

A shared and dynamic working document, based on a formulation or understanding of risk, which generally incorporates a number of risk management strategies that fall into four activities:

- **Intervention:** intended to repair or restore adaptive functioning such that risk will be moderated as a consequence.
- **Supervision strategies:** to support the individual such that risk factors do not become 'active' and protective factors dominate.
- **Monitoring guidelines:** are those aspects of a client's presentation that signify early warning signs of a relapse into violence.
- **Victim safety planning:** is a selection of strategies used with potential victims to harden them against violence in the future.

Organisation security (structural, procedural, relational) has varying degrees of influence across each activity that requires consideration!



Communicating Risk

Ensuring *risk* is heard!

REPORTING

- **Biopsychosocial Background**
- **Structured Assessment of Risk**
 - Summary Risk Judgments
- **Opinion & Formulation**
 - Statement of Risk
- **Risk Management Plan/Recommendations**
 - Treatment
 - Supervision
 - Monitoring
 - Victim Safety Planning





STATEMENT OF RISK

Risk statements are a clear expression of risk in terms of the *nature*, *seriousness*, *pattern* and *likelihood* of harm.

- **Nature:** is the type of harm and possible or potential target/s.
- **Seriousness:** combines the degree of harm desired, the degree of harm intended, and the extent of planning in an episode of harm.
- **Pattern:** includes the onset, duration, frequency and escalation of harm.
- **Likelihood:** is understood as the current balance of risk and protective factors/strengths (not expressed as statistical probability).

This statement is then evaluated against the relevant risk criteria for the decision at hand. Risk statements can also be evaluated against legislative and professional practice considerations.



Points of Clarification?
Outstanding Issues!
Discussion.





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Presentation available from:

www.AustralasianPsychologyServices.co/newsevents