

Using Static-99R and STABLE-2007 with Indigenous men in Canada, the United States, Australia, and New Zealand

SAARNA recommends the use of Static-99R and STABLE-2007 for assessing the likelihood of sexual recidivism and for identifying the treatment and supervision needs of Indigenous men. Although there is uncertainty inherent in all risk assessment, their application to Indigenous men justifies extra caution given that most of the research support for these tools was based on non-Indigenous (mostly White) samples^{1,2}.

Relevant Research

Static-99R and STABLE-2007 are both significantly related to the likelihood of sexual recidivism among Indigenous men; however, their predictive accuracy with Indigenous men appears lower than it is for non-Indigenous men. A recent meta-analysis of Static-99R studies found an average AUC value of .64 for Indigenous men compared to an AUC value of .70 for non-Indigenous men (Ahmed et al., 2023). Although an AUC value of .64 is still considered “moderate”, it is lower than that observed in the Static-99R normative samples (typically around .69).

In the original Dynamic Supervision Project, STABLE-2007 was not significantly related to sexual recidivism for Indigenous men. This finding, however, was based on 88 individuals of which 10 reoffended sexually (Helmus et al., 2012). A subsequent, large field validity study (> 900 Indigenous men; > 2,500 White men) found a pattern that was similar to the pattern observed for Static-99R: namely, that STABLE-2007 was significantly related to sexual recidivism, but the predictive accuracy was less than for the non-Indigenous men (Helmus et al., 2021).

Compared to White men, Indigenous men convicted of a sexual offence score higher on items related to general criminality (e.g., number of prior sentencing occasions) and lower on the sex crime specific items (e.g., noncontact sexual offences, male victims). Compared to the sexual offences committed by White men, the sexual offences committed by Indigenous men are more likely to be against adult women (rather than children).

International Applicability

The meta-analysis cited above (Ahmed et al., 2023) includes data from Canada, Australia, and the United States, and the comparisons of predictive accuracy between Indigenous and non-Indigenous groups yielded consistent results across those countries. The study of the STABLE-2007 was from Canada. Generally, research on risk factors and differential accuracy for Indigenous men (convicted of sexual and

¹ “The variability of results, however, should be a consideration in applied risk assessments with sex offenders identified with an ethnic minority” (Static-99R Coding Rules: Revised – 2016; Phenix et al., 2017, pp. 20-21).

² “Consequently, we recommend that STABLE-2007 be used with caution with Canadian and Northern Aboriginal peoples” (STABLE-2007 Coding Manual, Revised 2014; Fernandez et al., 2014, p. 20).

non-sexual offences) has been fairly consistent across Canada, Australia, the United States, and New Zealand. Although there are important cultural differences for Indigenous groups between and within these countries, the legacy of colonisation appears to have resulted in similar risk-relevant harms across the countries. Consequently, we believe that these findings and recommendations should be roughly generalizable to these four countries.

Use with Caution

Evaluators' confidence in their assessment results should align with the strength of the research evidence supporting their conclusions. Consequently, it is important for evaluators and decision-makers to be aware of the relatively lower accuracy for Indigenous men compared to non-Indigenous men, and to use greater caution when interpreting the risk assessment results.

Cautious decision-making carefully considers the positive and negative consequences of probable outcomes. Reduced confidence may or may not change the recommended course of action; however, it should always sensitize decision-makers to the likelihood that the decision could be in error, and to the need to update and revise their decisions as new information becomes available. Research consistently demonstrates that overriding the results of actuarial risk tools degrades their accuracy; nonetheless, no risk assessment tool perfectly answers the referral question. Informed professional interpretation is still required.

Caution does not mean that these risk tools should not be used with Indigenous men. Using them is better than not using them. Without structured risk tools, people tend to overestimate the likelihood of sexual recidivism. Consequently, discounting these risk tools would likely result in evaluators overestimating the risk posed by Indigenous individuals.

Culturally Appropriate Assessments

Although the reasons for the differences in predictive accuracy are not fully understood, it is plausible that some of the difference is related to cultural barriers to communication. For STABLE-2007 in particular, the assessments are informed by interviews in which men are asked to disclose intimate thoughts and feelings and the evaluators interpret the men's responses in terms of risk-relevant propensities. Extra efforts may be needed to increase the sincere engagement of Indigenous men in such interviews, and to increase the cultural competence of the evaluators. For example, evaluators should be careful not to confuse behaviours that could be culturally appropriate indicators of consideration and respect (e.g., slow, quiet responses, minimal direct eye contact) with lack of concern and disengagement.

Evaluators should consider the following recommendations should they aspire to increase their confidence in their assessments of Indigenous men:

- 1) Conduct the assessment in a setting that is perceived as culturally safe. Culturally safe environments are those that communicate understanding and respect. Consider the attitudes and behaviours (e.g., openness, tolerance, respective language) of all the individuals in the

setting (e.g., security staff, management), not just the evaluator. The physical environment also can promote cultural safety (e.g., Indigenous art, inclusion of posters/flags in support of Indigenous communities, absence of symbols of colonialism).

- 2) Ensure the evaluators have sufficient cultural competence. Evaluators are more likely to obtain useful information if they are familiar with the history and culture of the individual being assessed. This context generally includes the harms of colonization, current and historical racism, and the over-representation of Indigenous peoples in the criminal legal system. Culturally competent evaluators are familiar and comfortable with culture-specific modes of communication, including differences in body language and expressions.
- 3) Seek input/assistance through consultation with experts in Indigenous culture (e.g., Elders, staff specially trained in working within Indigenous cultures). These consultations can assist in interpreting the cultural context of behaviour, which may be important in assessing risk factors and crafting overall recommendations.

References:

Ahmed, S., Lee, S. C., & Helmus, L. M. (2023). Predictive accuracy of Static-99R across different racial/ethnic groups: A meta-analysis. *Law and Human Behavior*, 47(1), 275-291. <https://doi.org/10.1037/lhb0000517>

Helmus, L., Babchishin, K. M., & Blais, J. (2012). Predictive accuracy of dynamic risk factors for Aboriginal and non-Aboriginal sex offenders: An exploratory comparison using STABLE-2007. *International Journal of Offender Therapy and Comparative Criminology*, 56(6), 856-876. doi:10.1177/0306624X11414693

Helmus, L. M., Lee, S. C., & Zabarauckas, C. L. (2021). *Do Static-99R and STABLE-2007 work with Indigenous people charged or convicted of sexual offences? A prospective field validity study*. Unpublished manuscript.