One Size Doesn’t Fit All:
Treatment/Policy Considerations for Aboriginal/Native American Offenders

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Compared to the non-Aboriginal population, Aboriginal people are considerably over-represented in the criminal justice system, including specifically in Canada. Additionally, Aboriginal offenders tend to score higher than non-Aboriginal offenders on most risk factors and scales. This raises special concerns about whether offender assessment, treatment, and management practices are equally applicable for Aboriginal and non-Aboriginal offenders.

Much of the research and literature on sexual offenders to date is based on the majority Caucasian population in the United States and Canada. However, studies have also demonstrated that treatment and policy strategies may not be applicable to other ethnic minority groups, including First Nations and Native Americans. As a result, professionals working with these populations have an ethical responsibility to ensure that the interventions being used are relevant and responsive to the unique cultural considerations presented by this population.

This symposium will highlight some of the key sex offender policy, treatment and legal issues which have been raised related to Aboriginal and Native American offenders. In particular, the impact of the Ewert case in Canada and the requirements for Native American tribes to implement the Sex Offender Registration and Notification Act (SORNA) will be discussed. Further, specific research projects related to the validity of certain risk assessment instruments with these populations and attempts to provide blended intervention approaches which combine western criminal justice and treatment strategies with traditional customs and practices will be highlighted. Finally, specific challenges, barriers and solutions will be offered.
Different Roles, Same Goals: Preventing Sexual Abuse
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Treatment and Policy Considerations for Native American Sex Offenders

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With the passage of the by the 2006 Adam Walsh Act (AWA), which includes the Sex Offender Registration and Notification Act (SORNA), Native American tribes were required for the first time to implement sex offender registry and notification systems. The AWA directed the SMART Office in the U.S. Department of Justice, Office of Justice Programs, to assist tribes with the implementation of SORNA. This has led to a number of issues as sexual offenders have become known to tribal members.

This presentation will highlight some the policy challenges related to SORNA implementation and the subsequent attempts by a number of tribes to develop treatment and reentry programs for sex offenders. In an attempt to address these needs, the SMART Office funded the Native American Sex Offender Management (NASOM) project to identify and develop evidence-based and best practice resources for the treatment, management, and reentry of Native American adults and juveniles who have committed sexual offenses. Preliminary results from this project and lessons learned will be shared, as will suggestions for how best to provide treatment and reentry services to this population.

Learning Goals and Objectives:

- Participants will learn about the unique issues related to the treatment and reentry of Native American sex offenders.
- At the end of the training, participants will have an increased understanding of the work of the federal government to support research-based treatment and management strategies for Native Americans who commit sexual offenses.
- At the end of the training, participants will be able to identify the research support and gaps in the management and treatment approaches for Native Americans who commit sexual offenses.
- At the end of the training, participants will have an understanding of the challenges related to providing management and treatment for Native American sex offenders.
- At the end of the training, participants will have an understanding of the impact SORNA has had on Native American tribes in terms of raising the visibility of sexual offending issues.
The primary treatment targets for individuals who have committed sexual crimes are the same. We want to assist clients identify and understand the factors that contributed to their offending behaviour, recognize their offence pathway and develop a range of coping skills to support them manage their identified risk factors and live healthier and more satisfying lifestyles. However, the ways in which we meeting these treatment goals can vary based on responsivity issues.

There is a well-established research literature that speaks to the importance of culturally relevant mental health interventions. A culturally informed treatment approach considers a particular cultures worldview, teachings and processes of healing. In working with Canadian Aboriginal and American Indian individuals who have committed sexual offences there are some unique responsivity issues and a cultural context that needs to be considered to provide effective treatment. In this regard there are specific cultural teachings, culturally grounded processes of healing and healing modalities that are thousands of years old, a spiritual orientation to healing that is not typically a part of western sex offender treatment and some specific treatment targets that play a psychologically meaningful role in understanding factors that contribute to risk. This component of the symposium will focus on our work with 1st Nation and American Indian populations and discuss how culturally oriented interventions are not only a responsivity issue but a fundamental component of facilitating change at a core level. Traditional cultural modalities of healing, processes of healing and healing goals will be discussed.

Learning Goals and Objectives:

- To highlight the importance of culturally relevant interventions and demonstrate culture as a key responsivity factor.
- To identify cultural modalities of healing.
- To identify cultural processes of healing.
- To highlight the significant role of spirituality in the process of change and behaviour management for this population.
- To identify unique treatment goals for this population.
Overview of Current Developments and Research on Aboriginal Offender Risk Assessment in Canada

L. Maaike Helmus, Ph.D., Global Institute of Forensic Research

The purpose of this presentation is to provide an overview of current legal developments in Canada, their impact on applied risk assessment with Aboriginal offenders, and a summary of existing research on risk assessment with Aboriginal offenders. This presentation will discuss the broad population of Aboriginal offenders, but will highlight research and applications specific to sex offenders.

In 2015, an influential court case in Canada concluded that there was insufficient research to support the use of actuarial risk scales with Aboriginal offenders. This case has created considerable controversy over how to conduct applied risk assessments with Aboriginal offenders. Importantly, it has also stimulated debate about how much research is “enough” to support risk assessment across cultural groups, and how that research should be conducted.

In reviewing the available research on Aboriginal offender risk assessment, meta-analyses and large-sample studies have demonstrated that the major risk factors and commonly used risk assessment scales (e.g., the Level of Service Inventory, Static-99R) predict recidivism for Aboriginal offenders. Unfortunately, however, predictive accuracy tends to be lower for Aboriginal compared to non-Aboriginal offenders. Findings among Aboriginal sex offenders tend to support general criminality risk factors, but findings are more equivocal for sexual criminality risk factors. Despite the clear need for future research, I believe the available evidence supports the use of empirically validated structured risk scales with Aboriginal offenders.

Learning Goals and Objectives

After attending this presentation, audience members will be able to:

- Outline key concerns raised in the 2015 Canadian court case on Aboriginal offender risk assessment
- Discuss the impact of the 2015 court case and arguments that have been raised on both sides of the debate regarding Aboriginal offender risk assessment
- Summarize existing research on predictive accuracy of risk factors for Aboriginal offenders, emphasizing results for sex offenders
- Summarize existing research on predictive accuracy of risk scales for Aboriginal offenders, emphasizing results for sex offenders
- Comment on differences in predictive accuracy for risk factors and scales between Aboriginal and non-Aboriginal offenders, emphasizing results for sex offenders