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Violence Risk Assessment Tools and Indigenous Peoples: Colonialism as an Underlying Cause of Risk Ratings on the SAVRY

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ABSTRACT

Violence risk assessment tools are used around the world with people who have committed crimes to determine the risk factors that may have contributed to their offending. These tools can carry great consequences for people's liberty. Violence risk assessment tools are also used with Indigenous people who are overrepresented in the Canadian justice system. A major issue with these risk assessment tools is that they do not use a colonial lens to understand the underlying mechanisms of violence. Using the Structured Assessment of Violence Risk in Youth (SAVRY) as an example, we examined how colonialism underlies risk and protective ratings. Colonialism increases the probability that Indigenous youth will be rated higher on some risk factors on the SAVRY. Novel interventions to reduce Indigenous overrepresentation include addressing the colonial factors behind violence risk and protective factors. Given that colonialism underlies scores on risk assessment tools, service providers need to link risk ratings to colonialism in their service formulations, carefully attend to culturally relevant factors, and provide interventions and support that specifically address colonialism. Suggestions for future research that include Indigenous community involvement are also provided. A short case analysis, cultural formulation and treatment suggestions are provided as an illustration.

KEYWORDS

Indigenous; violence risk assessment tools; colonialism; residential schools; justice system

Violence risk assessment tools are widely used around the world with youth and adults who have committed crimes (Shepherd et al., 2014a). Professionals, such as probation officers and psychologists, use these tools to determine risk factors that may have contributed to a person's offending and their risk for future violence or reoffending. Risk assessments carry great consequences for people's liberty and safety as they are used to guide many decisions including who is detained prior to trial, whether a person is incarcerated, the type of sentence they are given, what treatment services and supervision they receive, and when they are released.

One population with whom violence risk assessment tools are used with are Indigenous peoples. Indigenous peoples comprise individuals who are "related to and/or who have historical continuity" with the First Peoples of the Americas, Pacific Islands, New Zealand, Australia, Asia and Africa and who pre-date colonizing populations (Allan & Smylie, 2015, n.p.). In Canada, the term "Indigenous" includes people who are First Nations (both Status and non-

Status), Métis, and Inuit. In Canada, Métis people have been recognized by the Canadian constitution as Indigenous and can trace their ancestry back to inter-marriage between First Nations women and European men during the 17th century (Smylie, 2009).

Indigenous people are vastly overrepresented in the justice system. Within the incarcerated population in Canada, Indigenous people currently make up 30.04% and this number has been increasing since 2001 when it was 17.59% (Zinger, 2020). Even though Indigenous youth make up around 8% of the Canadian population, in 2017/2018, 48% of custody admissions and 39% of community admissions were Indigenous youth aged 12–17 (Clark, 2019).

A number of studies have reported that Indigenous people score higher on violence risk assessment tools than White people (e.g., Muir et al., 2020; Shepherd et al., 2014b). For instance, in a study of 744 Canadian adolescents on probation, Muir et al. (2020) found that Indigenous female adolescents scored significantly higher on the Structured Assessment of Violence Risk in Youth (SAVRY; Borum et al., 2006)

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This article is dedicated to the memory of Dr. Jodi Viljoen.

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Risk Total scores than White females, and Indigenous male adolescents scored significantly higher than White males. Furthermore, research in both Canada and the United States has shown that risk assessments tools such as the Youth Level of Service/Case Management Inventory (YLS/CMI; Hoge & Andrews, 2006) and the SAVRY may predict violence and reoffending among Indigenous youth and adults (e.g., Muir et al., 2020; Shepherd et al., 2014b; Thompson & McGrath, 2012).

However, as several studies with Indigenous advisors have pointed out, one of the problems with these tools is that they do not contextualize the risk factors or explain *why or how* a person is rated as high risk on each risk factor (Rogers & Viljoen, 2012; Shepherd & Willis-Esqueda, 2018). An Indigenous consultation with Indigenous youth justice workers (Rogers & Viljoen, 2012) in Canada provided the impetus for the current article as participants noted that although the SAVRY (Borum et al., 2006) is useful for Indigenous youth, there is a “...need to address the underlying factors for *why* youth are rated as high on items” (Rogers & Viljoen, 2012). Thus, the goal of the present paper was to examine how colonialism and cultural experiences may underlie risk items on risk assessment for Indigenous peoples. The examples given in the paper are not meant to stigmatize Indigenous youth, families, or communities. Rather, they are to highlight how the context of colonialism can add risk for violence. Once these risk factors are operationalized more broadly, assessors can become more aware of how colonial root issues may drive risk. Finally, assessors can then use this information to develop interventions that are more focused and pragmatic to reduce violence.

We examined the SAVRY (Borum et al., 2006), as this is one of the most widely risk assessment tools for adolescents. As the SAVRY is for youth, it is focused on assisting justice professionals to develop interventions that match the youth’s needs to reduce future recidivism. After reviewing how colonialism and culture impacts SAVRY risk and protective factors, we discuss implications for assessment, formulation, sentencing, interventions for Indigenous people, provide suggestions for future research, and provide a case scenario and cultural formulation with intervention strategies that use colonialism as context.

Colonialism

Colonialism is underscored by the idea that the colonizer’s beliefs and value systems are superior to the

peoples being colonized (Yellow Bird, as cited by Monchalin, 2010). Settler colonialism, (which occurred in the United States, Canada, Australia, and New Zealand) describes how Indigenous occupants are removed by means of genocide, confinement to reserves, through cultural assimilation and/or through biological assimilation (e.g., intermarriage; Glenn, 2015). Indigenous peoples were subject to a systematic ethnic cleansing program which included being starved and neglected, being legally forbidden to practice their culture and ceremonies, and having their children forcibly removed from them to erase their language, culture, and kinship patterns (Whitbeck et al., 2004). Settler colonialism is an *ongoing* structure that was first set into legislative violence in 1867 in Canada and continues today (Brittain & Blackstock, 2015).

What is often invisible to non-Indigenous people is that colonialism *continues* to shape Indigenous experiences because it underlies the structure of Canadian society and is inherent in government policy. Alfred (2009) explained that

Colonialism, as it is understood by most people, consists in such things as the resource exploitation of Indigenous lands, residential school syndrome, racism, expropriation of lands... And while all of this is certainly colonialism, Indigenous people don’t experience colonialism as theories or as analytic categories. Colonialism is made real in the lives of [Indigenous] people when these things go from being a set of imposed externalities to becoming causes of harm to them as people and as communities... (p. 43)

Colonialism affects the day-to-day lives of Indigenous people because it causes poverty, food insecurity, mental health issues, addiction, disconnection from their cultures and languages, physical, emotional, and sexual victimization and violence, experiences of systemic discrimination, racism, trauma and intergenerational loss—all of which are factors that lead to justice system involvement (House of Commons, 2018; National Inquiry into Missing and Murdered Indigenous Women and Girls [MMIWG], 2019; Office of the Correctional Investigator, 2013). As a result, colonialism is likely to be implicated in risk as measured by violence risk assessment tools such as the SAVRY.

The SAVRY violence risk assessment tool

The SAVRY (Borum et al., 2006) is a widely used risk assessment tool designed to predict risk of violence in adolescents aged 12–18. To conduct a SAVRY

assessment, professionals gather information from interviews, justice records, and other sources (e.g., interviews with parents). Then, they rate youth on a set of risk and protective factors. The SAVRY includes 24 risk factors that are rated Low, Moderate, and High. The 24 risk factors fall under three risk domains: *Historical* (static; 10 items e.g., History of violence, Parental/caregiver criminality), *Social-Contextual* (dynamic; 6 items, e.g., Lack of personal/social support, Peer delinquency) and *Individual* (dynamic; 8 items, e.g., Poor compliance, Negative attitudes). It also includes six protective factors that are rated present or absent. The SAVRY is based on a structured professional judgment model (SPJ), meaning that professionals consider the global presence of risk and protective factors to predict the overall level of future violence risk (Heilbrun et al., 2020). The SAVRY authors selected these items based on a literature review of factors that have been shown to predict violence in general samples of adolescents. Research indicates that the SAVRY significantly predicts violence and offending among adolescents, including in adolescents who are Indigenous (Muir et al., 2020). This suggests that the items are relevant to diverse youth. However, the meaning and significance of these items may nevertheless vary for Indigenous and White youth and this in turn will affect the intervention strategies chosen by justice professionals.

Below, we review how poverty, victimization, foster care involvement, parental incarceration, family violence, relationships with authority figures and institutions, experiences of discrimination, Historical Loss and Historical Trauma, and attitudes toward violence—all stemming from colonialism— affect SAVRY risk and protective factors. The specific SAVRY domain and risk item are included in parentheses.

Poverty and violence risk factors

As a result of colonialism, poverty rates are high among Indigenous youth. Palmater (2011) connects high rates of poverty of Indigenous peoples in Canada to loss of land noting that,

...it is the land and its rich resources that sustain their Nations. It should be no surprise, then, that First Nations have gone from being the richest peoples in the world to the most impoverished, as their lands, resources, and ways of being were stolen from them. (pp. 112-113)

Indigenous people were pushed onto reserves in Canada so that land could be given to settlers and these reserves were designed to preserve poverty as

the provided lands had limited resources and traditional hunting territories were reduced in size (Brittain & Blackstock, 2015). High rates of poverty continue to occur on reserves, due to isolation and Canadian federal government funding on reserves which is lower than provincial funding (Brockie et al., 2015; King, 2012). These higher rates of poverty, food insecurity, and isolation have resulted in higher rates of social problems, greater stress, and fewer social services resources on reserve to deal with these problems which can increase risk for Indigenous youth (Social/contextual domain, Item 16: Community disorganization; Brockie et al., 2015). Compared to 18% of non-Indigenous Canadian children, 60% of Indigenous children on reserve and 30% for Indigenous children off reserve experience poverty (McDonald & Wilson, 2016). In Toronto, 87% of urban Indigenous adults reported living in poverty (Xavier et al., 2018).

Both poverty and food insecurity may lead to non-violent offending, (Historical domain, Item 2: History of nonviolent offending) because survival crimes that can ensue from poverty are criminalized (MMIWG, 2018). Overcrowded housing and food insecurity are linked to school difficulties among Indigenous youth (Historical domain, Item 10: Poor school achievement; Bougie & Senécal, 2010). Indigenous people in Canada who report food insecurity experience double the risk for poor mental health (21% versus 10% for food secure households) and high stress (Social/Contextual domain, Item 13: Stress and poor coping; Willows et al., 2011). For instance, Indigenous youth in Canada who go to bed hungry had poorer mental health (Social/Contextual domain, Item 13: Stress and poor coping) compared to Indigenous youth who did not go to bed hungry (Tourand et al., 2016).

Poverty leads to child protection experiences (e.g., neglect) which can increase risk for offending (Historical domain, Item 7: Childhood history of maltreatment). Neglect is defined as “failing to provide the child with adequate food, clothing, shelter, education and medical care” but, neglect, as defined in this way, can be caused by poverty and therefore, is criminalizing poverty (Shepherd & Willis-Esqueda, 2018, p. 606). Not having access to transportation or lack of community resources stemming from poverty can make it difficult to attend mandated services (Historical domain, Item 4: Past supervision/intervention failures). Finally, lack of community funding stemming from colonialism (e.g., lower Canadian federal funding on reserve for education) can affect the

youth's opportunities for a supportive educational experience (Social/Contextual domain, Item 16: Community disorganization). For example, if a community's school is moldy or understaffed, there is an increased risk that youth will experience low grades or will drop out of school (Historical domain, Item 10: Poor school achievement).

Victimization and violence risk factors

Indigenous youth are the most victimized group in Canada. Indigenous youth (aged 15–34 years old) had nearly 2.5 times the odds of being the victim of a violent crime compared to Indigenous adults (Brzozowski et al., 2006). Further, Indigenous adults in Canada are three times more likely than non-Indigenous Canadians to be violently victimized (Brzozowski et al., 2006).

Muir and Viljoen (2022) study of adolescents on probation found that Indigenous youth experienced significantly higher levels of adverse childhood experiences (ACEs) than White youth with Indigenous female youth experiencing the highest rates of ACEs (e.g., Historical domain, Item 7: Childhood history of maltreatment). Further, La Prairie (1994) found that 75% of Indigenous participants reported experiencing child abuse within their family and, that this familial child abuse was associated with earlier involvement with the justice system (Historical domain, Item 3: Early initiation of violence). These experiences of victimization are linked to residential school experiences (see Bombay et al., 2014).

When Indigenous youth experience victimization, they may perpetrate violence either in self-defense or to protect vulnerable family members (Historical domain, Item 1: History of violence; Shepherd & Willis-Esqueda, 2018). Indigenous women, girls, Two-Spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual individuals in Canada reported isolation, addiction, self-harm, and suicide as common experiences after being either violently victimized or after violently losing a family member or friend and further, that these factors increased risk of further violence (Historical domain, Item 1: History of violence; Historical domain, Item 5: History of self-harm/suicide; Individual domain, Item 19: Substance use difficulties; MMIWG, 2019).

Attitudes toward violence and violence risk factors

Indigenous youth may have different attitudes around violence which are connected to colonialism.

Residential schools in Canada are cited as the cause of violence known as lateral violence which has become normalized in some Indigenous communities (Bombay et al., 2014). Sinclair (n.d.) describes lateral violence as violence (physical or emotional) that Indigenous people inflict on each other because it is unsafe for Indigenous people to lash out at the colonizers. Lateral violence in residential schools began as staff intentionally made students feel powerless or explicitly taught or forced students to abuse each other, which caused some students to continue to perpetrate violence with their peers. Moreover, lateral violence between residential school survivors in Canada seems to be pervasive, occurring daily as bullying (Bombay et al., 2014). Finally, violence can also be perpetrated by Indigenous people in self-defense or to protect family members and thus, Indigenous youth may feel that the violence they perpetrated was justified (see Shepherd & Willis-Esqueda, 2018).

The normalization of violence, lateral violence, and violence in self-defense can give Indigenous youth the appearance of condoning violence or believing that their violent behavior was justified (Individual domain, Item 17: Negative attitudes; Social/Contextual domain, Item 12: Peer rejection). Normalization and condoning violence may also be adding risk for perpetrating violence (Historical domain, Item 1: History of violence).

Foster care and violence risk factors

Sinclair (2017) noted that both Canadian federal and provincial colonial assimilation policies and legislation, which include residential school and foster care systems, were developed for Indigenous peoples because Canada wanted their land and resources. For Indigenous people, many types of abuse occurred for the *first time* ever in residential schools. Residential school survivors in Canada reported finding it difficult to parent because of their experience in residential schools (Bombay et al., 2011) as they were both denied the experience of being parented at home by their parents *and* they experienced all types of abuse and neglect in these schools with both experiences leading to poorer parenting and foster care involvement (TRC, 2015). Currently in Canada, there are three times as many First Nations children in foster care than there were at the height of residential schools (Blackstock, 2017). According to 2016 Canadian Census data, even though Indigenous children represent 7.7% of the child population, they represent 52.2% of children in foster care (Indigenous Services Canada, n.d.). In Canada, between 30.0% to 36.4% of

Indigenous youth in the justice system had a history of foster care (Muir, 2014; Muir & Viljoen, 2022).

Foster care experiences predict justice system involvement (Yang et al., 2017). Indigenous youth in Canada who have family that attended residential schools have higher likelihoods of being in foster care in childhood (Historical domain, item 9: Early caregiver disruption; Historical domain, Item 7: Childhood history of maltreatment), and for Indigenous males, tended to do poorer in school (Historical domain, Item 10: Poor school achievement; Barker et al., 2015; Bougie & Sénécal, 2010). Finally, the current overrepresentation of Indigenous youth in both the justice system and the foster care system adds risk that undermines school completion (Historical domain, Item 10: Poor school achievement). Only 17.0% of Indigenous adolescents who were involved with the justice system in Canada go on to graduate from high school (BC Representative for Children & Youth, 2009). By the age of 21, First Nations youth from Manitoba with a history of foster care had higher rates of justice involvement (40.7%) than high school graduation rates (37.8%; Brownell et al., 2020).

Parental incarceration and violence risk factors

Colonialism adds risk for justice involvement and Indigenous people are overrepresented in the justice system in Canada (see House of Commons, 2018). This means that more Indigenous parents, specifically, Indigenous mothers will be incarcerated (Historical domain, Item 8: Parental/caregiver criminality). Indigenous women represent 42.0% of the Canadian women inmate population and more than 70.0% of Indigenous women who were incarcerated were mothers to children under the age of 18 (Historical domain, Item 9: Early caregiver disruption; Office of the Correctional Investigator, 2015; Zinger, 2020). When an Indigenous mother in Canada is incarcerated, “children can become secondary victims of crime, experiencing residential disruptions, school changes, separation from siblings, foster care, or periods of time spent with convenient but inappropriate caregivers. They feel shame, isolation, abandonment, confusion, grief, and loneliness” (Historical domain, Item 8: Parental/caregiver criminality; Social/Contextual domain, Item 13: Stress and poor coping; Historical domain, Item 9: Early caregiver disruption; Ka Ni Kanichichk Inc., 2015, p. 27).

Family violence and violence risk factors

Indigenous adults experience high rates of physical or sexual abuse by a spouse. High rates of intimate partner

violence (IPV) are connected to colonialism; it is the patriarchal gender relations introduced by colonialism that increase the risk (e.g., missionary Christianity; Brownridge, 2008). In Canada, Indigenous men are at 3.5 times the risk of being an IPV *victim* compared to non-Indigenous men and Indigenous women are at 4 times the risk of being an IPV victim compared to non-Indigenous women (Brownridge, 2008, 2010). Further, in Canada, there are more dual arrests of Indigenous women made by police who are responding to IPV as women are being charged for actions that they have taken to defend themselves, which adds youth risk for Parental/caregiver criminality (Historical domain, Item 8; Human Rights Watch, 2013; Ka Ni Kanichichk Inc, 2015; National Inquiry into MMIWG, 2019). Both high rates of IPV in Indigenous families, and the severity of the violence can increase risk for justice involvement for youth (Historical domain, Item 6: Exposure to violence in the home).

Relationships with authority figures and institutions and violence risk factors

Indigenous youth may be reluctant to attend treatment programs or probation meetings (Historical domain, Item: 4 Past supervision/intervention failures) due to mistrust of authority figures. Churcher noted that, in Canada, “when [an Indigenous] woman appears in court, they go before the same justice system that established the reserve system, the residential school system, and continues the removal of children from their families, and they ask that court for justice” (National Inquiry into MMIWG, 2018, p. 39). A study assessing for symptoms associated with Historical Loss (e.g., loss of culture) found that one of the most common symptoms reported by Indigenous people was feeling fearful or distrustful around non-Indigenous people (Whitbeck et al., 2004).

Experiences of discrimination and violence risk factors

In a study of Indigenous youth in Canada and the United States, youth experienced discrimination at high rates and this discrimination is positively associated with delinquent behavior (Whitbeck et al., 2014). Boys (34.9%) experienced more racial slurs than girls (28.3%) and were threatened with physical harm more often (11.0% for boys vs. 8.0% for girls; Whitbeck et al., 2014). Being Indigenous alone could increase youths’ risk for Peer rejection (Social/Contextual domain, Item 12; Shepherd & Willis-Esqueda, 2018).

One Indigenous participant in the United States asked, “Are you saying that Indigenous youth are more at risk with this factor because of their racial identity?” (Shepherd & Willis-Esqueda, 2018, p. 609). Indigenous people from the United States remarked that the experience of discrimination was “a major motivator for youth to participate in both interpersonally violent and self-destructive acts” (Historical domain, Item 1: History of violence, Historical domain, Item 5: History of self-harm or suicide attempts; Social/Contextual domain, Item 12: Peer rejection; Mmari et al., 2010). For each unit increase of discrimination that Indigenous youth from a sample of American and Canadian youth experienced, the odds of being victimized by a bully (Peer rejection) increased by 183% (Whitbeck et al., 2014). In the same study, after controlling for age, gender, and remoteness of communities, experiences of discrimination increased the odds of suicidal ideation, by 296% (Historical domain, Item 5: History of self-harm/suicide; Whitbeck et al., 2014).

For Indigenous boys in the United States, schools were the place where racism was experienced the most intensely—this is another reason why they may not be attending school (Historical domain, Item 10: Poor school achievement; Individual domain, Item 24: Low Interest/commitment to school; Mmari et al., 2010). Experiences of discrimination increased the odds for Indigenous youth of drinking heavily by 231% (Individual domain, Item 19: Substance use difficulties; Whitbeck et al., 2014). Further, both anger and aggression are associated with experiencing discrimination in Indigenous youth from the United States (Individual domain, Item 20: Anger management problems; Hartshorn et al., 2012). Indigenous youth might exhibit resistance, hostility, and/or suspicion because Indigenous youth feel fear, mistrust, and/or discriminated against due to past experiences with justice professionals and institutional racism and thus, may appear to not be remorseful or as demonstrating a lack of empathy. (Individual domain, Item 23: Poor compliance; Item 17: Negative attitudes; Shepherd & Lewis-Fernandez, 2016).

Historical loss, historical trauma, and violence risk factors

The effects of colonialism are defined overarchingly as Historical Loss and Historical Trauma. Historical Losses resulting from colonialism (e.g., loss of culture, language) are strong risk factors for delinquent behavior for Indigenous youth in the United States (Mmari

et al., 2010). Historical Trauma, resulting from cumulative past and present colonial violence, is defined as widespread events that were (and are) perpetrated by non-Indigenous peoples under colonialism that continue to create high levels of collective distress and grieving and that fall under genocide (Evans-Campbell, 2008; Prussing, 2014). Historical Trauma includes higher levels of psychological distress resulting from community trauma like frequent deaths of family or close friends (Social/Contextual domain, Item 13: Stress and poor coping; Shepherd & Anthony, 2018). One participant noted that that they “see most of these [SAVRY risk items] as symptoms of Historical Trauma, rather than violent offending. My reaction to here is that this questionnaire will criminalize [Indigenous] people when the real issue is grief and Historical Trauma” (Shepherd & Willis-Esqueda, 2018, p. 612) while another individual noted that “the [SAVRY] pathologizes normal human responses to genocide” (Shepherd & Willis-Esqueda, 2018, p. 614).

Trauma needs to be incorporated into the risk item Stress and poor coping (Social/Contextual domain, Item 13). For example, when Indigenous youth from Canada and the United States were asked how often they thought about Historical Loss, around 20% of female and male youth, on average, thought about Historical Losses *daily or more often* (Whitbeck et al., 2014). When examining cumulative stressful life events in the past six months, around one-third of Indigenous youth had a close relative die or had someone close to them get sick or hurt, *twice* in the past six months. These traumatic experiences are often hidden or overlooked and thus, may not be incorporated into SAVRY risk items nor intervention strategies.

A profound assimilation strategy that causes Historical Trauma is removal from one’s family and its intergenerational effects. Parental residential school attendance, Sixties Scoop (where Indigenous children were forcibly removed from their parents and adopted into White families in the 1960s), and/or childhoods spent in foster care experiences, puts parents at risk for substance use issues which can make the parents less available to monitor their children (Social/Contextual domain, Item 14: Poor parental management; Mmari et al., 2010). Historical Trauma stemming from familial residential school attendance in Canada was also associated with suicidal thoughts and attempts, particularly for Indigenous female youth (Historical domain, Item 5: History of self-harm/suicide; Bombay et al., 2018). Residential school

attendance is tied to increased risk for poor compliance. One participant noted that, “(Intervention) reminds us of colonization and [residential schools] which we were force fed so we mistrust and reject it” (Shepherd & Willis-Esqueda, 2018, p. 607).

Historical Trauma can be triggered by the word “comply” (Individual domain, Item 23: Poor compliance). An Indigenous respondent remarked that, “We’ve been forced to comply for hundreds of years” (Shepherd & Willis-Esqueda, 2018, p. 606). Substance use can be an attempt to numb Historical Trauma (Individual domain, Item 19; Brave Heart, 2003; Shepherd & Willis-Esqueda, 2018). Another response to Historical Trauma is anger (Individual domain, Item 20: Anger management; Brave Heart, 2003). Attention deficit hyperactivity disorder symptoms could also be caused by Historical Trauma experiences as youth with a trauma history will likely have a difficult time concentrating, and display hyperactivity and restlessness (Individual domain, Item 22: Attention deficit/hyperactivity difficulties; Shepherd & Willis-Esqueda, 2018).

Cultural differences and the SAVRY

Extended family and violence risk factors

In many Indigenous cultures, it is common practice to have children go live with different extended family members which is not considered disruption, neglect, or abandonment because of the closeness of relationships to extended family (Historical domain, Item 9: Early caregiver disruption; Shepherd & Willis-Esqueda, 2018). There is a difference between moving within extended family versus moving into foster care although this difference is not reflected in the SAVRY risk factor Early caregiver disruption.

In some Indigenous families, many extended family members may be providing parenting which can seem either overly strict or lacking structure as it appears that parents themselves are not involved (Social/Contextual domain, Item 14: Poor parental monitoring; Shepherd & Willis-Esqueda, 2018). Research indicates otherwise, with a longitudinal study of Indigenous youth in Canada and the United States finding that the more members of the youth’s extended family that were monitoring them, the fewer delinquent behaviors occurred (Whitbeck et al., 2014).

Indigenous overrepresentation in the justice system itself increases risk for Indigenous youth with regards to who youth socialize with or seek support from (Social/Contextual domain, Item 11: Peer delinquency; Social/Contextual domain, Item 15: Lack of

personal/social support). In both cases, it may be difficult to find peers or adults who are “prosocial”. For example, Canadian studies found that 52% of Indigenous adults in Toronto and 73% of Indigenous adults in Thunder Bay had been incarcerated in the past (Maddox, 2018; Muir et al., 2020). Indigenous people have strong ties to extended family and community; therefore, it is highly probable that they will associate with delinquent peers because of this. Justice system overrepresentation decreases the chance that Indigenous youth will have protective factors as well (Protective domain, Item P1: Prosocial involvement; Item P2: Strong social supports; Item P3: Strong attachment and bonds) because adults that youth were attached to were taken away. The youth may also be separated from her community and/or people that know her because of frequent foster care moves or incarceration.

Cultural engagement and protective factors

Colonialism also reduces opportunities for protective factors (as currently defined by the SAVRY) to be experienced by youth. Cultural involvement could make it more likely that Indigenous youth will be assessed as having a protective factor present for all SAVRY protective factors except for Positive attitudes toward intervention and authority. Still, many protective factors that are Indigenous specific are not included on the SAVRY. Cultural engagement was a protective item noted in three studies that interviewed Indigenous Elders, adults, youth, or youth workers (Mmari et al., 2010; Rogers & Viljoen, 2012; Shepherd & Willis-Esqueda, 2018). Indigenous people participating in cultural activities while incarcerated were associated with having less violence after release (Shepherd, 2018). Finally, Indigenous peoples have displayed extraordinary resilience given their perseverance and survival through historical and current injustices.

Implications for justice professionals

Although the focus of this review is on the SAVRY, colonialism likely contributes to elevated scores on other risk assessment tools as well, as there is considerable overlap on the items included on risk assessment tools (see Kroner et al., 2005). Below, we discuss the implications these links between colonialism and risk items pointing to some areas for future research. We also include a case analysis to illustrate how

justice professionals can support Indigenous youth using colonialism as context.

Assessment of culturally relevant risk and protective factors

One option to incorporate colonialism and culture could be to allow professionals to add in risk factors (e.g., discrimination) when assessing Indigenous individuals although this enhances the potential that these factors could increase risk levels (Shepherd & Spivak, 2021). Professionals using SPJ tools could do this by adding case-specific risk factors although it is unclear if professionals do actually add case specific factors on their own. Another issue is that the rater may not have adequate training on cultural norms, colonial context (and how this can drive risk), as well as a thorough understanding of their own personal and systematic biases (Shepherd & Anthony, 2018; Shepherd & Lewis-Fernandez, 2016).

A second option would be to add in Indigenous specific scales to assess for colonialism. Historical Loss could be incorporated using Whitbeck and colleagues' Historical Loss scale, the Historical Loss Symptoms scale (2004) and their Cumulative Stressful Life Events scale (2014). Or, to use addendums like Yókw'tól: Risk Management Guide for Aboriginal Offenders developed by Boer et al. (2004).

Indigenous partnered research

Any research that involves Indigenous participants needs to fully incorporate Indigenous community partners. Numerous guidelines emphasize that Indigenous community consultation is a necessity when doing research *with* (as opposed to "on") Indigenous participants (e.g., the Truth & Reconciliation Commission of Canada, 2015).

Future research should focus on service-based interventions led by Indigenous communities or organizations. This is important for two reasons: one, it allows the community to chose interventions (as opposed to non-Indigenous researchers or organizations choosing) and two, it increases Indigenous specific services for youth which are currently lacking. Indigenous led interventions to reduce recidivism will bring about novel and much needed interventions that can incorporate the context of colonialism such as food security programs or specialized supportive education programs in communities.

Other areas for future research could include the contextual colonial factors that came up for several

factors: poverty, victimization, and discrimination. Although these factors appear to be too large to address or, that they are not seen as the responsibility of forensic psychology, continuing to ignore these colonial contextual factors will impede the reduction of overrepresentation and maintain the status quo. Although Mosby and Galloway (2017) were focused on Indigenous diabetes research, the question they asked is relevant to overrepresentation of Indigenous peoples in the justice system. They asked: "What does it mean when current therapeutic regimes and research programs have mostly ignored the role of Canadian policies like residential schools in producing the current situation?" (Mosby & Galloway, 2017, p. E1045). Knowing and understanding these colonial contextual factors will pragmatically aid treatment and service allocation, which is what the SAVRY aims to accomplish.

Cultural formulation

Once a justice professional has assessed risk and protective factors using a violence risk assessment tool, they often need to make a case formulation about the underlying reason or causes of a person's offending. Case formulation is defined as collecting and incorporating information about an individual so as to obtain a good understanding of the issues and problems that the individual is experiencing. All of this information is then used to develop an individualized treatment plan to alleviate the factors that the individual is experiencing that are contributing to offending (Hart et al., 2011).

Given that colonialism contributes to risk ratings among Indigenous people, case formulations should include attention to colonialism. However, despite the current increased emphasis on case formulation, there is a lack of attention given to cultural formulation (see Shepherd & Anthony, 2018). Cultural formulation could include either adapting risk items' operational definitions to include culture or the development and use of violence risk assessment tools made for specific groups (Shepherd & Anthony, 2018). One approach in Canada that links risk to colonialism is Gladue guidelines, although Gladue reports do not necessarily provide information on how the context of colonialism is explicitly linked to an Indigenous person's offending. The *Gladue* decision (1999) by the Supreme Court of Canada interpreted Section 718.2(e) of the Criminal Code for the first time and explained that judges must consider the colonial systemic factors that have affected (and continue to affect) Indigenous people

when sentencing self-identified Indigenous people (Department of Justice, 2017; Rudin, 2008). These colonial risk factors are written into a Gladue Report and include residential school attendance, removal from family or community, racism, poverty etc. (Legal Services Society of BC, 2018).

Although in theory this would seem to be a more thorough cultural case formulation, there are issues. For instance, in geographical regions without Gladue reporting programs, Gladue information is added to the pre-sentencing report by *non-Indigenous* correctional services staff. If justice professionals do not have specific training and awareness of the colonial systemic factors of Indigenous offenders, then this information can actually both weaken principles of Gladue and continue to perpetuate systemic discrimination (Rudin, 2008). This may be because non-Indigenous Gladue writers do not understand nor highlight the connection between colonialism and offending and instead, only list factors (e.g., substance abuse) that increase risk which are then used to justify incarceration (Department of Justice, 2017; Rudin, 2008). Research has found that Gladue reports have been unsuccessful in reducing the rates of Indigenous incarceration (Jeffries & Stenning, 2014). Other research suggests Indigenous status does not directly influence judges' sentencing decisions and that other factors like seriousness of the offense or prior criminal activity were more important in influencing sentencing (Welsh & Ogloff, 2008). Future studies should test if and how assessors include culture in their case formulations.

Risk assessment and disparities in incarceration

Risk assessment tools are sometimes used to guide decisions about pretrial detention and post-adjudication incarceration (Lattimore et al., 2020). Given that colonialism and social inequities can drive up scores on risk tools, this raises the unsettling possibility that tools could contribute or exacerbate disparities in incarceration (Hannah-Moffat & Maurutto, 2010). In other words, Indigenous people may be penalized for social inequities and systemic racism stemming from colonialism that have been brought upon them (see *Ewert v. Canada*, 2018).

It is possible these tools could have the opposite effect, and, in fact, help decrease disproportionate minority contact with the justice system (Eaglin & Solomon, 2015; Onifade et al., 2019). This is because: (1) tools might help to identify youth who are low risk and do not need incarceration or other punitive

sanctions, and (2) tools might be better than the alternative approach, which is to rate risk using their own unstructured judgments. Studies have found that when professionals make unstructured risk judgments, they rate racialized groups, such as Black youth, as higher risk than White youth, even when they are provided with identical information about a youth and only the youth's race is experimentally manipulated (Goff et al., 2014).

Consistent with the possibility that tools could reduce overincarceration, a recent systematic review found that when agencies adopt risk assessment it results in small decreases in incarceration rates, including for people who are BIPOC (Black, Indigenous, People of Color; Viljoen et al., 2019). In one study, Feyerherm (2000) found that when a risk assessment tool was adopted in Oregon, youth detention rates decreased 51% for White youth, 55% for Indigenous youth, and 57% for Black youth. By adopting a tool, the agency appeared to be better able to identify Indigenous and Black youth risk, thereby leading to modest decreases in disparities. Given that this is only one study with a single tool in a single location, further research is needed.

Case analysis, cultural formulation, and treatment

Alex, 16, has been in and out of foster homes for years. She is currently living in a group home which she says she likes. Her mother has severe health issues due to her diabetes and has been unable to care for Alex. Alex's father has been in and out of prison and Alex barely knows him although she did live with him from the age of 7–9 years old.

Recently, Alex got into a fight with a peer when she was intoxicated. The youth had significant injuries. Alex was charged with assault, found guilty, and was sentenced to eight months of probation. Her conditions included a curfew, attending substance use therapy, attending school, and avoiding the victim.

As the youth probation officer (YPO) understood that colonialism can affect risk factors and wanted to include this in the case formulation, the YPO spent some time establishing a trusting relationship with Alex. The YPO then asked Alex and her social worker more questions. The YPO found out that Alex's father attended residential school. Alex said her dad used to speak to her in Cree and she wishes she could speak more Cree. The YPO also found out that other youth from her school, including the youth that Alex had assaulted, often called her racial slurs which made her very angry. The YPO discovered that Alex's

grandmother lives on a reserve about 3 hours north. Alex does not know much about her family and culture but is interested in learning more.

Alex's YPO did a SAVRY assessment and found that Alex was high risk on the following variables: Parental/caregiver criminality, Substance use difficulties, Early caregiver disruption, Stress and poor coping, Anger management problems, and Low interest/commitment to school. Alex was at moderate risk for: Peer rejection, Poor parental management, and Lack of personal/social support. No SAVRY Protective items were deemed present.

When developing cultural formulation, the YPO considered how colonialism added risk for each risk factor. For example, Alex got very angry when she experienced discrimination from her peers at school, so the YPO began to think of other schools that Alex could attend where there was more support for her. The YPO also concluded that Alex has interest in learning more about her culture, language (Cree), and family and included these as protective factors. The YPO thought that finding an Indigenous school could be a strong intervention for Alex as it decreased some risk factors *and* built on her cultural protective factors.

The YPO and Alex began by contacting Alex's grandmother and began the process of planning a weekend trip to her grandmother's home. The YPO knew that there was one Indigenous clinical psychologist in the city, so the YPO referred Alex. Although it took about six months, eventually Alex did begin seeing the Indigenous psychologist for therapy. Alex and the YPO did some research and found an Indigenous school that stressed culture and language as well as having an Indigenous arts program. Alex visited the school with her social worker and then began to attend. The school was farther away from the group home (where Alex felt comfortable), so the YPO arranged for a monthly bus pass. The school also had a support group for youth who were struggling with substance use that was run by a counselor. The group discussed how racism affects youth as well and how using substances was sometimes a way that Indigenous people dealt with historical trauma and racism. Alex began going to this group and made one new friend. In sessions, the YPO and Alex worked on some anger management skills. The YPO tried to have at least one probation visit at the school once a month as Alex wanted the YPO to see her artwork.

Alex still had a few setbacks in terms of drinking and fighting, and she breached her probation order twice, but she began to do better once she had spent a

couple weekends with her grandmother. The YPO arranged for bus fare to and from Alex's grandmother's home once a month. Alex told her YPO that she was feeling better and had started using less pot and alcohol, that her Cree was getting a bit better, and that she loved visiting her grandmother a lot. Alex was no longer experiencing discrimination at school and therefore, was feeling much less angry and less stressed and she had a friend who was a positive influence on her. By having a contextual colonial and cultural understanding of risk and protective factors, the YPO built in more pragmatic and supportive interventions for Alex and therefore, reduced episodes of violence.

Conclusion

In summary, rates of overrepresentation for Indigenous people in the justice system are worsening. One way to reduce overrepresentation of Indigenous people in the justice system is to examine the broader causes of risk. Novel interventions to reduce recidivism include first identifying and then addressing colonial and cultural contextual factors behind violence risk and protective factors to increase the use of pragmatic and supportive interventions for Indigenous people. These are novel interventions because currently, colonialism is viewed as a static or historical risk factor in forensic psychology. Future research must include Indigenous community partners to ensure that colonialism (including poverty and discrimination) is addressed to reduce overrepresentation of Indigenous people in the legal system.

Conflict of interest

The authors have no conflicts of interest to report.

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