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Silent 'witness' set to aid in abuse cases

13 questions gauge risk of violence
Tool helps determine crucial bail issues

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The fleshy *crack* of a fist hitting the ribcage is followed by the limp thud of a person collapsing to the floor. It's not the first time it's happened to her.

When she is able, perhaps the following day, the victim places a call to the police. Her spouse is charged and held to await a bail hearing. At that hearing, her husband seems genuinely remorseful. He is also so polite and apologetic that at times he seems almost charming.

The defence lawyer says this is his client's true nature. That other incident? It was an aberration, an outburst that will never, ever happen again. Promise.

It looks as if the husband will receive a low bail with few strings attached. But then a surprise witness appears: one who says there's evidence to show he is highly likely to again assault his spouse — so likely, in fact, that additional bail conditions are imposed.

The witness's name is ODARA, the Ontario Domestic Assault Risk Assessment. It provides a score, from zero to 13, that ranks how likely the accused is to assault again, how serious that assault may be and how soon it may occur.

And it's coming soon to courtrooms in Ontario. The OPP plans to use it, and police believe the instrument will be especially useful at bail hearings.

"The beauty of the ODARA is that it can be filled out by frontline officers at the time of the event or shortly thereafter and be ready the following morning (for the hearing)," said Detective Sgt. Steve Hayward of the force's Threat Assessment Unit at OPP headquarters in Orillia.

Though nothing can truly predict the future, those involved in the development of ODARA believe it's as close as you can get.

"We've tested the ODARA against several other risk assessments that are currently in use among policing services or in corrections," said Zoe Hilton, lead research psychologist on the team that developed it.

"And the ODARA is what we call statistically significantly more accurate than the other things that are in use now."

The inquiry into the killing of Gillian Hadley, who was shot by her estranged husband Ralph in a murder-suicide in 2000, recommended that the province "develop and support approved ongoing

research analyzing the effectiveness of domestic violence risk assessment tools and treatment."

Starting in 2001, the work began in earnest. Scientists at the Mental Health Centre, Penetanguishene (where Hilton works) collaborated with the OPP.

They started by methodically analyzing databases from the OPP, Peel and York Region police. Specifically, they focused on some 600 cases where men had assaulted their female partners prior to 1997. ODARA was developed specifically for male-against-female violence.

What really interested the researchers was what happened in the days, months and years *after* charges had been laid in those assaults. Who assaulted their spouse again, and how soon? How severe was any subsequent violence? Why did some people, at least according to police records, never again harm their spouse?

"What we looked at is... which things were actually statistically associated with whether a man assaulted again," explains Hilton. "And what was the minimum number of pieces of information that you need to predict whether a man is going to re-assault."

The answer took a lot of number crunching. In the end, the team boiled it down to 13 questions that require yes-or-no answers in order to get an accurate risk assessment.

They cover such areas as the offender's criminal history, substance use and whether they've previously violated no-contact orders or other bail conditions.

Although the tool was developed with hindsight, its creators say it has accurately predicted risk in recent cases.

And with ODARA, the higher the score, the higher the risk.

"It will make the task of the police and the courts much easier...because we'll be able to show: How likely is it that this man will re-assault his partner? If a man scores seven on the ODARA, he's scoring higher than 99 per cent of wife assaulters that are known to the police," says Hilton. There are, however, differing schools of thought in the world of risk assessment.

One of the more well-known instruments, also developed in Canada, is called SARA, Spousal Assault Risk Assessment. Rather than tallying up a score that's compared to aggregate data, SARA is more like a guide ("risk assessment for dummies," quips one of its authors) that helps lead to an educated decision based on that particular individual's behaviour and persona.

"Our view is that evaluating risk is a very difficult and inherently imperfect and unreliable process," says Stephen Hart, a psychology professor at Simon Fraser University who helped develop SARA.

He describes SARA as an "aide memoir" and says it's not dissimilar to a pre-flight checklist — ensuring that all factors have been taken into account.

Hart also says the contrast between SARA and ODARA illustrates two different approaches to the problem of risk assessment.

"One of them is to try to develop a simple, easy-to-use, quantitative mechanical way to make a

decision," he said.

"The other way is to not try to simplify the decision but to help people try to grapple with the complexity. Neither is going to be perfect," he says.

The OPP, which has more than 5,000 uniformed officers, handled nearly 4,300 "domestic" cases in 2003. By this time next year, most of those officers will be training, or have been trained, to use the ODARA. Already, 450 justices of the peace have attended briefing sessions on the new tool.

There appears to be agreement in the field of domestic violence that such instruments are needed. But the most pressing challenge, say some, will be to ensure that the assessments they produce are heeded in court.

"The critical moment is the bail hearing..." says Pamela Cross, director of the legal program with the Metropolitan Action Committee on Violence Against Woman and Children.

"No matter how good the tool, if it isn't mandatory, forget it," she said.

In the case of Ralph Hadley, a female officer filed a strongly worded assessment to the crown stating "...if released, the police feel he will absolutely re-offend, and possibly with dire consequences, given his past behaviour..."

He was released three days later.

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