



NOVA SCOTIA
PUBLIC PROSECUTION SERVICE

DOCUMENT TITLE:

**RISK ASSESSMENTS (ODARA)
IN SPOUSAL / PARTNER VIOLENCE CASES**

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NOTE:

THIS POLICY DOCUMENT IS TO BE READ IN THE CONTEXT PROVIDED BY THE **PREFACE** TO THIS PART OF THE MANUAL.

CERTAIN WORDS AND PHRASES HAVE THE MEANINGS ESTABLISHED IN THE “**WORDS & PHRASES**” SECTION OF THIS PART OF THE MANUAL.

PRACTICE NOTE

RISK ASSESSMENTS IN SPOUSAL / PARTNER VIOLENCE CASES (ODARA)

All Crown Attorneys are aware that an alarmingly high number of spousal-partner incidents have escalated into cases involving serious injury or homicide. When investigating these incidents, it is often difficult for police officers to determine whether or not an apparently minor incident is indeed minor or is the “tip of the iceberg” in a pattern of escalating violence which requires more drastic intervention and monitoring. This difficult issue has been explored at public inquiries in several provinces. Social science research has determined that there are certain indicators which might be utilized by investigators to predict which cases of spousal-partner violence have an increased likelihood of more serious violence in the future. Those indicators include a variety of factors such as prior sexual abuse, psychological harassment, access to firearms, and unexplained or impulsive behaviour.

The public inquiries referred to above have led to recommendations that assessment tools be developed to assist in determining whether or not a particular incident requires more careful monitoring or intervention by the justice system. The Ontario Domestic Assault Risk Assessment (ODARA) is the best known example of such a tool. It is the first empirically tested and validated domestic violence risk assessment tool to assess risk of future wife assault, as well as the frequency and severity of these assaults. Police forces across Nova Scotia are now mandated to utilize this risk assessment tool and to prepare a report for the assistance of prosecutors in all cases of spousal-partner violence.

The ODARA was created from research on nearly 600 cases. Using multiple regression techniques, the researchers found that 13 questions were the most highly predictive of future violence. The risk of assault can be predicted with high accuracy using these questions alone, reducing the need for a comprehensive assessment in order to evaluate risk of re-offending. The 13 yes/no questions cover the accused man's history of violence and antisocial behaviour (police record for domestic assault, police record for nondomestic assault, prior correctional sentence, prior failure on conditional release, violence outside the home, domestic assault during pregnancy, substance abuse), details of the most recent assault (physical confinement, threats of harm, victim reported fearing future assaults at time of the assault), and the victim's personal circumstances (number of children, children from a prior relationship, barriers to support). A sample of the ODARA scoring sheet is attached.

The ODARA is an actuarial risk assessment such that its scores rank wife assaulters on

risk for repeated domestic violence. Thus, a male domestic offender can be placed into one of seven categories of risk. For example, a score of 0 places a man in the lowest risk category; 11% of men in the ODARA research study fell into this category, and 5% of these men met the criteria for domestic recidivism within a follow up of about 5 years. A score of 7 or more places a man in the highest risk category; 7% of men fell into this category, and 70% of these men met the criteria for domestic recidivism.

Higher scores on the ODARA also indicate that an accused assaulter will commit more assaults, commit them sooner, and cause more injury (in a range of injury from none to lethality) than an accused with a lower score.

The ODARA was developed and tested only for male-to-female domestic assaults, and only among current or former cohabiting or marital relationships. It is currently being tested in other relationships.

The following approach is to be taken in regard to risk assessment (ODARA) reports:

- Chief Crown Attorneys should ensure that protocols are in place in each jurisdiction to facilitate delivery of ODARA reports to prosecutors in a timely fashion. Ideally, they should be part of the initial file in the spousal violence case and be available prior to the bail hearing.
- The primary use of the ODARA report is to assist Crown Attorneys in determining which cases of spousal-partner violence should be given special attention. If the risk assessment (ODARA) report indicates a score of 7 or higher, the case should be assigned to a designated prosecutor. Some cases in which the ODARA score is lower than 7 may also be designated for special attention, if, in the opinion of the Crown Attorneys involved in the case, there are indications that the danger of recidivism is high.
- ODARA reports are not admissible as evidence unless an expert witness is called who can interpret the report and express an opinion in regard to its validity as a predictor of behaviour. At bail hearings, Crown Attorneys should continue to present the **facts** which might lead the court to find that the accused is likely to commit further offences, or which indicate the nature of the violence that the accused is capable of inflicting. Usually, these will be the same facts that gave rise to the ODARA score.

- Crown Attorneys should review the ODARA report to determine whether or not it provides a basis for requesting a psychological assessment of the accused by a professional.

ODARA Item Summary

Do not use without full scoring instructions as published by the
MHCP Research Department, Penetanguishene, ON Canada,
in collaboration with the Ontario Provincial Police

Score each item 1 or 0

? if missing (available documentation indicates that an item might be present but the information is unclear or incomplete)

- _____ 1. Prior domestic assault (against a partner or the children) in police records
- _____ 2. Prior nondomestic assault (against any person other than a partner or the children) in police records
- _____ 3. Prior sentence for a term of 30 days or more
- _____ 4. Failure on prior conditional release; bail, parole, probation, no-contact order
- _____ 5. Threat to harm or kill anyone during index incident
- _____ 6. Confinement of victim during index incident
- _____ 7. Victim fears (is concerned about) future assault
- _____ 8. More than one child altogether
- _____ 9. Victim has a biological child from a previous partner
- _____ 10. Violence against others (to any person other than a partner or the children)
- _____ 11. More than one indicator of substance abuse problem: alcohol at index, drugs at index, prior drugs or alcohol, increased drugs or alcohol, more angry or violent, prior offence, alcohol problem, drug problem
- _____ 12. Assault on the victim when she was pregnant
- _____ 13. Victim faces at least one barrier to support: children, no phone, no access to transportation, geographical isolation, alcohol/drug consumption or problem
- _____ Raw total (sum of items scored 1)
- _____ Adjusted Score (see Table Adjusted scores for assessments with missing information)